

Meeting

Environment and Climate Change Committee

Date and time

Monday 21st November, 2022

At 7.00 PM

Venue

Hendon Town Hall, The Burroughs, London NW4 4BQ

TO: Members of Environment and Climate Change Committee (Quorum 3)

Chair: Councillor Alan Schneiderman
Vice Chair: Councillor Geof Cooke

Councillors

Joshua Conway	Paul Lemon	Rohit Grover
Rishikesh Chakraborty	Simon Radford	David Longstaff
Giulia Innocenti	Emma Whysall	Dean Cohen

Substitute Members

Ernest Ambe	Claire Farrier	Alex Prager
Philip Cohen	Richard Cornelius	Lucy Wakeley

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**You are requested to attend the above meeting for which an agenda is attached.
Andrew Charlwood – Head of Governance**

Governance Services contact: Tracy Scollin Tel 020 83592315
tracy.scollin@barnet.gov.uk

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Order of business

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1.	Minutes of the previous meeting	5 - 14
2.	Absence of Members	
3.	Declarations of Members' Disclosable Pecuniary Interests and Non-Pecuniary Interests	
4.	Report of the Monitoring Officer (if any)	
5.	Public Questions and Comments (if any)	
6.	Members' Items	15 - 18
7.	Letting Agents Enforcement Policy	19 - 38
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12.	Q2 Performance Report To follow	
13.	Environment & Climate Change Forecast Financial Outturn month 6 (September 2022) To follow	
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15.	Any Other Items that the Chairman Decides are Urgent	

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Decisions of the Environment and Climate Change Committee

6 September 2022

Members Present:-

AGENDA ITEM 1

Councillor Alan Schneiderman (Chair)

Councillor Geof Cooke (Vice-Chair)

Councillor Giulia Innocenti
Councillor Simon Radford
Councillor Emma Whysall
Councillor Rohit Grover

Councillor David Longstaff
Councillor Ernest Ambe (Substitute for
Councillor Rishikesh Chakraborty)
Councillor Philip Cohen (Substitute for
Councillor Paul Lemon)

Apologies for Absence

Councillor Joshua Conway
Councillor Laithe Jajeh

Councillor Rishikesh Chakraborty
Councillor Paul Lemon

1. MINUTES OF THE PREVIOUS MEETING

Cllr Longstaff noted the minutes did not include a comment he had made about the Lead for Climate Change and whether he should have input into other Committees, such as Housing & Growth, as climate change cuts across many areas of the council's work.

RESOLVED that the minutes of the meeting held on 9th June 2022 were approved, subject to the above amendment.

2. ABSENCE OF MEMBERS

Apologies were received from Councillor Joshua Conway who was substituted by Councillor Emma Wakely.

Apologies were received from Councillor Paul Lemon who was substituted by Councillor Phillip Cohen.

Apologies were received from Councillor Rishikesh Chakraborty who was substituted by Councillor Ernest Ambe.

3. DECLARATIONS OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. PUBLIC QUESTIONS AND COMMENTS (IF ANY)

Public questions were received and published with the agenda. The Chair noted that Public Participation rules in the Constitution had changed, removing the limit to the number of questions residents can ask per agenda item. Under the new procedures responses are provided by the Chair at the meeting, rather than in advance.

The Chair invited Ben Samuel to the table. Mr Samuel asked a supplementary question: how many times a year glyphosate is sprayed on highways/verges. The Chair responded that the administration has made a commitment to stopping the use of glyphosate and minimising the use of all pesticides. Currently it is used three times a year on highways and the cost of treating weeds is £160k.

Mr Samuel noted that there is an alternative budget, but would the council ensure that alternatives used were not more expensive. The Chair responded that some of the alternatives were more resource intensive and could cost more. This would be assessed and cost would be one of the deciding factors given the financial position of all local authorities.

A question from Wendy Alcock was noted. As she was not at the meeting the Chair did not respond. Cllr Longstaff stated that it would be helpful to have the answer. The Chair noted that under the Constitution there was no requirement to respond but that Cllr Longstaff could raise this with the Constitution & General Purposes Committee. The Chair offered to send a written answer to the resident.

Action: Chair

The Chair invited Joan Roselie to the table. The Chair noted in response to her question on the stopping up order on Little Strand that because of objections received it has been referred to the Greater London Authority (GLA) to determine whether a public enquiry needs to be held.

Ms Roselie asked why freeholders were not taken into account. Mr Edser, Director of Highways and Transportation would respond outside the meeting with more details but noted that the Stopping Up Order was made under Section 247 of the Town and Country Planning Act.

Action: Mr Edser

The Chair invited Mr Samuel to the table in relation to his second question on the community skip service. Mr Samuel asked what items might be collected in the community skip. The Chair noted that a list is in the report but is not exhaustive. Craig Miller, Street Scene Director reported that small electrical equipment is not currently included but the level of demand would be ascertained by the pilot period. Electrical equipment can be collected directly from residents and taken to the Summers Lane Reuse and Recycling Centre.

Mr Samuel asked whether it would be possible to return to having the 'Passover Skip'. Mr Samuel reported that additional rubbish had been left after bank holiday weekends in parks. The Chair responded that subject to the report recommendations being approved,

officers would look into locations of skips in consultation with Ward Members. Mr Miller responded that bank holiday demand could also be considered.

Note: following the meeting Mr Miller confirmed that the council provides several chometz drop off locations in identified locations as part of the Passover service. This is primarily a caged tipper vehicle where residents can take up to three bags of chometz.

6. MEMBERS' ITEMS

None.

7. COMMUNITY SKIP SERVICE

Mr Miller, Street Scene Director presented the report. He reported that the Community Skip Service would begin in the autumn allowing residents to drop off bulky waste items at pre-advertised locations around the Borough. It would be operated on the basis that all residents would have access near to their homes four times a year. Mr Miller noted that the report also seeks delegated authority for him to implement the process, in consultation with the Chair.

Cllr Longstaff asked whether the service would be stopped during evaluation. Mr Miller responded that the service would continue with no break.

Cllr Whysall enquired whether data would be collected on the type of items being left at the skip, and data used to map how far people travel to them to inform future skip locations. Mr Miller responded that this data would be collected for this use.

Cllr Wakeley enquired whether items would be sent to landfill or recycled. Mr Miller responded that general items would go into the waste but a separate section would be included for items that can be recycled. Work may be taken forward with the not-for-profit sector on the repurposing of items.

Cllr Ambe asked why the skip would focus on larger domestic items. Mr Miller responded that bulky waste items are currently collected through bulky waste collection services and the pilot period would show whether there is a demand for collection of other items.

Cllr Grover enquired whether the choice of area would be Ward based. Mr Miller responded that this is to be decided but the service would operate in two locations in a given day with a vehicle to move between them. Further details would be brought back to the Committee. It would be planned and communicated before going live.

Cllr Grover asked about the use of an additional vehicle which is not carbon neutral. The Chair responded that it is hoped that this would reduce the number of collections due to fly tipping.

Cllr Longstaff asked how the opening times of 7am to 1pm would suit busy people. Mr Miller responded that hours had been selected that could be delivered within the current staffing base. There are other free of charge facilities in the Borough such as Summers Lane. The Community Skip Service is only one part of the solution for residents.

Cllr Longstaff asked whether disposal costs are factored into the budget. Mr Miller responded that these were included.

Cllr Radford asked officers to ensure that the Community Skip Service is well communicated to residents.

Action: Mr Miller

Cllr Innocenti asked whether residents would be able to take items from the skip to repurpose. Mr Miller said that there could be liability issues for Barnet but this would be considered.

Cllr Cohen asked whether staff would receive any training, for example to deal with disagreements on what can be left in the skip. Mr Miller noted that provision is in place for supervisory staff to be on site but once the service starts this can be monitored.

Cllr Wakeley asked what the current income is from the bulky waste collections. Mr Miller responded that it generates around £125k but he could return to the Committee with more information as this would change with the Community Skip Service in place.

The Chair moved to a vote on the officer's recommendations, which were unanimously approved.

RESOLVED that the recommendations were approved.

8. QUARTER 1 PERFORMANCE REPORT

The Chair introduced the report which was noted.

The Chair moved to a vote on the officer's recommendations, which were unanimously approved.

RESOLVED that the recommendations were approved.

9. REVIEW OF THE COUNCIL'S ADOPTED DOMESTIC VEHICLE CROSSOVER POLICY

The Chair introduced the report on the council's policy update.

Mr Ian Edser, Director Highways and Transportation reported that an update was needed given that the advances with electric vehicles and charging. Also clearer definitions have been included in relation to domestic and commercial crossovers, and the removal of the current residents right of appeal if a proposal is made to remove a healthy tree. There is recourse to the Councils Tree Policy which is due to be reviewed in the near future.

Cllr Grover asked whether there would be charges for repairs to damaged highways and pavements due to crossovers being installed. Mr Edser responded that where this can be identified, repairs can be put in place and charges made.

Cllr Cooke requested that a report be brought to the Committee on recovering the cost of damage to highways. Mr Edser agreed to bring a report in future on how the damaged highways service operates. This includes picking up some retrospective damage.

Action: Mr Edser

Cllr Longstaff enquired whether a resident could apply for a heavy-duty crossover. Mr Edser responded that the limit is clearly defined at 3.5tons. If a resident wants anything over this they would need to discuss this with officers.

The Chair moved to a vote on the officer's recommendations, which were unanimously approved.

RESOLVED that the recommendations were approved.

10. SUSTAINABILITY STRATEGY UPDATE

The Chair introduced the item, noting that the Strategy includes plans for a Citizens' Assembly.

Ms Yogita Popat, Assistant Director for Sustainability, reported that since the last meeting a contract was awarded to TPX Limited to take forward the Citizens' Assembly, which residents would be involved in designing. A Sustainability Officer has been appointed and an impact and cost-benefits impact exercise has been carried out to ensure the project is evidence based. A dashboard to monitor Barnet's trajectory to Net Zero is also being developed.

Ms Popat noted that the Citizens' Assembly would entail live meetings being held over two weekends, with around 40—50 residents attending to provide evidence. Residents will decide on outcomes and make recommendations for the local authority. They would be invited from across the Borough – notification would go out on *Engage Barnet* when recruitment to the Citizens' Assembly begins.

Cllr Longstaff enquired about the response to the proposal for the Ultra Low Emission Zone (ULEZ) expansion. He asked that the submission be circulated to the Committee – the Chair agreed to arrange this.

Action: Chair/Governance

Cllr Longstaff expressed concern that residents could feel let down if global warming overall means that Barnet does not achieve its goals despite their efforts. Ms Popat responded that the council will look into what can be done to increase residents' resilience such as advice on warming their homes etc as part of the Strategy.

Cllr Wakeley asked how the council will act on the outcome of the Citizens' Assembly and what opportunities the members of the Citizens' Assembly will have to follow up on the council's actions. Ms Popat responded that the council will look at each recommendation and assess it in a scientific way, to ensure that actions have the maximum impact. A monitoring arrangement will be developed for the Assembly to follow up on actions.

Cllr Radford reported that he had met with Public in Whitehall which has start-ups around sustainability that would like to work with local authorities to prove their technology

works. He asked whether a meeting could be held with interested officers and himself with the company to explore what they might be able to do to support the Strategy. Ms Popat suggested that Cllr Radford email herself and the Chair to take this forward.

Action: Cllr Radford

Cllr Longstaff asked why planning officers had recently agreed to demolish a listed building as this is not in line with the Sustainability Strategy. He reiterated his comment that the Lead on Climate Change needs to have involvement with lots of different committees and needs to highlight this message to other Chairs.

The Chair responded that the Sustainability Strategy team is undertaking work across the council. Ms Popat stated that the team is working closely with planning colleagues, who are part of the action plan.

Cllr Innocenti referred to Page 143 of the report. Some electric vehicle charge points are placed on lamp columns and others are surface mounted – she added that care should be taken where they are placed, to allow for tree planting. Mr Miller responded that this would be taken back and noted by officers.

Cllr Grover enquired whether charging points could be created by running cables from properties under the pavement so that properties without driveways can charge their vehicles. Also the charging points on lampposts take away a parking space. Mr Miller agreed this was causing concern locally and other councils have gulleys in the streets. Cllr Radford suggested using purchasing power of cheaper rates through Motability Operations, to then subsidise the roll-out to public charge points.

Mr Miller reported that options for Barnet were being discussed.

Cllr Cooke congratulated officers, particularly Paul Bragg, for the successful submission for grant aid for charging points. Only nine local authorities in England have received funding. In addition a significant sum had been received following a submission for grant aid for flood control for Silkstream flooding.

Mr Miller would feed this back to officers.

Action: Mr Miller

The Chair moved to a vote on the officer's recommendations, which were unanimously approved.

RESOLVED that the recommendations were approved.

11. HIGHWAYS INFRASTRUCTURE ASSET MANAGEMENT PLAN

Mr Edser presented the report. He noted that the service had moved to a new asset management approach around alternative materials.

Cllr Longstaff noted that since the introduction of electric delivery vehicles and buses several roads had been badly damaged and Transport for London was slow to respond to complaints. Mr Ataie, Interim Strategic Lead Commissioner Highways noted that the

review of the network hierarchy would ensure that the maintenance regime is in line, and officers would monitor performance of the materials used.

Cllr Cooke asked whether evidence is available to show that the introduction of electric buses and other electric vehicles which are heavier, are causing quicker deterioration in roads. Mr Edser responded that some roads were not constructed for this type or level of traffic and the repairs required would not be covered under the Network Recovery Plan (NRP).

Cllr Radford noted that residents had told him that this had caused subsidence to their houses, and they cannot make insurance claims whilst the issue is not resolved. Churchill Road in particular is a problem with shaking foundations.

The Chair moved to a vote on the officer's recommendations, which were unanimously approved.

RESOLVED that the recommendations were approved.

12. INVESTING IN BARNET'S ROADS AND PAVEMENTS 2023/24

Mr Edser presented the report.

He noted that the council has agreed on two pots of money. In addition to the NRP which was already in place, Community Infrastructure Levy (CIL) funding has been available for highways since 2021.

Mr Edser reported that £11.785million is available for the upcoming financial year. The report sets out work achieved to date around the condition assessment.

Mr Edser noted that the next stage of the three-year plan as part of the Asset Management approach is set out in the report, together with funding allocation on page 120. Work would be planned in relation to the priority need and further to briefings with Members.

Cllr Ambe asked about the rationale for repairing different roads. Surrounding roads were repaired in 2021 but Bertram Road and Forster Road were not, despite needing repair. Mr Edser suggested that Cllr Ambe email details to him.

Action: Cllr Ambe/Mr Edser

Cllr Longstaff asked where the additional £299k in funding for 2023/24 is from and what would happen if there is a steep rise in inflation. The Chair responded that this is CIL and NRP. Inflation would put pressure on the highways service.

Cllr Cohen stated that Members needed to think more into the future than 12 months. He enquired how the scheme would work in practice within the 3-year programme, allowing Members' input. Mr Edser explained that as schemes are brought forward officers would provide details on where the money would be spent. There is some flexibility and possibility for input from Members which is welcomed.

Cllr Radford asked whether the council can inform apps such as Waze that roads will be closed as the re-routing, as such apps can cause problems with traffic flow. Mr Edser

responded that the council has invested in One Network which has collaborative tools to provide advanced notification of road works in detail. Officers are also looking at options to deal with road closures and sharing information on the Barnet website.

The Chair moved to a vote on the officer's recommendations, which were unanimously approved.

RESOLVED that the recommendations were approved.

13. WASTE MANAGEMENT REDUCTION AND RECYCLING PLAN

The Chair reported that the Barnet Reduction and Recycling Plan is due to be submitted to the GLA at the end of September. It demonstrates the council's commitment to the sustainability agenda and references a commitment to reintroducing food waste collections, encouraging increased composting, promoting waste prevention and reduction, maximising recycling and other measures.

Mr Miller noted that the report covers April 2023 to March 2025. The council is required to submit the plan to the London Mayor as part of the Environment Strategy. The report requests that authority be delegated to Mr Miller in consultation with the Chair to make changes following feedback received from the GLA.

