

Meeting of the Council of the London Borough of Barnet

TO BE HELD ON

TUESDAY 18TH DECEMBER, 2018 AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

A G E N D A



ASSURANCE GROUP

To view agenda papers go to: <http://barnet.moderngov.co.uk/ieListMeetings.aspx?Committeeld=162>

All Councillors are hereby summoned to attend the Council meeting for the transaction of the business set out.

Andrew Charlwood
Head of Governance

Agenda and Timetable
Tuesday 18th December, 2018

Item	Subject	Timing	Page Nos
	Part 1 - Statutory formalities/Announcements (15 minutes)		
1.	Apologies for absence		
2.	Elect a Member to preside if the Mayor is absent		
3.	Prayer		
4.	Declarations of Interest		
5.	Minutes of the last meeting		5 - 14
6.	Official announcements		
7.	Any business remaining from last meeting		
	Part 2 - Question Time (30 minutes)		
8.	Questions to the Leader (and Committee Chairmen if he/she has delegated)		
	Part 3 - Statutory Council Business (60 minutes)		
9.	Petitions for Debate (20 minutes)		
10.	Reports from the Leader		
11.	Reports from Committees		
11.1	Referral from Policy and Resources Committee to Full Council: Brent Cross Cricklewood Funding and Delivery Strategy Report		15 - 60
11.2	Council Tax Support 2019/20 - Revision to Council		61 - 194

	Tax Reduction Scheme		
11.3	Referral from Policy and Resources Committee to Full Council: Proposed Submission North London Waste Plan (Regulation 19)		195 - 320
11.4	Referral from Licensing Committee to Full Council: Gambling Policy		321 - 376
12.	Reports of Officers	7.45pm - 9.30pm	
12.1	Report of the Head of Governance		377 - 384
13.	Questions to Council Representatives on Outside Bodies		
	Break (15 minutes)		
	Part 4 – Business for Debate (45 minutes)		
14.	Motions (45 minutes)		
14.1	Opposition Motion in the name of Councillor Alan Schneiderman - Bin Collection Chaos		385 - 386
14.2	Administration Motion in the name of Councillor Rohit Grover - All Faiths and None Celebrating Together in Barnet		387 - 388
14.3	Administration Motion in the name of Councillor John Marshal - Hampstead Garden Suburb Conservation Area		389 - 390
15.	Motions for Adjournment		

Andrew Charlwood, Head of Governance
Building 2, North London Business Park, Oakleigh Road South, N11 1NP

FACILITIES FOR PEOPLE WITH DISABILITIES
<p>Hendon Town Hall has access for wheelchair users including lifts and toilets. The Council Chamber has an induction loop so that those who have hearing difficulties can hear the debate. If you wish to let us know in advance that you will be attending the meeting, please telephone Anita Vukomanovic on 020 8359 7034 (direct line).</p> <p>People with hearing difficulties who have a text phone, may telephone our Minicom number on 020 8203 8942.</p>

FIRE/EMERGENCY EVACUATION PROCEDURE
<p>If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by Committee staff or by uniformed custodians. It is vital you follow their instructions.</p> <p>You should proceed calmly; do not run and do not use the lifts.</p> <p>Do not stop to collect personal belongings</p> <p>Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions.</p> <p>Do not re-enter the building until told to do so.</p>

Minutes

OF THE MEETING OF THE COUNCIL OF THE LONDON BOROUGH OF BARNET
held at Hendon Town Hall, The Burroughs, London NW4 4BG, on 30 October 2018

AGENDA ITEM 5

PRESENT:-

The Worshipful the Mayor (Councillor Reuben Thompstone)
The Deputy Mayor (Councillor Caroline Stock)

Councillors:

Golnar Bokaei	Jennifer Grocock	Barry Rawlings
Jess Brayne	Rohit Grover	Danny Rich
Felix Byers	Lachhya Gurung	Helene Richman
Anne Clarke	John Hart	Tim Roberts
Alison Cornelius	Ross Houston	Gabriel Rozenberg
Pauline Coakley Webb	Anne Hutton	Lisa Rutter
Dean Cohen	Laithe Jajeh	Shimon Ryde
Melvin Cohen	Kathy Levine	Gill Sargeant
Sara Conway	David Longstaff	Alan Schneiderman
Jo Cooper	John Marshall	Mark Shooter
Geof Cooke	Kath McGuirk	Elliot Simberg
Richard Cornelius	Arjun Mittra	Thomas Smith
Saira Don	Alison Moore	Stephen Sowerby
Val Duschinsky	Ammar Naqvi	Julian Teare
Paul Edwards	Nagus Narenthira	Daniel Thomas
Claire Farrier	Charlie O-Macauley	Sarah Wardle
Nizza Fluss	Reema Patel	Roberto Weeden-Sanz
Linda Freedman	Alex Prager	Laurie Williams
Brian Gordon	Wendy Prentice	Peter Zinkin
Eva Greenspan	Sachin Rajput	Zakia Zubairi

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Anthony Finn.

2. ELECT A MEMBER TO PRESIDE IF THE MAYOR IS ABSENT

The Worshipful the Mayor was present.

3. PRAYER

Father Gladstone Liddle was called upon by the Worshipful the Mayor to speak to Council and say prayers.

4. DECLARATIONS OF INTEREST

Councillor Arjun Mittra declared a non-pecuniary interest in relation to Agenda Items 14.2 (Administration motion in the name of Councillor Dean Cohen – The Barnet View) and 14.5 (Opposition motion in the name of Councillor Paul Edwards – Winter Homeless Shelter) by virtue of being an employee of the GLA.

Councillor Paul Edwards advised that he wished to give notice that he is a recipient of the London Borough of Barnet Pension Scheme, as set out in Agenda Item 11.3 (Report of the Pension Fund Committee - London CIV (Collective Investment Vehicle) Governance Changes)

5. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the Meeting of Council, and the Minutes of the Extraordinary Meeting of Council, both dated 31 July 2018, be agreed as a correct record.

6. OFFICIAL ANNOUNCEMENTS

The Worshipful the Mayor congratulated The Royal Air Force Museum, Hendon, on being awarded Freedom of the Borough and noted that he, alongside other Members and distinguished guests, had attended the ceremony on 24 October 2018.

The Worshipful the Mayor congratulated Chris Flathers, who has served as Headteacher for the Orion Primary School, Edgware, since 2000, and nearby Goldbeaters Primary School since 2004, on being awarded the prestigious national award of being named Primary School Headteacher of the Year. The Worshipful the Mayor further noted the inspirational work of Mr. Flathers as a headteacher, as well as his support of pupil's families and the wider community through the numerous projects such as the five week long learning festival 'GO FEST', holiday clubs, weekend football and the recently launched 'BYT' charity.

Councillor Arjun Mittra MOVED under Council Procedure Rule 10.3 (move that an item of business in the summons takes precedence) that Part 4 of Council Business take place before the break. This was duly SECONDED.

The Worshipful the Mayor Moved to the vote. Votes were recorded as follows:

For	25
Against	37
Abstentions	0
Absent	1

The motion was declared lost.

7. ANY BUSINESS REMAINING FROM LAST MEETING

There was none.

8. QUESTIONS TO THE LEADER (AND COMMITTEE CHAIRMEN IF HE/SHE HAS DELEGATED)

Answers to the questions submitted were provided as a supplementary paper to the agenda.

Supplementary questions were then asked and answered within the allotted time given for the item.

9. PETITIONS FOR DEBATE (20 MINUTES)

None.

10. REPORTS FROM THE LEADER

At the invitation of The Worshipful the Mayor, the Leader informed Council that he had received representations from a number of residents in respect to Victoria Park Lodge. He advised that he had asked the Chief Executive to seek further advice on the matter.

RESOLVED that Council note the verbal report of the Leader.

11. REPORTS FROM COMMITTEES

11.1 REPORT OF THE CONSTITUTION AND GENERAL PURPOSES COMMITTEE - CONSTITUTION REVIEW

Councillor Melvin Cohen, Chairman of the Constitution and General Purposes Committee, moved reception and adoption of the recommendations in the report. Debate ensued.

On the recommendations in the report being put to the vote the recommendations were unanimously agreed.

RESOLVED that:

- 1. Council approve the recommendations contained in the report from the Committee at Annexe 1, and the track change versions attached at Appendix A to Appendix B.**
- 2. That the Monitoring Officer and Chief Legal Advisor be authorised to implement these revisions and publish a revised Constitution.**

11.2 REPORT OF THE POLICY AND RESOURCES COMMITTEE - TREASURY MANAGEMENT - OUT-TURN REPORT (2017/18), MID-YEAR REVIEW (2018/19) AND REVISED TREASURY MANAGEMENT STRATEGY STATEMENT 2018/19

Councillor Richard Cornelius, Chairman of the Policy and Resources Committee, moved reception and adoption of the recommendations in the report. Debate ensued.

On the recommendations in the report being put to the vote, votes were recorded as follows:

For	37
Against	25

Abstentions	0
Absent	1

RESOLVED that:

Council:

1. **Note the Treasury Management Outturn 2017/18 (Appendix 1)**
2. **Note the – Mid-Year Treasury Management Review 2018/19 (Appendix 2)**
3. **Approve the amended Appendix 5.3 Credit and Counterparty Risk Management to the 2018-19 Treasury Management Strategy Statement as highlighted in Appendix 3.**

11.3 REPORT OF THE PENSION FUND COMMITTEE - LONDON CIV (COLLECTIVE INVESTMENT VEHICLE) GOVERNANCE CHANGES

Councillor Mark Shooter, Chairman of the Pension Fund Committee, introduced the report. Debate ensued.

On the recommendations in the report being put to the vote the recommendations were unanimously agreed.

RESOLVED:

That Council agrees to:

1. **Revoke the Council's delegation of the joint discharge of the relevant functions to the Pensions CIV Joint Committee ("PCSJC").**
2. **Endorse the new governance arrangements referred to in the paper and in the letter signed by the Chief Executive of London CIV and the Chief Executive of London Councils dated 13 June 2018 (Appendix 1) "New Arrangements").**
3. **Confirm and accept that the new governance arrangements supersede the PCSJC, support the dissolution of the PCSJC, and the making of appointments to the new Shareholder Committee and additional non-executive appointments and a Treasurer observer.**

12. REPORTS OF OFFICERS

12.1 REPORT OF THE HEAD OF GOVERNANCE

The representative of the Head of Governance introduced the report. Appendix A detailed changes to Committees during 2018-19. Appendix B set out nominations to Outside Bodies and to Committee Membership. Appendix C included further nominations to Outside Bodies and a correction to the number of nominations to the Finchley Charities, which was 3, not 2.

RESOLVED that:

1. That Council notes the changes to the calendar of meetings as set out in Appendix A.
2. Council makes appointments to the Outside Bodies as listed in Appendix B.
3. Council makes appointments to the following Outside Bodies as set out in Appendix C, which are The Finchley Charities, London CIV Shareholder Committee, and Fostering Approvals Panel.

13. QUESTIONS TO COUNCIL REPRESENTATIVES ON OUTSIDE BODIES

None.

14. MOTIONS

14.1 ADMINISTRATION MOTION IN THE NAME OF COUNCILLOR DEAN COHEN - THE BARNET VIEW

Councillor Dean Cohen moved the motion in his name. Councillor Jo Cooper moved the amendment in her name. Debate ensued.

The amendment in the name of Councillor Jo Cooper was put to the vote.
Votes were recorded as follows:

For:	25
Against	37
Abstentions	0
Absent	1

The amendment was declared lost.

The motion in the name of Councillor Dean Cohen was put to the vote. Votes were recorded as follows:

For:	37
Against	25
Abstentions	0
Absent	1

The motion was declared carried.

RESOLVED that:

Council recognises the distinct social, environmental, health, housing and transport needs of outer London boroughs such as Barnet and their differences to those of inner London boroughs. These relate to, among other things, less developed public transport infrastructure, an older and more sparsely settled population, and links with areas beyond the borders of Greater London.

Council therefore supports the adoption of a Barnet-focused view in responding to the current consultations, particularly in support of Local Implementation Plan

(LIP) funding applications, which should reflect the priorities of this borough and its residents and not those of inner London.

Council calls on the Environment Committee to ensure that we maximise LIP receipts and allocate them in line with the Barnet view.

14.2 OPPOSITION MOTION IN THE NAME OF COUNCILLOR REEMA PATEL - BREXIT AND BARNET

Councillor Reema Patel moved the motion in her name.

Councillor Richard Cornelius MOVED that the motion now be put. The Worshipful the Mayor moved to the vote. Votes were recorded as follows:

For	37
Against	25
Abstentions	0
Absent	1

The motion in the name of Councillor Richard Cornelius was carried and the submitted amendment in the name of Councillor Ross Houston fell.

The Mayor moved to the vote on the motion in the name of Councillor Patel. Votes were recorded as follows:

For	25
Against	37
Abstentions	0
Absent	1

The motion was declared lost.

14.3 ADMINISTRATION MOTION IN THE NAME OF COUNCILLOR DAVID LONGSTAFF - RIGHT TO BUY

The motion in the name of Councillor David Longstaff was put to the vote. Votes were recorded as follows:

For	37
Against	25
Abstentions	0
Absent	1

The motion was declared carried.

RESOLVED that:

Council notes that some cracked paving stones don't reach the criteria that warrant replacement from the Highways department, but are unsightly.

Council supports residents and businesses who wish to pay for our term contractor to replace cracked paving stones on a like-for-like basis.

Council requests that the Environment Committee develop proposals to make this service available to all residents and businesses.

14.4 OPPOSITION MOTION IN THE NAME OF COUNCILLOR ANNE CLARKE - SCHOOL CUTS

The amendment in the name of Councillor Coakley Webb was put to the vote. The amendment was unanimously agreed and was declared carried.

The amendment in the name of Councillor Longstaff was put to the vote. The amendment was unanimously agreed and was declared carried.

The Mayor moved the substantive motion to the vote which was unanimously agreed.

RESOLVED that:

Council notes that because of ongoing Government work to balance the economy, a new funding formula has been introduced. Barnet schools will see increased pressure on their budgets, resulting in lower reserves for many. Council notes that Barnet schools, under current arrangements, will fund the National Insurance increases.

Council also notes the shortfall in High Needs Block Funding is being topped-up by the Schools Forum.

Some Barnet schools have depleted their reserves to the point where they have asked the Council to assist them, in the short term, while they balance their budgets.

Council supports our schools and notes that pupils' education attainment remains excellent.

Council resolves:

- 1. To call for more national funding in schools and for the Government to fund any cost increase for teachers.**
- 2. Council asks the Children's, Education & Safeguarding Committee to continue to monitor the funding situation for all Barnet Schools and to assist those schools in need where possible.**

14.5 OPPOSITION MOTION IN THE NAME OF COUNCILLOR BARRY RAWLINGS - BREAKING POINT CAMPAIGN

The amendment in the name of Councillor Moore was put to the vote. Votes were recorded as follows:

For	25
Against	37
Abstentions	0

Absent	1
--------	---

The amendment was declared lost.

The original motion was put to the vote. Votes were recorded as follows:

For	25
Against	37
Abstentions	0
Absent	1

The motion was declared lost.

14.6 **OPPOSITION MOTION IN THE NAME OF COUNCILLOR PAUL EDWARDS - WINTER HOMELESS SHELTER**

The amendment in the name of Councillor Farrier was put to the vote. Votes were recorded as follows:

For	25
Against	37
Abstentions	0
Absent	1

The amendment was declared lost.

The amendment in the name of Councillor Rozenberg was put to the vote.

For	37
Against	25
Abstentions	0
Absent	1

The amendment was declared carried. The substantive motion was agreed.

RESOLVED that:

Council notes that:

- rough sleeping nationally has increased 169% since 2010.
- 7,484 rough sleepers in London were seen by outreach workers in 2017/18.
- it is extremely dangerous to sleep outdoors in the UK in winter.
- some homeless people die while sleeping on London streets.

Council thanks Homeless Action in Barnet (HAB) and the many volunteers and charitable and religious organisations working hard to help the homeless in Barnet.

Council welcomes improvements already made by our Labour Mayor of London which include:

- 87% of people helped by Mayoral services left the streets last year.

- An 8% drop in the number of London's rough sleepers last year, for the first time in a decade.
- The Mayor's new Plan of Action to tackle rough sleeping.

Council notes that the Council's draft Homelessness and Rough Sleeping Strategy seeks to procure accommodation specifically for entrenched rough sleepers and for those with low to medium support needs, but that this has only just gone out to consultation and will not be formally agreed until April 2019.

Council resolves:

- To call on the Mayor of London to set up and fund a homeless winter shelter in one building in Barnet throughout the winter as Severe Weather Emergency Provision for rough sleepers.
- That this shelter should be well-equipped to support rough sleepers, and should be opened as soon as possible and close at the end of March.
- To publicise streetlink.org.uk, which members of the public can contact to connect people sleeping rough with local services that can support them.

14.7 **OPPOSITION MOTION IN THE NAME OF COUNCILLOR ARJUN MITTRA - CELEBRATING DIWALI IN BARNET SCHOOLS**

The amendment in the name of Councillor Gordon was put to the vote. Votes were recorded as follows:

For	37
Against	0
Abstentions	25
Absent	1

The amendment was carried.

The substantive motion was then put to the vote. The substantive motion was unanimously agreed.

RESOLVED that:

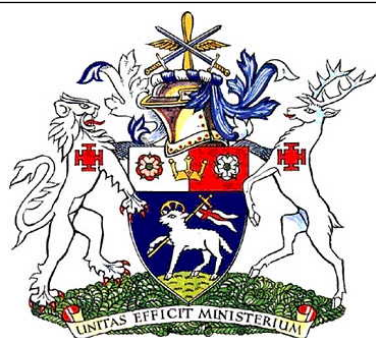
Council looks forward to Diwali in November this year, and recognises the importance of the celebration in the lives of the Hindu, Sikh and Jain communities. The Council notes that the teaching of Diwali has happened in Barnet schools for many decades, and is a welcome contribution to community relations, promoting a better understanding of the customs of our friends and neighbours.

Council believes that though we are all different, we are one community, and that our diversity and multiculturalism is a strength. It helps to promote an open and accepting culture, which in turn helps make Barnet a place for trade and business, as well as expanding our cultural horizons. Council believes schools are best placed to decide how best to teach students about different faiths and their festivals.

The meeting finished at 8:34 pm.

This page is intentionally left blank

AGENDA ITEM 11.1



Full Council

18 December 2018

Title	Referral from Policy and Resources Committee to Full Council: Brent Cross Cricklewood Funding and Delivery Strategy Report
Report of	Head of Governance
Wards	All
Status	Public
Enclosures	<p>Annex A – Report to Policy & Resources Committee, 11 December 2018, Brent Cross Cricklewood Funding and Delivery Strategy Report</p> <p>Appendix 1 – Station Works Programme</p> <p>Appendix 2 – Brent Cross Cricklewood Station, Full Business Case – Summary</p>
Officer Contact Details	<p>Andrew Charlwood, Head of Governance, andrew.charlwood@barnet.gov.uk, 020 8359 2014</p>

Summary

The report to the Policy & Resources Committee on 11 December 2018 attached at Annex A provides Council with a progress update on the comprehensive regeneration of Brent Cross Cricklewood (BXC). It details the decisions expected to be made by the Policy & Resources Committee to: note progress in specific areas; approve the allocation of the government grant; and approve the commencement of the procurement for certain elements of the station.

Given the strategic importance of BXC and the scale of the investment proposed in the delivery of the new station, Full Council are being requested to confirm that the council should proceed with the station project (BXT), and that the second stage of works under the Implementation Agreement should be commissioned *provided* Policy and Resources Committee is satisfied at its meeting in February that the Revised Funding Agreement (RFA) with HM Government (HMG) does not leave the council exposed to unacceptable risk.

Recommendations

Subject to the Policy & Resources Committee on 11 December 2018 agreeing recommendations 1), 5), 6), 7), 8) and 9), that:

- 1) Given the strategic importance of BXC and the scale of the investment proposed in delivery of the new Thameslink station at Brent Cross West (BXT), Council confirm the council's continuing commitment to the delivery of BXT and other elements of the critical infrastructure needed to support BXC.**
- 2) Council authorises the Deputy Chief Executive to enter into the Implementation Agreement with Network Rail and to commission the Schedule 1A (site set up) works set out in that agreement.**
- 3) Council delegate authority to the Policy & Resources Committee to commission the Schedule 1B (rail systems and sidings) works provided: (a) a Revised Funding Agreement (RFA) has been agreed with HM Government (HMG); and (b) that the RFA does not expose the council to unacceptable risk.**

1. WHY THIS REPORT IS NEEDED

- 1.1 As set out in Annex 1.

2. REASON FOR REFFERAL

- 2.1 Full Council has the power to make decisions on matters normally reserved to committees...where the matter is so significant that it requires all Members to determine. As set out in the recommendations, Council is being requested to confirm the council's continuing commitment to the elements of the Brent Cross Cricklewood Regeneration Scheme.

3. REASONS FOR RECOMMENDATIONS

- 3.1 As set out in Annex 1.

4. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 4.1 As set out in Annex 1.

5. POST DECISION IMPLEMENTATION

- 5.1 As set out in the substantive report.

6. IMPLICATIONS OF DECISION

- 6.1 **Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

6.2 As set out in Annex 1.

6.3 Legal and Constitutional References

6.3.1 Constitution, Article 4 (The Full Council) provides that Full Council has the power to make decisions on matters normally reserved to committees...where the matter is so significant that it requires all Members to determine.

6.4 Risk Management

6.5 As set out in Annex 1.

6.6 Equalities and Diversity

6.7 As set out in Annex 1.

6.8 Consultation and Engagement

6.9 As set out in Annex 1.

7. BACKGROUND PAPERS

7.1 None.

This page is intentionally left blank



Policy and Resources Committee

11 December 2018

Title	Brent Cross Cricklewood Funding and Delivery Strategy Report
Report of	Chairman of the Policy and Resources Committee
Wards	All
Status	Public
Urgent	No
Key	Yes
Enclosures	Appendix 1: Station Works programme Appendix 2: Full Business Case Executive
Officer Contact Details	Cath Shaw, Deputy Chief Executive Cath.Shaw@barnet.gov.uk , 0208 359 4716 Karen Mercer, Programme Director Karen.Mercer@barnet.gov.uk , 0208 359 7563

Summary

This report provides a progress update on the comprehensive regeneration of Brent Cross Cricklewood (BXC). It seeks approval for some immediate decisions to maintain project momentum, including allocating most of the £97m government grant within the capital programme. In relation to delivery of the new Thameslink Station at Brent Cross West, the report seeks approval to enter into the Implementation Agreement with Network Rail to deliver the Sidings and Rail Systems works and to commission the first phase of works under that agreement. It also recommends that the Council commence an OJEU procurement for the station platforms and station access / pedestrian bridge.

Given the strategic importance of BXC and the scale of the investment proposed in the delivery of the new station, Full Council's approval will be sought on 18 December 2018 to confirm that the council should proceed with the station project (BXT), and that the second stage of works under the Implementation Agreement should be commissioned *provided* Policy and Resources Committee is satisfied at its meeting in February that the Revised Funding Agreement (RFA) with HM Government (HMG) does not leave the council exposed to unacceptable risk.

Officers Recommendations

That the Committee:

- 1) Notes that on 27 November the Assets, Regeneration and Growth Committee received an update on progress with the Brent Cross Cricklewood (BXC) project and agrees the next steps in delivering the project, subject to confirmation of funding by this Committee.**
- 2) Notes that given the strategic importance of BXC and the scale of the investment proposed in delivery of the new Thameslink station at Brent Cross West (BXT), confirmation will be sought from Council on 18 December 2018 of the council's continuing commitment to the delivery of BXT and other elements of the critical infrastructure needed to support BXC.**
- 3) Subject to that confirmation by Council, authorises the Deputy Chief Executive to enter into the Implementation Agreement with Network Rail and to commission the Schedule 1A (site set up) works set out in that agreement.**
- 4) Notes that Council will be further asked to delegate to this Committee the decision to commission the Schedule 1B (rail systems and sidings) works provided: (a) a Revised Funding Agreement (RFA) has been agreed with HM Government (HMG); and (b) that the RFA does not expose the council to unacceptable risk.**
- 5) Notes progress on agreeing the RFA with HMG as set out in paragraphs 1.14-1.21.**
- 6) Notes the update on the financial tests set by the Committee in July 2014 and approves the proposed revisions to these tests for the council to assure itself that the prudential code can be satisfied, before making any capital commitment that borrowing can be undertaken to deliver the Thameslink Station (paragraphs 1.22-1.39).**
- 7) Approves the revised capital budgets for FY2018/19 as detailed in paragraphs 1.13 and 5.2.4 of this report.**
- 8) Notes that the final RFA and any consequential capital budget approvals required are expected to be reported to the Committee on 20 February 2019.**
- 9) Approves that the council commence an OJEU procurement for the station platforms and station access / pedestrian bridge elements of the programme as set out in paragraphs 1.43-1.52 of this report and that the evaluation process and contract award decision will be reported to the Assets, Regeneration and Growth Committee for approval prior to entering into the contract.**

1. WHY THIS REPORT IS NEEDED

- 1.1 This report seeks the necessary funding and procurement approvals to maintain the delivery of the BXC programme and implement the delivery strategy approved by the Assets, Regeneration and Growth Committee on 27 November 2018. It also provides an update on progress on agreeing the Revised Funding Agreement (RFA) with HM Government (HMG) and on the financial tests set by the Committee in July 2014 for the council to assure itself that the prudential code can be satisfied, before making the capital commitment that borrowing can be undertaken to deliver the Thameslink Station (BXT). The final RFA and any consequential capital budget approvals required are expected to be reported to the Committee on 20 February 2019.

Background and Project Update

- 1.2 The comprehensive regeneration of the BXC area is a long-standing council objective.
- 1.3 Planning consent was granted in 2010 for comprehensive regeneration of Brent Cross Cricklewood (BXC), including 7,500 new homes, 455,220sqm commercial, extensive infrastructure (notably investment in the A406 North Circular) and doubling the size of Brent Cross Shopping Centre.
- 1.4 The scheme is being delivered in three parts:
- **Brent Cross North (BXN)** – the shopping centre expansion, critical highways infrastructure and 800 homes. Planned to be delivered by Hammerson & Aberdeen Standard Investments, owners of the shopping centre.
 - **Brent Cross Thameslink (BXT)** – the new station being delivered by Barnet Council and funded in partnership with the wider public sector following approval of the Full Business Case by HM Government (see paragraphs 1.14-1.21 of this report). Further information is provided within the FBC Executive Summary attached at appendix 2. The council is due to enter into contract with Network Rail (NR) in December 2018; with the station opening in May 2022. Any slippage in entering into the NR contract will delay the station opening at least until May 2023 if not later.
 - **Brent Cross South (BXS)** – 6,700 homes, a new office location and related social and 'hard' infrastructure. Being delivered by Argent Related in joint venture with the council. Start on site due 2019, housing completions 2021/22 onwards. BXS is dependent on delivery of the station and some elements of the BXN critical infrastructure, with office development timed to coincide with station opening.
- 1.5 Substantial progress has been made on all three projects since 2014 as set out in previous quarterly reports to the Assets, Regeneration and Growth (ARG) Committee to reach the point of delivery. Detailed planning has been granted for the first phases and the ability to acquire the land needed for the programme has been achieved through the confirmation of the three Compulsory Purchase Orders (CPO's) over the last 18 months. All programmes had been working to start on site by the end of December 2018. The BXT project has already started early site preparatory works to remove Japanese Knotweed and construction spoil from the sidings area in anticipation of the main works starting in January 2019.

- 1.6 As reported to ARG in September 2018, the shopping centre owners have deferred start on site for the shopping centre development. Whilst no fixed timetable has been provided, the project team are continuing to secure the necessary planning condition approvals and work with the council's integrated project management team on construction and logistics to enable a start on site. To ensure that BXN's deferral does not delay the comprehensive redevelopment of BXC, the council has been working with both the BXN and BXS partners to revise the delivery strategy to enable BXT and BXS to commence ahead of BXN as well as agreeing an alternative funding strategy with HMG.
- 1.7 The revised delivery strategy was approved by ARG on 27 November 2018 and the BXC Partners have agreed a programme to submit the required planning applications in March 2018 for determination in May 2016.
- 1.8 The project is at a critical stage. The development of new homes and offices relies on the delivery of the new train station. The station is scheduled to open in May 2022, and to meet that opening time, the team need to use the line closures (known as "rail possessions") booked for Easter 2019. Missing this opportunity will delay the station opening by at least 12 months. It will also introduce significant uncertainty into the programme which is very likely to have knock on effects to the delivery of homes and offices. Maintaining project momentum is therefore crucial for delivery of the new homes, the first of which are currently due to be available from 2021/22.
- 1.9 Subject to the required funding approvals, the council is now ready to enter into the Implementation Agreement (IA) with Network Rail for the Sidings and Rail Systems works to secure the comprehensive development of BXC and delivery of the station and first new homes by 2022.
- 1.10 The IA is now in its final form. The Sidings and Rail Systems work package is separated into two work schedules: Part 1A – Site Set up which NR needs to be let by 15 January 2019 to their subcontractor; and Part 1B main works to the railway which needs to be commissioned by 21 February to meet the key rail possessions already booked for Easter and November/Christmas 2019.
- 1.11 The Committee is asked to note that the costs of the Schedule 1A works can be contained within the already agreed £97m grant from HMG alongside existing contractual commitments and that the Schedule 1B works will need to have the HMG Revised Funding Agreement in place prior to commissioning given that business rates growth from BXN can no longer be relied upon.
- 1.12 Further information on the project delivery strategy and sequencing of works can be found in the November 2018 ARG Committee report.
<http://committeepapers.barnet.gov.uk/documents/s49849/Brent%20Cross%20Cricklewood%20Update%20Report.pdf>

Revised Capital Budgets

- 1.13 The council has taken the approach of adding elements of the programme to the capital programme at the point where there are commissioned. Therefore, in order to enable works to start in January 2019 as approved by ARG, the Committee's approval is sought to increase the capital budget for the remainder of FY18/19 as listed below.

- 1) Increase the Thameslink capital budget for the remainder of FY18/19 so that the council can enter into the Implementation Agreement with Network Rail to deliver the Sidings and Rail Systems and proceed with the Stage 1A Site Set Up works in accordance with the Thameslink Delivery programme for the station opening in May 2022. The current approved budget in the capital programme is £70.516m, which includes £28.385m in 2019/20 which will need to be accelerated. An additional £22.27m is required taking the total budget to £92.79m for the station and associated infrastructure works. This includes £4m for reinstatement if the scheme does not progress. The BXC budget increases for the Thameslink station and associated infrastructure (BXT station) will be funded from the MHCLG grant allocated to the Council for this purpose. The GLA has also provided a grant of £2.9m to support the BXC Programme.
- 2) to reprofile existing capital commitment by bringing forward part of the lending currently scheduled for 2019/20 into 2018/19 to support the amended delivery strategy. The Council has previously agreed to lend £23m to the BXS Joint Venture Limited Partnership (between the council and Argent Related) to kick off the provision of BXS infrastructure. The terms are currently being finalised following approval by ARG on 17 September 2018. The revised delivery strategy now means that these funds will required by the JVLP in this financial year.

Thameslink Alternative Funding Strategy

- 1.14 The funding package in the Full Business Case (FBC) approved by this Committee and HM Government (HMG) in 2016 relies on the ring-fencing of the local share of business rate growth from the expansion of the shopping centre to repay council borrowing to part-fund the development of the new Thameslink Station at Brent Cross West. The FBC Executive Summary is attached at appendix 2. This was documented in the Grant Funding Agreement dated 17 January 2017. The ringfence came into effect on 1 April 2018 and lasts for 12+3 years (or until the loan is repaid if sooner). Government grant of £97m was also provided as an alternative to the original suggestion of including the central share of business rates within the ringfence.
- 1.15 The Committee will recall that the council's investment in the BXT station and critical infrastructure was predicated on the BXN partners commencing the shopping centre development. This gave sufficient confidence that the business rates growth to support the borrowing costs would be realised.
- 1.16 The delay to the shopping centre expansion means that the borrowing needed to fund BXT the station cannot be contained within the existing business rate ringfence, the council is progressing discussions with HMG to agree an alternative funding solution. In this regard, the Council/HMG have been focusing on three challenges:
 - (1) ensuring that any borrowing is repayable from ringfenced business rate growth;
 - (2) availability of cashflow support for any interest payments before business rate growth is available; and
 - (3) ensuring that the council is sufficiently protected against risk.

- 1.17 All parties are working to agreeing the funding solution. Two solutions have been identified and are currently being discussed with HMG.
- Option 1 - HMG forward funding and investment in the station to unlock 7,500 new homes in return for 100% of the ringfenced local share of business rates growth for an agreed period.
 - Option 2 - If forward funding is not provided, the funding model is essentially the Risk Mitigation Option set out in the Full Regeneration Business case i.e. use the business rates growth from BXS only but with specific mitigations put in place to manage each of the points set out in paragraph 1.16 to ensure that the council is protected if BXS is not delivered, cost increases or business rates change. In this option, the key council asks to HMG are to amend the existing Grant Agreement to:
 - a) Extend the ring-fence area to include BXS for 25 years and reset the baseline to 1 April 2019.
 - b) Provide financial support for any unfunded interest
 - c) HMG write off any outstanding debt at 25 years
- 1.18 The BXC Business Rate Financial model currently shows that reliance on BXS Business Rates growth results in a payback period of 22 years (this is a reduction from 25.75 years pay back in FBC Feb 2016) reflecting the growing momentum behind the BXS programme that includes significant non-residential uses and increased confidence in BXS as an employment location as a direct consequence of the station and discussions with the market.
- 1.19 Discussions with MHCLG, GLA and Homes England are ongoing. All parties are working to having a finalised funding solution by 11 February for reporting to the Policy and Resources Committee on 20 February 2019 so that the council can confirm to Network Rail to commence Part 1B of the Implementation Agreement - Sidings and Rail Systems works by 1 March 2019 to meet the BXT station programme (Part 1A works will be funded through the existing grant in place as set out above).
- 1.20 MHCLG is in the process of writing to the council ahead of the Committee to confirm:
- a) that Government remains committed to delivery of the scheme, and in particular the 6,700 new homes to be delivered at Brent Cross South;
 - b) commitment to continue to work with the council to identify a preferred option with a view to putting in place a Revised Funding Agreement by 11 February 2019;
 - c) the council should maintain the programme and enter into an Implementation Agreement with Network Rail for the Sidings and Rail Systems noting that the IA is split into two work schedules: Part 1A – Site Set up and Part 1B main works to the railway;
 - d) Part 1A works should be progressed and funded from the already agreed £97m grant and acknowledge that Part 1B works will commence on the issue of any revised funding agreement;
 - e) the milestones set out in the existing agreement have been met and that the council is progressing the project in accordance with the terms of the grant agreement dated 17 January 2017;

f) costs to date have been properly incurred by the council.

- 1.21 This Revised Funding Agreement is expected to be reported to the Committee on 20 February.

Update on the Six Financial Tests set by P&R, July 2014

- 1.22 The Committee set itself six financial tests in July 2014 for the council to assure itself that the prudential code can be satisfied, before making the capital commitment that borrowing can be undertaken to deliver the Thameslink Station.

<http://barnet.moderngov.co.uk/documents/g7860/Public%20reports%20pack%2021st-Jul-2014%2019.00%20Policy%20and%20Resources%20Committee.pdf?T=10>

- 1.23 An update on the six tests is set out below, in some instances the tests need to be updated to reflect scheme development, and some will not be relevant should forward funding be formalised through the Revised Funding Agreement. A summary of the current and proposed tests is set out in the table at paragraph 1.39.

a) A guarantee of ring-fencing (or equivalent assurance) of business rates received from HMG and CLG (100% if fully funded from business rates, 50% if partially funded from business rates and partially funded by grant);

- 1.24 The revised BXC delivery strategy and entering into the BXT contracts commits the council to significant construction spend on BXT and £55m on critical infrastructure. As set out in the ARG reports, the council cannot take this risk without a funding solution in place that meets the requirements set out in paragraph 1.16 above.

- 1.25 As set out above the preferred option is for MHCLG to forward fund BXT and the critical infrastructure. If Option 2 (as set out in paragraph 1.17 above) the council will seek specific mitigations to be put in place to manage each of the points set out in paragraph 1.16 within the Revised Funding Agreement to ensure the Business Rate Regulations are amended to protect the council if BXS is not delivered or in the event of cost increases, reduction in business rates income growth or changes to business rates to accord with this test.

b) Confirmation that business rates will still pay back borrowing in 25 years if estimates of total business rate expansion are reduced by 40%;

- 1.26 This aim of this test was to ensure that there is sufficient resilience in the funding model if business rates income was reduced. This was at a time when the scheme was at outline business case stage and the scheme's detailed design had not progressed sufficiently for a detailed calculation of the business rates income.

- 1.27 The Business Rates (BR) model has been further refined since the approval of the six tests in 2014 with Link Financial Services and CBRE advising the council. The BXN and BXS schemes have progressed significantly and the BR model is now based on detailed designs, net internal area calculations, delivery sequences (for demolition and construction) and leasing strategies for all non-residential use within the whole of the Brent Cross Cricklewood development. It includes allowances for tenant incentives (e.g. rent-free periods) in the calculation of the forecast rateable values. The model also

adopts cautious rental growth and hence forecast rateable values. The model therefore gives a significantly more sophisticated picture of business rate income over the lifetime of the project.

- 1.28 In all cases it has been assumed that the ringfence around the shopping centre remains in place, and that it is extended to include, or be supplemented by, a ring fence around the south side. The variables modelled are then whether, and at what pace, the shopping centre expansion and southern development come forward.

1) *Baseline – FBC Risk Mitigation Scenario – south side only*

The BR model calculates the pay back borrowing period based on the FBC risk mitigation option south side only as 20 years in accordance with the current business rate regulations (19 years if base date for the regulations is revised to 1 April 2019). The costs in the Model for the station are based on the GRIP 4 costs provided by Network Rail in February 2018.

2) *Most likely option - Inclusion of north side reduces payback to 14.5 years*

If the north side, the Brent Cross Shopping Centre (BXSC) expansion, is included (based on a start date July 2019 and opening March 2024), the payback period reduces to 14.5 years in accordance with the current business rate regulations (13.5 years if the base date for the regulations is revised to 1 April 2019). The BXN Partners are continuing to progress the scheme. However, the council cannot commit to the borrowing for the station given the BXN deferral announcement in summer 2018, hence the need to progress the risk mitigation option in line with the FBC.

- 1.29 Having reviewed this information, the figure of 40% was a reflection of the fact that detailed scheme design and rental strategies were not known at the time the model was created. Much more detail is now known and has been factored in. While this risk has reduced, the risk of cost overrun has emerged as a much more likely risk. The finance team therefore now recommend that this test should be updated and replaced by a sensitivity test that relate to cost increase by 15% on Network Rail controllable costs.
- 1.30 In this regard, a number of sensitivity tests have been run to reflect cost increases, reduction in income and delays to the project. These demonstrate that in a 'worst case' combined scenario of a substantial cost increase, 10% reduction in BR income, and a six months delay in project delivery, the payback period is just over the original maximum parameter of 25 years.

c) *That interest costs are capped at no more than 4.5%;*

- 1.31 The Business Rates Financial Model is based on a current rate 3% as advised by the council's Treasury Management team.

d) *That the expansion of Brent Cross has reached the "point of no return", as verified independently;*

- 1.32 The growth in business rates from the BXSC expansion was identified as a source of funding for the station and critical infrastructure investment because there was in effect no opportunity cost: without the infrastructure for housing there would be no BXSC expansion. In early discussions the council proposed that 100% of business rate growth was ringfenced. HMG preferred to make a capital contribution, thus the FBC is based on £97m grant, plus council borrowing to be repaid through ringfencing the local 50% of shopping centre business rates growth for 12+3 years.
- 1.33 The FBC was therefore based on the council borrowing *only after* the legal Property Development Agreement had gone unconditional and the critical infrastructure works are commenced by the shopping centre owners. These works (£300m) must be fully bonded, giving confidence that once started they, and the shopping centre, will be completed.
- 1.34 This purpose of this test is to protect the council against development not coming forward and guarantee that the business rates income would be generated to repay the borrowing. Should HMG agree to either forward fund the scheme or agree to write off any outstanding debt in 25 years the aim of this test would be met. This test should therefore be updated to reflect that BXN has been delayed and that a new funding strategy is being agreed that will meet the purpose of this test.

e) That a fixed price has been received from Network Rail for the station build;

- 1.35 The reports to the ARG Committees on 17 September and 27 November explained that Network Rail will not enter the fixed price variant for high value projects and that any contract with Network Rail will be an emerging cost contract and outlined the cost control measures that will be put in place to manage this risk.
- 1.36 The purpose of this test was to protect the council against cost overruns. This is a real concern. The council is seeking to mitigate this risk through the Revised Funding Agreement with HMG and by putting in place the cost control measures outlined to ARG on 17 September and 27 November within the contractual agreements. Subject to this Committee's approval the council will also commence an OJEU process to procure a contractor to design and build the station platforms and station / pedestrian access bridge to ensure value for money and greater cost certainty. This approach will allow the council to use a target cost contract rather than an emerging cost contract as required by Network Rail thereby allowing greater control and certainty on the output cost. Network Rail are supportive of this strategy.
- 1.37 As stated earlier, a number of sensitivities have been included in the BR model to test the impact of any costs increases from the NR emerging cost contract so that the Council and its public-sector partners understand the financial implications of cost increases over the station build period.

f) That the general fund is in a sustainable position at the point of decision.

- 1.38 The revised MTFs is also being reported to this Committee. In meeting this test, it will be necessary to demonstrate on 20 February that the BXC has nil net or positive impact on the council finances.
- 1.39 The current and proposed tests are summarised in the table below:

	Existing Financial Test for the council to enter into borrowing to pay for the station	Updated Financial test for the council to commit to the Implementation Agreement Schedule 1B works
1	A guarantee of ring-fencing (or equivalent assurance) of business rates received from HMG and CLG (100% if fully funded from business rates, 50% if partially funded from business rates and partially funded by grant);	A guarantee of either 1) forward funding investment in return for 100% of the ring-fenced local share of business rates growth or 2) ring-fencing (or equivalent assurance) of business rates received from HMG and CLG and that the RFA does not expose council to unacceptable risk. (paragraph 1.24-1.25-).
2	Confirmation that business rates will still pay back borrowing in 25 years if estimates of total business rate expansion are reduced by 40%;	If the RFA requires the council to borrow, confirmation that business rates will still pay back borrowing in 25 years if cost increase by 15% on Network Rail controllable costs. (paragraph 1.29-1.30).
3	That interest costs are capped at no more than 4.5%;	If the RFA requires the council to borrow, that interest rates are capped at no more than 4.5% (paragraph 1.31).
4	That the expansion of Brent Cross has reached the “point of no return”, as verified independently;	That an acceptable RFA is in place does not expose the council to unacceptable risk. (paragraph 1.32-1.34).
5	That a fixed price has been received from Network Rail for the station build	Noting that NR will only progress on an emerging cost contract (not fixed price), the RFA must mitigate the risk of NR cost overruns and not expose the council to unacceptable risk, noting the provisions within the Implementation Agreement approved by the Assets, Regeneration and Growth Committee on 17 September and 27 November 2018. (paragraph 1.35-1.37).
6	That the general fund is in a sustainable position at the point of decision.	That the impact on the council’s general fund is either net nil or positive (paragraph 1.38).

Minimum Revenue Provision Strategy

- 1.40 Should the confirmed funding strategy be based on council borrowing (i.e. Option 2) the Council is required to charge minimum revenue provision (MRP) on any borrowing to its revenue account. This is in accordance with the principle that all local authority capital expenditure should be financed either from capital receipts, capital grants (or other contributions) or revenue.
- 1.41 In this regard, the council proposes to use the Asset Life annuity method for charging MRP on the borrowing taken out to finance the BXT Station and associated infrastructure. The rationale for this treatment is that the economic benefits from the station will accrue over time as more people use the station and in this case the MRP increases over time. In accordance with the Regulations, the Council proposes to start charging MRP in the

financial year following that in which the station becomes operational. Based on the planned May 2022 opening date, this would mean charging MRP from 2023/24.

Referral to Full Council

- 1.42 Given the strategic importance of BXC and the scale of the investment proposed in BXT, Full Council's approval will be sought on 18 December 2018 to confirm that the council should proceed with all the BXT station work packages (the station / sidings / rail systems; new waste transfer station and infrastructure works) subject to the Policy and Resources Committee being satisfied that the Revised Funding Agreement with HM Government (HMG) ensures that the council is sufficiently protected against risks. If the Revised Funding Agreement includes a requirement for council borrowing, this would mean that P&R would need to assure itself that borrowing is repayable from ringfenced business rate growth; cashflow support is available for any interest payments before business rate growth arises; and that the council is sufficiently protected against the risk if the commercial and/or shopping developments do not go ahead. An approach to handling cost overruns will also be needed.

Delivery of BXT Works – Procurement Strategy

- 1.43 The BXT procurement and delivery strategy for each BXT work package has been approved by ARG throughout this year. These reports can be provided to the Committee on request. Amendments are now proposed to this strategy to ensure that the programme is maintained, provide greater control on resources and costs and to ensure that specialist support is correctly procured when needed. This is particularly relevant to works on the operational railway within the Rail Systems and Sidings works package.
- 1.44 The revised BXT procurement strategy is as follows:

Work Package	Original Delivery Proposal	Revised Delivery Proposal	Rationale
Rail Freight Facility	DB Cargo	DB Cargo	No change – legal agreement in place.
Waste Transfer Station	Grahams Contractor / Conway Aecom LBB /LOHAC Framework	Grahams Contractor / Conway Aecom LBB /LOHAC Framework	No change – contracts in place.
Train Operating Company (TOC) accommodation	NR	Grahams LBB Framework Contractor	This package can easily be separated from the main railway works contract and is off railway infrastructure, adjacent to the proposed sidings, and has no impact on railway infrastructure. Rationale for change is to have greater control over delivery; ensure value for money; and manage existing resources to maintain programme.
Sidings and Rail Systems	NR	NR	All significant works to the operational railway are contained within the Sidings and Rail Systems contract and it remains the case that Network Rail are best placed to deliver these works given the extent and their specialist nature alongside the complexity of working directly on the railway. No change proposed. The Implementation Agreement was reported to the ARG Committee on 17 September 2018. This explained in detail the cost risks associated with progressing the

			emerging cost contract with Network Rail and the cost control measures that will be put in place to mitigate this risk. These reports can be provided to the Committee on request.
Station Platform / station access / pedestrian bridge.	NR	OJEU Competitive tender to select design and build contractor.	<p>The station is made up of two small pre-fabricated steel buildings (ticket hall and station entrance) covered in cladding which will be pre-installed and joined by a footbridge. The buildings will be largely pre-fabricated off site and craned in to place on the railway infrastructure. The station has been designed to outline stage by Capita design team, with input from NR. This works package, which will essentially be built outside the operational railway is not as complicated as the rail system package and has no impact on railway infrastructure and is craned into place in completed sections.</p> <p>Given that there is time in the programme, it is appropriate and prudent to review the procurement strategy and tender the works to ensure value for money and that all delivery risks are fully assessed. A Prior Information Notice (PIN) was issued to the market on 26 October and a supplier day held on 13 November to assess market interest to undertake the works. This event did generate significant market interest, and of the 38 contractors who attended the event, it is believed that approximately half have the necessary skills and experience to deliver the station under a direct contract to the council.</p>

Station Platforms and Station / Pedestrian Access Bridge OJEU Procurement

- 1.45 In addition to ensuring value for money and greater cost certainty, direct engagement with the market to deliver the Station Platforms and Station / Pedestrian Access Bridge should elicit innovative ideas to build the station more quickly with a modular mentality. This is probably the biggest positive factor in direct engagement, as a modular solution will reduce construction timescale, and hence reduce establishment/preliminary cost.
- 1.46 This strategy will allow the Network Rail team to focus on completing the site clearance and remediation works and transition into commencing the main Sidings and Rail Systems works contract in the new year.
- 1.47 This approach is not without risk. Firstly, an Asset Protection Agreement (APA) with NR will be required for the design and construction phase, together with the associated timescales for document review. However, contrary to the original strategy, NR has confirmed to the council that it wishes to focus on the Sidings and Rail Systems and therefore are content for the council to go to the market for these works and contract outside of NR. Helpfully, NR have already committed to supporting a collaborative APA process and the team within NR Engineering resources undertaking the assurance role for the Sidings and Rail systems design and build are very likely to also undertake the assurance role for the station design and build. These factors mitigate the risk to the programme regarding handback of the station.
- 1.48 Employing a contractor through NR would provide some level of insulation against any incidents that may occur on site. This can be mitigated by appointing an experienced contractor who is used to working on NR infrastructure and has an approved NR principal

contractor licence. By undertaking an OJEU the council can select a contractor who has completed works before, minimising the risk.

- 1.49 The majority of the station platform and station / pedestrian access bridge work package proposed will be fabricated off site away from the operational railway. The council has assembled a Client and Re Thameslink delivery team comprising professionals experienced in delivering large railway projects and used to working on the railway within Network Rail and their contractors to contract manage the station platforms and station / pedestrian access bridge contract.
- 1.50 Notwithstanding the risks outlined above, the council's delivery team considers that commencing such a competitive tender process offers the best opportunity to test whether procuring a more experienced contractor, who has proved their desire to deliver the design and build of the station through the tender process, will provide more programme certainty and, by being responsible for both the design and build, will be more able to reduce construction timescales through buildability input and innovation.
- 1.51 Consequently, given that time is available in the programme and that the OJEU procurement process offers the potential for increased market competition and scope for achieving best value for money, the Committee is asked to approve that the council commence an OJEU procurement for the station platforms and station access / pedestrian bridge elements of the programme and that the contract award decision will be reported to the Assets, Regeneration and Growth Committee for approval in Summer 2019.
- 1.52 Subject to this approval, the BXT delivery team will then, supported by the council's legal and procurement advisors, produce a detailed Procurement and Contracting strategy to ensure a compliant OJEU route-to-market in accordance with the Utility Contract Regulations 2016 and prepare the necessary tender documentation and evaluation process to the following programme:

• Commence OJEU procurement	January 2019
• Shortlist confirmed and issue detailed tender	April 2019
• Contract Award	August 2019
• Commence detailed design and construction	September 2019
• Station Commissioning	February 2022
• Station into use	May 2022

2. REASONS FOR RECOMMENDATIONS

- 2.1 The comprehensive regeneration of Brent Cross Cricklewood is a long-standing objective of the Council, a key regeneration priority of the Mayor of London and actively supported by HM Government. The details of the scheme are set out in previous update reports to this Committee, including the report to the November 2017 meeting, which can be accessed on this link:
<http://committeepapers.barnet.gov.uk/documents/s49849/Brent%20Cross%20Cricklewood%20Update%20Report.pdf>

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The Committee could choose not to enter into the Implementation Agreement, or allocate the government grant into the capital programme as recommended, but this would render the station opening date of May 2022 unachievable, and so is not recommended.
- 3.2 The Committee could choose to continue with the existing procurement strategy which sees Network Rail deliver the station platforms and bridge. However, for the reasons set out in paragraphs 1.41-1.50, this is not recommended.
- 3.3 Other alternative options have been considered throughout the development of this Programme, and these options are summarised in previous reports to this committee and to ARG.

4. POST DECISION IMPLEMENTATION

- 4.1 The council and its advisors will continue to progress all work streams to ensure delivery of the Brent Cross regeneration proposals as outlined in this report and approved by the Assets, Regeneration and Growth Committee.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 Previous reports describe in detail the ways in which the regeneration of Brent Cross Cricklewood supports the Council's Corporate Plan 2015-20 as updated.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 As stated in paragraphs 1.14-1.21 of this report, the council is making good progress with HM Government and other partners in developing a funding solution to support the delivery of the Thameslink station and other critical infrastructure to facilitate the regeneration of the BXC area and the delivery of the 7,500 new homes.
- 5.2.2 The requests for budget increases for BXC within the Council's capital programme in this report are in addition to those included in the Business Planning Report to this meeting.
- 5.2.3 The council has taken the approach of adding BXC expenditure to the capital programme at the point where it is committed. The increases proposed will be funded from the MHCLG grant allocated to the Council for this purpose. These additions will mean that the Council has budgeted expenditure of £92.79m against the grant amount of £97m. The GLA has also provided a grant of £2.9m to support the BXC Programme.

- 5.2.4 To date, the Council has received verbal assurances from MHCLG officials that, if a funding solution cannot be agreed and the scheme does not go ahead as planned, the MHCLG grant will not be repayable by the council. The council has been informed that the MHCLG Accounting Officer is drafting a letter to confirm that the grant funding should be used to fund works until the end of February 2019 whilst the detail of the funding solution is worked through and put in place by the end of February 2019.
- 5.2.5 The details of the funding solution and the borrowing required based on Anticipated Forecast Cost (including NR's emerging cost estimate for the sidings and rail systems) will be reported to this Committee on the 20 February 2019. This funding solution will be based on a Tax Incremental Financing arrangement utilising business rates growth arising from the regeneration of the BXC area to repay the borrowing.

Budget Monitoring

- 5.2.6 The Council has put in place procedures to ensure the effective monitoring of the financial performance of the BXC Programme. The BXC Governance Board comprising senior officers of the Council, including the Chief Executive and the Director of Finance, receives a detailed report each month setting out the financial performance of the BXC Programme. This report includes a breakdown of the performance against the approved budgets and details of the individual Officers responsible for managing the budgets included within the BXC Programme.

Land Acquisitions

- 5.2.7 The approved budget for land acquisition to facilitate the BXC programme in 2018/19 and future years is £37.482m split £22.355m in 2018/19 and £15.124m in 2019/20.
- 5.2.8 To date this year, £20.0m has been spent acquiring strategic sites to enable the development of the Brent Cross South area by the JVLP. These acquisitions were in accordance with the terms agreed in the PDA and Co-Operation Agreement with the BXN Partners for the acquisition of these sites as previously reported to this Committee. This cost will be recouped from the anticipated capital receipts from the sale of this land to the individual plot developers once the JVLP has provided the infrastructure to support the development of these plots.
- 5.2.9 The BXS Project Agreement provides the methodology for agreeing the Council's land value (the capital receipt), and in this regard CBRE have undertaken the necessary valuation work in respect of the signing off the inputs and assumptions to the financial model in respect of the BXS Phase Proposal. Best Consideration was confirmed by the Chief Executive on 24 November 2017.

BXC Revised Delivery Strategy

- 5.2.10 The revised delivery strategy, agreed by the council's Assets Regeneration and Growth Committee in November 2018, will require the council to forward fund procurement to deliver core critical infrastructure and land acquisition in early 2019. This will be drawn down from the council grant funding to BXN as documented in the grant agreement dated 11 July 2016. This agreement is being amended to allow these monies to be used

for this purpose and an update alongside the funding strategy will be provided to the next Committee.

Thameslink Station

- 5.2.11 An increase in the Thameslink capital budget for the remainder of FY18/19 is required so that the council can enter into the Implementation Agreement with Network Rail to deliver the Sidings and Rail Systems and proceed with the Stage 1A Site Set Up works in accordance with the Thameslink Delivery programme for the station opening in May 2022. The current budget is £70.516m. Current spend to date (including expenditure committed but not yet paid) is £43.97m. A budget increase of £50.655m for 2018/19 is required taking the total approved budget to £92.79m. This comprises accelerated spend of £23.385m contained in the council's capital programme from 2019/20 and additional expenditure of £22.27m
- 5.2.12 As stated earlier, the delivery of the Thameslink works, including land acquisitions, is contained within the council's capital programme and partly funded by the grant of £97m from the MHCLG. To date £33.6m has been received from MHCLG to fund project costs and land acquisitions. The Council is drawing down funding on a quarterly basis. The next grant claim will be submitted to MHCLG for payment in December 2018.

Brent Cross North/London

- 5.2.13 The Brent Cross Principal Development Agreement confirms that the BXN Partners are obliged to pay the Council's (and their consultants) costs in connection with this project – this covers a range of costs, including land acquisitions, fees, highway works.
- 5.2.14 The Council's recoverable costs for 2018/19 from the Brent Cross North elements totals £2.160m. This estimate has been provided to the BXL Partners.

Brent Cross South

- 5.2.15 As previously reported, the Council has agreed to provide funding of £23m to the Council's Joint Venture Limited Partnership with Argent Related (the JVLP) to provide infrastructure to facilitate the development of the southern area. This funding will be provided by way of a loan to the JVLP which will be repaid from the proceeds of the sale of development sites in the southern area by the JVLP.
- 5.2.16 It was envisaged that this funding would be provided in 2019/20 and it is therefore included in the capital programme in 2019\20 as the Strategic Infrastructure Fund. The revised delivery strategy now means that these funds will required by the JVLP in this financial year. Therefore, approval is sought to move this budget from the 2019\20 year to 2018\19.

5.3 Social Value

- 5.3.1 As indicated in sections within this report, the Brent Cross Cricklewood programme will secure wider social, economic and environmental benefits.

5.4 Legal and Constitutional References

- 5.4.1 The Council's Constitution, Article 7.5 responsibility for function, states the functions of the Assets, Regeneration and Growth Committee, includes responsibility for regeneration schemes and asset management.
- 5.4.2 The Council's Constitution, Article 4, sets out the role and function of Full Council which as a matter of law required to take certain important decisions including approving the strategic funding of the Council upon recommendation of the Policy and Resources Committee determination of the financial strategy and approval of the capital programme.
- 5.4.1 Article 7 of the Council's Constitution – Responsibility for Functions- sets out the terms of reference of the Policy and Resources Committee which include:
- Responsibility for strategic policy finance including recommending: Capital and Revenue Budget; Medium Term Financial Strategy and Corporate Plan to Full Council as well as Finance including: treasury management, local taxation, corporate procurement, grants and writing off debt, virements and effective use of resources.
- 5.4.2 Council, Constitution, Article 10 Table A states that the Assets Regeneration and Growth Committee is responsible for authorising (1) all disposal and acquisition of land for over £500k and (2) any transaction which is a "less than best" transaction (interpreted as the term is set out at s 123(2) of the Local Government Act 1972).
- 5.4.3 The Council has a range of powers to enter into the legal agreements envisaged by this report, including the general power of competence under Section 1 of Chapter 1 of the Localism Act 2011 to do anything that individuals can do subject to any specific restrictions contained in legislation as well as pursuant to Section 111 of the Local Government Act 1972 which provides that a local authority has power to do anything which is calculated to facilitate, or is conducive or is incidental to, the discharge of its functions.
- 5.4.4 Additionally, the Council has the power to acquire and dispose of land in accordance with Sections 120 to 123(2A) of the Local Government Act 1972, subject to obtaining all appropriate consents and approvals.
- 5.4.5 Procurement of public works and services contracts over the relevant value thresholds must observe the requirements of the Public Contracts Regulations 2015, to include the placing of OJEU notices where such contracts are not drawn down from a compliant framework. The Public Services (Social Value) Act 2012 requires the Council to consider whether it can achieve an improvement to the economic, social and environmental well-being of an area as part of the procurement of these services. If so, the social value objectives identified must be written into the procurement process. All of this must be achieved with regard to value for money and in a way that is compliant with existing public procurement law. "Social value" objectives can include the creation of employment, apprenticeship and training opportunities for local people, trading opportunities for local businesses and the third sector; and the promotion of equality and diversity through contract delivery.
- 5.4.6 The Council is aware of the need for any funding which is supplied (by way of the SIC for example) to be made on terms which comply with state aid law (article 107 Treaty of the

Functioning of the European Union) and as such any monies will be advanced on terms which reflect the approach of a private sector investor.

5.5 Risk Management

5.5.1 Risk management has been applied across all levels of the programme. As reported to Committee in September, owners and mitigation plans are identified and risks are measured against impact and likelihood to give an overall rating. High rating risks are escalated and reported through the defined reporting procedure with top risks reported to BXC Governance Board. Currently the key risks and mitigations are summarised below:

5.5.2 **Programme and funding** – There is a risk that BXN does not progress or that planning dates are not achieved across the programme. This risk has been identified in previous reports and the Council is working with public sector and development partners to ensure mitigation plans are in place. The funding risk to the station project because of BXN delay has always been recognised and as detailed in this report public sector partners have been working together to agree an alternative funding strategy.

5.5.3 Failure to agree Revised Funding Agreement

- 1) A delay to agreeing the revised Funding Agreement with public sector partners will impact the station programme and will delay the planned opening date of May 2022.
- 2) A failure to agree a revised Funding Agreement would lead to further risk and uncertainty as BXT is critical to delivery of BXS. Both programmes will stall and works will stop whilst a new funding solution is found. Contractors are very likely to be stood down and resources will be deployed elsewhere. Remobilisation will take time with a 2 year delay at best. It raises the uncertainty of whether BXS and comprehensive redevelopment of BXC is delivered. There would be no delivery of homes until post end of 2023 at the earliest.

5.5.4 A number of recommendations in this report are subject to the revised funding strategy being agreed by HMG, GLA as well as Policy and Resources Committee and Full Council. The Policy and Resources Committee in July 2014 set six tests for the council to assure itself that the prudential code can be satisfied before borrowing can be undertaken. These tests will need to be reviewed to ensure they remain fit for purpose and to mitigate the intended risk in light of the new funding strategy.

5.5.5 **BXT cost overruns / insufficient business rates generated.** The scale of the BXT investment without a guaranteed income is too great for the council to bear. The council is not able to make the commitment to fund the station programme in the current climate and capital exposure to date in relation to land assembly without confirmation that the business rates will be delivered. To mitigate and manage this risk, the two funding solutions proposed in this report seek to ensure 1) that any borrowing is repayable from ringfenced business rate growth; 2) provision of cashflow support for any interest payments before business rate growth is available; 3) ensure that the council does not

bear the risk if the commercial and/or retail developments do not go ahead.

5.5.6 Thameslink delivery costs – as with all major programmes there is the risk that costs will increase during programme delivery. The council is already undertaking an independent review of the Network Rail cost estimate and has reviewed the procurement strategy as set out in paragraph 1.41-1.50 of this report. All emerging cost contracts entered into will require strong contract management to ensure all costs incurred are reasonable. As part of the IA the council will have open book access to all of Network Rail's financial information relating to invoiced costs incurred on the programme. This will extend to Network Rail contractors where an emerging cost contract is in place. As referred to in the report to ARG in November 2018, the council also has the right (subject to notice and personal safety) to access the site and attend meetings. As referred to in paragraph 5.2.4 the Council has received verbal assurances from MHCLG officials that if a funding solution cannot be agreed and the scheme does not go ahead as planned the MHCLG grant will not be repayable by the council and that milestone requirements have been met as per the funding agreement

5.5.7 The most important control mechanism for the council is to employ experienced staff who will provide diligent review and challenge of the NR cost base, and reject any costs which are not reasonably and properly incurred. The council's Client and Re Thameslink delivery team comprises professionals used to working on the railway within Network Rail and are experienced in delivering large railway projects. The challenge to NR will need to operate at several levels, including:

- a. A full time site presence that stays abreast of issues that arise on site, and monitors the detail and impact of any events, or failure to meet programme milestones, quality standards etc. The site team/person will also systematically log these events/issues and share this information with NR.
- b. Whilst it will always be difficult to isolate costs associated with NR/Contractor failure, from genuine cost, it is important that NR are discouraged from passing on contractor valuations without themselves challenging whether a deduction should be made to take account of notified failures.
- c. Attendance at key NR meetings. This is in addition to the role set out in (a), targeting any issues which may not have been picked up by the site based teams, but for the same purpose as (1).
- d. A strong commercial challenge that scrutinises and interrogates any unexpected costs which emerge during the pre-invoice (valuation) process, and repeats this when the main invoices are submitted.

5.5.8 Station Delivery Date – As reported to Committee in September, there is the risk – even with appropriate funding in place - that the May 2022 station opening date cannot be achieved. This would result in additional costs due to programme prolongation as the earliest viable opening date would be December 2022 due to restrictions on timetable changes. This could be later depending on other works on the railway. Railway possessions are already booked. To mitigate this risk there are project and programme review boards in place that regularly monitor and challenge deliverables at all levels. Specific project risks are identified and managed at the work package level with clear

owners and mitigation plans for each. Any risk that results in an impact on a key milestone is reviewed by the programme team and BXC governance board taking into consideration time and cost implications alongside impacts on BXS given the interdependencies and criticality of delivery of the station on the BXS programme.

5.5.9 Residential Delivery There is a risk that further delays to the BXN development will lead to uncertainty for residents and business owners who are being affected by the development either through relocation or disruption from construction activities. This is being mitigated through many communication activities and resident steering groups that have been setup specifically to keep affected parties up to date with the latest programme dates.

5.5.10 Economic – There is a risk that the prevailing economic position for the traditional retail sector will continue. This could result in reduced demand for retail space and administration to existing retailers. To mitigate this the BXS development partners are exploring a diversification of offer for BXS.

5.5.11 Planning – There is a risk that the BXC Partners do not meet the timescales established to secure the revised delivery strategy. To mitigate this all the BXC Partners are working to March submission date to ensure all parts of the scheme can be delivered to ensure comprehensive regeneration in its entirety.

5.6 Equalities and Diversity

5.6.1 As previously reported, the Development Proposals support achievement of the council's Strategic Equalities Objective.

5.6.2 The development proposals for the Brent Cross Cricklewood scheme will make a significant contribution to the provision of additional, high quality affordable housing units in the Borough as well as providing employment through the creation of a new town centre with leisure, health and educational facilities. The delivery of the Thameslink Station will enhance public transport provision and improve accessibility and provide greater choice for all. It should be emphasised that a fully integrated and accessible town centre will be created as part of these proposals.

5.7 Corporate Parenting

5.7.1 None in the context of this report.

5.8 Consultation and Engagement

Programme wide

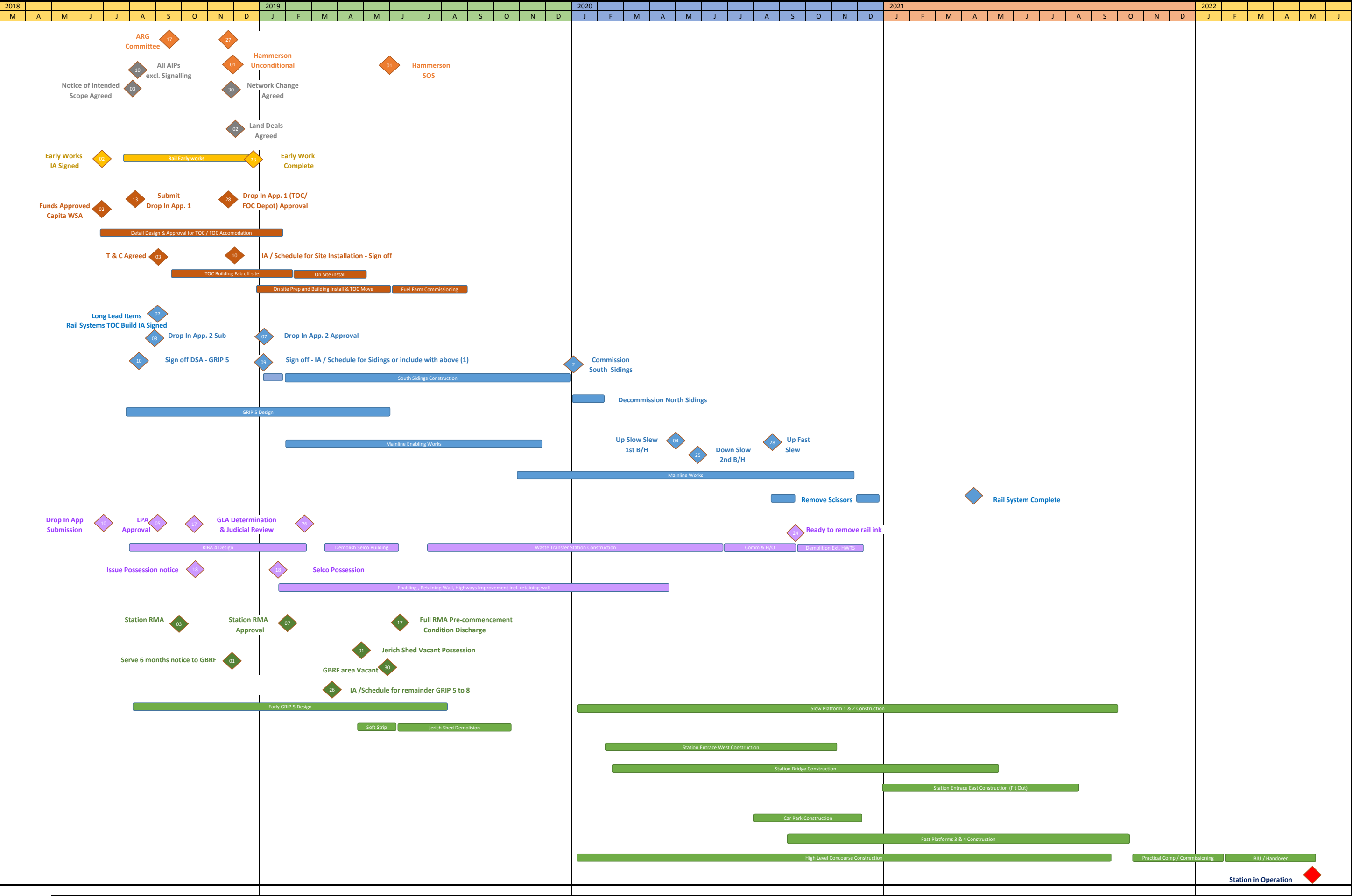
5.8.1 A detailed update on consultation and engagement was provided to the ARG committee on 27 November 2018.

<http://committeepapers.barnet.gov.uk/documents/s49849/Brent%20Cross%20Cricklewood%20Update%20Report.pdf>

6.0 BACKGROUND PAPERS

- 6.1 Policy and Resources Committee 17 May 2016 Brent Cross Funding
<http://barnet.moderngov.co.uk/documents/g7860/Public%20reports%20pack%2021st-Jul-2014%2019.00%20Policy%20and%20Resources%20Committee.pdf?T=10>
- 6.2 Assets, Regeneration and Growth Committee, 17 March 2016, item 14, Brent Cross Cricklewood Compulsory Purchase Order (No.3),
<https://barnetintranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=8312&Ver=4>
- 6.3 Assets, Regeneration and Growth Committee, 17 March 2016, item 16, Brent Cross Cricklewood
<https://barnetintranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=8312&Ver=4>
- 6.4 Policy and Resources Committee 17 May 2016 Brent Cross Funding
<http://committeepapers.barnet.gov.uk/documents/b27688/Brent%20Cross%20funding%20strategy%2017th-May%2016%2019.00%20Policy%20and%20Resources%20Committee.pdf?T=9>
- 6.5 Assets, Regeneration and Growth Committee, 24 April 2017, Brent Cross Cricklewood Update Report
<https://barnetintranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=8641&Ver=4>
- 6.6 Assets, Regeneration and Growth Committee, 24 July 2017, Brent Cross Cricklewood Update
<https://barnetintranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=9337&Ver=4>
- 6.7 Assets, Regeneration and Growth Committee, 4 September 2017, Brent Cross Cricklewood update report,
<https://barnetintranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=9080&Ver=4>
- 6.8 Assets, Regeneration and Growth Committee, 27th November 2017, Brent Cross Cricklewood Update Report,
<https://barnetintranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=9435&Ver=4>
- 6.9 Assets, Regeneration and Growth Committee, 12th March 2018, Brent Cross Cricklewood Update Report,
<https://barnetintranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=9083&Ver=4>
- 6.10 Assets, Regeneration and Growth Committee, 14th June 2018, Brent Cross Cricklewood Update Report,
<https://barnetintranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=9480&Ver=4>
- 6.11 Assets, Regeneration and Growth Committee, 17th September 2018, Brent Cross Cricklewood Update Report,
<https://barnetintranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=9764&Ver=4>

- 6.12 Assets, Regeneration and Growth Committee, 27th November 2018, Brent Cross Cricklewood Update Report
<http://committeepapers.barnet.gov.uk/documents/s49849/Brent%20Cross%20Cricklewood%20Update%20Report.pdf>



This page is intentionally left blank



Department for Communities and Local Government

Brent Cross Cricklewood Thameslink Station

Full Business Case – Summary

(v2)

Purpose

This Full Business Case seeks reconfirmation of Government investment in the Brent Cross Cricklewood Regeneration project to deliver approximately 7,500 new homes and up to 27,000 new jobs - within one the largest and most strategic regeneration projects, not only in London, but indeed across the UK.

The Outline Business Case was considered by the Finance Sub-Committee in February 2015. Following this, the Chancellor of the Exchequer confirmed support in the March 2015 Budget Statement:

“Brent Cross regeneration scheme – The government will provide £97 million funding and ring-fence the local 50% share of business rate growth to support the London Borough of Barnet and the Greater London Authority plans for the regeneration of Brent Cross, unlocking 7,500 new homes.”

This funding commitment was reaffirmed by the Chancellor in the November 2015 Spending Review.

This was subject to approval of the Full Business Case, and the following feedback provided by DfT that the Business Case should:

- include a full transport business case
- continue to demonstrate adequate value for money (including regeneration effects) when developed
- the Council should commit to take on the full capital cost and risk of delivery of the new station.
- the Council should commit to funding any operational subsidy to the Train Operating Company until the station becomes self-financing.
- the Council should work with DfT, Network Rail and train operators to develop a detailed plan for the funding and delivery of the new station throughout the project.

The Full Regeneration Business Case was considered by the Finance Sub-Committee on 25 February 2016.

Approach

The business case adopted the Green Book – Five Case Model Approach and has been structured into the following sections:

Strategic Case:

This section will communicate why there is a need for the proposed development scheme and the overall value brought by the development to the region.

Economic Case:

This section will demonstrate how this proposal will optimise the public value that can be achieved.

Commercial Case:

This section will summarise how the preferred option will result in a viable proposal that will be commercially acceptable.

Financial Case:

This section will communicate how the scheme will be funded and can be financially viable.

Management Case:

This section will demonstrate how the proposed scheme can be delivered successfully.

1.1 Introduction

- 1.1.1. This business case document seeks approval for Government investment in the Brent Cross Cricklewood regeneration project through the early delivery of a Thameslink mainline rail station and critical infrastructure required to facilitate the development.
- 1.1.2. This investment will unlock the significant economic and social benefits potentially available from the Brent Cross Cricklewood location – including 7,500 new homes and up to 27,000 new jobs. This represents one the largest and most strategic regeneration projects, not only in London, but indeed across the UK and wider EU.
- 1.1.3. Brent Cross Cricklewood has the potential to become a new and much needed economic centre for London, combining housing (at least 15%, and up to 30%, affordable homes) employment, retail, leisure and social infrastructure such as schools, public realm and green space. This 'new town centre for London' will offer benefits to both the local population and, through its strategic location and enhanced connectivity, the whole Greater London region.

1.2 Strategic Case

1.2.1 According to projections by the GLA Intelligence Unit, London's population is set to rise sharply to ten million by 2030 and possibly to 11.3million by 2050. London is about to experience one of the most rapid population increases of any major European city¹.

1.2.2 As London Mayor Boris Johnson has pointed out, the scale of the challenge is enormous and providing sufficient housing and infrastructure to cope with this population increase is not to be underestimated. The Mayor has stated: *"That is why I am developing a long-term infrastructure plan that will aim to meet the challenge head on. Key to the plan are schemes like Brent Cross Cricklewood, which as one of London's largest brownfield development sites has the capacity to deliver thousands of new homes and jobs. We have been working closely with Barnet Council to secure investment in a new Thameslink Station at Brent Cross Cricklewood and I look forward to seeing this crucially important part of London transformed over the coming years"*².

1.2.3 The strategic context

1.2.3.1 The development of Brent Cross Cricklewood directly addresses core strategic objectives in national plans (e.g. the UK National Infrastructure Plan 2013), London-wide plans (e.g. London Infrastructure Plan 2050, Vision 2020, the London Plan and the Jobs and Growth Plan for London) and sub-regional and local plans in the Barnet area. Each of these plans supports the overall strategic proposition that London's population and economy are set to grow strongly in the coming 5-10 years, and that it is a key role of the public sector, at all spatial levels, to facilitate investment in the housing and infrastructure to support growth.

1.2.3.2 The projected increase in London's population, and the need for the capital to continue maximising its economic contribution to the UK, means that housing and infrastructure development must be delivered effectively and sustainably. Delivering broad-based, mixed-use development schemes with a fully integrated transport system on under-utilised brownfield sites is seen as fundamental to the UK's ability to unlock future economic growth. Brent Cross Cricklewood, a 151-hectare site strategically located within a large, fast-growing population centre in outer London, is well placed to contribute to this goal.

1.2.3.3 The London Plan, in particular, identifies the site as a key Opportunity Area capable of supporting regional shopping, housing and employment, while it is also recognised by the West London Alliance (WLA) as a key

¹ 'London Infrastructure Plan 2050: a consultation', Greater London Authority, 2014

² Property Week, 11th July 2014

location for West London with the potential to link to the Mayor's plans for Old Oak Common (Crossrail and HS2).

1.2.4 Business Need - The case for change

1.2.4.1 Brent Cross Cricklewood is both an under-used brownfield location and a key gateway into London. It is well connected by road – strategically located by the A5, M1 and A406 (North Circular) – but poorly connected by public transport. Although Barnet is a relatively prosperous London borough, it still contains pockets of significant deprivation in close proximity to the site. Housing affordability challenges are faced by a broad cross-section of the population. Both higher and lower-skilled residents would benefit from the new employment created, which will be in a mix of office-based and retail sectors. There are also potential business benefits in developing outer London employment and retail centres to provide alternatives to travelling into central London.

1.2.4.2 Development plans at the Brent Cross shopping centre site stalled during the recent economic downturn, jeopardising both the 4,000 jobs the centre already supports and future regeneration prospects in the wider area. Planning consent only permits development of the shopping centre in conjunction with wider redevelopment of the Brent Cross Cricklewood site. The planning presumption in favour of town centres also makes standalone investment in the shopping centre extremely challenging.

1.2.4.3 The development prospects at the site can be split into two packages:

- Brent Cross North: the domain of existing shopping centre owners Brent Cross North Partners (Hammerson and Standard Life Investments) and includes securing the 4,000 existing jobs at the centre plus creating up to 8,000 new jobs, as per the owners' stated ambition. The proposals include doubling the size of the shopping centre and providing the critical infrastructure required to facilitate comprehensive regeneration and small residential opportunity;
- Brent Cross South: comprises 7,272 new homes (including affordable properties), employment space for up to 19,000 new jobs, transport improvements including a new rail station plus social infrastructure - three new schools, public realm, park and leisure facilities.

1.2.4.4 Together, Brent Cross North and South have the potential to create a significant step-change in economic performance for Barnet and to provide a substantial boost to the wider London economy by facilitating the comprehensive regeneration of this area to create a new regional town centre in London. There is a high degree of interdependence between the two sites: the Brent Cross North Partners has committed to

significant infrastructure spending under a co-operation agreement with London Borough of Barnet (LBB), and some of this (e.g. utilities) will facilitate the first phase of Brent Cross South.

- 1.2.4.5 The overarching challenge is that, despite its obvious regeneration potential, Brent Cross South demonstrates a commercial viability gap initially modelled at £1.03bn (including interest costs). LBB has taken responsibility for driving the project forward in an attempt to secure the associated regeneration objectives, which are naturally of the highest strategic importance to the organisation.
- 1.2.4.6 Work by LBB to reduce costs and improve phasing had previously identified a position at the Outline Business Case stage whereby 2,461 of the 7,272 housing could have potentially been delivered in a viable, profitable Phase 1. However, this Do Minimum option is no longer viable due to the re-allocation of costs between Brent Cross North and Brent Cross South as a result of the revised infrastructure strategy.
- 1.2.4.7 Along with good schools, local amenities and green spaces, accessibility to public transport is one of the key drivers of house prices in London³. The new Station is therefore needed for two key reasons:
- As part of the integrated transport strategy to enable and accommodate the development proposals to come forward, and prevent a car-dependent culture becoming established.
 - As the only way to improve viability and deliver the remainder of the scheme.
- 1.2.4.8 Delivering the Thameslink Station early is projected to have a significant impact on housing values. Based on a highly conservative comparison with the projected impact of Crossrail, it is considered that the new station will result in local house prices increasing above market growth by 1% p.a. for 5 years prior to station opening and 1.75% p.a. for 5 years post the station opening, followed by a 0.25% p.a. reduction in additional growth every 5 years afterwards until the effect fully stabilises back down to 0%.
- 1.2.4.9 These figures assume that the effect of the new Thameslink Station is no more than half that of Crossrail. Modelling also suggests that the cost of delivering the station cannot be supported by the scheme and thus requires public funding.
- 1.2.4.10 The impact of the new station will result in the south side phases of the development programme all being viable on the basis of 15% affordable housing. A mechanism in the planning consent allows for the proportion of affordable housing to increase to up to 30% across all phases (1-5) if the viability position

³ See for example: 'Valuing housing and green spaces: Understanding local amenities, the built environment and house prices in London', GLA Economics Paper No 42, 2010; D. Banister (2005), 'Property values and Public Transport Investment', University College London; G M Ahlfeldt (2011), 'If We Build, Will They Pay? Predicting Property Price Effects of Transport Innovations', Spatial Economics Research Centre, London School of Economics.

improves. This reduces the risk of any developer acquiring 'super profits', as the first effect of house price rises above those projected will be to increase the proportion of affordable housing delivered.

1.2.5 Options for Delivery

1.2.5.1 Since Outline Business Case (OBC) Approval in March 2015 prevailing economic conditions have altered (notably around construction costs) and the Brent Cross North Partners have advised the Council and GLA that the required upfront infrastructure costs circa £250m, prior to the opening of the expanded shopping centre, was placing a significant burden on the overall viability of Brent Cross North project. The Brent Cross North Partners identified a potential viability gap of £152m (uninflated).

1.2.5.2 An alternative funding strategy has therefore been developed that corrects what had been a disproportionate allocation of the infrastructure costs to Brent Cross North by way of the public sector and south side joint venture (JVLP) providing support towards the upfront infrastructure costs. The proposed funding strategy comprises the following elements:

- A value engineering review of the existing critical road infrastructure
- Council providing a £25m package of support focusing on early land acquisition and waiving commuted sums
- Contribution from south side developer
- Extension of business rate ring-fencing

1.2.5.3 The Council's Assets, Regeneration and Growth Committee's approved to amend the existing commercial agreements with the Brent Cross North Partners on 30 November 2015 in line with the revised funding strategy subject to agreeing a package of measures that the Brent Cross North Partners will be required to contractually commit. These measures will ensure that Brent Cross North Partners along with other measures that will support effective delivery of the South and give greater certainty that the North will progress in a timely way.

1.2.5.4 This has led Brent Cross Cricklewood Regeneration programme to be separated into 3 distinct projects:

1a – The updated 'New Preferred Option' for Brent Cross South - delivery of 7,262 new homes space for 19000 jobs alongside retail/leisure, new public spaces, community facilities and 467,255 sqm of commercial space. The Council establishes JV with Argent Related Companies to deliver homes, jobs and infrastructure on the land to the south of the A406.