Cllr Radford asked whether more businesses could be helped to sign up to the food waste programme to avoid food being thrown away unnecessarily. Mr Miller responded that officers are in discussion with the North London Waste Authority (NLWA) on this.

Cllr Whysall suggested changing the size of wheelie bins so that they are relevant to household size. This may encourage recycling as bins would allow less waste. Mr Miller responded that the plan refers to a future review of the container policy. The Environment Act will be key to what is decided as some measures will be mandated.

The Chair moved to a vote on the officer's recommendations, which were unanimously approved.

RESOLVED that the recommendations were approved.

14. WELSH HARP DRAFT VISION REPORT

Ms Cassie Bridger, Assistant Director, Greenspaces and Leisure presented the report.

Ms Bridger reported that officers have worked with a consortium of partners including the Canal and River Trust (CRT) and GLA to develop a vision for the Welsh Harp. The report includes details of engagement undertaken and the next steps in developing an action plan which will be presented to the Welsh Harp Joint Consultative Committee. Work would continue with stakeholders to develop a full vision.

Ms Bridger noted that the Committee is asked to note the approach and to approve delegated authority to the Executive Director Community, Adults and Health in

consultation with the Chair, to agree the Welsh Harp Vision which will be ready by the end of September. This will be circulated to the Committee once complete.

Cllr Ambe asked whether the draft vision was presented to the last Joint Consultative Committee meeting. Ms Bridger responded that the draft was not available at that time, but the JCC had been updated on the progress of the project. The Welsh Harp Oversight Group had provided feedback on the draft vision. There would be opportunities for the Committee to provide feedback on the vision and action plan.

Cllr Longstaff expressed concern that the Committee could not see the final vision and action plan before deciding on the officer's recommendations. The Chair responded that the various partners had been involved over a long period of time.

The Chair moved to a vote on the officer's recommendations, which were unanimously approved.

RESOLVED that the recommendations were approved.

15. ENVIRONMENT AND CLIMATE CHANGE RELATED FEES AND CHARGES 2023/24

The Chair reported that Fees and Charges would be submitted to Policy & Resources Committee for approval.

The Chair moved to a vote on the officer's recommendations, which were unanimously approved.

RESOLVED that the recommendations were approved.

16. ENVIRONMENT AND CLIMATE CHANGE FORECAST FINANCIAL OUTFURN AT MONTH 4 (JULY 2022)

Mr Asong presented the report.

The Chair moved to a vote on the officer's recommendations, which were unanimously approved.

RESOLVED that the recommendations were approved.

17. COMMITTEE FORWARD WORK PROGRAMME

The Chair introduced the Forward Work Programme.

He noted that updates on the Citizens' Assembly would be added.

An update on damage to highways would be added as agreed under Item 9.

The Chair moved to a vote on the officer's recommendations, which were unanimously approved.

RESOLVED that the recommendations were approved.

18. ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 9.20 pm

Environment and Climate Change Committee

21 November 2022



Title	<p>Members' Items</p> <ul style="list-style-type: none"> • Councillor Giulia Innocenti - Greening our Neighbourhood • Cllr Dean Cohen – Consultation process for electric vehicle (EV) designated bays
Report of	Head of Governance
Wards	All Wards
Status	Public
Urgent	No
Key	No
Enclosures	None
Officer Contact Details	Tracy Scollin, Tel 020 8359 2315 tracy.scollin@barnet.gov.uk .

Summary

Members' Items have been received for the Environment and Climate Change Committee. The Committee is requested to consider the items and provide instructions.

Officer's Recommendation

That the Environment and Climate Change Committee's instructions in relation to the Members' Items is requested.

1. WHY THIS REPORT IS NEEDED

- 1.1 Members of the Committee have requested that the item tabled below is submitted to the Environment and Climate Change Committee for consideration and determination. The Environment and Climate Change Committee is requested to provide instructions to Officers of the Council as recommended.

Cllr Giulia Innocenti	Greening our neighbourhood The 'Green Our Neighbourhood NW2 Group' is developing a project to help protect primary school children in Childs Hill from the harmful effects of air pollution by planting trees and hedges. This may be able to act as a pilot to demonstrate the potential for similar projects in other areas. I request that the Environment and Climate Change Committee therefore asks officers to: <ul style="list-style-type: none">• Assess what additional support, advice and guidance officers are able to provide to the Childs Hill 'Green our Neighbourhood' group.• Ensure that community engagement, including working with community and 'friends of' groups is part of the new tree planting programme and Parks and Open Spaces strategy - including consideration of how support and advice can be given to projects being developed and run by community groups.
Cllr Dean Cohen	I am deeply concerned regarding the process of consulting on specific EV designated bays specifically in residential roads. I would like to know the process in which this consultation has been carried out, what roads have been consulted and what the feedback from residents has been to date? I would ask that the committee review the whole process.

2. REASONS FOR RECOMMENDATIONS

- 2.1 No recommendations have been made. The Committee is therefore requested to give consideration and provide instruction.

2.2 ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

N/A

3. POST DECISION IMPLEMENTATION

3.1 Post decision implementation will depend on the decision taken by the Committee.

4. IMPLICATIONS OF DECISION

4.1 Corporate Priorities and Performance

4.1.1 As and when issues raised through a Member's Item are progressed, they will need to be evaluated against the Corporate Plan and other relevant policies.

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

4.2.1 None in the context of this report.

4.3 Legal and Constitutional References

4.3.1 A Member (including Members appointed as substitutes by Council) will be permitted to have one matter only (with no sub-items) on the agenda for a meeting of a committee or Sub-Committee on which s/he serves. The matter must be relevant to the terms of reference of the committee.

4.3.2 The referral of a motion from Full Council to a committee will not count as a Member's Item for the purposes of this rule.

5. Social Value

5.1 Risk Management

5.1.1 None in the context of this report.

5.2 Equalities and Diversity

5.2.1 Members' Items allow Members of a Committee to bring a wide range of issues to the attention of a Committee in accordance with the Council's Constitution. All of these issues must be considered for their equality and diversity implications.

5.3 Consultation and Engagement

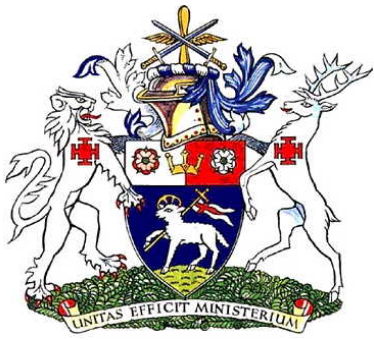
5.3.1 None in the context of this report.

6. ENVIRONMENTAL IMPACT

6.1 None in the context of this report.

7. BACKGROUND PAPERS

7.1 None.



Environment and Climate Change Committee

AGENDA ITEM 7

21 November 2022

Title	Letting Agents Enforcement Policy and adoption of associated legislation
Report of	Chair of Environment and Climate Change Committee
Wards	ALL
Status	Public
Urgent	No
Key	No
Enclosures	Appendix A – Draft Letting Agents Enforcement Policy October 2022
Officer Contact Details	Karen Tillett Trading Standards Team Leader karen.tillett@barnet.gov.uk 07729074665

Summary

Since 2014 the Government has introduced various pieces of legislation to regulate the activities of lettings and property management agents. These include the requirement for agents to belong to an approved Redress Scheme and Client Money Protection Scheme, the banning of tenants' fees (with certain prescribed exceptions), and requirements in relation to the publication of fees. Enforcement is largely by means of financial penalties, which can amount to up to £30,000, depending upon the circumstances.

The responsibility for enforcement of the above provisions lies with Trading Standards, which sits within Regulatory Services. The level of penalty to be imposed is subject to the discretion of the Council, up to statutory maximum values.

In order to support the determination of financial penalties for breaches of legislation we are looking to adopt the Model London Lettings Enforcement Policy, which has been prepared by London Trading Standards (LTS). It sets out the decision-making process to be followed when taking enforcement action.

Officers Recommendations

- 1. That the Committee approve and delegate authority to the London Borough of Barnet Trading Standards to impose monetary penalties for offences in relation to breaches of the Tenants Fees Act 2019 and the Client Money Protection Schemes for Property Agents (Requirement to Belong to a Scheme etc.) Regulations 2019**
- 2. That the Committee agree to the adoption of the Lettings Enforcement Policy.**

1. Why this report is needed

- 1.1 Since 2014, letting agents have been required to be a member of a government approved redress scheme such as the Property Ombudsman scheme. As part of the Consumer Rights Act 2015, the government introduced the requirement for letting agents to publicise landlord and tenant fees. Authorisation for the imposition of financial penalties under these pieces of legislation was agreed by this Committee on 9 June 2022.
- 1.2 To further regulate the private rented sector, the Tenant Fees Act 2019 was passed into legislation; this prohibited the charging of tenants' fees, save for permitted exceptions. Since 2019, letting agents are also required to be members of a government approved Client Money Protection Scheme.
- 1.3 The sanction for breaches of letting agents' requirements is usually by way of a civil financial penalty imposed by the enforcement authority (although certain breaches of the Tenant Fees Act can give rise to criminal proceedings). The penalty imposed can be up to £5,000 in the case of failure to display a certificate of an approved Client Money Protection and certain transparency requirements. The maximum penalty increases to £30,000 for breaches of the permitted payments regime and non-membership of a Client Money Protection scheme. The penalty amount to be imposed is at the discretion of the enforcement authority.
- 1.4 When setting financial penalties, an enforcement authority must have regard to relevant statutory guidance and guidance issued by the lead enforcement authority for England, Bristol City Council. With this in mind, a model enforcement policy has been prepared by London Trading Standards, in consultation with the lead enforcement authority. The proposed policy also takes into account the Regulators' Code and the Code for Crown Prosecutors.
- 1.5 The model enforcement policy aims to ensure consistency of approach across London when setting the level of financial penalty to be imposed. It sets out factors to be considered such as culpability, harm, aggravating and mitigating features and proportionality. It also describes the decision-making process to be used when taking enforcement action for breaches of the letting agents legislation mentioned above.
- 1.6 Therefore, to be able to enforce the whole range of current letting agents legislation, the agreement of this Committee is sought to approve and delegate authority to Trading Standards to carry out enforcement and impose monetary penalties in respect of breaches of:

- 1.6.1 The Tenants Fees Act 2019, and
- 1.6.2 The Client Money Protection Schemes for Property Agents (Requirement to Belong to a Scheme etc.) Regulations 2019 (made by virtue of Sections 133, 134 and 135 of the Housing and Planning Act 2016)
- 1.7 Furthermore, approval is sought for the adoption of the Lettings Enforcement policy in Appendix A to enable a consistent approach to the determination of fair and proportionate monetary penalties imposed by virtue of relevant letting agents legislation.

2. Reasons for recommendations

- 2.1 The London Borough has a duty to enforce letting agents legislation. The Trading Standards Team aim to bring all relevant traders into compliance. Authorisation under this additional legislation will enable officers to tackle all aspects of non-compliance. The issuing of monetary penalties will be a useful tool to ensure compliance and the adoption of the enforcement policy will ensure a fair and consistent approach. The proposed enforcement policy is complementary to Barnet's Development and Regulatory Services Enforcement Policy which was last amended by the Housing Committee on 23 October 2017.

3. Alternative options considered and not recommended

- 3.1 This legislation imposes a duty on the local authority, so there is no alternative other than to adopt and enforce the legislation. It is important that Officers carry out monitoring and enforcement regarding membership of Client Money Protection schemes and the restriction of tenants' fees, because these aspects are a vital part of the legislative measures that have been put in place to protect tenants and prevent their exploitation.

4. Post decision implementation

- 4.1 All trading standards enforcement officers will be authorised to enforce this legislation and issue penalty notices accordingly. However, before issuing any such notice, clearance must be sought from the senior officer for the team. When considering the level of penalty to impose, the principles of the Enforcement Policy will be applied, and the recommended process followed.

5. Implications of decision

5.1 Corporate Priorities and Performance

- 5.1.1 Implementation of this legislation and imposition of associated penalties aims to raise standards in the Private Rented Sector; raising standards in turn increases sustainability. A sustainable and compliant private rental market will attract and retain economically active individuals and businesses.
- 5.1.2 Promoting compliance and tackling non-compliant behaviour by individuals and businesses contributes positively to creating places where people want to live, work

and socialise therefore supporting the objectives contained within the Corporate Plan.

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

5.2.1 The cost of the additional enforcement will be met through the monetary penalties received where the legislation is breached.

5.3 Legal and Constitutional References

5.3.1 The Local Authority has a duty to enforce both the Tenants Fees Act 2019 and the Client Money Protection Schemes for Property Agents (Requirement to Belong to a Scheme etc.) Regulations 2019.

5.3.2 Statutory enforcement guidance states that enforcement authorities are expected to develop and publish their own enforcement policy on determining the appropriate level of financial penalties to impose for a given breach.

5.3.3 There is an appeal process to the First Tier Tribunal if someone wishes to challenge a monetary penalty imposed on them by the authority.

5.3.4 Under Article 7 (Committees, Forums, Working Groups and Partnerships), the Environment and Climate Change Committee has:

(1) Responsibility for all borough-wide or cross-constituency matters relating to the street scene including, parking, road safety, lighting, street cleaning, littering, fly-tipping, fly-posting, graffiti, transport, waste, waterways, refuse, recycling, allotments, parks, trees, crematoria and mortuary, trading standards and environmental health.

5.4 Insight

5.4.1 Not relevant to this report.

5.5 Social Value

5.5.1 Not relevant to this report.

5.6 Risk Management

5.6.1 The Trading Standards team will work closely with the legal team, as well as other local authorities trading standards teams to ensure long term compliance, and, to develop best practice around these penalties to reduce the likelihood of a recipient successfully appealing their penalty.

5.7 Equalities and Diversity

5.7.1 Implementation of this legislation aims to protect and support vulnerable groups/families.

5.8 Corporate Parenting

5.8.1 Not applicable.

5.9 Consultation and Engagement

5.9.1 None required.

5.10 Environmental Impact

5.10.1 There are no direct environmental implications from implementing the recommendations.

6. Background papers

- 6.1 The Tenant Fees Act 2019 [Click here](#)
- 6.2 The Client Money Protection Schemes for Property Agents (Requirement to Belong to a Scheme etc.) Regulations 2019 [Click here](#)
- 6.3 The Housing and Planning Act 2016 [Click here](#)
- 6.4 Tenant Fees Act 2019. Statutory Guidance for Enforcement Authorities (updated September 2020) [Click here](#)
- 6.5 The Consumer Rights Act 2015 [Click here](#)
- 6.6 The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 [Click here](#)
- 6.7 The Enterprise and Regulatory Reform Act 2013 [Click here](#)

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October 2022

LONDON BOROUGH OF BARNET TRADING STANDARDS SERVICE

Lettings Enforcement Policy

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Introduction

London's population has grown rapidly over the last decade to a record 9.0 million people by mid-2019. The proportion of households renting privately has also increased significantly from around 15% at the turn of the century to 27% by 2019 and of London's 3.6 million households almost a million are now renting privately, representing more than a fifth of all privately renting households in England.

London has a higher rate of population "churn" than other areas due to its higher levels of outward and inward migration, and more transient population. The high influx of working age population means that London has a younger population than England as a whole.

Occupancy levels are also particularly high in the private rented sector, with average floor area per person falling from 31m² to 25m² over the past 25 years and is now less than for any other tenure.

At the same time, average private rents in London have risen by 43% since 2005, by far the largest increase of any English region.¹ In the year to March 2020, the median rent for a privately rented home in London was £1,425 per calendar month, more than twice as high as the median in England as a whole (£700). London's rents are so much higher than those of other regions that the median monthly rent for a one-bedroom home in the capital (£1,204) is almost as high as the national median monthly rent for a home with four bedrooms or more (£1,300).²

With the expansion of the private rented sector, a large letting agent industry has grown in the Capital which accounts for around 40% of all letting agents in England. It is estimated that there are 10,000 such agents, now operating in London.

There is also evidence of widespread non-compliance with legal requirements in the sector. In 2018/2019 enforcement data from the London boroughs suggests that only around a half (54%) of London letting agents were fully compliant with the law when inspected by Trading Standards Officers.