1b - Delivery of the Mainline Station- as part of south side scheme, the Council is now leading on the delivery of the Station in partnership with Network Rail and public sector stakeholder partners

2 - Brent Cross North - Brent Cross Shopping Centre and critical infrastructure (including 238 new homes and space for 8,000 new jobs) which will be developed by the Brent Cross North Partners

1.2.5.5 The New Preferred option is largely similar to the preferred option set out in the Outline Business Case but reflects the following developments since March 2015, namely: increased residential sales values following an improvement in market conditions, increased residential construction costs, the revised infrastructure funding strategy (with Brent Cross North continuing to deliver some critical road infrastructure and Brent Cross South delivering greater south side critical infrastructure) Public Sector Partners continuing to fund and deliver the Thameslink Station and elements of the south side critical infrastructure (by 2021 rather than 2031 and extending TIF from 10 to 15 years).

1.2.5.6 A Risk Mitigation Option is also being considered in the event that the north side scheme does not progress. This is largely similar to the preferred option set out in the Outline Business Case but includes additional critical infrastructure required for the south side delivery that are currently being provided by the north side scheme. While this demonstrates a viable scheme, there are some significant risks associated with this option as explained in the Strategic Case Chapter.

1.2.6 Strategic Benefits

1.2.6.1 The benefits for the scheme fall into 3 broad groups:

- Benefits associated with enabling delivery of Brent Cross South;
- Benefits associated with facilitating 'comprehensive development' as required by the planning permission, hence allowing delivery of Brent Cross North;
- Benefits associated with the presence of a new train station and transport interchange. Overall, the scheme and early delivery of the station will contribute towards establishing a new, vibrant, mixed use economic centre for London.

1.3 Economic Case

1.3.1 Full Business Case Long-listed Options

1.3.1.1 A large number of distinct delivery options were considered at length in developing this Full Business Case. A basic 'Do Nothing' option was examined and this would result in essentially no regeneration of the area across both the north and south side sites. There would be only additional 100 housing units in the council / HSL land provided and the opportunity to create circa 27,000 new jobs would be lost. Moreover, because the

planning consent allows expansion of the shopping centre only as part of a comprehensive redevelopment, Brent Cross North would not be deliverable risking the future of the shopping centre and the 4,000 jobs based there.

- 1.3.1.2 The Full Business case also looked at the previous Do Minimum option which consisted of delivering 2,461 residential units on Brent Cross South, centred around the Living Bridge. However, as the re-allocated costs between the North and South side have to occur predominantly upfront in order for this option to be delivered, the burden is simply too great for the south side and the Do Minimum scheme therefore becomes unviable and undeliverable and has been discounted.
- 1.3.1.3 We also re-assessed the impact of the Master Developer for the south side delivering the Station at its own cost as part of the overall scheme delivery. We assessed both early and late station delivery options by the private sector. However, the cost burden is so great under both options, that both were unviable and undeliverable and therefore discounted.
- 1.3.1.4 We re-assessed the previous Preferred Option which was viable and deliverable in the Outline Business case. However, when we assessed the impact of the re-allocated costs from the North to the South into the previous financial model, the extra cost burden on the South resulted in an unviable scheme on the basis the Master Developer would not have been able to secure its required rate of return from the development. On this basis the scheme would not have been delivered. Therefore, the previous Preferred Option has also been discounted. However, we have been able to adapt the previous Preferred Option to get to a New Preferred Option which is viable and deliverable and forms the basis of this Full Business Case.
- 1.3.1.5 A number of other transport solutions were considered as alternatives to the early delivery of the Thameslink station solution but were discounted due to viability and because the step change in public transport provision required to support the development would not be achieved. In this context it should be noted that the Brent Cross Cricklewood planning permission already establishes an integrated transport strategy, with significant investment in other modes, notably a new bus station, funded through the Brent Cross North scheme.
- 1.3.1.6 The following delivery models were discounted due to a lack of viability, deliverability and affordability:
 - Previous Do Minimum Option of reduced scheme delivery by the private sector
 - Whole scheme private sector delivery
 - Private sector delivery of Brent Cross South, including the Thameslink station in the later phases of the scheme

- Private sector delivery of Brent Cross South including Thameslink station in the early phases of the scheme
- Previous Preferred Option of Brent Cross South being delivered by the private sector

1.3.2 Short-listed Options

1.3.2.1 In undertaking the strategic property review and due diligence work in respect of Brent Cross South, the importance of the proposed Thameslink Station in facilitating the comprehensive regeneration of the area became increasingly clear. The Station is primarily needed as part of the integrated transport strategy to enable the development proposals to come forward. However, given that there are a limited number of ways to raise development values (good schools, good amenities, access to green spaces, access to public transport) it also became clear that given already established enhancements in other areas, the proposed station was the only remaining way to improve viability by lifting values.

1.3.2.2 It has already been established that the early delivery of the Thameslink station in the scheme results in a significant uplift in housing values both before the development of the station and post development. Not only that, but the Thameslink Station is critical to the delivery of the commercial elements (offices) of the scheme. Without the station, there is very limited prospect of the new commercial space being delivered. However, this was insufficient for scheme viability if the development of the station rested with the private sector in the Brent Cross South development. This is due to a significant financing commitment in advance of profit achievement. This led to the conclusion that the station needed to be delivered outside of the main scheme and it needed to be funded by the public sector. The re-allocation of costs from the North side to the South side have impacted on the viability of Brent Cross South, but with the residential market continuing to improve in the local area and the improved prospects of achieving higher office values as a direct result of the investment in the station has led us to be more optimistic on the prospects for the delivery of the commercial elements, which has led to a new preferred option, which is the only fully viable option for delivering the North and South side, known as the 'New Preferred' option.

1.3.2.3 **New Preferred Option** involves bringing forward delivery of the Thameslink station and elements of the south side infrastructure that will be funded by the public sector. Only by funding the station and infrastructure works outside of the core development scheme (i.e. removing the cost burden from the developers) does the south-side project become a viable private sector proposition.

1.3.2.4 The Preferred Option will ensure that the following elements of the scheme are capable of being delivered:

- 7,262 private units (of which 15% are affordable units)
- Supermarket

- 25,470sq m of retail floorspace
- 455,220 sq m commercial space (once the station is delivered)
- Primary school
- Senior School
- Special Needs School
- Childcare Facilities
- 3 nature parks
- Public square
- Care Home
- 30 hectares of additional remediated land
- Main line station

1.3.2.5 **Risk Mitigation Option** – If the North side is not going to be delivered, the South side will have to pay for the delivery of additional infrastructure items in order for the significant quantum of new homes south side to be delivered. However, the viability of the South side is such that the current scheme cannot afford to pay for this increased cost burden. Therefore, the only way these additional costs can be afforded is to increase the overall development density on the South side, which will require a new planning permission. This is known as the Risk Mitigation Option. In addition to the items being delivered under the New Preferred Option, the Risk Mitigation Option will also deliver a further 616 additional residential units (of which 15% will be affordable) and 9,290 sq m of additional retail floorspace. This option would require further planning permissions as well as amendments to the funding strategy to deliver the station, which remains critical to the south side housing delivery. The south side business rates could support the necessary borrowing but this represents a more risky income stream than the growth in business rates from an existing shopping centre, and will lengthen the payback period.

1.3.3 Cost-benefit analysis

1.3.3.1 There is no single economic appraisal guidance that provides a directly applicable cost benefit analysis methodology for this particular business case. However, the HM Treasury Green Book business case methodology includes a suite of guidance documents and a number of these have been used to provide the overall basis for the cost benefit analysis undertaken. The comparator scheme that has been used as a best practice example for this appraisal is the London Underground (Northern Line Extension) Economic and Business Case.

1.3.3.2 A significant element of the cost benefit analysis is related to the impact of the scheme in terms of resulting net job creation. It is recognised that the Department for Communities and Local Government (DCLG)

discounts this element of the analysis when considering the overall benefit cost ratio for the scheme. The BCR has therefore been calculated with and without the job creation impact.

1.3.3.3 In addition to jobs created, a number of core socio-economic benefits have been evaluated as part of the economic appraisal. These benefits include:

- Private residential units delivered,
- Affordable residential units delivered,
- Additional retail floorspace,
- Additional commercial development,
- Extra S106 transport payments,
- Net new primary school places,
- Net new secondary school places,
- Net new special needs school places,
- Parks and leisure-related space, open space,
- Extra care accommodation,
- Volume of remediated land,
- The Thameslink Station, and
- Highway infrastructure.
-

Given the wide range of benefits that are likely to accrue from the development proposals, a number of different estimation and valuation techniques were adopted and applied. In all cases, best practice guidance from DCLG, HMT other sources was utilised as practically as possible.

1.3.3.4 Using this approach, the valuation of benefits from the Preferred Option is £2.81bn (£2,808,026,172). This demonstrates the starkly significant investment shift from the do nothing position to the strategic investment in the whole Brent Cross Cricklewood scheme. Do nothing now being the considered alternative situation, following the demonstration of the lack of viability of the original Do Minimum Option due to the changed circumstances in the development of Brent Cross North.

1.3.3.5 In terms of costings, the cost that has been estimated for the whole scheme based on the updated Preferred Option, including financing costs, is £1.938bn (NPV). Optimism bias adjustments have been calculated in line with the supplementary Green Book guidance to ensure that the overall view of the potential economic impact of the completed development is realistic and not overly optimistic. The applied optimism bias has been reduced from 43%, included in the March 2015 business case, to 2% to reflect the greater development certainty and strong planning and governance situation related to the updated Preferred Option.

- 1.3.3.6 The Benefit Cost Ratio for the whole Brent Cross Scheme on an additionality basis, comparing the additional benefit of the Preferred Option when compared to the Do Nothing situation, is 3.5 : 1 (excluding job creation, this is 2.9 : 1). This indicates that it is expected that every £1 investment in this scheme would result in £3.50 of economic benefit. In these terms it is a potentially strong economic case. The March 2015 Preferred Option has been compared with the updated Preferred Option set out in this business case. The benefit cost ratios are 3.9: 1 (excluding job creation 3.3 : 1) and 3.5 : 1 (excluding job creation 2.9 : 1) respectively. As summarised in the table below:

Table 1 Benefit Cost Ratio summary

Financial Impacts	Economic Costs and Benefits (Present Values)	
	Preferred Option (March 2015)	Preferred Option (Updated)
TOTAL FINANCIAL IMPACTS	£590,945,381	£817,140,706
TOTAL FINANCIAL IMPACTS (adjusted for optimism bias)	£847,711,149	£833,892,091
TOTAL ECONOMIC IMPACTS	£3,293,426,467	£2,934,985,825
BENEFIT COST RATIO	3.9 : 1	3.5 : 1
BENEFIT COST RATIO (without job creation)	3.3 : 1	2.9 : 1

- 1.3.3.7 The quantified cost-benefit analysis shows that the net additional investment associated with the updated New Preferred Option is still exceeded by the net additional benefits it is expected to deliver, both commercially to the developers and in wider terms to society. The risks of the New Preferred Option continue to be subject to robust analysis and mitigation, based on the experience of relevant individuals and organisations on projects elsewhere, and specific delivery experience in relation to key infrastructure such as the Thameslink station.
- 1.3.3.8 The important aspect of the Brent Cross Cricklewood scheme, based on the updated New Preferred Option, is that it creates value across a number of important benefits. The creation of new jobs is an important factor but so are the housing, transport, highways and community aspects of the scheme. The economic case has

clearly demonstrated the significant impact of the early development of the Thameslink station on the deliverability and viability of the Preferred Option, based on publically funded delivery. The station, alongside the remediated land and highway infrastructure investment, results in a significant expected uplift in the value of the housing provision and provides vital access for existing and new residents, workers and visitors. In addition, the sensitivity analysis has demonstrated the overall robustness of the cost benefit analysis, on a worst case scenario 2.5 : 1 and based on generally accepted additionality for retail and commercial development, with no housing benefit value, 1.2 : 1. On this basis the strength of the 3.5 : 1 ratio is successfully demonstrated. In addition, the qualitative benefits identified further demonstrate the community value of the proposed scheme in addition to the economic value.

- 1.3.3.9 It has been demonstrated that it is advisable to include a Risk Mitigation Option in this business case to explore what development could be achieved at Brent Cross South in the event that only a very limited Brent Cross North development goes ahead. The BCR for the Risk Mitigation Option is 2.5 : 1 (excluding job creation 2.2 : 1), which reflects the more challenging nature of this option. The optimism bias has been set at 43% against the cost position to reflect the fact that this option is relatively untested. As with the New Preferred Option, the sensitivity analysis has demonstrated the overall robustness of the benefit cost analysis, on a worst case scenario 2.0 : 1 and based on generally accepted additionality for retail and commercial development, with no housing benefit value, 0.9 : 1. On this basis the strength of the 2.5 : 1 ratio is successfully demonstrated. However, the finance case further demonstrates the challenging nature of this option in terms of affordability.

1.4 Commercial case

- 1.4.1.1 The key deliverable is to secure a start on-site for Brent Cross North and Brent Cross South by 2017 and to unlock the regeneration of Brent Cross South and speed up the delivery of the 7,272 new homes through bringing forward the construction of the Thameslink Station.
- 1.4.1.2 As a result of the change in delivery strategy, the Council is leading on Brent Cross South allowing the Brent Cross North Partners to focus on the delivery of the expanded Brent Cross shopping centre and the significant infrastructure required to support the comprehensive regeneration proposals.
- 1.4.1.3 The Council approved the commencement of an Invitation to Negotiate OJEU compliant procurement route to secure the preferred development partner to deliver the south-side masterplan.
- 1.4.1.4 On 22 July 2014, the OJEU notice was published and the Pre-Qualification Questionnaire issued. Six bids were received on 10 September 2014. On 5 October 2014, the Council announced the following shortlist to progress to Invitation to Negotiate stage:

1. Argent (Property Development) Services LLP and Related Companies LP
2. Barratt PLC and London & Quadrant Housing Trust
3. Capital & Counties Properties PLC
4. Far East Consortium International Limited with Countryside Properties PLC, Notting Hill Housing Trust and Southern Grove

1.4.1.5 Submissions were received from all four bidders on 29 January 2015. The evaluation process took place through February 2015 and Argent LLP and Related Companies (Argent Related) were selected as the preferred development partner in March 2015.

1.4.1.6 Argent Related together with the Council are currently preparing the vision and full business plan for approval by the Council's Assets, Regeneration and Growth Committee by March 2016, before the creation of a formal joint venture limited partnership.

1.4.1.7 The Council will take a share in the joint venture as a result of contributing its land value. The precise return will be dependent on the outcome of the re-allocated costs

1.4.2 Thameslink Station

1.4.2.1 Over the last 10 years, the development of the Thameslink Station project has been progressed by the Brent Cross Development Partners through Cricklewood Regeneration Limited in conjunction with Network Rail (and also Department of Transport) to develop a single stage option. The Development Partners submitted the Brent Cross Station and Stabling Remodelling Grip 2 Feasibility Report in January 2013. The Thameslink Station and adjoining transport interchange is fundamental to the creation of a regional town centre and forms an integral part of the fully integrated transport system that offers priority to sustainable transport modes including rail, bus, cycling and walking and enables the development to come forward.

1.4.2.2 As part of Brent Cross South, London Borough of Barnet is now leading on the delivery of the Station in partnership with Network Rail and public sector stakeholder partners. The original business case prepared in 2009 has been updated and provides a BCR of 1.6 for the Transport Scenario, which compares Do Minimum (the Full Development, No Station) and the Do Something (Full Development with Station) to enable analysis of the benefits associated purely by the new station.

1.4.2.3 The new station is designed to serve the new town centre including shoppers, residents and office workers commuting and counter-commuting to the new town centre. In the last 10 years, the development of the

Thameslink Station project has been progressed by the Brent Cross North Partners through Cricklewood Regeneration Limited in conjunction with Network Rail (and Department of Transport) to develop a single station option. The Council is now taking the lead and entered into a Design Services Agreement with Network Rail in November 2015 to progress the design development. Following the development of the single option a Design & Build contractor will be appointed to take the contract through to detailed design and construction.

- 1.4.2.4 The Council will contract Network Rail to manage the 'on Network' project works, with Re retained in commercial and engineering assurance roles, ensuring involvement in all commercial activities whilst enabling a robust commercial and engineering change control process.

1.5 Financial case

- 1.5.1 The current estimate of the cost of the Thameslink station at Brent Cross Cricklewood, to be built out between 2016-2019, is £215 million, uninflated. This is a capital cost. Any revenue costs associated with the station operation or on-going maintenance are assumed to be borne by Network Rail and the Train Operating Companies. The Council will be responsible for the full capital cost and risk of delivery of the new station and any required operational subsidy to the Train Operating Company until the station becomes self-financing. In addition to the Station Cost the proposed transfer of infrastructure commitment from Brent Cross North to Brent Cross South results in £56 million to be publically funded. The Council is committing to taking on the full capital cost and risk of delivery of the new station and any required operational subsidy to the Train Operating Company until the station becomes self-financing.

- 1.5.2 The overall exchequer gain from the preferred option is relevant to the assessment of the business case. For example, there will be returns from stamp duty for additional homes and business rates. The Chancellor's announcement of 100% Business Rates Retention is likely to impact on the amount each of the public sector bodies retains but the total growth in business rates will still benefit the public sector. There is also likely to be a significant increase in income and corporation taxes from the economic activity that the preferred option will generate.

1.5.3 Funding options

- 1.5.3.1 Given that the Preferred Option is to fund the station outside of the scheme and via the public sector, a number of options were considered at the Outline Business Case stage. The potential funding options were considered in light of Central Government concerns and the criteria agreed by Barnet Councillors to ensure that borrowing decisions are made in compliance with the Prudential Code (for example that borrowing can

still be paid back in 25 years if assumptions on business rate yields reduce by 40%). The potential funding options considered are set out in the finance chapter. These included partial business rates retention, full business rates retention, Government grant, loan and equity investment and land receipts. These were discounted for a variety of reasons, predominately relating to risk.

- 1.5.3.2 The agreed funding approach based on the Preferred Option in the March 2015 business case was announced in the March 2015 Budget as follows:

‘Budget 2015 also announces £97 million of funding and ring fencing of the local 50% share of business rate growth to support the London Borough of Barnet and the Greater London Authority’s (GLA) plans for the regeneration of Brent Cross. This will unlock 7,500 new homes and create 4.9 million square feet of new commercial development with space for up to 27,000 jobs.’

- 1.5.3.3 Further confirmation of the grant funding was provided in the Spending Review and Autumn Statement announcement in November 2015:

- 1.5.3.4 **‘The Spending Review and Autumn Statement provides support for key regeneration schemes, including: £97 million to fund a new Thameslink station at Brent Cross’**

- 1.5.3.5 The proposed funding approach for the New Preferred Option is as follows

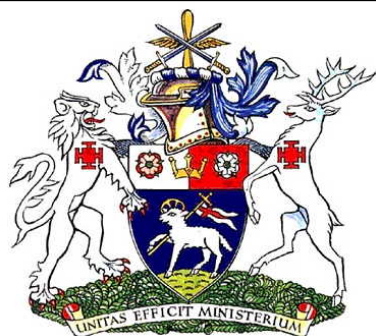
Table 2: January 2016 funding package compared with the March 2015 funding package

Details	Funding Package (March 2015)	Funding Package (January 2016)
Station cost + other public costs	£215m (£286m including inflation and interest)	£271m (£384m including inflation and interest)
Business Rates Retention - LBB and GLA share of North development growth	50%	50%
Business Rates ring-fencing – via newly laid regulations	Yes	Yes
Payback period	Fixed at 10 years	13.67 years
LBB Contribution	£113m	£171m
GLA BRR contribution	£73m	£113m
GLA Grant	£3m	£3m
HMT Grant	£97m	£97m

- 1.5.3.6 It can be seen that the cost has increased to incorporate the costs transferred from Brent Cross North to the publically funded element of Brent Cross South. The proposed package is still based on a 50% Business Rates Retention ring-fenced position. The payback period has extended to 13.67 years to reflect the increased cost commitment. This does bring increased risk to the borrowing position and further emphasises the importance of the HMT grant contribution of £97m and the GLA grant contribution of £3m.

This page is intentionally left blank

AGENDA ITEM 11.2

**Council****18 December 2018**

Title	Referral from Policy and Resources Committee to Full Council: Council Tax Support 2019/20 – Revision to Council Tax Reduction Scheme
Report of	Head of Governance
Wards	All
Status	Public
Enclosures	<p>Annexe 1 – Report to Policy & Resources Committee, 11 December 2018 – Council Tax Support 2019/20 – Revision to Council Tax Reduction Scheme</p> <p>Appendix A – Proposed Barnet Council Tax Support Scheme</p> <p>Appendix B – Council Tax Support Scheme Consultation Findings Report</p> <p>Appendix C – GLA Consultation Response</p> <p>Appendix D – Citizens Advice Consultation Response</p> <p>Appendix E – Equalities Impact Assessment</p> <p>Appendix F – Proposed DCTH/DHP Policy</p>
Officer Contact Details	Anita O'Malley - Governance Team Leader, anita.vukomanovic@barnet.gov.uk , 020 8359 7034

Summary

The report to the Policy & Resources Committee on 11 December 2018 attached at Annex A Agenda Item 15 (Council Tax Support 2019-20 – Revision to Council Tax Reduction Scheme) will be considered by Policy and Resources Committee on 11 December.

The Committee are expected to recommend that Full Council approve the Barnet Council Tax Support Scheme as detailed in Appendix A.

Recommendations

Subject to the Policy & Resources Committee on 11 December 2018 agreeing the recommendations that Council:

- 1. Agree that the proposed Barnet Council Tax Support Scheme as set out in Appendix A should be referred to Full Council for approval.**
- 2. Note the proposed Discretionary Council Tax Hardship and Discretionary Housing Payment Policy as set out in Appendix F.**

1. WHY THIS REPORT IS NEEDED

- 1.1 As set out in report attached at Annex 1.

2. REASON FOR REFFERAL

- 2.1 Council Constitution, Article 4 (The Full Council) sets out the responsibilities of the Council which includes: Setting the Council Tax.

3. REASONS FOR RECOMMENDATIONS

- 3.1 As set out in report attached at Annex 1.

4. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 4.1 As set out in report attached at Annex 1.

5. POST DECISION IMPLEMENTATION

- 5.1 As set out in report attached at Annex 1.

6. IMPLICATIONS OF DECISION

- 6.1 **Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 6.2 As set out in report attached at Annex 1.

6.3 Legal and Constitutional References

- 6.3.1 The Council's constitution, Article 4 (The Full Council) sets out the responsibilities of the Council which includes: Setting the Council Tax

6.4 Risk Management

- 6.5 As set out in report attached at Annex 1.

6.6 Equalities and Diversity

- 6.7 As set out in report attached at Annex 1.

6.8 **Consultation and Engagement**

6.9 As set out in report attached at Annex 1.

7. **BACKGROUND PAPERS**

7.1 None.

This page is intentionally left blank

	<h2 style="text-align: center;">Policy and Resources Committee</h2> <h3 style="text-align: center;">11 December 2018</h3>
Title	Council Tax Support 2019/20 – Revision to Council Tax Reduction Scheme
Report of	Chairman of the Policy and Resources Committee
Wards	All
Status	Public
Urgent	Yes (see section 1.2)
Key	No
Enclosures	Appendix A – Proposed Barnet Council Tax Support Scheme Appendix B – Council Tax Support Scheme Consultation Findings Report Appendix C – GLA Consultation Response Appendix D – Citizens Advice Consultation Response Appendix E – Equalities Impact Assessment Appendix F – Proposed DCTH/DHP Policy
Officer Contact Details	Allan Clark – Revenues and Benefits Manager allan.clark@barnet.gov.uk

Summary

This paper provides information relating to the proposal of a new Council Tax Support (CTS) scheme, to be introduced in April 2019 and includes analysis from the public consultation carried out between 18th October 2018 and 29th November 2018.

The paper also provides details of the proposed Discretionary Council Tax Hardship and Discretionary Housing Payment (DCTH/DHP) Policy to be introduced alongside the CTS scheme in April 2019.

The report seeks support from members on the recommended CTS scheme and for referral to Full Council.

It also seeks approval from the committee to implement the DCTH/DHP Policy.

Officers Recommendations

The report recommends that the Committee:

- 1. Agree that the proposed Barnet Council Tax Support Scheme as set out in Appendix A should be referred to Full Council for approval.**
- 2. Approve the proposed Discretionary Council Tax Hardship and Discretionary Housing Payment Policy as set out in Appendix F.**

1. WHY THIS REPORT IS NEEDED

Local Council Tax Reduction Scheme

1.1 The London Borough of Barnet is considering replacing its current Local Council Tax Reduction Scheme (LCTRS) in 2019/20. The Council has four primary objectives:

- To move towards a scheme that is more adaptable to Universal Credit (UC) regulations.
- To mitigate against expected increases in administration costs under UC.
- To provide opportunity for better collection levels by reducing the monthly rebilling of Council Tax for UC claimants.
- To reduce the overall scheme costs.

1.2 The proposed LCTR scheme requires approval of Full Council and this decision needs to take place at the scheduled 18 December 2018 meeting to allow sufficient time to implement the changes if the scheme is approved.

1.3 With the introduction of UC there is a significantly higher volume of income re-calculations for those receiving LCTRS, therefore increasing resources required to administer the scheme.

- 1.4 Maintaining the current scheme into 2019/20 would not only mean that cost reductions could not be realised, but would also increase scheme cost slightly from £23.93m in 2017/18 to £23.99m in 2019/20. This is an increase in cost of £66,389 or 0.3%.

Current Position

- 1.5 The current scheme is based on the Default scheme. This is a complex means-tested scheme with certain types of income compared to a needs allowance which is itself calculated by reference to household circumstances. Since 2012/13, local authorities were permitted to determine their own local scheme for reductions in council tax to replace the council tax benefit scheme. There is a prescribed scheme for pensioner households whereas local authorities are free to determine an appropriate local scheme for working-age households.
- 1.6 For working-age households, Barnet Council has maintained the 2013 scheme and has uprated it in line with default regulations, with the exception of the family premium which has been retained.
- 1.7 Cost of current scheme

Cost of current scheme			
Age group	Number of households	council tax support (£/annum)	council tax support (£/week)
All working age	19,146	£14,832,579	£14.90
Pension age	8,230	£9,093,746	£21.25
Total	27,376	£23,926,325	£16.81

Current council tax support cost and level of support

Discretionary Council Tax Hardship & Discretionary Housing Payment Policy

- 1.8 The London Borough of Barnet are looking to update and combine the two currently separate policies for Discretionary Council Tax Hardship (DCTH) and Discretionary Housing payments (DHP).
- 1.9 The key drivers for this new policy was to consolidate the Discretionary Housing Payment Policy and the Discretionary Council Tax Hardship Scheme Policy whilst at the same time providing more detailed and clearer guidelines. These clearer guidelines will benefit both officers (decision makers) and potential claimants by clearly laying out the circumstances where awards are likely to be made.
- 1.10 A change has been made to the application process for DCTH which if agreed by the committee will remove the requirement for applications to be made by the claimant. This will be applied where the decision maker identifies a case

that would benefit from this award from another source; applications will be required in most cases.

- 1.11 There is no further changes to the overall policy intentions of the current policies or additional restrictions to what is being offered within this updated policy.
- 1.12 There is no change to the allocated budget available for those facing hardship. The Council however will keep the impact of the proposed scheme under review and if appropriate consider whether increases to the DCTH budget is appropriate.

2. REASONS FOR RECOMMENDATIONS

Proposed LCTRS Scheme

- 2.1 A report presented to the Urgency Committee on 15th October 2018 considered several modelled options for the new scheme with 'Model 5' being the proposed model for consultation. This report can be viewed [here](#).
- 2.2 The council consulted on the proposed Model 5 for a 6-week period, the full findings and methodology are contained within Appendix B. The consultation was focused on stakeholder's views in the following key areas:
 1. If the Council has set the correct aims by introducing an income banded scheme. And if so, were the levels of banding deemed fair.
 2. If residents agreed with the capital limit (the maximum amount of savings and/or investments) being reduced from £16,000 to £6,000.
 3. If residents agreed with Non-Dependant deductions being simplified.
 4. If residents agreed with the introduction of the Minimum Income Floor for self-employed people.
 5. If residents agreed with the proposal to no longer offset Child Care Costs against earnings.
- 2.3 The key findings of the consultation are summarised below:

All Respondents

- Respondents are in favour of a simplified income banded scheme with 48.53% agreeing. 29.95% didn't agree and the remainder were either not sure or neither agreeing or disagreeing.
- The view on the banded levels were 44.72% disagreeing, 37.1% agreeing and 11.39% neither agreeing or disagreeing.

- Respondents are not in favour of the reduced capital limits with 54.85% disagreeing. 29.54% did agree, 14.77% weren't sure or neither agreed or disagreed with 0.84% not responding to this question.
- The views on changes to non-dependant deductions were mixed with 41.77% disagreeing, 24.05% agreeing and 30.38% neither agreeing or disagreeing.
- Opinion on the introduction of a minimum income floor for self-employed was split with 32.49% neither agreeing or disagreeing, 31.64% disagreeing and 30.38% agreeing.
- The views on removing child care costs from the scheme were mixed with 39.24% disagreeing, 30.80% neither agreeing or disagreeing and 22.36% agreeing.

Current Council Tax Support Recipient Responses

- Respondents are in favour of a simplified income banded scheme with 48.53% agreeing. 26.47% didn't agree and the remainder were either not sure or neither agreeing or disagreeing.
- The view on the banded levels were 42.65% disagreeing, 37.5% agreeing and 11.39% neither agreeing or disagreeing.
- Respondents are not in favour of the reduced capital limits with 55.15% disagreeing. 30.88% did agree, 13.97% weren't sure or neither agreed or disagree.
- The views on changes to non-dependant deductions were mixed with 44.12% disagreeing, 22.06% agreeing and 33.82% neither agreeing or disagreeing.
- Opinion on the introduction of a minimum income floor for self-employed was split with 35.29% neither agreeing or disagreeing, 32.35% disagreeing and 32.35% agreeing.
- The views on removing child care costs from the scheme were mixed with 39.71% disagreeing, 37.50% neither agreeing or disagreeing and 22.79% agreeing.

Additional Comments made by Respondents

Appendix B contains details of the additional comments made as part of the consultation. They have been analysed and grouped into the broad themes shown in the table below.

Nonspecific comments or comments made about situations outside the proposed scheme have been left out of the themed analysis.

Several respondents made comments relating to the key components of the proposed scheme, however as their agreement or disagreement had already been captured in the earlier questions, these were also left out the themed analysis.

Broad Themes of disagreement not already captured in this report	
Themes	Number of comments
Penalising the poorest/most vulnerable / increasing poverty	28
Increasing hardship	8
More protection required for disabled households	8
Penalising the self employed	5
Will result in increased debt including rent and council tax arrears	4
Penalising families	3
Will increase homelessness	3
Will increase stress and mental health issues	2
Social cleansing exercise	2
Not supportive of those caring for others	2
People with kids claiming benefits is putting pressure on others	1
Discriminating against those with children in childcare	1
Penalising lone parents	1
Will increase crime	1

The above suggests the main area of concern with the proposal is that the poorest and most vulnerable are being unfairly treated which will result in hardship. Other issues have been raised and in the main are covered within the EIA (Appendix E).

The Council will look to support those in severe hardship with DCTH being a possible solution. The Council will also monitor applications for DCTH and continue to review the support available as discussed in paragraph 1.12. Where respondents disagreed with the proposed changes they were given the opportunity to suggest alternative methods to achieving the required savings. Those comments have also been analysed and grouped into the broad themes shown in the table below.

Alternative Suggestions to Saving Money	
Themes	Number of comments
Look to wealthier residents for a higher contribution	15

Bring service back in house/end relationship with Capita	14
Reduce staff and or salaries	8
Lobby central government for more funding	4
Reduce support for higher banded properties/increase their tax	4
Don't disregard the value of the claimants home when assessing capital	3
Reduce waste collection	3
Reduce councillor pay/freeze increases	2
Don't provide loans to private companies/Saracens	2
Don't waste money on new offices	2
Greater control over highway maintenance expenditure	2
Get businesses to contribute more	1
Increase Council Tax	1
Don't send land off at subsidised prices	1
Collect parking fines	1
Introduce a tax on road pollution	1
Provide less support to those who don't work	1
Get capital expenditure under control	1
Introduce waste collection charges	1
Generate income from green energy initiatives	1
Share a chief exec with neighbouring boroughs	1
Cut expenditure on consultants/agency staff	1
Change in political leadership	1
Limit expenditure on meetings and travel etc	1

Some of what has been suggested has already been considered within the Councils budget proposal and where appropriate the Council will consider the other points raised as potential areas for savings going forward.

Greater London Authority Response

Appendix B contains the full written response received from the Greater London Authority (GLA), the key points are summarised below with the Councils response where appropriate.

- They are in favour of a simplified income banded scheme, commenting that such an approach should reduce the burden on the Council to recalculate entitlements multiple times a year. They also highlight that it

will improve certainty over the council tax bill UC claimants will be required to pay, enabling greater certainty over their finances.

- They do have concerns over the proposed banding levels, highlighting the fact that working age claimants will on average see a reduction in support by 25% with couples on legacy benefits facing a significant reduction of over 30%
- There is also concern over a 'cliff edge effect' where claimants move into work owing to the proposed bands.

The Council has considered this point and agrees it would not wish to have a scheme that penalised claimants who wish to get into work. When the scheme was modelled the banding levels were set to spread the loss across the whole caseload as evenly as possible. As the scheme looks to determine an award solely on net earnings any other income that the customer may receive through UC or legacy benefits (where appropriate) would be ignored resulting in less of a financial 'cliff edge' than the bands suggest. If a customer does find themselves considerably worse off and in financial hardship following a move into work, the Council would consider an application for a DCTH payment.

- They raise the valid point around research conducted by the New Policy Institute which highlights poorer collection rates within scheme that require more than a minimum 20% contribution.

This point was considered when the schemes were being modelled. The current collection rate from those receiving an award is 90%, the modelling has been carried out assuming a lower 85% collection rate.

- GLA have commented that the move to a £6,000 capital limit will bring Barnet's scheme in line with other London Boroughs, however they are concerned that this could result in a significant rise in some residents' council tax.

The Council agrees that this will be the case, however when capital reduces below £6,000 the resident will be able to reclaim support.

- GLA have mentioned that it would be helpful to know the number of claimants that would be affected by the capital reduction proposal and the average increase in liability as a result.

The modelling identified that 164 households would lose their Council Tax Support Award resulting in an average monthly increase in liability of £67.96.

- GLA have asked that we consider how the changes impact on our vulnerable residents. They have also suggested capping the maximum changes at a lower level for households with families.

The Council has considered the impact their scheme will have on its residents, vulnerable or otherwise. Unfortunately owing to the savings that the Council are required to make it simply cannot afford to propose a more generous scheme. The sections below discuss alternative models considered and the things that were considered as part of the proposed Budget.

- They welcome the proposal to continue with the discretionary council tax relief scheme and ask if more funds will be made available. Section 1.12 of this report deals with this question.
- Finally, the GLA recommend that the Council consider its power under the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 to increase the premium charged for long term empty properties.

The Council is currently considering this as an option to generate additional revenue. Any proposal to increase is likely to be sent to the February 2019 meeting of the Policy and Resources Committee.

Preliminary analysis suggests that an increase in the premium to 100% would generate around £220,000 additional council tax.

Citizens Advice Barnet Response

Appendix B contains the full written response received from the Citizens Advice Barnet (CAB), the key points are summarised below with the Councils response where appropriate.

- They are extremely concerned about the impact the proposed changes will have on vulnerable adults, many of whom are their clients. They advise that from April 2018 and September 2018 4% of their clients experiencing benefit problems specifically had issues with Council Tax Support. 19% of their clients with debt issues had Council Tax debts.
- They feel that the banding levels are unreasonable with specific concerns around the under £500 earned income banding and they perceive this as a deterrent to enter work

The Council has considered this point and agrees it would not wish to have a scheme that penalised claimants who wish to get into work. When the scheme was modelled the banding levels were set to spread the loss across the whole caseload as evenly as possible. As the scheme looks to determine an award solely on net earnings any other income that the customer may receive through UC or legacy benefits (where appropriate)

would be ignored resulting in less of a financial ‘cliff edge’ than the bands suggest. If a customer does find themselves considerably worse off and in financial hardship following a move into work, the Council would consider an application for a DCTH payment.

- They feel the reduction in capital limit is unfair and ask that consideration be given to applying the same limits as exist in other means tested benefits.
- They believe the application of a minimum income floor is wholly unfair and advise that this is something they are currently campaigning against within UC.

The Council has considered the points around the capital limit and minimum income floor. Unfortunately owing to the savings that the Council are required to make it simply cannot afford to propose a more generous scheme. The sections below discuss alternative models considered and the things that were considered as part of the proposed Budget.

- The CAB are supportive of the changes to Non-Dependant deductions with the opinion that the current deductions are outdated.
- CAB do not support the proposed changes to Child Care Costs. They believe this will act as another deterrent to work with those who have had the care costs covered by UC or tax credits likely to see no Council Tax Support award.

The Council has considered this point and carried out further modelling, discussed from paragraph 2.4 following the consultation and owing to savings required it simply cannot afford to include Child Care Costs within its scheme.

Specifically, in response to the point about costs being offset for those receiving UC or tax credits; the Council do not agree with CAB’s opinion that they will likely see no award at all. As the proposed scheme looks purely at earnings any additional UC or tax credits paid to the claimant to support their child care, would be completely ignored within the calculation.

- CAB have asked whether the budget for Council Tax Discretionary Relief will be increased in light of the proposed scheme changes. Section 1.12 of this report deals with this question.

2.4 Analysis of the opinion between those currently claiming Council Tax Support and those not suggests there is no real difference in respondents’ outlook, whether claiming or not, towards the scheme. The table below summaries this.

	Total	CTS recipient	Total	CTS recipient
--	-------	---------------	-------	---------------

	Agree	agree	Disagree	disagree
Income Banding	48.53%	48.53%	29.95%	26.47%
Income banding levels	37.14%	37.50%	44.72%	42.65%
Reduction in Capital	29.54%	30.88%	54.85%	55.15%
Non-Dependant changes	24.05%	22.06%	41.77%	44.12%
Minimum Income Floor	30.38%	32.35%	31.64%	32.35%
Child Care Costs	22.36%	22.79%	39.24%	39.71%
Views on reduction in expenditure	26.58%	31.62%	42.62%	40.44%
Overall views of the proposed scheme	29.03%	29.41%	52.54%	50%

- 2.5 In the main respondents have objected to the banding levels, proposed changes on Capital, Non-Dependant Deductions and Child Care Costs. When the initial modelling was carried out Policy in Practice assisted the Council by analysing current caseload and from this designed banding levels which provided, as far as possible, a relatively even reduction across income levels. The banding was therefore designed in a way that savings could be met across all bands as fairly as possible and is therefore fundamental to the proposed scheme design.
- 2.6 In response to concern around Capital, Non-Dependant Deductions and Child Care Costs the Council has commissioned further modelling from Policy in Practice. They were provided with our latest caseload extract to ensure the modelling took account of any recent changes. It should be noted that the forecasted outturn for 2018/2019 Council Tax Support expenditure has increased from £23.93m to £24.65m, an increase of £720,000.
- 2.7 This updated modelling, referred to as Model 6 was done on the same basis as Model 5 except for the following changes:
- The capital limit would be increased from £6,000 to £10,000 with the current tariff income calculation between £6,000 and £10,000 continuing.
 - Child Care Cost disregards would be included for those on legacy benefits.
 - No changes to non-dependent deduction rates would be made.
- 2.8 The headline finding of the remodelling is that should the Council adopt Model 6 as its scheme then the savings generated would reduce from £3.2m to £1.6m overall, this includes GLA share and doesn't account for non-collection. It is difficult to attribute exact costings to each of the factors within paragraph 2.6

owing to the interdependencies each change has on the other. However, the table below provides an estimate of how the £1.6m reduction is made up.

Element	Percentage reduction in savings
Cost of Capital changes	17%
Cost of Child Care Cost changes	65%
Cost of Non-Dependant changes	17%

- 2.9 Applying the same 85% collection rate as assumed in Model 5 and after allowing for our major preceptors share these changes would result in the Council achieving a £1.1m reduction in cost compared to the forecasted outturn for 2018/2019.
- 2.10 Savings from Model 5 were £2.1m meaning a move to Model 6 would see a reduction in savings of £1m.
- 2.11 Model 5 therefore remains the only scheme that will meet the financial savings target.

DCTH/DHP Policy

- 2.12 The current DCTH and DHP policies are both administered by the same team and in many occasions, assist the same customers. The consolidated policy will therefore provide just one reference point for both applicants and decision makers.
- 2.13 The additional detail within this newly combined policy will provide a more robust reference point for applicants and decision makers.
- 2.14 The removal of the requirement for all claimants to complete a written application for DCTH will provide support for our most vulnerable citizens including those negatively impacted by the proposed changes to the LCTRS. In situations where revenues and benefits staff are made aware of a situation of hardship, they will be able to automatically award DCTH, if they feel appropriate based on other information held.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

Proposed LCTRS Scheme

- 3.1 The Urgency Committee report of 15th October 2018 contained information as to previous alternatives considered and not recommended.

- 3.2 An alternative scheme based on the changes discussed in 2.5 was considered but owing to the additional cost of making these changes this is not recommended.

DCTH/DHP Policy

- 3.3 The status quo of two separate policies was considered but not recommended.

4. POST DECISION IMPLEMENTATION

Proposed LCTRS Scheme

- 4.1 The decision to adopt the scheme will be referred to Full Council on 18th December 2018.

DCTH/DHP Policy

- 4.2 Key staff will be briefed on the policy in readiness for April 2019.
- 4.3 The policy will be published online and shared with key stakeholders such as Citizens Advice Barnet.

5. IMPLICATIONS OF DECISION

Corporate Priorities and Performance

- 5.1 The recommendation within this report supports the Council's corporate priorities as expressed through the 2018/19 addendum to the Corporate Plan for 2015-20 which sets out the Council's financial position and highlights a further gap between 2018 and 2020 of £41million.

Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2 The council's Council Tax Support Scheme currently costs the authority £24.65m per year.
- 5.3 At its meeting on the 6th March 2018, Full Council approved the MTFS and detailed revenue budgets which included an assumption of £1.4m additional income relating to a change in the Council Tax Support Scheme for 2019/20. Full Council also approved a change in financial strategy and seeks to balance its resources recurrently, ceasing to utilise reserves to fund ongoing expenditure.

- 5.4 Following a further review of the Council's financial position at the July 2018 Policy and Resources Committee, the requirement to identify further savings or increased revenue was presented.
- 5.5 Within the MTFS considered at the Committee, a funding deficit of £9.8m was identified for 2019/20. This was after an assumption of increasing Council Tax by the maximum allowed under regulation. This also assumed all currently proposed savings were fully achieved and that the adverse budget variance for 2018/19 was fully resolved.
- 5.6 The Policy and Resources Committee considered a forecast of the Council's reserves position in June 2018. This highlighted that non-ringfenced revenue reserves were anticipated to reduce from £41.5m to £7.5m by the end of 2019/20. Clearly this level of reduction is unsustainable and action is required to reduce the draw on reserves going forward.
- 5.7 The MTFS presented to this Committee as part of the Business Planning report in item 8 means that Non Ringfenced Revenue Reserves are forecasted to fall to just over £20m. The council's Section 151 officer has made the determination that they should not fall below this level in order to ensure the council has sufficient resilience to adverse events. As such, the use of reserves to negate further budget savings cannot be considered.
- 5.8 The council estimated that it had a funding deficit of £69m over the period 2019-2024 and has been identifying proposals for funding reductions in order to balance this shortfall. As a way of reducing this funding deficit, a further reduction of £0.6m in the cost of the LCTRS is proposed for consideration.
- 5.9 Significant savings from across the council have been put forward and a total of £68.0m of proposals are presented to the Committee for consideration and approval if appropriate at item 8 on this Committee's agenda. This includes the LCTRS proposal. The process of arriving at this level of savings has considered all areas of council activity. Even so, this level is still insufficient to balance the expenditure with the forecast incoming resources for 2019/20 and 2020/21.
- 5.10 Should the recommendation to approve the scheme amendments to full council not be taken, the MTFS will be unbalanced and alternative savings will be required in order to present a legal budget for approval.

Social Value

- 5.11 The LCTRS provides financial support to council tax payers on low incomes by reducing the amount they are required to pay. The DCTH/DHP policy provides

support to our most vulnerable citizens to help meet council tax liabilities and shortfalls in housing costs.

Legal and Constitutional References

- 5.12 Section 13A(1)(a) and (2) of the Local Government Finance Act 1992 introduced a duty on every billing authority in England to make a scheme specifying the reductions which are to apply to amounts of council tax payable, in respect of dwellings situated in its area, by:
- (a) Persons whom the authority considers to be in financial need, or
 - (b) Persons in classes consisting of persons whom the authority considers to be, in general, in financial need.
- 5.13 The above scheme is referred to as the authority's council tax reduction scheme. Section 67 of the 1992 Act requires that revisions to the council tax reduction scheme are reserved to Full Council for a decision.
- 5.14 Schedule 1A sets out the requirements in relation to adoption or revision of a scheme. Paragraph 2 confirms a scheme must state the classes of person entitled to a reduction and that this may be by reference to income, capital, a combination of income and capital, number of dependents and whether an application has been made. Different reductions may be set for different classes. A reduction may be a discount calculated as a percentage, a set amount, expressed as an amount of council tax to be paid or the whole amount of council tax. The scheme must state the procedure by which a person may apply for a reduction and the procedure for appeal. The scheme must comply with prescribed matters set out by the Secretary of State in regulations. Paragraph 5 confirms that a billing authority must consider whether to revise its scheme or to replace it with another scheme for each financial year. Any revisions or replacement must be made no later than 11 March in the financial year preceding that for which the revision or replacement is to have effect. If any revision or replacement has the effect of reducing or removing a reduction to which any class of persons is entitled, the revision or replacement must include such transitional provision as the authority thinks fit. When making revisions to a scheme, paragraph 3 applies. Paragraph 3 requires an authority, before making a scheme, to (a) consult any major precepting authority which has power to issue a precept to it, (b) publish a draft scheme in such manner as it thinks fit, and (c) consult such other persons as it considers are likely to have an interest in the operation of the scheme.
- 5.15 **Section 13A(1)(c)** permits a billing authority to reduce council tax in other discretionary circumstances.
- 5.16 When making policy decisions, the Council must take into account of all relevant material, including financial resources, consultation responses and potential equality impacts in order to reach a decision. This report presents a proposed

model, as well of details of why an alternative model has been discarded based on financial implications. However, this does not preclude Committee from recommending that another option is the most appropriate way forward.

- 5.17 There is a statutory duty to consult on the council tax support scheme. A summary of the details of the consultation responses are set out in the report and the full results are attached as an appendix. Case law has confirmed that when determining whether to change policy, the Council must be receptive to reasonable arguments against the proposals, however this does not simply involve a head count of those for and against the proposals. In the case of withdrawal of support, it will not be surprising if a number of respondents are against the proposal. The Committee must take these views into account and must balance this with other relevant information to decide whether to recommend an option.
- 5.18 Council Constitution, Article 7 (Committees, Sub-Committees, Area Committees and Forums and the Local Strategic Partnership) sets out the responsibilities of the Policy and Resources Committee which includes: To be responsible for Finance including Local taxation.
- 5.19 Council Constitution, Article 4 (The Full Council) sets out the responsibilities of the Council which includes: Setting the Council Tax.

6. RISK MANAGEMENT

- 6.1 The risks associated with this report are that vulnerable citizens find themselves with lower levels of financial support. If approved, the DCTH/DHP policy will assist with mitigating hardship to the worst affected. As set out in paragraph 1.12, the level of available DCTH/DHP will be kept under review.

7. EQUALITIES AND DIVERSITY

- 7.1 The 2010 Equality Act outlines the provisions of the Public-Sector Equalities Duty which requires Public Bodies **to have due regard** to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not
 - foster good relations between persons who share a relevant protected characteristic and persons who do not.
- 7.2 The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.3 A full EIA for the LCTRS has been undertaken and can be found at Appendix E. The overall assessment of the proposed scheme is one of a negative significant impact. The tables below provide analysis of how different groups are impacted by the proposed scheme. To help mitigate against any severe financial hardship which the scheme may cause any particular group the

Council will ensure its DCTH/DHP policy is publicised and brought to the attention of key stakeholders such as the Citizens Advice Barnet. It will also keep both the DCTH/DHP policy and this proposed scheme under review.

Households losing more than £5.00 per week, by economic status				
	Universal Credit		Legacy benefits	
Economic status	Number losing over £5/week	% of total cohort losing over £5/week	Number losing over £5/week	% of total cohort losing over £5/week
Employed	990	42.1%	1,611	43.3%
Self-employed	783	72.8%	1,298	73.3%
Out-of-work benefits	836	19.7%	1,182	19.7%
Total	2609	34.1%	4,091	35.6%

Households losing more than £5.00 per week, by household composition				
	Universal Credit		Legacy benefits	
Household type	Number losing over £5/week	% of total cohort losing over £5/week	Number losing over £5/week	% of total cohort losing over £5/week
Single	777	23.7%	1,056	23.5%
Lone Parent	667	30.5%	1,011	29.5%
Couple no children	226	54.2%	306	54.8%
Couple with children	939	52.9%	1,718	57.2%
Total	2609	34.1%	4,091	35.6%

Number of households losing support		
Loss £/week	Universal Credit	Legacy
£5-£10	1471	2277
£10-15	683	1109
£15-20	286	430

>£20	169	275
Total losing more than £5/week	2609	4091

Number of households gaining support		
Gain £/week	Universal Credit	Legacy
£5-10	238	356
£10-15	33	43
£15-20	8	14
>£20	3	3
Total gaining more than £5/week	279	413

8. CORPORATE PARENTING

- 8.1 In line with Children and Social Work Act 2017, the council has a duty to consider Corporate Parenting Principles in decision-making across the council. The outcomes and priorities in the refreshed Corporate Plan, Barnet 2024, reflect the council's commitment to the Corporate Parenting duty to ensure the most vulnerable are protected and the needs of children are considered in everything that the council does.
- 8.2 Care leavers liable for Council Tax will be protected from the proposed changes to the Council Tax Support scheme for up to their first two years of independent living up to the age of 25. This is because the Council committed to providing support to this group through the Care Leaver Council Tax Reduction Policy. The policy was adopted in July 2018, but backdated to April 2018, meaning that all care leavers living independently have relief until at least April 2020. During the period to April 2020 the council will investigate further whether there are any potential unintended consequences for care leavers from this scheme, with a view to having any necessary consequential changes to the Care Leaver Council Tax Reduction Policy in place by April 2020.
- 8.4 Although it has not been possible to analyse the specific impacts of the proposed changes on foster carers, providers of supported lodgings or special guardians, it is not the intention of the Council to cause these groups of people any additional hardship. Foster care allowances, supported lodging allowances and special guardianship allowances will be fully disregarded under the proposed scheme.

- 8.5 The council will always have regard to the Corporate Parenting Principles in considering any applications for discretionary help from foster carers, providers of supported lodgings, special guardians or care leavers.

9. CONSULTATION AND ENGAGEMENT

- 9.1 The consultation results have been included in the main part of this report.

10. INSIGHT

- 10.1 The Council via Policy in Practice has considered the demographic data it holds on current LCTRS claimants. This data was anonymised to protect the identity of the claimants.

11. BACKGROUND PAPERS

- 11.1 None applicable to this report

This page is intentionally left blank

Barnet Council Tax Support Scheme

Effective 1 April 2019



Glossary	3
1 Introduction.....	5
2 Classes of Persons.....	5
3 Maximum Council Tax Support for the purposes of calculating eligibility for support under this scheme and amount of reduction	6
4 Non-dependant deductions: pensioners and persons who are not pensioners	6
5 Amount of reduction under this scheme.....	6
6 Capital.....	7
7 Extended reductions and qualifying conditions for an extended reduction	7
8 Procedural Matters.....	7
9 Effective date of a change of circumstance.....	8
10 Appeals	9
11 Discretionary Reduction see Part 3 of Schedule 1 of the default scheme.....	9
12 Time and manner of granting relief and recoveries / overpayments.....	10
Appendix A Protected Groups	11
Appendix B Non-Dependant deductions	11

Glossary

Capital	Money or other assets owned or jointly owned by a person.
Change of Circumstance	Any change of circumstances affecting entitlement to CTS, including but not limited to changes to income, liability, household members or residence that would affect entitlement to CTS.
Council Tax payer	Person liable to pay Council Tax on the property.
Council Tax Support (CTS)	The London Borough of Barnet's (Barnet) scheme.
Default scheme - Pensioner	The default scheme contained in the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012 SI 2886/2012
Banded Scheme - Working Age	Council Tax Support for Working Age customers will be calculated against an income banded scheme and will no longer be in line with the default scheme.
Dispute	Where the CTS recipient disagrees with the amount of CTS awarded or the refusal to award CTS applicant.
Disregards	Deductions allowed against the income.
Earned Income	Has the meaning given with paragraphs 18 and 21 of Schedule 1 of the Prescribed Requirements Regulations.
Excess Income	The amount the taxpayer's weekly income exceeds their applicable amount for pensioner claims.
Extended Reduction - Pensioner	An amount awarded for a period after the applicant or their partner has started work or increased their hours of work and is therefore no longer entitled to a qualifying benefit or qualifying contributory benefit.
Income - Pensioner	Income from all sources not limited to earnings. Some income will be wholly or partly disregarded.
Income – Working Age	Council Tax Support will be calculated solely on earnings to set the appropriate band.
Maximum liability	The maximum liability is the maximum band after any Council Tax discounts or band reductions awarded under the Local

	Government Finance Act 1992. For example, single person discounts or band reductions due to disability.
Non-Dependant	Anyone who lives with you who is over 18 and is not your partner, a dependent child, joint tenant or sub-tenant.
Non-Dependant Deduction	An amount deducted from your entitlement depending on the Non-Dependants circumstances.
Overpayment	Any amount of CTS awarded to which the recipient is not entitled.
Pension Age	The age at which a person is eligible to claim State Pension Credit. Please note the age is changing to reflect the equalisation of pension ages between men and woman and the planned increase in retirement age.
Premium	An additional element forming part of the applicable amount relating to the individual or couple's circumstances. For working age claimants there will be no applicable amounts as an income banded scheme calculates entitlement by categorising income against the correct band.
Prescribed Requirements Regulations	Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 SI 2885 2012.
Protected group	Groups listed in Appendix B will continue to receive up to 100% support with entitlement assessed in the same manner as those of pension age.
Taper	The rate at which CTS is withdrawn if the income including tariff income is greater than the applicable amount or living allowance. Not applicable to working age customers who will have their CTS calculated under a banded income scheme.
Tariff income – Pensioners (Default)	Income generated by savings and capital between the lower and upper capital thresholds.
Work	Employed or self-employed.
Working Age	The age below which a person or couple is eligible to claim State Pension Credit.
1992 Act	Local Government Finance Act 1992.

1 Introduction

The London Borough of Barnet's ("LBB") Council Tax Reduction Scheme is based on the default scheme and prescribed requirements regulations **for pension age customers**, except where the contrary is set out within the scheme. Definitions and detail from the regulations are not replicated in this document and the detail can be found by following the links below.

[Council Tax Reduction Schemes \(Prescribed Requirements\) \(England\) Regulations 2012 SI 2885/2012 \(as amended\)](#)

[Council Tax Reduction Schemes \(Default Scheme\) \(England\) Regulations 2012 SI 2886/2012 \(as amended\)](#)

The scheme for **working age applicants** will no longer be based on the default scheme and will calculate the CTS award using an income banded scheme. It has the following features:

- The number of calculations following changes in Universal Credit will be greatly reduced under the banded scheme. Only changes that alter the banding group will be applied. This reduces the regular monthly changes brought about by Universal Credit therefore reducing the possibility of monthly rebilling.
- Only earned income will be used in the calculation within the banded scheme. All other income will be disregarded. I.e. Disability Living Allowance, War Pensions and Child Benefit will continue to be disregarded in the calculation.
- For working age claims, the weekly liability will be reduced by the Non-Dependant deduction.

2 Classes of Persons

2.1 Classes of persons excluded from the scheme

Classes of persons to be excluded from the scheme are as set out in the prescribed requirements regulations, including persons treated as not in Great Britain and persons subject to immigration control.

2.2 Classes of person entitled to a reduction under this scheme

Pensioners

Classes A-C Pensioners who fall within any of classes A to C in the prescribed requirements regulations.

Working age persons

Persons who are not pensioners who have no earned income will fall into income band 1 of the table below.

Persons who are not pensioners who have earned income will receive a maximum level of support depending on what earnings threshold they fall into, as per the table below. Earned income will be calculated net of income tax, national insurance and 50% of pension contributions, there will be no other deductions.

Income Band	Discount off CT liability	Earnings threshold (monthly)
1	72.00%	No earnings
2	52.00%	<£500
3	44.00%	£500.01-£800
4	36.00%	£800.01-£1100
5	28.00%	£1100.01-£1400
6	20.00%	£1400.01-£1700
7	12.00%	£1700.01-£2000

Persons in receipt of Universal Credit will have their Council Tax Support calculated using the earnings verified on the Universal Credit notice.

Persons not in receipt of Universal Credit will be required to evidence their circumstances, such as earnings.

Persons who do not have any earned income will have all other income disregarded and be placed in Band 1 of the above table and receive a maximum award of 72%.

3 Maximum Council Tax Support for the purposes of calculating eligibility for support under this scheme and amount of reduction

3.1 Maximum Council Tax Support under this scheme: For classes A to C, the maximum council tax reduction is as set out in regulation 29 of the default scheme.

3.2 Maximum Council Tax Support under this scheme: For persons who are not pensioners the maximum Council Tax Support is calculated as per section 2.2. Non-dependant deductions will be calculated as per section 4.

4 Non-dependant deductions: pensioners and persons who are not pensioners

The non-dependant deductions for pensioners (classes A –C) are as set out in the prescribed requirements regulations.

The non-dependant deductions for working age from 1st April 2019 are as set out in appendix B.

5 Amount of reduction under this scheme

5.1 Amount of reduction under this scheme

Council Tax Support will then be calculated as per section 2.2.

5.2 Where a working age person is not in receipt of earned income, the award is

- the actual liability for the Council Tax.
- less 28%
- less any non-dependant deductions set out in appendix B

5.3 Where a working age person is in receipt of earned income, the award is

- the actual liability for the Council Tax
- less the maximum Council Tax Support, depending on earnings threshold as per the table below
- less any non-dependent deductions set out in appendix B

Income Band	Maximum Council Tax Support	Earnings threshold (monthly)
1	28.00%	No earnings
2	48.00%	<£500
3	56.00%	£500.01-£800
4	64.00%	£800.01-£1100
5	72.00%	£1100.01-£1400
6	80.00%	£1400.01-£1700
7	88.00%	£1700.01-£2000

6 Capital

The capital rules for calculating eligibility for a reduction are as set out in the default scheme, save that for working age – where capital exceeds £6,000, there will be no entitlement to Council Tax Support.

7 Extended reductions and qualifying conditions for an extended reduction

Extended reductions and qualifying conditions for extended reductions for those of pensionable age will be as set out in the default scheme.

8 Procedural Matters

8.1 Applications

CTS will only be paid upon receipt of an application. Applications must be made in writing and received by LBB’s Revenues and Benefits Service, or received electronically via LBB’s

website or in some other format as LBB may decide. If a request for CTS is received by the Revenues and Benefits Service by any means including one that is not in the correct format LBB will invite the applicant to complete an appropriate application. If the applicant does so and it is received within one month of being asked to do so then the application date will be the date the original request was received.

If a claim is made for Housing Benefit and the person claiming is also liable for Council Tax at the same dwelling then the Housing Benefit claim will be treated as a claim for Council Tax Support unless within fourteen days of receipt of confirmation of the award from LBB, the customer advises LBB in writing that they do not wish to claim.

For those of working age, where an application is defective or incomplete and the applicant or the person acting for them has not supplied the information requested or properly completed an application form within one month (or such longer period as LBB considers reasonable) of being asked to do so then LBB will decide that the applicant no longer wishes to apply for a reduction.

Where following a change of circumstance the person receiving a reduction is asked to supply evidence or information in support of their claim and fails to do so within one month (or such longer period as LBB considers reasonable) then the CTS award will be amended based upon an adverse inference of the information held from the date the change of circumstances occurred. This could lead to any award being ended.

Where an application is made for Universal Credit, Income Support, Jobseekers Allowance (Income Based) or Income Related Employment and Support Allowance and the Department of Work and Pensions or the CTS applicant makes LBB aware of this fact within 4 weeks of them becoming entitled to one of the above benefits then the date of application will be treated as made on date they become entitled to one of the above benefits.

Applications for CTS can be made up to 13 weeks in advance prior to an event that would entitle them to CTS.

8.1 Backdating an award

For those of Pensionable age the rules for backdating a claim are set out in the default scheme and prescribed requirement regulations.

For those of working age a claim can be backdated for a maximum of 6 months if continuous good cause for failing to apply sooner can be shown. All applications must be in writing.

9 Effective date of a change of circumstance

For those of Pensionable age the effective date of a change of circumstance is as set out in the default scheme.

For those of working age the effective date of a change of circumstances is as set out Regulation 107 of the Default regulations. However, where an applicant is required to notify a change of circumstances and:

- (a) the change has been notified more than one month after the change occurred, or such longer time as LBB considers reasonable; and

(b) it was reasonably practicable for the change to be notified within this period; and

(c) the new decision on the reduction is advantageous to the applicant; then

the new decision on a reduction will take effect on the date of notification.

10 Appeals

If you disagree with our decision about your council tax reduction, in some cases you will be able to appeal to the Valuation Tribunal. The Tribunal is independent of LBB.

You can appeal to them regarding LBB's decision about:

- whether you are entitled to a council tax reduction
- how much of a reduction LBB have awarded you under the local scheme.

The Tribunal cannot hear appeals about what is LBB's scheme, only about the way the scheme has been applied in your case.

The stages to making an appeal are:

1. You must first contact LBB in writing explaining why you believe the decision to be wrong. LBB have 2 months to reply to your contact.
2. If LBB do not agree with your reasons for the decision being wrong you can then appeal to the Valuation Tribunal.
3. If you decide to appeal, you must contact the Valuation Tribunal within 2 months of LBB's decision and include a copy of the decision with your appeal form. You can either submit an electronic appeal form, download a form to complete offline, or contact the Valuation Tribunal to have them send you an appeal form.
4. If LBB have failed to respond to your contact at point 1 above within 4 months you can refer your matter to the Valuation Tribunal without LBB's decision.

Further details can be obtained from the Valuation Tribunal at the following link. You will be able to download the appeals form or complete the online form from this link also. Should you wish to contact the Valuation Tribunal their contact details can also be obtained from the link below.

<https://www.valuationtribunal.gov.uk/your-appeal-type/council-tax/council-tax-reduction/>

11 Discretionary Reduction see Part 3 of Schedule 1 of the default scheme

An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act must be made –

(a) In writing.

(b) By means of an electronic communication (see part 4 of Schedule 1).

(c) Via LBB's website.

The applicant must state why the request is being made and supply such evidence and information as the Council may require in support of the request.

If for any reason the request is not in a form that LBB can accept then the applicant will be supplied with a suitable form.

12 Time and manner of granting relief and recoveries / overpayments

Where the Council Tax payer is entitled to an increase or decrease in their reductions following a reported change of circumstance, LBB will issue a substitute demand notice taking into account the increase or decrease in liability.

LBB will:

- (a) Recover over-entitlement of council tax support – this will be treated as an underpayment of Council Tax and collected via Council Tax enforcement methods;
- (b) Take recovery action according to the circumstances of the applicant;
- (c) Credit the Council Tax account with any underpayment of CTS.

Effective from 1 April 2019

Appendix A Protected Groups

Protected group
Where claimant or partner receives a War Pension, or a War Widow(ers) pension, or a War Disablement Pension or a regular payment under the armed forces compensation scheme.

Appendix B Non-Dependant deductions

Description	Deduction
Gross income greater than or equal to £200.00 per week.	£11.00 per week
Gross income less than or equal to £199.99 per week.	£5.00 per week
Where the claimant or their partner are in receipt of the care component of Disability Living Allowance at the middle or highest rate, receiving the daily living component of Personal Independence Payment or receive the Carer Premium.	£0.00 per week

This page is intentionally left blank

Council Tax Support Scheme 2019

Final Consultation Report

**18th October 2018 to 29th November 2018
Consultation**

Proposed Council Tax Support Scheme 2019

1.	Consultation Detailed Findings - Respondents.....	4
1.1	Response to the consultation.....	5
1.2	General public and stakeholder response and profile from questionnaire.....	5
1.3	Protected Characteristics.....	7
1.4	Interpretation of the results.....	8
1.5	Calculating and reporting on results.....	8
2.	Consultation Detailed Findings - Results.....	8
2.1	Views on the key components of the proposed Council Tax Support Scheme	9
2.2	Views on responses about the proposed Council Tax Support scheme.....	22
3.	Additional questions outside of the 6 key components.....	29
3.1	Views on reducing the expenditure of the Council Tax Support Scheme.....	29
3.2	Views on the overall proposal for the Council Tax Support Scheme.....	31
4.	Consultation Response – Written Responses.....	32
5.	Additional comments from questionnaire.....	32
6.	Conclusion.....	34
7.	Appendix A – Additional Comments from Questionnaire.....	35
8.	Appendix B – GLA written response.....	45
9.	Appendix C – Citizens Advice Barnet written response.....	51

Table of Figures

Figure 1.1: General Public Sample Profile (Below).....	5
Figure 1.2: General public consultation sample profile – key demographics (above).....	7
Figure 1.3: Protected characteristic sample profile.....	8
Figure 2.1: The extent to which respondents agreed or disagreed with the six key components of the proposed Council Tax Support Scheme (below).....	10
Figure 2.2: The extent to which respondents agreed or disagreed with the aim to introduce an income banded scheme in place of the current complex means tested scheme (below).....	10
Figure 2.3: Chart showing the extent to which respondents agreed or disagreed with the income banded scheme being introduced (below). Second chart depicts responses for Council Tax Recipients only. These account for 136 of the 237 total responses.....	11
Figure 2.4: To what extent do you agree or disagree with the earning band levels that have been identified in the table above? (below).....	12
Figure 2.5: Chart showing the extent to which respondents agreed or disagreed with the earning band levels within each income band (below). Second chart depicts responses for Council Tax Recipients only. These account for 136 of the 237 total responses.....	12
Figure 2.6: The extent to which respondents agreed or disagreed with the aim to reduce the capital limit from £16,000 to £6,000 (below).....	13
Figure 2.7: Chart showing the extent to which respondents agreed or disagreed with the aim to reduce the capital limit from £16,000 to £6,000 (below). Second chart depicts Council Tax Recipients only. These account for 136 of the 237 total responses.	14
Figure 2.8: The extent to which respondents agreed or disagreed with the aim to introduce simplified non-dependant deductions (below).....	15
Figure 2.9: Chart showing the extent to which respondents agreed or disagreed with the aim to introduce simplified non-dependant deductions (below). Second chart depicts Council Tax Recipients only. These account for 136 of the 237 total responses.....	15
.....	16
Figure 2.10: The extent to which respondents agreed or disagreed with the aim to introduce a Minimum Income Floor for the self-employed (below).....	17
Figure 2.11: Chart showing the extent to which respondents agreed or disagreed with the introduction of a Minimum Income Floor (below). Second chart depicts Council Tax Recipients only. These account for 136 of the 237 total responses.	17
.....	18
Figure 2.12: The extent to which respondents agreed or disagreed with the aim to no longer offset child care costs against income when calculating Council Tax Support claimants will receive (below).....	18

Proposed Council Tax Support Scheme 2019

Figure 2.13: Chart showing the extent to which respondents agreed or disagreed with the aim to no longer offset child care costs against income when calculating Council Tax Support claimants will receive (below). Second chart depicts Council Tax Recipients only. These account for 136 of the 237 total responses.	18
.....	19
.....	19
Figure 2.14: The extent to which respondents agreed with the six key components of the proposed Council Tax Support Scheme (below)	20
Figure 2.15: The extent to which respondents disagreed with the six key components of the proposed Council Tax Support Scheme (below)	20
Figure 2.16: Graph showing how the responses compare collectively (below).....	21
Figure 2.17: If respondents agreed with the assumption “Do you agree with the introduction of an income banded scheme?” (below)	23
Figure 2.18: To what extent do you agree or disagree with the earning band levels that have been identified? (below)	23
Figure 2.19: The extent to which respondents agreed or disagreed with the proposal to reduce the capital limit from £16,000 to £6,000 (below).....	24
Figure 2.20: Chart showing the extent to which respondents agreed or disagreed with the proposal to reduce the capital limit from £16,000 to £6,000 (below).....	24
Figure 2.21: Chart below shows the overall % of agreement and disagreement about simplifying Non-Dependant deductions (below).....	26
Figure 2.22: Graph depicting the closeness in responses to the question on Minimum Income Floor (below).....	27
Figure 2.23: Chart depicting the closeness in responses to the question on Child Care Disregards (below).....	29
Figure 2.24: Chart depicting the responses to the question on reducing the overall expenditure of the scheme (below)	31
Figure 2.25: Chart depicting the responses to the question on the overall proposal of the Council Tax Support scheme (below).....	32

1. Consultation Detailed Findings - Respondents

As is usual practice, the drafting of a new Council Tax Support Scheme has been subject to a formal public consultation. This report sets out the full findings from the council's consultation. The findings will be considered by Committee on 11th December 2018.

Technical details and method

In summary, the consultation was administered as follows:

- The Consultation was open for six weeks, from 18th October 2018 until 29th November 2018
- The consultation was published on Engage Barnet <http://engage.barnet.gov.uk> together with a consultation document, questionnaire and draft Council Tax Support scheme which provided detailed background information.
- Support documents and evidence for the assumptions used within the proposals were published online at Engage Barnet
- Respondent's views were gathered via an online survey. Paper copies and an easy read version of the consultation were also made available on request.
- The consultation was widely promoted via the council's council website; Twitter; Facebook; Area Forums and through library drop in sessions.
- Statutory bodies and key stakeholders were contacted directly, i.e. Citizens Advice Barnet, Barnet Mencap, Mind in Barnet, Gingerbread and the Adults and Communities department of Barnet Council to take part in the consultation.

The questionnaire was developed to ascertain residents' and other stakeholder's views on the proposed scheme and views on how the service may be delivered in the future. In particular the consultation invited views on the following:

- If the Council has set the correct aims by introducing an income banded scheme. And if so, were the levels of banding deemed fair.
- If residents agreed with the capital limit (the maximum amount of savings and/or investments) being reduced from £16,000 to £6,000.
- If residents agreed with Non-Dependant deductions being simplified.
- If residents agreed with the introduction of the Minimum Income Floor for self-employed people.
- If residents agreed with the proposal to no longer offset Child Care Costs against earnings.

Proposed Council Tax Support Scheme 2019

- If residents agreed with the reduction in costs of the scheme to help with Barnet's budget gap.

In order to enable further understanding and in-depth analysis the questionnaire also included:

- Open ended questions, where respondents were invited to write in any comments on the reason behind some of their answers and how they felt the council could have done things differently whilst still protecting valuable services.
- Key demographic questions to help understand the views of different demographic groups.

Throughout the questionnaire and where applicable hyperlinks were provided to the relevant sections of the consultation document. Those respondents who elected to receive a paper copy were also sent the consultation document and a paper questionnaire.

1.1 Response to the consultation

A total of 237 questionnaires and responses have been completed. 237 questionnaires were completed by the general public, interested groups and statutory bodies.

136 (57.38%) of respondents are currently in receipt of Council Tax Support, representing less than 1% of the 28,000 Council Tax Support recipients.

1.2 General public and stakeholder response and profile from questionnaire

Of the 237 public questionnaires responses that were received 228 responses were through online questionnaire, 9 paper questionnaires were returned. The Figure below shows the profile of those who responded.

Figure 1.1: General Public Sample Profile (Below)

Stakeholder	Number	%
Resident	200	84.39%
Business	0	0%
Resident and business based in Barnet	3	1.27%
Public sector organisation and representatives	0	0%
Voluntary/community organisation	0	0%
Other	2	0.84%
Prefer not to say	1	0.42%
Not answered	32	13.50%
Total	237	100%

Most respondents to the consultation were residents of Barnet – 84%. 32 of the 237 respondents (13.50%) chose not to answer this question which identified the type of stakeholder they were responding as.

Proposed Council Tax Support Scheme 2019

The chart below shows the demographic profile of those who responded to consultation questionnaire in terms of key demographics compared to the population of Barnet. Those who responded to the consultation closely match Barnet's population profile in terms of gender for female respondents but a lower response from male respondents. In terms of age, respondents in their mid-30s to mid-50s are slightly over represented. Those between 16 – 34 are significantly under represented.

In terms of ethnicity, significantly more white residents responded however each category tapers the Barnet population as seen below.

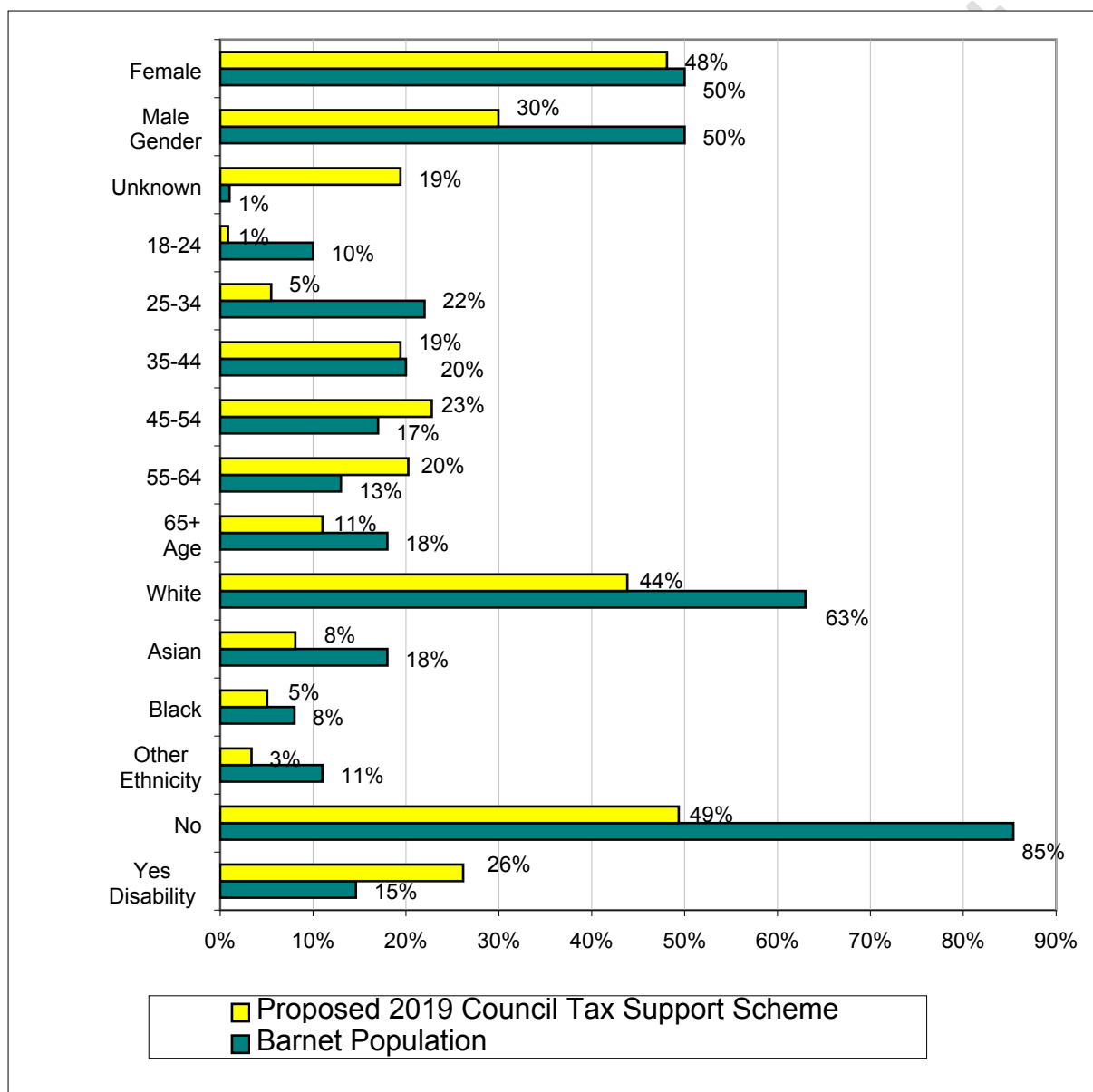


Figure 1.2: General public consultation sample profile – key demographics (above)

Proposed Council Tax Support Scheme 2019

1.3 Protected Characteristics

The council is required by law, Equality Act 2010, to pay due regard to equalities in eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations between people from different groups.

The protected characteristics identified in the Equality Act 2010 are age, disability, ethnicity, gender, gender reassignment, marriage and civil partnership, pregnancy, maternity, religion or belief and sexual orientation.

To assist us in complying with the duty under the Equality Act 2010 we asked the general public consultation respondents to provide equalities monitoring data and explained that collecting this information will help us understand the needs of our different communities and that all the personal information provided will be treated in the strictest confidence and will be stored securely in accordance with our responsibilities under the Data Protection Act 1998.

Figure 1.3: Protected characteristic sample profile

Protected Characteristic	Number	%
Faith		
Agnostic	0	0.00%
Atheist	1	0.42%
Baha'i	0	0.00%
Buddhist	4	1.69%
Christian	52	21.94%
Hindu	3	1.27%
Humanist	0	0.00%
Jain	1	0.42%
Jewish	16	6.75%
Muslim	20	8.44%
Sikh	0	0.00%
No religion	30	12.66%
Prefer not to say	26	10.97%
Other religion/belief (please specify)	3	1.27%
Not answered	81	34.18%
Total	237	100%

Pregnancy		
Pregnant	1	0.42%
On maternity leave	0	0%
Not pregnant	109	45.99%
Prefer not to say	2	0.84%

Proposed Council Tax Support Scheme 2019

Not answered	125	52.74%
Total	237	100%

Is your gender identity different to the sex you were assumed to be at birth?		
Yes, it's different	1	0.42%
No, it's the same	172	72.57%
Prefer not to say	23	9.70%
Not answered	41	17.30%
Total	237	100%

1.4 Interpretation of the results

In terms of the results of the questionnaire it is important to note that:

- The survey was self selecting and is therefore not a representative sample of the general population.
- The responses provide an important indication of where there may be particular strength of feeling.
- Where percentages do not add up to 100, this may be due to rounding, or the question is multi coded. All open-ended questions that invite respondents to write in comments, are multi-coded and therefore add up to more than 100 per cent.
- All open-ended responses to the public consultation have been classified based on the main themes arising from the comment, so that they can be summarised.

1.5 Calculating and reporting on results

The results for each question are based on “valid responses”, i.e. all those providing an answer (this may or may not be the same as the total sample) unless otherwise specified. The base size may therefore vary from question to question.

2. Consultation Detailed Findings - Results

The consultation outlined that Barnet's Council Tax Support scheme had become outdated and needed to be revised to bring in line with the introduction of Universal Credit along with reducing the overall cost of the scheme in line with Barnet's budget gap proposals. To do this a simplified income banded scheme was proposed. The consultation focused questions in the following key areas

- The aims and objectives of introducing an income banded scheme
- The main changes that will impact recipients
- How residents felt the Council could save this money elsewhere

Proposed Council Tax Support Scheme 2019

2.1 Views on the key components of the proposed Council Tax Support Scheme

The objectives of the scheme are to ensure Barnet operates a fit for purpose Council Tax Support scheme that provides an effective streamlined service. All whilst reducing the overall cost of the scheme in line with Barnet's budget gap proposals. The consultation set out that the council wishes to simplify the way in which Council Tax Support is calculated and reduce the overall cost of the scheme. Underneath this vision are six components of how we will seek to achieve our vision.

2.1.1 To what extent respondents agree or disagree with each of the components?

Respondents were asked if they agree with the council's proposed six key components within the proposal.

- The Figure below shows a mixed response to the components with the level of agreement varying from 48.53% to 22.36%.
- The most supported component, with 48.53% of respondents strongly agreeing or tended to agree was "Introducing an Income Banded Council Tax Support Scheme". 29.95% of respondents disagreed with this component.
- In contrast, the least supported component with 29.54% was "The maximum Capital limit being reduced from £16,000 to £6,000". 54.85% of respondents strongly disagreed or tended to disagree with this aim. This was closely followed by the "Child Care Costs no longer being offset against earned income" which received the lowest support at 22.36% support compared to 39.24% of residents disagreeing or strongly disagreeing.
- The figures in the table below are agreed and disagreed only therefore don't total 237 responses and 100% as the remaining figures are made up of any one of the following; Neither agree nor disagree; not sure or not answered.

Figure 2.1: The extent to which respondents agreed or disagreed with the six key components of the proposed Council Tax Support Scheme (below)

To what extent do you agree or disagree with each of these components?	Agree		Disagree	
	%	Number	%	Number
Introducing an Income Banded Council Tax Support Scheme	48.53%	115	29.95%	71
The income levels within each income band	37.14%	88	44.72%	106
The maximum Capital limit being reduced from £16,000 to £6,000	29.54%	70	54.85%	130
Simplify non-dependant deductions with the introduction of two flat rates	24.05%	57	41.77%	99
Introduction of the Minimum Income Floor for self-employed people.	30.38%	72	31.65%	75
Child Care Costs no longer being offset against earned income	22.36%	53	39.24%	93

Proposed Council Tax Support Scheme 2019

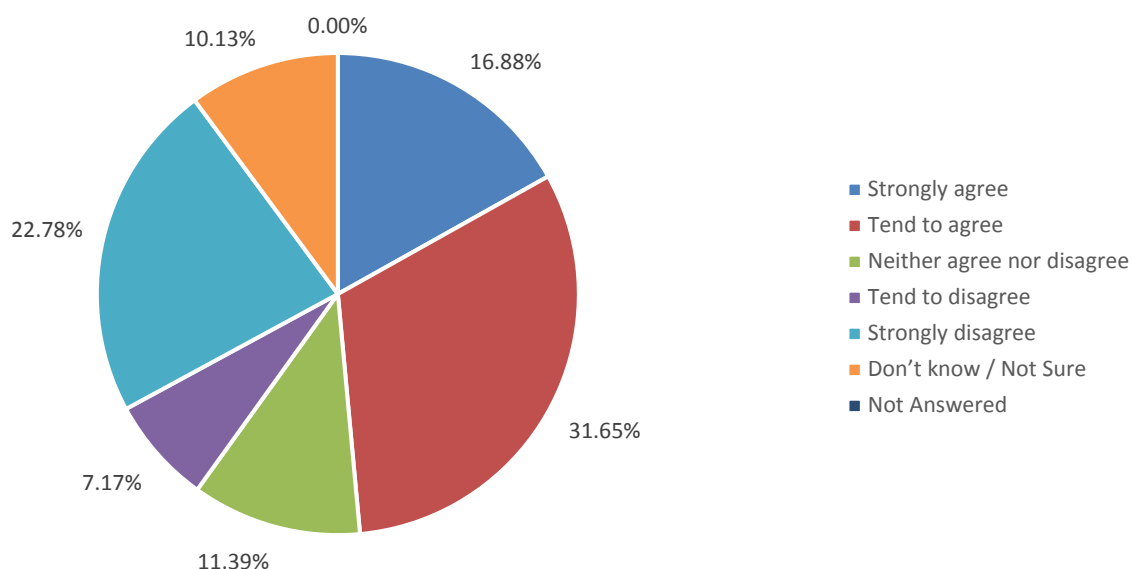
The detailed response for each for each aim can be seen below.