In this context, the London Borough of Barnet has adopted an enforcement policy which has been prepared by London Trading Standards in conjunction with an expert Barrister, Daniel Brayley, of Gough Square Chambers. This sets out the decision-making process to be used by the London Borough of Barnet in relation to enforcement action for breaches of the following lettings legislation:

- a. The Enterprise and Regulatory Reform Act 2013 (in relation to The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014);
- b. The Consumer Rights Act 2015 (sections 83-88);
- c. The Tenants Fees Act 2019;
- d. The Housing and Planning Act 2016 (in relation to The Client Money Protection Schemes for Property Agents (Requirement to Belong to a Scheme etc.) Regulations 2019).

¹ Office for National Statistics ("ONS") Experimental Index of Private Housing Rental prices

² ONS, Private Rental Market summary statistics

This policy is not statutory guidance. It has been prepared by reference to the primary legislation, applicable statutory and non-statutory guidance, the Regulators' Code and, where applicable, the Code for Crown Prosecutors. In preparing this policy the authority has also considered the extensive body of First and Upper Tier Tribunal rulings under the above legislation relating specifically to the London market.

The policy has been made in consultation with the lead enforcement authority.

The relevant sections of the above legislation mainly concern civil breaches, albeit with potential criminal offences arising from them, accordingly, where appropriate, reference is made to the overarching principles of criminal law, such as culpability, harm, aggravating and mitigating features, and proportionality.

When considering the culpability of letting agents attention is drawn to the professional status of the sector, the extensive guidance provided by, and available from, industry bodies, and the requirements for compliance provided by statutory redress schemes.

Redress Schemes

Legislation

The Enterprise and Regulatory Reform Act 2013 sections 83-88 and The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 ("the Redress Schemes Order 2014").

The requirement

It has been a requirement since 1 October 2014 for lettings and property management agents to be a member of a government approved redress scheme.³

This provides clients of these businesses, both tenants and landlords, with an independent form of redress to resolve complaints.

There are currently two schemes approved by the government:

- a. The Property Ombudsman ("TPO"); and
- b. The Property Redress Scheme ("PRS").

Sanction for breach of the requirement

The requirement is enforced by local authority Trading Standards or Housing Services.

A failure to join a scheme is enforced by a civil penalty process with a **maximum penalty of £5,000**.

The breach must be proved on "the balance of probabilities", i.e. to the civil standard of proof.⁴

For both tenants and landlords, the consequence of a business not being a member of a redress scheme can be significant in that they lose an important method of resolving

³ The Redress Schemes Order 2014, Part 2

⁴ Ibid. Article 8

complaints without having to take recourse to legal action (which can be both time consuming and expensive). This is true even if a business later joins a scheme as the membership is not retrospective and clients who contracted with an agent prior to the date of membership are still not covered.

Trading Standards consider this an important access to justice issue and a very serious breach because of the potential collective harm to both tenants and landlords. It is also an indicator of poor professional standards within the sector.

Determining the level of financial penalty

The Ministry for Housing Communities and Local Government (“MHCLG”)⁵ has issued guidance for local authority housing officers on *Improving the Private Rented Sector and Tackling Bad Practice - A Guide for Local Authorities*.⁶ Annex C - *Letting Agents Redress Scheme Guidance* provides:

*The expectation is that a £5,000 fine should be considered the norm and that a lower fine should only be charged if the enforcement authority is satisfied that there are extenuating circumstances”.*⁷

The guidance also makes clear that it will be up to the enforcement authority to decide what such circumstances might be.

In having regard to the guidance issued by MHCLG, the expectation is that a £5,000 penalty should be considered the norm. Due to the serious detriment associated with lack of membership of a redress scheme, the lack of professional standards it indicates and the particulars of the London Lettings market, the authority is adopting the policy that when issuing an initial notice (notice of intent) against an agent, **the monetary penalty will usually start at £5,000.**

The notice of intent provides the agent with the option to submit representations to the authority within 28 days. The authority shall consider the representations and may reduce the monetary penalty if appropriate.

This approach has been accepted by Judges in the First Tier Tribunal.

In considering whether to vary, withdraw or confirm a monetary penalty after the notice of intent has been served, the authority will take into account any representations provided by the agent. The following non-exhaustive list of factors will be considered in either mitigation or aggravation, as appropriate in each case:

- The severity of the breach (i.e. the length of breach, has membership just lapsed or has the agent never been a member of a redress scheme)
- The financial impact of the breach on tenants and landlords (this may be difficult to assess)
- How long the legislation and requirements have been in force
- The agent’s history of compliance and/ or non-compliance

⁵ Formerly the Department for Communities and Local Government

⁶

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/412921/Improving_private_rented_sector.pdf, published March 2015,

⁷Ibid. pp.53-54

- Any complaints against the agent
- The attitude of the agent and/ or co-operation with the authority in its investigation
- Whether the breach was rectified promptly
- Steps that the agent has or has not taken to ensure compliance
- Personal or health issues that may have had or be having an effect on the agent's business (e.g. impacting on the period of breach or ability to pay)
- Any other factors that could amount to extenuating circumstances.

Where applicable the authority shall consider the affordability of the proposed penalty, including the financial status of the agent and/ or the agent's ability to pay.

Simply correcting a breach after receiving a notice will not nullify the proposed penalty and if an agent would like a reduction to be considered, in the first instance, representations/ objections should be made to the Council in the 28 days allowed.

Publicise relevant fees and required information

Legislation

Consumer Rights Act 2015 ("CRA") sections 83-88.

The requirement

Section 83 CRA makes it a requirement for all letting agents in England to publicise details of their relevant fees and other required information. Sections 83 to 88 CRA contain detailed disclosure requirements.

Sanction on breach of the requirement

Where the authority is satisfied on the balance of probabilities that a letting agent has breached the above duty it may impose a penalty under section 87 CRA.

The amount of the financial penalty may be determined by the local authority but **must not exceed £5,000.**⁸

Determining the level of financial penalty

In line with the statutory guidance issued by the MHCLG: *Improving the private rented sector and tackling bad practice: a guide for local authorities. Annex D – Guidance on Letting Agent Fees, the authority will normally issue the financial penalty for the maximum of £5,000 and a lower penalty will only be considered if the authority is satisfied that there are extenuating circumstances.*⁹

In considering whether to vary, withdraw or confirm a monetary penalty after a notice of intent has been issued the authority will take into account any representations provided by the agent.

⁸ CRA, s. 87(7)

⁹ <https://www.gov.uk/government/publications/improving-the-private-rented-sector-and-tackling-bad-practice-a-guide-for-local-authorities>, published 13 March 2015, p.60

Each of the following non-exhaustive factors will be considered, as possible mitigation, in the authority's decision of whether to vary, withdraw or confirm a penalty:

- The severity of the breach
- The financial impact of the breach on tenants and landlords
- How long the legislation and requirements have been in force
- Whether a letting agent was in breach of some but not all aspects of the requirements (with respect to displaying fees, client money protection and redress scheme information).
- The period of non-compliance (e.g. was a technical error on a website causing a breach for a matter of hours or was there an extended period of non-compliance)
- Whether the breach was rectified promptly
- Steps that the agent has or has not taken to ensure compliance
- The attitude of the agent and/ or co-operation with the authority in its investigation
- Personal or health issues that may have had or be having an effect on the letting agent's business (e.g. impacting on the period of breach or ability to pay)
- Any other factors that could amount to extenuating circumstances.

Where applicable the authority shall consider the affordability of the proposed fine, including the financial status of the agent and/ or the agent's ability to pay.

Mitigating factors advanced by the agent in representations shall be weighed up against all of the facts of the case as well as wider factors where relevant, including the following points:

- How long the legislation and/ or requirements have been in force
- The agent's history of compliance and/or non-compliance
- Whether an agent was in breach of other lettings requirements (e.g. client money protection or redress scheme membership)
- Steps the agent has or has not taken to ensure compliance
- The size of the business and number of staff
- Any other relevant factors

The authority can issue a penalty *per breach*, therefore if an agent is in breach on their website **and** in their office this would amount to two separate breaches. If an agent has multiple branches, then a penalty of £5,000 may be imposed separately against each non-compliant branch.

For continued non-compliance further penalties of £5,000 can be issued for the same breach over a different period.¹⁰ It is therefore of utmost importance that breaches are corrected by the agent as soon as possible after notification to avoid further penalties. There is no limit to the number of penalties that can be imposed for a continued breach. However, no further penalties can be issued if the letting agent appeals to the Tribunal until the end of 28 days beginning the day after the day on which the appeal is finally determined, withdrawn or abandoned.

¹⁰ CRA s.87(6A)

Simply correcting a breach after receiving a notice will not nullify the proposed penalty and if an agent would like a reduction to be considered, in the first instance, representations/objections should be made to the Council in the 28 days allowed.

Prohibited payments

Legislation

Tenant Fees Act 2019 (“TFA”)

Requirement

Under the TFA it is unlawful for a landlord or letting agent to require a relevant person to make a ‘*prohibited payment*’ in relation to a tenancy agreement. Tenancy Agreements include Assured Shorthold Tenancies (“ASTs”), student accommodation and licences to occupy housing (with limited exception). All payments are prohibited unless they are one of the permitted payments listed in Schedule 1 TFA. Sections 1, 2 and 3 TFA give further details on the specific breaches by a landlord or letting agent.

Sanction

Section 8 TFA provides local authorities with the power to impose a civil penalty in situations where a breach of the TFA has been identified.

Each separate ‘*prohibited payment*’ represents a separate breach of the TFA.

The TFA sets out maximum penalties that the Council may impose on agents and landlords that breach the above prohibition¹¹, namely:

- a. £5,000 where a landlord or agent has required a tenant or landlord to make a ‘prohibited payment’;
- b. £30,000 where a landlord or agent has required a tenant or landlord to make a ‘prohibited payment’ within 5 years of a previous conviction or imposition of a Civil Penalty [as an alternative to instigating prosecution proceedings];
- c. £5,000 where a landlord or agent is in breach of the requirement to repay the holding deposit.

If a further breach is committed within five years of the imposition of a financial penalty or conviction for a previous breach, this will be a criminal offence under section 12 TFA. Upon conviction, the penalty is an unlimited fine. This offence is also a banning order offence.¹²

Accordingly, if an offence is committed contrary to section 12 TFA, the Council may either impose a financial penalty of up to £30,000 or prosecute the landlord or letting agent. For the avoidance of doubt where a financial penalty is imposed this does not amount to a criminal conviction.

Schedule 3 TFA sets out the procedure in relation to notices, appeals and the recovery of prohibited payments.

¹¹ Tenant Fees Act 2019, s. 8

¹² Housing and Planning Act 2016, s. 14

The Government has issued statutory guidance: *Tenant Fees Act 2019 Statutory Guidance for Enforcement Authorities*.¹³ The Council has regard to this guidance in the exercise of its functions in respect of civil penalties and other enforcement action.

Decision to Prosecute

A decision to prosecute for an offence under section 12 (and/or section 13) will be made, subject to the above-mentioned statutory guidance, the Code for Crown Prosecutors, and our enforcement policy.

We will consider the following general principles when deciding whether to prosecute a landlord or agent:

- a. whether there is sufficient admissible and reliable evidence that the offence has been committed;
- b. whether there is a realistic prospect of conviction;
- c. whether the enforcement authority believes that it is in the public interest to do so.

Additionally, the following non-exhaustive list of factors will be considered when deciding whether to prosecute:

- The agent and/ or landlord's history of compliance/non-compliance
- Whether the first or previous penalties were paid
- The severity of the breach
- Deliberate concealment of the activity and/or evidence
- Knowingly or recklessly supplying false or misleading evidence
- The intent of the landlord/agent, individual and/or corporate body
- The attitude and level of cooperation of the landlord/agent
- The deterrent effect of a prosecution on the landlord/agent and others
- The extent of any financial gain as a result of the breach

Simply correcting a breach after receiving a notice will not nullify the proposed penalty and if an agent would like a reduction to be considered, in the first instance, representations/objections should be made to the Council in the 28 days allowed.

Determining the level of financial penalty

In accordance with section 8 TFA the financial penalty may be of such amount as the authority determines, subject to the maximum figures stated above.

Below is a list of some, but not all factual elements that provide the context of the breach and factors relating to the Landlord or Agent that may be considered as a part of the Council's decision-making process. The Council will identify whether any combination of these, or other relevant factors, should result in an upward or downward adjustment when determining the level of penalty.

¹³https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819633/TFA_Statutory_Enforcement_Guidance_190722.pdf

Factors increasing seriousness

Aggravating factors:

- Previous breaches of the TFA
- Previous convictions, having regard to the nature of the offence to which the conviction relates and its relevance to the current breach and the time that has elapsed since the conviction
- A landlord or agent with a history of failing to comply with their obligations and/or their actions were deliberate and/ or they knew, or ought to have known, that they were in breach of their legal responsibilities
- Level of harm caused to the tenant
- Established evidence of wider/community impact
- Motivated by or evidence of financial gain
- Deliberate concealment of illegal nature of activity
- Obstruction of the investigation
- Refusal of advice or training or to become a member of an Accreditation scheme
- Failure to act quickly in rectifying breach once notified by enforcement authority
- Failure to act quickly in rectifying breach once notified by another person such as a tenant or someone acting on their behalf

Factors reducing seriousness

Mitigating factors

- No previous or no relevant/recent breaches or complaints
- No previous convictions or no relevant/recent convictions
- Steps voluntarily taken to remedy problem
- High level of co-operation with the investigation, beyond that which will always be expected
- Good record of relationship with tenants
- Self-reporting
- Acceptance of responsibility and/ or admission of guilt
- Good character and/or exemplary conduct
- Mental disorder or learning disability, where linked to the commission of the breach
- Serious medical conditions requiring urgent, intensive or long-term treatment and supported by medical evidence (affecting reasonable compliance and affecting someone integral to the business such as a Director or manager and particularly relevant in small businesses where there may not be the resources to put alternative arrangements easily in place)
- Prompt repayment of prohibited charge to tenant
- Whether landlords or agent's primary trade or income is connected with the private rented sector

The final determination of any financial penalty will be considered alongside the general principle that a penalty should be fair and proportionate and, in all instances, act as a deterrent and remove any gain as a result of the breach.

Other factors to be considered

- a. Totality principle – if issuing a financial penalty for more than one breach, or where the landlord or agent has already been issued with a penalty, we will consider whether the total financial penalties are just and proportionate to the breaches.

- b. Affordability issues – impact of the financial penalty on the landlord or agent’s ability to comply with the law and whether the penalty is proportionate to their means
- c. Impact of the financial penalty on the business – if the penalty would be disproportionate to the turnover/scale of the business or would lead to the agent going out of business

A record of each decision and the reason for determining the financial penalty will be kept.

Client money protection

Legislation

The Client Money Protection Schemes for Property Agents (Requirement to Belong to a Scheme etc.) Regulations 2019 (“CMP Regulations”)

The requirement

From 1 April 2019 property agents in the private rented sector in England that hold client money must obtain membership from a Government approved or designated Client Money Protection Scheme.¹⁴

Property agents must also comply with the “transparency requirements” in regulation 4 of the CMP Regulations, for example, they must display, publish and produce the certificate of membership (if the scheme administrator provides a certificate) and give notice to clients if the agents membership of the scheme is revoked.¹⁵

Mandatory client money protection is intended to give landlords and tenants confidence that their money is safe when it is being handled by an agent. Where an agent is a member of a Government approved Client Money Protection Scheme, it enables a tenant, landlord or both to be compensated if all or part of their money is not repaid.

“Client money” means money received by a property agent held on behalf of another person in the course of English letting agency work within the meaning of section 54 of the Housing and Planning Act 2016 or English property management work within the meaning of section 55 of that Act. This does not include money held in accordance with an authorised tenancy deposit scheme within the meaning of Chapter 4 of Part 6 Housing Act 2004.¹⁶ However, “Client Money” includes deposits paid to a letting agent before they are protected and unprotected deposits at the end of a tenancy, before they are returned/paid to the tenant or landlord.