Figure 2.2: The extent to which respondents agreed or disagreed with the aim to introduce an income banded scheme in place of the current complex means tested scheme (below)

Referring to the income banded element (not the figures), to what extent do you agree or disagree with this simplified calculation resulting in fewer Council Tax bills being produced?		
	%	Number
Strongly Agree	16.88%	40
Tend to agree	31.65%	75
Neither agree nor disagree	11.39%	27
Tend to disagree	7.17%	17
Strongly disagree	22.78%	54
Don't know / not sure	10.13%	24
Not Answered	0.00%	0
Total	100%	237

Figure 2.3: Chart showing the extent to which respondents agreed or disagreed with the income banded scheme being introduced (below). Second chart depicts responses for Council Tax Recipients only. These account for 136 of the 237 total responses.

TOTAL RESPONSES - Referring to the income banded element (not the figures), to what extent do you agree or disagree with this simplified calculation resulting in fewer Council Tax bills being produced?



Proposed Council Tax Support Scheme 2019

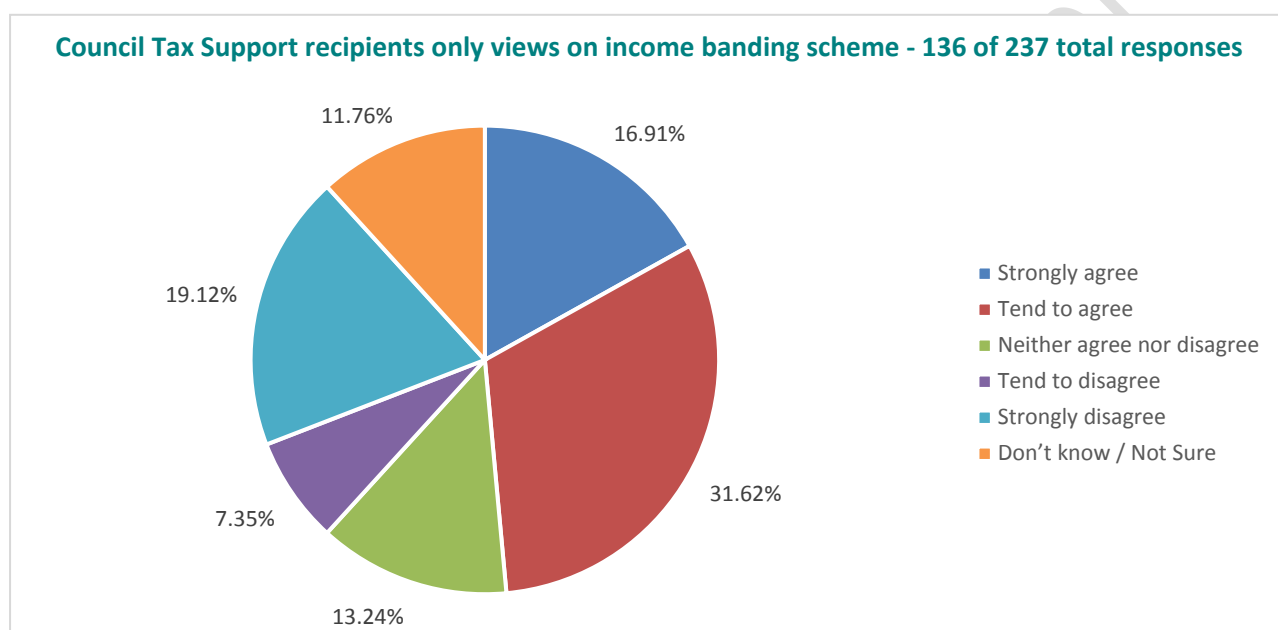


Figure 2.4: To what extent do you agree or disagree with the earning band levels that have been identified in the table above? (below).

To what extent do you agree or disagree with the earning band levels that have been identified in the table above?		
	%	Number
Strongly Agree	16.46%	39
Tend to agree	20.68%	49
Neither agree nor disagree	11.39%	27
Tend to disagree	11.81%	28
Strongly disagree	32.91%	78
Don't know / not sure	6.75%	16
Not Answered	0.00%	0
Total	100%	237

Proposed Council Tax Support Scheme 2019

Figure 2.5: Chart showing the extent to which respondents agreed or disagreed with the earning band levels within each income band (below). Second chart depicts responses for Council Tax Recipients only. These account for 136 of the 237 total responses.

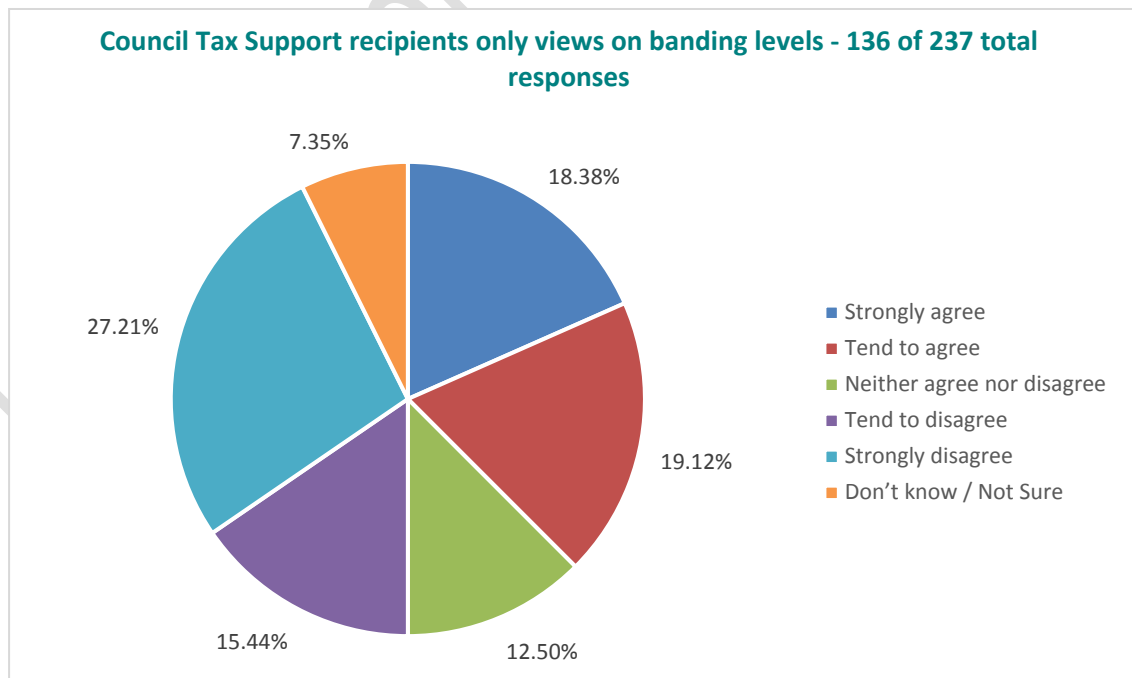
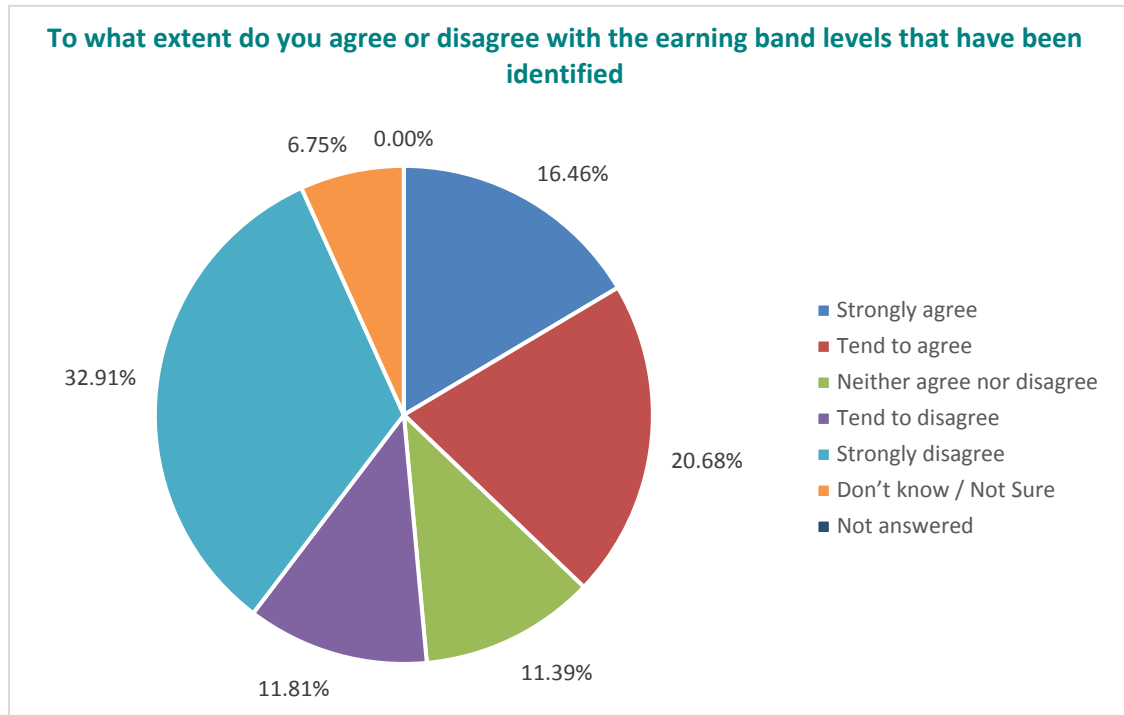


Figure 2.6: The extent to which respondents agreed or disagreed with the aim to reduce the capital limit from £16,000 to £6,000 (below)

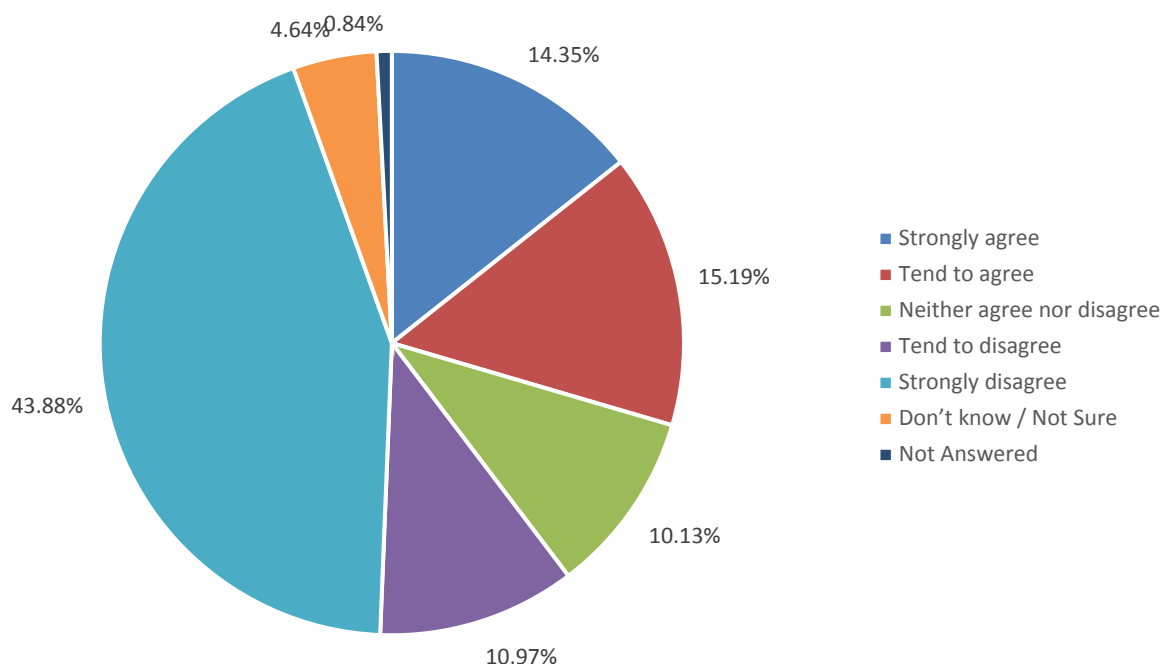
Proposed Council Tax Support Scheme 2019

To what extent do you agree or disagree with the maximum capital limit being reduced from £16,000 to £6,000?

	%	Number
Strongly Agree	14.35%	34
Tend to agree	15.19%	36
Neither agree nor disagree	10.13%	24
Tend to disagree	10.97%	26
Strongly disagree	43.88%	104
Don't know / not sure	4.64%	11
Not Answered	0.84%	2
Total	100%	237

Figure 2.7: Chart showing the extent to which respondents agreed or disagreed with the aim to reduce the capital limit from £16,000 to £6,000 (below). Second chart depicts Council Tax Recipients only. These account for 136 of the 237 total responses.

To what extent do you agree or disagree with the maximum capital limit being reduced from £16,000 to £6,000?



Proposed Council Tax Support Scheme 2019

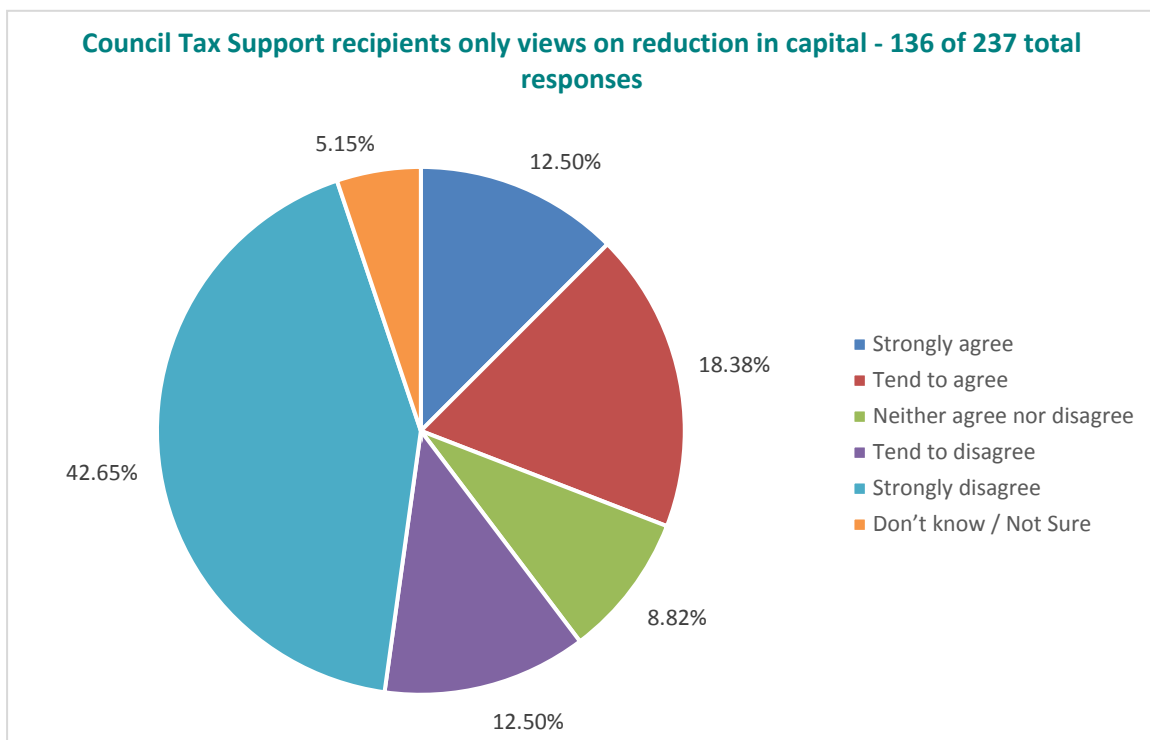


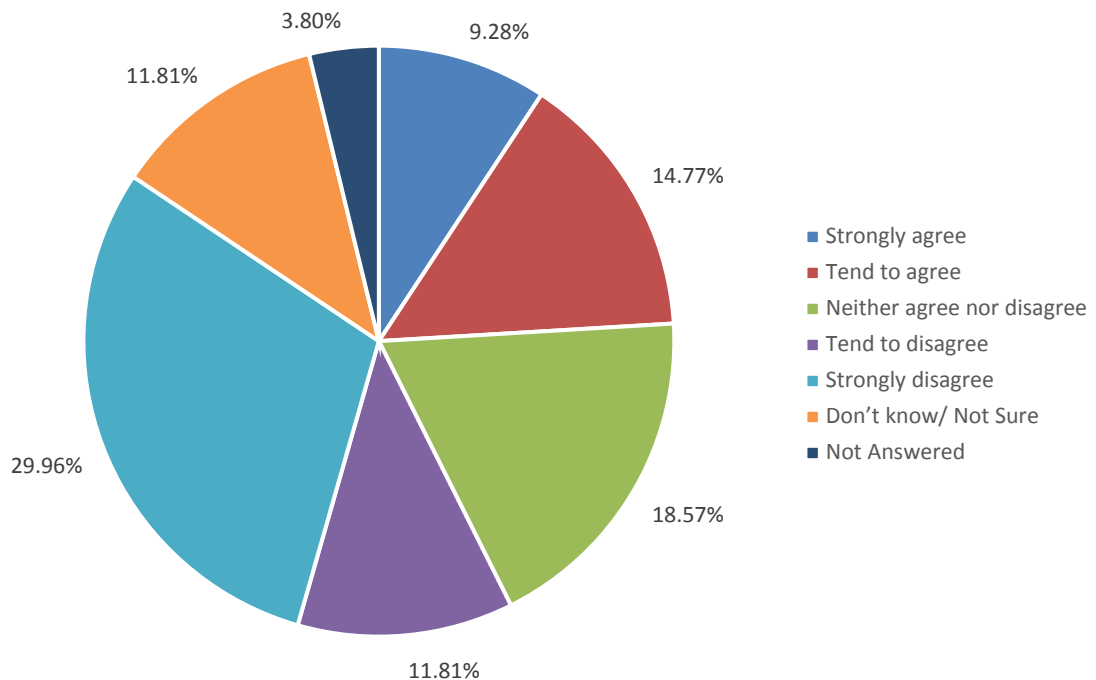
Figure 2.8: The extent to which respondents agreed or disagreed with the aim to introduce simplified non-dependant deductions (below)

To what extent do you agree or disagree with simplified non-dependant deductions?		
	%	Number
Strongly Agree	9.28%	22
Tend to agree	14.77%	35
Neither agree nor disagree	18.57%	44
Tend to disagree	11.81%	28
Strongly disagree	29.96%	71
Don't know / not sure	11.81%	28
Not Answered	3.80%	9
Total	100%	237

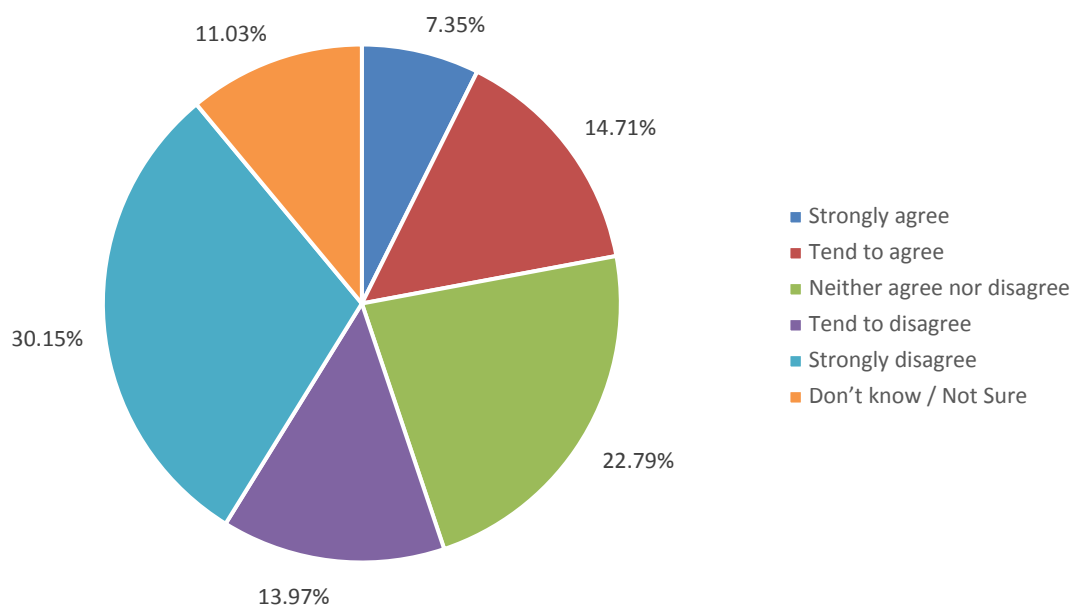
Figure 2.9: Chart showing the extent to which respondents agreed or disagreed with the aim to introduce simplified non-dependant deductions (below). Second chart depicts Council Tax Recipients only. These account for 136 of the 237 total responses.

Proposed Council Tax Support Scheme 2019

To what extent do you agree or disagree with the proposed scheme being aligned with Universal Credit for simplified non-dependant deductions?



Council Tax Support recipients only views on non-dependants - 136 of 237 total responses

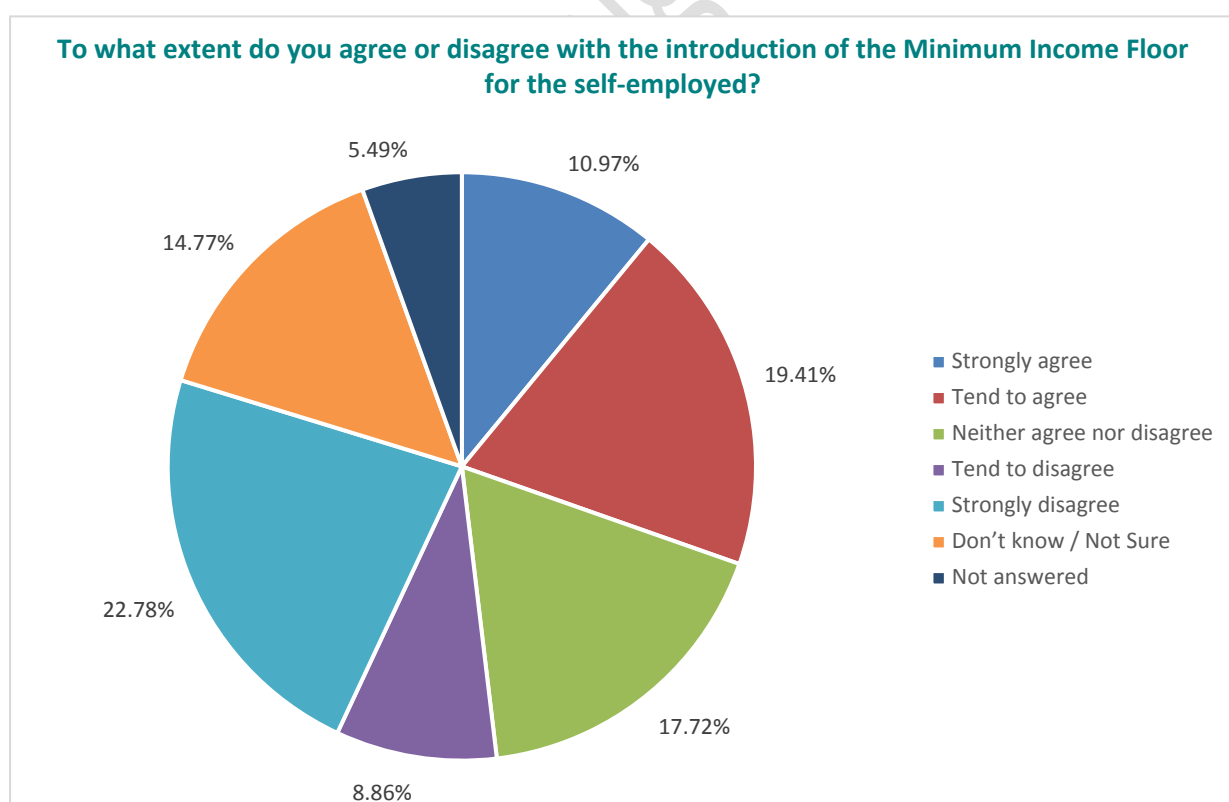


Proposed Council Tax Support Scheme 2019

Figure 2.10: The extent to which respondents agreed or disagreed with the aim to introduce a Minimum Income Floor for the self-employed (below)

To what extent do you agree or disagree with the introduction of the Minimum Income Floor for the self-employed?		
	%	Number
Strongly Agree	10.97%	26
Tend to agree	19.41%	46
Neither agree nor disagree	17.72%	42
Tend to disagree	8.86%	21
Strongly disagree	22.78%	54
Don't know / not sure	14.77%	35
Not Answered	5.49%	13
Total	100%	237

Figure 2.11: Chart showing the extent to which respondents agreed or disagreed with the introduction of a Minimum Income Floor (below). Second chart depicts Council Tax Recipients only. These account for 136 of the 237 total responses.



Proposed Council Tax Support Scheme 2019

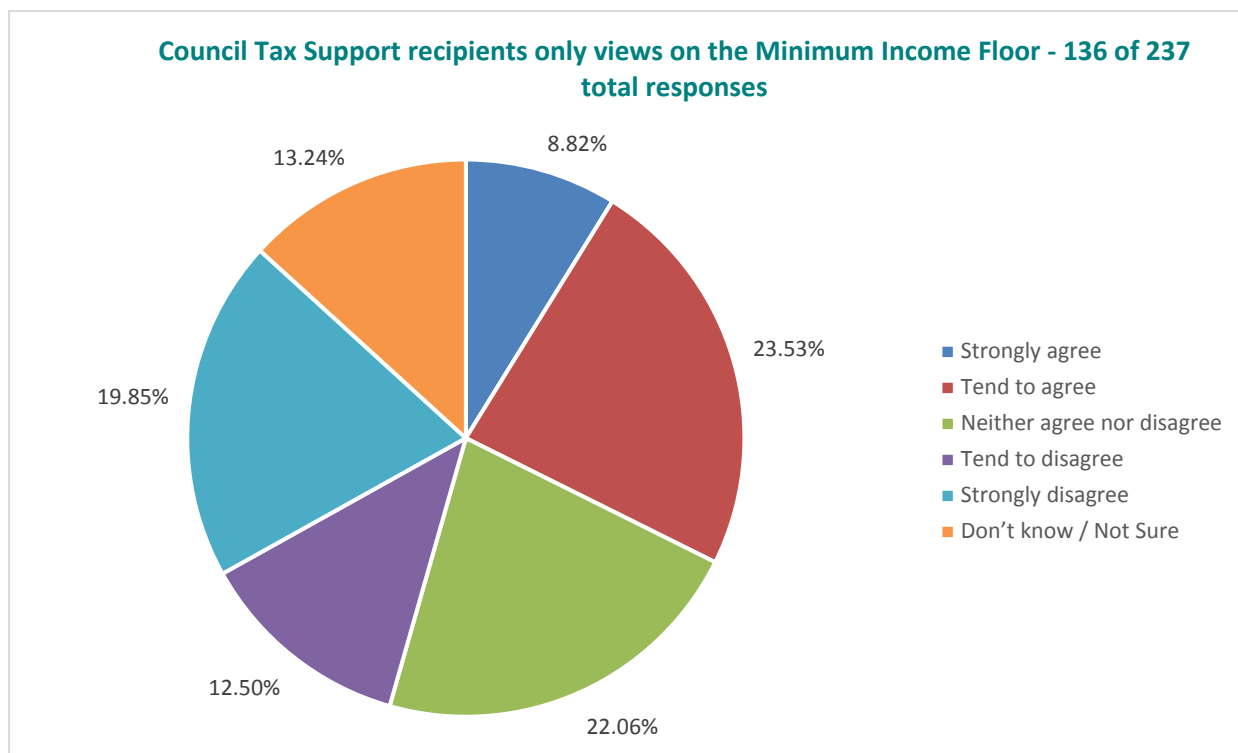


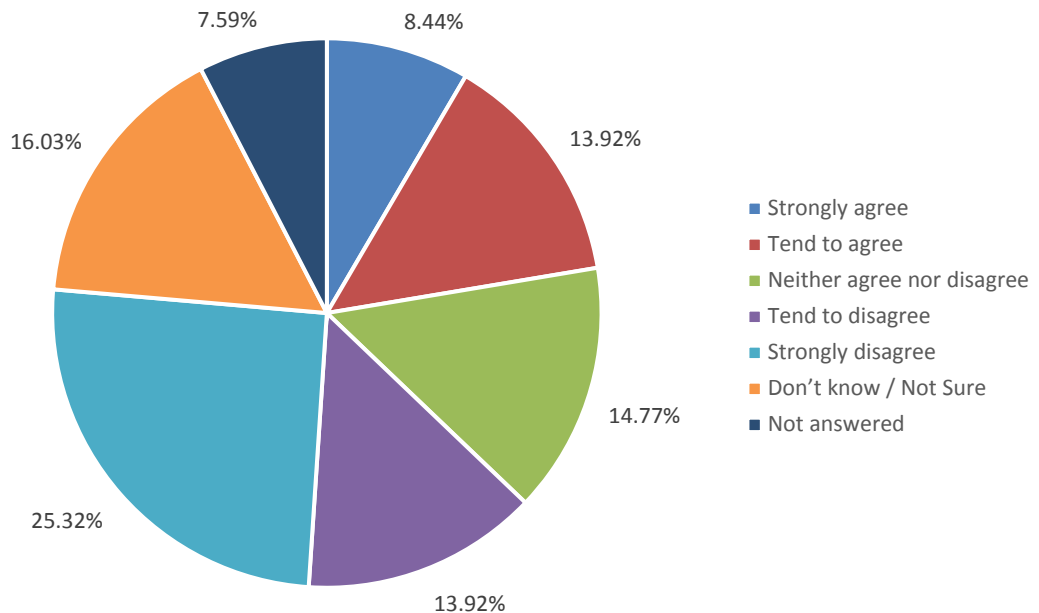
Figure 2.12: The extent to which respondents agreed or disagreed with the aim to no longer offset child care costs against income when calculating Council Tax Support claimants will receive (below)

To what extent do you agree or disagree with the introduction of the Minimum Income Floor for the self-employed?		
	%	Number
Strongly Agree	8.44%	20
Tend to agree	13.92%	33
Neither agree nor disagree	14.77%	35
Tend to disagree	13.92%	33
Strongly disagree	25.32%	60
Don't know / not sure	16.03%	38
Not Answered	7.59%	18
Total	100%	237

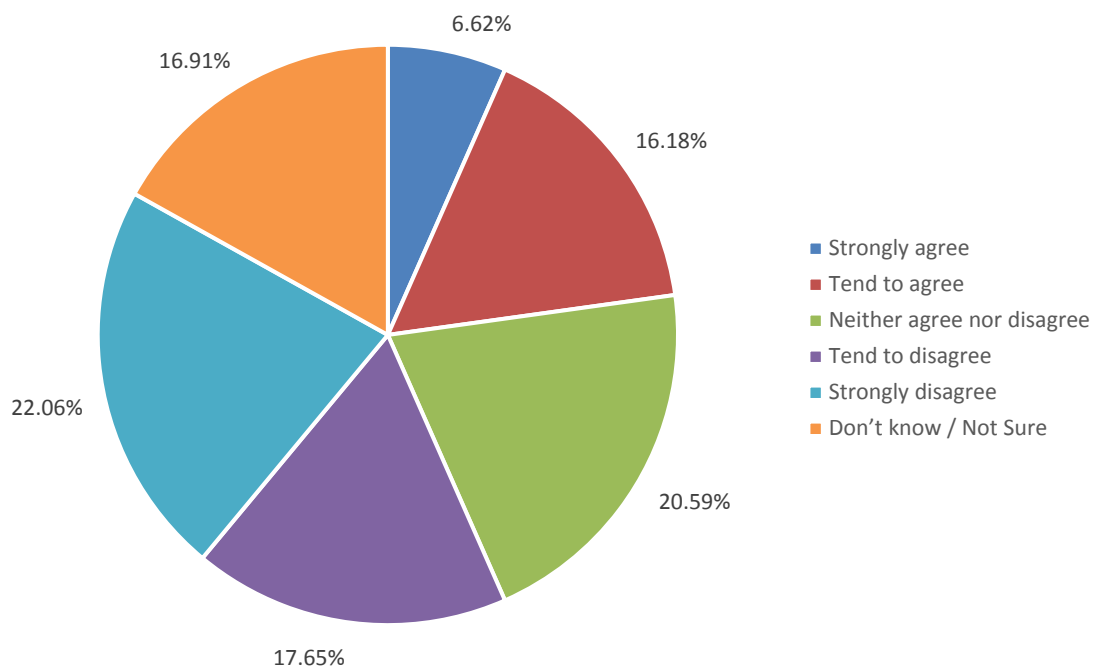
Figure 2.13: Chart showing the extent to which respondents agreed or disagreed with the aim to no longer offset child care costs against income when calculating Council Tax Support claimants will receive (below). Second chart depicts Council Tax Recipients only. These account for 136 of the 237 total responses.

Proposed Council Tax Support Scheme 2019

To what extent do you agree or disagree with the new scheme no longer offsetting child care costs against income when calculating the Council Tax Support claimants will receive?



Council Tax Support recipients only views on Child Care Costs - 136 of 237 total responses



Proposed Council Tax Support Scheme 2019

2.1.2 Ranking of responses

The responses have been ranked in order, with the most agreed being 1st and the least agreed 6th. A second table illustrates how the table looks if you focused on the number of respondents who disagreed.

Figure 2.14: The extent to which respondents agreed with the six key components of the proposed Council Tax Support Scheme (below)

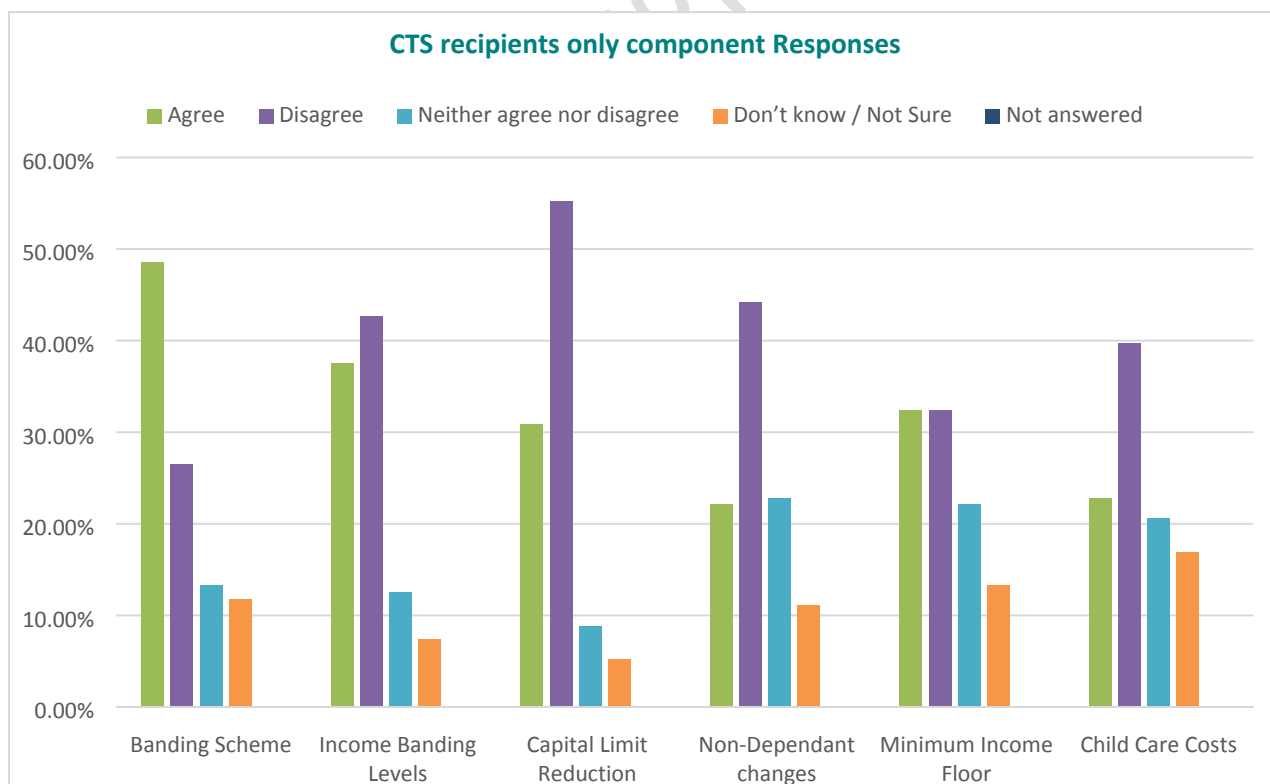
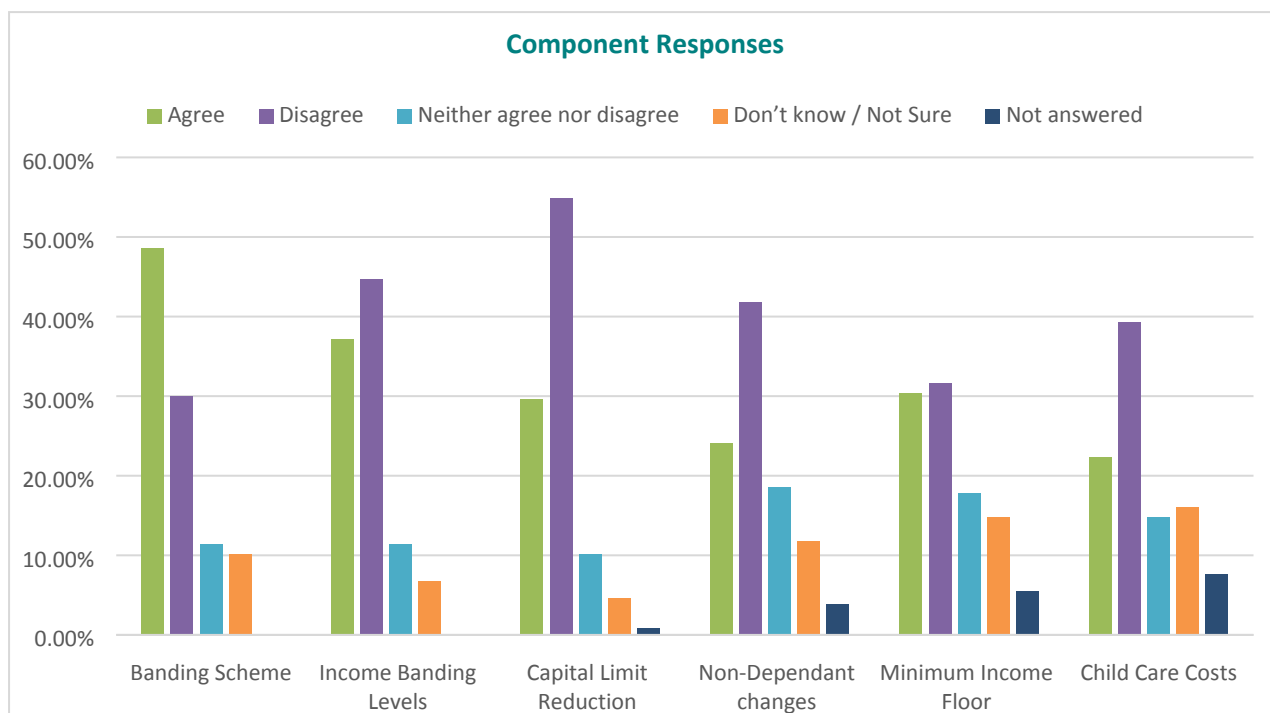
Position	Component	Strongly Agreed or Tend to Agree %
1 st	Income Banding Scheme design	48.53%
2 nd	Income Banding Scheme band amounts	37.14%
3 rd	Minimum Income Floor	30.38%
4 th	Capital Limit reduced from £16,000 to £6,000	29.54%
5 th	Simplified Non-Dependant deductions	24.05%
6 th	Removal of Childcare Disregards	22.36%

Figure 2.15: The extent to which respondents disagreed with the six key components of the proposed Council Tax Support Scheme (below)

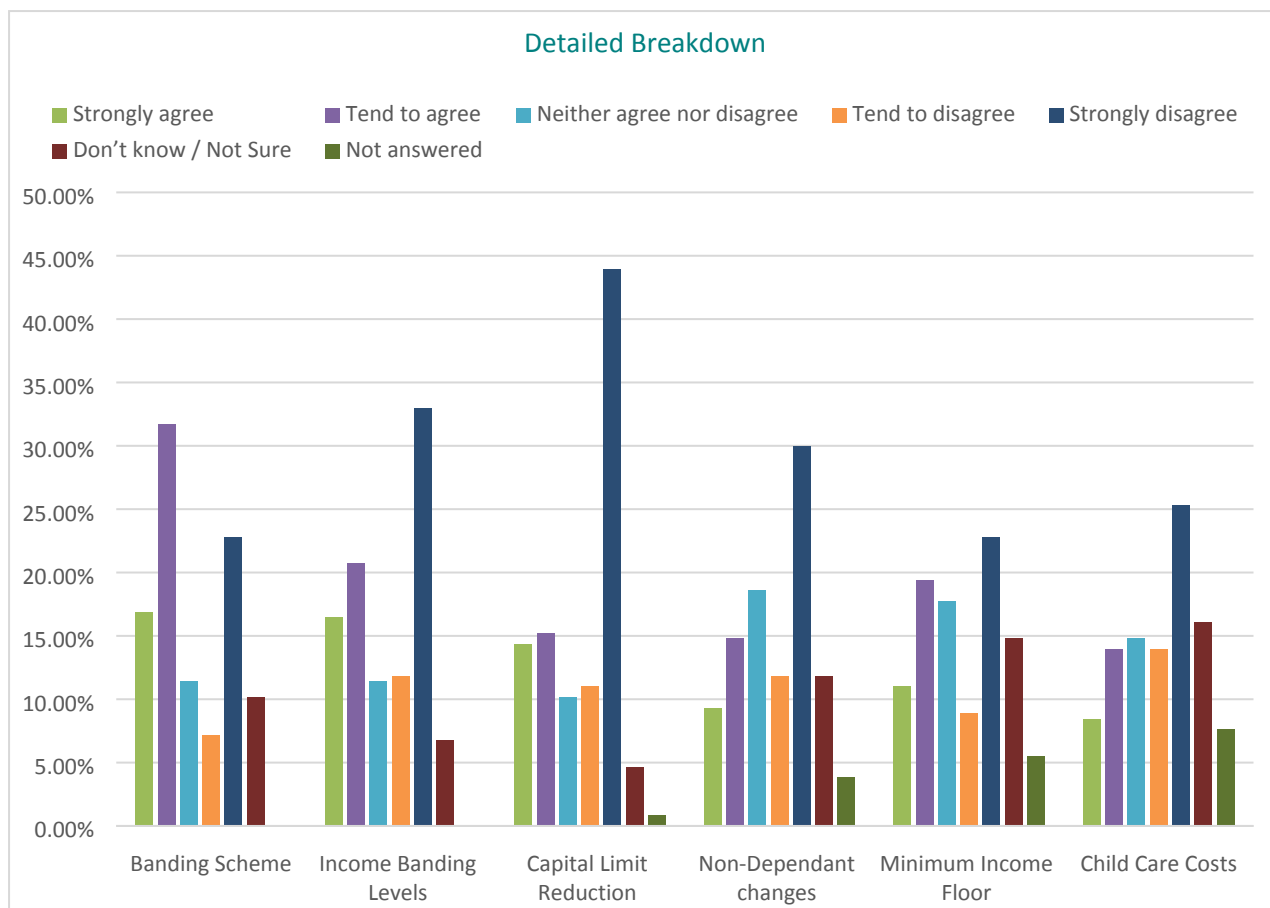
Position	Component	Strongly disagree or tend to disagree %
1 st	Capital Limit reduced from £16,000 to £6,000	54.85%
2 nd	Simplified Non-Dependant deductions	41.77%
3 rd	Removal of Childcare Disregards	39.24%
4 th	Income Banding Scheme band amounts	37.14%
5 th	Minimum Income Floor	35.47%
6 th	Income Banding Scheme design	27.33%

Proposed Council Tax Support Scheme 2019

Figure 2.16: Graph showing how the responses compare collectively (below)

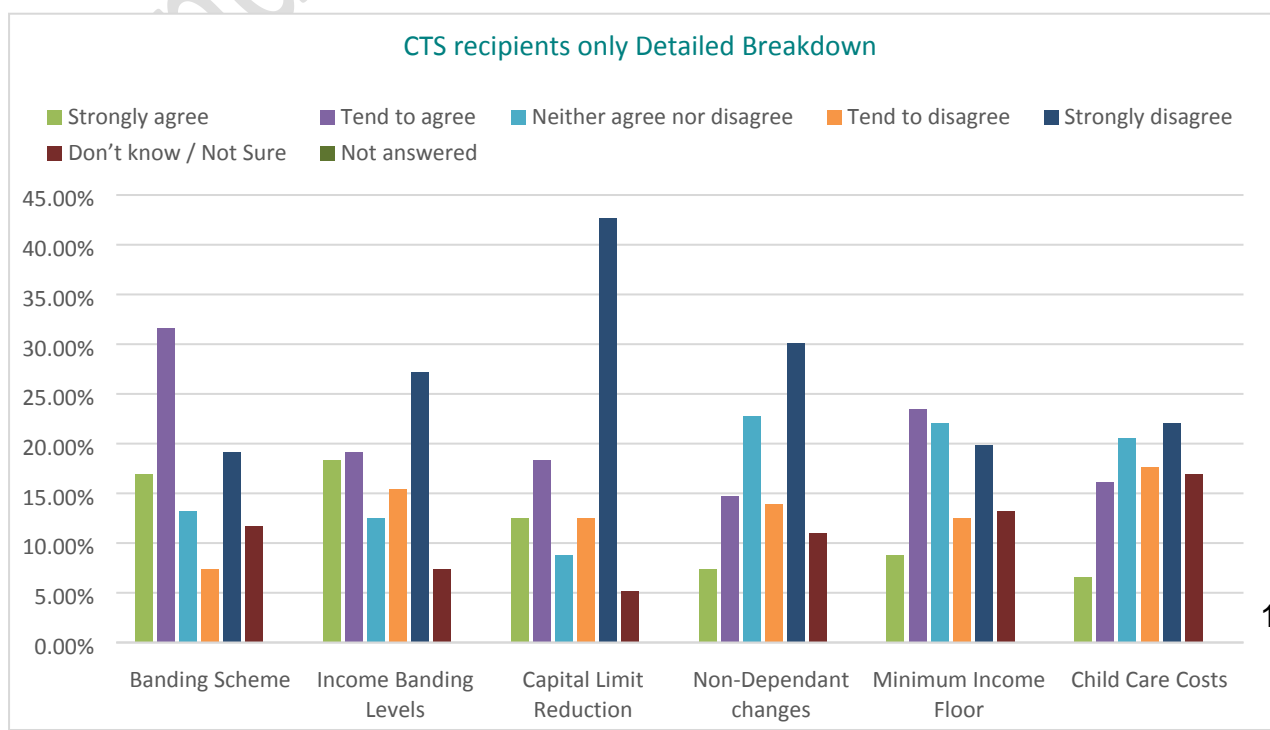


Proposed Council Tax Support Scheme 2019



2.2 Views on responses about the proposed Council Tax Support scheme

The above graph illustrates the overall responses to the 6 key components. Analysis on these components is detailed later in the document.



Proposed Council Tax Support Scheme 2019

2.1.3 Views on Income banding

Respondents were asked if they agreed with the proposal of a simplified income banding scheme.

- The Figure below shows that just under half (48.53%) of respondents agreed with the introduction of an income banded scheme, 29.95% did not agree.
- 27 respondents (11.39%) neither agreed nor disagreed with the proposal.
- 24 respondents (10.13%) either did not know or did not answer the question

Figure 2.17: If respondents agreed with the assumption “Do you agree with the introduction of an income banded scheme?” (below)

Do you agree with the introduction of an income banded scheme	%	Number
Yes	48.53%	115
No	29.95%	71
Neither agree nor disagree	11.39%	27
Don't know/not sure	10.13%	24
Not Answered	0%	0

Respondents were also asked if they agreed with the level of income threshold within each band.

- The Figure below shows that 37.14% of respondents agreed with the levels whilst 44.72% disagreed.
- 27 (11.39%) respondents neither agreed nor disagreed
- 12 respondents (6.98%) either did not know or did not answer the question

Figure 2.18: To what extent do you agree or disagree with the earning band levels that have been identified? (below)

To what extent do you agree or disagree with the earning band levels that have been identified in the table above?	%	Number
Agreed	37.14%	69
Disagreed	44.72%	73
Neither agreed nor disagreed	11.39%	18
Don't Know	6.75%	12
Not Answered	0%	0

Proposed Council Tax Support Scheme 2019

2.1.4 Views on the reduction in capital limit from £16,000 to £6,000

One of the key components of the proposed Council Tax Support scheme was to reduce the capital limit from £16,000 to £6,000.

Respondents were asked if they agree with the council's view on reducing the capital limit.

- The Figure below shows that there was just under 30% support for this proposal, however there was a much larger percentage of 54.85% who disagreed suggesting this is a highly disputed component.
- Of the 54.85% of respondents who disagreed a large percentage of 43.88% strongly disagreed. This was also mentioned frequently in the additional comments question.

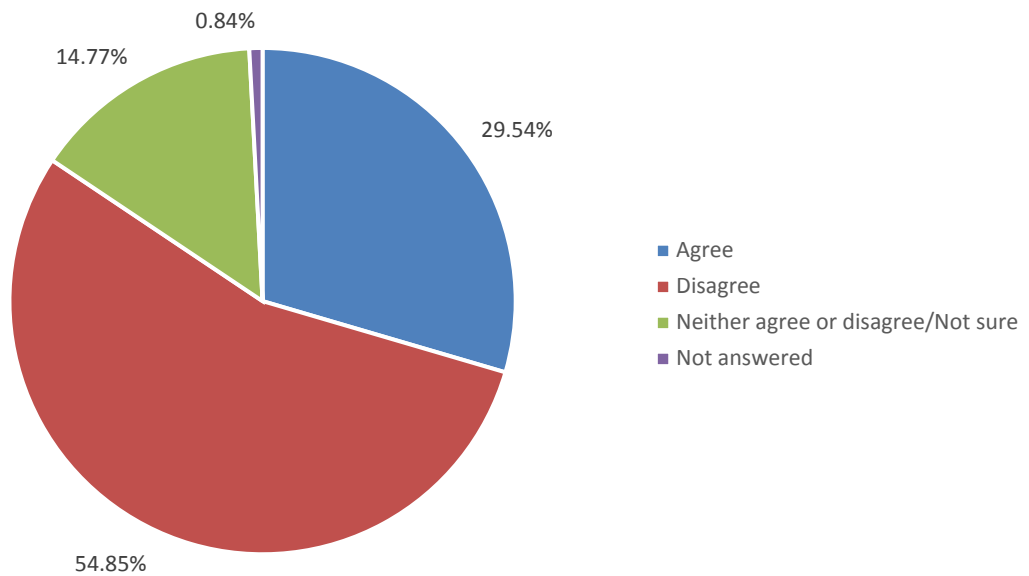
Figure 2.19: The extent to which respondents agreed or disagreed with the proposal to reduce the capital limit from £16,000 to £6,000 (below)

To what extent do you agree or disagree with each of statement?	Agree		Disagree	
	%	Number	%	Number
To what extent do you agree or disagree with the maximum capital limit being reduced from £16,000 to £6,000?	29.54%	70	54.85%	130

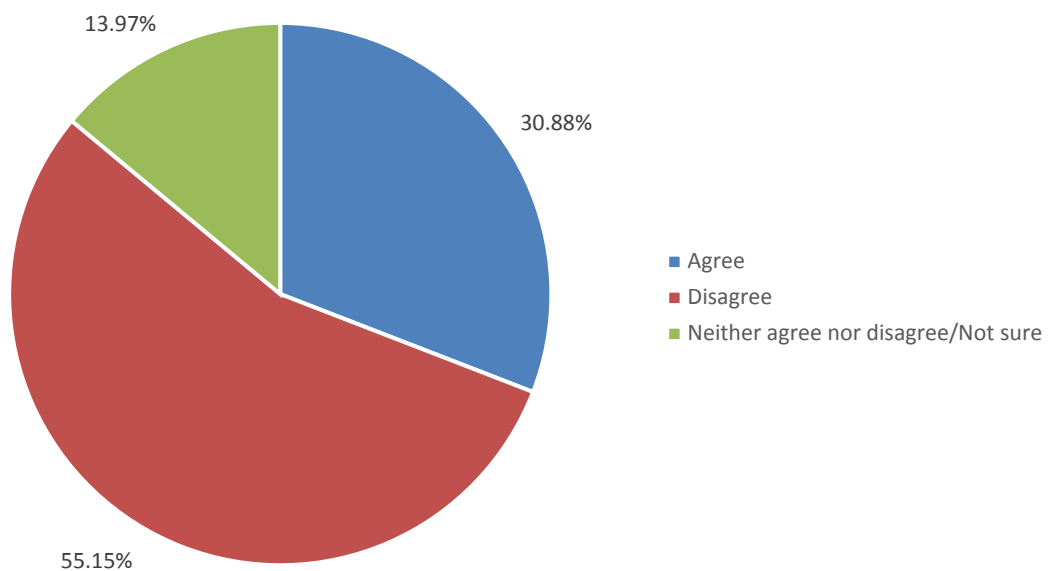
Figure 2.20: Chart showing the extent to which respondents agreed or disagreed with the proposal to reduce the capital limit from £16,000 to £6,000 (below)

Proposed Council Tax Support Scheme 2019

To what extent do you agree or disagree with the maximum capital limit being reduced from £16,000 to £6,000?



CTS recipients only views on Capital reduction

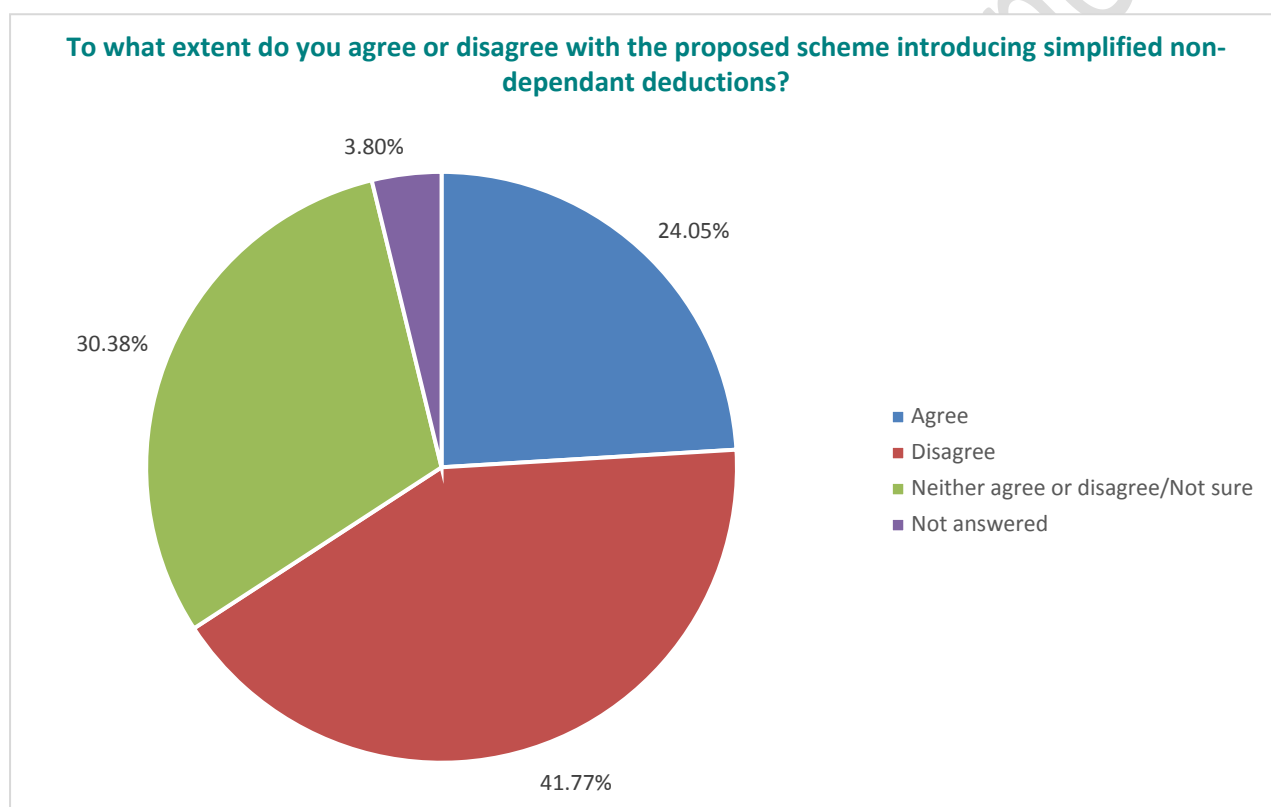


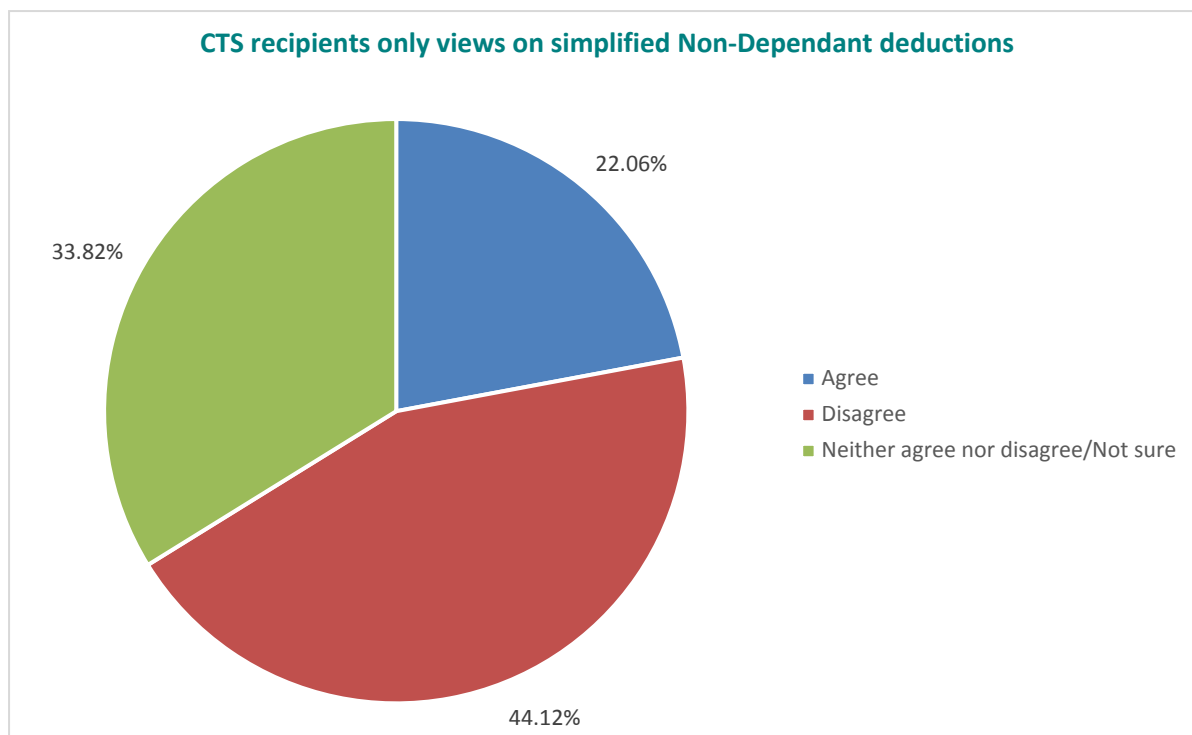
2.1.5 Views on Non-Dependant deductions

24.05% of respondents strongly agreed or tended to agree with the introduction of 2 Non-Dependant deductions compared to 41.77% who disagreed with the proposal. 24.05% neither agreed or disagreed or were unsure.

After strongly disagree (29.96%) the second highest answer to this question was 'Neither tend to agree nor disagree' which may suggest the question was misunderstood.

Figure 2.21: Chart below shows the overall % of agreement and disagreement about simplifying Non-Dependant deductions (below)





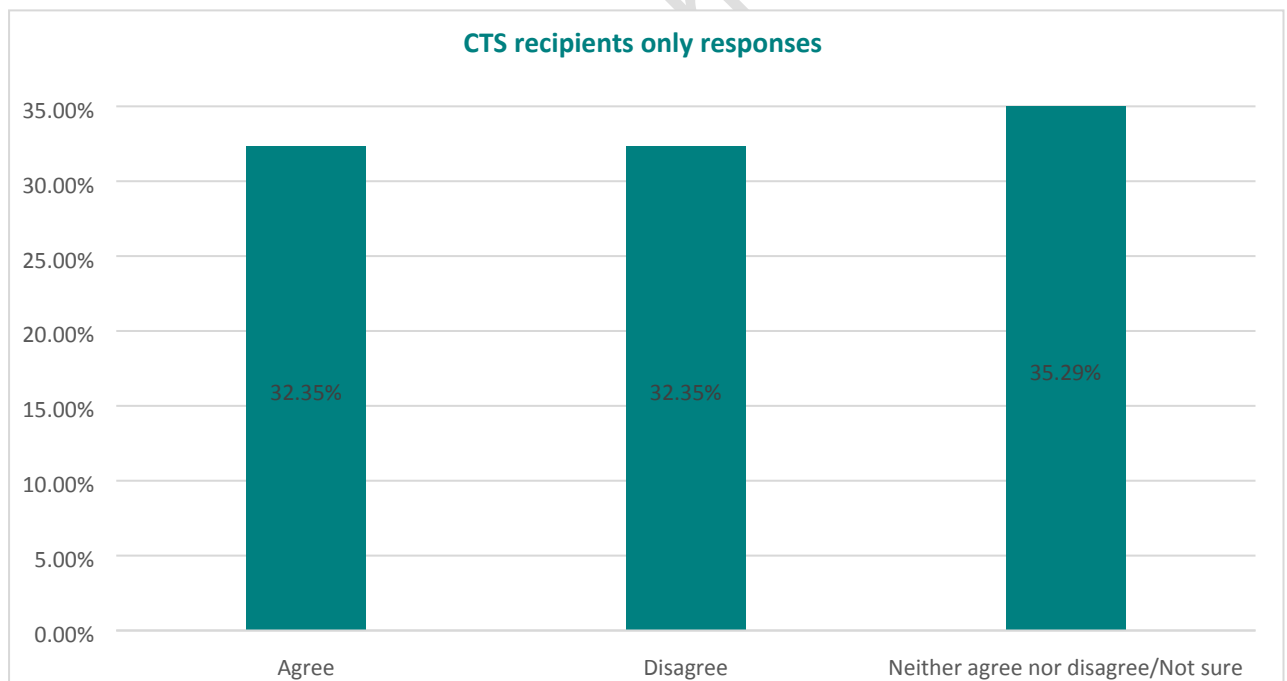
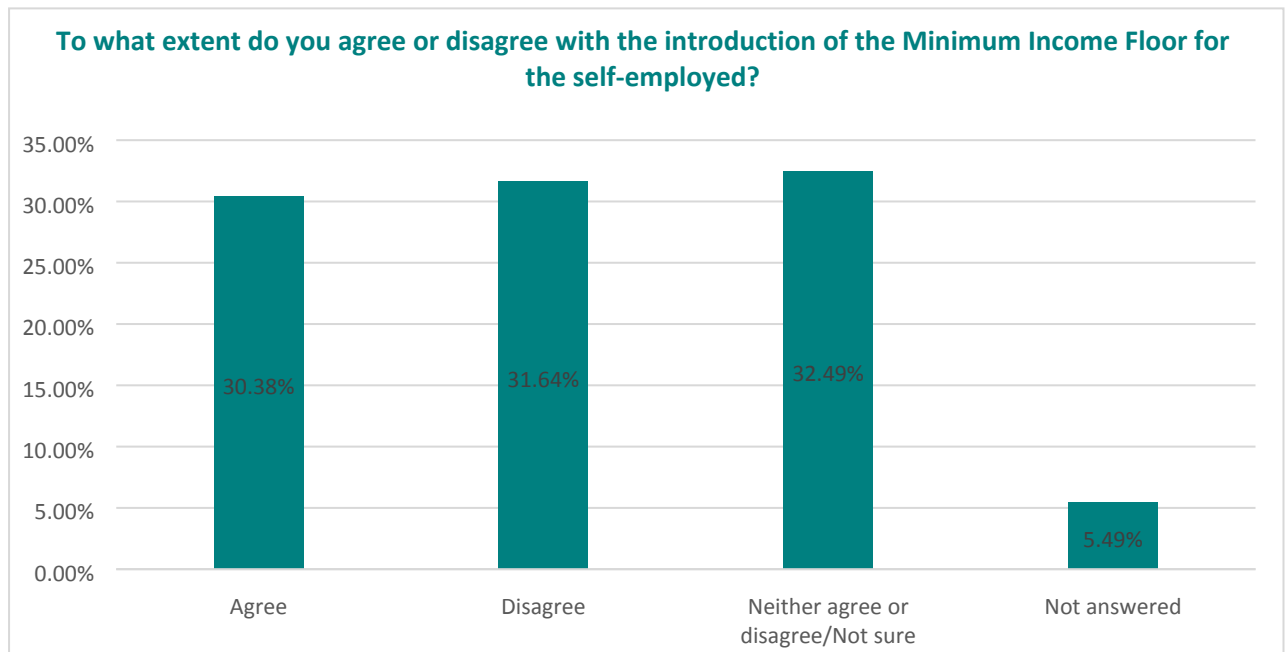
2.1.6 Views on the Minimum Income Floor

Respondents were asked if they agreed or disagreed with the introduction of a minimum income floor.

- 30.38% of respondents strongly agreed or tended to agree that the Minimum Income Floor should be introduced.
- 31.64% of respondents strongly disagreed or tended to disagree.
- 17.72% neither agreed nor disagreed along with 14.77% who were unsure resulted in this question received very balanced responses.

Figure 2.22: Graph depicting the closeness in responses to the question on Minimum Income Floor (below)

Proposed Council Tax Support Scheme 2019



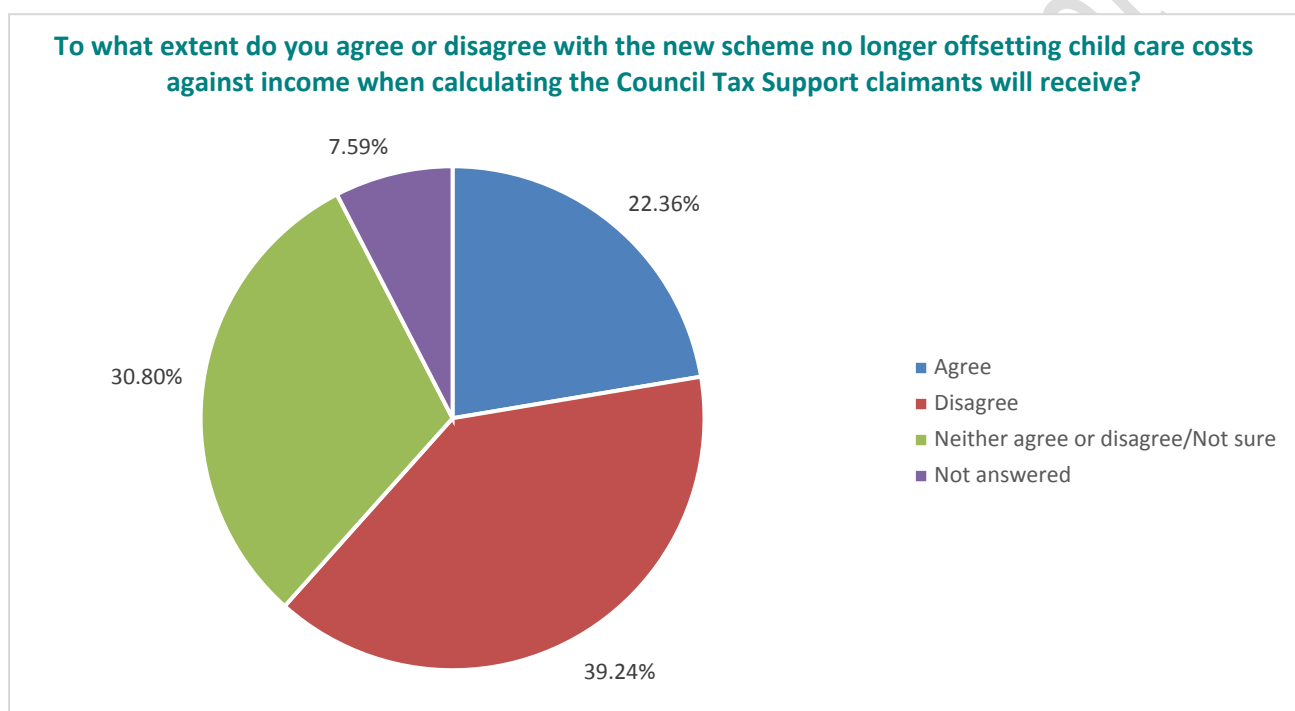
2.1.7 Views on Child Care Costs no longer being disregarded

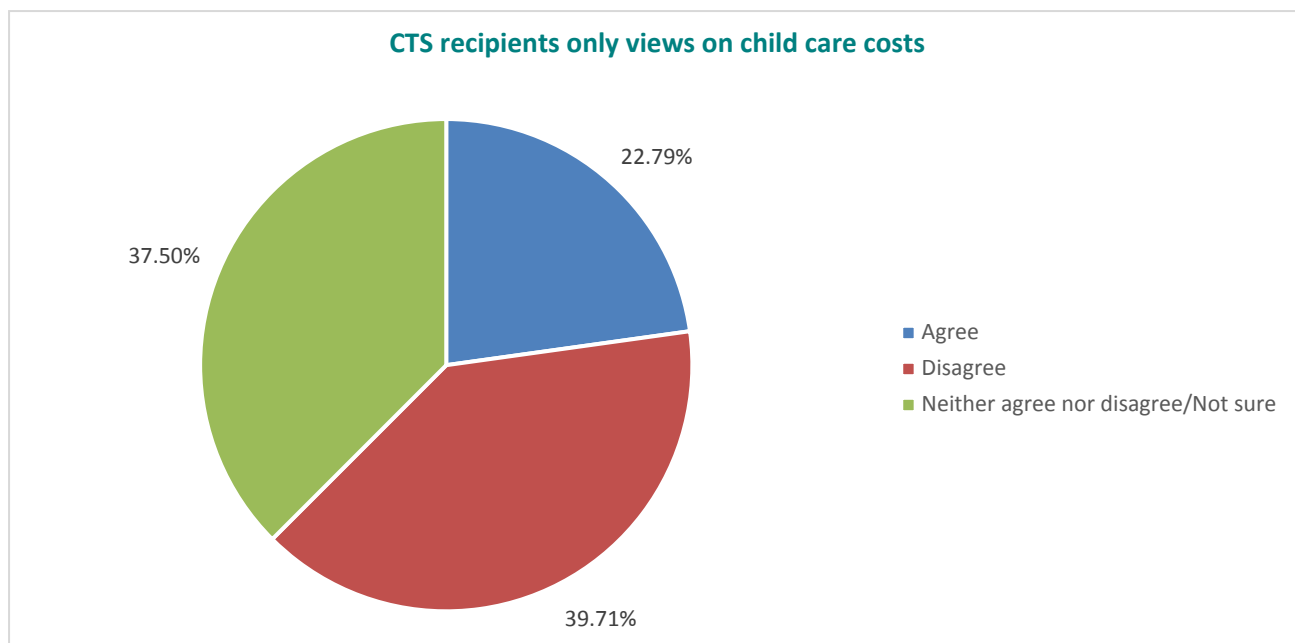
Respondents were asked if they agreed or disagreed with the removal of Child Care disregards.

Proposed Council Tax Support Scheme 2019

- 22.36% of respondents strongly agreed or tended to agree that that Child Care Costs are no longer disregarded.
- 39.24% of respondents strongly disagreed or tended to disagree.
- 14.77% neither agreed nor disagreed along with 16.03% who were unsure resulted in this question received very balanced responses.
- 7.59% of respondents chose not to answer.

Figure 2.23: Chart depicting the closeness in responses to the question on Child Care Disregards (below)





3. Additional questions outside of the 6 key components

3.1 Views on reducing the expenditure of the Council Tax Support Scheme

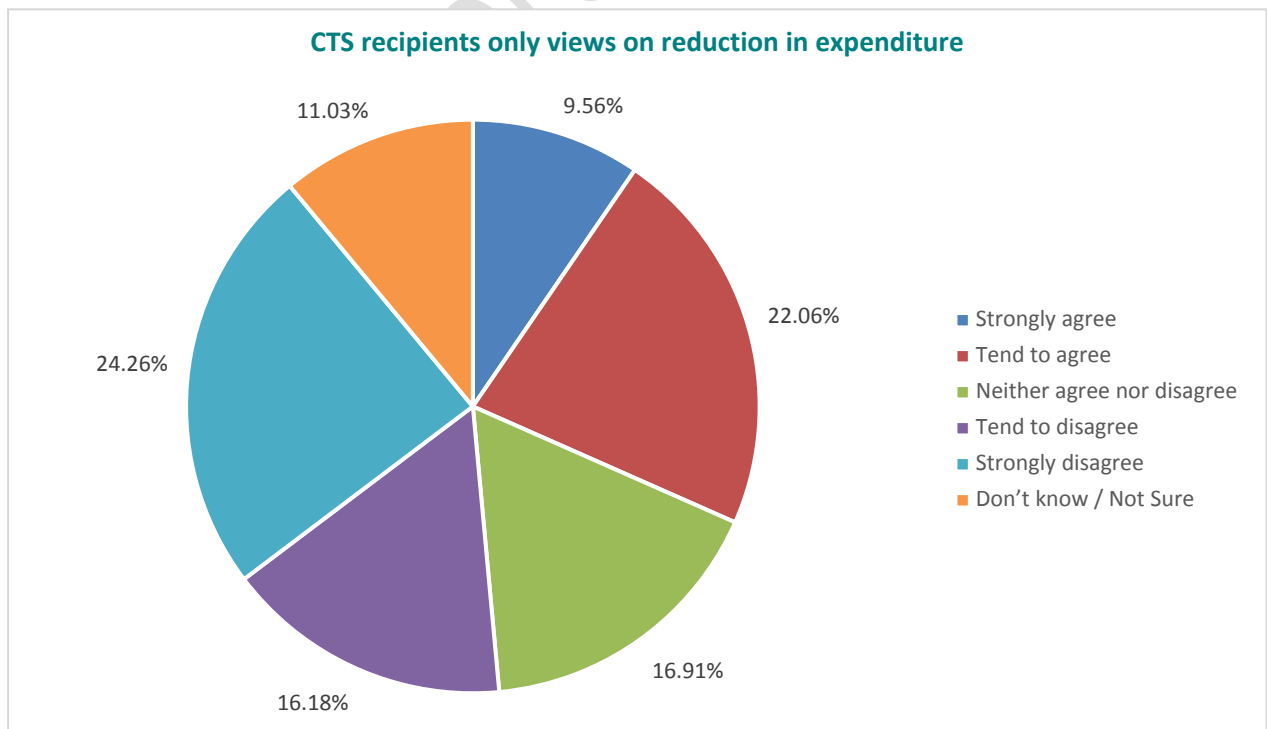
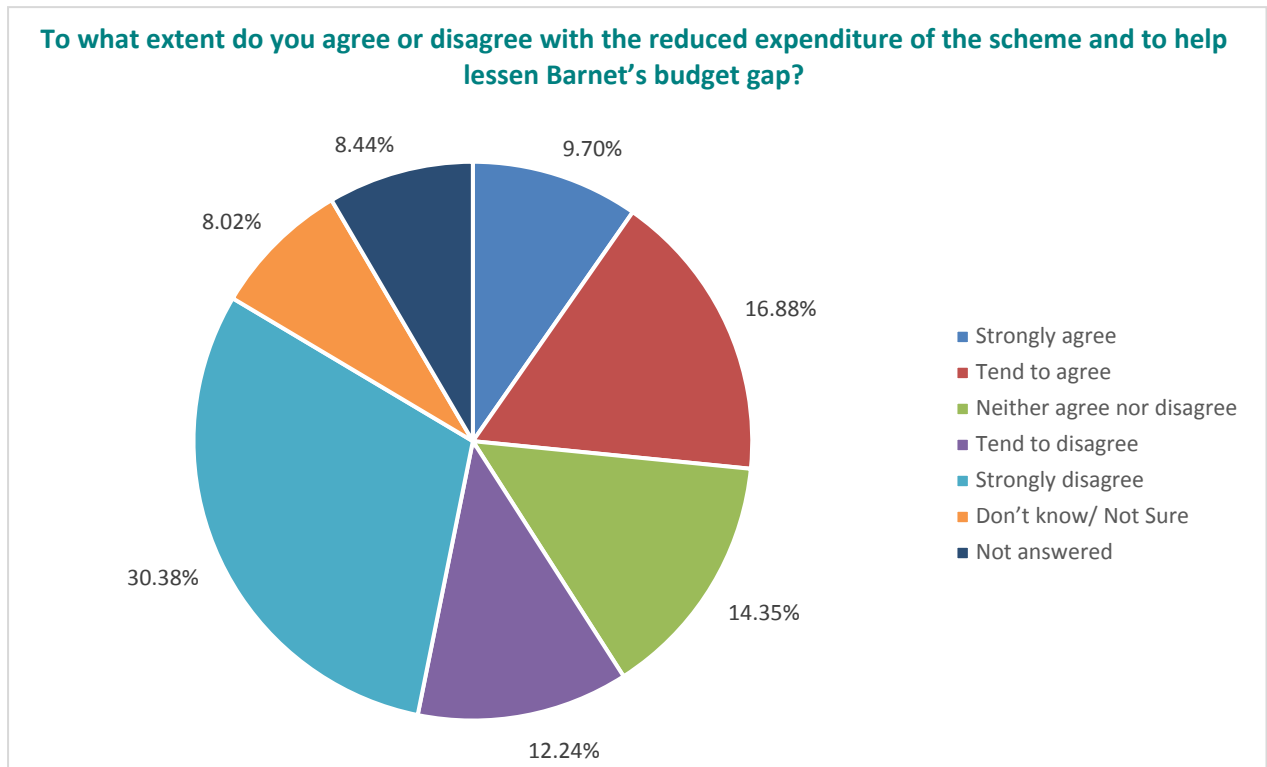
Along with the 6 key components of the scheme residents were also asked their views on other aspects on the proposed scheme.

Respondents were asked if they agree with the council's view on reducing the overall expenditure of the scheme.

- The Figure below shows that there was 26.58% support in reducing the costs of the scheme. 9.70% of respondents strongly agreed with 16.88% tending to agree.
- 42.62% of respondents disagreed with this reducing the overall cost of the scheme. 30.38% of these strongly disagreed with 12.24% tending to disagree.
- 20.26% of respondents neither agreed not disagreed or were unsure.

Proposed Council Tax Support Scheme 2019

Figure 2.24: Chart depicting the responses to the question on reducing the overall expenditure of the scheme (below)



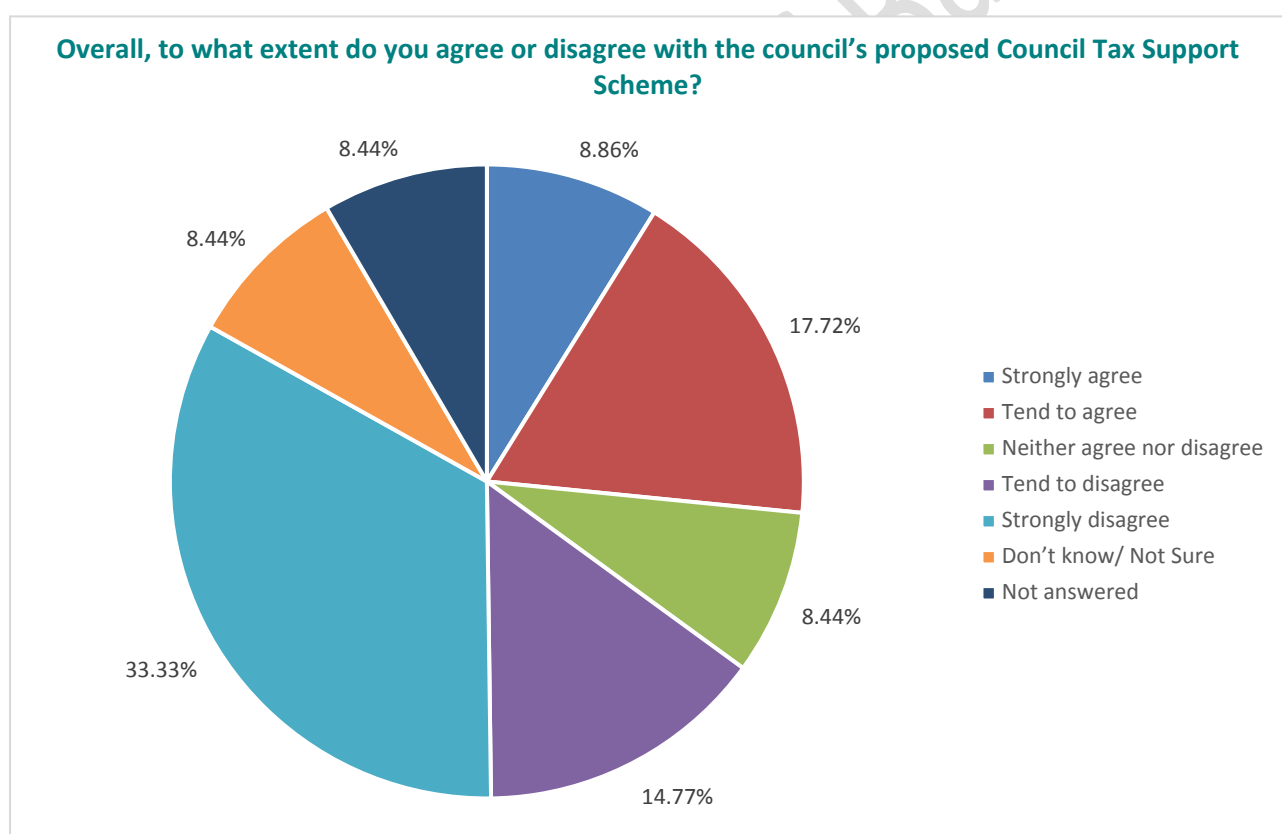
Proposed Council Tax Support Scheme 2019

3.2 Views on the overall proposal for the Council Tax Support Scheme

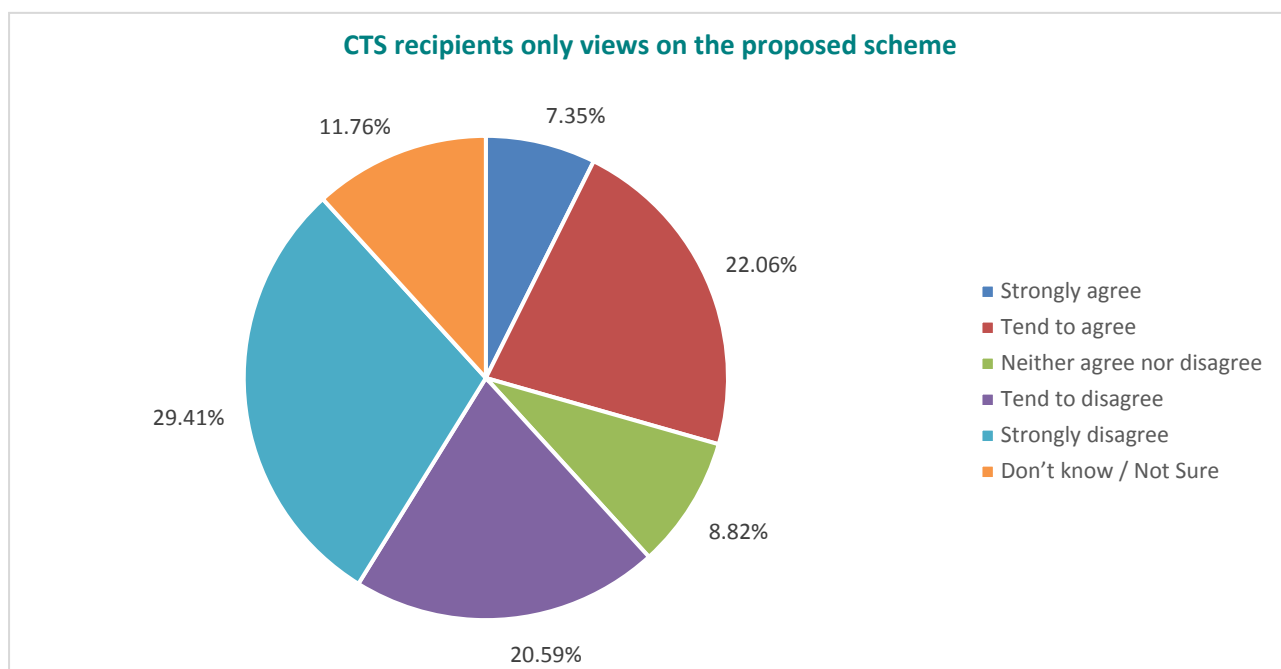
Respondents were asked if they agreed with the overall Proposed Council Tax Support scheme.

- The Figure below shows that there was 26.58% support in reducing the costs of the scheme. 8.86% of respondents strongly agreed with 17.72% tending to agree.
- 48.10% of respondents disagreed with this reducing the overall cost of the scheme. 33.33% of these strongly disagreed with 14.77% tending to disagree.
- 16.88% of respondents neither agreed nor disagreed or were unsure. 8.44% of respondents did not answer this question

Figure 2.25: Chart depicting the responses to the question on the overall proposal of the Council Tax Support scheme (below)



Proposed Council Tax Support Scheme 2019



4. Consultation Response – Written Responses

As well as on the online questionnaire, written responses were received from the GLA (appendix B) and Citizens Advice Barnet (Appendix C). 9 paper questionnaires were received and entered online.

5. Additional comments from questionnaire

The questionnaire invited respondents to provide written responses if they disagreed with the proposed changes within the scheme, Appendix A contains full information on these responses.

These have been analysed and grouped into the broad themes below, nonspecific comments or comments made about situations outside the proposed scheme have been left out of the themes below. Several respondents made comments relating to the key components of the proposed scheme, as their agreement or disagreement had already been captured in the earlier questions, these were not duplicated below.

Broad Themes of disagreement not already captured in this report	
Themes	Number of comments
Penalising the poorest/most vulnerable / increasing Poverty	28
Increasing hardship	8
More protection required for disabled households	8

Proposed Council Tax Support Scheme 2019

Penalising the self employed	5
Will result in increased debt including rent and council tax arrears	4
Penalising families	3
Will increase homelessness	3
Will increase stress and mental health issues	2
Social cleansing exercise	2
Not supportive of those caring for others	2
People with kids claiming benefits is putting pressure on others	1
Discriminating against those with children in childcare	1
Penalising lone parents	1
Will increase crime	1

The above suggests the main area of concern with the proposal is that the poorest and most vulnerable are being unfairly treated which will result in hardship. Other issues have been raised and in the main are covered within the EIA (Appendix E).

The Council will look to support those in severe hardship with DCTH being a possible solution. The Council will also monitor applications for DCTH and continue to review the support available as discussed in paragraph 1.12.

Where respondents disagreed with the proposed changes they were given the opportunity to suggest alternative methods to achieving the required savings. Those comments have also been analysed and grouped into the broad themes shown in the table below. Some of what has been suggested has already been considered within the Councils budget proposal. The Council will consider the other points raised and where appropriate look further into those as potential areas for savings going forward.

Alternative Suggestions to Saving Money	
Themes	Number of comments
Look to wealthier residents for a higher contribution	15
Bring service back in house/end relationship with Capita	14
Reduce staff and or salaries	8
Lobby central government for more funding	4
Reduce support for higher banded properties/increase their tax	4
Don't disregard the value of the claimants home when assessing capital	3
Reduce waste collection	3
Reduce councillor pay/freeze increases	2

Proposed Council Tax Support Scheme 2019

Don't provide loans to private companies/Saracens	2
Don't waste money on new offices	2
Greater control over highway maintenance expenditure	2
Get businesses to contribute more	1
Increase Council Tax	1
Don't send land off at subsidised prices	1
Collect parking fines	1
Introduce a tax on road pollution	1
Provide less support to those who don't work	1
Get capital expenditure under control	1
Introduce waste collection charges	1
Generate income from green energy initiatives	1
Share a chief exec with neighbouring boroughs	1
Cut expenditure on consultants/agency staff	1
Change in political leadership	1
Limit expenditure on meetings and travel etc	1

6. Conclusion

237 questionnaires were completed. Approximately **0.85%** of the total Council Tax Support caseload or approximately **1.25%** of the working age caseload.

136 of the 237 responses were received from claimants currently in receipt of Council Tax Support. Charts and graphs depicting these responses are within this document alongside the overall charts and graphs depicting total figures.

Figure 2.17 gives an overall view on both total responses and Council Tax Support only responses. It can be seen from these graphs the figures for CTS only recipients are very similar to the figures for total respondents. The table below illustrates this.

	Total Agree	CTS recipient agree	Total Disagree	CTS recipient disagree
Income Banding	48.53%	48.53%	29.95%	26.47%
Income banding levels	37.14%	37.50%	44.72%	42.65%
Reduction in Capital	29.54%	30.88%	54.85%	55.15%
Non-Dependant changes	24.05%	22.06%	41.77%	44.12%

Proposed Council Tax Support Scheme 2019

Minimum Income Floor	30.38%	32.35%	31.64%	32.35%
Child Care Costs	22.36%	22.79%	39.24%	39.71%
Views on reduction in expenditure	26.58%	31.62%	42.62%	40.44%
Overall views of the proposed scheme	29.03%	29.41%	52.54%	50%

The figures suggest respondents are in favour with the introduction of an income banded Council Tax Support scheme, albeit not with the level of earnings brackets within the income band. 48.53% of total respondents and 48.53% of Council Tax Support recipients agreed. Those that disagreed were 29.95% and 26.47% respectively.

Figures also suggest the most contentious of the 6 key components are the reduction in capital, the removal of the child care disregard and the changes to non-dependant deductions.

The themes highlighted in section 5 suggests the main area of concern with the proposals is that the poorest and most vulnerable are being unfairly treated resulting in hardship. These responses have also been considered with the EIA.

7. Appendix A – Additional Comments from Questionnaire

Proposed Council Tax Support Scheme Additional comments

Proposed changes to Barnet's Council Tax Support Scheme - If you disagree, please say why: (Please type in your answer)

Responses

- 1 I would like to pay the right amount of her council tax for 6/8/2013; as I believe because I was under the job seeker allowance scheme and housing benefit as well i was part homeless in 06/08/2013 and you were supporting me at that time and then i got divorced so I lived with only my son with knowinl no English at that time.
- 2 Many thanks for your consideration and we are looking forward to hearing from you soon. So if you can help me with the old tax please do.
There are too many things that have been left out like single parents with two or more children. When pay decreases the decrease will not be taken into account so the person paying will find it difficult paying the amount of council tax. and when you band someone earning £500-800 they could be at the lower end but paying the same as the person at the higher end of the income range which again is not fair as they are taking in lower income than the person at the higher end and they will be struggling to pay the council tax. There are so many things that are wrong with the whole system of council tax.
- 3 It's your concern, figure it out...
- 4 The scheme financially penalises people/families who are on low incomes or people who are on no income due to their caring responsibilities. The scheme treats these people too harshly.
- 5 IT IS ECONOMICALLY IMPOSSIBLE FOR THE RESIDENT.

Proposed Council Tax Support Scheme 2019

Because you will be punishing the poorest and expect the most vulnerable to pay for the financial mess you created!

Disabled people expected to use their DLA/PIP Care component for Council Tax?! Young families having to struggle further with child care costs to pay CT?!

The CTS scheme is wrong already if compared with the past CTB, which was linked rightly to HB support and was a much more humane system. This punitive scheme will make this borough to a far less nice place to live in.

because the poor shouldn't suffer. barnet council should make money from investments or upping slightly, a few pounds weekly the tax on the wealthy without cutting support for the poor.

I am a pensioner with a son on long term unemployment/sick benefit. I currently get my council tax reduced to account for the fact he has no income. I cannot afford to pay any more if my council tax liability increases as a result of these new proposals. I only have a government pension and some savings to manage on. All my bills are increasing at a rate much faster than these are and I am worried this change will significantly increase my council tax bill.

In neighbouring boroughs pensioners, disabled people, carers and those on the ESA support group get 100% council tax support. Barnet Council is the second richest council in London and should match neighbouring boroughs.

The modest changes under universal credit are going to be considerable reductions in income for many, the help with council tax is being reduced and other expenses will probably rise as well. This will lead to financial hardship destitution for many people.

Robin Hood taking from the poor and subsidise rich. Fat Cat salaries and pensions, outsourcing contracts. 2 Million pounds fraud, privatising pest control. Springwood crescent has had a vermin problem since 2007. Environmental health not issuing an enforcement notice on managing the rubbish that has reached a crisis point.

INCOME BANDING: while I agree with the Council's aim to reduce the number of re-assessments of tax support figures, this should not be done at the expense of people needing this support. You claim that the new scheme will mean people have a clearer idea of what they will be paying but that assumes that their income doesn't fluctuate in a way that keeps moving them between bands. If it does, the changes in support are too drastic for people with a limited income to copy with.

REDUCTION OF THE MAXIMUM CAPITAL LIMIT: for a family, savings of £6000 are hardly a rich 'nest egg' - it is more like a thin shell insulating them against chance events which most of us can cope with easily. I think this proposed reduction is penalising the frugal and making life much more risky and hence, stressful for people who are already dealing with the stresses of poverty.

NON-DEPENDENT DEDUCTIONS: the sudden more than doubling of deductions when a non-dependent's income rises from £199 a week to £200 a week seems far too large a difference.

MINIMUM INCOME FLOOR: How can it be fair that a self-employed person earning less than the National Living Wage is arbitrarily assumed to be earning that NLW? This is Orwellian!!

CANCELLING THE CHILD CARE COSTS OFFSET: What about people who are not yet on Universal Credit? And given the hardship that the introduction of Universal Credit seems to be generating, why do you consider parents will suddenly be better off when they're transferred to Universal Credit. You need to take into account what has actually been happening as people are transferred to Universal Credit.

As a pensioner i'm supposed to already be exempt to these CTS changes, however I know that the council is already applying this 16K cash limit to me in other areas, requiring me to pay for care, so these changes may indeed affect me in future. It maybe the first of many such future changes.

It is not offering any help to low income family

You say it is a matter of 'fairness' that you have to introduce a new scheme. How so? The proposal and implementation of the new Universal Credit is a shambles and I suspect this scheme will also cause hardship to many.

I don't quite see that this questionnaire will make any difference to your plans as you have already decided that your new scheme will be implemented.

Proposed Council Tax Support Scheme 2019

This is just a matter of course!!!

We disagreed with the closure of Rosa Freidman Day Centre for the elderly. Questionnaires were completed etc., and it closed. Barnet is now leasing the building to a company. So what was the urgency of getting the residents out? What a joke!!!

- 16 People can't pay anymore than they already are.
non dependent earning 0, deduction of £5.00 from claimants earnings is unfair. With the onset of full
17 universal credit roll out where claimants receiving less benefit- your proposed discounts will not cover
their yearly council tax bill.
18 What I can see in your proposed changes is that we will end up paying more council tax. It is hard
enough to pay the way it is now.
The Council is trying to take more money from the most vulnerable and least able to afford it; pushing
19 families/residents into utter poverty, food bank use and at risk of homelessness and mental health
problems. The pressure mounts up until there is an emergency situation. Stop squeezing the poor -
there is no slack to take up.
SOME CLAIMANTS OF WORKING AGE WHO HAVE HEALTH ISSUES PREVENTING THEM FROM
EMPLOYMENT ARE ALREADY HAVING TO WAIT A MINIMUM OF SIX EXTRA YEARS TO
RECEIVE THEIR STATE PENSION. A REDUCTION IN CTS WILL CAUSE THEM FURTHER
HARDSHIP; MANY WILL HAVE TO USE THEIR SAVINGS TO PAY THEIR COUNCIL TAX, REDUCING
20 THEIR CAPITAL & MAKING THEM MORE LIKELY TO HAVE TO CLAIM BENEFITS IN FUTURE.

THE DWP'S WCA IS NOT FIT FOR PURPOSE, AS DEMONSTRATED BY THE NUMBER OF
CLAIMANTS WINNING THEIR APPEALS AT TRIBUNALS. THEIR HEALTH OFTEN DOESN'T
ALLOW THEM TO COPE WITH THE STRESS OF THE PROTRACTED APPEAL PROCESS.

- 21 The residents affected are some of the poorest in the Borough who should continue to receive the
same level of support to offset paying the full Council Tax.
22 Because this is a way for the council to gradually cut the council tax support scheme. You are giving
Barnet residents 'our say', but the council has already decided on this change to the scheme.
23 increased financial burden on least able to meet it
You propose to align a scheme with Universal Credit. It is widely reported that Universal Credit does
not work, the system is flawed, that is common knowledge.

- 24 Furthermore, Nil income....you get 72% award, tell me, if you have nil income, how can you pay the
28%?

Stupid.

I believe it is no more than a deliberate act by the council to cleanse the borough of the poor, just as
the central government are doing.

- 25 This will put people in financial hardship more then now. Some of the other London boroughs provides
100 % council tax reduction to certain benefit receivers while Barnet only providing upto 80 %.

Reducing the reduction further is unacceptable.

- 26 1. The 'income bands' support proposed from 1-2 jumps from 72% to 52%. This is too steep for low-
income earners and a heavy burden for those, who mostly may be entering the job market after a
period of hardship.

2. Universal credit does not sufficiently cover childcare costs, nor should childcare cost be considered
only by one social security measure

- 27 Because why take from the really struggling, why do you take from the Fat Cats who are running the
Scheme

- 28 It seems to penalise the poor.

This scheme is punitive for those on low incomes. While the simplification of income banding is
welcome, the bands identified are not and taper too quickly at the lower end.

- 29 Reducing the capital limit is at odds with even central government policy, and the current taper is more
equitable.

Proposed Council Tax Support Scheme 2019

The simplification of non-dependent deductions is again welcome, although the exemptions could be widened to include those in the ESA/UC support group.

The minimum income floor is cynical and stifles entrepreneurship. Self-employed people often make a loss initially and should not be assumed to have income they do not have. There is no reasonable justification for assuming someone has money when it is indisputably clear that they do not.

Not offsetting childcare costs is unfair for those claimants on legacy benefits, in particular disabled people on those benefits who would in most cases be worse off under UC. It is a concern if this pushes people into claiming UC (voluntarily transferring from legacy benefits) without taking appropriate advice.

30 There is no consideration for living costs and singles who have dependents. Someone maybe on a reasonable income but still need to rely on their council tax support etc...

31 Poor people need the help

32 Because your proposal will have a negative impact on the most vulnerable people in the borough; that is to say, the poor.

33 Again those on low income that are of working age will have to pay more, yet their income will have not increased. Plus, reducing savings allowance from £16,000 to £6,000 is too big a reduction. Home owners need more than £6,000 to maintain their homes and pay for their care, should they need it.

34 The value of one's home should be taken into account when assessing capital. That means that those with a modest 'savings' level but no home of their own will not be penalised.

35 It is once again the poorest in society that are paying the most ,it is more support they need not less.

36 Because you re targeting people who are already on low incomes and increasing poverty.

37 You are robbing the poor again to pay Capita.

38 People with low budget need more help. Although people with invisible disability need more help too. Universal Credit has been proven to be not fit for purpose. It is putting families and single people into poverty - by reducing council tax benefit as well, you are effectively making people have to choose whether to go without heat or food to pay the deficit. Rents go up, bills go up - Universal Credit takes away. Please reconsider this until Universal Credit has been properly adjusted and actually works.

40 There have been enough cuts in support already. You have not fully consulted on cuts to non-dependent deductions, i.e. I disagree that non-dependent deductions are set to increase. Most non-dependents would prefer to be independent - so you are penalising a generation already struggling to get on the housing ladder, who are already most likely living in a situation they'd prefer not to be living in (in terms of housing). Yet again, these cuts wil impact the poorest in society. Simplification is fine, but this is simplification with cuts in support for low income families.

41 as above

42 firstly, reducing the capital from £ 16,000 to £ 6,000 seems to penalise those who were in a position to put aside some money towards rainy days. Secondly, the Council outsources its services to Capita who invariably manage to mess up the Council Tax owed and/or paid by its households by making innumerable mistakes in the calculations. Those already in receipt of benefits have already seen a reduction in their income with the introduction of Universal Credit. To them every single pound could make a bid difference. The Council should be mindful of the fact that it is those in dire need that might miss paying their Council Tax on time for them then to receive a summon with an additional £ 75 charge on top. the system must be more flexible and understanding of individual's circumstances.

43 I am struggling at the moment to pay my council tax on a low income, the increases you will demand are simply unaffordable in the real world

44 When my husband is disable and I am his care 24/7 and our benefit even can't cover our expenses how plus that we can council tax? That's mean we pay back some of the money that government think we need to live which is not. It is really not fair.

45 Any change in status quo contains an element of risk. The assessments seem highly speculative, at the expense of the low-earners of this borough.

46 1. Income bands should be seperated by less than £2000 in each band. The proposed £4000 is too big gap.

46 2. Capitals/ savings of £6000 is too much plummet. From £16000, it is fairer to reduce to 10,000-12,000.

47 Most people on benefits are already struggling to pay council tax and are having to forgo essential bills

Proposed Council Tax Support Scheme 2019

sometimes eating in order to pay their council tax - THIS IS WRONG

This is not a simplified method of collection. This is simply a protracted way of asking for more money. The introduction of a minimum income floor parameter will create an enormous headache for claimant and council alike. The net result will be a greater percentage of people entering into arrears or refusal to pay, creating a larger burden on the council in attempts to enforce recovery of this money.

People who are on social service benefit receive minimum amount by law to survive. The amount for council tax is not included in it. Therefore, it is not fair for them to be forced to pay for council tax. Hi

I am single and working part time and I tried my best not to get help from government. It is very difficult for me to have basic life and always short of money so I didn't get married didn't make kids because I know that I can't afford it but there are people doesn't care getting married making kids and keep claiming benefits and council give them lots of service and benefits . Council put more pressure on people like me to provide more service to people doesn't care about them community .

I am over 60 and have severe back problems such as sciatica and i need more support from the council and i feel that the new scheme is not going to help me.

Not sure

because those on lowest incomes will lose out and they should be supported

You are trying to make the poor poorer

As we hear on the news, universal credit isn't working and sending people into deeper poverty, food banks and homelessness .it is wrong to change council tax support tied up to the benefit which clearly isn't working. Due to save 3 millions on administration, you will send low income families into danger. If people with just over 6K saving starts to pay full council, within a year .their saving will drop to under 6K and goes back to CTS, which create more administration confusion and incur costs. Charles Dickens wrote about poverty in his era And all the poverty cruelty and spitefulness under Toryism will also be remembered for hundreds of years. there have already been two cuts under this Tory council to Council tax support for the poorest in society. Perhaps look more to the hugely wealthy residents in Barnet to shoulder a little more of the burden.

This smells strongly of social cleansing. It seems the Tories whether in government or councils hit the poorest not the wealthiest with broader shoulders able contribute a little more.

First of all its really difficult to understand the calculation council does for council tax reduction at the moment we are paying really high council tax n top of that we are told council is helping how I cant understand its stress to just think about day to day life with 2 growing kids dont want to talk more thanks stay blessed All

You are making the very poorest people in the borough meet the shortfall made by mismanagement of the council's finances. This has unintended consequences - it may force more people to use foodbanks or they will run up debts with landlords/council and end up on the street which is even more expensive. It may also stimulate petty crime when people are placed in circumstances of extreme hardship. All those consequences have a cost which has not been considered in this calculation.

No-one on benefits should lose out.

UC in general caused reduction in benefits devastating the life of many. I would expect the Council to offset this lose by increasing the support for those who affected, not decreasing it. If the council proposition will have negative impact on young families, (savings, child care etc) as well as the people on low income.

If the council needs to reduce its spending, it should not be taking money from the most vulnerable people in our society. Those that rely on council tax support are on the lowest incomes. The council should not be taking money away from those in need.

Chancellor said Austerity is over but you are not taking into account childcare.

Regarding the savings, £6000, the council tax will apply 100% is not right as living costs are much higher than in the past. It is also £6000 is not a lot of money nowadays. We all need this sort of money in saving. People who have social service benefit can have savings up to £16000. This is not a large amount of money. Why they have to pay full amount of council tax if they have more than £6000?

A few years ago, these people did not need to pay for council tax at all. They could receive 100% council tax reduction or supports!

Proposed Council Tax Support Scheme 2019

64 People who have a low income should not just get a 40% discount. We have other bills to worry about
necessities like electric and gas which is always increasing in price. Paying council tax more than we
should will only cause stress on people.

65 Lower income households should not have to pay a higher % of council tax. Must already have high
rents with LH Allowance not keeping in line with private rents. Householders on low income are having
to contribute more towards rent, which leaves lower disposable income and living expenses.

66 I feel low credit families will lose out unfairly
this is not about simplifying the process. its about saving money. why do it on the back of those who
67 can least afford. bear in mind these are the people already suffering from spiraling housing costs.
The universal credit has not been implemented in London and it may not be implemented in the next
68 two years, what's the rush!?

69 You're cruel to the most needy residents but easy on supporting a millionaire's rugby pitch.
You failed to mention state aided carers, who I believe should receive 100% rebate, as they do in your
70 neighbouring borough of Enfield
It looks like punishing the low income people once again. Why do not you try increase the tax collected
from the big companies or chase it up with the companies not increasing the hourly rates for self
71 employed people for the last 4-5 years. When we make such request they simply tell us off and find
another. This will only make the low income people loose some much needed income. It is very
disappointing!

72 New proposals penalise low earners and face putting low income earners like me into debt as new
proposed percentages are very low and leave lots to be paid by me

73 Not sure what it means for me

74 Generally designed to disadvantage the poorest residents
Universal credit is not fit for purpose. Changing council tax support to be more in line with it is not
75 smart. You say that you will have to generate more letters unless you change the council tax support
system. This is not true. You will be wasting more money than you will save by implementing the
changes. Instead, make your current administration system better

76 This scheme penalises people in dire financial need. As such it is despicable
77 maximum benefit seems to be being reduced to 72% from 80%. This should remain at 80%

78 Self employed pupils on low income are bad affected

79 Rubbish
I think it's discriminating against those who have children in childcare and are working, expecting those
who earn less than the minimum wage in self employment to pay more than they can afford to
80 especially if they have children in childcare, is basically asking those to fall into arrears and become
homeless without the current support in place, the current system supports people it shouldn't be
changed because it's out of date if it's actually supporting those to stay in their homes with their
children too.

81 Because it doesn't help people on a low income whose weekly earnings vary and who are on universal
credit
Not everyone is on universal credit so the assessment will not take into that but also the money
scheme £16000 is not a lot for a parent with children and a child with disabilities who requires a lot of
82 care the money goes towards bills and adaptations for them that no one else provides having to pay full
council tax for having over £6000 will put a certain range of social care tenants in extreme hardship and
will result in people either not paying the council tax or not paying another bill instead

83 I can not afford to pay my bills

84 The changes will have a unfair impact on the lowest paid in Barnet, including low pay self-employed.
It feels like once again people on low incomes, self employed people etc are being targeted in order to
make savings and cut costs. People in these categories are already struggling and stretched and this is
going to add further to the stress - which in the long term will create more problems ie health issues,
etc etc. Perhaps an adjustment is required with the Universal Credit scheme coming up (another idea
85 that is being grossly mismanaged at the expense of the sick and disabled and low income families)
however it should be made very fair so people are not penalised by this unthought out and poorly
executed scheme. I also don't feel the threshold for savings should be reduced from £16000/- to
£6000/-. If this is absolutely necessary, it should perhaps be reduced by less, say to £10000/- or so.
This is not fair. People at the lower income end, with more genuine, essential expenses etc are being
penalised because the government keeps moving the goal posts further and further away - simply

Proposed Council Tax Support Scheme 2019

because they can!

86 Reduces support to those who need it most

87 If the council need to make savings it is most immoral to go straight for the least well-off and hurt them.
e.g. you built a brand new building in Colindale for yourself from taxpayer's money, besides there is
88 nothing wrong with the old one, where did you get money to build this building? Now you want to save
more money from poor people by reducing their council tax support...

89 people have enough financial worries if they are claiming benefits or on a low income or both and
universal credit roll-out is causing many problems

90 Thi

91 people already straggle

92 As a disabled person living with my family we are struggling enough, putting more prusre will effect us
more mentally and physically will cost more foe nhs so I don't think i5 will help each side.

93 Whether a person owns a property (even under mortgage) should be taken into account.

94 Unemployed people should not have to contribute to the costs of council tax. As UC is already living in
poverty. We need to return to before 2013 when unemployed were exempt from paying.

If you disagree, do you have any alternative suggestions on how the council could save this money? (Please type in your answer)

Responses

1 Abolish council tax for lower income earners and tax the higher earners which at the end of the day will
balance out everything and they can afford to pay it. Someone having to claim council tax support is
clearly struggling anyway so why make them struggle more?

2 ?

3 The council should raise more money from the richer corporate/business entities which it deals with and
which operate within the borough. Or the council should increase the council tax rates for high-earning
people who live in high-banded private properties.

4 YES, THERE SHOULD BE SAVINGS IN OTHER AREAS

5 Get rid of Capita and outsourcing and bring services back in-house, so you can stop wasting our tax
money on Capita's share holders and have more money for the benefit of this borough's residents!

6 as suggested above.

7 The government needs to start investing in councils, not just continue to cut everything. Austerity is
supposed to be ending now!

8 I do not want Barnet council to be privatised and run by capita. I want Barnet council to be run by local
people.

If central government is making savings with harsh benefit cuts the council could apply to them for extra
money that is needed. Instead of punishing those who have little or nothing already.

9 1- Minimum weekly awards would be far to complicated for everybody.

2-Restricting support - a maximum council tax band should definitely be an option.

3- I disagree with the third option as this again punishes those on the lowest incomes.

10 Show leadership, Reduce fat cat salaries and pensions. Bring all services back in house including pest
control. Maintain Bin collections as before. Make change means " increasing " bin collections to daily as
in hot countries.£2 million fraud to be recouped from capita. Pensioners preserved from cuts. Control
rents - Rent to buy for those unable to afford a mortgage. This will stop fraudulent housing benefit claims
- save this country millions of pounds.

11 I think council tax should be increased, but that increas MUST be accompanied by a Council Tax

Proposed Council Tax Support Scheme 2019

Support Scheme that really does help the less affluent people in Barnet. Many, many people living here (myself included) could easily afford to pay more and would be willing to, if that helps our fellow citizens and ensures that the Council provides really good support for the more vulnerable people in our borough.

A definite cast iron promise that pensioners currently on 100% CTS relief will keep this current benefit.

Regardless of everyone's say, your new plan will go ahead.

Get your money back from the Icelandic banks.

less outsourcing to the private sector. Generate more council employment. this is more cost effective.

Stop selling council land to property developers at a subsidised rate.

Collect revenue from parking fines. The pot holes on Barnet roads are atrocious.

To consider in which other areas which are less important the council might save the money (though I gather you've done that already!).

Reduce Councillors' pay/honoraria.

CHARGE THE VERY WEALTHY BARNET RESIDENTS AN EXTRA PREMIUM ON THEIR COUNCIL TAX.

Increase Council Tax for those Barnet residents not in need of support and who pay the full Council Tax. tax the rich

Yes, STOP PAYING CAPITA and other known agencies with a string of failures behind them. They do not work.

Council should look at other avenues such as getting proper tax from businesses and stop spending public money on unnecessary road works etc.

1. Support should start from 85-80% and gradually decrease until band 7 where people will be earning between £1,400-£2,000 per month net income (presumably). Helping people to have the inclination to save when they have lower income margins, will likely result in people having more disposable income margins when they are earning more.

2. In the long-term offsetting childcare costs against income will benefit families, reducing financial pressures on new families and/or middle-low income families, thus benefiting the borough's economy through investment in children.

3. This is a disingenuous question: really state-sponsored investment in their local boroughs can produce savings and stimulate productivity, via state-sponsored enterprises that create added-value and profits which can be used to feedback into the budget. Yet the local council among others have privatised many services through contracts with private companies, while underpaying their own staff. Conservative notions of "living within one's means" are ridiculous in today's increasingly cosmopolitan societies, local investment and positive visionary ethical foresight will inevitably result in savings in the long-term. One hopes that you will take heed. Although, you probably already know this.

Keep it as it was you are ruining Great Britain I grew up all my Life.

Charge high earners more council tax, extend the pollution tax to Barnet to cover traffic to and from the M25, more efficient benefits claim method (less paper).

Barnet would save money by not aggressively pursuing residents without means for CT arrears which it knows they can never pay. This scheme will increase costs in terms of liability orders and enforcement as it will put more vulnerable people into a position by which they cannot pay. This will also have a knock on effect on local mental health services. Have these costs been factored in to the financial modelling?

Stop rewarding people who don't work, why not have your support be calculated with both income and expenditure, or provide a reward for those who work are above the allowance but still are in a deficit. Support those who work and still cant afford to live! reduce the benefits of those not working - ensure it comes out of their weekly income. Soon they will get a job

Reduce the pay, or fire the imbeciles that devised this harebrained scheme. The poor have suffered enough!

think again.

Include, when assessing capital, the value (within the last few months) of one's home.

Stop paying private companies to provide services that the council can provide ,Barnet should not be

Proposed Council Tax Support Scheme 2019

giving loans to a private company. I pay my council tax for services for all ,so charge more.

32 Kick Out Capita

33 Make people's life easy instead of harder.

Pay top brass at the council less. Streamline council departments - its impossible to find someone to answer a phone anyway so you may as well get rid of some people. Do not have roadworks on a Saturday/Sunday when council workers get paid more.

34 Central government should increase their funding of local governments and tax the top 5% (if need be) further to fund this. There seems to be money for the DUP, for the EU, for inquiry after inquiry, for the McCann investigation, so I'm sure they could find these funds somewhere.

36 as above

I have difficulty in understanding how the Council would be running at a deficit when the Borough has been for the last decade a party to one of the largest housing development I have seen in my lifetime . Surely , every planning application warrants a payment to the council, new owners/ tenants become liable to Council Tax. Has there been an improvement to the services? I would say a deterioration is more likely. Our high streets are populated with betting shops , fast food outlets, nail bars who only operate on a cash only basis. Many shops are a front for something else as they are always empty. The Council might want to think about getting communities involved in providing services for free in return for a reduction in their Council Tax. Or introduce a good citizen award. As a priority it should take back in-house the management of Council Tax and other services currently run by Capita.

38 Increase council tax for higher earners/high value properties - a very easy solution!

39 The government has to support all the councils or increase the council tax of rich people.

40 Tax HMO owners!

1. Income bands should be seperated by less than £2000 in each band. The proposed £4000 is too big gap.

2. Capitals/ savings of £6000 is too much plummet. From £16000, it is fairer to reduce to 10,000-12,000. Cut other services provided by the council and ensure that those on benefits and low incomes have the MAXIMUM assistance and help in the reduction of their council bills. Increase the council tax obligation for those in higher value properties.

43 Those who clearly have the means to pay, will not be pushed into poverty by a nominal increase.

The current proposal will punish those who are least able to meet the council's demands.

44 Paying less salary for directors and management level of the staff to save for Barnet Council budget. Charging higher rate of Council Tax to people who are rich.

45 Look after single people more please.

46 More control for who is applicable for the councils support might reduce the expenditures

47 Not sure

48 raise council tax! Barnet always says it is a low-tax borough but if tax is fair, then the wealthier help support the less well-off

49 Cut your wages

50 go paperless and save postage, Have street wardens to issue fines for anti social behaviour such as spitting and dropping litter and cigarette end. Each fine amounts to the proposed cut of CTS of 12 people.

51 Like Westminster Council a Voluntary Mansion Tax Band could be brought in which has raised a considerable amount of extra funds for the council. Also not waste funds at the end of the tax year with the sole purpose of getting extra funds from the government.

Review senior council salaries which have become excessive. A 10% cut to all those officers earning over £75,000 per annum would save £500k per annum plus c£115,000 per annum in pension costs. Sack Capita and restructure the council. Having a silo structure it does not allow synergies between services to be exploited, it is inflexible and the contract fee is indexed to inflation. It would also mean a reduction in the number of commissioning staff. I estimate this could save c.£3-4 million a year. Get capital expenditure under control - the interest payments directly affect the revenue budget. In particular the interest cost associated with the BX Thameslink station are huge which we are exposed to. Consider introducing a small charge on green bin collections such as £25/annum. Even if only 30% of households paid the fee that would raise £1m per annum. Move to fortnightly general waste collections - that would

Proposed Council Tax Support Scheme 2019

save £900k a year. In summary start listening to residents.

53 Get rid of the commissioning team which costs more to run than council tax support does. Set a salary cap of £100,000. Become boringly efficient. Move to fortnightly bin collections. Don't lend £23m to Saracens

1. Get rid of Capita, which is a major resources sucker.

2. Take back services in-house, it was proven to be cheaper.

54 3. Reduce the salaries of the highly paid officers.

4. start initiatives to generate income from e.g. local green energy.

5. put a pressure on the 3 conservatives MPs to press the government to end its devastating cuts policies.

55 Identify other areas where you can save money that don't involve disadvantaging the poorest members of our community

56 Fewer admin staff? Fewer managers?

57 I would like to suggest Barnet Council to take more council tax who are rich or wealthy millionaire!

58 If austerity is ending as Theresa May has stated, then why is the council not seeking more funding from the government. Should be lobbying along with other councils for more funding.

59 Target the rich not the poor

60 maybe those who are benefiting from a broken housing market should be paying more.

61 The present scheme is working perfectly well and it's simple. You are trying to make it very complicated in order to same some money,

No need to do that.

62 Raise council tax on the highest band to compensate.

63 Give full time state aided carers who live on £63 carers allowance and £44.50 income support per week, 100% rebate..

64 Why do not you try to cut some workforce since they are no longer needed because of the benefit changes and maybe consider decreasing the bin collection dates like many other councils are doing.

65 Leave scheme as it us

66 Kick out Capita. They're wasting our money

67 Yes. Invite me to do an audit of how much manpower and resources are wasted due to your department not speaking to other departments in the same building as you. Integrate a computer system for Barnet everything.. Homes, support etc

Talk to each other. Employ people who can read and comprehend. Stop wasting money building a shiny new office block in Colindale. Reduce the expenses and salaries of the higher ups.

68 Kick Out Capita and stop Gainshare payments, using cash saved to ensure most needy in Barnet are treated fairly and are not pauperised

69 I dont have specific information to make a sensible suggestion

70 Increase council tax for every one

71 Tax the rich not cut from the poor

72 As there's already raises in council tax, it shouldn't be those with nothing already be hit it's absolutely appalling that there's people going to food banks and being made homeless that they're being hit because of cuts to the council, this isnt where you make cuts if you want to protect children. You could be asking to raise funds for the council through community schemes that benefit joining people together socially.

73 should charge more from those who earn more, but should not effect those on lower income

74 The council should end all outsourcing to Capita and other private companies and bring the services back in-house.

75 Several changes to payment of Council Tax were made in the last few years which adversely affected people on low incomes, sick and disabled. For example in certain cases where someone was exempt from paying Council tax altogether, they are now having to pay towards it - albeit a certain percentage

Proposed Council Tax Support Scheme 2019

and this is while the benefits etc have been frozen - so more expenditure but no increased income! There are other departments within the Council itself I'm sure that could be looked at where cuts could be made. Also perhaps the higher earners could be assessed and asked to pay more towards the Council Tax/Social Care as they can afford it. It is unfair that a high earner pays the same amount of Council Tax than a low earner. I'm sure you have heard these arguments before and I think it is time to give them some serious consideration. I wish I could make some further, practical suggestions but I am not exactly sure of the departments within the Council - where I am sure cuts could be made easily and without affecting anyone adversely. This would be something that the Council would need to look into themselves. Thank you.

- 76 Use a means tested system and banded after a certain threshold.
- 77 Revenue generating schemes can be started and savings can be made on non essential expenses e.g. sports.
All these Highway maintenance builders wasting council's money, digging the roads, leaving the temporary traffic lights on for couple of days, besides nothing is happening on that road...
 - subsidised council canteens
 - some councils do 'glitzy award ceremonies'
 - one chief executive can serve three authorities
 - Freeze councillor allowances and end councillor pensions
- 78 - Cut spending on consultants and agency staff
 - End expensive 'leadership' training courses
 - Cut spending on head hunters and expensive adverts
 - Stop providing free food and drink for meetings
 - review giving money to 'fake' charities
 - Reduce first class travel
- 79 no - please leave it as it is
- 80 Spend more effectively
- 81 Changing banding limits as appropriate, include the values of people's owned properties (even if under mortgage) in the total of people's assets.
- 82 Well first of take back services from capita and put them in house. And Sack the council leader.

8. Appendix B – GLA written response

Dear Darren

LONDON BOROUGH OF BARNET COUNCIL TAX SUPPORT SCHEME 2019-20 CONSULTATION RESPONSE BY GREATER LONDON AUTHORITY

Thank you for your email of 28 October confirming the publication on the Council's website of the London Borough of Barnet's consultation on changes to the council tax support scheme for 2019-20. The proposals consulted on

Proposed Council Tax Support Scheme 2019

are summarised in this letter, which also sets out the GLA's response to the consultation.

Introduction

As in previous years, the GLA recognises that the determination of council tax support schemes under the provisions of the Local Government Finance Act 2012 are a local matter for each London borough. Individual schemes need to be developed which have regard to specific local circumstances, both in respect of the potential impact of any scheme on working age claimants (particularly vulnerable groups) and, more generally, the financial impact on the council and local council tax payers – and therefore the final policies adopted may, for legitimate reasons, differ across the capital's 33 billing authorities.

This fact notwithstanding the GLA also shares in the risks and potential shortfalls arising from the impact of council tax benefit localisation in proportion to its share of the council tax in each London billing authority. It is therefore important that we are engaged in the scheme development process and have an understanding of both the factors which have been taken into account by boroughs in framing their proposals, as well as the data and underlying assumptions used to determine any forecast shortfalls which will inform the final scheme design.

Framing Proposals

As part of the introduction of council tax support in 2013-14, the Government set out its expectation that, in developing their scheme proposals, billing authorities should ensure that:

- Pensioners see no change in their current level of awards whether they are existing or new claimants;
- They consider extending support or protection to other vulnerable groups; and
- Local schemes should support work incentives and, in particular, avoid disincentives to move into work.

The GLA concurs with those general broad principles and encourages all billing authorities in London to have regard to them in framing their schemes.

Proposed Changes to the 2019-20 Scheme

The Council is proposing to move from its existing council tax support scheme, in place since 2015, to a new 'banded' scheme from 2019-20 onwards. The Council identifies reforms made by the Government to the welfare system, as the driver for change. In particular, it states, the introduction of Universal Credit means the existing scheme is no longer compatible and the need for frequent reassessments and changes to CTS entitlement would make administration of the existing scheme too costly.

The new scheme will take into account income from net earnings in determining eligibility for CTS. Net earnings are defined as earnings after income tax, national insurance and 50% of pension contributions. As the scheme is based

Proposed Council Tax Support Scheme 2019

on earned income, it will not include income from tax credits. The table below shows, for all of the options, the monthly income bands and maximum levels of council tax reduction for each band.

Monthly Earnings	Maximum level of council tax support discount
No earnings	72%
Up to £500	52%
£500-800	44%
£800-1100	36%
£1100-1400	28%
£1400-1700	20%
£1700-2000	12%

In addition, the new scheme will include the following changes:

- The maximum capital limit will be reduced from £16,000 to £6,000; claimants with more than £6,000 will not be eligible for an award under the CTS scheme.
- Non-dependant deductions will be simplified in line with Universal Credit, with the introduction of two flat rates. For households with a non-dependant with income of up to £200 per week, the claimant will receive £5 less CTS per week. For households with income of £200 per week or more, the claimant will receive £11 less CTS per week.
- Claimants will not receive a non-dependant deduction if they or their partner are in receipt of the care component of Disability Living Allowance at the middle or highest rate, receiving the daily living component of Personal Independence Payment or receive the Carer Premium.
- A minimum income floor will be applied, in line with Universal Credit (UC), to ensure self-employed people are treated on the same basis, whether receiving UC or legacy benefits. Self-employed claimants declaring a lower income than the national living wage will have their CTS calculated on a notional income equal to that of the national living wage.
- Childcare costs will not be taken into account when assessing income for determining claims for CTS by applicants.

The consultation states that Barnet considered alternatives to the proposed scheme, but none were identified as meeting the Council's objectives. As such, the consultation does not propose adopting any of these options and therefore the GLA's comments below are focussed on the Council's preferred option.

The GLA supports the Council's proposal to move to a banded scheme; it is important that schemes take account of the ongoing implementation of Universal Credit. The proposed change should help to reduce the burden on the

Proposed Council Tax Support Scheme 2019

Council to recalculate entitlements multiple times a year. It will also improve certainty over the council tax bill for UC claimants, enabling greater certainty for households to budget and plan their finances.

Notwithstanding the above comments, the GLA is concerned about the Government's proposals for the 'managed migration' of working-age benefit claimants to UC over the next year. The GLA's recent response to the Government's Social Security Advisory Committee consultation on this process called for DWP to pause the rollout of full service UC and delay managed migration, until underlying technical issues have been addressed and claimants, welfare advisers, and other experts have been consulted on reducing the complexity of the claim process.

The GLA recognises that local authorities face difficult choices on CTS schemes, as overall funding from central government reduces and funding for CTS is no longer identifiable within the settlement. However, the Council's proposals would mean some significant changes to the existing scheme. On average, support for working age claimants will reduce by 25% under the Council's proposals, as set out in the modelling in Appendix A of the Urgency Committee's paper from 18 October. The proposals particularly affect those in receipt of legacy benefits; couples with or without children in receipt of legacy benefits face a significant reduction in support of over 30%.

The proposal to increase the minimum contribution to 28% would mean the minimum contribution level would be amongst the schemes that require the highest level of contribution from working age claimants. Three other London boroughs currently require a minimum contribution level of over 25%. There is also a substantial difference between the 28% minimum contribution level for claimants who are not working (Band 1) and those in the next band who are earning up to £500 a month, with the contribution level rising to 48%. This could lead to a potential 'cliff-edge' where claimants move into work, which may have negative impacts on incentives to work.

The increase in the minimum contribution level would lead to a significant percentage increase in the amount of council tax some current claimants are required to pay from 2019-20. The examples provided in the consultation document demonstrate that some claimants will face a 40% increase in their weekly payments in 2019-20, compared to 2018-19. Evidence suggests that the collection rate can decline as the minimum payment level increases. Research from the New Policy Institute has demonstrated that arrears tend to increase significantly for schemes with a minimum contribution threshold above 20%.

The GLA recognises that reducing the capital limit to £6,000 would bring the Council's scheme into line with others in London. However, it is not clear from the consultation document how many people this change would be likely to affect. There is a possibility that for a limited cohort of claimants this change could lead to a significant rise in their council tax liability. It would be helpful to understand the number of claimants who would be affected by this proposal and the average increase in their liability.

The GLA recognises that the changes proposed by Barnet more closely align the support offered through its CTS scheme to claimants on Universal Credit and legacy benefits. However, we would encourage the Council to consider how the changes may impact on vulnerable groups in particular, who could be adversely affected by significant changes between 2018-19 and 2019-20. The Council could consider capping the maximum changes at a lower level for households with families, at least in 2019-20, to enable claimants to adapt to the new scheme. The GLA would also be covering part of the cost of a cap in proportion to the GLA precept element of council tax payable by these CTS claimants.

The GLA considers that, before finalising their 2019-20 schemes, all billing authorities should re-examine the challenges which they will face in collecting relatively small sums of money from claimants on low incomes, who may not be able to pay by direct debit or other automatic payment mechanisms, based on their experiences in the first six years of the localised system. In some cases, the administrative costs of enforcing such payments may outweigh the cost saved by reducing support.

The GLA welcomes the proposal to continue to make a discretionary council tax relief scheme available. We would encourage the Council to take a proactive approach to informing those council tax support claimants who are facing difficulties paying council tax bills about this policy. The council could also consider providing more funding for the scheme in 2019-20, to support claimants as they adapt to the new contribution rates and other changes to the scheme.

Finally, the GLA would encourage the Council to consider whether additional income can be generated through the new ability billing authorities will have from 2019-20 to increase the empty homes premium; this is set out in further detail below. It is the GLA's view that the proposed changes should be considered in the whole. If one proposed change results in greater savings for the Council that could be used to reduce the need to apply other proposals, then we would encourage the Council to consider doing this as it would help to reduce the financial burden on individuals and families in Barnet who see their CTS entitlement reduced.

Financial Implications of the Proposed Scheme

It would be helpful for the GLA's planning purposes if Barnet could provide us with a forecast total cost for the proposed scheme in 2019-20, based on the forecast 2018-19 caseload, taking into account any developments since the public consultation was launched – ideally apportioning all elements between the GLA and the council having regard to 2018-19 council tax shares. This would also allow the GLA to calculate its share of the cost of the scheme proposed by Barnet.

Technical Reforms to Council Tax

Proposed Council Tax Support Scheme 2019

The GLA considers that in formulating its council tax support scheme each billing authority should both consider and address the impact of the additional revenue it is expecting to raise from the technical reforms to council tax introduced in the Local Government Finance Act 2012, which provide greater flexibility in relation to discounts, exemptions and premiums for second and empty homes. The additional revenues from the technical reforms could be used to reduce any shortfalls and thus the sums which need to be recovered from working age claimants via any changes to council tax support.

The GLA understands that in 2018-19 Barnet has the following policies in place:

- For properties requiring or undergoing major repairs or structural alterations (former class A): a 0% discount
- For properties unoccupied and substantially unfurnished (former class C): a 0% discount
- Second homes: a 0% discount
- Long-term empty properties: a 50% premium on properties that have been unoccupied and substantially unfurnished for a continuous period of two years, meaning the full charge of 150% is payable in such cases.

The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act, which received Royal Assent in November 2018, enables councils from April 2019 to charge 100% premiums on properties which have been empty for more than two years. The legislation also gives councils the ability to charge higher premiums in subsequent years for properties which have been empty for longer periods of time. The GLA would encourage councils to consider the impact of implementing a higher premium and the potential additional revenues this would generate, when considering the detail of council tax support schemes.

We would encourage the Council to inform us as soon as possible if any changes are proposed to its discount and premium policies, in order to assist us in assessing the potential impact on the Mayor's funding and tax base for 2019-20 and future years.

Council Tax Protocol

In recent years the issue of council tax collection practices has become more high profile. The GLA, of course, recognises the importance of ensuring council tax arrears are collected wherever possible. However, in some instances poor collection practices can worsen debt problems for vulnerable residents. The GLA welcomes the fact that Barnet has signed up to the council tax protocol, developed by Citizens Advice, in partnership with the Local Government Association. The protocol outlines a number of practical steps for early intervention to support people struggling with payments. In London, eight boroughs have now and the GLA is encouraging all boroughs to consider adopting the protocol.

Providing Information on Schemes

Proposed Council Tax Support Scheme 2019

Whilst we recognise that the detailed rules on council tax support schemes are inevitably complex, the GLA would encourage all boroughs to make every effort to set out information on their schemes as clearly as possible. Information that may help potential claimants could include an online calculator, to identify whether potential claimants are likely to be entitled to support, as well as 'Frequently Asked Questions' and a summary document outlining concise details of the scheme. In addition, for existing claimants, we would encourage boroughs to consider how the process for reporting changes in circumstances can be made as straightforward as possible.

Setting the Council Tax Base for 2019-20 and Assumptions in Relation to Collection Rates

The Council will be required to set a council tax base for 2019-20 taking into account the potential impact of the discounts the Council may introduce in respect of council tax support and any potential changes the Council may implement regarding the changes to the treatment of second and empty homes.

The Council will need to make a judgement as to the forecast collection rates from those claimants and council taxpayers affected by any changes to council tax support, taking into account the experience in the first six years of the council tax support arrangements.

The GLA would encourage the council to provide it with an indicative council tax base forecast as soon as options are presented to members for approval, in order that it can assess the potential implications for the Mayor's budget for police, fire and other services for 2019-20. This should ideally be accompanied by supporting calculations disclosing any assumptions around collection rates and discounts granted having regard to the final council tax support scheme design.

Collection Fund and Precept Payments

By 23 January 2019 the council is required to notify the GLA of its forecast collection fund surplus or deficit for 2018-19, which will reflect the cumulative impact of the first six years of the localisation of council tax support. The GLA would encourage the council to provide it with this information as soon as it is available.

I would like to thank you again for consulting the GLA on your proposed council tax support options for 2019-20.

Yours sincerely

Martin Mitchell
Finance Manager

9. Appendix C – Citizens Advice Barnet written response

Dear Darren

Proposed Council Tax Support Scheme 2019

Please find Citizens Advice Barnet's response to the Council Tax Support schemes proposed changes:

Council Tax Support proposed changes - Citizens Advice Barnet response

We understand the reasons behind Barnet Council's decision to change the current Council Tax Support scheme however we are extremely concerned about the impact this will have on vulnerable adults, many of whom are our clients. From April 2018 to September 2018 4% of our clients experiencing benefit problems specifically had issues with Council Tax Support and 19% of clients with debt issues had Council Tax debts.

Our thoughts on the proposed changes are as follows:

Income Band Scheme

The banding calculations are unreasonable and need to be revised. A client cannot be expected to see a 20% reduction in the amount of CTS they receive, just by earning any amount of money. This would mean if a client earns even £10 they would then move from the 72% maximum CTS band to the 52% CTS band, which seems wholly illogical. Should the <£500 banding be removed and in line with the nil income category up until the point they earn £500? Then should the other bandings all be moved/revised? The scheme surely does not wish to penalise those who work earning less than £500 per month, which in itself is a very low income. This change creates a deterrent to work, even if earning a small amount which is against the whole premise of UC and encouraging claimants to work.

Reduce the maximum capital limit

This reduction seems unfair in light of all other means tested benefits having a capital limit of £16k, with a tariff income applied from £6k. Should the same scheme that is applied to other means tested benefits not be applied under the CTS scheme?

Simplify non-dependant deductions

This appears logical and easier than the current outdated scheme that was under the old rules.

Apply a minimum income floor

Although this is applied in UC we believe it is wholly unfair to make an assumption that someone is earning a minimum amount when they may not be doing so. We are campaigning about this element of UC as it is fundamentally unfair. Applying a minimum income floor again creates another deterrent to work and stifles enterprise.

No longer offset childcare costs

This option makes little sense for those with childcare costs (which we know can be quite high). If childcare costs are not offset those with childcare costs

Proposed Council Tax Support Scheme 2019

covered by UC or WTC would likely see no CTS award which seems wholly unfair. Those with childcare costs not offset by other benefits will be heavily penalised and this, again, disincentivises work.

We would like to know if the budget for the Council Tax Discretionary Relief Scheme will be increased in light of these changes? There is no indication that this schemes budget will be increase.

Thanks,
Charlene

Charlene Marks
Head of Services and Quality



This page is intentionally left blank

City Hall
The Queen's Walk
More London
London SE1 2AA
Switchboard: 020 7983 4000
Minicom: 020 7983 4458
Web: www.london.gov.uk

Darren Smith,
Project Manager, Commissioning Group
London Borough of Barnet
North London Business Park
Oakleigh Road South
London N11 1NP

Our ref: CTS
Your ref:
Date: 28 November 2018

Dear Darren

**LONDON BOROUGH OF BARNET COUNCIL TAX SUPPORT SCHEME 2019-20
CONSULTATION RESPONSE BY GREATER LONDON AUTHORITY**

Thank you for your email of 28 October confirming the publication on the Council's website of the London Borough of Barnet's consultation on changes to the council tax support scheme for 2019-20. The proposals consulted on are summarised in this letter, which also sets out the GLA's response to the consultation.

Introduction

As in previous years, the GLA recognises that the determination of council tax support schemes under the provisions of the Local Government Finance Act 2012 are a local matter for each London borough. Individual schemes need to be developed which have regard to specific local circumstances, both in respect of the potential impact of any scheme on working age claimants (particularly vulnerable groups) and, more generally, the financial impact on the council and local council tax payers – and therefore the final policies adopted may, for legitimate reasons, differ across the capital's 33 billing authorities.

This fact notwithstanding the GLA also shares in the risks and potential shortfalls arising from the impact of council tax benefit localisation in proportion to its share of the council tax in each London billing authority. It is therefore important that we are engaged in the scheme development process and have an understanding of both the factors which have been taken into account by boroughs in framing their proposals, as well as the data and underlying assumptions used to determine any forecast shortfalls which will inform the final scheme design.

Framing Proposals

As part of the introduction of council tax support in 2013-14, the Government set out its expectation that, in developing their scheme proposals, billing authorities should ensure that:

- Pensioners see no change in their current level of awards whether they are existing or new claimants;
- They consider extending support or protection to other vulnerable groups; and

- Local schemes should support work incentives and, in particular, avoid disincentives to move into work.

The GLA concurs with those general broad principles and encourages all billing authorities in London to have regard to them in framing their schemes.

Proposed Changes to the 2019-20 Scheme

The Council is proposing to move from its existing council tax support scheme, in place since 2015, to a new 'banded' scheme from 2019-20 onwards. The Council identifies reforms made by the Government to the welfare system, as the driver for change. In particular, it states, the introduction of Universal Credit means the existing scheme is no longer compatible and the need for frequent reassessments and changes to CTS entitlement would make administration of the existing scheme too costly.

The new scheme will take into account income from net earnings in determining eligibility for CTS. Net earnings are defined as earnings after income tax, national insurance and 50% of pension contributions. As the scheme is based on earned income, it will not include income from tax credits. The table below shows, for all of the options, the monthly income bands and maximum levels of council tax reduction for each band.

Monthly Earnings	Maximum level of council tax support discount
No earnings	72%
Up to £500	52%
£500-800	44%
£800-1100	36%
£1100-1400	28%
£1400-1700	20%
£1700-2000	12%

In addition, the new scheme will include the following changes:

- The maximum capital limit will be reduced from £16,000 to £6,000; claimants with more than £6,000 will not be eligible for an award under the CTS scheme.
- Non-dependant deductions will be simplified in line with Universal Credit, with the introduction of two flat rates. For households with a non-dependant with income of up to £200 per week, the claimant will receive £5 less CTS per week. For households with income of £200 per week or more, the claimant will receive £11 less CTS per week.
- Claimants will not receive a non-dependant deduction if they or their partner are in receipt of the care component of Disability Living Allowance at the middle or highest rate, receiving the daily living component of Personal Independence Payment or receive the Carer Premium.
- A minimum income floor will be applied, in line with Universal Credit (UC), to ensure self-employed people are treated on the same basis, whether receiving UC or legacy benefits. Self-employed claimants declaring a lower income than the national living wage will have their CTS calculated on a notional income equal to that of the national living wage.
- Childcare costs will not be taken into account when assessing income for determining claims for CTS by applicants.

The consultation states that Barnet considered alternatives to the proposed scheme, but none were identified as meeting the Council's objectives. As such, the consultation does not propose adopting any of these options and therefore the GLA's comments below are focussed on the Council's preferred option.

The GLA supports the Council's proposal to move to a banded scheme; it is important that schemes take account of the ongoing implementation of Universal Credit. The proposed change should help to reduce the burden on the Council to recalculate entitlements multiple times a year. It will also improve certainty over the council tax bill for UC claimants, enabling greater certainty for households to budget and plan their finances.

Notwithstanding the above comments, the GLA is concerned about the Government's proposals for the 'managed migration' of working-age benefit claimants to UC over the next year. The GLA's recent response to the Government's Social Security Advisory Committee consultation on this process called for DWP to pause the rollout of full service UC and delay managed migration, until underlying technical issues have been addressed and claimants, welfare advisers, and other experts have been consulted on reducing the complexity of the claim process.

The GLA recognises that local authorities face difficult choices on CTS schemes, as overall funding from central government reduces and funding for CTS is no longer identifiable within the settlement. However, the Council's proposals would mean some significant changes to the existing scheme. On average, support for working age claimants will reduce by 25% under the Council's proposals, as set out in the modelling in Appendix A of the Urgency Committee's paper from 18 October. The proposals particularly affect those in receipt of legacy benefits; couples with or without children in receipt of legacy benefits face a significant reduction in support of over 30%.

The proposal to increase the minimum contribution to 28% would mean the minimum contribution level would be amongst the schemes that require the highest level of contribution from working age claimants. Three other London boroughs currently require a minimum contribution level of over 25%. There is also a substantial difference between the 28% minimum contribution level for claimants who are not working (Band 1) and those in the next band who are earning up to £500 a month, with the contribution level rising to 48%. This could lead to a potential 'cliff-edge' where claimants move into work, which may have negative impacts on incentives to work.

The increase in the minimum contribution level would lead to a significant percentage increase in the amount of council tax some current claimants are required to pay from 2019-20. The examples provided in the consultation document demonstrate that some claimants will face a 40% increase in their weekly payments in 2019-20, compared to 2018-19. Evidence suggests that the collection rate can decline as the minimum payment level increases. Research from the New Policy Institute has demonstrated that arrears tend to increase significantly for schemes with a minimum contribution threshold above 20%.

The GLA recognises that reducing the capital limit to £6,000 would bring the Council's scheme into line with others in London. However, it is not clear from the consultation document how many people this change would be likely to affect. There is a possibility that for a limited cohort of claimants this change could lead to a significant rise in their council tax liability. It would be helpful to understand the number of claimants who would be affected by this proposal and the average increase in their liability.

The GLA recognises that the changes proposed by Barnet more closely align the support offered through its CTS scheme to claimants on Universal Credit and legacy benefits. However, we would encourage the Council to consider how the changes may impact on vulnerable groups in particular, who could be adversely affected by significant changes between 2018-19 and 2019-20. The Council could consider capping the maximum changes at a lower level for households with families, at least in 2019-20, to enable claimants to adapt to the new scheme. The GLA would also be covering part of the cost of a cap in proportion to the GLA precept element of council tax payable by these CTS claimants.

The GLA considers that, before finalising their 2019-20 schemes, all billing authorities should re-examine the challenges which they will face in collecting relatively small sums of money from claimants on low incomes, who may not be able to pay by direct debit or other automatic payment mechanisms, based on their experiences in the first six years of the localised system. In some cases, the administrative costs of enforcing such payments may outweigh the cost saved by reducing support.

The GLA welcomes the proposal to continue to make a discretionary council tax relief scheme available. We would encourage the Council to take a proactive approach to informing those council tax support claimants who are facing difficulties paying council tax bills about this policy. The council could also consider providing more funding for the scheme in 2019-20, to support claimants as they adapt to the new contribution rates and other changes to the scheme.

Finally, the GLA would encourage the Council to consider whether additional income can be generated through the new ability billing authorities will have from 2019-20 to increase the empty homes premium; this is set out in further detail below. It is the GLA's view that the proposed changes should be considered in the whole. If one proposed change results in greater savings for the Council that could be used to reduce the need to apply other proposals, then we would encourage the Council to consider doing this as it would help to reduce the financial burden on individuals and families in Barnet who see their CTS entitlement reduced.

Financial Implications of the Proposed Scheme

It would be helpful for the GLA's planning purposes if Barnet could provide us with a forecast total cost for the proposed scheme in 2019-20, based on the forecast 2018-19 caseload, taking into account any developments since the public consultation was launched – ideally apportioning all elements between the GLA and the council having regard to 2018-19 council tax shares. This would also allow the GLA to calculate its share of the cost of the scheme proposed by Barnet.

Technical Reforms to Council Tax

The GLA considers that in formulating its council tax support scheme each billing authority should both consider and address the impact of the additional revenue it is expecting to raise from the technical reforms to council tax introduced in the Local Government Finance Act 2012, which provide greater flexibility in relation to discounts, exemptions and premiums for second and empty homes. The additional revenues from the technical reforms could be used to reduce any shortfalls and thus the sums which need to be recovered from working age claimants via any changes to council tax support.

The GLA understands that in 2018-19 Barnet has the following policies in place:

- For properties requiring or undergoing major repairs or structural alterations (former class A): a 0% discount
- For properties unoccupied and substantially unfurnished (former class C): a 0% discount
- Second homes: a 0% discount

- Long-term empty properties: a 50% premium on properties that have been unoccupied and substantially unfurnished for a continuous period of two years, meaning the full charge of 150% is payable in such cases.

The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act, which received Royal Assent in November 2018, enables councils from April 2019 to charge 100% premiums on properties which have been empty for more than two years. The legislation also gives councils the ability to charge higher premiums in subsequent years for properties which have been empty for longer periods of time. The GLA would encourage councils to consider the impact of implementing a higher premium and the potential additional revenues this would generate, when considering the detail of council tax support schemes.

We would encourage the Council to inform us as soon as possible if any changes are proposed to its discount and premium policies, in order to assist us in assessing the potential impact on the Mayor's funding and tax base for 2019-20 and future years.

Council Tax Protocol

In recent years the issue of council tax collection practices has become more high profile. The GLA, of course, recognises the importance of ensuring council tax arrears are collected wherever possible. However, in some instances poor collection practices can worsen debt problems for vulnerable residents. The GLA welcomes the fact that Barnet has signed up to the council tax protocol, developed by Citizens Advice, in partnership with the Local Government Association. The protocol outlines a number of practical steps for early intervention to support people struggling with payments. In London, eight boroughs have now and the GLA is encouraging all boroughs to consider adopting the protocol.

Providing Information on Schemes

Whilst we recognise that the detailed rules on council tax support schemes are inevitably complex, the GLA would encourage all boroughs to make every effort to set out information on their schemes as clearly as possible. Information that may help potential claimants could include an online calculator, to identify whether potential claimants are likely to be entitled to support, as well as 'Frequently Asked Questions' and a summary document outlining concise details of the scheme. In addition, for existing claimants, we would encourage boroughs to consider how the process for reporting changes in circumstances can be made as straightforward as possible.

Setting the Council Tax Base for 2019-20 and Assumptions in Relation to Collection Rates

The Council will be required to set a council tax base for 2019-20 taking into account the potential impact of the discounts the Council may introduce in respect of council tax support and any potential changes the Council may implement regarding the changes to the treatment of second and empty homes.

The Council will need to make a judgement as to the forecast collection rates from those claimants and council taxpayers affected by any changes to council tax support, taking into account the experience in the first six years of the council tax support arrangements.

The GLA would encourage the council to provide it with an indicative council tax base forecast as soon as options are presented to members for approval, in order that it can assess the potential implications for the Mayor's budget for police, fire and other services for 2019-20. This should ideally be accompanied by supporting calculations disclosing any assumptions around collection rates and discounts granted having regard to the final council tax support scheme design.

Collection Fund and Precept Payments

By 23 January 2019 the council is required to notify the GLA of its forecast collection fund surplus or deficit for 2018-19, which will reflect the cumulative impact of the first six years of the localisation of council tax support. The GLA would encourage the council to provide it with this information as soon as it is available.

I would like to thank you again for consulting the GLA on your proposed council tax support options for 2019-20.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Martin Mitchell', written in a cursive style.

Martin Mitchell
Finance Manager

Dear Darren

Please find Citizens Advice Barnet's response to the Council Tax Support schemes proposed changes:

Council Tax Support proposed changes - Citizens Advice Barnet response

We understand the reasons behind Barnet Council's decision to change the current Council Tax Support scheme however we are extremely concerned about the impact this will have on vulnerable adults, many of whom are our clients. From April 2018 to September 2018 4% of our clients experiencing benefit problems specifically had issues with Council Tax Support and 19% of clients with debt issues had Council Tax debts.

Our thoughts on the proposed changes are as follows:

Income Band Scheme

The banding calculations are unreasonable and need to be revised. A client cannot be expected to see a 20% reduction in the amount of CTS they receive, just by earning any amount of money. This would mean if a client earns even £10 they would then move from the 72% maximum CTS band to the 52% CTS band, which seems wholly illogical. Should the <£500 banding be removed and in line with the nil income category up until the point they earn £500? Then should the other bandings all be moved/revised? The scheme surely does not wish to penalise those who work earning less than £500 per month, which in itself is a very low income. This change creates a deterrent to work, even if earning a small amount which is against the whole premise of UC and encouraging claimants to work.

Reduce the maximum capital limit

This reduction seems unfair in light of all other means tested benefits having a capital limit of £16k, with a tariff income applied from £6k. Should the same scheme that is applied to other means tested benefits not be applied under the CTS scheme?

Simplify non-dependant deductions

This appears logical and easier than the current outdated scheme that was under the old rules.

Apply a minimum income floor

Although this is applied in UC we believe it is wholly unfair to make an assumption that someone is earning a minimum amount when they may not be doing so. We are campaigning about this element of UC as it is fundamentally unfair. Applying a minimum income floor again creates another deterrent to work and stifles enterprise.

No longer offset childcare costs

This option makes little sense for those with childcare costs (which we know can be quite high). If childcare costs are not offset those with childcare costs covered by UC or WTC would likely see no CTS award which seems wholly unfair. Those with childcare costs not offset by other benefits will be heavily penalised and this, again, disincentivises work.

We would like to know if the budget for the Council Tax Discretionary Relief Scheme will be increased in light of these changes? There is no indication that this schemes budget will be increase.

Thanks,
Charlene

Charlene Marks
Head of Services and Quality



Equality Impact Analysis (EIA) Resident/Service User

Please refer to the guidance and initial Equality Impact Analysis before completing this form.

1. Details of function, policy, procedure or service:	
Title of what is being assessed: Revised Council Tax Support scheme	
Is it a new or revised function, policy, procedure or service? Revised Policy	
Department and Section: Revenues & Benefits, Finance, Commissioning Group	
Date assessment completed: 14th November 2018	
2. Names and roles of people completing this assessment:	
Lead officer	Darren Smith – Project Manager, Finance, Commissioning Allan Clark - Revenues and Benefits Manager, Finance, Commissioning
Stakeholder groups	Claimants, 3 rd Sector organisations, Barnet residents, Members, Capita, Commissioning Group, Revenues & Benefits department
Representative from internal stakeholders	Cath Shaw - Deputy Chief Executive Paul Clarke - Head of Finance
Representative from external stakeholders	Various
Delivery Unit Equalities Network rep	Amy Steel
Performance Management rep	Not Applicable
HR rep (for employment related issues)	Not Applicable
3. Full description of function, policy, procedure or service:	
Please describe the aims and objectives of the function, policy, procedure or service	
<p>The Council Tax Support scheme helps residents on low incomes to pay their Council Tax. Under the current scheme, a working-age household liable for Council Tax could get up to 80% of the charge paid through the scheme, dependent upon their circumstances. (Working-age is anyone under Pension Credit age).</p> <p>A new simplified version of the scheme is being proposed to bring the scheme in line with Universal Credit and help reduce the overall cost of the scheme.</p>	

With the introduction of Universal Credit and the financial challenges facing the council, the current Council Tax Support scheme is no longer fit for purpose.

The scheme has become too costly to administer in its current form with administration costs set to rise year-on-year following the introduction of Universal Credit. Keeping the current scheme as it is will mean any modest changes to a claimant's income under Universal Credit will result in frequent changes to the level of Council Tax Support they receive and the number of Council Tax bills generated. The new scheme will reduce uncertainty for claimants and additional costs to the council in administration.

The current Council Tax Support scheme in Barnet is not compatible with the Government's Universal Credit Scheme. As more people claim Universal Credit, it is important that the scheme is adapted to ensure both Universal Credit and legacy benefit claimants are treated equally.

The proposed changes will see the overall cost of the scheme fall from £23.99 million to £20.8 million thus helping reduce Barnet's budget gap.

As this scheme is designed to save £3.2m per annum against current scheme costs, the majority of households will lose support under this scheme. A small proportion of low earners may maintain current support levels or gain slightly.

Households in receipt of legacy benefits will lose more support compared to retention of the current scheme than households that have migrated to Universal Credit. Higher earning households and the self-employed will lose more support than lower-earning households.

Losing all support

Under this scheme, 380 households would no longer be eligible for support.

Households losing more than £5.00 per week

6,700 households would lose more than £5.00 per week, this is 35% of those currently receiving support. 61% of those losing more than £5.00 per week are households in receipt of legacy benefits.

The groups most likely to lose more than £5.00 per week are working couples (with or without children). 73% of self-employed lose more than £5.00 per week due to the introduction of the minimum income floor. 56% of couples with children lose more than £5.00 per week due to higher levels of earned income in these households.

Households losing more than £5.00 per week, by economic status				
	Universal Credit		Legacy benefits	
Economic status	Number losing over £5/week	% of total cohort losing over £5/week	Number losing over £5/week	% of total cohort losing over £5/week
Employed	990	42.1%	1,611	43.3%
Self-employed	783	72.8%	1,298	73.3%
Out-of-work benefits	836	19.7%	1,182	19.7%
Total	2609	34.1%	4,091	35.6%

Model 5: Households losing more than £5/week by economic status

Households losing more than £5.00 per week, by household composition				
	Universal Credit		Legacy benefits	
Household type	Number losing over £5/week	% of total cohort losing over £5/week	Number losing over £5/week	% of total cohort losing over £5/week
Single	777	23.7%	1,056	23.5%
Lone Parent	667	30.5%	1,011	29.5%
Couple no children	226	54.2%	306	54.8%
Couple with children	939	52.9%	1,718	57.2%
Total	2609	34.1%	4,091	35.6%

Model 5: Households losing more than £5/week by household composition

Although 6,700 households will lose more than £5.00 week, 56% of these (3748 households) lose less than £10.00 per week. However, 17% (1,160 households) lose more than £15.00 per week.

Number of households losing support		
Loss £/week	Universal Credit	Legacy
£5-£10	1471	2277
£10-15	683	1109
£15-20	286	430
>£20	169	275
Total losing more than £5/week	2609	4091

Model 5: breakdown of households losing support

Households gaining £5.00 per week

692 households gain more than £5.00 per week. These are primarily low-earning employed households.

86% of these (594 households) gain less than £10.00 week and only 4.05% of these (28 households) gain more than £15.00 per week.

Number of households gaining support		
	Universal Credit	Legacy
£5-10	238	356
£10-15	33	43
£15-20	8	14
>£20	3	3
Total gaining more than £5/week	279	413

Model 5: breakdown of households gaining support

Barnet Council will consider additional support for the most vulnerable through its Discretionary funds in accordance with Section 13A of the Local Government Finance Act 1992.

How are the equality strands affected? Please detail the effects on each equality strand, and any mitigating action you have taken so far. Please include any relevant data. If you do not have relevant data please explain why.

Equality Strand	Affected?	Please explain how affected	What action has been taken already to mitigate this? What further action is planned to mitigate this?
1. Age	Yes <input checked="" type="checkbox"/> / No <input type="checkbox"/>	Working age claimants will be affected by the change in policy. The Government have protected Pension Credit Age claimants from any change, so will still receive the full support as they do under the current scheme. Working Age claimants could see an increase in the amount of Council Tax they are required to pay.	Through all the Government's welfare reforms specifically Universal Credit, it is intended that citizens will be better off in work than in receipt of benefits. Accordingly, anyone affected by the additional contribution they have to make will be encouraged to seek employment to maximise their income wherever possible. Support to do this is available through the Job Centre Plus, Job Coaches who will signpost to relevant support networks, which could include Revenues and Benefits staff. In order to mitigate against this, resources will continue to be available to support the most vulnerable and this may be met through the council's Discretionary Funds in accordance with Section 13A of the Local Government Finance Act 1992.
2. Disability	Yes <input checked="" type="checkbox"/> / No <input type="checkbox"/>	This group will not be disproportionately affected compared to any other working age group, however, they will be impacted by the reduction in support. As with the current scheme the proposed scheme will continue to disregard Non-Dependant deductions	In order to mitigate against this, resources will continue to be available to support the most vulnerable and this may be met through the council's Discretionary Funds in accordance with Section 13A of the Local Government Finance Act 1992.

		where a claimant or partner are in receipt of Disability Living Allowance Care Component (middle or higher rate) or the daily living component of Personal Independence Payment (PIP).	
3. Gender reassignment	Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/>	The scheme will not treat people of different genders any differently.	Not Applicable.
4. Pregnancy and maternity	Yes <input checked="" type="checkbox"/> / No <input type="checkbox"/>	This group will not be disproportionately affected compared to any other working age group, however, they will be impacted by the reduction in support. It may be that whilst on maternity pay thus having a reduced income someone receives additional support as they do under the current scheme.	In order to mitigate against this, resources will continue to be available to support the most vulnerable and this may be met through the council's Discretionary Funds in accordance with Section 13A of the Local Government Finance Act 1992.
5. Race / Ethnicity	Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/>	We do not hold any specific data for this category.	Not Applicable.
6. Religion or belief	Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/>	We do not hold any specific data for this category.	Not Applicable.
7. Gender / sex	Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/>	Changes in the proposed scheme are not gender specific. The same income thresholds and percentage contributions apply to all claimants.	Not Applicable.
8. Sexual orientation	Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/>	Changes in the proposed scheme do not consider sexual orientation. The same income thresholds and percentage contributions apply to all claimants.	Not Applicable.
9. Marital Status	Yes <input checked="" type="checkbox"/> / No <input type="checkbox"/>	Couples (not necessarily married) on average will be impacted more than single people. The main reasons for this are typically higher net earnings and/or larger properties. Typically, the	In order to mitigate against this, resources will continue to be available to support the most vulnerable and this may be met through the council's Discretionary Funds in accordance with

		larger the property the higher Council Tax band which means any percentage to pay increases.	Section 13A of the Local Government Finance Act 1992.
10. Other key groups?	Yes <input checked="" type="checkbox"/> / No <input type="checkbox"/>	Carers and people with mental health will not be disproportionately affected compared to any other working age group, however, they will be impacted by the reduction in support.	In order to mitigate against this, resources will continue to be available to support the most vulnerable and this may be met through the council's Discretionary Funds in accordance with Section 13A of the Local Government Finance Act 1992.
Carers	Yes <input checked="" type="checkbox"/> / No <input type="checkbox"/>		
People with mental health issues	Yes <input checked="" type="checkbox"/> / No <input type="checkbox"/>		
Some families and lone parents	Yes <input checked="" type="checkbox"/> / No <input type="checkbox"/>	Modelling shows families are impacted more than other groups. This is covered in section 3 and section 13.	
People with a low income	Yes <input checked="" type="checkbox"/> / No <input type="checkbox"/>		
Unemployed people	Yes <input checked="" type="checkbox"/> / No <input type="checkbox"/>	People on low income and unemployed people will be affected by the proposals	
Young people not in employment, education or training	Yes <input checked="" type="checkbox"/> / No <input type="checkbox"/>	If the NEET group of people are liable for Council Tax they will be treated the same as all other working age groups.	Under 18's are exempt from Council Tax so will be unaffected. Some care leavers will be exempt from paying Council Tax as per the council's discretionary care leaver relief policy.

4. What will be the impact of delivery of any proposals on satisfaction ratings amongst different groups of residents?

If the changes to Council Tax Support scheme are implemented the impact of the proposals amongst different groups of residents will vary. There will be significant impact to those in receipt of Council Tax Support, approximately 19,000 households. Council Tax payers will be impacted by any decision on a support scheme whether receiving support or not as the scheme costs directly impact on the Council Tax base used for setting the Tax. Pensioners in receipt of Council Tax Support are protected against the changes to the support scheme. This may increase pressures on local charities and organisations who may be asked for help and advice going forwards.

5. How does the proposal enhance Barnet's reputation as a good place to work and live?

If changes proposed are enacted, then to those who are not affected, the changes will be seen as ensuring the council is delivering value for money whilst still effectively meeting people's needs in the borough. To those that are affected, they may feel aggrieved that the most vulnerable are being targeted.

6. How will members of Barnet's diverse communities feel more confident about the council and the manner in which it conducts its business?

The general population in Barnet is very diverse in terms of faith, ethnicity, culture, language, gender and sexuality. The proposals primarily affect claimants of CTS. The Council does not have data on claimants' faith, ethnicity, gender or sexuality.

The financial element won't be seen positively by those more severely impacted and the changes on the whole will be negative on all equality strands of the working age. Certain groups are protected such as pensioners.

The service is commissioned within the context of the council's Strategic Equalities Objective, which is that citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the tax payer.

7. Please outline what measures and methods have been designed to monitor the application of the policy or service, the achievement of intended outcomes and the identification of any unintended or adverse impact? *Include information about the groups of people affected by this proposal. Include how frequently the monitoring will be conducted and who will be made aware of the analysis and outcomes? This should include key decision makers. Include these measures in the Equality Improvement Plan (section 16)*

- Regular contract monitoring based on a performance framework – including quarterly meetings with the provider – in line with the council's contract management framework
- Continual monitoring of Council Tax Collection
- Working with contract supplier to ensure Council Tax Support is looked into for those struggling to meet their Council Tax payments
- Ensuring Discretionary Funds in accordance with Section 13A of the Local Government Finance Act 1992 is being monitored and used accordingly
- Annual service reviews
- Engagement with stakeholders will help identify trends or impact from the scheme on any affected protected groups.

8. How will the new proposals enable the council to promote good relations between different communities? *Include whether proposals bring different groups of people together, does the proposal have the potential to lead to resentment between different groups of people and how might you be able to compensate for perceptions of differential treatment or whether implications are explained.*

The new proposals will allow the needs of Barnet residents to be met effectively via realigning resources and reducing the budget gap. This should help ensure the corporate priorities of the Council are maintained. With the exception of pensioners all other groups will be treated equally.

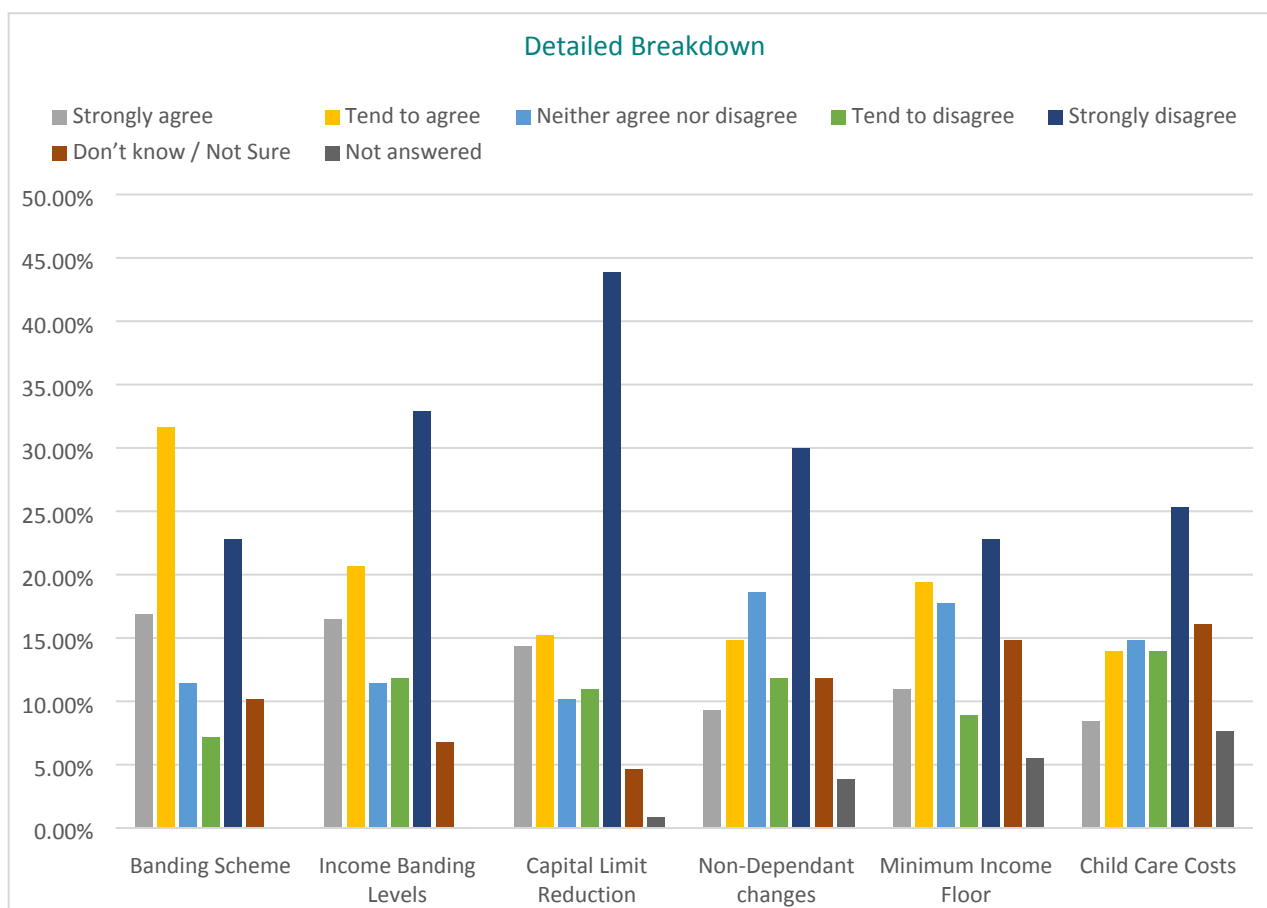
The provider will work with different communities in Barnet to support coordinating good information and advice and increasing awareness of support available under the newly proposed scheme.