Sanctions

The CMP Regulations provide that enforcement authorities may impose a financial penalty at such a level as the Council determines but **not exceeding £30,000** where it is satisfied beyond reasonable doubt that a property agent is engaging in letting agency or property management work and is required to be a member of an approved client money protection scheme but has failed to join one.¹⁷

¹⁴ CMP Regulations, Regulation 3(1)

¹⁵ Ibid. Regulation 4(2) & 4(3)

¹⁶ Ibid. Regulation 2

¹⁷ Ibid. Regulation 6

Trading Standards considers this a very serious breach because of the potential for extreme harm with potentially devastating consequences to both tenants and landlords. It is also an indicator of poor professional standards within the sector.

A full list of client money protection schemes can be found at the link below. The list of schemes is kept up to date by the MHCLG:

<https://www.gov.uk/client-money-protection-scheme-property-agents>

The CMP Regulations provide that enforcement authorities may impose a financial penalty at such level as the Council determines **but not exceeding £5,000**, where it is satisfied beyond all reasonable doubt that a regulated property agent has failed to:

- a. **Display** a certificate of its membership of an approved Client Money Protection Scheme prominently in their office(s) (where the scheme administrator of the approved scheme provides a certificate);
- b. **Publish** a copy of the certificate on their website (if any); and
- c. **Produce** a copy of the certificate to any person who may reasonably require it, free of charge.¹⁸

The right to impose a financial penalty in respect of the transparency requirements does not apply if the agent has taken all reasonable steps to obtain a copy of a certificate confirming the agent's membership of the approved or designated client money protection scheme and the scheme administrator has not provided it.¹⁹

A financial penalty may also be imposed at such level as the Council determines **but not exceeding £5,000**, where it is satisfied beyond reasonable doubt that a regulated property agent has failed to notify each client in writing within 14 days of:

- the agent's membership of an approved or designated client money protection scheme being revoked; or
- the agent ceasing to be a member of a particular approved or designated client money protection scheme and becoming a member of a different approved or designated client money protection scheme.²⁰

In such circumstances the notification must give the name and address of the new scheme which the agent joins.²¹

A breach of each of the transparency requirements above would account for a separate breach.²² Therefore, where an agent has breached more than one of these requirements, they will be liable for a separate financial penalty in respect of each breach. For example, in the event that an agent fails to display their membership certificate and also fails to provide a copy of these certificates free of charge to anyone who reasonably asks these are two individual breaches with two separate potential financial penalties.

¹⁸ Ibid. Regulation 4 & 7

¹⁹ Ibid. Regulation 7(3)

²⁰ Ibid. Regulation 4(2) & 7

²¹ Ibid. Regulation 4(3)

²² See MHCLG statutory guidance, Mandatory client money protection for property agents , Enforcement guidance for local authorities

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/800548/CMP_enforcement_guidance.pdf, p. 10

Simply correcting a breach after receiving a notice will not nullify the proposed penalty and if an agent would like a reduction to be considered, representations/objections should be made in the 28 days allowed (as detailed on the back of the notice of intent).

Determining the level of financial penalty

Although the Council has a wide discretion in determining the appropriate level of financial penalty in any particular case, in creating this policy regard has been given to the statutory guidance and non-statutory guidance, the Regulators' Code and where applicable the Code for Crown Prosecutors. This policy has been made in consultation with the lead enforcement authority.

STEP 1: Determine starting point

In determining the appropriate financial penalty where an agent is not a member of a client money protection scheme the authority will start by taking into account the size of the company and apply a penalty as follows:

- Property Agent Business turnover below £75,000: penalty starting point £10,000
- Property Agent Business turnover between £75,000 - £150,000: penalty starting point £20,000
- Property Agent Business turnover over £150,000: penalty starting point £30,000

The above figures will be applied before serving the notice of intent. The company's turnover shall be assessed by reference to the turnover of the company stated in the most recent accounts submitted to Companies House. If the business is not a company or no accounts indicating turnover have been submitted to Companies House or the accounts are more than 18 months old, then the maximum of £30,000 may be applied until the Council has a better indication of the business' financial status, in practice this may be after the notice of intent is served and financial documents have been supplied by the agent.

STEP 2: Adjust starting point to reflect aggravating and mitigating features

Having selected the appropriate starting point for determining the financial penalty, the authority will then adjust the financial penalty imposed up and down in light of the following aggravating and mitigating factors:

Aggravating factors

- Extended period of breach
- Previous civil penalties being issued against the agent and/ or a record of non-compliance with relevant legislation
- Agent has made no reasonable attempts to comply with the Regulations
- Failure to act quickly in rectifying any breach once notified by the authority (or to take reasonable steps to do so)
- The agent has previously received advice and guidance from the authority in relation to joining a CMP scheme
- Actual Harm caused to tenants or landlord (or evidence of a loss of client money in respect of previous tenants or landlords)
- Potential harm caused to tenants or landlords
- Complaints received relating to client money or otherwise

- Where an agent has been expelled from an approved scheme and has not taken immediate action to join another scheme or ensure it is not holding client money
- Lack of co-operation / obstruction of the investigation

Mitigating factors

- Co-operation with the investigation
- The agent has a good reputation with no previous breaches or complaints
- Early admission of the breach and taking all reasonable steps to quickly join a scheme
- Evidence that the agent has made every reasonable effort to join an approved client money protection scheme but is unable to do so for issues outside of their control
- Production of up to date full accounts showing for example that the agent's turnover is significantly less than that stipulated on the most recent companies house accounts or that the fine would cause severe financial hardship or would be likely to put the agent out of business
- Mental disorder or learning disability, where linked to the commission of the breach
- Serious medical conditions requiring urgent, intensive or long-term treatment and supported by medical evidence (affecting reasonable compliance and affecting someone integral to the business such as a Director or manager and particularly relevant in small businesses where there may not be the resources to put alternative arrangements easily in place)

STEP 3: Consider other factors

Deterrence

In order to deter agents from breaching the CMP regulations and to deter other agents from committing similar breaches the penalty should be such as to have a real financial impact on the business.

Totality principle

If issuing a financial penalty for more than one breach, or where the agent has already been issued with a penalty, the authority will consider whether the total financial penalties are just and proportionate to the breaches.

Affordability issues

Impact of the financial penalty on the agent's ability to comply with the law and whether it is proportionate to their means.

Impact of the financial penalty on the business, the penalty should not be disproportionate to the turnover and scale of the business and/ or would lead to the agent going out of business.

The final determination of any financial penalty will be considered alongside the general principle that a penalty should be fair and proportionate but, in all instances, act as a deterrent and remove any gain as a result of the breach.

In practice, step 2 and 3 are likely to take place after the Council have issued a notice of intent after an agent has made representations.

A record of each decision and the reason for determining the financial penalty will be kept.

A breach of the CMP Regulations does not give rise to a criminal offence under the CMP Regulations, however in the event that an agent is displaying a client money protection certificate to a scheme to which they do not belong (or have been expelled from) the authority will consider taking criminal enforcement action against the agent under the Consumer Protection from Unfair Trading Regulations 2008.

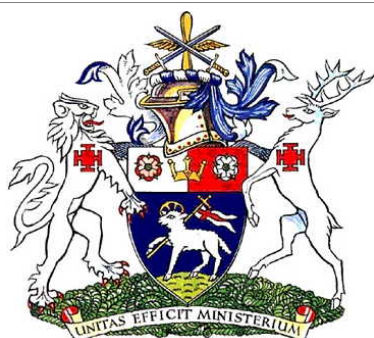
The Mayor of London's Rogue Landlord and Agent Checker

The Council may publicise details of landlords and agents who are prosecuted or who are issued with a financial penalty under any of the above legislation on the Mayor of London's Rogue Landlord and Agent Checker, operated by the Greater London Authority (GLA).

In relation to civil penalties once an agent has been issued with a Final Notice, if the agent does not appeal or is unsuccessful with their appeal, then the details of the breach and the level of the penalty will be publicised. Penalties can be publicised on the public tier if the penalty is £500 or greater (there is no threshold on the private tier).

If an agent is issued with multiple penalties these will be publicised as separate entries.

For full details of the policies and procedures for the Rogue Landlord and Agent Checker please see the following link: https://www.london.gov.uk/sites/default/files/190515-policies_and_procedures_update_clean_1.pdf



Environment & Climate Change Committee

21st November 2022

Title	Streetscape Design Guide (SDG) 2022
Report of	Chair of Environment & Climate Change Committee
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	Appendix 1 - Streetscape Design Guide (SDG) 2022
Officer Contact Details	<p>Ian Edser, Director of Highways and Transportations ian.edser@barnet.gov.uk</p> <p>Ali Ataie, Interim Strategic Lead Commissioner, Highways ali.ataie@barnet.gov.uk</p>

Summary

This report seeks the Committee's approval for the introduction of a revised London Borough of Barnet's ("LBB") Streetscape Design Guide (SDG) 2022. LBB had a Developers Design Guide (DDG) document prepared circa 2014.

The LBB Network Recovery Plan (NRP) Project established a design guide for the specification and approach to carriageways and footways improvements. A review of the LBB Asset Management suite of documentation identified the need for a 2022 Streetscape Design Guide (SDG) to be prepared by reviewing and refreshing the DDG 2014, as well as updating other existing guidance and working documents.

A Design Guide provides policy context, guidance and direction when considering new developments that will impact on infrastructure and public realm. It is used by all tasked with designing new infrastructure including LBB's own teams and/or consultants to ensure consistency and good practice. A Design Guide aims to contain all relevant advice and

assistance in one managed space. It helps to highlight particular requirements for local distinctiveness where applicable and where early consultations will be useful and necessary.

The SDG is seen as an enabling document and once approved will be reviewed on an annual basis to ensure it aligns with relevant guidance and best practice.

Officer's Recommendations

- 1. That the Committee approves the 2022 LBB Streetscape Design Guide (SDG) as part of the Authority's overall Highway Infrastructure Asset Management system.**
- 2. That the Committee delegate authority to the Director of Highways and Transportation to review and implement the Streetscape Design Guide as required, in consultation with the Chair of the Environment & Climate Change Committee.**

1. WHY THIS REPORT IS NEEDED

- 1.1 The Streetscape Design Guide (SDG) 2022 is an important part of the LBB Infrastructure Asset Management suite of documents. It performs a key role at the front end of planning and preliminary design to direct and influence the approach to, and specification of, new infrastructure. It operates in conjunction with local technical guidance/policies, statutory processes for infrastructure adoption and current legislative and best practice requirements. This SDG is a useful reference point for all organisations and internal staff considering or preparing new development proposals or designs that include streetscape, public realm and highway elements.
- 1.2 All new and adapted streetscape assets need to represent long term value for money and be affordable to LBB. The long-term maintainability of assets is an important consideration for all new proposals as is ensuring core standard design specification and material palette choices. Standardised design specifications suitable for large parts of LBB help to achieve this objective.
- 1.3 This updated 2022 Streetscape Design Guide provides an easy-to-use route finder to access the best information and guidance when planning new developments or streetscape design in the London Borough of Barnet (LBB).
- 1.4 The SDG is seen as an enabling document and once approved will be reviewed on an annual basis to ensure it aligns with relevant guidance and best practice.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The Streetscape, in the form of Public Realm Town Centres and Highway network, is the Council's most valuable group of assets and collectively are vital to the economic, social and environmental wellbeing of the Borough as well as the general image perception. It is a key element in the LBB Strategic Asset Management Plan. The Streetscape provides access for business and communities, as well as contributing to the area's local character and the resident's quality of life being the most visible community asset and is probably the most used of all our services, by nearly all residents daily. It is vital to the economic, social and environmental well-being of our community.
- 2.2 The Streetscape is continually evolving and growing with major regeneration projects and Town Centre and Neighbourhood Plans and Strategies. Attractive and functional Streetscape and Public Realm, combined with good transport and network management, is vital to maintaining economic prosperity and LBB's ability to meet the needs of our growing population. LBB shares many of the transport challenges experienced across London; increasing traffic congestion, balancing the needs and safety of pedestrians, cyclists and road users, against a perception that public transport is overcrowded unreliable and expensive. Additionally, LBB has local challenges to improve the overall community streetscape and transport connectivity infrastructure to support an ambitious regeneration programme.
- 2.3 LBB has in place a Developers Design Guide (DDG) document prepared circa 2014. The LBB Network Recovery Plan (NRP) Project established a design guide for the specification and approach to carriageways and footways improvements. A review of the LBB Asset Management suite of documentation identified the need for a 2022 Streetscape Design Guide (SDG) to be prepared by reviewing and refreshing the DDG 2014, as well as updating other existing guidance and working documents.
- 2.4 **What is a Streetscape Design Guide?** A Design Guide provides policy context, guidance and direction when considering new developments that will impact on infrastructure and public realm. It is used by all tasked with designing new infrastructure including LBB's own teams and/or consultants to ensure consistency and good practice. A Design Guide aims to contain all relevant advice and assistance in one managed space. It helps to highlight particular requirements for local distinctiveness where applicable and where early consultations will be useful and necessary.
- 2.5 It doesn't itself provide detailed technical design directives, but it does provide a framework to access a comprehensive 'library' of good practice guidance, highlighting requirements that are important to apply in LBB, as locally adopted policies and advice for all concerned with the design and maintenance of streetscape and public realm/highway (footways, cycleways and carriageways), statutory undertakers and developers.
- 2.6 The 2022 SDG will direct, require and support achieving the right streetscape and public realm and transport infrastructure, recognising in some area's local

history and characteristics. The SDG will implement necessary and supportive climate change interventions into the future. Interventions incorporate the carbon zero, clean air, flood prevention/water management (SuDS), Active Travel & public health initiatives, and above all sustainability in all we do, or can influence. Protecting, enhancing and engaging the help of the green environment is a key objective for our current and future Streetscape.

- 2.7 The Streetscape Design Guide (SDG) is an important part of the LBB Infrastructure Asset Management suite of documents. It performs a key role at the front end of planning and preliminary design to direct and influence the approach to, and specification of, new infrastructure. It operates in conjunction with local technical guidance/policies, statutory processes for infrastructure adoption and current legislative and best practice requirements. This SDG is a useful reference point for all organisations and internal staff considering or preparing new development proposals or designs that include streetscape, public realm and highway elements.
- 2.8 All new and adapted streetscape assets need to represent long term value for money and be affordable to LBB. The long-term maintainability of assets is an important consideration for all new proposals as is ensuring core standard design specification and material palette choices. Standardised design specifications suitable for large parts of LBB help to achieve this objective.
- 2.9 This updated 2022 Streetscape Design Guide provides an easy-to-use route finder to access the best information and guidance when planning new developments or streetscape design in the London Borough of Barnet (LBB).
- 2.10 The document manages a useful reference document 'hub' to access electronic links to national and local best practice guidance/policies, important examples of which include NRP Standard Details, the latest Manual for Streets, TfL's Streets Toolkit and the GLA Public London Charter (principles for public space).

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The development and publication of a Street Design Guide by a Highway Authority is good practice in management and design of the highway assets. Absence of such guidance could lead to fragmented approach to good public realm design and affordable highway assets. Do nothing approach was considered but not recommended.

4. POST DECISION IMPLEMENTATION

- 4.1 Once the Committee approves the recommendations, (Re officers) will finalise and publish the SDG as a strategic document to support highway design, maintenance and improvement programmes by Council's own designers as

well as providing guidance to external developers. The Plan will be published on Council's website for public viewing.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The Streetscape in the form of Public Realm Town Centres and Highway network are the Council's most valuable assets and collectively are vital to the economic, social and environmental wellbeing of the Borough as well as the general image perception. It is a key element in the LBB Strategic Asset Management Plan. The streetscape provides access for business and communities, as well as contribute to the area's local character and the resident's quality of life.

5.1.2 The Council's Corporate Plan – The Barnet Plan 2021-25 contains the strategic priority "Clean, Safe and Well Run". There is a commitment to invest in planned maintenance through the Network Recovery Programme and town centre improvements to ensure roads and pavements can be used for safe, reliable travel in the long term. The SDG ensures that any design and improvement works in the borough take into account local characteristics, environmental impact, as well as best practice and affordability. It is expected that the new Administration will develop a new corporate plan, consistent with the new administration's priorities. The SDG will be reviewed in line with any changes to the corporate plan.

5.1.3 The SDG does also contribute to the Council's Health and Wellbeing Strategy by making Barnet a safe and great place to live and enable the residents to keep well and independent.