The new scheme is a significantly simplified scheme which has been reported by many residents taking part in the drop-in sessions. Many have said it's much easier to understand.

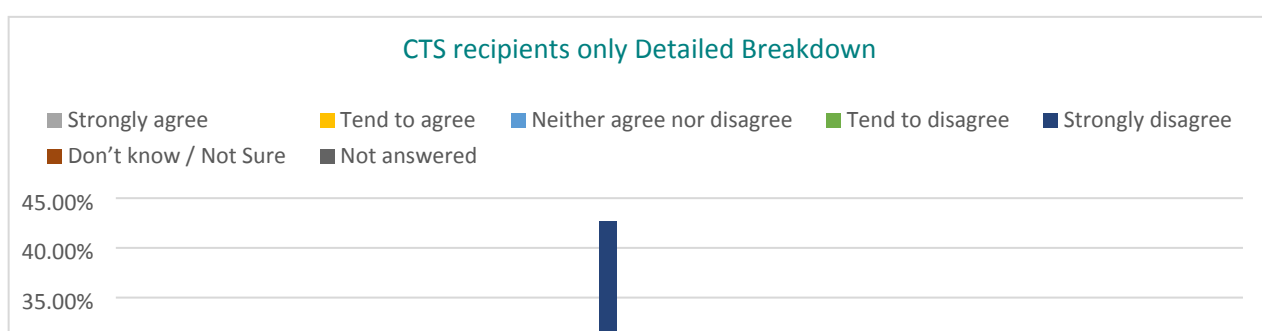
9. How have employees and residents with different needs been consulted on the anticipated impact of this proposal? How have any comments influenced the final proposal? *Please include information about any prior consultation on the proposal been undertaken, and any dissatisfaction with it from a particular section of the community. Please refer to Table 2*

The consultation is now closed with 237 responses received via online or paper questionnaire and 2 written responses from GLA and Citizens Advice Barnet.

The following graph shows the overall responses across the 6 key components of the proposal.



This graph above is all 237 responses. The graph below is the responses of Council Tax Support claimants only, these were 136 of the 237 respondents.



The responses from CTS claimants are very similar to that of the total overall responses. The table below shows illustrates this.

	Total Agree	CTS recipient agree	Total Disagree	CTS recipient disagree
Income Banding	48.53%	48.53%	29.95%	26.47%
Income banding levels	37.14%	37.50%	44.72%	42.65%
Reduction in Capital	29.54%	30.88%	54.85%	55.15%
Non-Dependant changes	24.05%	22.06%	41.77%	44.12%
Minimum Income Floor	30.38%	32.35%	31.64%	32.35%
Child Care Costs	22.36%	22.79%	39.24%	39.71%
Views on reduction in expenditure	26.58%	31.62%	42.62%	40.44%
Overall views of the proposed scheme	29.03%	29.41%	52.54%	50%

In addition to the responses the questions on the key components, respondents were asked for any additional comments. These have been categorised below

Broad Themes of disagreement not already captured in this report	
	Number of comments
Penalising the poorest/most vulnerable / increasing Poverty	28
Increasing hardship	8
More protection required for disabled households	8
Penalising the self employed	5
Will result in increased debt including rent and council tax arrears	4
Penalising families	3
Will increase homelessness	3
Will increase stress and mental health issues	2
Social cleansing exercise	2
Not supportive of those caring for others	2
People with kids claiming benefits is putting pressure on others	1
Discriminating against those with children in childcare	1
Penalising lone parents	1
Will increase crime	1

All feedback has been analysed and considered with further modelling done around capital, non-dependent deductions and minimum income floor changes. Owing to the savings that the Council are required to make it simply cannot afford to propose a more generous scheme

by removing these elements of the proposed scheme.

Therefore although the consultation prompted the Council to rethink its scheme, the proposal remains as consulted on.

Overall Assessment

10. Overall impact			
Positive Impact <input type="checkbox"/>	Negative Impact or Impact Not Known ¹ <input checked="" type="checkbox"/>	No Impact <input type="checkbox"/>	
11. Scale of Impact			
Positive impact: Minimal <input checked="" type="checkbox"/> Significant <input type="checkbox"/>	Negative Impact or Impact Not Known Minimal <input type="checkbox"/> Significant <input checked="" type="checkbox"/>	A small number (359) of households will benefit from the proposed changes however the rest of the approximate 19,000 households will be negatively impacted.	
12. Outcome			
No change to decision <input type="checkbox"/>	Adjustment needed to decision <input type="checkbox"/>	Continue with decision (<i>despite adverse impact / missed opportunity</i>) <input checked="" type="checkbox"/>	If significant negative impact - Stop / rethink <input type="checkbox"/>

¹ 'Impact Not Known' – tick this box if there is no up-to-date data or information to show the effects or outcomes of the function, policy, procedure or service on all of the equality strands.

13. Please give full explanation for how the overall assessment and outcome was decided.

In line with the Council's Corporate Plan which outlines a key principle of fairness, the review aimed to ensure that we are using our resources as fairly as possible; targeting services at those who need them most.

The proposed changes will see the overall cost of the scheme fall from £23.99 million to £20.8 million thus helping reduce Barnet's budget gap.

Policy in Practice were commissioned to carry out all data analysis and forecasting on behalf of Barnet Council to devise a scheme that achieved Barnet's aim of reducing the overall cost of the scheme by £3.2 million, whilst delivering a scheme that worked in line with Universal Credit. Impact analysis was carried out as part of this modelling process.

A full report including the impact analysis from Policy in Practice is here:



Policy in practice
report Model 5.pdf

Based on the overall impact on Council Tax Support recipients the scale of impact has been recorded as significant. This is due to the level of reductions in Council Tax Support for almost all of the Working Age caseload.

The majority of employed households will face lower support under this model. A few low-earning households will gain support, however, any increase in support is likely to be slight (around 3%). Households in receipt of legacy benefits lose more compared to retention of the current scheme than those in receipt of Universal Credit creating more equitable support between the two.

Out of work households lose approximately 13% support. This model does not support the most vulnerable households.

This model has a negative impact on larger households so disproportionately affects families.

The majority of working households will lose support. 73% of self-employed households and 43% of employed households lose more than £5/week.

Some households in receipt of legacy benefits are particularly affected:

- Couples with children lose 41%
- Couples without children lose 39%
- Tenants lose 29%
- Self-employed lose 63%
- Employed lose 33%
- Households in higher CT bands lose over 32%

All household types in receipt of legacy benefits will see their support fall. Couples with or without children in receipt of legacy benefits will have significant reduction in support of over 30%. Households with children in receipt of Universal Credit will see a slight increase in support but this is less than 3.2%.

14. Equality Improvement Plan

Please list all the equality objectives, actions and targets that result from the Equality Analysis (continue on separate sheets as necessary). These now need to be included in the relevant service plan for mainstreaming and performance management purposes.

Equality Objective	Action	Target	Officer responsible	By when
Outcomes of the services by equalities groups effectively monitored to ensure no adverse impact	<ul style="list-style-type: none"> Ensuring the options chose didn't impact any one group within the working age population more than another. Age is not assumed in this as pensioners are on a different scheme to working age people both in current and proposed format. Monitor through quarterly contract management meetings and annual review 	Ensure the negative impact of the proposals is across the board and no particular group is adversely impacted.	Darren Smith and Allan Clark	Ongoing
Stakeholder feedback to evidence impact on claimants	Review stakeholder feedback as reported in annual service review.	Ensure the needs of the most vulnerable are met	Darren Smith and Allan Clark	Ongoing
Impact of change monitoring	Review the Council Tax Collection rates, number of CTS claims and Section 13A applications	Ensure the needs of the most vulnerable are met	Darren Smith and Allan Clark	Ongoing

1st Authorised signature (Project Manager)	2nd Authorised Signature (Service lead)
Darren Smith	Allan Clark
Date: 14th November 2018	Date: 14th November 2018

London Borough of Barnet's Discretionary Council Tax Hardship Scheme (DCTHS) and Discretionary Housing Payment (DHP) Scheme – December 2018

Part 1 Provisions Common to both Schemes (DCTH & DHP)

1 Introduction

- 1.1 Barnet has as one of its strategic objectives 'to build family resilience- 'Building resilience in residents and managing demand...so that families are able to help themselves and stop problems from escalating'.

The two discretionary schemes will contribute towards this by assisting individuals with their housing, council tax and related costs to:

- prevent homelessness and sustain tenancies
- encourage and sustain people in employment
- encourage sustainable placement of children in foster care and independent living for care leavers
- support for vulnerable individuals or families who are in unsustainable tenancies but cannot move to accommodation they can afford for reasons such as health, disability, or child protection
- provide support for victims of domestic violence who are trying to move to a place of safety

The Discretionary Council Tax Hardship Scheme (DCTHS) and Discretionary Housing Payment (DHP) are two of the three discretionary funds operated by the Revenues and Benefits service, the other being the Local Welfare Provision scheme (currently administered by The Family Fund Service on behalf of the Council). Both schemes (DHP & DCTH) are discretionary, meaning that there is no statutory right to payment. The DCTHS scheme is funded entirely by the Council with the DHP scheme being mainly funded by the Department for Work and Pensions (DWP). The policy sets out how DCTHP & DHP claims are decided and the factors the council considers when deciding whether to grant or refuse an award.

Discretionary Housing Payments (DHP) can be made to anyone receiving either housing benefit or the housing element of Universal Credit (UC) that has a shortfall between their benefit and their rent. An award can be made when the council decides extra financial assistance with rent should be granted.

Discretionary Council Tax Hardship Scheme Awards will only be made to

claimants under the following circumstances:

- The applicant has an outstanding amount of council tax liability
- The council is satisfied that the applicant is suffering from financial hardship
- The applicant has exhausted all other options with regard to improving his or her current financial circumstances
- The authority has sufficient funds and making an award would not unreasonably impact on its ability to make awards to other claimants.

The application does not relate to an empty property normally let on a commercial basis.

1.2 Legislation

In administering both the DCTH & DHP policies, the council must act in accordance with the relevant legislation. The following legislation is relevant to both schemes and must take account of guidance the Department for Work and Pensions (DWP) issues;

- The Local Government Finance Act 2012
- Welfare Reform Act 2012
- Child Poverty Act 2010
- Equality Act 2010
- Housing Act 1996
- Armed Forces Covenant
- Social Security Act 1992
- Fraud Act 2000
- The Discretionary Financial Assistance Regulations (S.I.2001/1167) as amended by the Council Tax Benefit Abolition (Consequential Provisions) Regulations 2013 (S.I. 2013/458), which came into force on 1 April 2013;
- The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), which came into force on 29 April 2013.

1.3 Exercise of Discretion

- 1.3.1 Each case will be decided on its merits but will be subject to the limits faced by the authority in terms of expenditure and statutory restrictions. Decisions may be made in conjunction with any other information about the applicant known to London Borough of Barnet or its partners.
- 1.3.2 In exceptional cases, the Council may make decisions which fall outside the provisions of this policy. Greater weight will be given to applications which demonstrate they are taking steps to move to a more sustainable financial position.

- 1.3.3 The Council will, in all cases, endeavour to ensure that all members of the community are able to access assistance offered by this scheme regardless of race, gender, age, religion or belief, sexual orientation, marital or civil partnership status and/or disability.
- 1.3.4 It will ensure that the decision-making process is fair and that no person is disadvantaged by virtue of their membership of one or more of the groups listed in the above paragraph.
- 1.3.5 Monthly payments to meet a shortfall in benefit against rent will normally be limited to a period of no more than 12 months. Payments for more than one month may be made conditional on the claimant providing evidence that they have been seeking work and/or affordable accommodation.
- 1.3.6 Lump sum payments will normally be made to pay for moving costs for those seeking to move from unsustainable tenancies to more affordable accommodation. Where an applicant is not able to demonstrate steps are being taken to move towards more sustainable housing situations, evidence of barriers preventing them from doing so may be taken into account, particularly if it can be demonstrated that the costs of alternative courses of action would be greater than providing support. This is more likely to apply to applicants with the following characteristics:
- People with physical or mental disabilities
 - People with very poor physical or mental health
 - People caring for vulnerable people, e.g. foster carers, parents of children in care or in need, adoptive or prospective adoptive parents, carers of people who do not reside with them who would otherwise be in receipt of LBB funded health or social care services
 - Care leavers.
- 1.3.7 For people facing temporary hardship or a shortfall in their rent, they may be supported for some or all of the period of hardship or shortfall, however please see paragraph 1.3.5.

1.4 Anti-fraud statement

Both schemes are discretionary and are subject to significant financial constraints. The making of a false declaration with a view to obtaining or increasing an award may amount to a criminal offence under the Fraud Act 2000. Where the council suspects that an offence may have been committed the matter will be investigated and appropriate action taken including the initiation of criminal proceedings.

No award of any type will be made if an applicant knowingly makes a false statement in order to obtain or increase an award under the provisions of these schemes.

2 Aims and Objectives

2.1 Barnet has as one of its strategic objectives 'to create the right environment to support families and individuals that need it – promoting independence, learning and well-being'. The DCTHS & DHP schemes will contribute towards this by assisting individuals with their Housing and Council Tax related costs to:

- Provide a wider umbrella of support by
 - helping claimants through personal crisis
 - help prevent homelessness
 - sustain tenancies
 - alleviate poverty
 - safeguard residents and children
 - keeping families together and
 - supporting the elderly in the community.
- Encourage and sustain people in employment
- Encourage sustainable placement of children in foster care and promoting good outcomes for children as well as support care leavers to achieve & sustain independence
- Support people impacted by welfare reform to pay their rent whilst a longer-term solution is found
- Support for vulnerable individuals or families who are in unsustainable tenancies but cannot move to accommodation they can afford for reasons such as health, disability, or child protection
- Provide support for victims of domestic violence who are trying to move to a place of safety.

3. General Principles in deciding all DCTHS & DHP claims

3.1 This Section sets out factors considered when making decisions on all claims for DCTHS & DHP. How the amount and duration of an award is decided is also included in this section, along with guidance on repeat claims. However, the factors listed in this policy are not an exhaustive list, but only an indication of what the council may consider and the policy also does not give a definitive list of factors. As awards are discretionary, there is no limit on the factors that can be taken into account and each individual claim is decided on merit.

- There are no statutory rights as the scheme is discretionary
- Every application shall be dealt with on its own merit in accordance with legislation, the DWP guidance and good practice
- As well as protecting the most vulnerable in society, payments will be used to further the aims of supporting people to secure paid employment and/or to secure sustainably affordable accommodation

- Neither DCTHS or DHP will normally be used to provide ongoing support to residents – they will be deployed on a temporary basis to help people continue to pay their rent/council tax whilst resolving their financial position to be sustainable for them in the longer term
- Claimants in the most vulnerable situations may be more likely to receive support / receive them for longer periods
- Claimants will be expected to take personal responsibility for taking action to mitigate the impact of welfare reforms. This action will normally be either to secure work or to move to more affordable accommodation
- Granting of awards may be made conditional on claimants demonstrating that they have taken action to move to a sustainable financial position, e.g. evidence that they have applied for jobs and/or are seeking more affordable accommodation.

3.2 Factors considered for all claims

When deciding claims, the council will consider the following:

- The extent to which the applicant is facing the risk of being made homeless
- The negative impact refusing an award could have on any children living in the applicant's household
- The negative impact refusing an award could have on any disabled members of the applicant's household or any household members with very poor physical or mental health
- The negative impact refusing an award could have on any household members who have reached state pension age
- With the exception of disability living allowance and personal independence payments, all the income and savings the applicant has and the extent to which income and savings can reasonably be used to pay rent
- The income of other household members such as non-dependants (it may be reasonable for a non-dependant to contribute more towards rent and other household expenses than the amount of the non-dependant deduction determined by regulations).

3.3 The amount of the award

In the overall approach to a DHP &/or DCTHS claim it is expected that housing & council tax costs should be prioritised within a household budget. Most applicants will therefore be expected to make a contribution towards the shortfall between their benefit and their rent/Council tax liability unless there are exceptional circumstances. So, in the main, awards are unlikely to cover the full shortfall. The amount of each contribution will be decided on a case by case basis and household expenditure may need to be adjusted in order to meet the contribution towards the shortfall.

3.4 Duration of awards

DCTHS & DHP awards are only made for fixed periods and they are not intended as a long-term solution. In the majority of cases the award will be made in order to give time for the applicant to change their circumstances which might be:

- Finding alternative cheaper accommodation
- Finding work
- Budgeting towards paying more rent / council tax
- Reducing non priority discretionary expenditure.

When making the award the council will set out the actions it is reasonable to expect the applicant to take to avoid needing a DCTHS/DHP award for the long term. Depending on the individual circumstances of each case, the DCTHS/DHP will be awarded for up to 52 weeks to allow time for the actions necessary. The most common period will be 26 weeks as it is considered this is a reasonable period to allow for the completion of actions necessary to avoid long-term reliance on DCTHS/DHP. In addition, it is reasonable in most of cases to review an applicant's circumstances after 26 weeks.

4 Applications

- 4.1 Applications should be made using the London Borough of Barnet application form, but any application for DCTHS/DHP made in writing will be accepted and further information requested if necessary. We will accept applications from the tenant, their representative or the landlord. Applications to the Barnet Crisis Fund will automatically be treated as applications for a DCTHS/DHP so that the Crisis Fund assessors can recommend a DCTHS/DHP award where that is more appropriate.

4.2 Information Required in Support of a Claim

When claiming a payment under this scheme a person must provide

- All the information requested in the claim form and
- Any other information or evidence requested by the authority which it considers necessary to determine an award.

If an application does not contain all the information required the authority shall give the claimant 1 calendar month to provide any missing or additional information.

No award will be made if a claimant fails, without reasonable cause, to comply with the above requirements.

4.3 Financial Assessment

The authority will conduct a financial assessment when considering whether to make a discretionary award and will consider:

The claimant's income and capital by

- Calculating the income and capital available to the applicant and his/her household and;
- Adding to this any resources which the authority believes the applicant or partner could reasonably obtain,

Then deducting the following

- Essential expenditure on basic necessities such as food, clothing and utilities and any
- Unavoidable expenditure which the claimant is required to meet by law or by contract and which the claimant has taken reasonable measures to reduce or avoid.

4.4 Financial hardship;

The authority's long-term aim is to help people become self-sufficient. Discretionary funds are limited and cannot be relied upon as a permanent measure. If a claimant is experiencing financial hardship the authority may review his income and expenditure and recommend that the claimant act to improve his/her finances. For example, by;

Increasing income by	Evidence that may be required
Claiming any benefits to which there may be an entitlement	Decision letters from the DWP or HMRC Evidence of engagement with a Welfare Benefits Advisor or the Welfare Reform Task Force
Increasing hours of work or seeking a pay rise	Letters from employers or prospective employers
Applying for better paid employment	Evidence of engagement with an employment support provider

Reducing expenditure by	Evidence that may be required
Reviewing the current tariffs paid for utilities, phone/broadband contracts etc and terminating or reducing expenditure on any contracts for the provision of unnecessary services	A statement detailing which tariffs have been considered, and if not taken the reasons why and evidence of any contracts which cannot be terminated or reduced.
Reviewing regular household expenditure with a view to achieving a reduction	Record of expenditure
Keeping a budget of income and expenditure	A budget plan
Attending a budget workshop or online training to understand how to maintain a balanced budget. This may include attending a Personal Budgeting Support session as part of Universal Support provision.	Copies of emails confirming that training has taken place.

<p>Considering moving somewhere more affordable or negotiating a lower rent with their landlord</p> <p>Registering with Fresh Start scheme or Mutual Exchange Scheme provided by Barnet Homes</p>	<p>A record of the properties considered in order to move to more affordable accommodation, please note that the authority can assist with rent deposits.</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------

Dealing with debts by	Evidence that may be required
Contacting creditors to negotiate an affordable repayment plans	Letters confirming repayment plans
Taking advice from a debt management company authorised by the Financial Conduct Authority (FCA) via the national debt helpline	Correspondence from the Nation Debt Helpline or other FCA regulated body
By changing lifestyle/spending habits to avoid incurring further debt	A statement explaining changes to spending habits and evidenced by receipts and/or itemised bank statements.

In any case the authority must be satisfied that the claimant has taken reasonable steps to improve their financial situation. In the absence of such evidence the authority may decide that any further award shall be made at a reduced rate or that no award shall be made at all.

Part 2 Provisions Specific to DHP

5. Discretionary Housing Payments (DHPs)

A DHP is a payment made from a grant given to the authority to help claimants who require further financial assistance towards housing costs. To be eligible a person must be in receipt of either:

- Housing Benefit (HB) or
- Universal Credit (UC) with housing costs towards rental liability.

5.1 Meaning of Further Financial Assistance

The phrase 'further financial assistance' is not defined in law and is left for the authority to determine. For the purpose of this policy it means a need for a payment where:

- there is a shortfall between HB or UC (housing costs) and the contractual rent and

- the person is unable to meet their housing costs from their available resources.

5.2 Purpose of the scheme

The primary purpose of this scheme is to prevent homelessness by;

- a) Helping Barnet residents who cannot afford to meet their housing costs by reducing the impact of certain changes to the housing benefit and universal credit regulations on those who have been affected by:
 - The overall benefit cap
 - The limitation on the number of bedrooms occupied by tenants housed in the social sector
 - The freezing of Local Housing Allowance rates
 - The introduction of the 2-child limit.
- b) Assisting people with the costs of moving to more affordable accommodation or, where such a move is not viable, assisting them in retaining their current accommodation.
- c) Providing help and support people who wish to work with a view to improving their financial situation.
- d) Providing short term assistance to people who are unable to meet their housing costs because of financial hardship.

5.3 Essential criteria for a DHP

Before making a payment, the authority must be satisfied that there is:

- A valid claim for DHP and
- The claimant is in receipt of Housing Benefit (HB) or Universal Credit (Housing Costs element) (UC/HC) and
- There is a shortfall between the HB/UC award and housing costs.

5.4 Meaning of Housing Costs

In general, 'housing costs' usually refers to rental liability, although the term can be interpreted more widely to include:

- rent in advance
- deposits and
- other lump sum costs associated with a housing need such as removal costs and or rent arrears where applicant is under threat of eviction
- The shortfall between HB/UC and contractual rental liability.

5.5 Claims for DHP

A claim may be made up to 13 weeks in advance of an anticipated need for DHP arising and should be made by the person who is claiming DHP or UC.

An application may be accepted from a person acting upon that person's behalf if the council is satisfied it is reasonable to do so.

5.6 What a DHP can cover

DHPs are intended to support people who are receiving Housing Benefit or Universal Credit within Barnet and need additional support to cover housing-related costs.

It can be awarded to cover an on-going shortfall including but not limited to:

- reductions in HB or UC where the benefit cap has been applied
- reductions in HB or UC due to the maximum rent (social sector) size criteria
- reductions in HB or UC as a result of LHA restrictions
- rent officer restrictions such as local reference rent or shared accommodation rate
- non-dependent deductions in HB, or housing cost contributions in UC
- rent shortfalls to prevent a household becoming homeless
- income taper reduction
- any other legislative change that limits the amount of HB/UC housing costs payable, for example the removal of the family premium.

A DHP can be awarded for a rent deposit or rent in advance for a property in or outside the borough if they are already entitled to HB or UC at their present home. When awarding a DHP for a rent deposit or rent in advance, the authority must be satisfied that:

- the property is affordable for the tenant and
- the tenant has a valid reason to move and
- the deposit or rent in advance is reasonable

Lump sum payments for moves out of the Borough would normally have to be supported by the Housing Options Service or similar housing adviser.

The authority will also consider whether the claimant:

- is due to have a deposit or rent in advance in respect of their existing tenancy returned to them, and whether that deposit can be secured against the new tenancy in time or
- has received assistance towards a rent deposit, for example, a rent deposit guarantee scheme or similar.

5.6.1 Obligations

Before agreeing to make such an award the authority may request that:

- The claimant signs a declaration agreeing to move in, and in the event this obligation will not be fulfilled, notify the authority immediately. Failure to do so may result in overpaid DHP which will be recovered from the claimant.
- The landlord protects any deposit paid in a Government approved tenancy deposit protection scheme. Further information can be found at: <https://www.gov.uk/tenancy-deposit-protection/overview>,

5.6.2 What DHPs do not cover

- Service or rental charges ineligible for HB
- Following the abolition of council tax benefit from April 2013, DHPs can no longer be awarded towards council tax liability.

5.7 DHPs on multiple homes

The authority may consider a DHP in respect of two homes if

- The claimant is fleeing domestic violence or
- a claimant is temporarily absent from their main home and it considers there is good reason for that absence e.g. to stay near a child receiving treatment in hospital or
- The claimant has an unavoidable rental liability on more than one property.

5.8 Backdating

5.8.1 An award of DHP may be backdated subject to the following restrictions;

- No award can be made for a date earlier than 2 July 2001 and
- No award can be made in respect of a period when neither HB nor a relevant award of UC was in payment.
- No award can be made if there is no shortfall between the HB/UC amount and contractual rent for the period of backdating.

5.8.2 An award may be backdated if it is reasonable to do so and;

- The claimant is facing action for rent arrears which may lead to eviction or
- The existence of rent arrears is preventing the claimant from taking some form of action to reduce his rental liability such as bidding for more affordable accommodation

- There has been a change in the claimant's circumstances which prevents him from being able to maintain an existing arrangement to clear rent arrears or
- There are some other exceptional circumstances in existence which warrant a retrospective award being made.

5.8.3 When making a decision about backdating, regard shall be given to the Court of Appeal's decision in R v. LB Lambeth, ex parte Gargett which sets out that any HB already paid towards 'housing costs' must be deducted when calculating the amount of a DHP to avoid duplicate provision.

5.9 Circumstances where a DHP may be refused

A DHP may be refused in the following circumstances:

- The applicant has entered into an unaffordable tenancy recklessly
- The applicant has received a recoverable overpayment of DHP and has failed to take reasonable measures to repay it. Reasonable measures may include making no repayment if it is unaffordable.
- The claimant has failed to comply with a DHP information/evidence request within the permitted timescale
- An award that would be so high that the authority believes it would unreasonably impact on its ability to make awards to other claimants unless a lower amount can be awarded which will make the tenancy sustainable for the claimant
- The Claimant has failed to comply with a recommendation attached to a previous award about improving their financial situation
- The claimant has rent arrears which the authority is satisfied were accrued with an intention to obtain social housing or an award under this scheme
- Subject to a disregard of £500, the claimant has capital more than the DHP award being made.

5.10 Circumstances where a DHP cannot be considered

There are certain elements of a claimant's rent that the HB and UC regulations exclude so they cannot be included as 'housing costs' for the purposes of a DHP.

a) *Ineligible charges:* service charges which are ineligible for HB cannot be covered by a DHP. These are as specified in Schedule 1 to the Housing Benefit Regulations and Schedule 1 to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations.

b) *Increases in rent due to outstanding rent arrears:* under Regulation 11(3) of the Housing Benefit Regulations and Regulation 11(2) of the

Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations, where a claimant's rent is increased because outstanding arrears owed by the claimant in respect of their current or former property, the shortfall cannot be covered by a DHP.

c) *Sanctions and reductions in benefit including any:*

- Reduction in Income Support (IS) or income-based Jobseeker's Allowance (JSA(IB)) due to a Reduced Benefit Direction (RBD) for failure to comply with the Child Support Agency in arranging maintenance
- Reduction in benefit because of non-attendance at a work-focused interview. This applies both where the person's HB is reduced and when any other benefit that the person is receiving (such as IS) is subject to a sanction
- Reduction or loss of benefit due to a JSA employment sanction
- Reduction in benefit due to a JSA sanction for 16/17 year olds – for young people who receive JSA under a Severe Hardship Direction
- Restriction in benefit due to a breach of a community service order, or reduction in UC due to a sanction as specified under regulations 100 to 114 of the UC Regulations 2013
- Shortfalls caused by HB or UC overpayment recovery.

d) *Benefit suspensions:* Where HB or UC is suspended either because there is a general doubt about entitlement or because a claimant has failed to supply information pertinent to their claim.

5.11 Calculation of Award

5.11.1 The maximum level of a DHP award

If the purpose of the DHP is to meet an on-going rental liability, the level of DHP shall not exceed;

- the weekly HB eligible rent, or
- The monthly amount calculated in accordance with Schedule 4 of the UC regulations (i.e. the value stated for housing costs on a UC award notice).

Any HB or UC already paid towards 'housing costs' shall be deducted when calculating the amount of a DHP to avoid duplicate provision.

5.11.2 The basic DHP award

After carrying out a financial assessment any amount by which income exceeds expenditure shall be deducted from the shortfall between the HB/UC. The result shall be the basic DHP awards

The basic DHP award may be adjusted depending on the personal circumstances of the claimant.

In cases where a claimant is subject to the social size criteria DHP will only be considered for a 1 bedroom shortfall after 21 weeks, unless the claimant is experiencing exceptionally serious financial hardship.

6 Method of payment

- 6.1 The Benefits Service will decide on the most appropriate person to pay, the method and time of payments, based on the particular circumstances of each case. Where DHP is awarded in respect of council rental liability any DHP will be credited to the relevant housing rent account and where a DHP is awarded as a lump sum payment for rent in advance or a deposit payment will usually be made direct to the landlord.
- 6.2 Payments to meet a weekly or monthly rental liability will be made at the same frequency as the HB or UC payment and will be paid to
- In respect of an on-going award the person who receives the HB or UC payment or
 - In respect of rent arrears payments, to the landlord or
 - In respect of payments made to help a claimant move into a new home, the person entitled to receive that payment.
- 6.3 When making a DHP to assist the claimant with securing a new tenancy, the authority will pay the following persons
- Rent deposit – to the landlord
 - Rent in advance – to the landlord
 - Removal costs – to the removal company
- 6.4 The authority may consider making payment to the claimant in exceptional cases.

7. Notification of the decision

- 7.1 The authority will notify the claimant or appointee and the persons to whom payment is to be made as soon as possible after the decision is made. The notification to the claimant will contain the following:
- a) If an award is not made:
- the reason for the refusal and
 - details of any action the claimant may be advised to take to increase their chances of a future claim being successful
- b) If an award is made:
- The amount
 - The start and end dates
 - The manner in which payment will be made

- A brief explanation of the way in which the award has been calculated
- Details of any recommendations made associated with the making of the award
- Duty to notify any changes in circumstances.

- c) If payment is made other than to the claimant, it will include:
- The name and address of the person in respect of whom payment is being made
 - The amount and date of payment
 - The reason for payment.

7.2 All notifications will contain details of how the decision may be challenged.

8. Changes in circumstances

- 8.1 A person who is in receipt of DHP or has made a claim for DHP that has not yet been decided must notify the authority of any changes which may affect an award of DHP. There is a separate and statutory duty to notify the DWP or the authority of any changes which may affect HB or UC.
- 8.2 This notification must be provided as soon as is practicable and in any case within 1 calendar month of the change.

9. Overpayments

- 9.1 The authority may review an award at any time, and as a result of that review may decide that DHP has been overpaid. An overpayment will be recoverable if it arose due to:
- A failure to disclose or misrepresentation of a material fact or
 - An error made by the authority when the claim was decided.
- 9.2 Any such decision made will carry a right of review.

10. Reviews and Appeals

10.1 Review

- a) A claimant may require that the authority review any decision within 1 calendar month of the date of the decision, a request for a review must be submitted as follows:
- In writing to the authority and

- State the grounds on which the decision is being challenged and include any evidence to support that challenge.
- b) On receipt of an application for a review, an officer, other than the original decision maker shall, within 1 month, consider the decision afresh in light of the representations and any new evidence available to it and advise the claimant:
- Whether or not the decision has been changed and
 - the reasons for that decision.
- a) If the decision is not being changed the person may appeal against that refusal.

11. Appeals

- 11.1 If after a review the person is still aggrieved, an appeal can be made by writing to the authority within 1 calendar month of the date of review decision stating the grounds on which the decision is being challenged.
- 11.2 On receipt of an appeal an officer, who is senior to both the decision maker and the officer who conducted the review shall, within a month, consider the following matters:
- Whether all relevant matters were considered and whether an appropriate weight was attached to them and
 - Whether any irrelevant matters were considered and
 - Whether this policy had been applied correctly and
 - Whether the decision is a reasonable one having regard to above matters.
- 11.3 After considering the above, the officer shall either:
- Notify the claimant that the decision will not be changed, provide an explanation for that refusal, and confirm that no further action will be taken in respect of the matter or;
 - Return the matter to the officer who conducted the review to remake the decision within 14 days. The new decision will carry a right of review.
- 11.4 If a person remains dissatisfied with a decision a challenge can only be raised via Barnet's formal complaints procedure or by way of Judicial Review.
- 11.5 DHPs are not Housing Benefit and therefore customers cannot appeal to the independent tribunal.

Part 3 Provisions Specific to DCTHS

12 Purpose of the scheme

- 12.1 The purpose of DCTHS is to relieve people in particular need of the requirement to meet all, or part of, their liability to pay the Council Tax.
- 12.2 Council Tax is a priority debt; taxpayers are therefore obliged to treat their liability as taking precedence over expenditure such as:
- Credit card debts
 - Hire purchase agreements (HP)
 - Unsecured bank and payday loans (loans that are not secured against your property)
 - Water bills
 - Sky/Broadband subscriptions
 - Car insurance
 - Loans from friends and family.
- 12.3 Therefore when deciding eligibility for a DCTHS, the test will be more stringent than for DHP.

13 Eligibility for DCTHS

A claimant will only be entitled to an award under this scheme if:

- The applicant has an outstanding amount of council tax liability
- The council is satisfied that the applicant is suffering from financial hardship
- The applicant has exhausted all other options with regard to improving his or her current financial circumstances
- The authority has sufficient funds and making an award would not unreasonably impact on its ability to make awards to other claimants
- The application does not relate to an empty property normally let on a commercial basis.

14. Claims

- 14.1 In most cases, the person who applies for a DCTHS is the person liable for Council Tax. However, an application may be accepted from another person appointed to act on behalf of the claimant at the authority's discretion.
- 14.2 Unlike DHP there is no statutory requirement that a claim be made for an award. The authority will consider making an award in the absence of a claim if:
- There are arrears of Council Tax and the council has obtained a liability order in respect of those arrears, and

- The council is satisfied that, based on information either already in its possession or provided to it by another agency, the person against whom any liability order has been obtained would receive an award were an application made, and
- Those arrears have not been accrued because of reckless spending
- It is appropriate to make such an award having regard to the principals of this policy.

15 Calculation of Award

15.1 The maximum level of a DCTHS award is the amount of Council Tax debt outstanding excluding costs of recovery such as summons costs and bailiff fees although these may be considered for waiver in exceptional circumstances.

15.2 Assessments of Award: Assistance may be claimed for historic liability, an on-going liability or both.

15.3 Backdated awards

In respect of an award for a past period the authority will satisfy itself

- As to the amount the applicant can afford to pay towards the debt on a weekly basis
- That the applicant was not able to pay part or all the amount of Council Tax outstanding at the time it fell due and that this inability was not due to financial mismanagement on the part of the applicant.

15.4 On-going awards

In respect of an award for a current period the authority will satisfy itself

- As to the amount that the applicant can afford to pay towards the liability on a weekly basis
- That the inability of the applicant to meet the liability was not caused by financial mismanagement/reckless spending.

15.5 In cases where an applicant is jointly and severally liable with one or more persons who are not his partner the council may, in lieu of the making of an award under this scheme, provide the applicant with an undertaking not to pursue the applicant for part or all of the Council Tax liability.

17 Determination of Awards

- 17.1 A person will only be considered to be suffering from financial hardship and consequently entitled to a reduction under this scheme if:
- after taking all reasonable measures, they are unable to meet their essential needs relating to heating, food and hygiene having regard to their age, health and family make up together with any expenditure which the person is required to meet by law and which s/he has taken reasonable steps to avoid or reduce.
 - the Council is satisfied that the financial hardship has not been caused by the Applicant's reckless or extravagant expenditure.

18 Payments

Every award will be made by reducing the Applicant's liability for council tax by way of a credit to the Council Tax account.

19. Notification of Decisions

- 19.1 A decision will be made within 1 month or as soon afterwards as is practicable of the council receiving a properly completed application and the satisfaction of any requests for information or evidence made as a result of that claim. The notification of this decision shall contain:
- The amount of any award
 - The period of any award
 - If no award is made a brief explanation of the reason for the decision
 - Details of how to challenge the decision
 - If an award is made, the duty to notify any change in circumstances
 - Any recommendations made to improve current finances

20. Changes in circumstances

- 20.1 A person who is in receipt of DCTHP or has made a claim for DCTHP that has not yet been decided must notify the authority of any changes which may affect an award of DCTHP.
- 20.2 This notification must be provided as soon as is practicable and in any case within 1 calendar month of the change.

20.3 Date changes are applied from

A change in circumstances which would give rise to a change in the amount of DCTHP shall have effect from:

- a) The date the change occurred if:
- It is a change which will lead to a reduction in DCTHP or

- It is a change which will lead to an increase in DCTHP and the change was notified within 1 calendar month of that change or such longer time the authority considers reasonable.
- b) In all other cases, the change will be effective from the date of notification

21. Overpayments

- 21.1 The authority may review an award at any time, and as a result of that review may decide that DCTHP has been overpaid. An overpayment will be recoverable if the authority is satisfied:
- That the award was made, at least in part, as the result of a misrepresentation whether intentional or otherwise or
 - An error was made by the council when the award was made and, as a result of that error - the award was higher than it otherwise would have been.
- 21.2 Any recoverable DCTHP overpayment will be debited from the council tax account.

22. Disputes

- 22.1 A claimant may require that the authority review any decision by writing to the authority and stating the grounds on which it believes the decision to be wrong.
- 22.2 On receipt of an application for a review, the authority shall, within 2 months, consider the decision afresh in light of the representations and any new evidence available to it and advise the claimant:
- whether or not the decision has been changed and
 - the reasons for that decision.

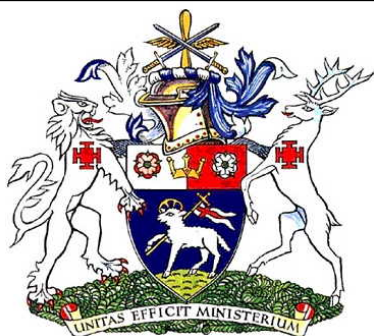
23. Appeals

- 23.1 If after a review the person is still aggrieved, or the authority has failed to reply within 2 months, the person may lodge an appeal directly to:

Valuation Tribunal Service
Hepworth House
2 Trafford Court Doncaster, DN1 1PN
Telephone: 0300 123 1033
<http://www.valuationtribunal.gov.uk/Home.aspx>

- 23.2 Any appeal must be lodged within 2 months of the date of decision made by the authority or if the authority has failed to provide a response, within four months of the date on which the request for review was served.

AGENDA ITEM 11.3

Full Council**18 December 2018**

Title	Referral from Policy and Resources Committee to Full Council: Proposed Submission North London Waste Plan (Regulation 19)
Report of	Head of Governance
Wards	All
Status	Public
Enclosures	Annex 1 – Report to Policy & Resources Committee, 11 December 2018, Proposed Submission North London Waste Plan (Regulation 19) Appendix 1 – Regulation 19 North London Waste Plan Appendix 2 – Response to Consultation at Regulation 18 Stage
Officer Contact Details	Anita Vukomanovic, Governance Team Leader anita.vukomanovic@barnet.gov.uk 020 8359 7034

Summary

The report attached at Annex 1 (Proposed Submission North London Waste Plan (Regulation 19) is due to be considered by the Policy and Resources Committee on 11 December. The Committee are expected to recommend that Full Council approve the submission on the Plan.

Officer Recommendation

That, subject to the Policy & Resources Committee on 11 December 2018 agreeing the recommendations 1), 2) and 4) as detailed in the report attached at Annex 1, Council approve the Regulation 19 Proposed Submission North London Waste Plan (NLWP), as set out in Appendix 1.

1. WHY THIS REPORT IS NEEDED

- 1.1 The Constitution, Article 4 (The Full Council) requires Full Council for approving the submission and adoption of Development Plan Documents comprising the Local Plan.

2. REASON FOR REFFERAL

- 2.1 Full Council is responsible for approving the submission and adoption of Development Plan Documents comprising the Local Plan.

3. REASONS FOR RECOMMENDATIONS

- 3.1 As set out in report attached at Annex 1.

4. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 4.1 As set out in report attached at Annex 1.

5. POST DECISION IMPLEMENTATION

- 5.1 As set out in report attached at Annex 1.

6. IMPLICATIONS OF DECISION

- 6.1 **Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 6.2 As set out in report attached at Annex 1.

6.3 Legal and Constitutional References

- 6.3.1 The Constitution, Article 4 (The Full Council) requires Full Council for approving the submission and adoption of Development Plan Documents comprising the Local Plan.

6.4 Risk Management

- 6.5 As set out in report attached at Annex 1.

6.6 Equalities and Diversity

- 6.7 As set out in report attached at Annex 1.

6.8 Consultation and Engagement

- 6.9 As set out in report attached at Annex 1.

7. BACKGROUND PAPERS

7.1 None.

This page is intentionally left blank



Policy and Resources Committee

11 December 2018

Title

Proposed Submission North London Waste Plan (Regulation 19)

Report of

Chairman of the Policy and Resources Committee

Wards

All Wards

Status

Public

Urgent

No

Key

Yes

Enclosures

Appendix 1: Regulation 19 North London Waste Plan
Appendix 2: Response to Consultation at Regulation 18 Stage

Officer Contact Details

Nick Lynch – Planning Policy Manager 0208 359 4211
Nick.lynch@barnet.gov.uk

James Gummery – Principal Planning Policy Officer 0208 359 7756
james.gummery@barnet.gov.uk

Summary

Seven North London Boroughs have prepared the Proposed Submission North London Waste Plan (NLWP) for consultation. The NLWP has two main purposes: ensuring adequate provision of suitable land to accommodate appropriate waste management facilities up to 2035; and to provide policies against which planning applications for waste development will be assessed. The NLWP aims to achieve net self-sufficiency in waste and to maximise recycling to achieve the recycling targets set out in the London Plan. Progressing the NLWP is necessary to protect Barnet from potentially unsuitable waste development proposals which would be difficult to resist without an adopted Plan.

The Proposed Submission NLWP (Regulation 19) must be approved by all seven boroughs prior to public consultation (scheduled for early 2019) and submission for examination in public by an Inspector appointed by the Planning Inspectorate. The Proposed Submission NLWP has already been successfully passed by Camden Full Council, Enfield Cabinet and Waltham Forest Cabinet.

Officers Recommendations

That the Policy and Resources Committee:

- 1. Consider the responses to consultation at Regulation 18 (Town and Country Planning (Local Planning) (England) Regulations 2012) Stage (as set out in Annex 2);**
- 2. Approve the Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) Proposed Submission North London Waste Plan (NLWP), as set out in Annex 1, for public consultation and subsequent submission to the Secretary of State for public examination;**
- 3. Recommend that Full Council approve the Regulation 19 Proposed Submission North London Waste Plan (NLWP), as set out in Annex 1; and**
- 4. Delegate authority to the Deputy Chief Executive, in consultation with the Service Director Planning and Building Control, to make any further minor changes to the NLWP prior to consultation and submission, and during or after examination.**

1. WHY THIS REPORT IS NEEDED

What is the North London Waste Plan?

- 1.1 The seven planning authorities of Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest are working together to produce the North London Waste Plan (the 'NLWP'). When adopted the Plan will form part of the suite of documents that make up the Local Plan for each of the North London Boroughs.
- 1.2 The purpose of the NLWP is to ensure there will be adequate provision of facilities to manage North London's waste. It will set out the waste management needs and demonstrate how these needs will be met during the plan period (up to 2035) through the identification of suitable sites and areas for waste management facilities. It will also include a policy framework for determining planning applications for waste development.
- 1.3 LB Barnet needs an adopted Waste Plan to ensure unsuitable proposals for waste development can be resisted, avoiding potentially negative impacts on regeneration and housing delivery.
- 1.4 The requirement to plan for waste is based on national and regional regulations and plans, and currently upon the EU Waste Framework Directive. Following the exit of the

UK from the EU there will be a requirement from central government to make adequate provision for waste. The UK government has committed to incorporating all EU directives/legislation at the time of leaving the EU into UK law as part of the Brexit process. The NLWP must be in general conformity with the London Plan which apportions an amount of waste to each borough for management.

- 1.5 Taking a joint waste plan approach is common practice for London boroughs. Without joint working each authority would have to plan separately and incur the costs of going independent while still having to work closely with North London Boroughs as a result of the legal duty to co-operate as waste facilities are shared under the management of the North London Waste Authority. Under the duty to co-operate there would be risk of challenges to each other's plans as well as duplication in terms of negotiations with authorities which receive our waste.

Progress on the North London Waste Plan

- 1.6 In 2012 a previous version of the NLWP was found by a Planning Inspector to not meet the legal requirements of the new Duty to Co-operate introduced through the Localism Act 2011 and as a result the Boroughs had to start on a new NLWP.
- 1.7 In 2013 the NLWP recommenced with an 'issues' consultation, followed in 2014 by a series of three focus group meetings involving a cross section of key stakeholders to discuss emerging issues for the NLWP.
- 1.8 The Draft NLWP (Regulation 18) was approved by the Policy & Resources Committee for public consultation in July 2015. The Draft NLWP (Reg 18) public consultation took place over a nine-week period during July and September 2015.
- 1.9 In July 2016 the NLWP process stalled when LB Enfield objected to the concentration of existing waste facilities in their area and the impact on Crossrail 2 regeneration opportunities. LB Enfield required further work to provide a more balanced geographic spread of new sites and areas across the seven boroughs before they would progress to a Submission (Reg 19) stage. Preparation of the NLWP was continued by the other six boroughs, whilst continuing to engage with LB Enfield on waste planning. In late 2017 LB Enfield signalled a willingness to return to the NLWP, subject to further work to develop a more balanced geographical spread of sites and areas. Changes to the document have resulted in a more even distribution of sites and areas in the NLWP.
- 1.10 Oversight of the NLWP is provided by the Planning Members Group – a group which includes an elected Member from each of the seven planning authorities. In July 2018 the Planning Members Group agreed the fundamental principles of the NLWP.
- 1.11 Approval by all seven NLWP boroughs is required for the Proposed Submission (Reg 19) NLWP to be published for public consultation and subsequent submission to the Secretary of State for examination in public.
- 1.12 The Proposed Submission NLWP has already been successfully passed by Camden Full Council, Enfield Cabinet and Waltham Forest Cabinet.

Duty to Cooperate

- 1.13 'Duty to Co-operate' is a legal requirement for local planning authorities to engage, constructively, actively and on an on-going basis with other public bodies on strategic matters. Methods to satisfy the requirements include meetings, exchange of information, statements of common ground and memorandum of understanding. Demonstrating that the Duty to Co-operate is required for plan making, although there is not a duty to agree.
- 1.14 A key issue for the NLWP is the movement of waste beyond the seven Boroughs, both within and outside London. As part of discharging the 'duty to co-operate', the North London Boroughs have contacted all waste planning authorities (WPA) who receive waste from North London to identify any issues which may prevent waste movements continuing during the plan period. A report on the duty to co-operate has been prepared and is available on the NLWP website¹.

Regulation 18 Consultation Responses

- 1.15 Draft NLWP (Reg 18) consultation took place over a nine-week period from 30th July to 30th September 2015. A total of 213 representations were received. There was general support for the draft aim, objectives and spatial strategy of the Plan. Some textual changes were suggested including a stronger commitment to achieving net self-sufficiency. The preferred approach for the Plan, including maximised recycling and net self-sufficiently in a number of waste streams, was on the whole supported by those in the field of waste planning. More information was requested on the management and export for each type of waste, particularly Construction, Demolitions & Excavation waste and hazardous waste.
- 1.16 Across the NLWP area as a whole, around 70% (148) of the comments received were objections to sites and areas. The methodology for identifying new sites and areas was broadly supported. However, a number of proposed sites and areas which have been assessed as potentially suitable for waste uses were not considered suitable by local residents and community groups. The main issues raised by residents related to the potential negative impacts of a waste facility, including traffic/congestion, suitability of roads and access, effect on biodiversity, flood risk, proximity to sensitive receptors and residential areas, concern over noise, smell and pollution. Several objections by landowners and tenants were also received. Objections for areas in Barnet included concerns regarding noise, traffic and site access, along with the impacts in relation to neighbouring residential areas.
- 1.17 There was broad support for the policy setting assessment criteria for waste management facilities, although a number of changes were suggested to strengthen requirements or for clarification. Competing views were received from residents who want strict controls on development alongside ambitious objectives, and the waste industry who consider some of the requirements in the policy too onerous.

¹ <http://www.nlwp.net/download/duty-to-co-operate-report-july-2015/?wpdmdl=840>

What has changed in the Plan?

- 1.18 Revisions included in the NLWP Regulation 19 version are based on responding to representations on the Draft Reg 18 and the further work undertaken to meet the concerns of LB Enfield. Changes include the following:
- Gathering and assessing additional information on the proposed sites and areas received during the consultation, or resulting from publication of new data. This includes sites and areas affected by Crossrail 2, historic assets and proximity of sensitive receptors. In addition, Borough transport officers have undertaken highways assessments of the sites and areas.
 - The revised approach to new provision is to focus on existing, well-established industrial land, while achieving a better geographical spread. The number of sites/areas identified in the NLWP as suitable for waste use has been reduced, while maintaining flexibility and aiming for a wider geographical spread of land to maximise the opportunities for waste to be managed as near to its source as possible.
 - NLWP policies have been revised. Policy 1, which deals with existing waste sites, requires that if a waste site is redeveloped, the re-provision of the facility must be in line with the spatial principle of the NLWP to get a better distribution of waste sites. Policy 4, which deals with windfall sites, introduces a sequential test whereby developers must demonstrate that no existing sites, or sites in the identified areas of search, are available or suitable before being able to develop on a site not identified in the plan. Any windfall site development must consider future development opportunities, such as those in Opportunity Areas, or from Crossrail2, West Anglia Mainline and four tracking. Policy 6, which deals with assessment criteria for waste developments, has strengthened amenity considerations regarding compatibility with neighbouring uses, and added detail on cumulative impacts of waste development and effects on regeneration. The provision of jobs and training is also highlighted.
 - To ensure the NLWP is based on the latest data a fresh data study has been carried out, including the changed Borough waste apportionment from the Draft London Plan. Research into new waste developments and their site areas found evidence of greater throughput on smaller sites, reducing the North London capacity gap.
 - Further work was carried out to estimate the amount and type of waste likely to be exported from North London to other waste planning authority areas during the plan period. Under the duty to cooperate the NLWP Boroughs have been engaging with these authorities and identifying any barriers to the continuation of these waste movements.
- 1.19 New sites and areas for built waste management facilities have been identified which perform well against the spatial framework (provides the strategic direction for the detailed policies of the NLWP and informs site/area selection) as reflected in the site selection criteria, as well as a range of environmental, social and economic criteria set out in the Sustainability Appraisal Scoping Report.

Overview of the North London Waste Plan

1.20 The aim of the NLWP is:

‘To achieve net self-sufficiency for LACW, C&I and C&D waste streams, including hazardous waste, and support a greener London by providing a planning framework that contributes to an integrated approach to management of materials further up the waste hierarchy. The NLWP will provide sufficient land for the sustainable development of waste facilities that are of the right type, in the right place and provided at the right time to enable the North London Boroughs to meet their waste management needs throughout the plan period’

1.21 The NLWP plans for seven waste streams:

- Local Authority Collected Waste (LACW),
- Commercial and Industrial (C&I),
- Construction, Demolition & Excavation (CD&E),
- Hazardous,
- Agricultural waste,
- Waste Water and
- Low level radioactive waste.

1.22 The NLWP Spatial Framework section provides the basis for balancing priorities, opportunities and constraints, in particular the availability of sites/areas to achieve a deliverable distribution of waste management sites, whilst bringing social, economic and environmental benefits of new waste management facilities to North London.

1.23 The NLWP Data Study considers the amount of waste currently produced in North London. It examined how this is managed, the amount of waste that will be produced over the plan period to 2035, the capacity of existing waste infrastructure and the extent to which this can meet future need.

1.24 The NLWP must demonstrate that the amount of LACW and C&I waste apportioned through the London Plan can be managed in North London. The boroughs must also meet statutory recycling targets. To satisfy these requirements the NLWP strategic approach is net self-sufficiency for LACW, C&I and C&D waste.

1.25 Growth and behaviour scenarios have been modelled to project future capacity gaps and waste management needs. The optimum solution which ensures that NLWP meets statutory recycling targets will also ensure more waste is managed further up the waste hierarchy. Consequently, the NLWP provides more opportunities to divert waste away from landfill.

Sites and Areas

1.26 The NLWP sets out the approach to identifying sufficient land for future waste management facilities in North London to ensure the delivery of the identified capacity requirements.

1.27 The Plan identifies that the capacity required for waste management facilities during the plan period up to 2035 is 9 hectares. Over the NLWP plan period there are capacity gaps for C&I, CD&E and Hazardous waste; North London will require additional facilities to meet these.

- 1.28 Existing waste sites are safeguarded through the London Plan. To identify further waste sites, waste site owners and operators were contacted about plans to rationalise or expand their facilities and a call for sites was also made; both approaches produced limited results and therefore a land availability search was undertaken.
- 1.29 A 'site' is an individual plot of land whereas an 'area' comprises numerous individual plots of land, for example, an industrial estate or employment area.
- 1.30 The NLWP identifies sites and areas that are potentially suitable for waste use. The NLWP does not allocate specific sites for waste facilities.
- 1.31 Identifying sites that are available and suitable for waste management facilities will contribute towards meeting the apportionment targets set out in the London Plan. There are ten existing safeguarded waste sites within Barnet (out of 64 in the North London boroughs).
- 1.32 Identifying areas within which waste uses would be broadly acceptable will ensure the NLWP is flexible. Developers of waste facilities seek flexibility in terms of land availability. Other non-waste uses would still be permitted in the areas identified.
- 1.33 The NLWP identifies a list of 13 areas covering a total of 102 hectares. Four areas covering a total of 6.7 hectares are identified in Barnet; all are in commercial use and are identified in Barnet's Local Plan as existing Locally Significant Industrial Sites.

Brent Cross Cricklewood

- 1.34 The NLWP identifies four new sites for waste use, including one in LB Barnet. This site is land between Edgware Road and Geron Way (the Selco site) which falls within the Brent Cross Cricklewood regeneration area and is identified as the replacement site for the Hendon Rail transfer station. This site is suitable for a non-rail based waste handling facility for domestic waste generated in Barnet and Camden. The Waste Transfer Station (WTS) will receive, by road, municipal waste, street sweepings, recycling and food waste from the seven NLWA constituent boroughs, but principally Barnet and Camden. No waste will be accepted from commercial sources.
- 1.35 A planning application (17/6714/EIA) for a WTS on the Selco site will shortly be referred to the Mayor for Stage 2 approval. The application was developed in consultation with the NLWA which will operate the new facility. The facility will be a direct replacement for the Hendon Waste Transfer Station. This approach is consistent with the terms of the BXC planning permission (Conditions 41.4 and 41.5) although the capacity is being measured in average annual throughput as per the London Plan, rather than licenced capacity.
- 1.36 LB Barnet also requires the land of two of the other commercial waste management sites (McGovern and Cripps) as part of the early southern development phase of the BXC regeneration in advance of replacement capacity becoming available. These sites are included within the area of land subject to the confirmed Compulsory Purchase Order (No. 2) 2015.

- 1.37 The capacity of the new WTS can also be used towards off-setting some of the capacity of the PB Donoghues waste management site, which is currently in Phase 4 of the BXC scheme, but is not sufficient to fully off-set the capacity of this site at this stage. Therefore, any proposal to redevelop Donoghues would be required to address the shortfall of waste processing capacity before this site could be redeveloped. This would either have to be accommodated on sites within BXC or on another site outside of the development area (either in Barnet or beyond).

Pinkham Way

- 1.38 The land at Pinkham Way (5.95 ha) in LB Haringey is identified as an area in the NLWP (Area A22-HR). This includes land in the ownership of LB Barnet (1.8ha) as well as the NLWA (4.85 ha). A proportion of this land contributes to meeting the NLWP 9ha capacity gap for waste management facilities.
- 1.39 Land at Pinkham Way was assessed against the NLWP sites/areas assessment criteria and was found to be suitable for waste management purposes. The Draft (Reg 18) NLWP approved in July 2015 by the Policy & Resources Committee included Area A22-HR at Pinkham Way.
- 1.40 Pinkham Way is subject to LB Haringey's Local Plan (Strategic Policies adopted 2013 and updated 2017) where it is safeguarded for employment and nature conservation.
- 1.41 As the Pinkham Way site (A22-HR) is identified within Schedule 2 of the NLWP, within suitable land within the area covered by A22-HR applications for waste management development will be permitted, subject to other policies in the NLWP, the London Plan, Local Plans, and related guidance. This land is not safeguarded by the NLWP solely for waste use and therefore other uses can be considered. As the landowner, LB Barnet will remain in control over its usage, subject to Haringey's planning policies.

2. REASONS FOR RECOMMENDATIONS

- 2.1 Failing to adopt an up-to-date waste plan as part of the Local Plan will delay the delivery of sustainable development and infrastructure, while reducing the Council's power to protect and enhance the borough.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 In line with the NPPF the Sustainability Appraisal Report tests a range of options to demonstrate that the boroughs have considered reasonable alternatives and that the NLWP follows the most appropriate strategy.
- 3.2 The Council has formally agreed participation in the NWLP through the 2015 Memorandum of Understanding. This ensures Barnet's involvement until the NLWP adoption and would impose financial penalties if the Council withdrew. Furthermore, the

Council would still need to address waste issues and safeguard waste management sites in the Local Plan, while the Duty to Cooperate would still require LB Barnet to engage with the other North London Boroughs on waste management issues.

4. POST DECISION IMPLEMENTATION

- 4.1 Once all seven planning authorities have approved the Proposed Submission NLWP the document will go out to public consultation, which is anticipated to commence in early 2019. After consultation the NLWP is scheduled for Submission to the Planning Inspectorate in June 2019, followed by the public hearing in September 2019. The Inspectors Report would be expected in early 2020, with adoption later in 2020.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The NLWP will help to meet Corporate Plan 2015-20 strategic objectives in ensuring that Barnet is a place:

- **Of opportunity, where people can further their quality of life** – the NLWP will ensure appropriate planning of waste management facilities, thereby minimising the environmental impact;
- **Where people are helped to help themselves, recognising that prevention is better than cure** – the NLWP will ensure land is available for the necessary waste management facilities which allow North London to manage its own waste, involving people and business in recycling and responsible waste disposal, while supporting the business opportunities available from waste management;
- **Where responsibility is shared, fairly** – the NLWP will support an agreed network of waste sites across North London to share the responsibility for the safe and effective treatment of waste; and
- **Where services are delivered efficiently to get value for money for the taxpayer** - the NLWP will ensure the delivery of appropriate waste management sites in terms of function and location which will improve service delivery.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 The project costs are allocated to the Boroughs on an equal basis. The main cost is Programme Management. Any further delay to the timetable for the NLWP will lead to an increase in these costs. Costs of the NLWP are currently met from the Council's budget (Central Expenses - Levies cost centre). Re will seek to manage and reduce costs where possible:

	2018/19	2019/20	2020/21
Consultant additional	£54,185	£10,800	
Consultant original	£22,860	£87,535	
Programme Management	£120,540	£122,815	£39,342
Publicity	£26,478	£50,000	£20,250
Legal	£10,000	£44,000	£5,000
Examination		£135,000	
Total	£234,063	£450,150	£64,592
Per borough	£33,438	£64,307	£9,227

5.3 Social Value

- 5.3.1 The Public Services (Social Value) Act 2012 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits.
- 5.3.2 The NLWP will secure social benefits through supporting an agreed network of waste sites across North London to share the responsibility for the safe and effective treatment of waste, and through this minimising the environmental impact for the local population while ensuring the Boroughs meet targets for recycling and responsible waste disposal.

5.4 Legal and Constitutional References

- 5.4.1 The Planning & Compulsory Purchase Act 2004 and in particular Regulation 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 provide guidance on the preparation and adoption of Local Plan documents. Upon adoption the NLWP becomes a statutory Development Plan Document that forms part of Barnet's formal planning policy framework.
- 5.4.2 Under the Council's Constitution, Article 7 - Item 7.5 (Responsibility for Functions) sets out that the Policy and Resources Committee is responsible for the overall strategic direction of the Council including responsibility for Local Plans (except for matters reserved to Full Council). The Constitution, Article 4 (The Full Council) requires Full Council for approving the submission and adoption of Development Plan Documents comprising the Local Plan.

5.5 Risk Management

- 5.5.1 The Council has responsibility as a waste planning authority to deliver a waste management plan which identifies adequate land for waste use.
- 5.5.2 Following the exit of the UK from the EU there will a requirement from central government to make adequate provision for waste. The UK government has committed

to incorporating all EU directives/legislation at the time of leaving the EU into UK law as part of the Brexit process.

- 5.5.3 Failing to adopt an up-to-date waste plan as part of the Local Plan will delay the delivery of sustainable development and infrastructure, while reducing the Council's power to protect and enhance the Borough.
- 5.5.4 Any further delay in Boroughs approving the NLWP will also have significant negative implications in terms of financial costs for the programme.
- 5.5.5 The NLWP must be shown to meet the legal requirements of the Duty to Co-operate, which is an issue for the movement of waste beyond the NLWP Boroughs, both within and outside London. The seven Boroughs have engaged in discussions and sought agreements with local authority areas receiving waste.
- 5.5.6 The NLWP will undergo public examination with the appointed Planning Inspector assessing the Plan for soundness. If found unsound the NLWP would be returned to an earlier stage of the process and the Council's decision-making powers on waste management matters would be very significantly delayed. To mitigate this risk the NLWP will be assessed against the Planning Advisory Service Soundness Toolkit.

5.6 Equalities and Diversity

- 5.6.1 Equality Impact Assessment (EQIA) was undertaken for the NLWP to examine the impact of proposed waste management facilities and waste planning policies on the area covered by the seven Boroughs. The EQIA found that implementation of NLWP policies and proposals should not lead to unacceptable adverse effects on different communities. Waste facilities can also provide employment opportunities both during construction and operation phase, which may be beneficial to all target groups in all boroughs. NLWP consultations were designed to gather the views of the local community and other relevant stakeholders.

5.7 Corporate Parenting

- 5.7.1 N/A

5.8 Consultation and Engagement

- 5.8.1 Once the Proposed Submission NLWP is approved by all seven planning authorities the document will undergo public consultation in early 2019. Following consultation any comments received will be considered before the document is submitted to the Secretary of State for examination in public in September 2019

5.9 Insight

- 5.9.1 N/A

6. BACKGROUND PAPERS

- North London Waste Plan Memorandum of Understanding

This page is intentionally left blank



North London Waste Plan

Proposed submission

(Regulation 19)

October 2018

Contents

1.	Introduction and Background	4
	What is the North London Waste Plan?	4
	How does the North London Waste Plan fit with other plans and strategies?	6
	What is involved in preparing the North London Waste Plan?	8
	What stage is the NLWP at?	10
	What happens next?	11
2.	Setting the Scene	12
	Geographical Extent	12
	Population Characteristics.....	12
	Health	14
	Socio-Economic	14
	Environment.....	15
	Transport	16
	Land Use	17
	Climate Change	17
3.	Aims and Objectives	19
	Aim of the North London Waste Plan	19
	Strategic Objectives.....	20
4.	Spatial Framework.....	22
	A. Make use of existing sites	22
	B. Seek a geographical spread of waste sites across North London, consistent with the principles of sustainable development.	23
	C. Encourage co-location of facilities and complementary activities.....	26
	D. Provide opportunities for decentralised heat and energy networks	28
	E. Protect local amenity	28
	F. Support sustainable modes of transport	29
5.	Current waste management in North London.....	30
	Waste generated in North London.....	30
	Existing facilities	31
	Cross Boundary Movements (exports and imports)	38

6	Future Waste Management Requirements	42
	Context	42
	Targets for waste managed within North London	42
	Options for managing North London's waste	42
	Chosen Approach	43
	Meeting the Capacity Gap	43
7.	Provision for North London's Waste to 2035	47
8.	Sites and Areas	54
	Context	54
	Expansion of existing Waste Management Facilities	54
	Site and Area Search Criteria	57
	Site and Area Search and Selection Process (Methodology)	58
	Draft Plan Consultation	60
9	Policies	63
	Policy 1: Existing waste management sites	63
	Policy 2: Locations for new waste management facilities	66
	Policy 3: Windfall Sites	69
	Policy 4 – Re-use & Recycling Centres	72
	Policy 5: Assessment Criteria for waste management facilities and related development	73
	Policy 6: Energy Recovery and Decentralised Energy	81
	Policy 7: Waste Water Treatment Works and Sewage Plant	83
	Policy 8: Control of Inert Waste	84
10.	Monitoring and Implementation	86
	Monitoring the Plan	86
	Proposed monitoring framework	86
	Implementing the Plan	65
	Appendix 1: Schedule 1: Existing safeguarded waste sites in North London	70
	Figure 1: North London Plan Area	5
	Figure 2: Documents making up the Development Plan for North London Boroughs	7
	Figure 3: Hierarchy of Planning Guidance Policies and Strategies	8

Figure 4: Main geographical and planning features of North London	13
Figure 5: Waste Hierarchy.....	19
Figure 6: Key diagram.....	25
Figure 7: Current Re-use and Recycling Centres (RRC) in North London	27
Figure 8: Waste arisings in North London 2016	31
Figure 9: Existing Waste Sites	34
Figure 10: Waste exported from North London 2011-2016	38
Figure 11: Distributions of Waste Exports from North London	39
Figure 12: Predicted Landfill Exports as a % total Waste Stream.....	48
Figure 13: Location of proposed new areas.....	62

1. Introduction and Background

What is the North London Waste Plan?

1.1. The seven North London Boroughs of Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest are working together to produce the North London Waste Plan (the 'NLWP'). The NLWP also covers part of the area of the London Legacy Development Corporation (LLDC), a Mayoral Development Corporation, which is the planning authority for a small part of Hackney and Waltham Forest¹. Figure 1 shows the North London Waste Plan area.

1.2. The NLWP has two main purposes:

- to ensure there will be adequate provision of suitable land to accommodate waste management facilities of the right type, in the right place and at the right time up to 2035 to manage waste generated in North London; and
- to provide policies against which planning applications for waste development will be assessed, alongside other relevant planning policies/guidance.

1.3. The key elements of the NLWP are:

The Aim and Objectives: These are overarching principles which have steered the development of the NLWP.

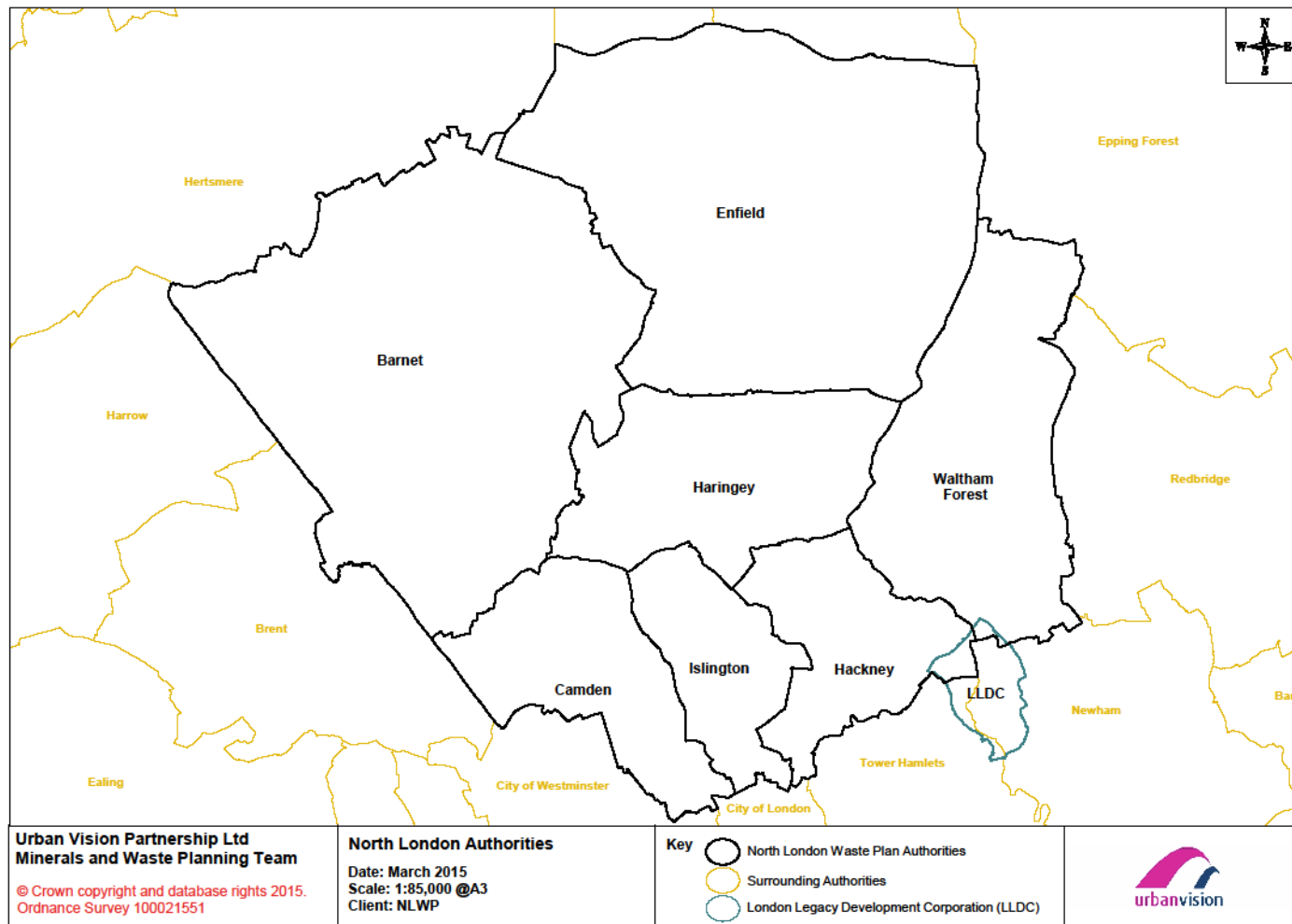
The Spatial Framework: This sets out the physical and planning components that influence the Plan and identifies opportunities and constraints for waste planning in North London.

The Provision for North London's Waste to 2035: This sets out the preferred option for how the waste management needs for North London will be met for each waste stream over the Plan period.

The Policies: These are policies through which the aims and objectives, waste management strategy and Spatial Framework will be delivered. The policies provide the waste planning framework against which applications for waste development will be assessed across the Plan area.

¹ The relationship of the NLWP to the LLDC is discussed further in para 1.15 below

Figure 1: North London Plan Area



1.4. The NLWP plans for all principal waste streams including:

- **Local Authority Collected Waste (LACW):** Waste collected by a Local Authority, including household and trade waste;
- **Commercial and Industrial (C&I):** Waste produced by businesses and industry;
- **Construction, Demolition & Excavation (CD&E):** Waste generated as a result of delivering infrastructure projects, building, renovation and the maintenance of structures;
- **Hazardous:** A sub category of all waste streams where the material produced is hazardous and requires specialist treatment;
- **Agricultural waste:** Waste produced by farming and forestry activity;
- **Waste Water / Sewage Sludge:** Waste produced from washing, cleaning and hygienic activities to create waste water and sewage effluents; and
- **Low level radioactive waste (LLW):** Waste associated with the undertaking of x-rays and laboratory testing using low level radioactive substances.

How does the North London Waste Plan fit with other plans and strategies?

- 1.5. The seven North London Boroughs, as Waste Planning Authorities (WPA) are required to prepare a Waste Local Plan. This requirement comes from Article 28 of the European Union (EU) Waste Framework Directive, the National Waste Management Plan for England and the National Planning Policy for Waste (NPPW).
- 1.6. The NLWP is prepared in line with the requirements of the Planning and Compulsory Purchase Act 2004, the Waste (England and Wales) Regulations 2011 and the Town and Country Planning (Local Planning) (England) Regulations 2012, The National Planning Policy Framework (NPPF) and supporting Planning Practice Guidance (PPG) direct how Local Plans should be prepared and the National Planning Policy for Waste (NPPW) provides detailed requirements specific to waste plan preparation and content.
- 1.7. Once adopted, the NLWP will form part of the 'Development Plan' for each of the North London Boroughs which comprises the London Plan² and borough Local Plans (see Figure 2). The NLWP must be in general conformity with the London Plan and consistent with other documents in borough Local Plans. The NLWP should be read alongside other relevant policies within the wider Development Plan. The Mayor published a draft London Plan for consultation in December 2017. The Examination in public is expected to begin in January 2019 with adoption scheduled for 2020. The London Plan sets the strategic framework for the NLWP
- 1.8. The London Plan projects how much LACW and C&I waste is likely to be generated in the capital over the next 20 years and apportions an amount of these two waste

² At time of writing this is The London Plan March 2016
North London Waste Plan Proposed Submission October 2018

streams to each borough. The North London Boroughs have pooled their apportionments and will meet this collectively through existing sites and land allocated in the NLWP.

- 1.9. Each of the seven boroughs has a strategic waste policy as part of their Local Plan. The boroughs' strategic waste policies defer to the NLWP to provide a more detailed planning framework for waste development across the seven boroughs. Each borough's Local Plan may also include site allocation documents, development management policies and area action plans, as well as supplementary planning documents.

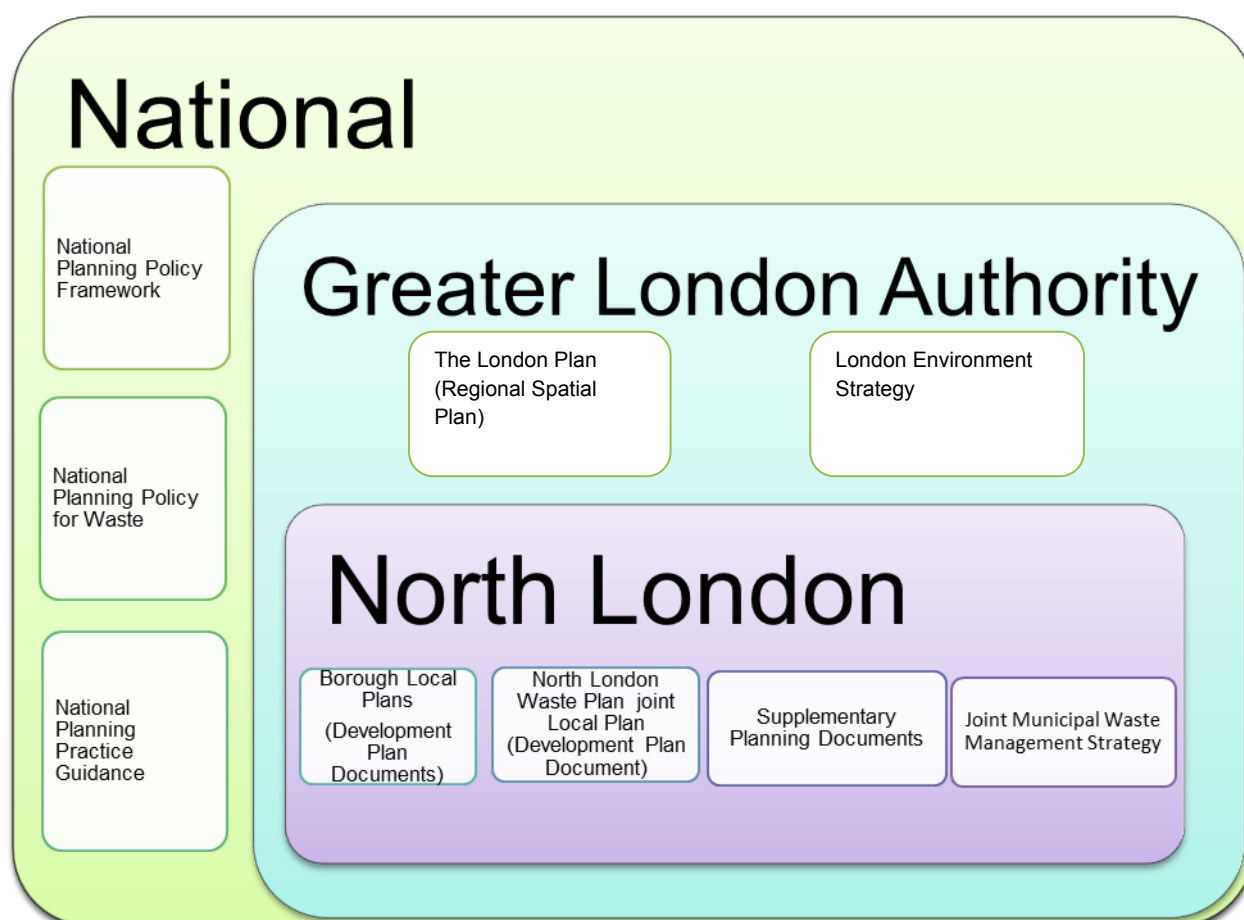
Figure 2: Documents making up the Development Plan for North London Boroughs



- 1.10. In addition to the national and regional planning policies, there are also waste strategies which impact on the development of the NLWP. The Mayor's London Environment Strategy (2018) contains recycling targets for Local Authority Collected Waste (LACW) and Commercial & Industrial (C&I) waste which inform policies within the London Plan.

1.11. The North London Waste Authority's (NLWA) has produced the Joint Municipal Waste Management Strategy (JMWMS) (2009). The NLWA, as the Waste Disposal Authority for the NLWP area, is a key stakeholder. The NLWA is responsible for managing the waste collected by the North London boroughs, in particular household waste but also waste deposited at Reuse and Recycling Centres and some waste that the boroughs collect from local businesses; collectively this is known as Local Authority Collected Waste (LACW). The NLWP is required to ensure there is adequate provision for the disposal and recovery of this waste stream.

Figure 3: Hierarchy of Planning Guidance Policies and Strategies



1.12. Once adopted the NLWP will form part of the overarching planning framework used for the determination of planning applications relating to proposed or existing waste facilities in North London. These applications will be submitted to the Boroughs in which the facility is located. Developers will need to consider the documents highlighted in Figure 3 in making a planning application related to an existing or proposed waste facility:

- National planning policy and guidance;
- The London Plan and Supplementary Planning Guidance;

- The North London Waste Plan;
- Borough Local Plan documents

What is involved in preparing the North London Waste Plan?

- 1.13. As mentioned above, the NLWP must be prepared in line with European, national, regional and local policies and guidance. Before the NLWP can be adopted by each of the Boroughs it must be examined by an independent Inspector. The Inspector will determine whether the Plan has been prepared in accordance with the duty to co-operate, legal and procedural requirements and whether it is 'sound'.
- 1.14. The duty to co-operate, introduced by the Localism Act 2011, and requires local planning authorities and other public bodies to engage constructively, actively and on an ongoing basis to develop strategic policies. Meeting the requirements of the duty to co-operate is a key part of the plan making process for the NLWP and the North London Boroughs are working closely with other waste planning authorities that are critical for the delivery of an effective waste strategy for North London, in addition to prescribed public bodies such as the Environment Agency and the Mayor.
- 1.15. As previously highlighted, the North London Boroughs are working closely with the London Legacy Development Corporation (LLDC). The LLDC is a Mayoral Development Corporation with responsibility for securing the regeneration of an area of London focused on the former Olympic Park. The LLDC is the local planning authority, which includes waste planning, for small parts of Hackney and Waltham Forest (and other boroughs not part of the NLWP group). However, while all the Boroughs have an apportionment of waste from the Mayor under the London Plan for which they must plan and find land, the LLDC is not allocated a share of the borough apportionment. The NLWP is required therefore to plan for the quantity of waste generated across the seven boroughs including the parts of Hackney and Waltham Forest that lie within the LLDC area. In carrying out their responsibilities under the NPPW, the North London Boroughs are engaging with other planning authorities outside London which import waste from North London including the LLDC area. The NLWP cannot directly allocate sites/areas within the LLDC area as this is the responsibility of the LLDC as the local planning authority.
- 1.16. An agreement for the working relationship between the North London Boroughs and the LLDC has been drawn up. This agreement, or Memorandum of Understanding, identifies the Sites and Areas suitable for waste within the Hackney and Waltham Forest parts of the LLDC area. The LLDC's Local Plan also identifies sites and areas that are potentially suitable for waste related uses. For waste development proposals in the parts of Hackney and Waltham Forest which fall within the LLDC area, the LLDC Local Plan policies will apply. Policy IN2 of the LLDC Local Plan requires planning decisions to take full account of the policies within the adopted waste plans of the Boroughs.

Supporting Documents

- 1.17. The NLWP is accompanied by evidence base documents including a Data Study, Options appraisal, Sites and Areas report and Duty to Co-operate report. There are supporting assessments such as a Sustainability Appraisal (SA) (incorporating the requirements of the SEA Directive), Habitats Regulation Assessment (HRA), a Sequential Test Report)and Equalities Impact Assessment (EqIA). These assessments form a key element of the development of the Plan and help to ensure that the social, environmental and economic impacts of the policies developed in the Plan are assessed and taken into account in the decision making process. There are also reports on the outcomes of all consultations on the NLWP. The supporting documents can be viewed -on the NLWP website.

What stage is the NLWP at?

- 1.18. This is the Proposed Submission Plan (Regulation 19). It has been prepared following consideration of responses received to the consultation on the draft NLWP (Regulation 18) which took place from 30th July to 30th September 2015. The consultation provided an opportunity for stakeholders and communities to comment on the Draft Plan and proposed policies. A report on the outcomes of this consultation and separate reports of the previous consultation at the outset of plan preparation are also available to view on the NLWP website.
- 1.19. The Proposed Submission Plan is the version of the NLWP that the Boroughs intend to submit to the Secretary of State for examination. It is being published to allow the opportunity for stakeholders and communities to submit representations on the soundness and legal and procedural compliance of the Proposed Submission Plan.
- 1.20. At the heart of national policy (the NPPF) is the presumption in favour of sustainable development and policies in the NLWP must reflect this presumption. The NLWP must meet the soundness tests as set out in paragraph 182 of the NPPF. These require the NLWP to be:
- Positively prepared (meet objectively assessed development needs of the area);
 - Justified (set out the most appropriate strategy based upon the evidence);
 - Effective (deliverable and address cross boundary issues);
 - Consistent with national policy.

What happens next?

- 1.21. Representations made during consultation on the Proposed Submission Plan will be considered and any proposed changes will be submitted to the Inspector for examination along with supporting documents.
- 1.22. Once the Plan is submitted, an independent Inspector will be appointed (on behalf of the Secretary of State) to examine whether the NLWP meets the required legal and soundness tests, including duty to co-operate and procedural requirements. The indicative timetable for the Plan is as follows:

Table 1: NLWP Timetable

Consultation on Proposed Submission Plan (Regulation 19)	January – February 2019
Submission (Regulation 22)	June 2019
Public hearings	September 2019
Inspector's report	January 2020
Adoption	June 2020

2. Setting the Scene

2.1 Waste management has an important role in achieving sustainable development. There are a number of ways to define ‘sustainable development’. The most well-known definition is ‘*development which meets the needs of the present without compromising the ability of future generations to meet their own needs*’³. The UK Sustainable Development Strategy *Securing the Future* set out five ‘guiding principles’ of sustainable development:

- living within the planet’s environmental limits;
- ensuring a strong, healthy and just society;
- achieving a sustainable economy;
- promoting good governance; and
- using sound science responsibly.

2.2 The National Planning Policy Framework (NPPF) references these definitions and goes on to set out three objectives to sustainable development: economic, social and environmental. The North London Waste Plan (NLWP) will help achieve sustainable waste management by providing a sound basis for the provision of waste management infrastructure, contributing to the conservation of resources by improving the efficiency of processing and making better use of the wastes created within North London.

Geographical Extent

2.3 The North London Boroughs cover a large swathe of London from the inner city into the Green Belt of outer London. The geographical extent takes in both the inner London Boroughs of Camden, Hackney and Islington, and the outer London Boroughs of Barnet, Enfield, Haringey and Waltham Forest (see Figure 4). The land within the North London Boroughs spans an area of 293 square kilometres. The geographical characteristics of North London are a key element in both the Spatial Framework (see section 4) and the sites/areas assessment criteria (see section 8).

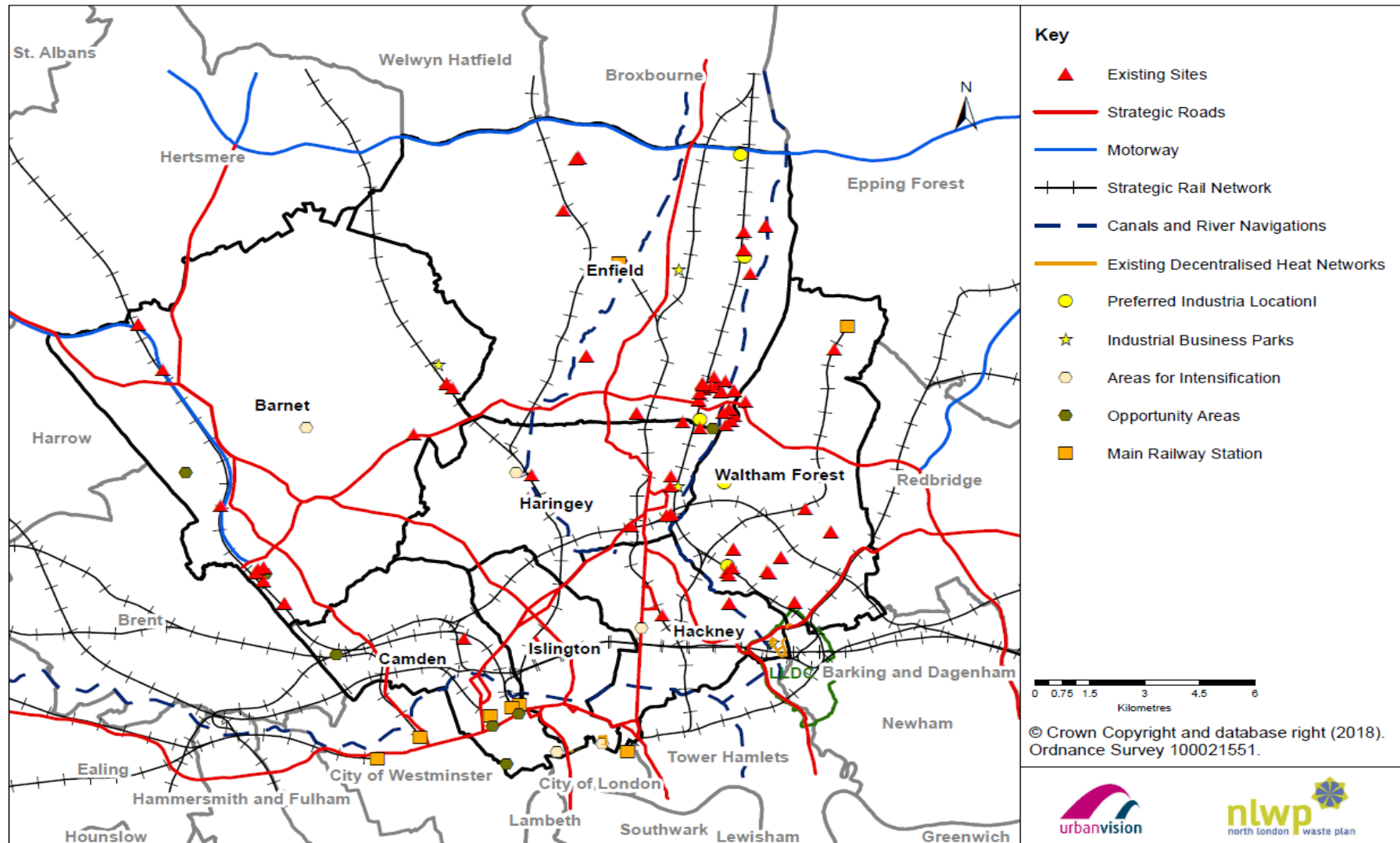
Population Characteristics

2.4 The North London area is one of the most densely populated areas in the UK. Recent statistics⁴ show that the population has risen from 1.6 million in 2002 to an estimated 2.0 million in 2017 and that the population continues to grow at a rate

³ Brundtland Commission, 1987 (Resolution 42/187 of the United Nations General Assembly)

⁴ Office for National Statistics

Figure 4: Main geographical and planning features of North London



above the national average. This population growth will also increase the amount of waste North London will need to manage in the future, even though the amount of waste generated per person may not increase (see section 6).

- 2.5 The highest density is in the inner boroughs of Islington (the most densely populated local authority in the UK according to the 2011 Census), Hackney and Camden, closely followed by Haringey. Waltham Forest, Barnet and Enfield are less densely populated, however these Boroughs are still substantially more densely populated than the rest of the country. Density of population and the built environment has an influence on the amount of waste generated but also on competition for land and the availability of sites suitable for new waste facilities (see section 7).
- 2.6 While the outer Boroughs are characterised by traditional detached, semi-detached and terraced housing, overall across the Plan area, there is a higher proportion of flats and similar multi-tenant properties. This is particularly the case in the inner Boroughs which, consequently, have fewer gardens (and green waste) than the outer Boroughs. The differing ability of types of housing stock to incorporate waste collection infrastructure (for example recycling bins) impacts on recycling rates in North London (see section 6).

Health

- 2.7 There are varying levels of life expectancy across North London. The outer boroughs of Barnet and Enfield report life expectancies higher than the national average, however significant inequalities exist within the boroughs. In contrast, the other Boroughs report male life expectancy lower than the average for England, while the same is true of females in Islington and Waltham Forest. Impact on human health has been a key consideration in the development of the NLWP and is discussed in more detail in the Sustainability Appraisal (SA) which supports the NLWP.

Socio-Economic

- 2.8 The average gross weekly earnings within each of the North London Boroughs is higher than the average for England. All of the Boroughs have a higher proportion of their working population employed than the national average. This is mirrored by the high cost of living in all Boroughs. Four Boroughs (Hackney, Haringey, Islington and Waltham Forest) contain wards amongst the 20 most deprived areas in England pointing to varying degrees of polarisation. All boroughs contain varying levels of deprivation within them. Maximising economic benefits by utilising waste as a resource is an objective of this plan. There are opportunities for job creation through the development of new waste facilities at both the construction and end

user stages. New technologies can also help to create ‘green collar’⁵ jobs in new waste management facilities as well as in sectors that receive recycled or reprocessed material, turning it into new products, thereby creating wealth from waste. Economic growth in North London is predicted to result in greater amounts of waste being generated. This is due to more people in jobs, although the amount of waste created per person is expected to stay the same.

Environment

- 2.9 The North London Waste Plan area includes important green space with many parks and larger areas such as Hampstead Heath, the Lee Valley Regional Park and part of Epping Forest. There are extensive areas of Green Belt in the outer areas and areas of agricultural land in Barnet and Enfield.
- 2.10 Enfield has identified Areas of Special Character where the Council will seek to preserve and enhance the essential character of the area, including landscape features such as woodlands, streams, designed parklands and enclosed farmland.
- 2.11 The Lee Valley contains an internationally important wetland habitat (Ramsar site and Special Protection Area (SPA)) as the reservoirs and old gravel pits support internationally important numbers of wintering birds as well as other nationally important species. In addition, the adjacent Epping Forest Special Area of Conservation (SAC), part of which lies in Waltham Forest, is important for a range of rare species, including mosses. There are six Sites of Special Scientific Interest (SSSI), 21 Local Nature Reserves and 307 Sites of Importance for Nature Conservation (SINC). The concentration of industrial land in the Lee Valley poses challenges for development to take into account key biodiversity issues set out in Borough Biodiversity Action Plans.
- 2.12 Throughout North London there are many areas and sites of historic interest including 172 conservation areas, over 14,000 listed buildings, registered landscapes, scheduled monuments, archaeological priority areas and as yet unknown archaeological remains. Protection for heritage assets is included in Local Plan policies and the sites/areas assessment criteria (see section 7) and policy 5.
- 2.13 The heavily developed and built up nature of North London coupled with differential values between competing land uses, and protected areas such as Green Belt presents a significant challenge in planning for waste. Expected development over the plan period will increase these pressures. For development which is perceived as likely to create more environmental risk and harm to the amenity of the local area, through factors such as noise, dust and increased traffic, the planning constraints near areas protected for their environmental value are greater.

⁵ Jobs in environmental sectors

- 2.14 Protection of groundwater is vital to prevent pollution of supplies of drinking water, while secondary aquifers are important in providing base flows to rivers. The Environment Agency has designated areas of source protection zones in a number of locations, particularly in the Lee Valley as well as implementing groundwater protection measures around boreholes in the area.
- 2.15 Historically much of the employment land in North London has been in industrial use. Inevitably the restructuring from an industrial-based to a service based economy has affected land use priorities, creating a situation where the type of employment land available has changed, particularly in the inner boroughs where offices predominate. Such areas are now under pressure to help deliver high housing and employment targets. The previous use of these areas raises the risk of contamination and the need for remedial measures regardless of how the land will be used in the future.
- 2.16 Air quality within North London is uniformly poor as a result of high levels of nitrogen dioxide and dust (NO₂ and PM₁₀ respectively) that are mainly, but not exclusively, due to road traffic. As a result, all of the councils have declared Air Quality Management Areas (AQMA) covering each Borough.
- 2.17 The NLWP includes strategies and policies to protect environmental assets and amenity.

Transport

- 2.18 North London benefits from good access to the strategic road network such as the M1 and M11 and the M25. The local road network is dominated by important radial routes to the centre of London and also includes the key orbital North Circular Road (A406) which bisects the Plan area from east to west. Parts of this network experience high levels of congestion at off-peak as well as peak hours, despite the fact that part of the area lies within the London Mayor's congestion charging zone.
- 2.19 Three main train lines terminate at Euston, St Pancras and Kings Cross, all in Camden. The North London Line (NLL) is a commuter and nationally important freight route providing movement of material across the area. There is a planning application to replace the railhead at Hendon in Barnet that currently transports waste out of London by a new facility just to its north. Proposals for the West London Orbital line will improve rail access to the west of the area.
- 2.20 In March 2016, the National Infrastructure Commission recommended that Crossrail 2, a proposed new rail line serving six of the NLWP constituent Boroughs, should be taken forward as a priority. Transport for London and Network Rail are currently developing the scheme. Whilst the final scheme and timetable is not yet known, there is a potential for Crossrail 2 to impact upon existing or future waste management sites during the NLWP period. This is discussed further in Section 8.

- 2.21 In addition the Grand Union Canal and the Lee Navigation run through the area and provide sufficient draught to allow light cargo movements to and from industrial and other facilities close to a number of wharves along each waterway.
- 2.22 Opportunities for using sustainable modes of transport are a key element of the Spatial Framework.

Land Use

- 2.23 Across North London as a whole the predominant land use is housing. There are also concentrated areas of commercial activity and town centres. Parts of Camden, Hackney and Islington fall into the Central Activities Zone which covers London's geographic, economic, administrative, and cultural core spanning ten boroughs in total. The Upper Lee Valley on the east of the NLWP area includes a concentrated area of industrial activity. Each borough contains areas of industrial or employment land that are designated for this purpose. The London Plan designates Strategic Industrial Locations (SILs) and provides the strategic direction for the identification of Locally Significant Industrial Sites (LSISs) and other industrial/employment designations in Local Plans.
- 2.24 There are a number of drivers for change in land use in London, in particular the need to boost housing numbers and make best and most efficient use of land around public transport modes. These pressures are likely to increase as a result of planned investment such as Crossrail 2, Stratford to Angel Road (STAR) Scheme and four-tracking on the West Anglia Mainline.
- 2.25 To deliver this change, the London Plan has identified Opportunity Areas and Housing Action Zones in parts of North London including parts of the Lee Valley and there may be future Opportunity Areas identified during the NLWP plan period. The Opportunity Areas overlap with land which contains existing facilities and also the areas identified in this Plan for new waste facilities. Therefore, alongside the opportunities for intensification and new homes, there will also be a need for Boroughs to consider existing waste operations and areas for new waste facilities, in light of NLWP Policies 1: and 2.
- 2.26 Some boroughs are beginning to review their Green Belt boundaries as a result of the review of Local Plans.

Climate Change

- 2.27 The North London Boroughs are all focused on the challenges posed by climate change. Borough strategies are driven by the requirements to mitigate and adapt to all effects of climate change. The NLWP aims to deliver effective waste and resource management which makes a positive and lasting contribution to sustainable development and to combating climate change.

- 2.28 All Boroughs have lower CO₂ emissions per capita than the national average, with the exception of Camden where levels are elevated by the concentration of commercial and other non-domestic activities. However all Boroughs have significantly lower per capita CO₂ emissions from road transport when compared to the national average. This is particularly apparent in Camden, Hackney, Haringey, Islington and Waltham Forest. Per capita CO₂ emissions from the domestic sector are below the national average.
- 2.29 The NLWP seeks to reduce the reliance on disposal to landfill sites outside London as this contributes to CO₂ emissions from transport. While it is recognised that waste management facilities will continue to generate CO₂ emissions, new waste facilities generating energy need to meet the Mayor's Carbon Intensity Floor. The priority of the NLWP will be to implement policies and direct new development to sites which deliver a better overall environmental outcome.
- 2.30 The NLWP site and area assessments take into account those parts of all Boroughs that are under threat from surface water (and potentially sewer) flooding because of the extensive urbanised areas.
- 2.31 The site and area assessments also take into account the greater occurrence of urban flood events over the last sixty years and the risk that climate change will lead to a greater threat from flooding in the future. On the east side of the area a number of tributaries flow into the River Lee while parts of Barnet drain into the River Brent to the west.

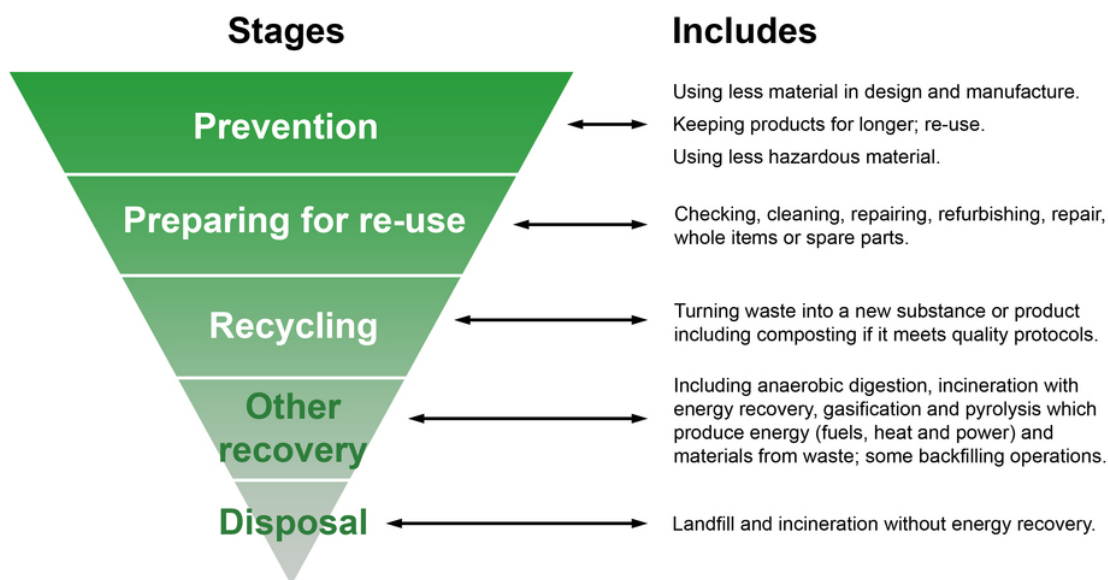
3. Aims and Objectives

Aim of the North London Waste Plan

- 3.1. Each of the seven Borough Local Plans contains a vision for their area, and the aim of the NLWP links to the delivery of that vision. The NLWP therefore includes a single overarching aim and a number of objectives to deliver that aim. The Aim meets the requirements of National Planning Policy for Waste (NPPW) through providing a set of agreed priorities for delivering sustainable waste management in North London
- 3.2. The NLWP treats waste as a resource rather than as a nuisance, promoting the principles of the waste hierarchy. The Aim acknowledges that the NLWP is part of a wider but integrated approach that will help to deliver sustainable waste management in North London, alongside such measures as improved resource management, and waste prevention and reduction spanning strategies which influence but are outside of the planning framework. The NLWP aim and objectives reference and integrate the Waste Hierarchy which is shown in Figure 5.

Figure 5: Waste Hierarchy

The Waste Hierarchy



3.3. The aim of the NLWP is:

Aim of the NLWP

“To achieve net self-sufficiency for LACW, C&I and C&D waste streams, including hazardous waste, and support a greener London by providing a planning framework that contributes to an integrated approach to management of materials further up the waste hierarchy. The NLWP will provide sufficient land for the sustainable development of waste facilities that are of the right type, in the right place and provided at the right time to enable the North London Boroughs to meet their waste management needs throughout the plan period”.

Strategic Objectives

3.4. The objectives of the draft NLWP are as follows:

SO1. To support the movement of North London’s waste as far up the waste hierarchy as practicable, to ensure environmental and economic benefits are maximised by utilising waste as a resource:

Met through Policies 2, 4, 6, 7 and 8

SO2. To ensure there is sufficient suitable land available to meet North London’s waste management needs and reduce the movements of waste through safeguarding existing sites and identifying locations for new waste facilities:

Met through Policies 1, 2, 3, 4, , 7 and 8

SO3. To plan for net self-sufficiency⁶ in LACW, C&I, C&D waste streams, including hazardous waste, by providing opportunities to manage as much as practicable of North London’s waste within the Plan area taking into account the amounts of waste apportioned to the Boroughs in the London Plan, and the requirements of the North London Waste Authority:

Met through Policies 1, 2, 3, 4, and 8

SO4. To ensure that all waste developments meet high standards of design and build quality, and that the construction and operation of waste management facilities do not cause unacceptable harm to the amenity of local residents or the environment:

Met through Policy 5

⁶ Net self-sufficiency means providing enough waste management capacity to manage the equivalent of the waste generated in North London, while recognising that some imports and exports will continue.

- SO5. To ensure the delivery of sustainable waste development within the Plan area through the integration of social, environmental and economic considerations:
Met through Policies 2, 5 and 7
- SO6. To provide opportunities for North London to contribute to the development of a low carbon economy and decentralised energy:
Met through Policy 6
- SO7. To support the use of sustainable forms of transport and minimise the impacts of waste movements including on climate change:
Met through Policy 5
- SO8. To protect and, where possible, enhance North London's natural environment, biodiversity, cultural and historic environment:
Met through Policy 5

4. Spatial Framework

- 4.1 The spatial framework flows from the Plan's objectives and takes account of the spatial context outlined in section 2 and the strategic and policy context outlined in section 1, alongside the Plan's technical evidence base, and the views of stakeholders. Figure 6 below shows the relationship between the key elements that form the spatial framework.
- 4.2 The spatial framework provides the strategic direction for the detailed policies of the NLWP and informs site/area selection. The spatial framework also guides the assessment of the suitability of windfall sites under Policy 3. It reflects the complexities and realities of planning at a sub-regional level taking into account varied characteristics and functions across the seven boroughs, from densely populated urban areas to stretches of Green Belt. Competing and changing land uses, especially release of industrial land for housing, is a key issue for the boroughs.
- 4.3 The spatial principles set out below represent the outcome of balancing various priorities, opportunities and constraints, in particular the availability of sites/areas to achieve a deliverable distribution of waste management locations to meet identified need, whilst bringing social, economic and environmental benefits of new waste management facilities to North London.
- 4.4 The NLWP is underpinned by the following spatial principles:
- A. Make use of existing sites
 - B. Seek a geographical spread of waste sites across North London, consistent with the principles of sustainable development.
 - C. Encourage co-location of facilities and complementary activities
 - D. Provide opportunities for decentralised heat and energy networks
 - E. Protect local amenity
 - F. Support sustainable modes of transport
- A. Make use of existing sites**
- 4.5 NPPW requires Boroughs to consider the capacity of existing operational facilities in meeting identified need. Further to this, Policy 5.17 *Waste Capacity* of The London Plan requires boroughs, when preparing plans, to protect and facilitate the maximum use of existing waste sites.
- 4.6 In line with this and in order to recognise the valuable contribution existing waste facilities make to managing waste effectively, existing waste management capacity has provided the baseline for identifying the waste management capacity gap and the consequent need for expanded and new facilities. Existing waste management

sites form an important part of the strategic waste plan for North London and are safeguarded for waste use through NLWP Policy 1 and the London Plan (see Schedule 1 in Appendix 1 for a full list of existing sites).

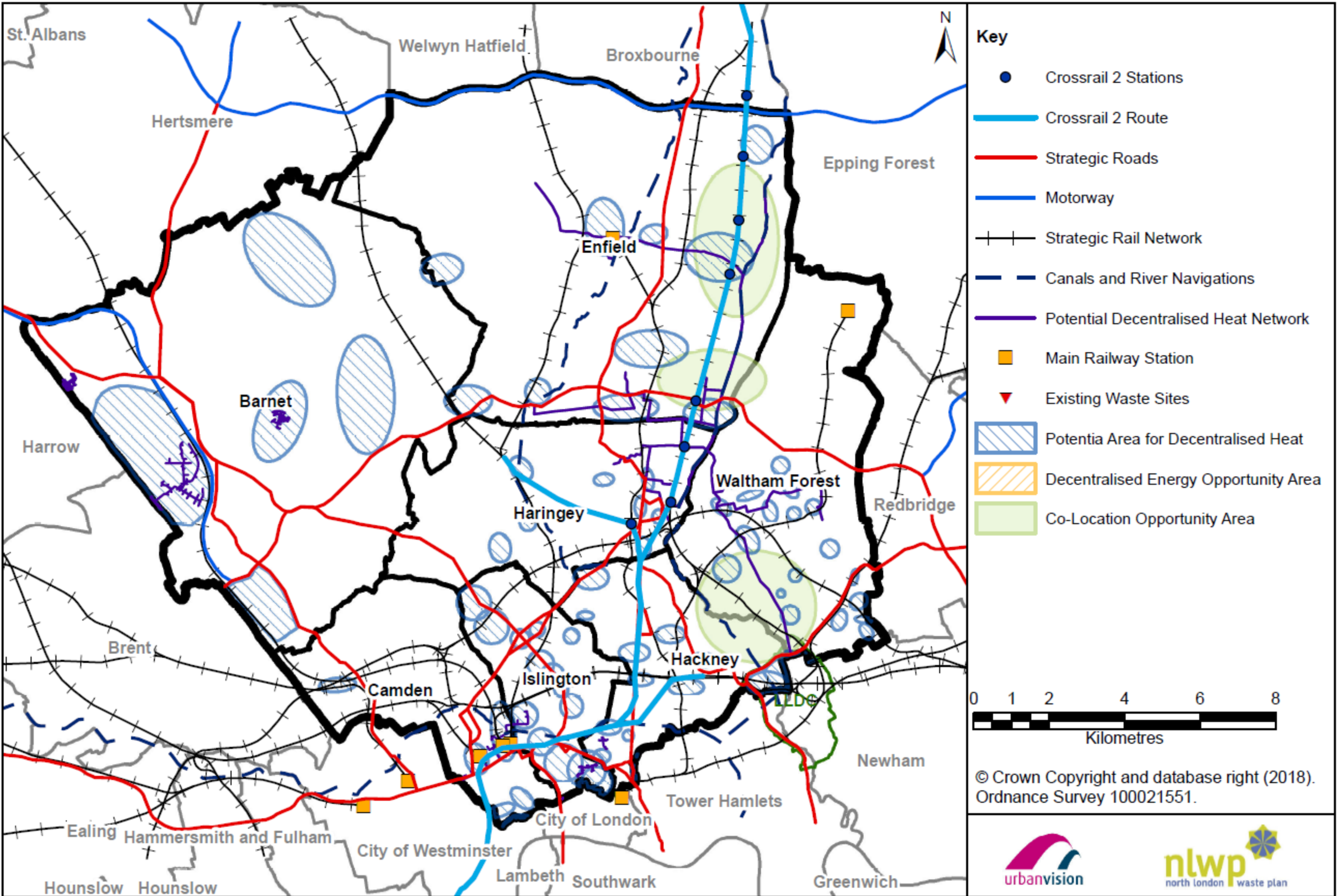
- 4.7 Figure 6 shows that the majority of existing waste sites are located to the east of the Plan area in the industrial parts of the Lee Valley corridor. These sites have developed over decades outside of a strategic plan for waste, and in locations which may have been suitable for waste uses but which did not create an even geographical spread across North London. This reflects the mixed function and character of the Plan area, notably in terms of significant differences among the boroughs in supply of industrial land where waste uses are generally more acceptable.
- 4.8 Three existing sites are known to be planning capacity expansion or upgrades to existing facilities (see Section 8). Most other existing sites do not have any current plans to expand capacity or change their operations but the North London Boroughs support, in principle, the expansion or intensification of operations at existing facilities and this is reflected in Policy 1.

B Seek a geographical spread of waste sites across North London, consistent with the principles of sustainable development.

- 4.9 The NLWP is underpinned by an aim to achieve net self-sufficiency for LACW, C&I, C&D waste streams, including hazardous waste. This will be achieved by identifying enough existing capacity and land in North London suitable for the development of new waste management facilities to manage the equivalent of 100% of this waste arising in North London. The objective is to reduce movements of waste, including waste exports, and increase the amount of waste managed in proximity to its source, in accordance with the principles of sustainable development. Waste is exported to a number of areas outside of North London, mainly in the south east and east of England and Figure 12 shows the estimated reduction of waste exports over the plan period. The strategy for achieving net self-sufficiency is set out in the Provision for North London's Waste to 2032 in section 7.
- 4.10 Net self-sufficiency does not mean that the North London Boroughs will deal solely with their own waste, nor promote use of the very closest facility to the exclusion of all other considerations. While it is desirable for waste to be treated as close as possible to its source in line with the proximity principle, the complexity of the waste management business poses challenges. Different types of waste require different types of management and facilities need to serve areas large enough to be economically viable. Consequently, the most suitable facility may not be the nearest and may well be outside of North London. In addition, facilities in North London will continue to manage waste from outside the area.

- 4.11 The current and changing character of each borough's industrial land is a consideration in identifying locations for new waste infrastructure. Larger and co-located facilities are more suited to areas with similar existing uses away from sensitive receptors. A future waste industry focused on resource management may derive positive cumulative impacts from a concentration of facilities. Conversely, the urban environments of NLWP boroughs are restricted by severe physical constraints limiting opportunities for some types of waste facilities. In addition, some areas, such as the protected Green Belt in the north, will be largely out of bounds for any built waste facilities. As population and densities in the plan area increase with projected growth, fewer areas away from sensitive receptors will be available. Continued development of waste facilities in areas which have, and continue to provide, significant waste capacity could have wider implications on the regeneration of the local economy. When choosing locations for future development, the benefits of co-location will need to be balanced against the cumulative impacts which can arise from an accumulation of facilities in one location. Cumulative impacts can include traffic levels, noise and odours. There may be times when the cumulative impacts of several waste developments operating in an area would be considered unacceptable. Any new waste development proposed in North London will be expected to be of a standard that is in keeping with and complements the existing and future planned development. By identifying suitable land across North London (Policy 2), the NLWP seeks to provide opportunities to manage waste as close to its source as possible, in line with the proximity principle. In promoting a geographic spread of facilities across the plan area consistent with the principles of sustainable development, the NLWP seeks to weigh the positive effects of co-location and economies of scale with the negative effects of excessive concentration of waste facilities in any one area. All North London Boroughs want to play their part in managing north London's waste and therefore support an equitable geographical distribution across the seven Boroughs.
- 4.12 Policy 2 seeks to extend the existing spread of locations for waste facilities by identifying locations which are suitable for new waste facilities, taking into account factors such as the character of different areas, changing land uses and availability of suitable industrial land. Where demand arises, opportunities to improve the spread of waste sites across the area are supported through Policy 3: Windfall Sites where they adhere to the site assessment criteria set out in section 8.
- 4.13 With local re-use and recycling centres (RRC) it is especially desirable to have a geographical spread that enables good access to residents. RRCs are facilities to which the public can bring household waste for free. Figure 7 shows the current network of local RRCs and a radius of two miles around them. Gaps in coverage have been identified by the NLWA in parts of the Plan area, namely Barnet and Enfield, shown outside of the two mile radius around each RRC. Any new RRC facilities will be assessed against Policy 4: Re-use and Recycling Centres.

Figure 6: Key diagram



C. Encourage co-location of facilities and complementary activities

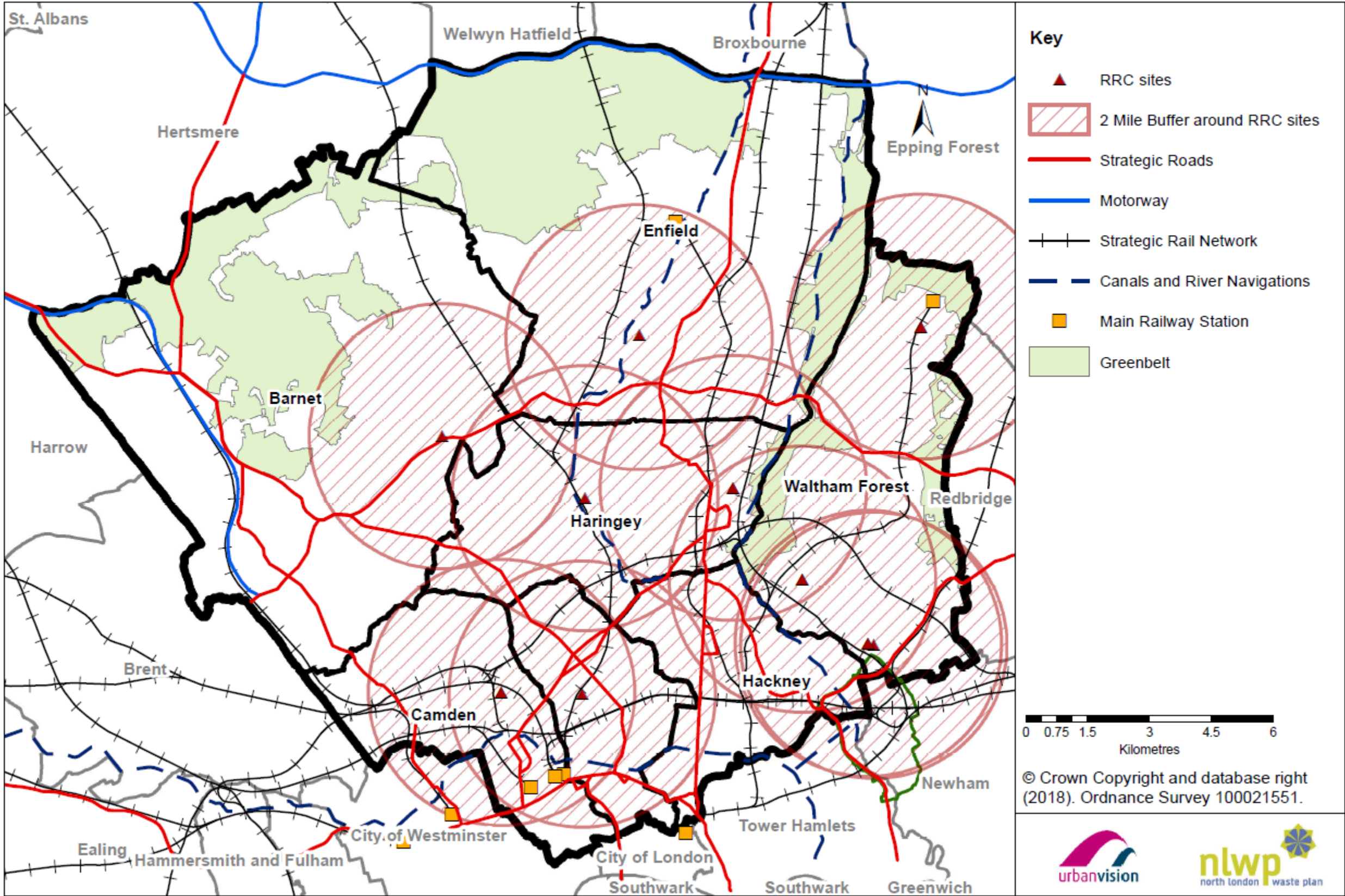
- 4.14 NPPW requires waste plans to identify opportunities to co-locate facilities together and with complementary activities, including end users of waste outputs such as users of fuel, low carbon energy/heat and recyclable wastes. These opportunities are also associated with a move towards a more circular economy. WRAP defines the Circular Economy as *an alternative to a traditional linear economy (make, use, dispose) in which we keep resources in use for as long as possible, extract the maximum value from them whilst in use, then recover and regenerate products and materials at the end of each service life*⁷. The European Commission has published its Circular Economy package⁸, while in London the London Waste and Recycling Board has published a Circular Economy route map⁹.
- 4.15 There are several benefits of co-location of facilities. Co-location has the potential to minimise environmental impacts, take advantage of ‘economies of scale’, share infrastructure, existing networks (e.g. the rail and highway network) and skilled workforces. The concentration of waste facilities in the Lee Valley corridor provides the most promising opportunities for co-location with existing facilities. Notwithstanding this, NPPW requires the Plan to take account of the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community.
- 4.16 There are also co-location opportunities related to other industrial activities synergistic with waste management, for example the manufacturing of products from recycled materials and the development of a more circular economy. Existing waste facilities are already employing this approach as exemplified by the industries developing around the Edmonton EcoPark (Enfield) and the Plan seeks to build on the momentum by supporting this approach as a key element of the spatial framework and identifying which areas have potential for co-location.
- 4.17 Opportunity Areas, Housing Zones and the route of Crossrail 2 could also be factors when considering co-location of facilities. These schemes are likely to intensify development, especially near to stations, and there are both resulting opportunities and threats for existing waste facilities and land identified as suitable for waste uses. The opportunities include waste facilities supplying energy to new developments and new waste facilities being incorporated into the schemes, for example an anaerobic digestion facility to deal with household food waste, and consolidation or relocation of waste uses. Risks include new uses displacing waste facilities due to

⁷ <http://www.wrap.org.uk/content/wrap-and-circular-economy>

⁸ Circular Economy Package http://ec.europa.eu/environment/circular-economy/index_en.htm

⁹ <https://www.lwarb.gov.uk/what-we-do/circular-london/circular-economy-route-map/>

Figure 7: Current Re-use and Recycling Centres (RRC) in North London



incompatibility or impacts of construction. Protection for waste capacity through safeguarding, the agent of change principle and re-provision policies in the London Plan, Local Plans and NLWP Policy 1 will be a key policy tool under these circumstances.

D. Provide opportunities for decentralised heat and energy networks

- 4.18 The NPPW recognises the benefits of co-location of waste facilities with end users of their energy outputs. The London Plan supports the development of combined heat and power systems and provision of heat and power to surrounding consumers.
- 4.19 The Key Diagram (Figure 6) shows where facilities could connect to a network ('decentralised heat opportunity area' and 'decentralised energy opportunity area'). There is already a relatively well-advanced plan for decentralised heat network in the Lee Valley and this offers the most promising and realistic possibility within the Plan area. The NLWP supports opportunities to develop combined heat and power networks on sites and areas, within the Lee Valley, south Barnet and elsewhere (see Figure 6), that not only have the ability to link in to the decentralised energy network but also have the potential for waste development with Combined Heat and Power. Policy 6 seeks to secure opportunities for the recovery of energy from waste where feasible.

E. Protect local amenity

- 4.20 The protection of amenity is a well-established principle in the planning system. The NPPW requires the Boroughs to consider the likely impact on the local environment and on amenity when considering planning applications for waste facilities. Amenity includes aural (noise) and visual amenity such as open space, flora, and the characteristics of the locality including historic and architectural assets. Negative amenity impacts also include odour arising from the processing and type of waste being managed.
- 4.21 The site selection criteria set out in section 8 effectively direct waste management development to the most suitable sites/areas taking into account environmental and physical constraints, including locations where potential amenity impacts can be mitigated to an acceptable degree as well as considering cumulative impacts of additional waste facilities in already well developed areas and areas with a history of waste development. All proposed sites and areas have been subject to assessment in the Sustainability Appraisal and the Habitats Regulation Assessment and the findings fed into the policy recommendations
- 4.22 The protection of local amenity has been considered during the assessment of sites/areas to identify those suitable for inclusion in the NLWP. Policy 5 sets out assessment criteria for waste management facilities and deals with protection of local amenity including information requirements to support applications for waste

facilities. The policy's presumption for enclosed as opposed to open air facilities is also important to the application of this principle in terms of air quality and protecting the health of residents.

- 4.23 As outlined within Policy 1, proposals for expansion or intensification of existing waste uses should not unacceptably harm the amenity of occupiers of any existing developments. The onus will be upon the developer of the new proposed development to ensure appropriate mitigation measures are put in place under the agent of change principle.
- 4.24 Policy 3 seeks to ensure that proposals for waste management facilities do not constrain areas undergoing development change, such as new transport or economic regeneration initiatives.

F. Support sustainable modes of transport

- 4.25 The NPPW and the London Plan require Boroughs to identify sites/areas with the potential to utilise modes of transport other than road transport. As Figure 6 shows, North London is well served by road, rail and waterway networks and waste is currently transported into, out of and around North London by both road and rail. But like many industry sectors, road is the main mode of transport for the movement of waste. There are potential opportunities for waste sites to better utilise sustainable modes of transport such as rail and waterways. Movement of waste via more sustainable transport methods is duly supported in line with Objective 7, although this may not always be practicable, especially when costs associated with investment in wharfs and rail sidings and other infrastructure which may be necessary before waste can be moved along the canal or rail network may not be economically viable, especially for smaller facilities. North London currently has one rail linked waste site (at Hendon) supporting the requirements of the NLWA, however this site is due to be redeveloped as part of the Brent Cross Cricklewood regeneration project and the NLWA's need for this railhead has changed. There is a planning application for replacement rail based depot with a different function under consideration. There is also a wharf on the Lee Navigation which potentially could provide future opportunities for transportation by water at Edmonton EcoPark.
- 4.26 Road transport will continue to be the principal method of transporting waste in North London, particularly over shorter distances where this is more flexible and cost effective. Access to transport networks including sustainable transport modes was considered when assessing the suitability of new sites and areas. Rail and road transport is particularly desirable when waste is travelling long distances. Policy 5 considers sustainable transport modes in planning decisions.

5. Current waste management in North London

- 5.1 This section looks at the current picture of waste management in North London, including the amount of waste generated; the current capacity, types and location of facilities; how each waste stream is managed, key targets and cross-boundary movements of waste.

North London Waste Data Study

- 5.2 The Waste Data Study was prepared in July 2014 and updated in July 2015 to inform the Draft NLWP. A further update in 2018 accompanies this Proposed Submission Plan. All versions of the Data Study are available to view on NLWP website (www.nlwp.net). The Waste Data Study is in three parts as shown below, with the date of the most recent version provided in brackets:

- Part One: North London Waste Arisings (2018)
- Part Two: North London Waste Capacity (2018)
- Part Three: North London Sites Schedule (2018)

- 5.3 The Waste Data Study includes the following information for the seven waste streams for which the NLWP plans:

- The amount of waste currently produced in North London;
- How and where the waste is managed;
- The capacity of existing waste infrastructure;
- The waste management targets the NLWP will support; and
- The amount of waste projected to be produced over the plan period (up to 2035) and the extent to which existing facilities can meet this future need.

Waste generated in North London

- 5.4 Table 2 below shows the amount of waste generated in North London for the main waste streams using the latest data from 2016. Waste arisings vary from year to year and these figures represent a snapshot in time. Figure 8 shows the proportion of each waste stream as a percentage of the total waste in North London¹⁰.

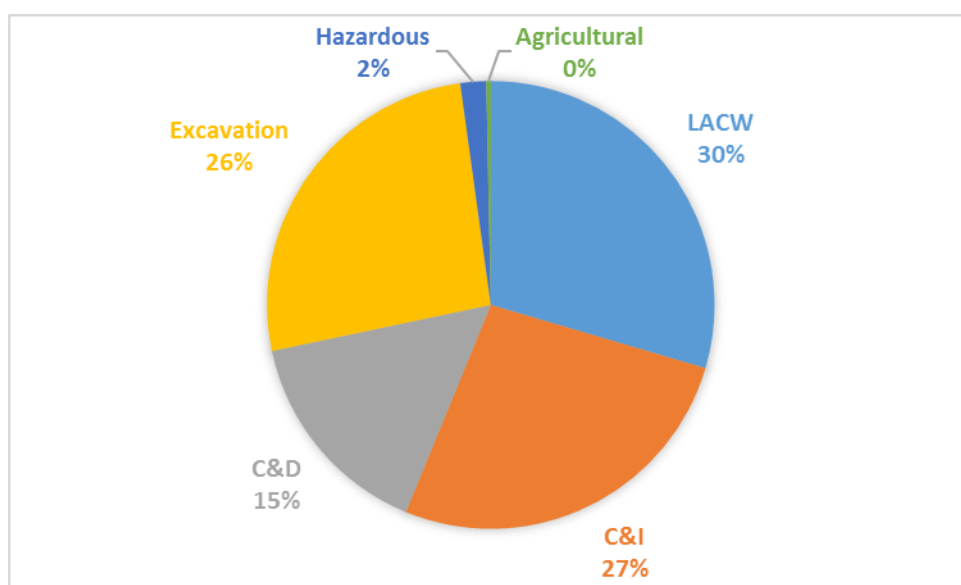
¹⁰ The data is taken from the Waste Data Study (2016)

Table 2: Amount of Waste Generated in North London, 2016

Local Authority Collected Waste (LACW)	845,776
Commercial and Industrial Waste (C&I)	762,301
Construction and Demolition Waste (C&D)	443,180
Agricultural Waste	9,223
Hazardous waste	54,420
Excavation Waste	747,242
TOTAL	2,861,062

Source: North London Waste Data Study Update 2016

Figure 8: Waste arisings in North London 2016



Source: North London Waste Data Study Update 2018

Existing facilities

- 5.5 Table 3 below shows the existing (2018) waste management facilities in North London by type and waste stream managed and changes in available capacity at known dates when facilities come on stream/close. It identifies an existing waste management capacity of around 4.4 million tonnes per annum, reducing to around 3.8 million tonnes by 2029 as a result of known closure of some existing sites up to

2028¹¹. Figure 9 shows the location of the facilities represented in Table 3 and a full list is in Appendix 1.

Table 3: Maximum Existing Annual Capacity at Licensed Operational Waste Management Facilities at the Start of the Plan Period and a key dates following changes in sites capacities

Waste stream	Facility Type	2018	2026	2029
LACW only	Transfer stations (non-hazardous)	621,222	416,864	416,864
LACW only	Household Waste Recycling Site	100,204	100,204	100,204
LACW only	Composting	35,241	0	0
LACW only	Recycling (MRFS)	276,855	276,855	276,855
LACW only	Incineration with Energy Recovery	550,000	0	0
LACW and CI	Transfer stations (non-hazardous)	206,748	206,748	206,748
LACW and CI	Incineration with Energy Recovery	0	700,000	700,000
LACW, CI and CDE	Transfer stations (non-hazardous)	26,545	26,545	26,545
LACW, CI and CDE	Recycling (MRFS)	16,277	16,277	16,277
CI only	Transfer stations (non-hazardous)	288	288	288
CI only	Recycling (MRFS)	54,632	54,632	54,632
CI only	Treatment facility	2,332	2,332	2,332
CI only	Treatment facility (Hazardous)	64,132	64,132	64,132
CI and CDE	Transfer stations (non-hazardous)	236,245	119,050	119,050
CI and CDE	Recycling (MRFS)	432,538	432,538	432,538
CDE only	Transfer stations (C&D)	364,097	328,014	328,014
CDE only	Recycling (aggregates, other C&D)	980,780	746,840	627,876
Hazardous	Transfer stations (hazardous)	5	5	5
Hazardous	Treatment facility (Hazardous)	3,622	3,622	3,622
CI Specialist	Treatment facility	112,419	112,419	112,419
CI Metals	Recycling (ELVs)	362	362	362
CI Metals	Recycling (Metals)	318,522	318,522	318,522
CI Metals	WEEE	18,657	18,657	18,657
	Total Capacity	4,421,723	3,944,906	3,825,942

¹¹ Some of the planned closures include sites affected by the redevelopment of Brent Cross. It is expected that Barnet will identify new sites for the relocation of these sites in line with the Planning Permission for this development

- 5.6 When considering the overall amount of waste generated identified in Table 2 against the current capacity of waste management facilities in North London identified in Table 3, there appears to be more than enough waste management capacity. However, this does not take into account the specialism of each type of facility or importantly, since North London is a net exporter of waste in terms of tonnage, imports to and exports from the area.
- 5.7 Some facilities in North London have a wider-than-local catchment area and manage waste from outside North London. This includes recycling and treatment facilities, in particular metal recycling and end of life vehicle (ELV) facilities as well as facilities for the processing of CDE in to recycled aggregate products for resale. The extra capacity contributes to achieving net self-sufficiency, or managing the equivalent of the overall quantity of waste within the main categories for North London and London as a whole.
- 5.8 Conversely, North London does not have all the types of facilities necessary to manage all the sub-types of waste arising within the main categories shown in Table 2. For example, there are few hazardous waste facilities and no landfill sites in North London. North London will therefore need to identify sufficient capacity to manage the equivalent amount of this exported waste within its boundary.

Local Authority Collected Waste

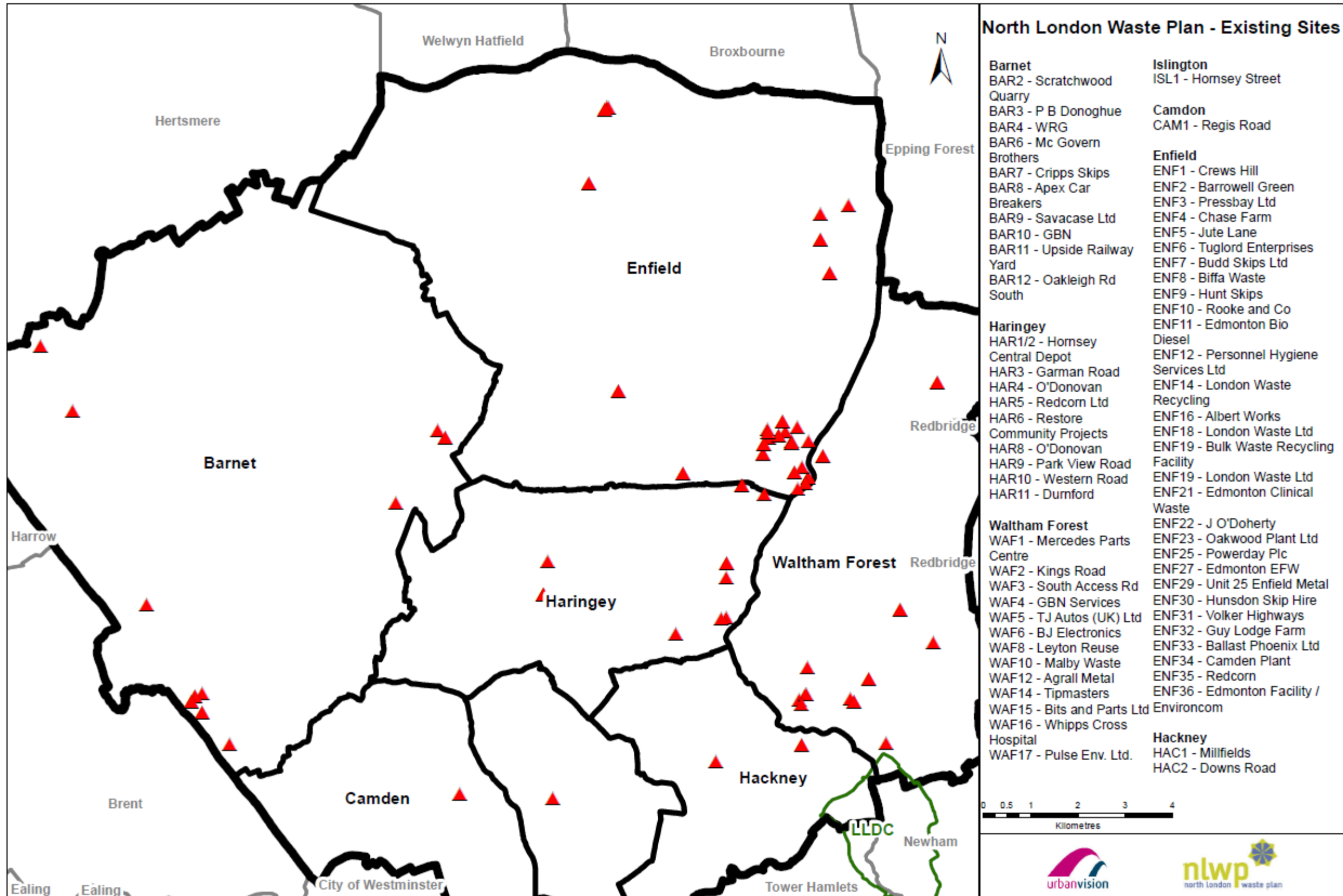
- 5.9 In North London, around 850,000 tonnes of LACW was collected in 2016/17¹². Of this, approximately 26% was recycled, reused or composted. Of the remaining LACW, 60% was sent to NLWA's energy-from-waste facility at Edmonton and 12% was sent to landfill outside of North London.
- 5.10 The NLWA has reported an increase in recycling performance from 23% in 2006/7 to 32¹³% by 2017/18. This is lower than the national average of 43.7% but in line with the London average of around 33%. There are a number of factors which contribute towards lower recycling rates in London than the country as a whole. These include: rapid population growth; a greater transient population than anywhere else in the UK; the greater proportion of flats compared to houses which presents challenges for setting up collection systems for recyclable waste; and proportionately fewer gardens generating lower level of green waste for recycling.

¹² Figures NLWA Annual Monitoring Report 2016-17

¹³ [North London Waste Authority Annual Report 2017/18](#)

34

Figure 9: Existing Waste Sites



- 5.11 The North London Boroughs and the NLWA are committed to achieving the 50% recycling target set out in the Joint Municipal Waste Management strategy and the London Plan. The North London Boroughs, together with the NLWA, are beginning a renewed drive to increase recycling including looking at ways to standardise collection regimes. In addition, the London Waste and Recycling Board (LWARB) works with London Boroughs to increase recycling rates and supports waste authorities in improving waste management services.
- 5.12 The NLWA's long term waste management solution is based upon the continued use of the existing Edmonton facility until 2025 and the development of a new energy recovery facility on the same site to be operational from 2025 onwards. Further information on how it has informed the NLWP is set out in section 8.
- 5.13 The European Commission has put forward a Circular Economy Package¹⁴. This includes a 65% recycling target for municipal waste (LACW and C&I) by 2030. Notwithstanding the UK leaving the EU, the UK has signed up to delivering these targets as part of Brexit. These revised targets have been built into NLWP waste modelling work as part of the revisions to the Data Study, however the new targets have only been applied to C&I waste as it is assumed no change to the projections of the NLWA at this time.
- 5.14 Waste minimisation seeks to reduce the amount of waste produced by targeting particular behaviours and practices. As shown in Figure 5 in section 3, preventing waste generation in the first place sits at the top of the waste hierarchy.
- 5.15 The London Environment Strategy prioritises resource efficiency to significantly reduce waste and promotes reuse and repair. LWARB's 'Circular Economy route map' exemplifies a move towards a more resource efficient waste service. The route map builds on the 5 focus areas (the built environment, food, textiles, electricals and plastics) and sets out 8 cross cutting themes to ensure the benefits of a circular economy can be achieved across a number of sectors.
- 5.16 The North London Boroughs co-ordinate waste prevention activity through the NLWA's waste prevention plan. The NLWA run waste minimisation activities for schools and communities. These are delivered through the NLWA's "Wise up to Waste" programme and currently focuses on three priority areas: reducing food waste, encouraging a reduction of furniture waste by increasing re-use, and reducing textile waste (both clothing and non-clothing).

¹⁴ European Commission Circular Economy Package http://ec.europa.eu/environment/circular-economy/index_en.htm

Commercial and Industrial Waste

- 5.17 The Waste Data Study has used two methods to identify and project C&I waste. The first is to use data from the Defra C&I Waste Survey 2009 in line with the London Plan to assess the management routes of North London's C&I waste. The second is to use the new method for calculating C&I waste as introduced following the withdrawal of the Defra C&I surveys which uses published data from the EA's WDI. This new method of calculation indicates that 44% of C&I waste is recycled, reused or composted while 33% of this waste stream is sent to landfill and land recovery. A small proportion (6%) of C&I is sent for non thermal treatment with the remainder (17%) sent for thermal treatment with energy recovery. It should be noted that potential reliance on landfill will drop to 10% by 2030 in order to achieve EU statutory targets with recycling and reuse levels increasing to 65%.
- 5.18 Through the London Environment Strategy, the Mayor is seeking to make London a zero waste city with no biodegradable or recyclable waste sent to landfill by 2030 and by aiming to achieve 65% recycling from London's municipal waste, this will be achieved through a 50% recycling rate from LACW by 2025 (Policy 7.2.1) and 75% from business waste by 2030 (policy 7.2.2). The Mayor has also said that he does not expect there to be a need for any new energy from waste capacity if existing planned sites are completed (policy 7.3.2.b). The Mayor has also indicated that he will use his powers to ensure there are sufficient sites to manage London's waste. The Environment Strategy embraces the ideals of the Circular Economy requiring manufacturers to design products to generate less waste and which can be easily repaired, reused and recycled, and the strategy encourages the development of business to facilitate this.
- 5.19 There are a number of national schemes which promote waste minimisation. This includes the [Courtauld Commitment](#) which aims to reduce food waste, grocery packaging and product waste, both in the home and the grocery sector by 20%, the Mayors Environment Strategy seeks to go further by setting a target of 50% reduction per head by 2030.
- 5.20 European Commission Circular Economy Package¹⁵ include increased recycling targets for packaging materials in the commercial and industrial sectors of 65% by 2025 and 75% by 2030. The UK has committed to delivering the Circular Economy targets as part of Brexit.

Construction, Demolition and Excavation Waste

- 5.21 Local planning policies and development industry practice mean a lot of C&D material is managed on site and does not enter the waste stream. A total of 443,180

¹⁵ http://ec.europa.eu/environment/circular-economy/index_en.htm

tonnes of C&D waste and 747,243 tonnes of excavation waste was produced in North London in 2016. The largest proportion of C&D waste arising in North London is managed via recycling (73%) and treatment (20%) facilities, with 7% sent directly to landfill. Recycling rates of C&D waste are high due to the nature and value of the material. Excavation materials are primarily disposed of directly to landfill (53%) with the remainder managed through transfer stations (28%) or sent for treatment (19%). The London Plan includes a target of 95% recycling of CD&E by 2020.

Hazardous Waste

- 5.22 FA total of 53,420 tonnes of hazardous waste was produced in 2016, of this waste 40% was managed at treatment facilities, of which the majority was exported for treatment outside of North London. The next most common method of management was recovery (20%), with a further 16% being managed at landfill. Of the total hazardous waste arisings, 53,107 tonnes (99.4%) of waste was exported out of North London for management. It is not unusual for hazardous waste to travel outside the area to specialist facilities which tend to have a wider catchment area.
- 5.23 There are a number of initiatives in place to ensure better implementation of EU waste legislation, including on hazardous waste. None of the circular economy proposals referred to 5.13 announced by the European Commission in December 2015 will affect the NLWP strategy for hazardous waste.

Agricultural Waste

- 5.24 A total of 9,223 tonnes of Agricultural waste was produced in 2016, with only 125 tonnes being identified as being managed off site. The majority of agricultural waste arisings are managed within the limited number of farm holdings within the Plan area, with a very small amount managed offsite through commercial waste facilities. As such, the NLWP does not seek to identify sites for additional facilities to manage this waste stream; any facilities which do come forward on farm land would be considered against Policy 3 'Windfall sites'.

Low Level Non-Nuclear Radioactive Waste

- 5.25 The very small amount of Low Level Non-Nuclear Radioactive Waste (LLW) arising in North London, mainly from hospitals, is currently managed outside of the area in specialist facilities. Records of LLW in the sub-region indicate that there are currently 16 sites producing LLW as waste water, with a number of the amounts generated being below the reporting threshold, which is measured in terms of radioactivity.

Waste Water and Sewage Sludge

- 5.26 Waste Water Treatment Works in North London are operated by Thames Water. The main Thames Water Waste Water/sewage treatment facility in North London is Deephams Sewage Treatment Works (STW), which is the ninth largest in England. The site is to be retained and improved for waste water use and planning permission has been granted for an upgrade to the sewage sludge treatment stream. Thames Water anticipates that the recently approved upgrade to Deephams STW will provide sufficient effluent treatment capacity to meet their needs during the plan period. Further details can be found in section 8.

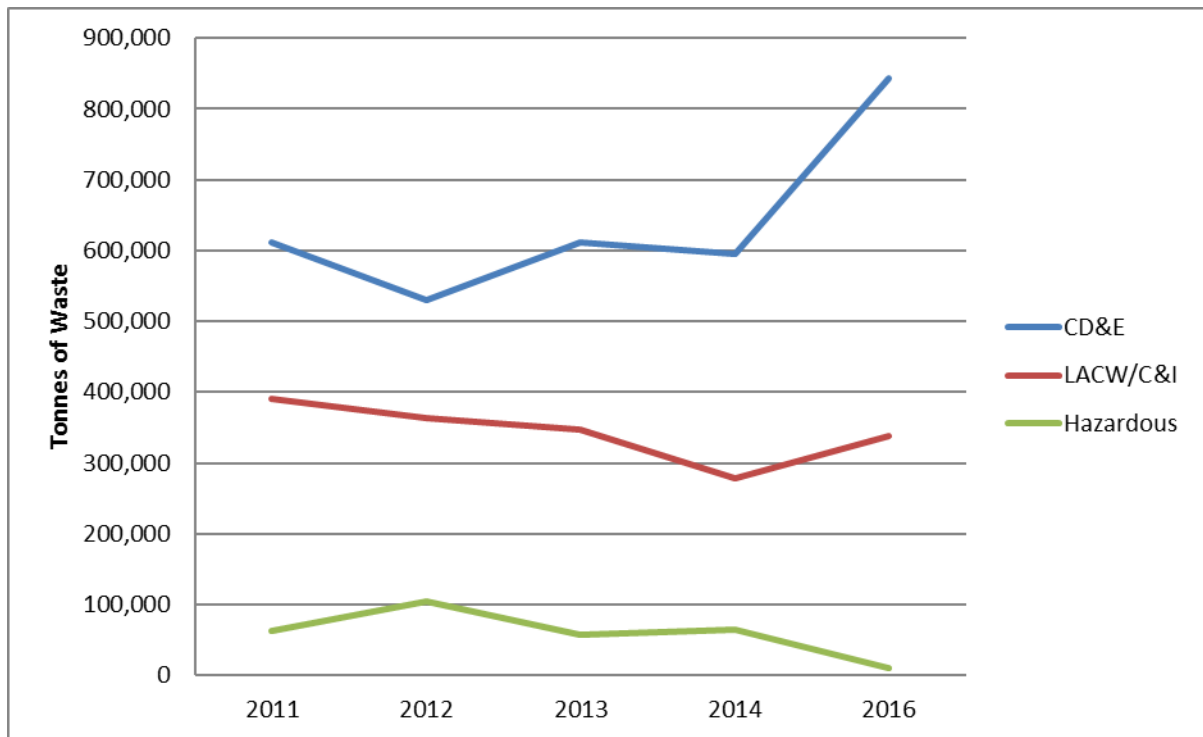
Cross Boundary Movements (exports and imports)

- 5.27 In 2016, 1,201.964 tonnes of waste was exported from North London, 56% of which went to landfill. Exports in the LACW/C&I category have been steadily declining in recent years, however an increase was shown in 2016. This is consistent with the waste strategies of the London Mayor and the North London Waste Authority which aim to reduce the amount of waste going to landfill. Exports of CD&E waste generally follow patterns of waste arising, so when more CD&E waste is generated, more is exported. This pattern is shown in Table 4 and Figure 10 below.

Table 4: Waste exported from North London 2011-2016

Type of waste	2011	2012	2013	2014	2016
CD&E	610,864	530,025	611,902	595,203	843,856
LACW/C&I	390,226	362,950	347,206	278,050	337,836
Hazardous	62,473	103,884	58,216	64,193	10,352
Total	1,063,563	996,859	1,017,324	937,446	1,201,964

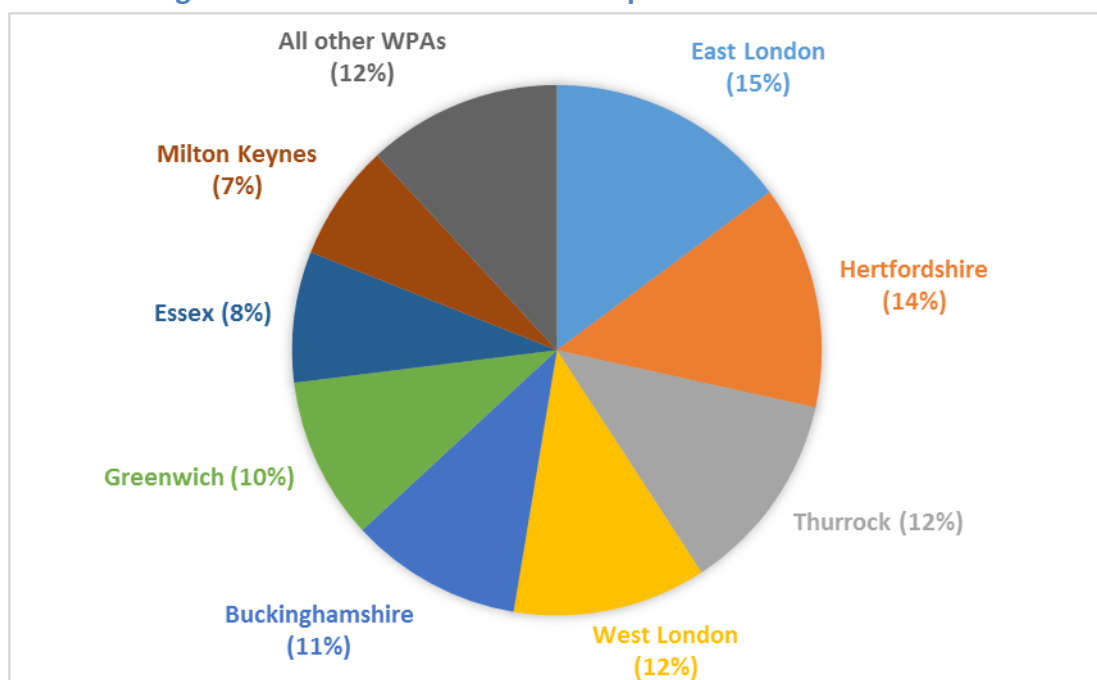
Figure 10: Waste exported from North London 2011-2016



Source: WDI 2011-2016

- 5.28 During 2013-2016 waste exports from North London were deposited in more than 70 different waste planning authority areas but the majority (88%) went to eight main destinations. These are shown in the Figure 11 below:

Figure 11: Distributions of Waste Exports from North London



Source: WDI 2013-2016

- 5.29 In 2016, around 1 million tonnes of waste was imported in to North London. Most of the imported waste comes from immediate neighbours in Greater London, the South East and East of England and is managed in transfer stations, treatment facilities and metal recycling sites
- 5.30 As part of discharging the 'duty to co-operate', the North London Boroughs have contacted all waste planning authorities (WPA) who receive waste from North London to identify any issues which may prevent waste movements continuing during the plan period. A Report on the duty to co-operate, issues identified and next stages accompanies this Plan and is available on the NLWP website.
- 5.31 Engagement to date has identified a constraint to the continuation of waste exports to landfill from North London relating to the scheduled closure of landfill sites during the plan period. Details can be found in the paper, Exports to Landfill 2017-2035, on the NLWP website (www.nlwp.net), though the operation of some of these sites may be extended beyond their currently permitted end date. The boroughs will continue to monitor this information throughout the preparation of the NLWP, and after it is adopted as reflected in the monitoring framework in section 10.
- 5.32 Nonetheless, as set out in the exports to landfill paper, alternative capacity at other potential destinations has been identified for the amount of waste currently being exported to those sites earmarked for closure during the plan period. The paper shows that there are both alternative sites and adequate void space in London, South East and East of England to take North London's 'homeless' waste between 2018 and 2035.
- 5.33 A further constraint for the continued export of waste has been identified with regard to hazardous waste, namely a lack of detailed data on where it ends up. This type of waste is managed in specialist facilities which have wide catchment areas and therefore may not be local to the source of the waste. North London has one hazardous waste treatment facility with a capacity of around 3,600 tonnes per annum and two recycling facilities; one for metals and one for end of life vehicles handling around 2,500 tonnes per annum between them. The treatment facilities handle a small proportion of North London's hazardous waste (less than 1% in 2016) while the rest (99.4%) is exported. In addition, some facilities, whilst not classified as hazardous waste facilities, are permitted to manage a certain amount of hazardous waste alongside non-hazardous wastes. These include car breakers and metal recycling sites, WEEE sites as well as RRCs which will accept, for example, paints and batteries which require specialist treatment and disposal.
- 5.34 While the export of the majority of hazardous waste to the most appropriate specialist facilities is likely to continue, current data collection methods do not identify the hazardous waste facilities in question. The boroughs will continue to engage with the Environment Agency and waste planning authorities in receipt of hazardous waste from North London, including seeking to identify any constraints to the continued export of this waste. Should any constraints come to light, such as

anticipated closure of a facility, the boroughs will seek to identify potential new destinations with capacity for managing compensatory amounts. The North London Boroughs will pursue agreement on this matter with recipient waste planning authorities through a statement of common ground.

- 5.35 The North London Boroughs will continue to co-operate with relevant authorities on matters of strategic waste planning throughout the preparation of the NLWP and once the Plan is adopted.

6 Future Waste Management Requirements

Context

- 6.1 In line with the NPPW and the London Plan, the NLWP must identify sufficient waste management capacity to meet the identified waste management needs of North London over the plan period.
- 6.2 It follows that a key part of the development of the NLWP is to identify how much waste will be produced during the plan period, how this will be managed, what capacity is required and whether there is sufficient capacity already available. The NLWP must also consider how changes in the waste management behaviours, practices and technologies may influence this.

Targets for waste managed within North London

- 6.3 The North London Boroughs have statutory duties to meet recycling and recovery targets and the NLWP will need to be ambitious in order to achieve European Union, national, regional and local targets. These targets are as follows:

Table 5: Recycling and Recovery Targets with 2016 Baseline

Waste stream	Target	2016 baseline
LACW	50% recycling for LACW by 2025 (contributing to 65% recycling of municipal waste by 2030)	29%
C&I	75% recycling by 2030 (contributing to 65% recycling of municipal waste by 2030)	52%
C&D	95% recycling by 2020	50-60%
Biodegradable or recyclable waste	Zero biodegradable or recyclable waste to landfill by 2026	Not known

Options for managing North London's waste

- 6.4 In accordance with the NPPF (paragraph 35) to ensure the NLWP is justified, a range of options were tested as part of the consideration of reasonable alternatives for managing North London's waste leading to selection of the preferred strategy. The scenarios considered looked at a range of options for recycling from maintaining the status quo to seeking to maximise opportunities for recycling in line with the targets

set out in Table 5 above, the latter option being the most popular option and taken forward. Along with this a number of options were also considered in relation to waste growth over the plan period and what impact that would have on waste growth, again 3 approaches were modelled looking at no growth, growth in line with the London Plan for C&I and CDE waste – with LACW growth being in line with that of the NLWA for all options, a minimised growth was also modelled but was not considered in line with the growth planned for in the London Plan, as such growth was modelled in line with the London Plan. An Options Appraisal Report (2018) has been prepared which provides more detail on each of the options considered and provides information on the different scenarios including how much waste would be generated over the plan period (incorporating economic and population growth assumptions), how much waste could be managed within North London (capacity strategy), and how this waste should be managed (management strategy) for each of the options considered. The preferred option identified in the Options Appraisal¹⁶ has been carried through to the NLWP. The preferred option seeks to achieve growth in line with the London Plan and to deliver the targets set out in the Mayor’s Environment Strategy.

Chosen Approach

- 6.5 The chosen approach for the NLWP following the option appraisal can be summarised as follows:

Chosen Approach for planning for North London’s waste	
Population/Economic Growth in line with London Plan forecasts	
+ Maximising Recycling	
+ Net self-sufficiency for LACW and C&I by 2026 and C&D by 2035	
= Quantity of waste to be managed	

- 6.6 It is considered that this approach provides the most robust modelling scenario to project future capacity gaps, taking account of existing/planned capacity, and waste management needs.

Meeting the Capacity Gap

- 6.7 Table 6 below sets out the capacity gap broken down in to 5 year periods over the NLWP plan period. The capacity gap is the difference between tonnage associated with existing and planned waste management capacity (see Table 3 – section 5) and the quantity of waste to be managed over the plan period (see the chosen approach set out above). This method identifies whether there is adequate or surplus capacity, or a requirement for additional facilities. Table 6 sets out the capacity gaps

¹⁶ Available on the NLWP website

for each management route. Negative figures indicate a capacity gap and therefore the type of management route for which capacity is sought over the plan period. The boxes that are not highlighted denote where 'surplus' capacity exists.

Table 6: Capacity gaps throughout the Plan period –chosen option

Waste function and stream managed	2018	2025	2030	2035
Landfill (C+I and LACW)	-114,496	-112,951	-114,726	-119,392
Landfill (Hazardous)	-12,741	-12,741	-12,741	-12,741
Landfill (C+D)	-26,534	-23,683	-24,664	-25,685
Landfill (E)	-405,634	-429,334	-447,106	-465,613
Energy from waste (LACW,C&I)	-47,167	-1,438*	3,280	-9,190
Energy from waste (Hazardous)	-53	-53	-53	-53
Thermal Treatment (without energy recovery) (AGR)	-32	-32	-32	-32
Thermal Treatment (Hazardous - no energy recovery)	-2,476	-2,476	-2,476	-2,476
Recycling (C+I and LACW)	-95,461	-207,611	-256,906	-288,570
Recycling (CD&E)	393,108	73,829	-72,993	-102,005
Recycling (specialist material)	331,997	331,673	331,430	331,177
Recycling (Hazardous)	-16,838	-16,838	-16,838	-16,838
Treatment plant (C&I CD&E)	-85,564	-50,667	-57,514	-64,645
Treatment Plant (Hazardous)	46,437	46,437	46,437	46,437
Land recovery	-9,098	-9,098	-9,098	-9,098
Transfer Station	1,555,349	1,233,796	1,233,796	1,233,796
Transfer Station (Hazardous)	5	5	5	5

Source: NLWP data study model 2016

- 6.8 The capacity gap figures in tonnage of waste have been converted to waste management land requirement using data from evidence gathered and evaluated on typical capacity and land take for each type of facility. The Data Study (2018) available on the website (www.nlwp.net) provides a fuller explanation. Table 7 below sets out the amount of land required within North London to meet the capacity gaps identified in Table 6 for the chosen approach of net self-sufficiency for LACW, C&I and C&D waste streams.

Table 7: Land take requirements for meeting net self-sufficiency for LACW, C&I and C&D (requirements for London Plan apportionment in brackets)

Facility Type	Hectares				
	2018	2025	2030	2035	Total
Recovery (C&I/LACW)	1 (1)				1(1)
Recycling (C&I)	1(1)	1(1)		1	3(2)
Recycling (C&D)	0	0	2	0	2
Recycling (Hazardous)	2				2
Treatment HIC, CDE	1				1
TOTAL land required in North London	5 (2)	1 (1)	2 (0)	1 (0)	9 (3)

6.9 Although Table 7 identifies a need for recovery facilities for C&I waste, this need is immediate and declines over the plan period to when the Edmonton Energy Recovery Facility is completed. For this immediate need to be met facilities would need to be in place now, or at least in planning, which is not the case. Therefore it is highly probable that this need will not be met and that C&I waste requiring recovery will continue to be exported in the short term. As highlighted earlier the Mayor's Environment Strategy states that the Mayor does not want any additional energy from waste capacity over the plan period as existing sites should be able to meet the needs of all municipal waste arisings. The main need identified is for the provision of construction and demolition recycling facilities in order that the 95% recycling target for this waste stream can be achieved. There is also a requirement throughout for additional recycling facility to manage the increasing levels of recycled waste expected from the C&I waste stream reflecting the 75% recycling target in order to achieve the Environment Strategy target of 65% from municipal waste (LACW and commercial waste). A further 1ha is identified for additional treatment facilities for LACW, C&I and CDE.

6.10 A capacity gap equivalent to two hectares of land has been identified for meeting North London's hazardous waste management need over the plan period, a small requirement of less than 2,500 tonnes per annum has also been identified for recovery of hazardous waste, but this figure is considered too small to plan for. While the North London Boroughs support the provision of hazardous waste facilities in appropriate locations, it is acknowledged that these facilities generally operate for a wider-than-local catchment area due to their specialist nature. The Boroughs will

therefore work with the GLA and other boroughs across London to identify and meet a regional need.

- 6.11 The Data Study concludes that over the NLWP plan period there are capacity gaps for C&I, CD&E and Hazardous waste, and that North London will require additional facilities to meet these. In relation to the gap for Hazardous waste, the North London Boroughs will contribute to the planning for hazardous waste facilities at a regional level and through the identification of areas within North London that may be suitable for hazardous waste facilities. Additional land is not required to accommodate new facilities for Low Level Non-Nuclear Radioactive Waste (LLW), Agricultural Waste or Waste Water/Sewage Sludge during the plan period. More information about how each waste stream will be managed can be found in the Provision for North London's Waste to 2035 (section 7).

7. Provision for North London's Waste to 2035

- 7.1 The North London Boroughs have developed the following strategic policy which sets out in broad terms how the waste management needs in North London over the plan period are being planned for

Strategic Policy for North London's Waste

The North London Boroughs will identify sufficient capacity and land for the provision of waste facilities to manage the equivalent of 100% of waste arisings (net self-sufficiency) for Local Authority Collected Waste (LACW) and Commercial & Industrial (C&I) waste by 2026 and Construction & Demolition (C&D) waste by 2035, including hazardous waste. The North London Boroughs will plan to manage as much of North London's excavation waste arisings within North London as practicable. To achieve this, the North London Boroughs will plan to manage the quantities of waste set out in Table 8 over the next 15 years.

The North London Boroughs will encourage development on existing and new sites and that promotes the movement of waste up the waste hierarchy, increases management of waste as close to the source as practicable, and reduces exports of waste to landfill.

The North London Boroughs will continue to co-operate with waste planning authorities who receive significant quantities of waste exports from North London.

- 7.2 Existing capacity and additional new capacity will be needed to meet North London's identified need for waste management over the plan period (2020-2035). Existing waste capacity in North London is safeguarded and set out in Schedule 1 (see Appendix 1) and land for new waste facilities is set out in Schedule 2 (see Policy 3). The focus for new waste capacity in North London is for recycling and recovery facilities to manage the quantities of waste set out in Table 8, thereby reducing exports.
- 7.3 Table 8 sets out the quantities of waste, by waste stream, which need to be managed within North London in order to meet the policy for net self-sufficiency target for LACW and C&I waste by 2026 and C&D waste by 2035, including hazardous waste. Table 8 also takes account of the policy to manage as much of North London's excavation waste arisings within North London as practicable. The quantities of waste take into account population and economic growth and waste targets including net self-sufficiency, apportionment, recycling and landfill diversion, set out in the London Plan. The North London Boroughs are planning to meet more than their apportionment targets and to manage the waste arisings for North London set out in the London Plan. Further details of the methodology to estimate waste arisings is available in the NLWP Data Study (2018).

Table 8: Amount of waste to be managed within North London 2018-2035

Waste Stream		2018 (tonnes)	2022 (tonnes)	2027 (tonnes)	2032 (tonnes)	2035
Estimated Waste arising		2,773,054	2,880,209	2,952,840	3,028,636	3,357,725
Net self-sufficiency	LACW	967,755	991,619	1,004,001	1,017,548	1,026,176
	C&I	774,768	800,321	833,451	867,949	889,332
	C&D	450,429	465,284	484,544	504,601	517,032
	Hazardous	53,421	53,421	53,421	53,421	53,421
Excavation		353,831	365,501	380,631	396,386	406,151
Agricultural		9,223	9,223	9,223	9,223	9,223

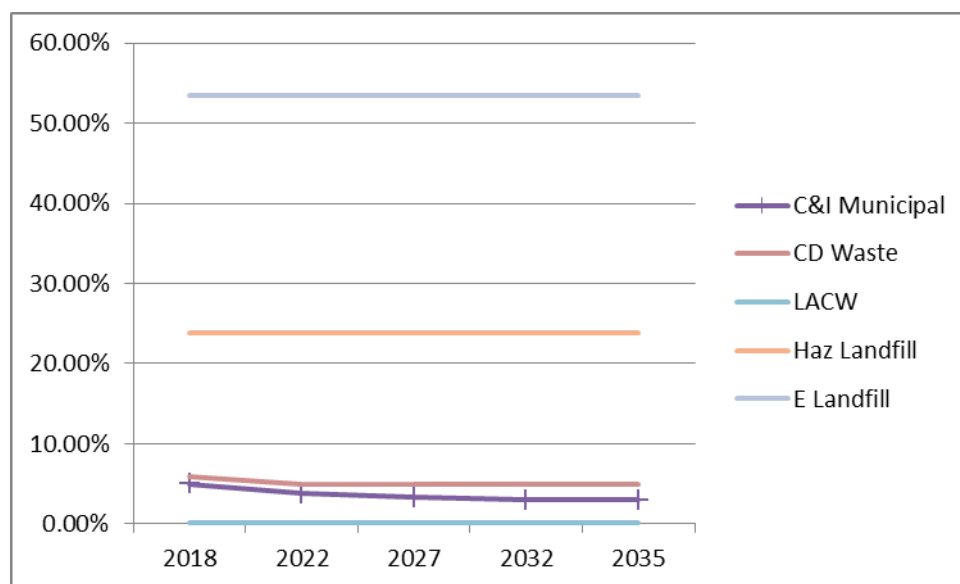
7.4 The North London Boroughs will monitor the NLWP against the quantities of waste set out in Table 8 to ensure the strategic policy is being delivered. Monitoring indicators are set out in Section 10 of this plan.

7.5 To enable waste planning authorities outside London to plan for North London's waste exports, Table 9 shows projected exports to landfill outside the North London area. The figures represent waste which cannot be prepared for reuse, recycled/composted, or used for other recovery and therefore has to be exported to landfill. The North London boroughs will plan to manage the equivalent amount of exported waste within North London through waste imports however, in reality, some of North London's waste will continue to cross borders to be managed or disposed of in facilities which North London does not or cannot accommodate, such as landfill or specialist hazardous waste facilities.

Table 9: Projected exports from North London to landfill 2018-2035

Waste Stream	2018 (tonnes)	2022 (tonnes)	2027 (tonnes)	2032 (tonnes)	2035
Excavation	405,634	419,012	436,356	454,419	465,613
C&I	112,496	109,868	111,666	114,569	117,392
C&D	26,534	23,114	24,071	25,067	25,685
LACW	2,000	2,000	2,000	2,000	2000
Hazardous waste	12,741	12,741	12,741	12,741	12,741
Total	559,405	566,735	586,834	608,796	623,431

Figure 12: Predicted Landfill Exports as a % total Waste Stream.



7.6 The North London Boroughs have engaged with each of the main recipients of North London’s waste to landfill and identified if there are planning reasons why similar exports of waste cannot continue over the plan period, for example the planned closure of a site. This work is set out in *North London Exports to Landfill 2017-2032* (2018). The North London Boroughs have established that there are sites and available void space in London, South East and East of England to take North London’s estimated waste exports to 2035. The Boroughs will continue to co-operate with waste planning authorities who receive North London’s waste, and mechanisms for monitoring waste movements after the NLWP is adopted are set out in in section 10.

7.7 The following section sets out how North London’s will meet its strategy for waste to 2035 in more detail, setting out each waste stream and management method separately.

Local Authority Collected Waste (LACW) and Commercial & Industrial Waste (C&I)

7.8 Local Authority Collected Waste (LACW) and Commercial and Industrial (C&I) waste streams comprise similar types of waste. The NLWP identifies sufficient land to manage the equivalent of all LACW and C&I waste arising in North London by 2026.

Recycling/Composting

7.9 The North London Waste Authority (NLWA) is seeking to achieve a household waste recycling target of 50% by 2020 consistent with the targets set out in the North London Joint Waste Strategy. The Authority and partner boroughs will continue to seek to maximise recycling levels for LACW.

- 7.10 There is a need for additional capacity for recycling for both LACW and C&I waste streams throughout the plan period. As many facilities can manage both waste streams, the need for recycling is combined.
- 7.11 In addition to recycling, the existing composting facility at Edmonton will be displaced due to the development of the new Energy Recovery Facility. The NLWA are not intending to build a replacement facility to meet this requirement. Current contracts exist to export this waste outside the Plan area.