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

5.2.1 The revised guidance will ensure the effective financial management of the highways network through the implementation of a clear policy framework, optimising resources deployed.

5.2.2 No additional revenue budget will be required to implement the Streetscape Design Guide 2022.

5.2.3 There are no additional staffing ICT or property implications. Existing organisational and system arrangements will continue.

5.2.4 This report drives a sustainability approach through the application of a holistic Highway Material Palette and design with a “whole life approach” in relation to driving efficiency in the operation, providing the Council with ongoing value for money as well as reduction in carbon emissions and increased use of recycled materials.

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. This report does not relate to procurement of services contracts.

5.4 Legal and Constitutional References

5.4.1 The Council’s Constitution Article 7 – Committees, Forums, Working Groups and Partnerships (Responsibility for Functions, 7.5) gives the Environment and Climate Change Committee responsibility for all borough-wide or cross-area matters related to the local environment.

5.4.2 The Streetscape Design Guide is a non-statutory guidance which provides the tools for applying best practice design principles and creating consistently high quality streetscape across the borough.

5.4.3 Being a non-statutory guidance, there is no legal requirement to carry out a public consultation on the Streetscape Design Guide.

5.5 Risk Management

5.5.1 Effective management of risk is an integral part of asset management and public realm design. The Council’s Risk Management Framework has also established strategic and departmental risk registers.

5.6 Equalities and Diversity

5.6.1 Good streetscape, covering community public realm, roads and pavements have benefits to all sectors of the community in removing barriers and assisting efficient and safe movement of people. This is particularly important for older people, people caring for children and pushing buggies, those with mobility difficulties and sight impairments. The design of good streetscape supports almost every aspect of accessibility for all.

5.6.2 The physical appearance and the condition of the streetscape has a significant impact on people’s quality of life. A poor-quality streetscape environment will give a negative impression of an area, impact on people’s perceptions and attitudes as well as increasing feelings of insecurity. The Council’s policy is focused on improving the overall streetscape across the borough to a higher level and is consistent with creating an outcome where all communities are thriving and harmonious places where people are happy to live.

5.6.3 The Equality Act 2010 outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to:

- a) Eliminate discrimination, harassment and victimisation and other contact prohibited by the Equality Act 2010.
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The broad purpose of this duty is to integrate considerations of equality into day-to-day business and keep them under review in decision making, the design policies and the delivery of services.

5.6.4 The relevant protected characteristics are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation.

5.6.5 The Streetscape Design Guide aims, among others, for an inclusive and safe development that is as accessible as possible to all and therefore advances equality of opportunity for all and is not considered to adversely impact on persons within the protected characteristics.

5.7 **Corporate Parenting**

5.7.1 This section of the report does not apply to this report.

5.8 **Consultation and Engagement**

5.8.1 Various council directorates have been engaged and their views and aspirations are reflected in the Streetscape Design Guide.

5.9 **Environmental Impact**

5.9.1 Implementing the recommendations in this report and approval of the SDG will lead to a positive impact on the Council's carbon and ecology impact aligned to the council's emerging Sustainability Strategy in relation to material selection including use of low carbon and recycled materials.

5.9.2 The SDG will help drive important environmental and climate change management principles.

5.10 **Insight**

5.10.1 This section of the report does not apply to this report.

6. BACKGROUND PAPERS

- 6.1 Highway Infrastructure Asset Management Plan 2022- Report of Director of Highways and Transportation to Environment and Climate Change Committee, 06 September 2022

[ECC Committee Report- HIAMP 06 September 2022_Cleared 220822.pdf \(moderngov.co.uk\)](#)

[Highways Asset Management Plan \(moderngov.co.uk\)](#)

[Appendix 2 - HIAMP CoP Recommendations June 2022.pdf \(moderngov.co.uk\)](#)

- 6.2 Highway Adoption Policy 2017- Report of Commissioning Director for Environment to Environment Committee, 13 July 2017

[Environment Committee Report on Highway Adoption Policy.pdf \(moderngov.co.uk\)](#)

[Appendix A B C and D.pdf \(moderngov.co.uk\)](#)

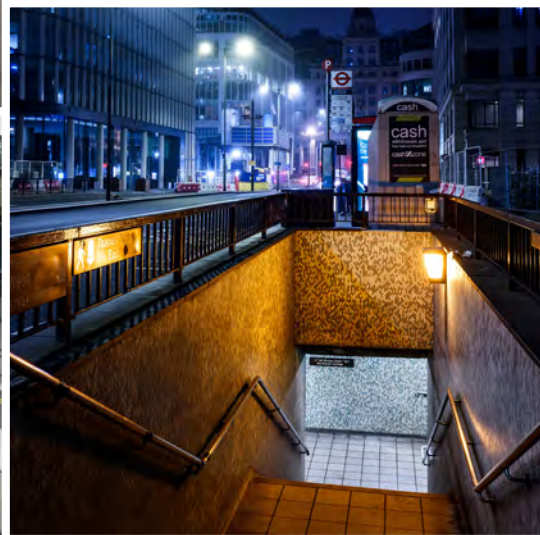
[Amendment to page 93-94 of agenda pack.pdf \(moderngov.co.uk\)](#)

London Borough of Barnet Streetscape Design Guide



APPENDIX 1

November 2022 | Draft for Approval





JOB NUMBER	DOCUMENT REF	AUTHOR
	SP1R115	Mark Rees-Williams

REVISION	PURPOSE	ORIGINATED	CHECKED	APPROVED	DATE
DRAFT	Draft for Approval	MRW	AA		NOV22



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- 7.4 Active Travel (Cycling and Walking)
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- 7.6 Advertising Hoardings & On-Street Commercial Signage
- 7.7 Heritage Assets (signing, street apparatus)
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- 7.9 Sustainable Urban Drainage (SuDS)
- 7.10 Landscaping & Trees
- 7.11 Road Safety Audits

8. Standard Materials Palette



1. Introduction

Barnet is a prosperous borough in north London with a thriving local economy and diverse population. The population of Barnet (395,839 -2019) is the second largest borough population in London. In terms of area Barnet is the fourth largest London borough. It has boundaries with five other London boroughs (Camden, Brent, Haringey, Harrow and Enfield), and also with the district of Hertsmere in Hertfordshire. It has the second biggest road network in London with 650 kM of local roads; the longest stretch of motorway in London and with 96 kilometres of 'A' roads, some of the most significant arterial routes into the centre of London.

The Streetscape is continually evolving and growing with major regeneration projects and Town Centre and Neighbourhood Plans and Strategies. Attractive and functional Streetscape and Public Realm, combined with good transport and network management, is vital to maintaining economic prosperity and our ability to meet the needs of our growing population. Barnet shares many of the transport challenges experienced across London; increasing traffic congestion, balancing the needs of pedestrians, cyclists and road users, against a perception that public transport is overcrowded unreliable and expensive. Additionally, Barnet has local challenges to improve the overall community streetscape and transport connectivity infrastructure to support an ambitious regeneration programme.

This Streetscape Design Guide (SDG) is an important part of the LBB Infrastructure Asset Management suite of documents. It performs a key role at the front end of planning and preliminary design to direct and influence the approach to and specification of new infrastructure.





It operates in conjunction with technical guidance statutory processes for infrastructure adoption and current legislative and best practice requirements. This SDG is a useful reference point for all organisations considering or preparing new development proposals that include streetscape, public realm and highway elements.

All new and adapted streetscape assets need to represent long term value for money and be affordable to LBB. The longterm maintainability quality of assets is an important consideration for new proposals as is a level of core standard design specification and material choices. Standardised design specifications suitable for large parts of LBB help to achieve this objective.

This LBB Streetscape Design Guide provides a signpost to good and best practice guidance and highlights clearly any instances of distinctive requirement needs when planning and implementing projects within the London Borough of Barnet. The Guide maintains a contemporary library of embedded electronic links to more detailed technical guidance and Streetscape best practice and key contacts in LBB to assist with preliminary discussions.

The 2022 SDG will direct, require and support achieving the right streetscape and public realm and transport infrastructure recognising, in some locations, local heritage and characteristics. The SDG will implement necessary and supportive climate change interventions into the future. Interventions incorporate the carbon zero, clean air, flood prevention/water management (SuDS), Active Travel & public health initiatives, and above all sustainability in all we do, or can influence. Protecting, enhancing and engaging the help of the green environment is a key objective for our current and future Streetscape.





2.1 What is a Streetscape Design Guide?

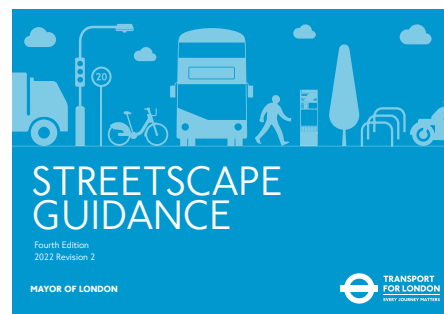
The 2022 Streetscape Design Guide (SDG) provides an easy to use route finder to access the best information and guidance when planning new developments in the London Borough of Barnet (LBB). SDG provides policy context, guidance and direction when considering new developments that will impact on infrastructure and public realm. It is to be used by all tasked with designing new infrastructure including LBB's own teams and/or consultants to ensure consistency and good practice. The Design Guide aims to contain all relevant advice and assistance in one managed space. It helps to highlight particular requirements for local distinctiveness, where applicable, and where early consultations for any design development will be beneficial and necessary.

The virtual Streetscape image of LBB contained on this document can be used to navigate to particular guidance and information for development in specific parts of the Borough. The document provides a useful reference document 'hub' to access electronic links to best practice guidance, important examples of which include Network Recovery Plan (NRP) Standard Details, the latest Manual for Streets, TfL's Streets Toolkit and the GLA Public London Charter (principles for public space).

2.1 What is a Streetscape?

The term Streetscape is a wide-ranging term to collectively describe all visual elements of a street, including adjoining buildings, transport corridor, street furniture, trees and open spaces, etc., that combine to form the street's character. It encompasses a diverse range of physical environments from significant commercial town centres to residential streets. Streetscape comprises roads, footways, cycleways and rest and relaxation public space including larger paved areas and green areas.

Within the Streetscape a huge range of 'street furniture' may exist - benches, bins, trees, fencing and safety barriers, drinking fountains, crossing points, speed reduction measures, cycle stands, planters and planted/landscaped areas, signs, electric charging points, streetlights, tables and chairs licenced for hospitality, markets and temporary commercial ventures and the like.



Key Reference Documents: *TfL Streetscape Guidance*



GLA Public London Charter:

The Public London Charter (the Charter) consists of eight principles that set out the rights and responsibilities for the users, owners and managers of new public spaces. The Charter aims to ensure that London's public spaces are safe, accessible, inclusive, attractive, well-connected and easy to understand, well maintained and serviced. It promotes public space that is open and offers the highest level of public access irrespective of land ownership, with landowners promoting and encouraging public use of public space for all communities.

Two key principles in the Charter are:

Public welcome

Public space should be managed to be welcoming to all. It should be kept clean, well maintained and appropriately lit, offer shade and shelter, places to stop, rest and play, and provide public amenities that reflect local needs.

Community focus

Public space should be managed to enable users to meet, associate, spend time with others, and celebrate their community. It should make provision for community-led and cultural activities that reflect the diversity of London's communities, as well as public art and other ways of celebrating diversity in the public realm.

GLA Public London Charter





2.2 What is the aim of a Streetscape Design Guide?

A Design Guide provides policy context, guidance and direction when considering new developments that will impact on infrastructure and public realm.

It is used by all tasked with designing new infrastructure including LBB's own teams and/or consultants to ensure consistency and good practice.

A Design Guide aims to contain all relevant advice and assistance in one managed space. It helps to highlight particular requirements for local distinctiveness where applicable and where early consultations will be useful and necessary.

A Design Guide doesn't itself provide detailed technical design directives, but it does provide a framework to access a comprehensive 'library' of good practice guidance.

It highlights requirements that are important to apply in LBB as locally adopted policies and advice for all concerned with the design and maintenance of streetscape and public realm, highways (footways, cycleways and carriageways), statutory undertakers and developers.





2.3 Streetscape Design Guide Principles

There are four overall aims that are essential to creating successful places through good Streetscape. These underpin the principles within this Guide and are:

AIM 1

The need for sustainable Public Realm space and transport infrastructure that is environmentally responsible (supports Climate Change commitments), and:

- minimises consumption of finite and non-renewable resources;
- reduces or eliminates harmful emissions; and
- manages surface water locally to avoid over burdening drainage system (SuDS)
- conserves and improves valuable and valued parts of the historic built and natural environment.
- Reduces car journeys and car parking demand and supports the transport hierarchy - walking, cycling, public transport, car.

AIM 2

The need for community development that provides for a greater sense of involvement in planning and development processes, and:

- supports cultural diversity, social interaction and cohesion; and
- engenders civic pride and a sense of ownership of peoples' immediate and wider environments.

AIM 3

The need for inclusive and safe development that is as accessible as possible to all, and:

- maximises choice and opportunity;
- minimises opportunities for crime and anti-social behaviour;
- feels safe;
- provides safe areas for rest, relaxation and recreation;
- is accessible to all; and
- prioritises active modes of travel

AIM 4

The need for attractive development that is fit-for-purpose and:

- is aesthetically pleasing, well coordinated and uncluttered;
- relates positively to its context; and
- enhances its surroundings. Sound planning policies and clear design guidance are by themselves no guarantee that high quality places will be created and maintained. Achieving good urban design needs to be supported by good processes.
- is sympathetic to and supportive of local area heritage assets



2.4 Streetscape Design Process

There are five processes involved in creating good quality, effective and long lasting Streetscape and Public Space:



1. Pre-Planning and Consultation

- Early engagement with Local Authority designated teams/officers (see Section 4 controlled information hub).

2. Design Solutions

- Continuous commitment to improve design quality on the part of all participants and application of best practice guidance, in particular for the sustainable choice and sourcing of materials and techniques.

3. Applications and Approvals

- Which requires the right skills in both the design team and the local authority to ensure that good quality applications are submitted and good quality decisions are made.

4. Implementation, which includes considerations of:

- the practicality and buildability of the proposals;
- how phased development incorporating streetscape and public space is to be implemented and incorporated over time;
- the requirements of agencies such as highways and statutory undertakers; and
- the need to minimise adverse impacts on the environment and local communities during construction.

5. Maintenance

- good design can only be successful if it lasts and is affordable. Spaces and buildings that are difficult or expensive to maintain will not achieve good design. No matter how well designed initially, buildings and spaces that use materials with a short life will not achieve good design. The importance of sustainable single supply source principles to ensure long term availability of materials should be built into design proposals. The material palette at Section 8 supports this key requirement.

The principles within this Streetscape Design Guide are underpinned by the aims of;


- i. ensuring that affordable, durable, sustainable and replaceable materials and components are used for construction of the Streetscape;
- ii. appropriate financial provision is made for maintaining the Streetscape/ Public Space/Transport Infrastructure to ensure that the quality of the assets are retained over time; and
- iii. actively involving stakeholders responsible for maintenance in the design and specification process.



3. Using this Guidance Document

The document contains overview guidance for all key aspects of streetscape assets. The guidance follows a standardised layout that references important links to follow to detailed information and/or best practice examples.