Recovery

- 7.12 Most LACW is managed at the Edmonton EcoPark facility which has an existing capacity of around 550,000tpa. It is intended that the existing Edmonton facility will be modified to enable connection to a heat network. The facility does not currently accept C&I waste from private operators.
- 7.13 The existing Edmonton facility will be replaced in 2025. The NLWA have gained consent for a new Energy Recovery Facility (ERF) with capacity of around 700,000 tonnes per annum to deal with all the residual waste under the control of the Authority from 2025 until at least 2050. The planning framework for this site includes the Edmonton EcoPark Supplementary Planning Document and emerging Central Leaside Area Action Plan.
- 7.14 As the existing EfW facility at Edmonton does not currently treat C&I waste, there is an immediate capacity gap for recovery of C&I waste amounting to 1ha of land as identified in Table 7. However, as no such facilities are currently in the pipeline, it is likely the waste will continue to be exported in the short to medium term until 2025. After this time, the recovery requirement of C&I waste can be met by the new Edmonton ERF to the end of the plan period in line with the objectives of the Mayors Environment Strategy 2018

Transfer

- 7.15 NLWA manage three waste transfer stations in North London namely the Hendon Rail Transfer Station (Barnet), Edmonton Ecopark Transfer Station (Enfield) and the Hornsey Street Transfer Station (Islington). The Hendon Rail Transfer Facility in Barnet is being relocated due to the Brent Cross Cricklewood development and a planning application is currently under consideration for the new location within Barnet.

Landfill

- 7.16 North London has no landfill sites and depends on capacity outside the Plan area. The NLWA intend to minimise the amount of LACW sent direct to landfill by maximising recycling and ensuring the existing EfW facility can sufficiently manage the expected tonnage of North London's residual waste up to 2025. Much less waste will be exported to landfill from 2017/18 due to changes in contractual arrangements and virtually no LACW will go to landfill by 2026.

- 7.17 It is anticipated that some C&I waste will continue to be exported to landfill throughout the plan period, although this will be a decreasing quantity as new facilities become operational and recycling levels increase.
- 7.18 The North London Boroughs have established that there are landfill sites in London, South East and East of England able to take North London's waste between 2017 and 2035. See Figure 12 for the anticipated decline in landfilling of North London's waste over the plan period.

Construction, demolition and excavation waste (CD&E)

- 7.19 The NLWP will identify sufficient land to manage the equivalent of all Construction and Demolition (C&D) waste arising in North London by 2035, while acknowledging that some exports will continue, particularly for Excavation waste.

Recycling

- 7.20 The majority of C&D waste is recycled on site or through transfer facilities. Each Borough Local Plan has a sustainable design and construction policy in place which seeks to minimise waste generated during the design and construction of development and re-use or recycling of materials on-site where possible.
- 7.21 North London has a number of transfer facilities which also recycle CD&E waste but a large quantity is still exported to landfill, mainly excavation waste. Recycling opportunities are likely to be mainly for C&D wastes although around 28% of excavation waste is also recycled within North London, with 53% being disposed of directly to landfill and 19% through treatment facilities. Taking account of the diversion of C&D waste away from landfill, the Data Study has identified a capacity gap of around 67,000 tonnes per annum from 2029, rising to around 102,000 tonnes per annum by 2035. Provision will be needed throughout the plan period.
- 7.22 A total of 2 hectares of land will be required to facilitate this provision. Opportunities to re-use CD&E waste locally will be supported, though this cannot be predicted with any certainty. Policy 8 'Inert Waste' seeks to ensure that any planning application for the recycling and reuse of inert waste for all types of development demonstrates that viable opportunities to minimise construction and demolition waste disposal will be taken, making use of existing industry codes of practice and protocols, site waste management plans and relevant permits and exemptions issued by the Environment Agency.

Landfill

- 7.23 North London has no landfill sites and depends on capacity outside the NLWP area. Some of the CD&E waste stream, particularly excavation waste, will continue to be exported to landfill unless opportunities materialise to re-use it locally. It is anticipated that C&D waste exports to landfill will reduce over the plan period while excavation waste exports will increase in line with growth.

- 7.24 The North London Boroughs, working with waste planning authorities who receive CD&E waste from North London, have identified constraints to the export of this waste and have established that there are both alternative landfill sites and adequate void space in London, South East and East of England to take North London's waste between 2017 and 2035. See Figure 12 for the anticipated decline in landfilling of North London's waste over the plan period.

Hazardous Waste

- 7.25 All the waste streams include some hazardous waste. Some facilities in North London, whilst not classified as hazardous waste management facilities, are permitted to manage a certain amount of hazardous waste alongside non-hazardous wastes. Hazardous waste is more commonly managed in specialist facilities which have and depend on wide catchment areas for their economic feasibility, and may not be local to the source of the waste. Planning for hazardous waste is a strategic issue (regionally and arguably nationally rather than sub-regional) and it is not anticipated that land for facilities would be identified to meet the requirements of North London alone, though the areas identified in the NLWP have been assessed for their potential suitability for such facilities.

Recycling and Recovery

- 7.26 North London has one hazardous waste treatment facility with a capacity of around 3,600 tonnes per annum and two recycling facilities; one for metals and one for end of life vehicles handling around 2,500 tonnes per annum between them. In addition, other facilities permitted to manage hazardous waste include car breakers and metal recycling sites, WEEE sites as well as RRCs which will accept, for example, paints and batteries which require specialist treatment and disposal. Such sites will continue to make a valuable contribution to managing North London's hazardous waste requirements.
- 7.27 There is a capacity gap for the recovery of around 2,500 tonnes per annum, this is considered too small a figure to plan for provision of a new facility and as such a specific land requirement is not identified for this management option. There is a requirement for recycling of around 17,000 tonnes per annum, requiring an estimated 2ha of land. The North London Boroughs support the provision of such facilities in appropriate locations and will work with the GLA and other Boroughs across London to meet this need. It is noted in the sites and area profiles in Appendix 2 of the NLWP where a site or area is not suitable for hazardous waste recycling and recovery facilities. Any applications for hazardous waste facilities in North London that do come forward will be considered on a case by case basis. However, in the short term it is likely that hazardous waste will continue to be exported to the most appropriate specialist facilities.

Landfill

- 7.28 The need for export to landfill of around 13,000 tonnes per annum, is expected to continue due to inability of the area to provide this type of facility. The North London Boroughs will continue to work with waste planning authorities who receive

hazardous waste from North London to identify constraints to the continued export of this waste and identify potential new destinations if necessary.

Agricultural Waste

- 7.29 The small amount of agricultural waste generated in North London is not expected to increase over the plan period and there is no requirement to plan for additional facilities to manage this waste stream.

Low Level Radioactive Waste

- 7.30 The very small amount of Low Level Non-Nuclear Radioactive Waste (LLW) arising in North London is produced as wastewater and disposed of through foul sewer and it is expected that this will continue. Any more specialist waste which may be produced would need to be managed outside the area in specialist facilities. It is therefore not necessary to plan for additional facilities in North London for this waste stream.

Waste Water

- 7.31 The main Thames Water sewage treatment facility in North London is Deephams Sewage Treatment Works (STW), operated by Thames Water. Work to upgrade this facility was completed in 2017. Thames Water anticipates this will provide sufficient effluent treatment capacity to meet its needs during the plan period. Thames Water is also proposing an upgrade to the sewage sludge treatment stream at the site which will be sufficient to meet its needs during the plan period. It is therefore not necessary to identify additional land for this waste stream in the NLWP, however any new facility for waste water will be assessed against Policy 8.

8. Sites and Areas

Context

- 8.1 This section sets out the approach to identifying sufficient land for future waste management facilities in North London to ensure the delivery of the identified capacity requirements. Sections 3-6 of the NPPW set out the approach Local Plans should take to identify future waste requirements over the plan period and this has been used to help develop the approach to identifying future locations for waste development in North London. Assessment criteria have been developed using waste planning policy and in consultation with key stakeholders in a series of focus groups..
- 8.2 The NLWP identifies a number of areas to meet future waste needs. An 'area' comprises a number of individual plots of land, for example, an industrial estate or employment area that is in principle suitable for waste use but where land is not specifically safeguarded for waste. The NPPW and the draft London Plan endorse the identification of "sites and/or areas" in Local Plans. The approach is also supported by the waste industry and key stakeholder in consultation. It was initially intended to also identify sites within the NLWP, i.e. individual plots of land that would be safeguarded for waste use. However, only one site was brought forward by landowners during the call for sites exercises and no further sites are required for the management of LACW. As a result, only areas have been identified.

Expansion of existing Waste Management Facilities

- 8.3 Existing waste management facilities are also a key part of future provision. A call for sites exercise in 2014 targeted existing waste operators in North London, seeking information on any planned capacity expansion or upgrades to existing facilities. Three sites were put forward: Edmonton EcoPark, Deephams Sewage Treatment Works and Powerday in Enfield. Any applications for expansion or consolidation of existing waste management sites will be considered against NLWP policies and those of the Borough Local Plan in which the proposal is situated. A further exercise was also undertaken in 2018 but no new sites were put forward for expansion.

Edmonton EcoPark

- 8.4 In November 2014 the NLWA announced plans for the development of a new Energy Recovery Facility (ERF) - the North London Heat and Power Project - on their existing site at the Edmonton EcoPark in Enfield. This will replace the existing Energy from Waste (EfW) plant at the EcoPark that is coming to the end of its operational life.

- 8.5 A Development Consent Order (DCO) has been approved by the Secretary of State for the new ERF which will manage the treatment of the residual element of LACW during the NLWP plan period and beyond. The replacement facility, expected to be operational from 2025, will generate power for around 127,000 homes and provide heat for local homes and businesses as part of a decentralised energy network known as the Lee Valley Heat Network, trading as *energetik*.’
- 8.6 The NLWA’s DCO allows for the loss of the composting plant at the Edmonton EcoPark site in 2020 to make way for the new ERF facility to be built whilst maintaining the current EfW operation. The development also includes a Resource Recovery Facility (RRF) including a new Reuse and Recycling Centre (RRC), a relocated transfer hall and a bulky waste/fuel preparation facility on the site.
- 8.7 Once the new facility has been developed, the existing EfW facility will be demolished. The associated parcel of land, on which the current plant is located, will continue to be safeguarded for future waste use, and will become available towards the end of the plan period. The development of Edmonton EcoPark for the new ERF will provide a strategic facility for the NLWP and provide a solution for managing the non-recyclable element of LACW. Delivery of this facility will see the NLWA continue to manage LACW from the North London Boroughs and help reduce the reliance on disposal of waste to landfill. Enfield Council have adopted Edmonton EcoPark Supplementary Planning Document and have submitted the Central Leaside Area Action Plan for independent examination, both of which provide more detail on the planning framework and objectives for this site.

Deephams Sewage Treatment Works

- 8.8 Deephams Sewage Treatment Works is a waste water treatment facility in Edmonton. The works serves a large area of north east London, both inside and outside the M25 corridor. The Environment Agency has issued a significantly tighter environmental permit in respect of sewage treatment standards that came into force in March 2017 and requires Thames Water to make improvements to the quality of the discharged effluent. The need for an effluent upgrade to Deephams Sewage Treatment Works (STW) is highlighted in the National Planning Statement on Waste Water, and planning permission for this work was granted by Enfield Council on 20th February 2015. Work has started and is expected to continue for a minimum of 7 years.
- 8.9 Thames Water is also proposing an upgrade to the sewage sludge treatment stream at Deephams STW during its 2015 to 2020 business plan period by providing enhanced sludge treatment plant within the boundaries of the existing site. Enfield Council will continue work with Thames Water and the Environment Agency to ensure that adequate and appropriate waste water treatment infrastructure is provided. Any new waste water facility will be assessed under Policy 7.

Powerday

- 8.10 Powerday in Enfield is an existing site currently operating as a Waste Transfer Station. Planning permission was granted for an upgrade to a Materials Recovery Facility (MRF) capable of handling 300,000 tonnes of C&I and C&D waste per annum and the new facility was opened in 2015.

Loss and re-provision of existing waste management facilities

- 8.11 Where existing sites need to be relocated, compensatory capacity is required in order to comply with the London Plan, Borough Local Plans and, once adopted, the NLWP. It is known that some capacity will be lost during the plan period. Some of this capacity will be replaced within North London, some outside North London with a net loss to North London but not to London as a whole, and some is as yet unknown. Where such issues are known and new sites have already been sought, this information has been fed in to the Plan process and information has been given in Schedule 1.
- 8.12 The North London Boroughs are aware that the regeneration of Brent Cross Cricklewood redevelopment (BXC) is likely to affect existing waste sites, comprising a NLWA transfer station and three commercial operations. These sites will be redeveloped under the approved planning permission for the regeneration of Brent Cross Cricklewood (Barnet planning application reference F/04687/13). The Hendon Rail Transfer Station (BAR 4) will be replaced as part of the BXC development with a new facility on site S01-BA to meet the NLWA's requirements. The existing facilities at BAR 6 and BAR 7 fall within the land required to deliver the first Southern phase of the BXC regeneration which is anticipated will commence in early 2018. Replacement capacity for these sites will not be provided prior to their redevelopment and therefore replacement capacity will be sought outside of the BXC regeneration area on alternative sites / areas to be identified by the London Borough of Barnet by 2025 in line with the planning permission.

The impact of Crossrail 2 on existing and proposed new areas

- 8.13 Transport for London has been consulting on Crossrail 2. The timetable for a Hybrid Bill submission is at present unknown. Depending on the route selected, some existing waste sites and proposed areas identified as suitable for new facilities might be affected by the scheme.
- 8.14 At the time of publication, only one location (A02-BA-Oakleigh Road) within an Area identified in Schedule 2 New locations for waste management has been identified in the Crossrail 2 [safeguarding directions](#) issued in January 2015. This plot of land (shown in Appendix 2) has been safeguarded in order to deliver part of the construction of Crossrail 2 and will be released after this is completed. However, as the scheme develops and further information is made available on the preferred

route, there could be locations within other Areas, which may be required for the purpose of constructing Crossrail 2, particularly along the West Anglia Mainline. Once known, should applications for waste uses come forward in these locations, they will need to be subject of consultation with TfL and Network Rail as necessary.

- 8.15 Furthermore, a number of the new Areas identified in Schedule 2 Areas suitable for waste management are in locations close to Crossrail 2 stations and could make a valuable contribution towards realising the wider benefits of Crossrail 2 in terms of both delivering additional homes and supporting wider regeneration. Those Areas which in part may have such a role in the longer term include:

- A12-EN – Eley's Estate
- A22-HR – Friern Barnet Sewage Works
- A19-HR – Brantwood Road
- A21-HR – North East Tottenham

- 8.16 Known information on Crossrail2 is detailed further in the site profiles in Appendix 2 and in the proformas in the Sites and Areas Report.

- 8.17 In line with the NLWP approach to Opportunity Areas and Housing Zones as set out in section 2, any non-waste related development in these locations will need to be brought forward in a way that safeguards existing capacity (see Policy 1) and considers future waste management requirements alongside the need to deliver new homes and more intensive employment uses. Within these locations there is likely to be significant benefit in seeking opportunities to co-locate or consolidate existing waste uses so as to minimise potential conflict and ensure that they can coexist alongside residential and other more sensitive uses.

- 8.18 As required, the North London Boroughs will work proactively with the GLA and TfL to create proposals which address these issues ensuring that North London's waste management needs can be met whilst helping to realise the significant opportunities associated with schemes such as Crossrail 2.

- 8.19 How the impact of Crossrail 2 on the NLWP will be monitored and managed is addressed under Indicator 2 of the monitoring arrangements in section 10.

Site and Area Search Criteria

- 8.20 The proposed site and area search criteria used in the NLWP site selection process were developed based on the requirements of national waste planning policy. Both planning and spatial criteria were discussed with key stakeholders through a focus group session in spring 2014 . Following the introduction of the NPPW in October 2014, the site search criteria were reviewed to ensure compliance with this document.

Site and Area Search and Selection Process (Methodology)

- 8.21 An extensive site and area search and selection process has been undertaken. Full details of the site selection exercise are set out in the 'Sites and Areas Report' available on the NLWP website. In summary it has involved the following key stages:
- i. Survey of existing waste sites – this involved a detailed review of the existing waste sites, including obtaining information from the operators on their future plans and validation of existing information held regarding their sites. This work indicated that there was insufficient capacity within existing sites to meet the expected waste arisings over the plan period.
 - ii. Call for sites - a call for sites exercise was carried out in two stages. This included targeting existing operators, landowners and other interested parties requesting them to put sites forward for consideration.
 - iii. Land availability search – this was an initial search into the land available in North London that may be suitable for the development of waste management infrastructure. At this stage, all available sites and areas were included in the process in order that the site assessment process for the NLWP could then be applied. The result of this work was to identify a long list of potential sites.
 - iv. Desk based site and area assessment – the long list of sites and areas was then assessed against the selection criteria. As shown in Table 8 below, the assessment criteria were split into two levels, absolute criteria and screening criteria. The absolute criteria were applied first to determine if the identified constraints affected part of the proposed sites and areas, resulting in their removal. The remaining sites and areas were then subject to the screening criteria. The aim of using the absolute criteria was to ensure that those sites/areas which are wholly unsuitable are excluded from further consideration and to identify those which may be suitable.
 - v. Site visits were undertaken in August and October 2014 to check and refine information from the desk based assessment and make a visual assessment of the suitability for different types of waste management facilities as well as the relationship with adjoining development. The information was used to complete the criteria-based assessment to ultimately determine the suitability of the sites/areas for future waste development as well as evaluate the potential facility types.
 - vi. Areas identified as suitable for future waste management facilities were subject to an assessment to calculate the level of capacity they could reasonably be expected to provide. Firstly the proportion of North London's industrial land in waste use was established. This showed the ability of waste

facilities to compete with other land uses in these areas was good and that waste is a growing sector in contrast to declining industries such as manufacturing. Secondly, a review of the vacancy rates and business churn for industrial land was used to estimate the proportion of land within these areas which are likely to become available over the plan period. Further information is available in the Sites and Areas Report.

- vii. Sustainability Appraisal¹⁷ and Habitats Regulation Assessment¹⁸ of sites/areas – all proposed sites have been subject to these assessments and the findings fed into the policy recommendations.
- viii. Consultation with Landowners – Following completion of the above, land owners for all the sites remaining were contacted to seek feedback on the inclusion of their land as a waste site allocation. The findings of this work have further refined the list of sites and further information can be found in the Sites and Areas Report.
- ix. Sequential test – any sites lying within a level 2 or 3 flood risk zone have been subject to sequential testing to assess the potential impact of a waste development in this zone. The results of this work can be found in the Sites and Areas Report.

8.22 The assessment criteria applied to all sites and areas is listed in Table 10 below. The criteria have been used in assessing sites and areas during both the desk based assessment and site visits.

Table 10: Sites and Areas Assessment Criteria

Absolute Criteria	Screening Criteria
<ul style="list-style-type: none"> Metropolitan Open Land (MOL) Green Belt (for built facilities) Grade 1 & 2 agricultural land (part of the Green belt) Sites of international importance for conservation e.g. Ramsar sites, Special Areas of Conservation (SACs) and 	<ul style="list-style-type: none"> Sites of local importance for nature conservation (SINCs) Flood risk areas/flood plain Accessibility (proximity to road, rail, canal/river) Sites greater than 2km from the primary route network

¹⁷ Sustainability appraisal is the assessment of the potential impact against an agreed set of social, environmental and economic objectives. It encompasses the requirement of Strategic Environmental Assessment which is a requirement of Europe that all plans undergo.

¹⁸ HRA is a requirement of Europe that all plans are assessed against their potential impact of natura 2000 sites.

Absolute Criteria	Screening Criteria
<p>Special Protection Areas (SPAs)</p> <ul style="list-style-type: none"> • Sites of national importance for conservation e.g. Sites of Special Scientific Interest and National Nature Reserves • Ancient Woodlands • Scheduled Ancient Monuments • Listed Buildings (grade I and II*) • Registered Parks and Gardens (grade I and II*) • Registered battle fields • Areas of Outstanding Natural Beauty (AONB) • Protected open spaces • Landscape designations such as Areas of Special Character (part of the Green Belt) 	<ul style="list-style-type: none"> • Ground water protection zones • Surface waters • Major aquifers • Airfield safeguarding areas (Birdstrike zones) • Air Quality Management Areas • Unstable land • Green belt (for non-built facilities) • Local Plan designations • Settings of Scheduled Ancient Monuments • Settings of Listed Buildings • Settings of Registered Parks and Gardens (grade I and II*) • Neighbouring land uses • Proximity to sensitive receptors

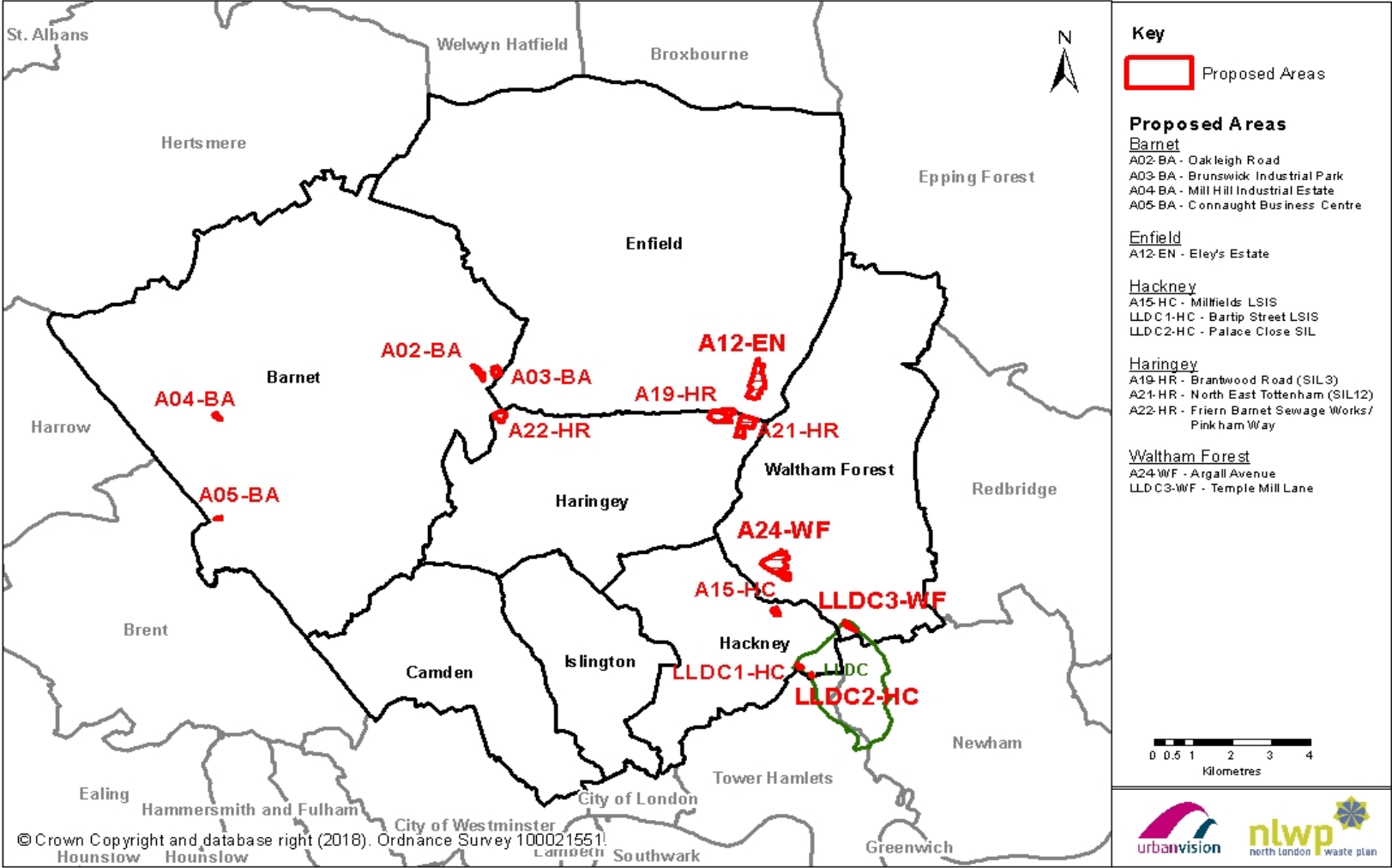
Draft Plan Consultation

- 8.23 The sites and areas identified as a result of the methodology set out above were consulted on as part of the Draft Plan prepared under Regulation 18 of the Town and Country Planning Regulations 2012.
- 8.24 In preparing this (Proposed Submission) version of the NLWP, and deciding which sites and areas to take forward, the North London Boroughs took into account national and regional policy, the aims of the NLWP and consultation responses on the Draft Plan, including issues raised around deliverability and other constraints. Further work was undertaken to gather and assess additional information on the proposed sites and areas received during the consultation or as a result of new data being published.
- 8.25 The North London Boroughs developed a range of reasonable options for taking forward sites and areas in the Proposed Submission version of the plan. The preferred option was to take forward land designated as industrial land and high-

performing (Band B) sites/areas, while achieving a better geographical spread by reducing the number of sites identified in Enfield. This focus on industrial land and the highest performing areas helps to locate waste facilities away from residential properties, as far as this is possible in an urban area like North London. Further details are set out in Options Appraisal for Sites and Areas to be taken forward in the Proposed Submission NLWP (2018).

- 8.26 The areas, shown in Figure 13 (see also Schedule 2 in section 9), have been identified as suitable for built waste management facilities.. The areas are being put forward as they comply with the NLWP Spatial Framework which is reflected in the site selection criteria, as well as a range of environmental, social and economic criteria set out in the Sustainability Appraisal Scoping Report. During the course of the plan, it is expected that land will become available as part of the business churn. Any proposals for waste facilities within the areas will be subject to planning permission. No provision is made for landfill due to the inability of the Plan area to accommodate development of landfill.

Figure 13: Location of proposed new areas



9 Policies

- 9.1 The policies set out in this section will form part of each Borough's 'development plan' which also includes the Mayor's London Plan and individual borough Local Plans (see Figure 2). All planning applications for waste uses will be assessed against the following NLWP policies and other relevant policies in the development plan and any associated Supplementary Documents (SPD)/guidance. Any proposals for waste development will be expected to take account of the full suite of relevant policies and guidance.
- 9.2 The NLWP policies will help deliver the NLWP's aim and objectives (section 3), Spatial Framework (section 4) and the Strategy Policy for North London's Waste (section 7). The supporting text sets out why the particular policy approach has been chosen, any alternatives considered and how the policy will be implemented.
- 9.3 The policies are:
- Policy 1: Existing waste management sites
 - Policy 2: Locations for new waste management facilities
 - Policy 3: Windfall sites
 - Policy 4: Re-use & Recycling Centres
 - Policy 5: Assessment criteria for waste management facilities and related development
 - Policy 6: Energy recovery and decentralised energy
 - Policy 7: Waste Water Treatment Works and Sewage Plant
 - Policy 8: Control of Inert Waste

Policy 1: Existing waste management sites

Policy 1: Existing waste management sites

All existing waste management sites identified in *Schedule 1: Existing safeguarded waste sites in North London*, and any other sites that are given planning permission for waste use, are safeguarded for waste use.

Expansion or intensification of operations at existing waste sites will be supported where the proposal is in line with relevant aims and policies in the North London Waste Plan, the London Plan, Local Plans and related guidance.

Applications for non-waste uses on safeguarded waste sites will only be permitted where it is clearly demonstrated to the satisfaction of the relevant borough that

compensatory capacity will be delivered in line with the spatial framework on a suitable replacement site in North London, that must at least meet, and, if possible, exceed, the maximum achievable throughput of the site proposed to be lost and help to promote the increased geographical spread of waste sites across the plan area.

Development proposals in close proximity to existing safeguarded waste sites or sites allocated for waste use which would prevent or prejudice the use of those sites for waste purposes will be resisted under the agent of change principle unless design standards or other suitable mitigation measures are adopted to ensure that the amenity of any new residents would not be significantly adversely impacted by the continuation of waste use at that location or suitable compensatory provision has been made for the waste use elsewhere within the Plan area.

This policy helps meet strategic objectives SO2 and SO3

This policy contributes towards Spatial Framework components A and C

- 9.4 The purpose of Policy 1 is to ensure that the existing waste capacity in North London is protected and is able to expand where appropriate. It applies to sites with existing operational waste facilities, and any other sites developed for waste use throughout the plan period.
- 9.5 *Schedule 1: Existing safeguarded waste sites in North London* is in Appendix 1. The London Plan requires boroughs to protect their existing waste capacity and each North London Borough is safeguarding this land through their Local Plan and Policies Map. The contribution currently made by these facilities, and their future contribution, is taken into account in the estimation of how much additional waste management capacity is needed throughout the plan period, so it is important to protect these existing facilities to ensure there is sufficient capacity available to meet identified needs over the plan period. If existing facilities were lost and the capacity not replaced elsewhere in North London, this would result in additional waste capacity being required to meet the identified need and achieve net self-sufficiency.
- 9.6 Planning applications for expansion of existing waste facilities will be supported where they are in alignment with policies in this Plan and with Borough Local Plans.
- 9.7 If, for any reason, an existing waste site is to be lost to non-waste use, compensatory provision will be required within North London. Replacement provision will be calculated using the maximum achievable throughput (tonnes per annum) that the site has achieved as set out in the EA Waste Data Interrogator. Maximum throughput for existing sites 2009-2016 can be found in the [Data Study Part 3: Sites Schedule Report](#) Tables 1-7: Assessment of existing waste management capacity. This information is sourced from the Environment Agency's Waste Data Interrogator. Applicants will need to demonstrate that provision of replacement capacity is secured before permission is granted for an alternative use. This could be through a

compensatory site of a suitable size to meet at least the maximum annual throughput or an increase of capacity in an existing facility. However, it may not be necessary for replacement sites to be on a 'like for like' basis, for example, a new site with a larger capacity might replace a number of sites with individually smaller, but combined equivalent, capacity.

- 9.8 Compensatory provision should be delivered in accordance with the spatial framework and such proposals will need to demonstrate compliance with Policy 3 (Windfall sites) and 5 (Assessment Criteria for waste management facilities and related development) of the NLWP. The area of search for a replacement site should be within North London. As set out within Section 4, a key Spatial Principle of the NLWP is to establish a geographical spread of waste sites across North London, consistent with the principles of sustainable development. The aim is to ensure that waste is managed efficiently and as close to its source as possible whilst minimising any negative cumulative impacts resulting from a high concentration of waste facilities. Avoiding an unduly high concentration of waste facilities in a location is consistent with the overarching objectives of sustainable development, identified within the NPPF and would leave land available for other uses. The most suitable location for the re-provision of a site lost to non-waste development may therefore not necessarily be within the same north London borough as the displaced site. Adequate evidence of compensatory provision will be required to the satisfaction of the local planning authority before planning permission for redevelopment proposing loss of a facility is granted.
- 9.9 Any sites that come forward and receive planning permission for waste development which are implemented in the lifetime of the NLWP will be regarded as existing waste sites in North London and safeguarded under the provisions of this Policy (1).
- 9.10 Policy 1 also seeks to protect existing and permitted waste sites from the influence of an incompatible use in close proximity prejudicing the continuation or further development of waste operations at that location. Waste facilities have an important role to play in ensuring that communities are sustainable. Identifying and safeguarding suitable sites for waste facilities is challenging with issues relating to public amenity, access, hydrology, and geology, amongst others, to consider. In addition, waste is a relatively 'low value' land use which, although capable of competing with other industrial type uses, cannot outbid higher value uses. The introduction of sensitive types of development nearby, such as housing, could have an adverse impact on the continued operation of the existing sites in North London and their ability to provide sufficient waste capacity as well as helping meet waste recycling, diversion and recovery targets. This would undermine the anticipated capacity of the network of existing facilities across North London to manage waste and consequently the overall deliverability of the NLWP. The NPPF and the draft London Plan sets out the 'Agent of Change' principle. This principle places the responsibility of mitigating the noise impact (from existing noise-generating

businesses) on the proposed new development. Developers proposing non-waste development in close proximity to existing waste sites should be aware of the potential impacts on existing waste operations and plan this into their development so as not to prevent or prejudice the continued waste use in that location, otherwise such developments will not be permitted. Accordingly proposed non-waste developments should be designed to protect both the amenity of potential new residential developments and the existing waste operation within that area.

Policy 2: Locations for new waste management facilities

Policy 2: Locations for new waste management facilities

Areas listed in *Schedule 2: Areas suitable for waste management* and *Schedule 3: Areas identified in LLDC Local Plan* are identified as suitable for built waste management facilities.

Applications for waste management development will be permitted on suitable land within the areas identified in Schedule 2 subject to other policies in the North London Waste Plan, the London Plan and Local Plans, and related guidance.

Development proposals will need to manage waste as far up the waste hierarchy as practicable.

Applications for waste management development within the areas identified in Schedule 3 will be assessed by the London Legacy Development Corporation.

This policy helps meet strategic objectives SO1, SO2, SO3 and SO5

This policy contributes towards Spatial Framework components B and F

Table 11: Schedule 2 Areas suitable for waste management

Area ref	Area Name	Area (ha)	Borough	Waste Facility Type				
				A	B	C	D	E
A02-BA	Oakleigh Road	0.99	Barnet	X		X		X
A03-BA	Brunswick Industrial Park	3.9	Barnet	X				X
A04-BA	Mill Hill Industrial Estate	0.9	Barnet	X				X
A05-BA	Connaught Business Centre	0.9	Barnet	X				X
A12-EN	Eley's Estate	26.1	Enfield	X	X	X	X	X
A15-HC	Millfields LSIS	1.48	Hackney			X		
A19-HR	Brantwood Road	16.9	Haringey	X			X	X
A21-HR	North East Tottenham	15.32	Haringey	X			X	X
A22-HR	Friern Barnet Sewage Works/	5.95	Haringey	X	X			X

Area ref	Area Name	Area (ha)	Borough	Waste Facility Type				
				A	B	C	D	E
	Pinkham Way							
A24-WF	Argall Avenue	26.91	Waltham Forest	X	X			X

Table 12: Schedule 3 Areas identified in LLDC Local Plan

Area ref	Area Name	Area (ha)	Borough	Waste Facility Type				
				A	B	C	D	E
LLDC1-HC	Bartrip Street	0.6	Hackney	X				X
LLDC2-HC	Chapman Road (Palace Close)	0.33	Hackney	X				X
LLDC3-WF	Temple Mill Lane	2.1	Waltham Forest	X	X			X

- 9.11 Policy 2 identifies areas and their suitability for a range of built waste management facilities. National and European requirements state that waste plans must identify locations where future waste development may take place. In addition, the London Plan requires boroughs to allocate sufficient land to provide capacity to manage apportioned waste.
- 9.12 The NLWP data study has identified capacity gaps for waste management during the plan period for the preferred option of net self-sufficiency. The purpose of Policy 2 is to ensure that sufficient land is identified to accommodate built waste management facilities to deal with these identified capacity gaps for North London.
- 9.13 The NLWP identifies several areas to provide land suitable for the development of waste management facilities. Each 'area' comprises a number of individual plots of land, for example, an industrial estate or employment area that is in principle suitable for waste use but where land is not safeguarded for waste. The identification of areas suitable for waste uses, subject to detailed site assessment at planning application stage, will help to achieve net self-sufficiency whilst encouraging co-location of facilities and complementary activities (an objective of the NPPW and Spatial Framework).
- 9.14 The areas are considered to be in the most suitable, sustainable and deliverable locations in North London for new waste management facilities when assessed against a range of environmental, economic and social factors and the Spatial Framework.
- 9.15 The site profiles in Appendix 2, indicate the size of each area, the type of facility likely to be accommodated on the area, and any mitigation measures which may be required. Developers should be aware that any type of facility listed as potentially

suitable is subject to consideration against the full suite of relevant local planning policies/guidance.

- 9.16 The ability of areas to accommodate a range of types and sizes of waste management facility is important to the flexibility of the Waste Plan. Table 13: Key to Waste Management Facility Types contains a full list of the types of facilities which were considered when assessing sites and which may be required over the plan period to meet the identified capacity gap. The facility types identified are broad categories which may come forward over the plan period. The order of facility types reflects their place in the waste hierarchy, with categories A and B at the 'recycling' level and C-E at the 'other recovery' level. Applicants should take account of this order when responding to the second criteria of Policy 2 which requires development proposals to manage waste as far up the waste hierarchy as practicable.
- 9.17 The NLWP recognises that currently emerging or unknown waste management technologies, not listed in Table 13 'Key to Waste Facility Types', may be proposed on allocated sites and within identified areas during the plan period as new ways of treating waste come to the fore. As with all proposals, those for waste management technologies not listed will be assessed against the relevant NLWP policies, policies in the London Plan, Borough Local Plan policies and related guidance.

Table 13: Key to Waste Management Facility Type

	Facility type
A	Recycling
B	Composting (including indoor / in-vessel composting)
C	Integrated resource recovery facilities / resource parks
D	Waste treatment facility (including thermal treatment, anaerobic digestion, pyrolysis / gasification, mechanical biological treatment)
E	Waste transfer

- 9.18 A full assessment of the suitability of the area for a facility type should be prepared by the developer to inform any development application for waste use. This will allow for a more detailed analysis and consideration of potential impacts associated with a specific proposal at the planning application stage.
- 9.19 In North London the most likely options for waste management will be recycling and recovery. The test of whether the proposed management is acceptable in terms of the waste hierarchy will be based on the type of waste and the treatment proposed and demand.
- 9.20 It is not within the remit of the NLWP to directly allocate sites/areas within the London Legacy Development Corporation (LLDC) planning authority area; this falls to

the LLDC Local Plan. Therefore Schedule 4 sets out separately those areas identified in the LLDC Local Plan as being potentially suitable for built waste management facilities.

Policy 3: Windfall Sites

Policy 3: Windfall Sites

Applications for waste development on windfall sites outside of the sites and areas identified in Schedules 1, 2 and 3 will be permitted provided that the proposal can demonstrate that:

- a) the sites and areas identified in Schedules 1, 2 and 3 are not available or suitable for the proposed use or the proposed site would be better suited to meeting the identified need having regard to the Spatial Principles;
- b) the proposed site meets the criteria for built facilities used in the site selection process (see Table 10 of Section 8 of the NLWP) the proposal fits within the NLWP Spatial Framework, and contributes to the delivery of the NLWP aim and objectives;
- c) future potential development including Opportunity Areas identified in the London Plan, and transport infrastructure improvements such as West Anglia Main Line, Four Tracking and Crossrail 2 would not be compromised by the proposals;
- d) it is in line with relevant aims and policies in the NLWP, London Plan, Opportunity Area Planning Frameworks, Local Plans and related guidance; and
- e) waste is being managed as far up the waste hierarchy as practicable

This policy helps meet strategic objectives SO2 and SO3

This policy contributes towards Spatial Framework components B

9.21 The purpose of this policy is to ensure that development for new waste facilities on sites which do not form part of the planned strategy in the NLWP make a positive contribution to managing waste in North London. Windfall sites refer to locations which are not identified in Schedules 1-3 of this Plan. Windfall sites will cater for the needs of new waste facilities as well as those of displaced facilities lost under proposals considered under Policy 1. Windfall sites will also need to comply with Policy 5 which applies to all proposed waste developments.

9.22 The site search process for suitable potential locations for waste facilities has been extensive, thorough, and subject to public consultation, Equality Impact Assessment (EQIA), Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA). However, there remains a possibility that sites not identified in the plan i.e. windfall

sites may be brought forward by operators or landowners for waste development over the plan period.

- 9.23 Developers of windfall sites are required to demonstrate why the sites and areas in Schedules 1, 2 and 3 are not available or suitable or that the proposed site would be better suited to meeting the identified need having regard to the Spatial Principles of the NLWP. There may be instances in the future where advances in waste technologies are such that the identified sites/areas do not meet the technical requirements of a proposed waste management facility, for example, the identified locations might be too small for the proposed development or the facility may need to be located near a specific waste producer or user of heat. Some of the areas identified in Policy 2 may become unavailable over the Plan period because they will be used for other purposes or affected by future development proposals such as Crossrail 2 and Opportunity Areas. Locating certain types of waste processing sites within large scale redevelopment areas may also have benefits for reducing need for waste transport especially during the construction phase for the management of CDE. In addition, it is also recognised that proposals on windfall site may come forward to provide capacity for displaced facilities from within the plan area where existing capacity needs to be re-provided locally and this need cannot be met through the existing allocations.
- 9.24 Proposals for waste development on windfall sites will be supported where the proposal would not compromise existing planning designations and where the impacts on communities and environment can be satisfactorily controlled. This should not work against the principle of balanced geographical distribution as set out in the Spatial Framework.
- 9.25 Proposals for waste development on windfall sites should be in line with the London Plan, the NLWP, and Local Plans adopted by the North London boroughs. Proposals for waste facilities on windfall sites will need to demonstrate compliance with the same planning and spatial criteria (Table 10, section 8) used for the identification of sites and areas in the NLWP, and any other relevant material considerations, including the assessment criteria as set out within policy 5. The windfall sites policy has been developed to ensure that any unplanned development contributes positively to future waste capacity in the plan area while not undermining the approach to development set out in the NLWP, the London Plan and Local Plans. Any waste development brought forward on a windfall site must meet the same high level of sustainability as the areas identified through the site selection process.
- 9.26 Applications for waste developments on windfall sites will need to demonstrate how the application supports delivery of the NLWP and assists in the aim of net self-sufficiency by providing capacity that addresses the requirements of North London to manage more of its own waste or in providing replacement capacity for an existing facility which has been displaced. In line with the aim and objectives of the

plan, planning applications will need to demonstrate that there will be social, economic and environmental benefits from the development and that amenity will be protected.

- 9.27 Historically, waste development has been concentrated within the east and west of North London. Policy 3 provides an opportunity to develop a wider network of sites across the area, in line with the Spatial Framework. This policy allows new sites to come forward across the area where demand and commercial opportunity arise helping to provide a wider spread of facilities across the plan area in future.
- 9.28 There will be mixed use developments across North London within the period of the NLWP. The revised London Plan sets out a framework for development of new housing and employment together with the ancillary development necessary to sustain that development. Crossrail 2 will impact considerably on north London as mixed use development is expected to accumulate around Crossrail 2 stations.
- 9.29 In large scale redevelopment areas across the boroughs there is opportunity to plan for waste uses to form part of the master-planning process. In this way it should be possible to design-out any potential land use conflicts with non-waste uses in close proximity and support the agent of change principle as promoted by the London Plan. In such areas it may also be beneficial to allow temporary sites that can manage CDE waste generated as part of the redevelopment, subject to licencing and planning requirements.
- 9.30 In areas which contain a mixed use of employment and housing, suitable waste uses are likely to be re-use, repair or recycling uses. The following issues need special considerations when designing waste facilities into a mixed use area as part of the master planning process.
- How to minimise visual and acoustic nuisance from the site to residential properties and other uses, including utilising suitable screening , building orientation including avoiding residential units overlooking waste operations or vehicle site access points, and use of appropriate building materials.
 - Impact of odour, dust, litter on local amenity – An Environmental Management Plan to be submitted in support of a planning application to be applied to prevent such impacts from becoming a nuisance;
 - Access and traffic – consider the most appropriate route and timing for vehicles to access the waste facility and separation of access to avoid conflict with traffic and access associated with neighbouring uses.

These issues are considered in more detail in policy 5 including a presumption that waste uses will be enclosed.

- 9.31 The test of whether the proposed operations are acceptable in terms of the waste hierarchy will be based on the type of waste and the treatment proposed and demand.

Policy 4 – Re-use & Recycling Centres

Policy 4 – Re-use & Recycling Centres

Proposals for Re-use & Recycling Centres will be permitted where:

- a) They are sited in an area of identified need for new facilities in Barnet or Enfield or elsewhere where they improve the coverage of centres across the North London Boroughs, and;
- b) They are in line with relevant aims and policies in the North London Waste Plan, London Plan, Local Plans and other related guidance.

This policy helps meet strategic objectives SO1, SO2 and SO3

This policy contributes towards Spatial Framework components B

- 9.32 Re-use & Recycling Centres (RRCs) provide members of the public with access to a wider range of recycling facilities and they also deal with bulky items. There are currently nine RRCs in North London of which eight are the responsibility of the North London Waste Authority (NLWA). They are safeguarded for waste use under Policy 1. The NLWA has identified areas of deficiency in coverage in parts of Barnet and Enfield and is seeking to address this by providing new or replacement sites so that 95% of residents live within two miles (measured as a straight line) of a facility¹⁹ - see Figure 7 in Section 4. The NLWA is also proposing a new RRC on the Edmonton EcoPark site as part of its current Development Consent Order (DCO) application on the site. The Spatial Framework seeks a network of waste sites across North London and, as part of this aim, to ensure residents have good access to RRCs where there is an identified need.
- 9.33 Re-use & Recycling Centres should be located where they can provide appropriate access for members of the public and for contractors and their vehicles. They are best sited on former waste sites or in areas of industrial or employment land and need to be of a sufficient size for the range and quantity of materials likely to be received. Sites within areas identified in Schedules 2 and 3 Areas suitable for waste management are likely to be suitable. There may be scope to provide localised recycling centres as part of major new development.

¹⁹ Household Waste Recycling Centre Policy, North London Waste Authority (June 2010)

Policy 5: Assessment Criteria for waste management facilities and related development

Policy 5: Assessment Criteria for waste management facilities and related development

Applications for waste management facilities and related development, including those replacing or expanding existing sites, will be required to demonstrate to the satisfaction of the relevant Borough that:

- a) the amenity of local residents is protected;
- b) the facility will be enclosed unless justification can be provided by the developer as to why that is not necessary;
- c) adequate means of controlling noise, vibration, dust, litter, vermin, odours, air and water-borne contaminants and other emissions are incorporated into the scheme;
- d) there is no significant adverse effect on any established, permitted or allocated land uses likely to be affected by the development;
- e) the development is of a scale, form and character in keeping with its location and incorporates appropriate high quality design;
- f) there is no significant adverse impact on the historic environment (heritage assets and their settings, and undesignated remains within Archaeological Priority Areas), open spaces or land in recreational use or landscape character of the area including the Lee Valley Regional Park;
- g) active consideration has been given to the transportation of waste by modes other than road, principally by water and rail;
- h) there are no significant adverse transport effects outside or inside the site as a result of the development;
- i) the development makes the fullest possible contribution to climate change adaptation and mitigation;
- j) the development has no adverse effect on the integrity of an area designated under the Habitats Directive and no significant adverse effect on local biodiversity or water quality;
- k) there will be no significant impact on the quality of underlying soils, surface or groundwater;
- l) the development has no adverse impact on Flood Risk on or off site and aims to reduce risk where possible;
- m) appropriate permits are held or have been applied for from the Environment Agency;

- n) there is no adverse impact on health
- o) there are no significant adverse effects resulting from cumulative impact of any proposed waste management development upon amenity, the economy, the natural and the built environment either in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of waste developments occurring concurrently or successively.
- p) There are job creation and social value benefits, including skills, training and apprenticeship opportunities²⁰.
- q) The proposal is supported by a Circular Economy Statement

This policy helps meet strategic objectives SO4, SO5, SO7 and SO8

This policy contributes towards Spatial Framework component E

9.34 Policy 5 seeks to ensure that the construction and operation of waste facilities does not give rise to an unacceptable impact, or harm the **amenity** of local residents or the environment. Amenity is defined as any element providing positive attributes to the local area and its residents and impacts can include such issues as increased noise disturbance, light impacts including increased light or reduced light or sunlight, reduced privacy, loss of outlook and reduced visual amenity. Applicants will need to demonstrate that appropriate measures have been taken to minimise any potential impacts from the proposed waste development to ensure the protection of local amenity. The specific requirements will vary from site to site, however issues to be addressed may include strict hours of operation, effective cladding on buildings to prevent noise pollution, and dust and odour suppression systems as appropriate. These issues are discussed in more detail below.

9.35 Waste facilities can be separated into '**enclosed**' facilities, where waste is processed inside a building and 'open' facilities, which largely deal with waste in the open air. Waste facilities are often seen as bad neighbours, due to problems associated with open air facilities. It is current best practice that the operations are carried out within a covered building enclosed on all vertical sides with access and egress points covered by fast acting doors which default close in order to minimise local public health and environmental impact. Such enclosed facilities are similar in appearance to modern industrial shed developments such as factories or logistics facilities and it is this type of facility that is the focus of the NLWP site allocations. 'Open' facilities

²⁰ This requirement is an issue for all development and waste applications should provide details as to how they will meet these objectives.

are unlikely to be suitable for North London as outlined in the section 3 of the Plan except in exceptional circumstances. There are types of waste development for specific waste streams or waste types that may not need to or should not be enclosed but any activity likely to cause dust should be carried out within a building or enclosure. Enclosing waste management facilities not only results in less dust and particulate pollution but will also reduce the risk of pollution caused from other amenity issues such as noise, pests and odour. **Noise, vibration, dust, litter, vermin, odours, air and water-borne contaminants**, other emissions and their potential health impacts have been a major concern raised through public consultation. However, well sited, and well managed facilities should not cause harm or disturbance. Details of controls for emissions (including bio aerosols) from the site need to be supplied with the application. Planning conditions and section 106 agreements will be used to secure measures to address any issues where necessary and where control is not already exercised through other consent regimes (i.e. the requirement for environmental permits, which is assessed by the Environment Agency). Applicants will be expected to comply with Borough policies on contaminated land. The North London boroughs require that any development can safely complement surrounding uses.

- 9.36 The North London boroughs expect well controlled and well-designed waste facilities capable of fitting in with **surrounding land uses** and acting as good neighbours. Where development is proposed close to residential areas, in line with the agent of change principle, the design must incorporate noise reduction measures as well as dust and odour suppression as necessary. It should be designed to minimise its impact on the local area and ensure it is compatible with existing surrounding land uses. When assessing planning applications for waste uses, in addition to Policy 5, the boroughs will also have regard to the criteria in Appendix B of the NPPW and relevant London Plan and Local Plan policies. Applicants are required to submit sufficient information to enable the waste planning authority within which the subject site falls to assess the potential impact of the development proposal on all interests of acknowledged importance. Applicants are encouraged to contact the relevant borough prior to submitting a planning application to discuss relevant matters. Where new waste development is being sited near existing waste sites, developers will be expected to consider potential cumulative impacts as well as also demonstrating any possible benefits of co-locating waste development. **Good design** is fundamental to the development of high quality waste infrastructure and the North London boroughs seek approaches that deliver high quality designs and safe and inclusive environments. The documents submitted in support of the planning application should set out how the development takes on board good practice such

as the Defra/CABE guidance on designing waste facilities²¹. The supporting documents should set out how the siting and appearance complements the existing topography and vegetation. Materials and colouring need to be appropriate to the location. The development should be designed to be in keeping with the local area and include mechanisms for reducing highway deposits²², noise and other emissions where necessary.

- 9.37 The supporting documents should set out how landscape proposals can be incorporated as an integral part of the overall development of the site and how the development contributes to the quality of the wider urban environment. The applicant will need to demonstrate that there will be no significant adverse effect on areas or features of landscape, historic or nature conservation value. Where relevant, the delivery of waste facilities (through construction to operation) should take account of the need to conserve and enhance the historic environment in line with the NPPF.
- 9.38 Where sites include, or are likely to have an impact on the setting of a **heritage** asset both designated (Listed Buildings, Conservation Areas, Scheduled Ancient Monuments, Registered Historic Parks and Gardens and Battlefields) and undesignated, including archaeology, it should be demonstrated that the development will conserve the significance of the asset. Where the site has potential to include assets with archaeological interest, such as if it is in an archaeological area identified in a Borough Local Plan or may affect a site recorded on the Greater London Historic Environment Record, an appropriate desk based assessment and, where necessary, a field evaluation, is required to accompany the planning application. Where such an assessment and evaluation confirms significant archaeological interest then appropriate mitigation by design or investigation is also required.
- 9.39 A large part of the Lee Valley Regional Park (1483 ha) falls within four of the North London Boroughs involved in the Plan; Waltham Forest, Haringey, Enfield and Hackney. New development should contribute to the protection, enhancement and development of the Regional Park as a world class visitor destination and the wider public enjoyment of its leisure, nature conservation, recreational and sporting resources. The Lee Valley is a significant resource for North London and developments should not have an adverse effect on the **open space** and character of the area, and should aim to contribute to its enhancement where appropriate.

²¹ Designing waste facilities – a guide to modern design in waste, Defra & CABE, 2008

²²This can be achieved through provision of wheel wash facilities etc where required and placing conditions of the applications to ensure all vehicles are covered

- 9.40 Waste and recyclables require transportation at various stages of their collection and management and so opportunities to employ more sustainable options such as rail and river should be fully considered. North London is characterised by heavy traffic on all principal roads. That is why developers need to prioritise **non-road forms of transport** if at all possible and to set out their assessment in a Transport Assessment detailing transport issues to be submitted with any planning applications for waste facilities (see below). In North London there exists considerable potential for sustainable transport of waste as part of the waste management process. There are a number of railway lines and navigable waterways in North London including the Regents Canal and the Lee Navigation. It is existing practice to transport waste by train and pilot projects have taken place to transport waste by water. Developers are required to demonstrate that they have considered the potential to use water and rail to transport waste before reliance on transport of waste by road. Where the site lies adjacent to a wharf or waterway, capable of transporting waste, developers need to demonstrate that consideration has been given to the provision and/or enhancement of wharf facilities.
- 9.41 Applicants will need to submit a **Transport Assessment** in line with the relevant borough Local Plan policy and the London Plan. The Transport for London Best Practice Guide contains advice on preparing Transport Assessments when they are required to be submitted with planning applications for major developments in London. Consideration should be given to access arrangements, safety and health hazards for other road users, the capacity of local and strategic road networks, impacts on existing highway conditions in terms of traffic congestion and parking, on-site vehicle manoeuvring, parking and loading/unloading areas, and queuing of vehicles. The statement should include a traffic management plan establishing the times of access for vehicles to minimise disruption on the local road network during peak hours, and setting out specific routes to ensure that vehicles are accessing the site via roads considered suitable by the Highways Authority and, where possible, avoid overlooking of the site access by residential properties.
- 9.42 The development of Servicing and Delivery Plans and Construction Logistic Plans (CLP) will be encouraged for all waste developments. Such Plans ensure that developments provide for safe and legal delivery and collection, construction and servicing including minimising the risk of collision with vulnerable road users such as cyclists and pedestrians. Consideration should be given to the use of Direct Vision Lorries for all waste vehicles and the use of freight operators who can demonstrate their commitment to TfL's Freight Operator Recognition Scheme (FORS) or similar.
- 9.43 Sustainable design, construction and operation of waste management development will be assessed against relevant borough Local Plan policies. Consideration should be given to how the development contributes to the mitigation of and adaption to

climate change, promotes energy and resource efficiency during construction and operation with the aim of developments being carbon neutral, the layout and orientation of the site and the energy and materials to be used. Developments should achieve the highest possible standard under an approved sustainability metric such as BREEAM or CEEQUAL in line with the relevant borough's policies. Information supplied should enable the borough in question to assess the proposal against relevant planning policies by clearly setting out how the application complies with sustainable design and construction policies and guidance including measureable outputs where appropriate. Where appropriate, production of a site waste management plan should be provided prior to the commencement of construction of the development.

- 9.44 Waste developments should be designed to protect and enhance local **biodiversity**. Development that would have an adverse effect on any area designated under the Habitats Directive will not be permitted. Assessments undertaken for the Plan have identified sites of European Community importance within and nearby the Plan area. Sites at least partially within the Plan boundary are the Lee Valley Special Protection Area (SPA) and RAMSAR site and part of Epping Forest Special Area for Conservation (SAC). Additional sites at least partially within 10 km of the Plan area boundary are Wormley-Hoddesdon Park Woods SAC and Wimbledon Common SAC³. Developers need to be able to demonstrate that their proposals will not have an adverse effect on the integrity of any European site. In addition there are six Sites of Special Scientific Interest and 20 Local Nature Reserves as well as sites of importance to nature conservation (SINC). Developers should take note of existing Biodiversity Action Plans, protect existing features and promote enhancement for example through the use of green walls where acoustic barriers are required. Where a development site is adjacent to a river the Environment Agency has advised that a setback of a minimum of 8 metres from the top of the bank should be incorporated into any redevelopment proposals. Consistent with this advice, setting back waste management development (not including wharf development) from watercourses and providing an undeveloped buffer zone free from built structures will be important for maintaining access to the river, to allow the landowner access for routine maintenance activities and for the Environment Agency to carry out Flood Defence duties. Maintaining a sufficient wildlife and riverside corridor is also important for minimising the potential adverse impacts to the **water quality** and riverine habitats. This will provide opportunities for flood risk management in line with the Environment Agency Catchment Flood Management Plans. Opportunities for river restoration through the development of sites should also be encouraged to ensure compliance with requirements under the Water Framework Directive and the Thames River Basin Management Plan.

- 9.45 There are a number of **groundwater** source protection zones in North London to protect drinking water supplies and prevent contamination of aquifers. Source protection zone 1 boundaries are defined in the immediate area of boreholes and other abstraction points. Waste facilities may be permitted in source protection zone 1 provided that any liquid waste they may contain or generate or any pollutants they might leach, especially if hazardous, do not pose an unacceptable risk to groundwater. A groundwater risk assessment will be required. Soil quality will need to be protected from potential adverse impact by certain operations, such as open windrow composting. The following waste facilities are considered lower risk and are more likely to be acceptable:
- Energy from Waste ;
 - In-Vessel Composting activities;
 - Mechanical Biological Treatment;
 - Materials Recycling Facility (dry wastes only), and;
 - Waste Electrical and Electronic Equipment (WEEE) sites that exclude potentially polluting wastes.
- 9.46 Higher risk waste uses are less likely to be acceptable in source protection zone 1. Early liaison with the Environment Agency is encouraged.
- 9.47 Source protection zone 2 covers a wider area around an abstraction point. Where developments are proposed in source protection zone 2, a risk assessment will be required and any waste operation apart from landfill may be considered. Where sites are in source protection zones, developers are encouraged to engage in early discussions with the Environment Agency.
- 9.48 The North London Strategic Flood Risk Assessment (SFRA) and individual borough 'Level 2' SFRAs have demonstrated the risks from **flooding** from various sources across North London and site specific flooding assessments have been undertaken on new sites/areas in schedules 2 and 3. Where a site is near or adjacent to areas of flood risk, the development is expected to contribute through design to a reduction in flood risk in line with the NPPG. Waste facilities are often characterised by large areas of hardstanding for vehicles and large roof areas. Development proposals will be required to show that flood risk would not be increased as part of the scheme and, where possible, will be reduced overall through the use of Sustainable Drainage Systems (SuDS) and other techniques. Any proposed development should be reviewed by the Environment Agency at an early stage to discuss the reduction of flood risk on the site.
- 9.49 Developers of waste facilities should at the time they submit their planning application be engaged with the Environment Agency and hold or be in the process of applying for appropriate **permits from the Environment Agency** as the

contemporaneous consideration of planning and environmental permit enables the application to be considered in the round.

- 9.50 Developers of waste facilities will need to fully identify the **health implications** of the development and plan the most appropriate scheme to protect the surrounding uses and community. Any proposed waste development which is required to have an Environmental Impact Assessment will also require a Health Impact Assessment.
- 9.51 Paragraph 5 of the National Planning Policy for Waste (NPPW) requires consideration be given to:
“The cumulative effect of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential”.
- 9.52 **Cumulative impacts** relate to the way in which different impacts can affect a particular environmental resource or location incrementally, for example, combined noise, dust and traffic emissions on a dwelling from a new road scheme. In essence, cumulative impacts are those which result from incremental changes caused by other past, present or reasonable foreseeable actions together with the proposed development. Therefore, the potential impacts of the proposed development cannot be considered in isolation but must be considered in addition to impacts already arising from existing or planned development.
- 9.53 In determining an application for a new waste facility, account will normally be taken of the potential cumulative impact of waste management and other development within the locality and in particular the area’s capacity to absorb that change. Factors to be taken into account will include; the nature of the waste and the process involved; the direction of the prevailing wind; the amount of enclosure for the processes; use of odour neutralisation and minimisation; measures for dust control; the number of persons affected by the development and its duration; the effects on amenity that pollution would cause; local topography providing natural screening; the extent of noise and vibration generated by the operations; the proposed hours of working; and the impact of flood-lighting. In some instances, the combined impact of development over a sustained period of time may be sufficient to warrant refusal of planning permission. However it is acknowledged that cumulative impacts can have positive impacts through synergies with other local waste uses and businesses in the area. Such synergies may lead to less road miles for waste as well as the potential development of green industry hubs attracting more highly skilled and technical jobs. Proposals should seek to make a positive contribution to improving issues of deprivation and inequality within local communities. Where an area has historically hosted significant waste infrastructure and is moving towards regeneration initiatives to improve its economic and investment potential, the cumulative impact

on these regeneration activities should be considered when waste development is proposed, especially where the benefits of co-location and economies of scale are outweighed by a resultant reduction in land values, employment opportunities and regeneration potential. In these circumstances where development takes place, opportunities to address inequalities should be taken up in order to promote a better spatial distribution of facilities and avoid undue concentration of waste uses.

- 9.54 As stated throughout this document applications will be assessed against the full suite of relevant **national, London Plan and Local Plan policies** and guidance. However, given the status of the NLWP as a multi-Borough DPD which will form part of the Local Plan of each of the seven Boroughs, Policy 5 is a valuable signpost to impacts that will be considered in the determination of applications.
- 9.55 As part of the application, and in line with policies in the borough local plan, Developers should give details of the jobs created as a result of the new development, the level of skills required and the availability of **training and apprenticeship** opportunities. Developers should seek to meet the aspirations of borough economic and employment strategies and make a positive contribution to the local economy.
- 9.56 As part of the Circular London programme, LWARB published a **Circular Economy** Route Map in June 2017. The Route Map recommends actions for a wide range of stakeholders, including London's higher education, digital and community sectors as well as London's businesses, social enterprises and its finance sector. Developers should submit a Circular Economy Statement in line with the London Plan and guidance issued by the Mayor.

Policy 6: Energy Recovery and Decentralised Energy

Policy 6: Energy Recovery and Decentralised Energy

Where waste cannot be managed at a higher level in the waste hierarchy and recovery of energy from waste is feasible, waste developments should generate energy and/or recover excess heat (including the recovery of energy from gas) and provide a supply to networks including decentralised energy networks.

Where there is no available decentralised energy network and no network is planned within range of the development, as a minimum requirement the proposal should recover energy through electricity production and be designed to enable it to deliver heat and/or energy and connect to a Decentralised Energy Network in the future.

Developers must demonstrate how they meet these requirements, or provide evidence if it is not technically feasible or economically viable to achieve them, as part of a submitted Energy Statement.

This policy helps meet strategic objectives SO1 and SO6

This policy contributes towards Spatial Framework component D

- 9.57 Tackling climate change is a key Government priority for the planning system and a critical new driver for waste management. The purpose of this policy is to ensure that applications for waste management facilities incorporate opportunities for sustainable energy recovery and combined heat and power (CHP) where feasible and practicable. The policy complements more detailed policies in borough Local Plans on financial contributions relating to feasibility, sustainable design, CHP and development of heat networks, against which applications will also be considered.
- 9.58 The NPPW and the London Plan both recognise the benefits to be gained from any energy from waste facility to capture both heat and power, and encourage all developments of this kind to achieve that end.
- 9.59 National policy for renewable energy says that Local Development Documents, such as the NLWP, should contain policies that promote and encourage, rather than restrict, the development of renewable energy resources. The London Plan includes minimum performance for technologies for generating energy from London's waste, known as the carbon intensity floor. This has been set at 400 grams of CO₂ eq generated per kilowatt hour (kwh) of electricity generated.
- 9.60 The GLA has committed to working with London Boroughs and partners in the private sector to develop opportunities by providing assistance for commercialisation of large decentralised energy projects. Opportunities for district heating were identified across London as part of the Decentralised Energy Master Planning programme led by the GLA in 2008-2010²³. The programme initially focused on identifying opportunities for district heating networks through heat mapping and energy masterplanning with the London Boroughs.
- 9.61 Work is already underway to progress the delivery of a decentralised network in the Lee Valley known as the Lee Valley Heat Network (LVHN). The LVHN will capture affordable low carbon heat from waste to energy facilities and combined heat and power plants, supplying it to buildings and industry across the Lee Valley. The LVHN is requesting hot water to be supplied for the energy from waste facility (EfW) at

²³ London Heat Map – www.londonheatmap.org.uk

Edmonton EcoPark. However, over time, the network will connect additional heat sources, including other waste developments, elsewhere in the Lee Valley.

Policy 7: Waste Water Treatment Works and Sewage Plant

Policy 7: Waste Water Treatment Works and Sewage Plant

Proposals for the provision of new facilities for the management, treatment and disposal of wastewater and sewage sludge will be permitted, provided that:

- it is demonstrated that there is an identified need for such a facility within the North London Waste Plan Area, which cannot be met through existing waste facilities; and
- the proposals meet the other policies of this North London Waste Plan together with all other relevant policies of the appropriate borough's Development Plan, and meet environmental standards set by the Environment Agency.

This policy helps meet strategic objectives SO1, SO2 and SO5

This policy contributes towards Spatial Framework component B

- 9.62 Waste Water Treatment Works in North London are operated by Thames Water, with the main facility being Deephams Sewage Treatment Works (STW), which is the ninth largest in England. Deephams STW serves a Population Equivalent (PE) of 891,000 (as at 2011). Works to Deephams STW are planned to commence in 2018 providing sufficient capacity to meet Thames Water's projections of future requirements into the next decade.
- 9.63 The Environment Agency has issued a significantly tighter environmental permit that came into force in March 2017 and requires Thames Water to make improvements to the quality of the discharged effluent. The need for an effluent upgrade to Deephams STW is highlighted in the National Planning Statement on Waste Water, and planning permission for this work was granted by Enfield Council in 2015. The site is to be retained for waste water use and Thames Water anticipates that the approved upgrade to Deephams STW will provide sufficient effluent treatment capacity to meet their needs during the plan period.
- 9.64 The boroughs will work with Thames Water and the Environment Agency to ensure that adequate and appropriate waste water treatment infrastructure is provided to meet environmental standards and planned demand. In September 2014 the

Government approved plans to build the Thames Tideway Tunnel - a 25km conduit flowing beneath the Thames which would provide collection, storage and transfer capacity for waste water and rainwater discharge from a significant part of Central London. Construction is scheduled to begin in 2018 with completion scheduled for 2023. Once completed the new tunnel will be connected to the Lee Tunnel which will transfer sewage to the expanded Beckton Sewage Treatment complex. The proposal has indirect implications for the Plan area in that it will benefit from the additional capacity and this will relieve pressure for further expansion of local Waste Water Treatment Works.

- 9.65 Any other new waste water and sewage treatment plants, extensions to existing works, or facilities for the co-disposal of sewage with other wastes will be supported where the location minimises any adverse environmental or other impact that the development would be likely to give rise to, and the suitability of the site can be justified in accordance with this Plan. The Plan has a supporting role to identify suitable locations for additional infrastructure.

Policy 8: Control of Inert Waste

Policy 8: Control of Inert Waste

Proposals for development using inert waste will be permitted where the proposal is both essential for, and involves the minimum quantity of waste necessary for:

- a) The purposes of restoring former mineral working sites; or
- b) Facilitating an improvement in the quality of land; or
- c) Facilitating the establishment of an appropriate use in line with other policies in the Local Plan; or
- d) Improving land damaged or degraded as a result of existing uses and where no other satisfactory means exist to secure the necessary improvement.

Where one or more of the above criteria (a-d) are met, all proposals using inert waste should:

- a) Incorporate finished levels that are compatible with the surrounding landscape. The finished levels should be the minimum required to ensure satisfactory restoration of the land for an agreed after-use; and
- b) Include proposals for high quality restoration and aftercare of the site, taking account of the opportunities for enhancing the overall quality of the environment and the wider benefits that the site may offer, including biodiversity enhancement, geological conservation and increased public accessibility.

Proposals for inert waste disposal to land will not be permitted if it can be demonstrated that the waste can be managed through recovery operations and that there is a need to dispose of waste.

This policy helps meet strategic objectives SO1, SO2 and SO3

This policy contributes towards Spatial Framework component B

- 9.66 Construction, demolition and excavation waste is largely made up of inert construction waste, such as bricks and hardcore which can be used in site restoration and land reclamation projects.
- 9.67 Recycling and reuse of inert waste applications for all types of development should demonstrate that viable opportunities to minimise construction and demolition waste disposal will be taken, making use of existing industry codes of practice and protocols, site waste management plans and relevant permits and exemptions issued by the Environment Agency.
- 9.68 Inert waste materials can be used for beneficial purposes, such as the restoration of mineral sites and in engineering works, or at other 'exempt sites' rather than disposed of at inert landfill sites. Increased use of recycled and secondary aggregates can reduce the need and demand for primary aggregates extraction.
- 9.69 Inert waste will continue to be deposited to land where it is reused for beneficial purposes, including within engineering schemes, for the restoration of mineral workings, and for agricultural improvement. Recycling and recovery are the preferred methods of management and inert waste should only be disposed of to land as a last resort, consistent with the waste hierarchy. Proposals on unallocated sites for the recycling of inert waste will be permitted where it can be demonstrated that there is a market need, consistent with the principle of net self-sufficiency.
- 9.70 There should be a clear benefit or benefits from the proposed development. This should be a benefit to the site itself, for example, the use of residual inert material associated with the restoration of an active or dormant mineral working the restoration of a former mineral working to agriculture or an engineering operation for the provision of a new leisure facility. However, given the likely disturbance to local communities and the local environment, for example, due to the movement of HGVs, there should be benefits for the wider area, for example, through environmental improvement or the creation of new public rights of way.

10. Monitoring and Implementation

Monitoring the Plan

- 10.1 The Planning and Compulsory Purchase Act (2004) requires planning authorities to monitor and report annually on whether the Aims and Objectives of all local plans (whether prepared individually or in conjunction with other authorities) are being achieved (paragraph 35). The NPPW identifies the need to monitor and report on the take-up of allocated sites and areas; changes in the available waste management capacity as a result of closures and new permissions; and the quantities of waste being created locally and how much is being managed at different levels in the waste hierarchy i.e. recycling/composting, recovery, and disposal.
- 10.2 Monitoring is also required to check on whether the intending policy outcomes of the NLWP are being delivered and whether the identified capacity gaps are being met through the allocated areas listed in Policy 2. Monitoring will also ensure that sufficient identified land remains available for new facilities during the plan period which is also likely to see intense competition for land for other uses especially housing. The results of monitoring will also play an important role in informing Development Management decisions when authorities determine planning applications for new waste facilities.
- 10.3 Responsibility for monitoring lies with the individual boroughs. Data will be collated by each borough and included in their Authority Monitoring Report, which is produced annually.
- 10.4 To supplement the boroughs' annual monitoring, it will be important for the GLA to monitor London Plan Policies 5.16 and 5.17 and gather data in partnership with the boroughs on waste arisings, waste management capacity, both within London and landfill outside of London.

Proposed monitoring framework

- 10.5 The aim of monitoring is to check whether the policy framework in the NLWP is working as intended. The proposed monitoring indicators reflect a number of National Indicators and also the statutory and non-statutory performance targets including those set by the EU, the Waste Policy for England and the London Plan. The list of indicators is not intended to be exhaustive and is intentionally focused on parameters where it is possible to evaluate the effect of the NLWP. For example, an indicator reporting on the number of times air quality thresholds were exceeded is of little use if the contribution of waste management facilities and transport of waste cannot be differentiated from those of other activities.

- 10.6 Table 14 sets out the monitoring indicators proposed for each policy in the NLWP and identifies targets where appropriate. In some cases it will only be necessary to monitor (i.e. count the number of instances of) what has happened in the preceding year. In line with statutory requirements, the North London boroughs will review the plan every five years. If any targets are not being met the boroughs will assess where changes can and should be made.

Table 14: NLWP Monitoring Indicators

Indicator	Target(s)	What it monitors	Outcome(s) sought
1. Amount of Land within identified areas or on windfall sites brought forward for waste use during the plan period.	In line with Table 7: landtake requirements	SO2 (capacity provision) Policy 2: Area allocations Policy 3: Unallocated sites	To check that identified sites and areas are being taken up as anticipated.
2. Sites in Schedule 1 and Areas in Schedules 2 and 3 lost to other non-industrial uses through a major regeneration scheme or designated for non-industrial uses in a review of the London Plan or Local Plan	Less than 25% of land lost If 50% of land is lost this will trigger review of plan	SO2 (capacity provision) Policy 2: Area allocations	To check that identified land is sufficient to deliver the plan's aims To ensure sufficient existing capacity remains for managing the levels of waste expected across North London over the plan period as set out in Table 8.
3. Tonnage of waste capacity, including new waste capacity available by management type (recycling/composting, recovery and disposal) and type of wastes handled (LACW, C&I and CD&E)	Capacity sufficient to manage capacity requirements as set out in Table 6 Capacity Gaps. New waste facilities in line with Table 7: land take requirements	Strategic Aim (capacity supply and self-sufficiency) Strategic Aim (move waste up Waste Hierarchy) SO1 (resource efficiency) SO3 (net self-sufficiency) Meeting Future Requirements as specified in	Ensure that new waste facilities will close identified capacity gaps Support delivery of the London Plan apportionment and the additional capacity required to achieve a net self-sufficient outcome across the principal waste streams

Indicator	Target(s)	What it monitors	Outcome(s) sought
		<p>the NLWP</p> <p>Policy 2: Area allocations</p> <p>Policy 3: Unallocated sites</p> <p>Policy 4. Reuse and Recycling Centres</p> <p>Policy 7 Waste Water Treatment Works and Sewage Plant</p> <p>Policy 8 Control of Inert Waste</p>	
4. Loss of existing waste capacity and provision of replacement capacity	<p>Zero loss</p> <p>Replacement locally, within the Borough, North London or London</p> <p>Replacement capacity for Brent Cross Cricklewood provided within Barnet</p>	<p>Strategic Aim (capacity supply and net self-sufficiency)</p> <p>SO2 (capacity provision and protection)</p> <p>Policy 1: Safeguarding existing waste management sites</p>	<p>Ensure sufficient capacity of the right type is available throughout the plan period</p> <p>Ensure that capacity is replaced locally unless valid planning reasons are provided for not doing so.</p>
5. Total quantity of waste arisings managed by waste stream (LACW, C&I and CD&E)	In line with Table 8 in Section 7 and the Data	Strategic Aim (capacity supply and self-sufficiency)	Ensure the NLWP meets EU, national Waste Policy and London Plan targets

Indicator	Target(s)	What it monitors	Outcome(s) sought
and management route (recycling/composting, recovery and disposal)	Study	Strategic Aim (move waste up Waste Hierarchy) SO1 (resource efficiency) SO3 (net self-sufficiency) Meeting Future Requirements as specified in the NLWP % waste diverted and % landfilled	Ensure the NLWP delivers a net self-sufficient waste management outcome for the principal waste streams
6. Amount of waste exported to landfill by waste stream (LACW, C&I and CD&E)	Exported waste to landfill in line with Table 9 of the NLWP	Net self-sufficiency	Waste exports are in line with those estimated in the NLWP and through the duty to co-operate
7. Number of approvals for new waste facilities which meet legislative requirements	100%	SO5 (sustainability) SO8 (protect the environment) Spatial framework (Reduce impact on amenity) Policy 5: Assessment Criteria for waste management facilities and related	Avoid impact on sensitive receptors or maximise scope for effective mitigation

Indicator	Target(s)	What it monitors	Outcome(s) sought
		development	
8. Number of new CHP facilities serving district heat networks in which the principal fuel source is residual waste or recovered waste fuel	Monitor only	Strategic Aim (green London) SO6 (decentralised energy) Spatial framework (Provide opportunities for decentralised heat and energy networks) Policy 6: Energy recovery and decentralised energy	Contribute to delivery of decentralised energy and incremental improvement in environmental performance with respect to climate change
9. Sufficient infrastructure in place for management of waste water	Monitor only – information to be obtained from Thames Water	Strategic Aim (capacity supply and self-sufficiency) SO5 (sustainability)	To ensure that Thames Water have sufficient capacity to management the levels of waste water generated in North London over the plan period
11. Number of developments permitted which include disposal of inert waste to land	To ensure that inert waste is managed in line with the waste hierarchy	Strategic Aim (capacity supply and self-sufficiency) Strategic Aim (move waste up Waste Hierarchy) SO1 (resource efficiency)	To ensure that proposals involving the importation and disposal of inert waste to land are achieving in line with waste hierarchy.

Indicator	Target(s)	What it monitors	Outcome(s) sought
		SO3 (net self-sufficiency) SO5 (sustainability) SO8 (protect the environment) Meeting Future Requirements as specified in the NLWP % waste diverted and % landfilled	

Implementing the Plan

- 10.7 Development and adoption of the Plan must be followed by actions by a range of agencies and other organisations to ensure that its Aims and Objectives are met. The section summarises proposals for how these outcomes will be delivered and who will be responsible for them.
- 10.8 Implementation has four components – infrastructure delivery; application of the policies to planning proposals for waste facilities; ongoing regulation and monitoring of the local waste management sector; and achieving performance levels – each of which involves different actors. Table 15 summarises the organisations involved in each component.

Table 15: Roles and responsibilities involved in implementing the Plan

Organisation	Role	Responsibilities
Local planning authorities (including London Legacy Development Corporation)	Apply Plan policies	Assessing suitability of applications against Plan policies and priorities Deliver the strategic objectives and policies of the NLWP alongside wider development and regeneration objectives
	Regulate / monitor	Inspect operating waste sites periodically Monitor Plan performance annually
	Performance delivery	Support / promote waste reduction initiatives through the planning system
Borough waste collection authorities	Infrastructure delivery	Bring forward new / replacement waste sites for recycling / composting LACW
	Performance delivery	Implement waste collection activities to deliver desired performance levels as appropriate Support / promote waste reduction initiatives
North London Waste Authority (NLWA)	Infrastructure delivery	Delivery of replacement Edmonton ERF plant Delivery of other facilities enabling achievement of desired performance levels

Organisation	Role	Responsibilities
	Performance delivery	<p>Prioritising infrastructure delivery that moves waste up the Waste Hierarchy</p> <p>Support / promote / deliver waste reduction initiatives</p>
Landowners	Infrastructure delivery	Propose new waste sites in line with NLWP policies that deliver capacity requirements
Waste industry	Infrastructure delivery	Propose new waste sites and deliver new waste facilities in line with NLWP policies that deliver capacity requirements
Environment Agency	Regulate / monitor	<p>Advise on planning applications according to the nature of the proposal</p> <p>Assess applications for Environmental Permits, issue licences where the proposal meets the necessary standards</p> <p>Inspect operating waste sites periodically</p> <p>Collect and publish information about waste movements for use in Plan monitoring</p> <p>Monitor water quality</p>
	Performance delivery	Promote waste reduction initiatives
Health & Safety Executive	Regulate	<p>Advise on planning applications according to the nature of the proposal</p> <p>Monitor</p>
Other statutory bodies (e.g. Natural England)	Regulate / monitor	<p>Advise on planning applications according to the nature of the proposal</p> <p>Monitor protected sites such as SSSI</p>
Greater London Authority	Performance delivery	<p>Promote waste reduction initiatives</p> <p>Promote carbon reduction initiatives</p>
	Apply Plan policies	Assessing suitability of applications against London Plan policies and

Organisation	Role	Responsibilities
		priorities Regional coordination of waste planning
London Waste and Recycling Board	Infrastructure delivery	Support to new waste infrastructure
	Performance delivery	Support to waste collection authorities to deliver desired performance levels Support / promote waste reduction initiatives

10.9 New commercial infrastructure required during the plan period will be funded by private funding through sources that cannot be identified at this time. In addition, there may be other sources of funding available such as public sector borrowing. Facilities required for the management of LACW will be funded by NLWA. The waste industry has been invited to take part in the development of the Plan through involvement in the various consultation processes and calls for them to propose suitable sites for waste management use. The NLWP identifies infrastructure priorities for the next 15 years and this will help to provide the industry with greater certainty about waste management priorities in the North London Boroughs that can inform future investment decisions.

10.10 Table 16 sets out how policies in the NLWP will be implemented and who will be involved in each action and which of the Strategic Objectives are addressed as a result.

Table 16: How the NLWP policies will be implemented

Mechanism	Stakeholders involved	Objectives implemented
Policy 1: Existing waste management sites		
Planning permission for the expansion or intensification of operations at existing waste facilities. Refusal of planning permission for non-waste use on existing waste sites unless capacity is	Local planning authorities/ Landowner/developers/NLWA	SO2, SO3

Mechanism	Stakeholders involved	Objectives implemented
re-provided. Identifying compensatory provision when it is proposed to redevelop existing waste management facilities for non-waste uses.		
Policy 2 Locations for new waste management facilities		
Planning permission and subsequent development	Landowners and developers / waste management companies / NLWA / local planning authorities / Environment Agency and other statutory bodies	SO1, SO2, SO3, SO5
Policy 3: Windfall sites		
Planning permission and subsequent development	Landowners and developers / waste management companies / NLWA / local planning authorities / Environment Agency and other statutory bodies	SO2, SO3
Policy 4: Re-use & Recycling Centres		
Planning permission and subsequent development	Landowners and developers / waste management companies / NLWA / local planning authorities / Environment Agency and other statutory bodies	SO1, SO2, SO3
Policy 5: Assessment criteria for waste management facilities and related development		
Planning permission and subsequent development	Local planning authorities / Environment Agency and other statutory bodies	SO4, SO5, SO7, SO8
Policy 6: Energy recovery and decentralised energy		
Planning permission and subsequent development	Landowners and developers / waste management companies / local planning	SO1, SO6

Mechanism	Stakeholders involved	Objectives implemented
	authorities / NLWA / Environment Agency and other statutory bodies	
Policy 7: Waste Water Treatment Works and Sewage Plant		
Planning permission and subsequent development	Thames Water / Environment Agency and other statutory bodies / local planning authorities	SO2, SO4, SO5, SO8
Policy 8: Control of Inert Waste		
Planning permission and subsequent development	Landowners and developers / waste management companies / local planning authorities / Environment Agency and other statutory bodies	SO1, SO2, SO3, SO5, SO8

Appendix 1: Schedule 1: Existing safeguarded waste sites in North London

Table 17: Schedule 1: Existing safeguarded waste sites in North London

Site ID	Site Name	Borough
BAR 2	Scratchwood Quarry	Barnet
BAR 3 ♦	P B Donoghue, Claremont Rd	Barnet
BAR 4 ♦	W R G, Hendon Rail Transfer Station	Barnet
BAR 5	Summers Lane Reuse and Recycling Centre	Barnet
BAR 6 ♦	Mc Govern Brothers, Brent Terrace, Hendon	Barnet
BAR 7 ♦	Cripps Skips Brent Terrace	Barnet
BAR 8	Apex Car Breakers, Mill Hill	Barnet
BAR 9	Railway Arches, Hendon Savacase Ltd	Barnet
BAR 10	G B N Services Ltd, New Southgate	Barnet
BAR 11	Mill Hill Depot	Barnet
CAM1	Regis Road Reuse and Recycling Centre	Camden
ENF 1	Crews Hill Transfer Station	Enfield
ENF 2	Barrowell Green Recycling Centre	Enfield
ENF 3	Pressbay Motors Ltd, Motor Salvage Complex	Enfield
ENF 4	Chase Farm Hospital, The Ridgeway (SITA)	Enfield
ENF 5	Jute Lane, Brimsdown	Enfield
ENF 6	Tuglord Enterprises (AMI Waste) Stacey Avenue	Enfield
ENF 7	Budds Skips, The Market Compound, Harbert Road	Enfield
ENF 8	Biffa Edmonton, Adra Road, Edmonton	Enfield
ENF 9	Hunt Skips, Commercial Road, Edmonton	Enfield
ENF 10	Rooke & Co Ltd, Edmonton	Enfield
ENF 11	Edmonton Bio Diesel Plant	Enfield
ENF 12	Camden Plant, Lower Hall Lane, Chingford	Enfield
ENF 13	Personnel Hygiene Services Ltd, Princes Road, Upper Edmonton	Enfield
ENF 15	Yard 10 - 12 Hastingwood Trading Est. A & A Skip Hire Limited	Enfield
ENF 17	Albert Works, Kenninghall Road, Edmonton	Enfield
ENF 19	London Waste Ltd Composting, Edmonton Eco Park, Advent Way	Enfield

-
- ♦ These sites will be redeveloped under the approved planning permission for the regeneration of Brent Cross Circlewood (Barnet planning application reference F/04687/13). The Hendon Rail Transfer Station (BAR 4) will be replaced as part of the BXC development with a new facility on site S01-BA to meet the NLWA's requirements. The existing facilities at BAR 6 and BAR 7 fall within the land required to deliver the first Southern phase of the BXC regeneration which is anticipated will commence in early 2018. Replacement capacity for these sites will not be provided prior to their redevelopment and therefore replacement capacity will be sought outside of the BXC regeneration area on alternative sites / areas to be identified within the London Borough of Barnet.