3.1 Virtual Streetscape Navigator

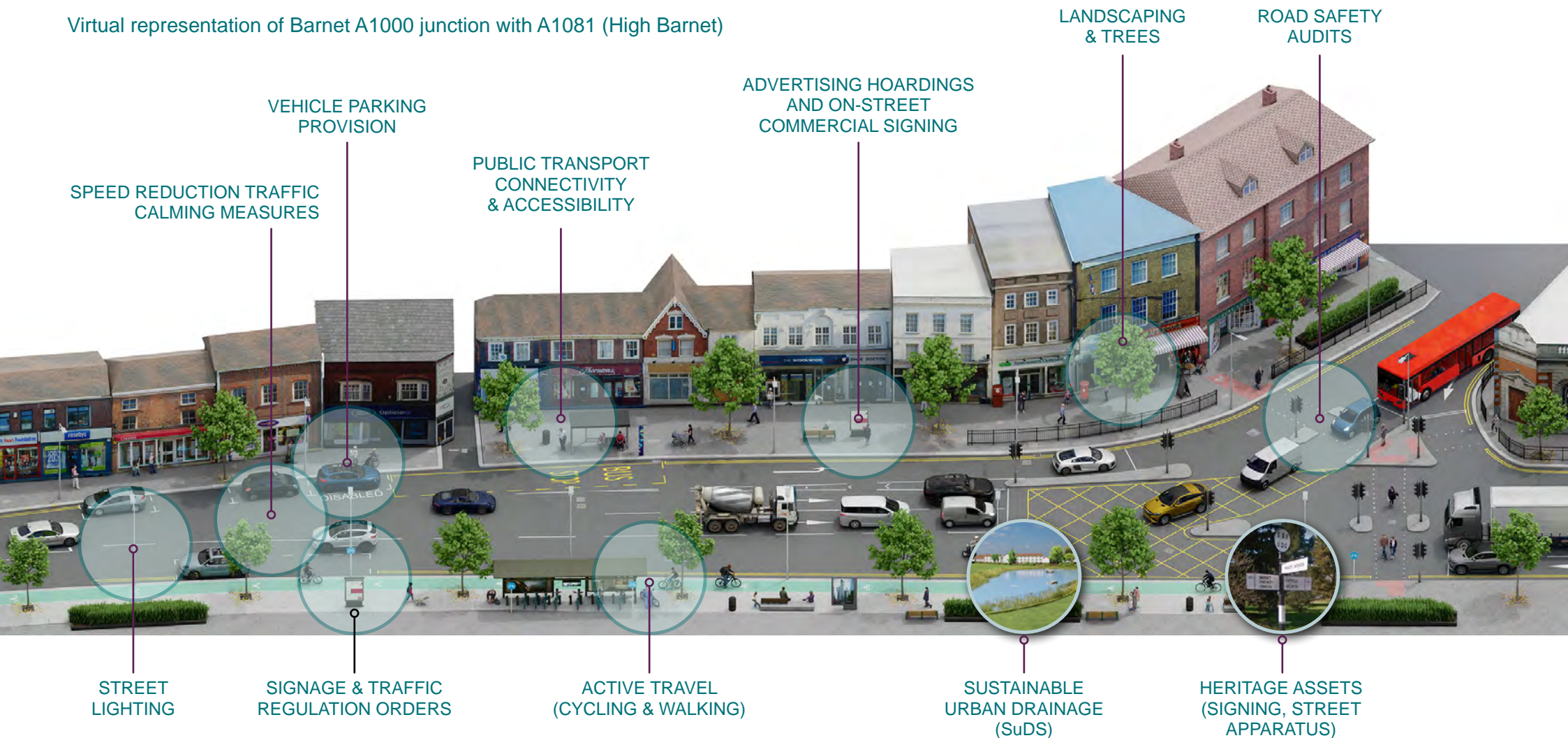
A virtual streetscape based on the area of Barnet at the Barnet A1000 junction with A1081 (High Barnet) can be used to navigate to sections of the document. Click on the highlighted areas to take you to the required section and then use the  button to return to the virtual streetscape navigator.





3.1 Virtual Streetscape Navigator

Virtual representation of Barnet A1000 junction with A1081 (High Barnet)





4. Streetscape Design Practice Links Hub

Good Streetscape is supported by significant UK design standard technical guidance resources and examples of best practice and innovation. Such information is too extensive for one document and ever developing. These technical resources successfully integrate operational highway transportation networks with public realm community space and commercial town centres and help to ensure that public assets last well and can be economically maintained long into the future.

This LBB Streetscape Design Guide SDG provides the benefit of **one straight forward access point 'Hub'** highlight available detailed guidance and then locate electronic documents quickly. The Hub draws attention to individual documents themselves plus documents that are complementary with each other, and then provides a quick electronic link to view and access the latest available managed version.

The designated **LBB SDG Document Manager** will maintain contemporary updates of all such information.

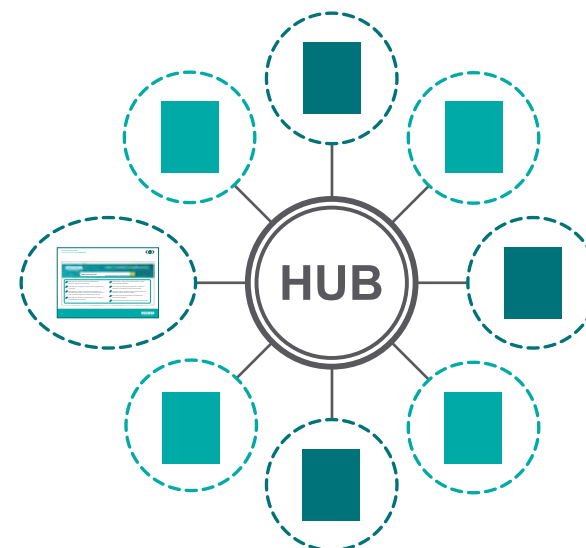
Documentation is broadly in two categories:

- National UK documents (Technical Guidance)
- LBB produced operational process and procedure (available via the LBB Website environment).



The documentation listed and the links provided are not intended to be totally comprehensive but do cover all key documentation that will likely be needed to reference when planning or proposing new Streetscape designs. Whilst every effort will be made to ensure document links are reliable users should satisfy themselves that suitable and the latest guidance is being used.

At appropriate times during the process and particularly as part of pre-consultation it may be necessary to clarify certain design assumptions. A list of LBB Designated Teams/Officers is included to assist with obtaining advice.





Library of Useful Links



Design Manuals for Roads & Bridges (DMRB)



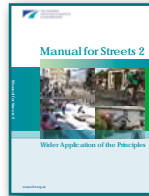
Manual for Streets



TfL Accessible Bus Stop Guidance



TfL Streetscape Guidance



Manual for Streets 2



Gear Change



Manual of Contract Documents for Highway Works



Traffic signs manual



Cycle Infrastructure Design



Inclusive mobility



Local Transport Note 1/20 - Cycle Infrastructure Design



The screenshot shows the website interface for Barnet London Borough. At the top left is the logo 'BARNET LONDON BOROUGH'. To the right are buttons for 'Language', 'Accessibility tools', and 'Sign in/Register to My Account'. Below this is a search bar containing the text 'Useful Streetscape links' and a magnifying glass icon. The search results are displayed in a rounded rectangle and consist of eight links, each preceded by a chain-link icon:

- Public Highway Vehicular Crossovers (dropped kerbs) - guidance on approvals and application
- Public Highway - stopping up orders to close or change existing road layouts
- Public Highway - Adoption of a Private Street - guidance on approvals and application (road in private ownership becomes a public road and managed and maintained by the Council)
- Public Highway - Street and Property naming and numbering is the responsibility of the Council
- Public Highway - tactile paving surfaces design to support visually impaired pedestrians
- How to apply good road safety audit practice - guidance to developers, local authorities, designers and auditors
- Prescribed policy for adopting roads and footpaths which are necessary for public access or passage
- New Public Highway Infrastructure future maintenance commuted sum payments.
- New Development recycling and waste collection (bins) facilities



4.1 Designated LBB Teams/Officers

Contact our Teams for a chat: email@barnet.gov.uk		TEAM 1: Highway Development Team	TEAM 2: Town Centres Regeneration Team
Name: Streetscape Design Guide Document Manager/Controller:		Operations Manager Development Control	Head of Economic Development
TEAM 3: Highway Network Operational Management Team	TEAM 4: Trees and Woodland Services Team	TEAM 5: Sustainable Urban Drainage Systems (SuDS) Team	TEAM 6: Conservation Areas and Heritage Team
Operations Director	Trees & Woodlands Service Manager	Senior Flood Risk Manager	
TEAM 7: Parking Services Team	TEAM 8: Housing Regeneration Team	TEAM 9: Street Lighting and Illumination Team (inc. Advertising Signs)	TEAM 10: Street Cleansing Operational Team
Assistant Parking Director	Regeneration Manager	Head of Network and Infrastructure - Street Scene	Operations Manager – Street Cleansing: Customer and Place



5. Standard Transportation Infrastructure

The Streetscape of LBB comprising a highway network of circa 6 million square metres of carriageway and 3 million square metres of footways and 76 structures is extensive. Financial expenditure (capital and revenue) to establish, improve and maintain the assets is considerable. The development of the public infrastructure Streetscape is managed through a combination of:

- a. new designed and adopted assets (which may be part of regeneration and housing initiatives)
- b. continuous reactive and planned asset maintenance and replacement to the network.

When considering the design of new highway infrastructure the requirement is for standardised designs and simplified material supply chains to achieve long term value for money. New asset designs should support key objectives to support sustainability and environmental/climate change initiatives.

5.1 New Development Control & Highway Adoption Process

A clear process is set out which includes guidance on new asset design and specification requirements and construction materials which will be the basis for a majority of situations across the LBB network. Some particular locations or developments within LBB may accommodate design standards which allow flexibility in terms of adherence to standard specifications.

5.2 Network Recovery Plan (NRP) - Planned Highway Maintenances

The form and function and quality of the LBB Streetscape is influenced by the approach to ongoing maintenance and improvement and enforcement. The Network Recovery Plan (NRP) is a long term structured programme for maintenance and phased renewal and replacement based on a prioritization system and applying an agreed palette of material developed in conjunction with a supply chain contractor partner. The NRP covers the key asset types of carriageway, footway, structures and drainage and applies a standardized design approach. The NRP encompasses road marking replacement and renewal.

The NRP has agreed construction details for carriageway surfacing and footway surfacing.

5.3 Highway Asset Standard Technical Designs

Standard details are available for the majority of highway infrastructure assets.



5.4 Network Management - Safe Operation of the Streetscape

Processes and procedures are in place to achieve a safe and attractive Streetscape environment for users. These include enforcement of the Highway Act and management of vehicular cross overs (across footways).

Key Documents (via electronic links):

National Design Guidance Suite of Documents

LBB Highways Adoption Process including Appendix D Standard Details

LBB Network Recovery Plan (NRP) Standard Design Details (carriageway and footways)

LBB Materials Palette Report.

LBB Highway Asset Standard Details

5.5 Treatment Considerations in Conservation Areas

The March 2017 Environment Committee agreed type 1 treatment type for Conservation Areas and Town Centres, type 1 being all ASP paving. (Public Pack) Agenda Document for Environment Committee, 15/03/2017 18:30 (modern.gov.co.uk)

Although paving is marginally cheaper to install, there are a number of disadvantages to its use including: a larger whole lifetime cost, an incompatibility with urban trees whose roots rapidly damage the paving, an incompatibility with footway parking, vehicle crossovers and vehicle overruns (due to the inflexible nature of the slabs which are rapidly compromised by the weight of vehicles). It is proposed to continue with type 1 material usage during planned works (Investing in Barnet's Roads & Pavements). (Public Pack) Agenda Document for Environment and Climate Change Committee, 06/09/2022 19:00 (modern.gov.co.uk)



During cyclical inspections the Highways Service aim to retain a like for like material (type 1) within Conservation Areas. Where this is not possible other engineering solutions may be used, these include the use of reinforced fibre slabs and where no other engineering solution is available asphalt will be used to ensure safe passage.



6. Town Centre Design Guides

6.1 Introduction to LBB Design Guide Zones

Section 5 provided the background guidance for a standardised Streetscape applying a core transportation palette of materials and construction details. It is recognised that to support growth and vibrancy in LBB that a different approach to Streetscape design and component construction materials may be needed in particular locations such as town centres. LBB has the most town centres compared to other London Boroughs. The continued vibrancy of the town centres is dependent upon creating attractive and accessible centres which encourage people to use them in preference to out-of-town retail areas.

LBB has a town centres design guide plan and programme to cover seven distinct town centres which would benefit from

their own individual design guide. Each guide is intended to provide enhanced guidance for creating community destinations, strengthening the local identity by using bespoke, yet economically maintainable, materials, creating additional green areas and ensuring accessibility for all.

As specific Town Centre Design Guides are developed and approved links will be made available in this Streetscape Design Guide. The Regeneration Team can provide advice.





7. Streetscape Design Guide Focused Sections

- 7.1 Vehicle Parking Provision
- 7.2 Speed Reduction Traffic Calming Measures
- 7.3 Public Transport Connectivity & Accessibility
- 7.4 Active Travel (Cycling and Walking)
- 7.5 Signage & Traffic Regulation Orders
- 7.6 Advertising Hoardings & On-Street Commercial Signage
- 7.7 Heritage Assets (signing, street apparatus)
- 7.8 Street Lighting
- 7.9 Sustainable Urban Drainage (SuDS)
- 7.10 Landscaping & Trees
- 7.11 Road Safety Audits



7.1 Vehicle Parking Provision

Parking provision design policies, together with the management of parking zones, significantly influence and encourage Active Travel connectivity and Public Transport accessibility choices to help reduce traffic congestion, improve air quality and reduce CO² emissions. Well designed and managed parking and transport provision plays an important part in Placemaking and achieving strong and sustainable economic success for an area, especially for town centre centric locations.

The key considerations for parking provision and management are:

- ensuring the right level of new provision of off street/on development parking
- managing and controlling any overflow impact on existing on-street parking
- integrating with LBB controlled parking payment zones ensuring consultation, legal TROs, signage and infrastructure requirements
- Optimisation of opportunities for parking layouts to support a prioritized hierarchy for pedestrians and cyclist, average speed reduction, managed parking on footways and green infrastructure/trees/SUDS rain gardens incorporation where feasible.

The process of identifying and agreeing parking provision for new developments is overseen through the LBB Development Control team as part of highway planning consultation process by Planning Department.

Useful Document Links:

Manual for Streets [Secured by Design](#)
Barnet Plan [London Plan](#)



7.1 Vehicle Parking Provision

Developers are required to set out an effective Parking Design and Management Plan providing either dedicated off road car parking courts or 'on plot' parking.

The guiding principle for parking provision is that sufficient parking spaces should be made available within a development to mitigate against the potential for overflow on to residential streets and footways causing resident concerns and highway safety issues.

The parking facilities should be integrated within the overall design of the development so that they are easy, safe and attractive to use and so that parking in inappropriate locations is deterred. Parking provision should be an integrated element of the overall Travel Plan for the development encouraging and supporting good connectivity and access to Public Transport and walking and cycling options for all.

Some developments may require the introduction of Traffic Regulation Orders (TRO's) or Resident Parking Schemes or changes to Controlled Parking Zones (CPZs). The legal and financial procedures for these should be discussed with the Council, as these will require public consultation and no guarantee can be given as to a successful outcome.

- **Manual for Streets** (MfS) provides guidance on the provision of parking on new developments which includes cars, cycles, motorcycles and where appropriate coaches and lorries. All parking layouts should be based on the MfS guidance
- In general, there will be a need for a kerbline and a level difference between parking bays and adjacent footways
- To deter car related crime - all parking designs should consider the principles of visibility from properties or adjacent footways, following the principles in the 'Secured by Design' guidance

On large scale regeneration schemes, parking bays tend to be perpendicular to the carriageway and are counted part of residential parking requirements because these spaces will be for use by residents of the estate only. LBB only considers adoption of parking spaces where they are for visitor use and thus of benefit to the general public.

Disabled persons parking should be provided as part of a development and follow the ratio of parking provision advised by current design guidance in the London Plan (Policy T6.1 Residential Parking).



Network Improvements: On-Street Parking Design Considerations

The design approach to on-street parking in residential streets can help to lower average traffic speeds and improve the overall safety environment.

A rolling programme of parking improvement opportunities is an integral part of the Network Recovery Plan (NRP) coordinating with complementary improvement programmes to support initiatives to encourage walking and cycling. The prioritization of pedestrians and safe street space requires application of more informal parking arrangements such as the use of subtle widening within a street or by using end-on or angled parking within a square. Trees, planting or street furniture can be used to discourage indiscriminate parking in an attractive way.

Legally supported parking enforcement does require Traffic Regulation Orders (TROs), with the necessary traffic signs and road markings to indicate the restrictions in place.

Signing and Controlled Parking Zones Management

Proposals may require the design and /or financial accommodation of new or revised Traffic Regulation Orders for on street parking.





Advice from the London Plan (Policy T6.1 Residential Parking);

“Disabled persons parking should be provided for new residential developments. Residential development proposals delivering ten or more units must, as a minimum:

Ensure that for three percent of dwellings, at least one designated disabled persons parking bat per dwelling is available from the outset

Demonstrate as part of the Parking Design and Management Plan, how an additional seven percent of dwellings could be provided with one designated disabled persons parking space per dwelling in future upon upon request as soon as existing provision is insufficient. This should be secured at the planning stage“



7.2 Speed Reduction Traffic Calming Measures

New development infrastructure should proactively support the Highway Code Hierarchy of Users and the achievement of safe space and design speeds for motor vehicles.

Design layout solutions should help achieve the desirable design speed values and the separation of pedestrians and cyclists. Technical guidance is available through a range of national/London documents. Developers should refer to the requirements outlined in the policy document “Traffic Calming Measures”. Additional sources of advice on traffic calming can be found in Local Transport Note 1/07.

A range of traffic-calming measures can be considered. Developers must ensure that consideration is given to an overall plan of measures aligned with a travel plan and over reliance on such hard features is avoided.

When such measures are proposed there will be a statutory duty for the Highway Authorities to consult with the Police and other bodies whenever traffic calming schemes or other significant road layout changes are to be introduced within a road or area. Consultation with residents and the like will be managed through the Planning Process as part of which if traffic calming is to be introduced as part of the development, prospective buyers should be made aware of the scheme. It will also be necessary to consult with the bus companies if a bus route is proposed.



Manual For Streets
Manual For Streets 2
London Mayor's Transport Strategy
Local Transport Note 1/07 Traffic Calming

7.2 Traffic Calming Measures

The overall aim for the streetscape should always be to achieve the desirable design speed values as set out in Manual for Streets guidance. Proposals will be assessed against broad network traffic considerations for journey times and congestion management. In many cases this will be through the use of junction design, road widths, parking layouts and changes in horizontal alignment. Developers should refer to the requirements outlined in the policy document "Traffic Calming Measures". Additional sources of advice on traffic calming can be found in Local Transport Note 1/07. Designers should aim to create streets that control vehicle speeds naturally.

A range of traffic-calming measures can be considered:

Street dimensions: These can have a significant influence on speeds. Keeping lengths of street between junctions short is particularly effective. Street width also has an effect on speed.

Reduced visibility: There is a link between appropriately considered reductions in forward visibility and reduced driving speeds.

Provision of on-street parking: Parking layout design is an important consideration and can be used to create a 'natural' or 'chicane effect' to effectively change the horizontal alignment and thus curtail speeding.

Physical features: Whilst it can be demonstrated at certain locations that self-enforcing vertical or horizontal deflection could be an effective form of speed restraint, developers must ensure that over reliance on such features is avoided. Vertical shifts involve raising the level of a portion of the carriageway examples include sinusoidal humps, round top humps, flat top humps (speed tables), speed cushions and plateaux.



TROs to manage vehicular access: management of access can help to produce safer considerations.

Reduced Corner Radii: These are effective in slowing turning movements at junctions offering greater safety for pedestrians and cyclists. Overrun areas, constructed by slightly raising the surface within the limits specified in LTN 1/07 Traffic Calming guidance, can be provided to allow larger vehicles access.

Overrun areas can be used at bends and junctions (including roundabouts) and are areas of carriageway with a surface texture and/or appearance intended

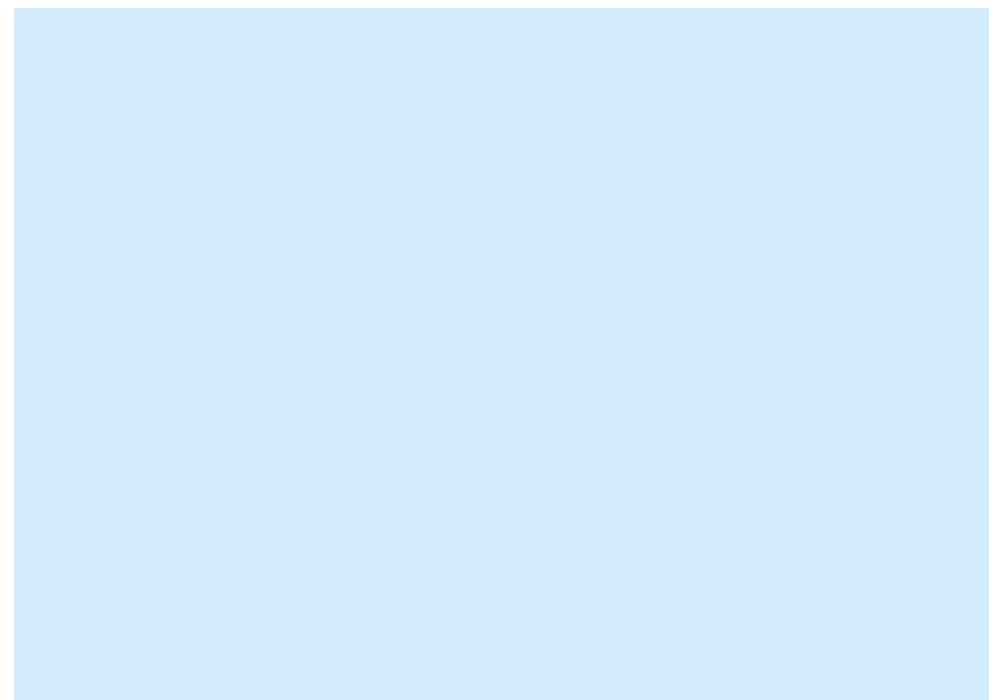
to deter overrunning by cars and other lighter vehicles. Their purpose is to allow the passage of large vehicles, such as buses and refuse vehicles, while maintaining 'tight' carriageway dimensions that deter smaller vehicles from speeding.

Changes in priority: at roundabouts and other junctions. This can be used to disrupt flow and therefore bring overall speeds down.

Gateway Feature or Entry Treatments: This feature at the start of a 'traffic calmed' area alerts drivers to the fact that they are entering a residential area where the needs of pedestrians and cyclists take precedence over the free flow of vehicles. Features which contrast with the surroundings - such as signs, fences, landscaping, narrowing, vertical changes, coloured surfacing and islands - create a visual impact which encourages drivers to take extra care.

Features should be considered against potential adverse implications in respect to signing and access for emergency services, winter maintenance vehicles, disproportionate life-maintenance costs, negative impact on blue-light service response times, poor ambulance ride quality.

Vertical deflection measures will not be accepted on adoptable highways except where they have been specifically approved.





7.3 Public Transport Connectivity & Accessibility

Developments should be located and designed to make the use of public transport (and cycling/walking) more attractive by providing improved access to existing facilities and if necessary the development of new routes and services.

Developers can improve use of public transport by ensuring sites are designed to make public transport easier to use and contributions may be sought from developers to secure new or enhanced services and facilities.

Bus stops shall be designed and implemented in accordance with the latest issue of TfL's Streetscape Guidance and Accessible Bus Stop Design Guidance.

Useful Links:

[TfL Streetscape Guidance](#)

[TfL Accessible Bus Stop Design Guidance](#)



7.3 Public Transport Connectivity & Accessibility

Developments should be located and designed to make the use of public transport (and cycling/walking) more attractive by providing improved access to existing facilities and if necessary the development of new routes and services.

Developers can improve use of public transport by ensuring sites are designed to make public transport easier to use. This could include providing carefully designed and sited bus stop lay-bys, boarders and shelters.

Where bus routes do not currently exist, contributions may be sought from the developer to secure their provision or to enhance existing routes. Where bus routes are present contributions to improved facilities may be required.

TfL's Streetscape Guidance provides advice on the considerations for on-highway interchange and appropriate siting of bus stopping facilities.

Interchange zones need to facilitate convenient and safe pedestrian movement between different transport modes and allow for the efficient operation of public transport services

Bus stops shall be designed and implemented in accordance with the latest issue of TfL's Streetscape Guidance and Accessible Bus Stop Design Guidance. Each location will be assessed by TfL and the Borough Highway Department and may also be subject to a separate safety audit process to ensure the stops are located in a safe area which does not create additional hazards.

Stop locations require agreement between TfL, the Borough's Highway Department and the police. Residents and local businesses may also need to be consulted when considering the location of new bus stop infrastructure.

Bus boarder buildouts can be provided where services may be obstructed by adjacent parking, allowing a bus to draw up next to the kerb. The build-outs should be made of the same materials as the adjoining footway. Wide bus boarders can be used to accommodate bus shelters which avoids blocking the existing footway.





7.4 Active Travel (Cycling and Walking)

London Borough of Barnet (LBB) wants walking and cycling to be a normal part of everyday life and natural choices for shorter journeys such as going to school, college or work. To achieve this the **Streetscape** needs to provide places designed for people of all abilities and ages to choose to walk or cycle with ease and a wider green connected network of paths, routes and open spaces.

Active travel modes should be integral to planning and design. New highway designs should consider safe, direct, comfortable, coherent and attractive routes to encourage sustainable travel within developments.

Cycle infrastructure should adhere to the London Cycle Design Standards, Cycle Infrastructure Design Local Transport Note and the key design principles of the document, Gear Change: a bold vision for cycling and walking.

Designs for cycle parking should follow Chapter 8 of the London Cycle Design Standards.



Useful Links:

[LBB Sustainable Modes of Transport](#)



7.4 Active Travel

London Borough of Barnet wants walking and cycling to be a normal part of everyday life and natural choices for shorter journeys such as going to school, college or work. To achieve this the **Streetscape** needs to be considered to provide places designed for people of all abilities and ages to they can choose to walk or cycle with ease and a wider green network of paths, routes and open spaces.

Active travel modes should be integral to planning and design. New highway designs should consider safe, direct, comfortable, coherent and attractive routes to encourage sustainable travel within developments.



Where schools are proposed as part of a larger development LBB encourages the creation of sustainable transport travel methods. The objectives of a travel plan should be to:

- reduce single passenger or driver car journeys on all school related journeys;
- increase walking, cycling, use of public transport and where appropriate
- more sustainable forms of car use;
- facilitate choice of school, training or employment for all groups by improving travel and transport infrastructure and providing access to sustainable transport;
- enable all children and young people access to a healthier lifestyle through improved access to sustainable travel and facilitation to attend extended school activities;
- provide a clean and safe environment for all children and young people by reducing congestion, improving public transport linkages and access for all school related travel, improved journey times and reduced pollution.



7.5 Signage & Traffic Regulation Orders

Developments and changes to the Streetscape (highway and public realm) will in most cases require an appreciation of necessary changes to traffic regulation orders (TROs), both static and moving, and the signing and lining associated with such. Design proposals should recognize and specify such changes.

Where a scheme requires parking, turning, weight or entry restrictions a Traffic Regulation Order (TRO) is required and in many cases the design proposals will be subject to a level of statutory public consultation

The normal process requires an informal letter drop to the affected properties. It is sometimes beneficial for this process to also incorporate a public event to fully discuss the proposals with those affected. Following the informal consultation the scheme can be reviewed and amendments made, if necessary, to assist with the success of the statutory consultation process.

Details of static restrictions such as waiting and loading restrictions, disabled parking bays, resident parking bays can be viewed on **Barnet Traffweb**.

Useful Document Links:

[Existing Traffic Orders](#)

[Barnet Traffweb](#)



7.5 Signs & Traffic Regulation Orders

Traffic Orders:

Where a scheme requires parking, turning, weight or entry restrictions a Traffic Regulation Order (TRO) is required.

For planning and programming purposes, the statutory TRO process can take between 12 and 18 months including consultations required but the process can sometimes take longer for complex proposals affecting communities. The normal process requires an informal letter drop to the affected properties. It is sometimes beneficial for this process to also incorporate a public event to fully discuss the proposals with those affected.

Following informal consultation, the scheme can be reviewed and amendments made, if necessary, to assist with the success of the statutory consultation process.

The approach and physical area of the initial consultation will be decided commensurate with the proposal's scale and complexity.

For Development Control led projects the statutory consultation process is carried out by the LBB Parking Design team, costs being paid by the scheme promoter.





7.6 Advertising Hoardings and On-Street Commercial Signage

The role of commercial marketing and promotional signing is supported as part of commercial success. It is managed and supported through the planning process and a designated contact point, using contracts with signage operators that support revenue generation for LBB. Traditional signage covers billboards, lamp post banners, roundabout/junction based signs and advertising or sponsorship on street furniture.

Contemporary digital panel (6,48,96 sheet), and scrolling illuminated panels media signage require careful planning and design and contract agreements as regards style, size and positioning within the Streetscape. Such can be incorporated into other street structures such as Bus Shelters and EV charge points.

A prospective advertisement provider will be required to seek planning permission/agree contract terms by making an application with the proposal to the Council (via designated Team/officer). An appropriate arrangement will need to be followed by coordinated LBB agreement.

Poorly designed or sited advertisements or signage can detract from the appearance of buildings and the street scene, cause distractions and light pollution. Within areas, such as Conservation Areas and open land, LBB will require special care to ensure that advertising signage will not adversely impact on the character of the area. Such areas are subject to '**Areas of Special Advertising Control**' where additional restrictions apply.



The positioning of signing should also be designed to ensure free flow, obstruction free and safe conditions for all the diverse pedestrian needs and to allow ongoing access requirements for maintenance.

Useful Document Links:

- Design Guidance Note 1 Advertising and Signs
- Town and Country Planning Act 1992 Advertising Guidance
- Highways Act (advertising 'A' Boards on the Highway)

7.6 Advertising Hoardings and On-Street Commercial Signage

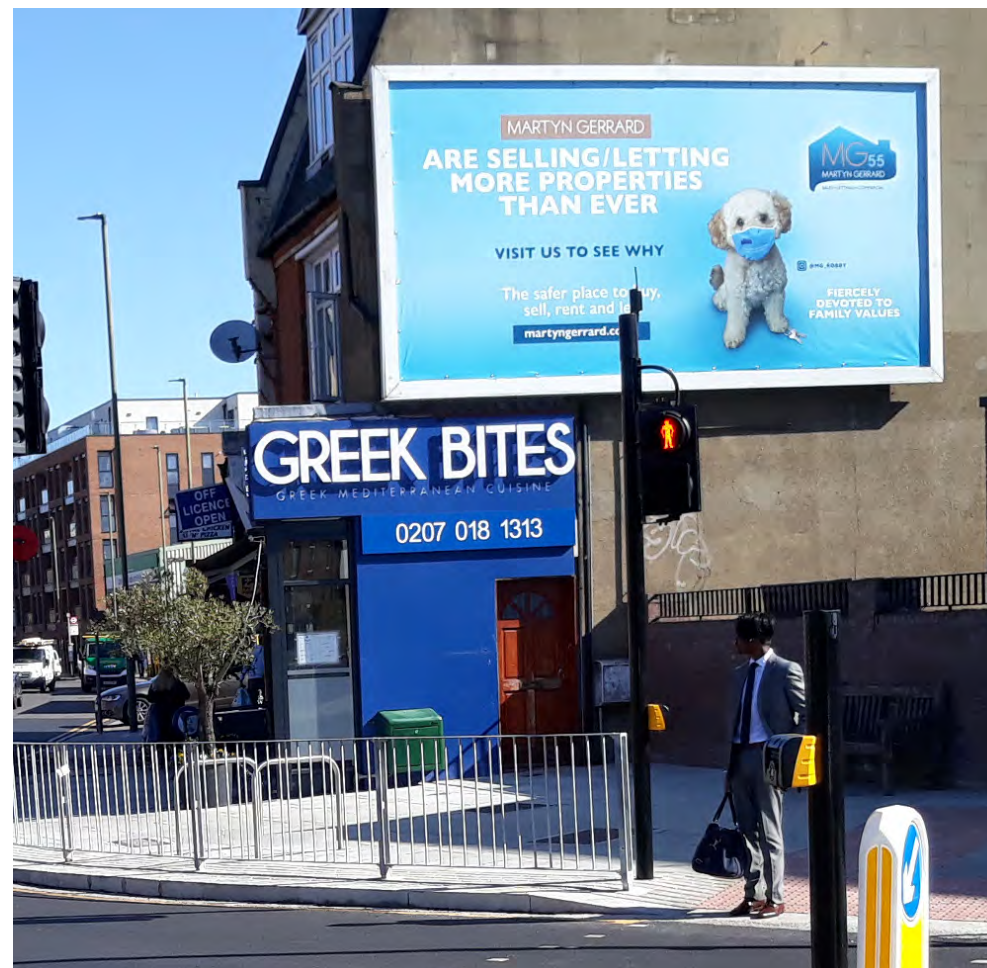
Commercial Advertising:

LBB has a guidance document to provide advice on solutions for temporary and permanent external advertising and signs including hoardings. A separate guidance document is available for shopfront advertising.