Site ID	Site Name	Borough
ENF 20	London Waste Bulk Waste Recycling Facility, Edmonton EcoPark, Advent Way	Enfield
ENF 20	London Waste Ltd, Edmonton Ecopark, Advent Way	Enfield
ENF 22	Edmonton Clinical Waste Treatment Centre	Enfield
ENF 23	J O' Doherty Haulage, Nobel Road, Edmonton	Enfield
ENF 24	Oakwood Plant Ltd, Edmonton	Enfield
ENF 25	Envirocom Ltd, Stonehill Business Park, Edmonton	Enfield
ENF 26	Powerday Plant Ltd, Jeffreys Road	Enfield
ENF 27	Edmonton EFW	Enfield
ENF 31	Volker Highways Ltd	Enfield
ENF 32	Guy Lodge Farm	Enfield
ENF 33	Ballast Phoenix Ltd	Enfield
ENF 34	London & Metropolitan Recycling Facility	Enfield
ENF 35	Unit 25 Enfield Metal Kingswood Nursery, Theobalds Park road	Enfield
ENF 36	Greenstar Environmental	Enfield
HAC 1	Millfields Waste Transfer & Recycling Facility	Hackney
HAC 2	Downs Road Service Station (Braydon Motor Company), Clapton	Hackney
HAR 1/2	Hornsey Central Depot, Haringey LBC	Haringey
HAR 3	Garman Road, Tottenham	Haringey
HAR 4	O'Donovan, Markfield Rd, Tottenham	Haringey
HAR 5	Redcorn Ltd, White Hart Lane, Tottenham	Haringey
HAR 6	Restore Community Projects, Ashley Road, Tottenham	Haringey
HAR 7	Brantwood Auto Recycling Ltd, Willoughby Lane	Haringey
HAR 8	O'Donovan, Markfield Road, Tottenham	Haringey
HAR 9	Park View Road Reuse and Recycling Centre	Haringey
HAR 10	LondonWaste Ltd. Western Road H W R C	Haringey
ISL 1	Hornsey Household Re-use & Recycling Centre	Islington
WAF 2	Kings Road Household Waste Recycling Centre	Waltham Forest
WAF 3	South Access Road Household Waste Recycling Centre	Waltham Forest
WAF 4	G B N Services, Estate Way, Leyton	Waltham Forest
WAF 5	T J Autos (U K) Ltd	Waltham Forest
WAF 6	B J Electronics, Ravenswood road Industrial Estate, Walthamstow	Waltham Forest
WAF 8	Leyton Reuse & Recycling Centre	Waltham Forest
WAF 10	Malby Waste Disposal Ltd, Staffa Road, Leyton	Waltham Forest
WAF 11	Baseforce Metals, Unit 1 Staffa Road, Leyton	Waltham Forest
WAF 14	Tipmasters	Waltham

Site ID	Site Name	Borough
		Forest
WAF 15	Argall Metal Recycling, Staffa Road	Waltham Forest

This page is intentionally left blank

Response to the comments made during the consultation on the draft NLWP at Regulation 18 stage

No	Question	Summary of representations	Changes to the NLWP
Q1:	Do you agree with the proposed Aim for the draft NLWP? If not, please suggest an alternative.	There was general support for the draft Aim of the Plan. Some textual changes were suggested including a stronger commitment to achieving net self-sufficiency.	The commitment to net self-sufficiency has been clarified and strengthened.
Q2:	Do you agree with the proposed Draft Objectives for the draft NLWP? If not, please suggest an alternative and/or additional objectives.	There was general support for the draft Objectives. In addition to textual changes, suggestions included an additional objective to protect the amenity of local residents, better links with other parts of the Plan, giving weighting to the objectives and a stronger commitment to achieving net self-sufficiency.	The commitment to net self-sufficiency has been clarified and strengthened. Protection of amenity is already covered by SO4 and so has not been changed but later on in section 4 The spatial framework, part E on protecting local amenity has been strengthened
Q3:	Do you agree with the draft spatial strategy for the NLWP? If not, please provide further detail and any alternative approaches.	<p>There was general support for the draft spatial strategy. In addition to textual changes, suggestions included improving consistency and links with other parts of the Plan and double-checking that most up to date information on licenced facilities is used. It was noted that it is not possible to assess sites against non-spatial criteria of the spatial strategy.</p> <p>Conflicting comments were received in relation to the use of waterways to carry waste. The Canal & River Trust, the Commercial Boat Operators Association, organisations such as Sustainable Hackney and one local resident support the use of waterways for the movement of waste materials. This is because it can contribute to reducing road congestion and pollution and is supported by national and regional policy. However, many residents and residents' associations do not support use of the canal or river</p>	<p>Latest data on licenced waste facilities from the Environment Agency has been used and links to the remainder of the plan have been updated.</p> <p>Export of waste was an example of a non-spatial criteria and this has removed as spatial principle. The "spatial strategy" of the draft NLWP has been changed to a "spatial framework" and the section has been updated to provide the strategic direction for the detailed policies of the NLWP and to inform site/area selection. The spatial framework also guides the assessment of the suitability of windfall sites under Policy 3.</p> <p>Changes to the spatial framework include embedding the principles of sustainable development and proximity. There is consideration of how to balance the benefits of co-location of facilities, encouraging a more circular economy against the cumulative impacts which can arise from an accumulation of facilities in one</p>

		for transporting waste, fearing pollution and a negative impact on biodiversity. Some comments also raised the issue of the practicalities of accessing waste facilities from the waterways and how this would affect the waterway's leisure/amenity use for local residents. The NLWA add that the NLWP should make clear that transporting waste by water over short distances may not be the most commercially viable option.	location. On sustainable transport, the transfer of waste by water is still supported but this is tempered by noting the likely high cost of investment in new wharves.
Q4:	Do you agree with the NLWP taking forward the Preferred Options of Option B: Growth, Option II: Maximised Recycling to meet Option 3: Net self-sufficiency for LACW, C&I and C&D waste streams? If not, please state why and suggest an alternative option.	This is one of the most technical parts of the NLWP and many local residents expressed confusion at the information presented. Clearly further work is required to explain how the capacity gap has been calculated. On the whole, the approach was supported by those in the field of waste planning. One representor suggested that further options are considered. It was also suggested that further modelling work is required on the re-classification of transfer stations, the impact of the circular economy and in light of new information from NLWA. It was also suggested that the Plan should contain more information about exempt sites.	The boroughs have taken the opportunity to reassess the preferred option in the light of the targets in the draft London Plan and other changes. A revised option appraisal paper has been prepared. As a result the section in the plan dealing with this has been shortened and improved to demonstrate how the capacity gap has been calculated. A revised data study has been carried out which has modelled higher recycling options. The revised data study has used the most up to date available data from a variety of sources. The contribution of exempt sites to capacity has been considered in the NLWP data study. The unreliability of the data means it has not been included, although it is assumed significant amounts of CD&E will continue to be managed through exemptions, without ever being recorded. The Plan has greater coverage of the circular economy including of the route map for London by the London Waste and Recycling Board.
Q5:	Do you agree with how waste	Most of the detailed comments on this section were from waste	The 'Provision for North London's Waste to 2032' part of the plan in

	<p>management needs will be met as set out in 'Provision for North London's Waste to 2032'? If not please suggest alternative an approach.</p>	<p>planning authorities (WPAs) who currently receive waste exports from North London. More information on the management and export for each type of waste was requested, particularly CD&E and hazardous waste. It was also suggested that this section include more information about how the NLWP is reducing exports.</p>	<p>section 7 has been turned into the strategic policy for the NLWP. The strategic policy considers provision up to 2035.</p> <p>The boroughs have continued to liaise with WPAs who receive significant amounts of waste from North London. A key part of the NLWP is to manage more waste in North London and to reduce exports. The adopted approach of net self-sufficiency does mean that there will continue to be exports and imports, especially given the lack of landfill facilities in North London. The revised data study includes the latest data on hazardous and CD&E waste. Revised forecasts of exports have been carried out. The NLWP has identified areas where built waste facilities could come forward over the plan period. Such facilities will help facilitate the movement of waste up the hierarchy and reducing our reliance on landfill, and ultimately export of waste outside of North London.</p>
<p>Q6:</p>	<p>Do you agree that the above described methodology used to identify potential sites and areas for future waste development is justified and proportionate? If not why not? Please provide an alternative approach.</p>	<p>The methodology for identifying new sites and areas was broadly supported, although the resulting sites/areas were often not. Residents felt very strongly that waste facilities should be located well away from residential areas. It was clear from the comments that residents were not familiar with the types of waste facility which could be built in North London or their potential impacts. More information on types of waste facility needs to be included in the Plan. Some representors felt that too much land had been identified and that sites in 'Band B' should be prioritised. Other representors felt that all industrial areas</p>	<p>The methodology for assessing new sites and areas has been largely unchanged. Further detailed work has been done to review the sites and areas under consideration for the proposed submission plan including identifying the potential impacts of the proposed Opportunity Areas in the London Plan and the location of stations which will form Crossrail 2. Work has included searching for new areas of land to consider; taking on board information given during the consultation, doing a desk top study to ensure that information on areas is more comprehensive and up to date, dealing with the implications of policy changes on areas in borough local plans that have been progressed, updating</p>

		<p>should be considered suitable. One representor felt that consolidation of a number of smaller sites should also be considered.</p>	<p>the area proformas, revisiting the areas for assessment, considering the areas as part of the Sustainability Appraisal and Habitats Regulation Appraisal that accompany the proposed submission version, and undertaking a Flood Risk Sequential Test on the proposed areas.</p> <p>The boroughs do not consider it useful to include more information on types of waste facility in the plan which is already lengthy. Information on facility types will be provided on the NLWP website.</p> <p>The Plan does not propose any specific consolidation of waste sites as this is a commercial decision to be taken by the existing operators, but such consolidation would be possible under the NLWP policies.</p> <p>How the list of sites and areas has changed in the light of consultation is considered in the response to Questions 8 and 9 below.</p>
	New policy suggestions	<p>Comments included suggestion for new policies including incorporating recycling facilities in new development, waste water and landfill/landraising.</p>	<p>Each borough has detailed policies on storage and collection of waste and recycling in new development so the NLWP does not duplicate them.</p> <p>There is a new policy 7 on waste water treatment works and sewage plant and a new policy 8 on control of inert waste</p>
Q7:	Do you know of any existing waste facilities which are not included in Schedule 1 in Appendix 1? If so, please provide details.	<p>There was strong support for Policy 1: safeguarding of existing sites. It was suggested that this policy could include expansions to existing facilities.</p>	<p>Policy 1 has been amended to allow expansion of existing waste premises in appropriate circumstances.</p> <p>Another amendment to policy 1 is to introduce the 'Agent of Change' principle. This principle, which is contained in both the NPPF and</p>

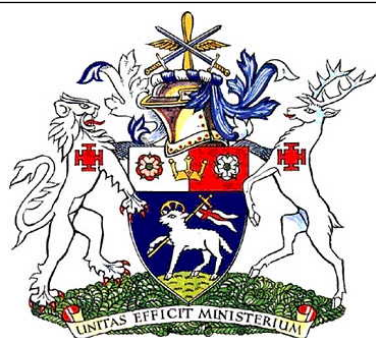
			<p>the draft London Plan, places the responsibility of mitigating the noise impact (from existing noise-generating businesses) on the proposed new development. Developers proposing non-waste development in close proximity to existing waste sites should be aware of the potential impacts on existing waste operations and plan this into their development so as not to prevent or prejudice the continued waste use.</p>
<p>Q8:</p> <p>Q9:</p>	<p>Do you agree with the draft policies for development on new sites and areas? If not, please provide reasons why and suggest an alternative.</p> <p>Do you have any comments on the accuracy of the details in the sites and areas proformas in Appendix 2? Do you have any additional sites or areas you wish to put forward for consideration?</p>	<p>Around 70% (148) of the comments received were objections to sites and areas. A number of proposed sites and areas which have been assessed as potentially suitable for waste uses through the NLWP assessment criteria were not considered suitable by local residents and community groups. The main issues raised by residents related to the potential negative impacts of a waste facility in the local area, including traffic/congestion, suitability of roads and access, effect on biodiversity, flood risk, proximity to sensitive receptors and residential areas, concern over noise, smell, pollution, vermin etc. A number of objections by landowners and tenants were also received.</p> <p>Residents in more densely populated areas of North London wish to see locations for new waste facilities in less densely populated areas and away from residential areas. Comments also expressed support for the aim to co-locate facilities and enlarge existing facilities which helps to minimise conflict with uses such as residential. However, other representors want to see a</p>	<p>As the selection of new sites and areas was the most controversial part of the draft NLWP, the boroughs have given careful consideration to the points made about them during the consultation.</p> <p>The information contained in representation on individual sites and areas has been carefully considered. As mentioned under question 6 above, the boroughs undertook further work to expand and update information on all sites and areas.</p> <p>As well as improving information on sites and areas, the boroughs also considered which sites and areas were most suitable and how much land was required to deliver the NLWP.</p> <p>The revised approach to new land in the proposed submission version is to focus on existing, well-established industrial land, and areas which performed well against the assessment criteria, while achieving a better geographical spread across the plan areas as well as recognising the impact of developments such as Crossrail 2 and the London Plan Opportunity areas. It also took account of progress made in each borough's Local Plan which would</p>

		<p>wide geographical distribution of facilities in order to manage waste near to its source. The waste industry would like to see all industrial land included as potentially suitable for waste development.</p> <p>Some residents also suggested waste sites should be on the outskirts of North London or outside of North London entirely. However, the surrounding WPAs want to see more facilities within North London to deal with the area's own waste.</p> <p>The North London Waste Authority (NLWA) submitted the land at Pinkham Way in response to the call for sites. The land was assessed against the sites/areas assessment criteria and was found to be suitable for some waste facilities. However, number of residents, politicians and community groups consider Pinkham Way site to be unsuitable for waste use on a range of grounds including viability and are challenging the ability of the site to be brought forward for waste use by the NLWA.</p>	<p>impact on proposed allocations as well as any development which had taken place which could affect the suitability of waste uses in that location. Consideration of all these points has resulted in a number of areas being removed from further consideration for waste use in the NLWP.</p> <p>With the exception of Pinkham Way (discussed below), the remaining areas identified for new land are designated as either Strategic Industrial Locations (SIL) or Locally Significant Industrial Sites (LSIS) in the London Plan and Local Plans. These are recognised industrial and employment areas where waste uses are normally suitable and is in keeping with the approach set out in the London Plan. In addition' in the site assessment process carried out for the NLWP, the areas in the proposed submission version are all in the higher scoring band B and band C categories .</p> <p>Pinkham Way was put forward by the North London Waste Authority (NLWA) during the call for sites as necessary for the delivery of the NLWA's waste strategy. Pinkham Way has a dual designated as an employment site and a site of nature conservation interest in the Haringey Local Plan. Following the NLWP site assessment, it is considered as suitable for waste management and is in the list of new areas under policy 2.</p> <p>Since the draft NLWP, the last remaining new site is the subject of a live planning application as a replacement site for the NLWA's transfer operations at Hendon. Policy 2 only considers new <i>areas</i> which are potentially suitable for</p>
--	--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

			<p>waste management.</p> <p>For the proposed submission version, the boroughs have carried out a revised data study using the latest data on waste arisings and existing waste facilities. Research has also been done on recently permitted modern waste facilities in urban areas and how much waste they can process on a site.. Following these two bits of work, the capacity gap has been recalculated and is smaller than previously identified, and with new higher throughput per hectare figures for some facility types, the amount of new sites required has reduced. As a result the amount of land that the boroughs need to identify has been reduced.</p>
Q10:	<p>Do you agree with the inclusion and provision of the policy on unallocated sites? If not, please provide an alternative approach.</p>	<p>There was general support for this policy, although some respondents expressed concern that sites could come forward near residential areas. Suggested changes included clearer referencing and definitions of criteria used to assess unallocated sites and renaming the policy 'unidentified' or 'windfall' sites.</p>	<p>Policy 3 has been renamed 'Windfall sites'. It has been redrafted to demonstrate that the boroughs' preference is for waste development to take place either on an existing waste site or on a site within the areas considered potentially suitable for waste use identified in policy 2. If a windfall site does come forward, developments will be assessed against the site criteria used for the NLWP site selection process and against the NLWP spatial framework in addition to the other policies in the plan. Waste developments on windfall sites should not compromise wider regeneration proposals such as those around major new transport infrastructure and should demonstrate the need for the facility in that location over the areas identified in the NLWP.</p>
Q11:	<p>Do you agree with the locations identified as being in need for new Re-use & Recycling</p>	<p>There was general support for improving RRC coverage across North London. However, many respondents were not clear where the "areas of identified</p>	<p>The areas of identified need have been set out in policy 4 and are displayed in Figure 7. Details of the proposed new RRC at Edmonton EcoPark are set out in</p>

	Centres?	need” for new RRCs were. The supporting text needs to include more detail on this. It was noted that a new RRC at Edmonton EcoPark is proposed.	the text.
Q12:	Do you agree with assessment criteria for waste management facilities and related development? If not, please suggest alternatives.	There was broad support for this policy although a number of changes were suggested to strengthen requirements or for clarification. Competing views were received from residents who want strict controls on development alongside ambitious objectives, and the waste industry who consider some of the requirements in the policy too onerous.	<p>There have been some additions and clarifications within policy 5. There has been greater clarification of the heritage assets and landscape character to be considered. There are new criteria dealing with environmental permits, health impacts, cumulative impacts, job creation and circular economy statements.</p> <p>The text underneath the policy has been updated to reflect the latest guidance and good practice in these areas.</p> <p>At waste industry request, the presumption that waste facilities should be enclosed could be partly relaxed for any waste activities where the developer can demonstrate that it will not cause noise or dust eg storage.</p>
Q13:	Do you agree with the proposed approach to Energy Recovery and Decentralised Energy? If not, please suggest an alternative.	There was broad support for this policy, although the waste industry considers some of the requirements too onerous as currently written and suggested a number of changes	The boroughs acknowledge that the original draft of this policy was confusing and led to misunderstanding of what was required. The revised policy 6 is more focused on the expectations and the requirements.
Q14:	Do you agree with the proposals for monitoring the NLWP and the roles and responsibilities of the bodies involved in implementing it? If not, please state why and suggest an alternative.	A number of suggestions about monitoring the NLWP were received. This included clarity on who is responsible for monitoring. Additional monitoring indicators were also suggested.	The monitoring indicators have been reviewed and updated and it is clarified that it is individual borough’s responsibility to monitor the plan.

AGENDA ITEM 11.4



Full Council

18 December 2018

Title	Referral from Licensing Committee to Full Council: Gambling Policy
Report of	Head of Governance
Wards	All
Status	Public
Enclosures	Annex A – Report to Licensing Committee, 12 November 2018, Gambling Policy Appendix 1 –Statement of Principles, Gambling Act 2005 Appendix 2 – Summary of Responses
Officer Contact Details	Jan Natynczyk, Governance Officer, jan.natynczyk@barnet.gov.uk , 020 8359 5129

Summary

Agenda Item 10 (Gambling Policy) was agreed by Licensing Committee, as drafted and referred up to Full Council for adoption.

Recommendations

That Full Council approve Statement of Principles Gambling Act 2005 as set out in Appendix 1 on the recommendation of the Licensing Committee.

1. WHY THIS REPORT IS NEEDED

- 1.1 The Constitution, Article 4, 4.2 (a), states that the Statement of Gambling Licensing Policy should be submitted to Full Council for adoption.
- 1.2 The attached report was considered by the Licensing Committee on 12 November 2018 who agreed the Policy for onward referral to Full Council.

2. REASON FOR REFFERAL

Full Council is responsible for adopting the Statement of Gambling Licensing Policy.

3. REASONS FOR RECOMMENDATIONS

3.1 As set out in the report attached at Annex 1.

4. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

4.1 As set out in the report attached at Annex 1.

5. POST DECISION IMPLEMENTATION

5.1 As set out in the report attached at Annex 1.

6. IMPLICATIONS OF DECISION

6.1 **Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

6.2 As set out in the report attached at Annex 1.

6.3 **Legal and Constitutional References**

6.3.1 The Council's Constitution, Article 4, 4.2 (a), states that the Statement of Gambling Licensing Policy should be submitted to Full Council for adoption.

6.4 **Risk Management**

6.5 As set out in the report attached at Annex 1.

6.6 **Equalities and Diversity**

6.7 As set out in the report attached at Annex 1.

6.8 **Consultation and Engagement**

6.9 As set out in the report attached at Annex 1.

7. BACKGROUND PAPERS

7.1 None.

	Licensing Committee 12th November 2018
Title	Gambling Policy
Report of	Commissioning Director for Environment
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	Appendix 1 – Draft Statement of Principles Appendix 2 – Summary of responses
Officer Contact Details	Emma Phasey Group Manager Community Protection (Regulation) Emma.phasey@barnet.gov.uk

Summary

The Gambling Act 2005 places a responsibility on local authorities to publish a statement of principles in respect of how it will licence gambling premises every three years. The London Borough of Barnet's policy is due for renewal and this report attaches a revised statement of principles

Officers Recommendations

1. That the draft Gambling Statement of Principles (appendix 1) be approved by the Committee.
2. That the Committee recommend that this Statement of Principles be adopted at the next meeting of the full Council (18th December 2018).

1. WHY THIS REPORT IS NEEDED

- 1.1 The Gambling Act 2005 (hereinafter referred to as “the Act”) places a duty on London Borough of Barnet to act as the ‘Licensing Authority’ for gambling premises in the Borough. It requires that a licensing authority should aim to permit the use of premises for gambling in so far as it thinks it is:
 - a) in accordance with any relevant code of practice or any guidance from the Gambling Commission;
 - b) reasonably consistent with the licensing objectives; and
 - c) in accordance with its gambling licensing policy.
- 1.2 The London Borough of Barnet has a number of important regulatory functions in relation to gambling. These include licensing premises, regulating gaming and gaming machines in clubs, granting permits to what the Guidance refers to as ‘family entertainment centres’ for the use of certain lower stake gaming machines, regulating gaming and gaming machines on alcohol licensed premises, granting permits for prize gaming, and registering small society lotteries.
- 1.3 In accordance with the Act, the London Borough of Barnet must prepare, consult on and publish a statement of principles which it proposes to apply when exercising relevant functions under the Act. In exercising their functions, licensing authorities must have regard to the statutory guidance issued by the Gambling Commission.
- 1.4 The proposed policy (which can be found in Appendix 1) is an update on the previous policy taking into account any changes in guidance and best practice.
- 1.5 Pursuant to s.166 of the Gambling Act 2005, the London Borough of Barnet resolved not to issue casino premises licenses. This resolution has remained in place since 2006. There is no current desire for this resolution to be revoked. The proposed statement of principles therefore leaves the resolution undisturbed.
- 1.6 A consultation on the proposed statement of principles ran from 1st September 2018 until 3rd November 2018. Information on how the consultation has been carried out can be found in section 5.8 of this Report.
- 1.7 There were two responses received to the consultation. They can be found in appendix 2 of this Report.
- 1.8 Following consideration of the responses in appendix 2 it is recommended that the Licensing Committee adopt the proposed Statement of Principles at appendix 1.

2 REASONS FOR RECOMMENDATIONS

- 2.1 The local authority is required by the Act, to review its statement of principles every 3 years. The current policy runs until 13th January 2019. The draft policy is updated in line with current guidance. All responses to the consultation have been considered as part of the consultation process.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 **None** - The London Borough of Barnet has a duty to prepare, consult and publish a statement of principles or any proposed changes to the same. A failure to do so could leave London Borough of Barnet susceptible to a challenge over the enforceability of the statement of principles or its failure to comply with statutory requirements.

4. POST DECISION IMPLEMENTATION

- 4.1 The Committee are being asked to recommend that the Statement of Principles be adopted at the next meeting of the full Council (18th December 2018) to come into effect on 13th January 2019.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The Gambling Statement of Principles will support objectives contained within the corporate plan. In particular in relation to a “successful place” and “quality service” by ensuring that only legal, well-regulated gambling is permitted within the borough.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 Administration and enforcement is carried out by the Licensing team in Re, together with support from HB Public Law and from Governance Services, when arranging and co-ordinating arrangements for hearings.

5.2.2 In relation to the decisions made as the Licensing Authority there is always a risk of an appeal. However making consistent decisions in line with agreed policies, guidance and procedures minimises this risk.

5.2.3 The recommendations within this report have no financial implications as this will be delivered within existing resources

5.3 Social Value

5.3.1 Not relevant to this report

5.4 Legal and Constitutional References

5.4.1 Under the Gambling Act 2005 there are three statutory objectives to be met through licensing:

- (1) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- (2) Ensuring that gambling is conducted in a fair and open way; and
- (3) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

A good statement of principles ensures that these objectives are promoted by the London Borough of Barnet.

5.4.2 The Act requires London Borough of Barnet to prepare a statement of principles that they propose to apply in exercising their functions under the Act before each successive period of 3 years and to publish the statement.

5.4.3 Where there are any proposed changes to the statement of principles, London Borough of Barnet is required under the Act to consult on any revisions.

5.4.4 Article 7 – Committees, Forums, Working Groups and Partnerships, of London Borough of Barnet's Constitution states that the Licensing Committee is responsible for, "*all policy matters relating to licensing with licencing hearings concerning all licencing matters delegated to sub-committees.*"

5.5 Risk Management

5.5.1 It is prudent to monitor performance to ensure that the Gambling Licensing function is delivered efficiently and effectively.

5.5.2 It is important that the London Borough of Barnet adopts a robust and accountable regulatory regime in relation to gambling. It needs to ensure that the risk of non-compliance and the regulatory burden to both the Local authority and to the trade is minimised. However it must balance this with the need to uphold the licensing objectives.

5.6 Equalities and Diversity

5.6.1 London Borough of Barnet has a legal obligation under section 149 of the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.

5.6.2 When considering applications, only issues provided for in the relevant legislation, in addition to the authority's policy will be taken into account. This will ensure a consistent approach is adopted. Under the terms of the policy, every application will be considered on its own merits.

5.7 Corporate Parenting

5.7.1 There will be no impact on looked after children and care leavers.

5.8 Consultation and Engagement

5.8.1 The consultation document was sent to the Police, trade associations for gambling businesses, and residents groups. It was also sent to councillors, responsible authorities, gambling businesses in the borough, faith groups, voluntary organisations, community organisations working with children and young people and organisations working with problem gambling. The consultation was also published on London Borough of Barnet's online website so anyone interested could submit a reply.

5.8.2 All replies have been taken into account.

5.9 Insight

5.9.1 Not relevant to this report

6 BACKGROUND PAPERS

6.4 None

This page is intentionally left blank

London Borough of Barnet

Statement of Principles

Gambling Act 2005

2019-2022

Contents

Introduction

The Licensing Objectives

Declaration

Responsible Authorities

Interested parties

Exchange of Information

Inspection and Enforcement

Licensing Authority's Functions

Applications: General Principles

Premises Licences

General

Definition of "premises"

Location

Premises "ready for gambling"

Duplication with other Regimes

Adult Gaming Centres

Licensed Family Entertainment Centres

Tracks

Casinos

Bingo

Betting Premises

Provisional Statements

Licence Conditions

Reviews

Permits

Unlicensed Family Entertainment Centres

Alcohol Licensed Premises Gaming Machine Permits

Prize Gaming Permits

Club Gaming and Club Machine Permits

Temporary and Occasional Use Notices

Travelling Fairs

Small Society Lotteries

Integration of Licensing with other Strategies

Tourism and Employment

Promotion of Equality

Licensing Register

Relevant Documents

Complaints about the Licensing Service

Further Information

Commencement and Review

Delegation of Functions

Annex 1: Scheme of delegation

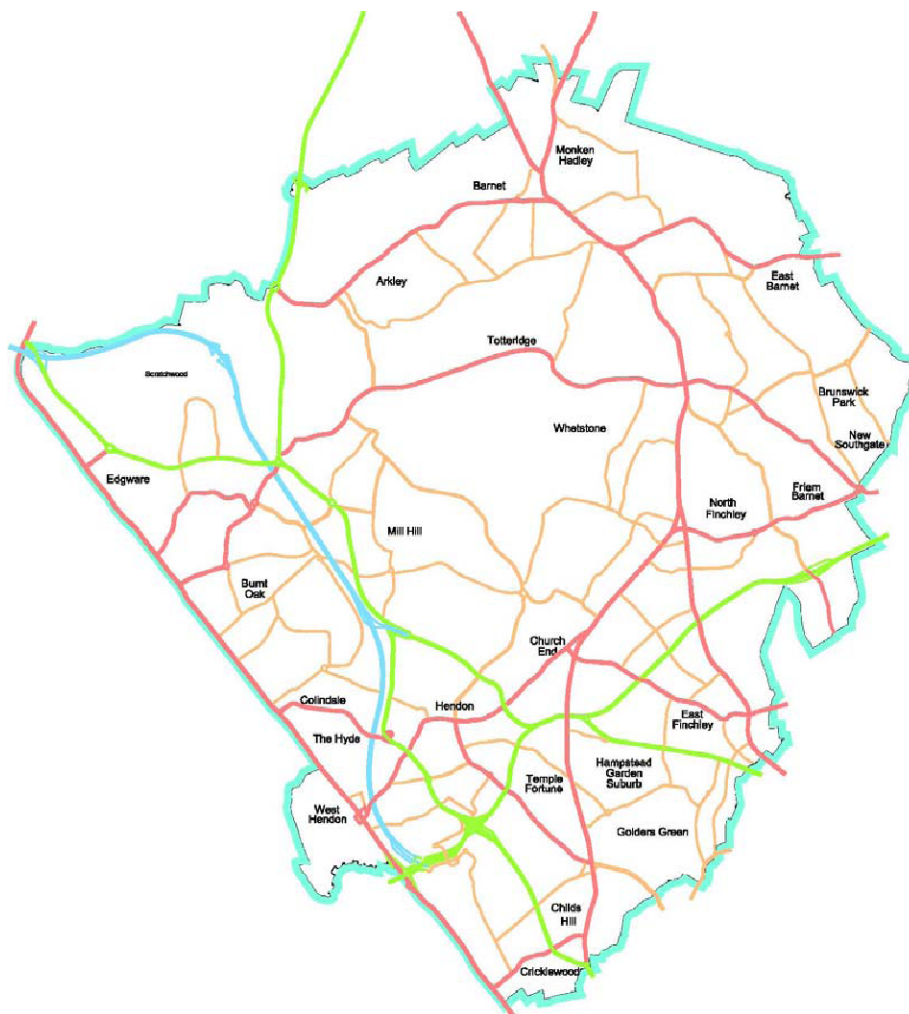
Annex 2: Local area plan

INTRODUCTION

- 1.1 The London Borough of Barnet herein sets out a statement of principles that it will apply when carrying out its functions as a licensing authority in accordance with the Gambling Act 2005.
- 1.2 The London Borough of Barnet is situated in North London. Barnet's overall population in 2013 was projected to be 369,088, the second largest population of the 32 London boroughs.

In terms of area it is the fourth largest. 36% of the borough is undeveloped, being green belt (28%) and metropolitan open land (8%). The rest of the borough is made up of densely populated suburban areas, 20 town centres and the transport network.

- 1.2 The Borough is shown in the map below and in detail at <http://maps.barnet.gov.uk/>



- 1.4 Licensing Authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions under the Act. This statement must be published at least every three years and may also be reviewed from “time to time”. Any amendments must be consulted upon and the statement published before giving it effect.
- 1.5 In preparing a statement, the Act requires Licensing Authorities to consult the following:
- The Chief Officer of Police;
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area;
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.
- 1.6 The London Borough of Barnet has consulted widely upon this statement in accordance with the Act. A list of the groups consulted upon is provided below:
- The Metropolitan Police Service
 - Social Services
 - Trade associations
 - Resident associations
 - Responsible authorities
 - Councillors
 - Faith Groups
 - Voluntary Groups
 - Gambling businesses

A full copy of the individuals and groups consulted can be found in appendix 1 of this statement.

- 1.7 This Statement of Principles was approved at a meeting of the Full Council on 18 December 2018 and will come into effect on 13 January 2019.
- 1.8 The Gambling Commission states in the introduction to its Guidance to Licensing Authorities:
- ‘The aim of this Guidance is to ensure that every licensing authority has the information it needs to make effective decisions. It does not seek to impose a ‘one size fits all’ model across all licensing authorities. We recognise that every licensing authority is different and will have different views about how it wishes to manage gambling locally. Indeed, the Act establishes a high degree of local accountability for gambling regulation.

This Guidance does not, therefore, attempt to fetter the discretion that licensing authorities have under the Act and it is not intended to replace their judgement in individual cases. Moreover, this Guidance cannot anticipate every set of circumstances that may arise and, as long as it has been understood and taken into account, licensing authorities may depart from it where they consider it would be right to do so. There should, however, be strong reasons for departing from this Guidance and these need to be clearly expressed and explained if a licensing authority is to avoid judicial review or challenge on appeal for failing to take this Guidance into account.’

- 1.9 It should be noted that this Statement of Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and in accordance with the statutory requirements of the Gambling Act 2005.

The Gambling Act 2005 is available at:

<http://www.legislation.gov.uk/ukpga/2005/19/contents>

and the Gambling Commission’s Guidance to Licensing Authorities is available at:

<http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf>

2. THE LICENSING OBJECTIVES

- 2.1 In exercising functions under the Gambling Act 2005 licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
- Preventing gambling being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
 - Ensuring that gambling is conducted in a fair and open way.
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.2 The London Borough of Barnet as the relevant licensing authority accepts that the term “vulnerable person” is not defined. It may for example include people who gamble more than they want to, or beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs. The London Borough of Barnet will consider this objective on a case by case basis and will not interpret the term narrowly.

- 2.3 The London Borough of Barnet recognises that harm in relation to gambling is not limited to harm from gambling but includes wider child protection considerations, including the risk of child sexual exploitation.

3. DECLARATION

- 3.1 In preparing this Statement of Principles, the licensing authority has had regard to the licensing objectives of the Act, and the Guidance to Licensing Authorities issued by the Gambling Commission and any responses from those consulted on this Statement of Principles.

4. RESPONSIBLE AUTHORITIES

- 4.1 The responsible authorities with respect to licensing premises in Barnet are:

- The Gambling Commission
- The Metropolitan Police Service
- London Borough of Barnet's Planning Service
- The London Fire and Emergency Planning Authority
- The Safeguarding Children Board
- HM Revenue and Customs
- London Borough of Barnet itself as the licensing authority

- 4.2 The London Borough of Barnet are required by regulations to state the principles it will apply in exercising its powers under Section 157 of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the licensing authority's area and
- The need for the body to be answerable to the democratically elected persons rather than any particular vested interest group

- 4.3 In accordance with the suggestion in the Gambling Commission Guidance to Local Authorities the London Borough of Barnet designates the local Safeguarding Children's Board for this purpose.

- 4.4 In selecting the Safeguarding Children Board as the body competent to advise about the protection of children from harm, the London Borough of Barnet took into account the following points:

- The Safeguarding Children Board has a responsibility under the Children Act 2004 to promote the welfare and safety of children and young people in the London Borough of Barnet
- The Board includes a variety of professionals with skills and experiences directly relevant to the need to protect children from being harmed or exploited by gambling
- The Board is answerable to democratically elected persons and does not represent any particular interest group
- The Board is the responsible authority for the purposes of the Licensing Act 2003 and has experience of the licensing process

- The Board works in partnership with other local authority services and other organisations to make Barnet a safer place for children
- The Board is able to provide advice about protecting children and guidance in accessing appropriate training
- The Board works within the wider pan London framework of child protection so as to promote a consistent approach across London

4.5 Responsible authorities have the right to make representations in connection to an application, or to ask for a review of an existing licence. Any such representation must be relevant to the application.

5. INTERESTED PARTIES

5.1 Interested parties are defined in Section 158 of the Act as follows:

“A person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person;

- (a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities
- (b) Has business interests that might be affected by the authorised activities
- (c) Represents persons who satisfy paragraph a) or b)”

5.2 Interested Parties have the right to make representations in connection to an application, or to ask for a review of an existing licence. Any such representation must be relevant to the application.

5.3 To enable the London Borough of Barnet to decide whether a person is an interested party it will expect any person making a representation to give their name and address and explain how they or their business interests would be affected by the authorised activities. If this information is not provided then the representation will not be accepted by the licensing authority.

5.4 In considering whether an interested party lives or has business interests sufficiently close to the premises certain factors will be taken into account including:

- The size of the premises
- The nature of the premises
- The distance of the premises from the habitual residence or workplace of the person making the representation
- The potential impact of the premises (number of customers, routes likely to be taken when visiting the premises)
- The circumstances of the complainants and their interest that may be relevant to the distance from the premises

- 5.5 In determining whether a person or organisation has “business interests” the London Borough of Barnet will adopt the widest possible interpretation and may recognise certain groups which include but are not limited to; trade unions, partnerships, charities, faith groups, residents and tenants associations and medical practices.
- 5.6 If the representation is from an association or any other body then these will only be accepted provided that they have at least one member who is an interested party.
- 5.7 Unless the person making the representation is a locally elected councillor or Member of Parliament the London Borough of Barnet as licensing authority will require written evidence that they represent identified interested parties. A letter from one of these persons will be sufficient.
- 5.8 If individuals wish to approach locally elected councillors to ask them to represent their views then those councillors cannot sit on a licensing committee that meets to determine the licence application.
- 5.9 To be deemed relevant, a representation must relate to the licensing objectives or raise issues under the policy or the Gambling Commissions guidance or codes or practice.
- 5.10 In deciding whether to treat a representation as frivolous or vexatious the following will be taken into account
- Who is making the representation and whether that person has a history of making representation that are not relevant
 - Whether or not it raises a relevant issue
 - Whether it raises issues specifically to do with the premises which are the subject of the application
- 5.11 The validity of each representation will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance to Licensing Authorities.

6. EXCHANGE OF INFORMATION

- 6.1 The London Borough of Barnet as licensing authority will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information with the Gambling Commission and other persons listed in Schedule 6 to the Act. This includes the provision that the Data Protection Act 2018 will not be contravened.

- 6.2 The London Borough of Barnet as licensing authority will also have regard to any guidance issued to local authorities by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under powers provided in the Act.
- 6.3 The London Borough of Barnet as licensing authority will seek to establish information exchange protocols with the responsible authorities and will make these available.

7. INSPECTION AND ENFORCEMENT

- 7.1 The London Borough of Barnet is required to state the principles to be applied by the authority in exercising its functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 7.2 The London Borough of Barnet's principles are that it will have regard to the Gambling Commissions Guidance for Local Authorities and in doing so will endeavour to be:
- Proportionate - London Borough of Barnet will only intervene when necessary; remedies will be appropriate to the risks posed and costs identified and minimised
 - Accountable - London Borough of Barnet must be able to justify decisions and will be subject to public scrutiny
 - Consistent - rules and standards will be implemented fairly
 - Transparent - London Borough of Barnet will be open and do its best to keep things simple and user friendly
 - Targeted – London Borough of Barnet will focus on the problem and do its best to minimise side effects.
- 7.3 Any enforcement action will be in accordance with the relevant enforcement policy.
- 7.4 The main enforcement and compliance role for the London Borough of Barnet in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the London Borough of Barnet but should be notified to the Gambling Commission.
- 7.5 The London Borough of Barnet also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities. The Better Regulation Executive is a government agency within the Department for Business, Energy and Industrial

Strategy which aims to achieve more effective regulation and reduce existing regulatory burdens affecting business, the third sector and frontline staff in the public sector.

- 7.6 The London Borough of Barnet's licensing officers will monitor ongoing compliance with licence conditions. They may carry out inspections without prior notice to the occupier or licensee.
- 7.7 As per the Gambling Commission's Guidance to Licensing Authorities the London Borough of Barnet will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.8 Planned enforcement activity will be prioritised according to assessed risk (the potential for harm to the licensing objectives). This London Borough of Barnet has adopted and implemented a risk-based inspection programme, based on:
- The licensing objectives
 - Relevant codes of practice
 - Guidance issued by the Gambling Commission, in particular at Part 36
 - The principles set out in this statement of licensing policy
- 7.9 When assessing risk, London Borough of Barnet will take into account the following matters:
- The type of gambling and its potential to result in harm
 - The size of the premises and the number of patrons
 - The standard of compliance with licence conditions
 - Officers' confidence in the ability and intention of the management of the premises to maintain good standards of compliance with licence conditions
 - Relevant information from other agencies.
- 7.10 The risk rating for each premises will be kept under constant review and may change at any time.
- 7.11 The London Borough of Barnet is prepared to receive complaints about licensed premises and, with the agreement of the complainant, deal with them informally with the aim of securing improvement if necessary without the need for a formal review of the licence.
- 7.12 The London Borough of Barnet will not tolerate non-compliance with licence conditions or licensable activity at unlicensed premises except in accordance with a Temporary Use Notice.

8. LICENSING AUTHORITY'S FUNCTIONS

8.1.1 The London Borough of Barnet are required under the Act to assume responsibility for;

- Licensing premises where gambling activities are to take place by issuing premises licences
- Issuing provisional statements
- Regulation of members clubs and miners welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issuing Club Machine Permits to Commercial clubs
- Granting permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres
- Receiving notifications from alcohol licensed premise (Under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issuing Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.
- Registration of small society lotteries below the prescribed thresholds
- Issuing Prize Gaming Permits
- Receiving and endorsing Temporary Use Notices
- Receiving Occasional Use Notices
- Providing information to the Gambling Commission regarding details of licensing issues
- Maintaining registers of the permits and licences that are issued under these functions.

8.2 It should be noted that the London Borough of Barnet are not involved in licensing remote gambling at all. This falls within the remit of the Gambling Commission via operating licences. Remote gambling is defined as "gambling in which persons participate by the use of remote communication" namely, the internet, telephone, television, radio or "any other kind of electronic or other technology for facilitating communication".

9. APPLICATIONS: GENERAL PRINCIPLES

9.1 The London Borough of Barnet has no rigid rules about the acceptability of applications and will consider each on its merits.

9.2 The matters that it will generally take into account when considering applications for permits and licences and when reviewing a licence are set out below:

- The type and nature of the gambling activity.
- The proximity of the gambling premises to sensitive premises such as schools or centres for vulnerable adults, or to residential areas where there may be a high concentration of families with children, and the likelihood that children or vulnerable adults will enter the premises.
- Where permits or licences are sought for use at premises that may attract children, or where children may be present, the London Borough of Barnet will give particular weight to child protection issues. The London Borough of Barnet is aware that children may be harmed not only by taking part in gambling, but also if they are able to watch it taking place. This concern may be particularly relevant at premises where there are multiple licences, where only part of a premises is licensed or where permits are to be used in part of a premises only.
- The adequacy of any proposed measures to prevent crime connected with gambling.
- The adequacy of any proposed steps to prevent access by children and vulnerable adults, or to prevent such people from seeing gambling taking place.
- The public availability at the premises of information about organisations that can provide advice and support in relation to gambling and debt, for example GamCare, Gamblers Anonymous, the Gordon Moody Association, the National Debtline and local Citizens Advice Bureaux and other relevant advice agencies.
- The existence of crime and disorder (particularly if it has required police intervention) or actual harm to children or vulnerable adults, where these are connected to gambling at the premises.

9.3 It will assist the sub-committee in contested cases if applicants, responsible authorities and interested parties address these matters.

9.4 When considering applications, sub-committees will decide matters of fact on the balance of probabilities.

9.5 The London Borough of Barnet will place information about licence applications on its web site, and will notify ward councillors when applications are received.

9.6 The London Borough of Barnet expects the premises licence application, and plan accompanying the application, to be sufficiently detailed for the authority to determine the application. This would include for example entry, exit, the location of the gaming machines and counter. The London Borough of Barnet need to determine whether the application is 'in accordance with the relevant

code of practice' and this will include social responsibility codes. The authority must also determine whether the application is 'reasonably consistent with the licensing objectives' - such as protecting the young and vulnerable. The application and the accompanying plan must be sufficient to satisfy these requirements

10. PREMISES LICENCES

10.1 General

10.1.1 A premises licence may authorise:

- The operation of a casino
- The provision of facilities for playing bingo
- Adult Gaming Centres
- Licensed Family Entertainment Centres
- The provision of facilities for betting.

10.1.2 Premises licences are subject to the requirements as set out in the Act and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

10.1.3 The London Borough of Barnet recognises that every application and representation made in connection with premises licences, with the exception of applications for a casino licence, must be treated on its merits.

10.1.4 The London Borough of Barnet is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
in accordance with the authority's statement of licensing policy.

10.1.5 It is appreciated that as stated in the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" and also that unmet demand is not a criterion for London Borough of Barnet as licensing authority.

10.1.6 Premises licences that are granted must be consistent with the licensing objectives. In consideration of the Gambling Commission's Guidance to Licensing Authorities the following comments are made:

- This Council is aware that the Gambling Commission takes a lead role in preventing gambling from being a source of crime. The guidance does envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective.
- The London Borough of Barnet has noted that the Gambling Commission states it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.
- The London Borough of Barnet has noted that Gambling Commissions Guidance on protecting children from being harmed or exploited by gambling means preventing children from taking part in gambling as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children.

10.2 DEFINITION OF “PREMISES”

- 10.2.1 In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place.
- 10.2.2 However, the London Borough of Barnet will pay particular attention if there are issues about sub-divisions of a single building or plot and will ensure that mandatory conditions relating to access between premises are observed.
- 10.2.3 In most cases the expectation is that a single building or plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer.
- 10.2.4 The London Borough of Barnet does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.
- 10.2.5 The London Borough of Barnet will take particular care in considering applications for multiple licences for a building and those relating to a discrete

part of a building used for other (non-gambling) purposes. In particular, the attention of applicants is drawn to the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

10.2.6 Other factors which The London Borough of Barnet will consider are:

- Do the premises have a separate registration for business rates?
- Are the neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises

The London Borough of Barnet will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

10.2.7 The Gambling Commission’s relevant access provisions for each premises type are reproduced below:

Type of premises	Access provisions
Casinos	<ul style="list-style-type: none">• the principal entrance to the premises must be from a ‘street’• no entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons• no customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

AGCs

- no customer must be able to access the premises directly from any other licensed gambling premises.

Betting shops

- access must be from a 'street' or from other premises with a betting premises licence
- no direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premises.

Tracks

- no customer must be able to access the premises directly from a casino or AGC

Bingo premises

- no customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track

FECs

- no customer must be able to access the premises directly from a casino, an AGC or a betting premises,

10.2.8 Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

10.3 LOCATION

10.3.1 The London Borough of Barnet will take into account the location of premises in the context of the crime prevention objective. For example, if an application for a licence or permit is received in relation to premises that are in an area noted for particular problems with organised crime, the London Borough of Barnet will consider what, if any, controls might be appropriate to prevent those premises becoming a source of crime. These might include conditions being put on the licence, such as a requirement for door supervisors. London

Borough of Barnet has not identified any such areas, but will be receptive to advice from the Police when considering applications.

- 10.3.2 As stated in the Gambling Commissions Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling. Applications for granting licences in respect of gambling premises that are in close proximity to locations for such vulnerable persons for example schools, centres for gambling addicts, hostels, centres catering for people with mental disabilities or learning difficulties or those with drug or alcohol abuse problems, will receive very careful consideration.
- 10.3.3 Should any policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. Again it should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

10.4 LOCAL AREA PROFILE (LAP)

10.4.1 The London Borough of Barnet have created a Local Area Profile. (LAP) The current version can be found here:

(Insert current web link)

The LAP will be regularly reviewed to ensure that it reflects the current profile of the London Borough of Barnet.

The LAP contains detail on the location of all schools and also hotspots of anti-social behaviour (ASB).

The London Borough of Barnet will pay particular attention to applications for the new grant of, or variations to existing, premises licences where those premises lie within areas with a concentration of schools, ASB, hostels/homes for vulnerable people and centres for people with a gambling addiction.

- 10.4.2 Where paragraph 10.4.1 applies this Authority will expect applicants to fully explain in their applications how their proposal will not exacerbate any problems to individuals living in the vicinity, or exacerbate any ASB problems within the vicinity generally.
- 10.4.3 Applicants should also be aware of areas with concentrations of hostels and other types of accommodation for vulnerable people. Where they propose to make an application for the new grant of a premises licence, or a variation to an existing licence, in such areas they should explain fully in their risk

assessments how they will mitigate any risks of operating gambling premises in close proximity to concentrations of housing for vulnerable people.

10.4.4 Some further publicly available sources of information to assist in operators completing a Local Risk Assessment include:

(a) the Crime Mapping website;

<https://www.police.uk/>

(b) Neighbourhood Statistics websites;
<https://www.ons.gov.uk/help/localstatistics>

(c) websites or publications by local responsible authorities;

<https://www.barnet.gov.uk/citizen-home/council-and-democracy/council-and-community/maps-statistics-and-census-information/statistics-about-barnet.html>

10.4.5

10.5 LOCAL RISK ASSESSMENTS (LRA)

10.5.1 The LRA must be submitted with any new or variation application, otherwise the application has not been properly served

10.5.2 Applicants will be expected to tailor their application, and have site specific policies, procedures and control measures to mitigate any risks.

10.5.3 All premises should have the appropriate numbers of trained staff, and propose licence conditions, to cater for the local area in which they propose to run their business.

10.5.4 LRAs should be kept on the individual premises and be available for inspection.

10.5.5 The LRA must also be submitted when changes in the local environment or the premises warrant a risk assessment to be conducted again. If the changes are minor then the premises holder may alternatively email notification that a minor change has taken place to the London Borough of Barnet.

10.5.6 Examples of what the London Borough of Barnet will expect to be considered within the LRA include:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends

- Urban setting such as proximity to schools, commercial environment, factors affecting footfall
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.
- Assessing staffing levels when a local college closes and the students begin to vacate the grounds.
- Proximity of machines to the entrance door
- Age verification policies including 'Think 21' and 'Think 25'.
- Consideration of line of sight from the counter to gambling machines.
- Larger operators (William Hill, Coral, Ladbrokes, Betfred and Paddy Power) are responsible for conducting/taking part in underage testing, results of which are shared with the Gambling Commission. However, operators are urged to also make the results available to the London Borough of Barnet if an issue is identified with a premises within the area.
- Information on where a child or young person repeatedly attempts to gamble on the premises, this information should also be contained in a register held at the premises which can be inspected upon reasonable request by the London Borough of Barnet.
- Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas etc
- Any premises where children congregate including bus stops, café's, shops, and any other place where children are attracted
- Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking etc
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments

- Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate etc.

10.5 PREMISES “READY FOR GAMBLING”

10.5.1 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the London Borough of Barnet can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

10.5.2 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement may be deemed as appropriate. The current guidance from the Gambling Commission and recent case law will be used to assess which application is more appropriate in the circumstance and it is prudent for applicants to discuss this with the London Borough of Barnet prior to submitting an application for such premises.

10.5.3 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, the London Borough of Barnet will determine applications on their merits, applying a two stage consideration process;

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

10.5.4 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

10.6 DUPLICATION WITH OTHER REGIMES

10.6.1 The London Borough of Barnet seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. The London Borough of Barnet will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns

about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

10.6.2 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, building control and other regulations and must not form part of the consideration for the premises licence.

10.6.3 The London Borough of Barnet wishes to reconcile planning, building control and licensing considerations whenever possible. However, it should be noted that licensing decisions will not over-rule planning or building control decisions, as the legal framework for each is different.

10.6.4 Licensable activities cannot lawfully be carried on at premises unless there is a premises licence or permit (other than in accordance with a Temporary or Occasional Use Notice) and any necessary planning permission and building regulation approval. A licence will not remove the need for planning permission or building regulation approval, should these be necessary. The onus is on the licence holder or applicant to ensure that these permissions exist.

10.6.5 The London Borough of Barnet has a duty to take into consideration all relevant matters and not to take into considerations irrelevant matters; i.e. those not related to gambling and licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their application.

10.6.6 The London Borough of Barnet will take into account any concerns about conditions that are not able to be met by licence holders due to planning restrictions

10.7 LICENSING OBJECTIVES

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the London Borough of Barnet has considered the Gambling Commissions Guidance to licensing authorities and some comments are made below.

Preventing Gambling from being a source of crime and disorder or being associated with crime and disorder or being used to support crime

10.7.1 The London Borough of Barnet is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of

crime. The Gambling Commissions guidance does however envisage that licensing authorities should pay attentions to the proposed location of gambling premises in terms of this objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This London Borough of Barnet is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way

- 10.7.2 The London Borough of Barnet has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. For Local Authorities with tracks: There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section—see page 14).

Protecting children and other vulnerable persons from being harmed or exploited by gambling

- 10.7.3 The London Borough of Barnet has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). London Borough of Barnet will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.
- 10.7.4 The London Borough of Barnet expects operators of gambling premises to have in place policies and measures to ensure children and other vulnerable people are protected from being harmed or exploited by gambling. Harm in this context is not limited to harm from gambling but includes wider child protection considerations, including the risk of child sexual exploitation.

10.7.5 This London Borough of Barnet is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

10.8 ADULT GAMING CENTRES

10.8.1 The London Borough of Barnet will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that those who are aged under 18 years old are not attracted to or gain access to the premises.

10.8.2 The London Borough of Barnet may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

10.8.3 The London Borough of Barnet will have particular regard to the location and management of entrances to adult gaming centres. It will wish to see that the opportunities for children to gain access are minimised. This will be of particular importance if young people are likely to be unsupervised and the gaming centre is in a complex, such as a shopping centre.

10.9 LICENSED FAMILY ENTERTAINMENT CENTRES

10.9.1 Gaming machines are a form of gambling which is attractive to children and Licensed Family Entertainment Centres will contain machines of the Category D machine types on which they are allowed to play. Because gaming machines provide opportunities for solitary play and for immediate pay-outs, they are likely to engender repetitive and excessive play. In considering applications the London Borough of Barnet will have regard to the need to protect children and vulnerable people from harm or being exploited by gambling and will expect the

applicant to satisfy the London Borough of Barnet, for example, that those aged under 18 years old do not have access to the adult only gaming machine areas.

10.9.2 The London Borough of Barnet may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

10.9.3 The London Borough of Barnet will refer to the Gambling Commission's website from time to time to ascertain any conditions that may apply to operating licences regulating the way in which the area containing the category C machines should be delineated. The London Borough of Barnet will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

10.10 TRACKS

10.10.1 Licensing authorities have a power under the Gambling Act 2005 to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence. London Borough of Barnet has no special policy on these issues, but will take into account the size of the track and associated area and the ability of staff to monitor the use of the machines by children and vulnerable people when determining the number of machines permitted.

10.10.2 The London Borough of Barnet will normally attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public.

10.11 CASINOS

- 10.11.1 London Borough of Barnet resolved in 2006 not to license casinos, with immediate effect. Any applications received will be returned with a notification that a 'no-casino' resolution is in place.

10.12 BINGO

- 10.12.1 London Borough of Barnet will need to be satisfied that appropriate conditions exist for bingo to be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.
- 10.12.2 London Borough of Barnet also notes the Gambling Commission's Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.
- 10.12.3 Children and young people are allowed into bingo premises. However, they are not permitted to participate in the playing of bingo and if category B or C machines are made available for use, then these must be separated from areas where children and young people are allowed.

10.13 BETTING PREMISES

- 10.13.1 London Borough of Barnet is aware that there is a trend to enlarge betting offices and that this can result in improved customer facilities. The London Borough of Barnet will look favourably on applications to improve customer facilities by enlarging or relocating existing premises, provided this does not entail risk to the licensing objectives.
- 10.13.2 London Borough of Barnet recognises that certain bookmakers have a number of premises within its area. In order to ensure compliance and that issues are recognised and resolved at the earliest stage, operators are requested to give the London Borough of Barnet a single named point of contact, who should be a senior individual, and whom the London Borough of Barnet will contact first should any compliance queries or issues arise.
- 10.13.3 Betting machines - This London Borough of Barnet will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by

children and young persons or by vulnerable people, when considering the number, nature and circumstances of betting machines an operator wants to offer.

10.14 PROVISIONAL STATEMENTS

10.14.1 Developers may wish to apply to this London Borough of Barnet for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

10.14.2 Section 204 of the Gambling Act provides for a person to make an application to the London Borough of Barnet for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

10.14.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

10.14.4 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. London Borough of Barnet will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage,
- they reflect a change in the applicant's circumstances.

10.14.5 In addition, London Borough of Barnet may refuse the premises licence or grant it on terms different to those attached to the provisional statement only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the London Borough of Barnet's opinion reflect a change in the operator's circumstances;
- where the premises have not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this London Borough of Barnet notes that it can discuss any concerns it has with the applicant before making a decision.

10.15 LICENCE CONDITIONS

10.15.1 Premises licences will be subject to the permissions and restrictions set out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions detailed in regulations. It is expected that in most cases the mandatory and default conditions will be appropriate and sufficient but the London Borough of Barnet is able to exclude default conditions and also attach others. London Borough of Barnet will be concerned to ensure that appropriate conditions are attached to licences and if it believes that the mandatory and default conditions will not be appropriate or sufficient in a particular case, it will be minded to impose others. Similarly, it may be prepared to remove or amend default conditions if satisfied that to do so would not harm the licensing objectives.

10.15.2 The London Borough of Barnet accepts that conditions, other than mandatory ones, must be tailored to the individual style and characteristics of the premises concerned. Apart from the mandatory conditions, the London Borough of Barnet will not apply conditions from a standard list without regard to the particular circumstances of the application. It will only apply conditions if they are:

- Relevant to the need to make the proposed building suitable as a gambling facility, or
- Directly related to the type of licence applied for
- Relevant to one or more of the licensing objectives
- Fairly and reasonably related to the scale and type of premises
- Reasonable in all other respects.

In this way, unnecessary or disproportionate conditions will be avoided.

10.15.3 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the London Borough of Barnet will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This London Borough of Barnet will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

10.15.4 This London Borough of Barnet will also consider specific measures which may be required for buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

10.15.5 The London Borough of Barnet believes that children should not normally be permitted access to premises or parts of premises where gambling takes place.

10.15.6 The London Borough of Barnet will ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder;
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18 years of age.
- Ages of younger patrons are checked.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

10.15.7 The London Borough of Barnet is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The London Borough of Barnet will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

10.15.8 If there is justified concern about serious, disruptive or threatening disorder, particularly if Police intervention has been necessary, suitable licence conditions such as door supervision or the use of CCTV will normally be appropriate.

10.15.9 Licence conditions may be imposed if there is justified concern about burglary targeted at gaming machines or the use of gaming machines by children.

10.15.10 If The London Borough of Barnet is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence condition to this effect.

10.15.11 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be Security Industries Act licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Gambling Commission's Guidance, Part 33).

10.15.12 When considering whether to impose a licence condition to restrict the number of betting machines in particular premises, London Borough of Barnet will take into account the size of the premises, the number of counter positions available for person to person transactions, and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

10.15.13 It is noted that there are conditions which the London Borough of Barnet cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes

10.15.14 The fairness and openness of gambling are primarily matters for the Gambling Commission, which has the power to impose relevant conditions on operating and personal licences. The London Borough of Barnet will not impose conditions on premises licences in connection with this objective except in the

case of track licences, where the track operator may not have an operating licence.

10.16 REVIEWS

10.16.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the London Borough of Barnet to decide whether the review is to be carried out. This decision will be made on the basis of whether the request for the review is relevant to the matters listed below but London Borough of Barnet will not review a licence if it considers the request to be frivolous, vexatious or repetitious, or that a review will certainly not cause the London Borough of Barnet to alter, revoke or suspend the licence, or the request is substantially the same as previous representations or requests for review. The holding of a review must be:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- consistent with the licensing objectives and
- in accordance with the authority's statement of principles.

10.16.2 The London Borough of Barnet can itself initiate a review of a licence and may do so if it appears to its officers that the licensing objectives are being harmed. It is open to any officer of the London Borough of Barnet authorised to do so to initiate a review in the London Borough of Barnet's name but it is expected that in most cases licensing officers will take the lead.

10.16.3 The London Borough of Barnet does not wish its licensing officers to take on the initiation of a review that could otherwise be requested by another responsible authority or an interested party. Where evidence of harm to the licensing objectives is provided by either a responsible authority or interested party wanting a review to take place, London Borough of Barnet expects that they, not the licensing officers, will normally initiate the review.

10.16.4 Once a valid application for a review has been received by The London Borough of Barnet, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by London Borough of Barnet, who will publish notice of the application within 7 days of receipt. London Borough of Barnet must carry out the review as soon as possible after the 28 day period for making representations has passed.

10.16.5 The purpose of the review will be to determine whether The London Borough of Barnet should take any action in relation to the licence. If action is justified, the options open to the London Borough of Barnet are;

- (a) add, remove or amend a licence condition imposed by The London Borough of Barnet;
- (b) exclude a default condition imposed by the Secretary of State or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

10.16.6 In determining what action, if any, should be taken following a review, the London Borough of Barnet will have regard to the principles set out in section 153 of the Act, as well as any relevant representations. In particular, London Borough of Barnet will also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

10.16.7 Once the review has been completed, the London Borough of Barnet must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Gambling Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

11. PERMITS

11.1 General

11.1.1 The London Borough of Barnet believes that gambling, including the use of category D gaming machines, is harmful to children. London Borough of Barnet believes that the use of gaming machines by children is not consistent with the third licensing objective.

- 11.1.2 The London Borough of Barnet will not grant permits for any category of gaming machines where it considers that they are likely to be used or easily accessed, by children. Permits may be granted if adequate precautions are offered by the applicant. These could include, for example, steps to prevent access to the machines by children, and training for staff with respect to suspected truants and unsupervised very young children on the premises.
- 11.1.3 This Council is concerned about burglary targeted at gaming machines. The authority considers that this is relevant to the first licensing objective.
- 11.1.4 Precautions to reduce the risk of burglary or theft from the machines may include:
- good security to deter break-ins
 - machines monitored by overt CCTV systems of an adequate standard to meet Police recommendations
 - machines to be of substantial construction to resist damage
 - emptying machines of cash nightly, and displaying a notice stating that this is done
 - siting machines where they can be observed by staff or the licence holder to deter theft when the premises are open
 - providing adequate secure cash storage facilities to Police recommendations.
- 11.1.5 The London Borough of Barnet recommends that applicants consult the Police, including the local Safer Neighbourhood Team, at an early stage, to obtain advice about crime prevention measures.
- 11.1.6 When considering an application for a permit, the London Borough of Barnet will take into account the applicant's suitability (including whether they have a conviction for any relevant offence).

11.2 Unlicensed Family Entertainment Centre gaming machine permits

- 11.2.1 Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to The London Borough of Barnet for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 11.2.2 An application for a permit may be granted only if The London Borough of Barnet is satisfied that the premises will be used as an Unlicensed Family Entertainment Centre (UFEC) and if the chief officer of police has been consulted on the application.
- 11.2.3 The London Borough of Barnet will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this

context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures including training for staff as regards suspected truant school children on the premises, measures including training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises.

11.2.4 The London Borough of Barnet will expect applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions
- that staff are trained to have a full understanding of the maximum stakes and prizes.

11.2.5 It should be noted that The London Borough of Barnet cannot attach conditions to this type of permit.

11.3 Alcohol Licensed Premises Gaming Machine Permits

11.3.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify The London Borough of Barnet.

11.3.2 The London Borough of Barnet can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the London Borough of Barnet, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

11.3.3 The London Borough of Barnet expects licensed premises to be clear on the expectations and requirements in relation to gambling on licensed premises.

<http://www.gamblingcommission.gov.uk/for-licensing-authorities/Licensing-authority-toolkit/Pubs-and-clubs/Pubs-and-clubs-toolkit.aspx>

11.4 Alcohol Licensed Premises Gaming Machine Permits³ or More Machines

11.4.1 If premises wish to have more than 2 machines, then it needs to apply for a permit. The London Borough of Barnet will consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and any other matters that it may think relevant.

11.4.2 The London Borough of Barnet expects licensed premises to be clear on the expectations and requirements in relation to gambling on licensed premises.

<http://www.gamblingcommission.gov.uk/for-licensing-authorities/Licensing-authority-toolkit/Pubs-and-clubs/Pubs-and-clubs-toolkit.aspx>

11.4.2 The London Borough of Barnet considers that such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that those aged under 18 years old do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18 years. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

11.4.3 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

11.4.4 It should be noted that The London Borough of Barnet can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions other than these cannot be attached.

11.4.5 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

11.5 PRIZE GAMING PERMITS

11.5.1 Gaming is prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming.

11.5.2 The London Borough of Barnet has prepared a statement of principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law
- Clear policies that outline the steps to be taken to protect children from harm.

11.5.3 In making its decision on an application for this permit The London Borough of Barnet does not need to but may have regard to the licensing objectives. However, it must have regard to any Gambling Commission guidance.

11.5.4 It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the London Borough of Barnet cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations if a money prize, or the prescribed value if non-monetary prize;
- participation in the gaming must not entitle the player to take part in any other gambling.

11.4.5 The London Borough of Barnet may not impose any further conditions

11.6 CLUB GAMING AND CLUB MACHINE PERMITS

11.6.1 Members clubs and miners' welfare institutes but not commercial clubs may apply for a club gaming permit. The club gaming permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in regulations.

11.6.2 Members clubs, miner's welfare institutes and commercial clubs may apply for a club machine permit. A club machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). It should be

noted that commercial clubs may not site category B3A gaming machines offering lottery games in their club.

11.6.3 Members clubs must have at least 25 members and be established and conducted wholly or mainly for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs, which replicates the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

11.6.4 Licensing authorities may refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years;
- (e) an objection has been lodged by the Gambling Commission or the Police.

11.6.5 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police and the grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

11.6.6 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any

relevant provision of a code of practice about the location and operation of gaming machines.

11.7 TEMPORARY USE NOTICES

- 11.7.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice would include hotels, conference centres and sporting venues.
- 11.7.2 The London Borough of Barnet can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- 11.7.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 11.7.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the London Borough of Barnet needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 11.7.5 The London Borough of Barnet expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

11.8 OCCASIONAL USE NOTICES

- 11.8.1 The London Borough of Barnet has very little discretion as regards occasional use notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Council will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

12. TRAVELLING FAIRS

- 12.1 The London Borough of Barnet is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 12.2 The London Borough of Barnet will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 12.3 It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land.
- 12.4 The London Borough of Barnet will work with its neighbouring authorities to ensure that land that crosses our boundaries is monitored so that the statutory limits are not exceeded.

13. SMALL SOCIETY LOTTERIES

- 13.1 Registration of non-commercial society lotteries may be refused if it appears that the applicant is a commercial society, and The London Borough of Barnet will therefore expect full details to be provided of the purpose for which the society is established. The London Borough of Barnet may make enquiries to satisfy itself on this point.
- 13.2 If The London Borough of Barnet is minded to refuse to register a lottery, or to revoke a registration, it will inform the applicant, stating the reasons, and the applicant will have the right to make representations. Any such representations will be heard by a sub-committee of the Licensing Committee.
- 13.3 The London Borough of Barnet does not currently possess an operating licence in its own name for the purposes of promoting a lottery for the benefit of the community.

14. INTEGRATION OF LICENSING WITH OTHER STRATEGIES

- 14.1 The London Borough of Barnet will ensure, so far as is consistent with the Act and Guidance, that action taken under this policy supports and does not conflict with strategies for local crime prevention and community safety, planning, equality, tourism and cultural issues, including in particular:
 - The Cultural Strategy for London

https://www.london.gov.uk/sites/default/files/2017_draft_strategies_culture_2.0.pdf

- The objectives of the Security Industry Authority
<http://www.sia.homeoffice.gov.uk/Pages/home.aspx>
- The Safer Communities Strategy
<https://www.barnet.gov.uk/citizen-home/housing-and-community/community-safety.html>
- The Sustainable Communities Strategy
<https://www.barnet.gov.uk/citizen-home/council-and-democracy/policy-and-performance/major-policy-proposals/sustainable-community-strategy.html>
- Barnet's Equalities policy
<https://www.barnet.gov.uk/citizen-home/council-and-democracy/policy-and-performance/equality-and-diversity.html>

15. TOURISM AND EMPLOYMENT

- 15.1 The London Borough of Barnet recognises the relevance of licensed premises to tourism and employment in the borough. The Licensing Committee will receive reports from any body that it considers appropriate on the needs of the local cultural strategy, and tourist economy, including the employment situation in the area and the need for new investment and employment. These issues will be taken into account so far as the Gambling Act permits when making licensing decisions.

16. PROMOTION OF EQUALITY

- 16.1 The London Borough of Barnet encourages the provision of proper facilities for disabled people at licensed premises, and will offer advice and information where necessary to assist applicants.
- 16.2 The London Borough of Barnet is obliged to have due regard to the need to eliminate unlawful discrimination, for example on the grounds of race, gender, disability, sexual orientation or religion, and to promote equality of opportunity and good relations between persons of different groups. When considering applications and representations, the London Borough of Barnet will treat all parties equally. However, it can take into account only the issues provided for in the Gambling Act.

17 LICENSING REGISTER

- 17.1 The London Borough of Barnet will establish and maintain a Licensing Register containing the information required by statute, and keep it available for inspection. It can be seen on request to the Licensing Team, telephone 0208 359 7443.

18. RELEVANT DOCUMENTS

- The Enforcement Concordat

<http://webarchive.nationalarchives.gov.uk/+/http://www.berr.gov.uk/files/file10150.pdf>

- The Regulators' Compliance Code

<https://www.gov.uk/government/publications/regulators-code>

- The Human Rights Act 1998

<http://www.legislation.gov.uk/ukpga/1998/42/contents>

- Crime and Disorder Act 1998

<http://www.legislation.gov.uk/ukpga/1998/37/contents>

- Disability Discrimination Act 1995

www.hms0.gov.uk/acts/acts1995/Ukpga_19950050_en_1.htm

- Guidance issued by the Gambling Commission under section 25 of the Gambling Act 2005

<http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf>

19. COMPLAINTS ABOUT THE LICENSING SERVICE

- 19.1 The London Borough of Barnet will investigate any complaint about the way it deals with a licensing issue and will inform the complainant of the outcome. If the complaint is justified, it will put the problem right if possible. London Borough of Barnet has a formal complaints procedure. For information see www.barnet.gov.uk/contact-us.htm

20. FURTHER INFORMATION

- 20.1.1 Information about applications, fees, how to make a representation, details of the responsible authorities and the licensing register, see www.gamblingcommission.gov.uk or contact the Licensing Team on 020 8359

7443, licensingadmin@barnet.gov.uk or see The London Borough of Barnet's website, www.barnet.gov.uk

21. COMMENCEMENT AND REVIEW

- 21.1 This policy will come into effect on 13th January 2019 It will be kept under review and The London Borough of Barnet may make changes after consultation. It will be renewed every three years. The London Borough of Barnet will be pleased to receive the views of responsible authorities, individuals or organisations at any time.

Matter to be dealt with	Full Council	Licensing Committee	Licensing sub committee	ff
Final approval of the Licensing Authority Statement of Policy	X			
Policy not to permit casinos	X			
Application for premises licence			Where representations have been received and not withdrawn	Where representations have been received and not withdrawn
Application to vary premises licence			Where representations have been received and not withdrawn	Where representations have been received and not withdrawn
Application for transfer of a licence			Where representations have been received from the Commission	Where representations have been received from the Commission
Application for provisional statement			Where representations have been received and not withdrawn	Where representations have been received and not withdrawn
Review of a premises licence			All cases	
Application for club gaming/club machine permits			Where objections have been made (and not withdrawn)	Where no objections have been made/objections have been withdrawn
Cancellation of club gaming/club machine permits			All cases	
Applications for other permits				All cases
Cancellation of licensed premises gaming machine				All cases

permits		
Consideration of temporary use notice		All cases
Decision to give a counter notice to a temporary use notice	All cases	
Decision to reject a representation on the grounds that it is not from an interested party		All cases
Initiation of review of a premises licence by London Borough of Barnet in its capacity as licensing authority		All cases
Fee setting (when appropriate)	Normal budget-setting arrangements	
Consideration of representations when London Borough of Barnet is minded to refuse to register a lottery or to revoke a lottery registration	All cases	

Appendix 2 – Summary of responses

Response received from	Summary of Comments	Licensing team Comments
London Fire Brigade	Confirmed that they have no comments to make on this consultation.	
William Hill	<p>1</p> <p>The LRA must also be submitted when changes in the local environment or the premises warrant a risk assessment to be conducted again.</p> <p>As we will regularly update our Local Risk Assessments, the latest version will always be available in the shop, for inspection by your Authority as required. We would not expect to submit these forms to you every time they are updated, as some of the updates may be quite minor. We would therefore suggest the following wording would be more suitable – “The LRA must also be updated when changes in the local environment or the premises warrant a risk assessment to be conducted again”. Your suggested paragraph 10.5.3 already confirms a requirement for the document to be kept on the premises and available for inspection. This amendment would just remove what is considered to be an unnecessary requirement for</p>	Amended to change this to notified if a minor change

	<p>sending you details of every change, however small.</p> <p>2</p> <p>Larger operators (William Hill, Coral, Ladbrokes, Betfred and Paddy Power) are responsible for conducting/taking part in underage testing, results of which are shared with the Gambling Commission. However, operators are urged to also make the results available to the London Borough of Barnet as part of the LRA.</p> <p>As you note, we do conduct our own age verification testing, and as well as sharing this with the Gambling Commission, this is also shared with our Primary Authority. The purpose of this approach is that these two groups can monitor our results, and take appropriate action if they consider there is a problem. It is meant to replace the need to notify each and every Local Authority, which could stretch to over 300 for the larger bookmakers.</p> <p>Because the results are also dealt with internally, there is the possibility of disciplinary procedures as a result of any failings, and therefore this information cannot be retained in shops, where all members of staff would be</p>	<p>Amended to remove from LRA to a general notification should a problem with a premises in the area be discovered</p>
--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------

	<p>able to view it. The Local Risk Assessment is a document that all team members should be aware of, so it is not an appropriate place to maintain age verification results. We are happy to share results with you as required, rather than as a regular update, but this should be discussed with a central point of contact, rather than the shop teams.</p>	
--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

This page is intentionally left blank



COUNCIL

18 December 2018

Title	Report of Head of Governance
Report of	Head of Governance
Wards	All
Status	Public
Enclosures	Appendix A – Appointments to Outside Bodies and Change to Calendar of Meetings Appendix B – Appointment of a Small Business Champion
Officer Contact Details	Andrew Charlwood, Head of Governance, 020 8359 2014, andrew.charlwood@barnet.gov.uk

Summary

This item presents various constitutional and administrative matters for Council's agreement. Full details are as set out in the appended reports.

Recommendations

1. That Council notes the changes to the calendar of meetings as set out in Appendix A.
2. That Council make the appointment to the outside body as listed in Appendix A.
3. That Council appoint a Small Business Champion as detailed in Appendix B.

1. WHY THIS REPORT IS NEEDED

- 1.1 The Head of Governance report seeks Council's approval for various matters of business relating to the Council's statutory and constitutional functions.

2. REASONS FOR RECOMMENDATIONS

2.1 As set out in the attached appendices

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 N/A.

4. POST DECISION IMPLEMENTATION

4.1 Council decisions will be minuted and implemented through the Head of Governance.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 As set out in attached appendices.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 Any specific implications are set out in the attached appendices.

5.3 Legal and Constitutional References

5.3.1 Council Constitution, Full Council Procedure Rules – requires that Council “Agree the Council Calendar of meetings including for ordinary meetings of the Council”. As these are in year changes they are for noting only.

5.3.2 Council Constitution, Article 4 – The Full Council – states that the Council is responsible for “Agreeing and amending the terms of reference of committees, deciding their composition and making appointments to them.”

5.4 Risk Management

5.4.1 None specifically arising from this report.

5.5 Equalities and Diversity

5.5.1 None specifically arising from this report.

5.6 Consultation and Engagement

5.6.1 None specifically arising from this report.

6. BACKGROUND PAPERS

6.1 Assets, Regeneration and Growth Committee, 27 November 2018: Agenda

Item 8 (Entrepreneurial Barnet)

<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=9482&Ver=4>

This page is intentionally left blank

Appointments to Outside Bodies and Change to Calendar of Meetings

1. Appointment to an Outside Body

A vacancy has arisen for one appointments from Barnet Council to the Arts Depot Trust Ltd.

The Group Secretaries have been invited to make nominations and the following nominations have been received.

Outside Body	Conservative Nomination	Labour Nomination
Arts Depot Trust Ltd	Councillor Thomas Smith	Councillor Danny Rich

RECOMMEND that the appointments to Arts Depot Trust Ltd be approved.

2. Changes to Calendar of Meetings – 2018/19 Municipal Year

Committee	Originally Scheduled Date of Meeting	New Meeting Date
Finchley and Golders Green Area Committee	4 February 2019	5 February 2019

RECOMMEND that the change to the Calendar of Meetings be approved.

This page is intentionally left blank

Appointment on a Small Business Champion.

At the meeting which took place on 27 November 2018, the Assets, Regeneration and Growth Committee considered a report on Entrepreneurial Barnet. One of the recommendations was for the council to appoint a Member Small Business Champion which was agreed. The purpose of the Small Business Champion is to be briefed on issues for small businesses, build a relationship with representative bodies and champion council events designed to support small businesses.

The Groups have been notified of the post and are being requested to make nominations for a Small Business Champion.

RECOMMEND that the appointment of the Small Business Champion be agreed.

This page is intentionally left blank

Council notes the total chaos caused by this Conservative administration's poorly thought through re-organisation of the borough's bin collections.

Council also notes that:

- some residents did not receive the door-to-door leaflet advising them about the changes in bin collections, so were unaware they had to put their bin out on a different day;
- there have been repeated missed collections even after residents and ward councillors have reported them;
- there have been on average at least 3,500 missed bin collections across the borough each week, with many streets waiting weeks for their bins to be collected;
- this figure doesn't include bins missed on a collection day but collected within the week;
- on advice from the Council bins are being left out on the street - sometimes for weeks - waiting for collection and causing obstruction on footways;
- bags of rubbish with food waste in are building up in locations across the borough, raising concerns about rats and foxes;
- overtime to clear the backlog of missed collections is costing the Council £15k - 20k a week;
- staff are having to collect re-cycling and green waste at the same time as general refuse to try to make up the bin collections, which will reduce the re-cycling rate;
- the Council have said they cannot give any guarantee about when a normal service will be restored;

Council notes this chaos is all down to the Conservative administration's total mismanagement of the Council's budget which has resulted in a projected £69 million shortfall leading up to 2024 and the need to find urgent and drastic cuts to balance the books.

In addition to the re-organisation of the bin collections to save money, Council also notes the Conservatives have proposed introducing a £50 charge for green waste collections in order to save a further £700,000. Council notes that this charge has been proposed to replace the savings that would partly have been made from increasing tonnages of separate food waste collections - but the Conservatives scrapped the separate food waste collection earlier this year;

Council believes that the new bin collection rounds are too long and complicated, and calls on the Barnet Conservative administration to go back to the drawing board, consult staff and come up with a system that works.

Council also calls on the Barnet Conservatives to scrap their proposal to charge £50 for green waste collections, and to reinstate the separate food waste collections.

Council puts on record its thanks to front-line Streetscene staff who are working extremely hard under very difficult circumstances to try and ensure the bin collections are made on time.

All Faiths and None: Celebrating Together in Barnet

Council acknowledges that in December, the darkest month of the northern hemisphere, many faith communities come together to mark important religious festivals.

Many Barnet Christians will be celebrating Advent in the run up to Christmas, and the Jewish festival of Hanukkah typically falls within this period. Buddhists celebrate Siddhartha Gautama's Enlightenment, while Zoroastrians mark the death of the Prophet Zoroaster. Some residents may even celebrate the Winter Solstice. Hindus, Sikhs, and Jains celebrated Diwali in November, while Muslims also recently celebrated the Birthday of the Prophet. Council believes this is the season in which the borough's cultural and religious diversity is most prominent, while also emphasising our shared humanity and shared home in Barnet.

However, Council also recognises the unwelcome rise of intolerance and extremism in many aspects of public life. Mindful that interaction with those of different cultures and traditions is often a salve to tensions, Council instructs the Community Leadership & Libraries Committee to consider means of bringing residents together during festive seasons, under the priorities identified in the Barnet Together Action Plan 2018.

Under Full Council Procedure Rule 17.17: If my item is not dealt with by the end of the meeting I ask that it be voted upon at the Council meeting.

This page is intentionally left blank

Full Council: 18 December 2018

Administration Motion in the Name of Cllr John Marshall

AGENDA ITEM 14.3

Fifty Years of Hampstead Garden Suburb Conservation Area

Council congratulates Hampstead Garden Suburb Conservation Area on its 50th Anniversary.

Council also thanks the Hampstead Garden Suburb Trust, itself now 50 years old, and the Hampstead Garden Suburb Residents' Association for ensuring that the Suburb remains true to the ideals of Dame Henrietta Barnett.

Council pledges to ensure that the Suburb remains the architectural jewel in Barnet's crown.

Under Full Council Procedure Rule 17.17: if my item is not dealt with by the end of the meeting I ask that it be voted upon at the Council meeting.

This page is intentionally left blank