The law relating to the display of advertisements is contained within the Town & Country Planning (Control of Advertisement) Regulations 1992.

Advertisement 'A' Boards:

The positioning of temporary signing in the form of advertising 'A' Boards, which may be a temporary requirement as part of development to support existing businesses should also be designed to ensure free flow, obstruction free and safe conditions for all the diverse pedestrian needs and to allow ongoing access requirements for maintenance. A process is in place to apply for an annual licence.





7.7 Heritage Assets (signing, street apparatus)

The Streetscape environment and community distinctiveness can be complemented through the retention and protection of Heritage Assets providing points of interest and maintaining historical context for LBB. Such assets can be within designated Conservation Areas.

When considering new or replacement infrastructure it is important that the role of such assets within the Streetscape is appreciated and accommodated in the design proposal through discussions with LBB key contacts. Any changes to such assets will likely require some level of consultation and agreement.

A register of specific Heritage Assets is available to help highlight locations. Localities with particular heritage may be managed through Conservation Area designation via the Planning Process.

Examples of Heritage Assets include historical 'street furniture' from the 19th/20th centuries including examples of street name plates, directional finger post signposts', roadside water troughs and stone milestone markers and other memorial structures such as community clocks. Where existing name plates are to be relocated due to an improvement scheme the opportunity should be taken to restore the signs or reproduce the name plate using the same construction and style.



7.8 Street Lighting

All lighting designs are required to meet the adoptable standards for the borough which will be detailed in the pre-design meeting with all parties. Designs shall consider minimising the amount of light pollution in the form of spill light beyond the adoptable highway boundary and minimise the amount of obtrusive light into adjacent properties.

In conservation areas, or areas close to them and in other environmentally sensitive areas, heritage style equipment may, at the discretion of the authority, be required.

LBB currently operates a Street Lighting Private Finance Initiative (PFI) Contract for all its' street lighting assets, other illuminated street signs and bollards.

Useful Document Links:

[LBB Street Lighting Developer Specification 2020](#)



7.8 Street Lighting

Unless agreed otherwise, the Authority will require the Developer to provide a street lighting design system which will sufficiently light roads, paths, cycle tracks, parking areas and all areas to be adopted as highway.

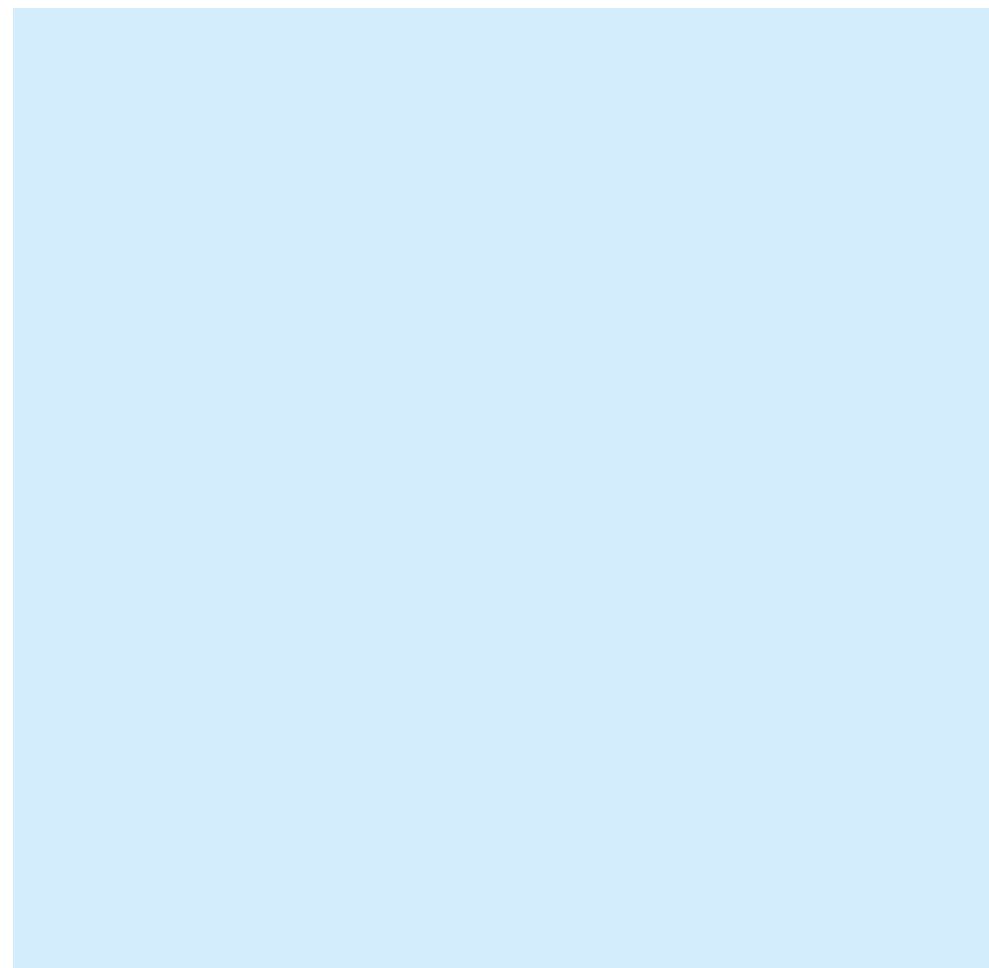
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In conservation areas, or areas close to them and in other environmentally sensitive areas, heritage style equipment may, at the discretion of the authority, be required.

LBB currently operates a Street Lighting Private Finance Initiative (PFI) Contract for all its' street lighting assets, other illuminated street signs and bollards.

The PFI Service Provider provides all of the street lighting services, including design, build and commissioning for the borough. It is also able to offer the same services to any external parties or developers.

Prior to any works commencing it will be necessary to arrange a pre-design meeting between the Developer, their chosen Designer and sub-contractor, the Authority and the PFI Service Provider to discuss and agree on all pre-design considerations, requirements and costs. Prior to the meeting, scheme overview drawings showing the relevant adopted and adoptable highway will be required to be sent to the Authority and PFI Service Provider for review.





LBB encourages prospective developers to utilise the PFI Service Provider for the design and installation of street lighting and highway signage where adoption of apparatus is required as it simplifies the adoption process. When designed and installed by the PFI Service Provider the adoption will be guaranteed through LBB's current PFI contract.

For Developers choosing to undertake the installation and commissioning work themselves, or via a competent subcontractor, a number of additional processes are required which are outlined in the Street Lighting Developer Specification. Using this route would incur a design review cost, the value of which would be dependent on the size and scale of the project among other factors.

For all assets that are to be adopted by the authority there is a whole life accrual sum that is required to be paid to the Authority. This covers ongoing routine and non-routine maintenance once adopted.

Full details of the design, procurement and adoption process, including material standards, can be found in the "London Borough of Barnet Street Lighting and Traffic Signage Design Guide including Developers Specification and Process for Adoption" document.



7.9 Sustainable Urban Drainage (SuDS)

Sustainable Urban Drainage Systems (SuDS) collect surface water runoff and release it slowly, rather than discharging it all straight into the highway gullies, public sewer system or watercourse. This slower release reduces the risk of flooding to properties and infrastructure.

The main objective of SuDS is to minimise the impacts from any development on the quantity and quality of surface water runoff, thereby reducing the risk of flooding and maximise amenity and biodiversity benefits.

To respond to the evident impacts of climate change, the Council as Lead Local Flood Authority (LLFA) and Highways Authority is in support of shifted focus from grey infrastructure (gullies, pipes, tarmac areas etc.) to green infrastructure (swales, filter strips, permeable areas, detention basin etc.)

The Council as LLFA is delivering a program of works in Critical Drainage Areas of the borough which are predicted to be at the highest risk of surface water flooding. Varied range of sustainable surface water drainage schemes eg detention basins, rain gardens etc, are proposed to be delivered as part of the program.

The Council's SuDS Strategy document is currently being written which will clarify Council's position on SuDS adoption and processes and produce a program of potential SuDS schemes on highways to improve the highway drainage in the borough.

Useful Document Links:

[London Sustainable Drainage Proforma](#)



7.9 Sustainable Urban Drainage (SuDS)

Surface water is managed in accordance with the surface water discharge hierarchy for discharge destinations which is, in order of priority, discharge:

- Into ground (infiltration);
- To a suitable water body;
- To a surface water sewer, highway drain or other drainage system;
- To a combined sewer.

Traditional drainage systems utilize underground pipes which prevent localised flooding by conveying water away as quickly as possible; SuDS are able to manage surface water flows in open features on the ground surface, whilst also providing benefits to water quality, public amenity and biodiversity. These systems are more sustainable than conventional drainage methods because they are sympathetic to the environment, manage surface water runoff reducing the impact of urbanisation and provide water quality benefits.

The Council, as a Lead Local Flood Authority (LLFA), is a statutory consultee for major development proposals. As part of this responsibility, LBB is required to ensure that Sustainable Drainage Systems (SuDS) for the management of surface water runoff are put in place.

A detailed surface water drainage strategy should be submitted which sets out the appropriateness of SuDS to manage surface water run off and provision of maintenance for the lifetime of the

development. Major applications which do not meet this requirement will not be validated.

The Barnet SuDS proforma, which can be downloaded from the Major of London Website, is required to be submitted along with the planning application. General advice is available, for a limited duration of officer's time, or pre-application advice is available on a chargeable basis.

The Council as LLFA doesn't adopt SuDS on private properties.

The Council as Highways Authority aim to support SuDS for adoption, where such features exclusively drain the highways and would consider adopting them as part of the publicly maintainable highway. We recommend early consultation with us where an application proposes the adoption of sustainable drainage systems.



7.10 Landscaping & Trees

LBB significantly contributes to the natural green space and canopy cover of Greater London. Trees and woodlands form an important part of the green infrastructure and LBB is renowned for being one of the greenest suburbs in London. The Council has responsibility for around 30,000 street trees and 848 hectares of green spaces, which includes 164 hectares of woodland. St Andrew's Churchyard is home to the oldest tree in London, the Totteridge Yew, which is over 2000 years old and awarded 'Great Tree of London' status.

In this modern day of increased development and urbanisation, it has become clear that trees play an essential role within our evolving landscape removing airborne pollutants and reducing surface temperatures within urban environments. Not only do they contribute to the overall aesthetics of our towns and cities, but research has highlighted that the presence of trees is associated with a range of crucial benefits to our health and wellbeing. In order to optimise these benefits it is essential that sustainably managed green space and trees are accessible to the local population and that these assets are protected and well managed.



ENVIRONMENTAL

- Reduce the amount of Carbon Dioxide (CO₂) improving the air
- Absorption and interception of Nitrogen Dioxide (NO₂) from diesel engines
- Provides shade reducing the urban heat island effect
- The physical shape and structure of a tree can reduce wind speeds. The effect is even greater where trees are planted in groups or avenues.
- Intercept rainfall, decrease surface run off and therefore reduce potential flood risk.
- Enhance the natural distinction between green belt and urban centres.
- Increased biodiversity.

SOCIAL AND ECONOMIC

- Benefits to human health and lifestyles can be associated with proximity to woodland, green space and trees.
- Decrease the demand on physical and mental healthcare.
- Trees provide security, shelter and privacy to residents.
- Parks and open space are often used as communal areas where a diverse range of individuals can interact.
- Increase property values.
- Reduce road traffic accidents.
- Reduce stress and improve mental health.
- Reduce noise levels.

Benefits of trees across sectors

Investing correctly in trees, woodlands and green spaces is vital given the changing climate. Trees are one of the few assets that appreciate in value with age as their amenity and contribution to health and wellbeing increases.

Trees are key to the success of LBB and where trees, which are on council maintained streets or parks, are impacted by a development, the Borough Tree Team will be consulted by the Planning Team prior to any approval being given. If any tree is agreed for removal as part of a development, CAVAT (Capital Asset Value for Amenity Trees) compensation will be sought.

Landscaped areas will not normally be adopted by the Highway Authority. In some circumstances landscaping areas within the highway limits are acceptable as part of the overall landscaping scheme but this will be subject to approval by LBB Highways following assessment of the future maintenance liability.

Useful Document Links:

[Parks, Open Spaces and Tree Guidance](#)

[LBB Tree Policy](#)

[CAVAT](#)

[Green Infrastructure \(GI\) Supplementary Planning Document \(SPD\)](#)



7.10 Landscaping

Increased numbers of childhood asthma cases and steadily increasing mortality rates are attributed to poor air quality. Trees can alleviate air pollution by reducing the amount of particulates through dispersion and deposition on the leaves and branches which are then washed away by rainfall.

Trees are key to the success of the borough and where trees, which are on council maintained streets or parks, are impacted by a development the Borough Tree Team will be consulted by the Planning Team prior to any approval being given. If any tree is agreed for removal as part of a development, CAVAT compensation will be sought.



The Tree Team will be consulted on all development resulting in adopted highways or land to be used for recreation at public expense. Tree planting including species selection and design will be approved by the Tree Team and commuted sums for future maintenance agreed.

Trees within visibility splays are not encouraged and if these exist, they will require an assessment by LBB Highways and Tree Offices to consider retention. Trees within the highway limits are not normally adopted but this will be subject to approval by LBB Highways following assessment of the future maintenance liability.

Landscaped areas will not normally be adopted by the Highway Authority. In some circumstances landscaping areas within the highway limits are acceptable as part of the overall landscaping scheme but this will be subject to approval by LBB Highways following assessment of the future maintenance liability.

New street furniture which includes natural trees shall be positioned so it does not obstruct visibility splays and is no closer than 450mm from the carriageway edge wherever possible.



7.11 Road Safety Audits

The suitability and acceptability of significant newly designed and constructed highways and public realm will be validated formally through an independent review. The review will holistically assess the correct and suitable application of good practice design. The review is not intended as a technical compliance check.

The road safety audit process should provide an independent review of the road safety aspects of a scheme from a perspective of all users. Audits should be carried out in accordance with Design Manual for Roads and Bridges guidance document GG119.

GG119 states “Where there are physical changes to the highway impacting on road user behaviour or resulting in a change to the outcome of a collision on the trunk road and motorway network, road safety audit (RSA) shall apply, regardless of the procurement method”.

Useful Document Links:

[GG119 Road Safety Audit](#)



7.11 Road Safety Audits

The road safety audit process should provide an independent review of the road safety aspects of a scheme from a perspective of all users. Audits should be carried out in accordance with Design Manual for Roads and Bridges guidance document GG119.

Objective

Inspect the road safety repercussions of a new road or a highway improvement and reduce future collisions events once the project has been completed on site and comes into operation.

Why is important?

The audit considers all road users, especially exposed and vulnerable users (cyclist and pedestrians). Once possible road safety issues have been detected, the audit team reports reasonable suggestions and recommendations for improvement.

It is important to note that road safety audit is not intended to be a technical check of compliance with design requirements.

By whom?

At all stages the RSA team will include a RSA team leader and one (at least) team member, and shall be approved by The Overseeing Organization before any audit is undertaken.

When is it needed a Road Safety Audit?

GG119 states:

- *Where there are physical changes to the highway impacting on road user behaviour or resulting in a change to the outcome of a collision on the trunk road and motorway network, road safety audit (RSA) shall apply, regardless of the procurement method.*
- *RSA shall not apply where a physical change to the highway will not impact on road user behaviour, or change the outcome of a collision on the trunk road and motorway network.*

The Overseeing Organisation will produce an “exemption file note” where is no need to progress with a RSA.



There are four stages of road safety audits which can be applied to a highway scheme:

Stage 1: Completion of preliminary design and normally prior to granting planning consent

At Stage 1 Road Safety Audits all audit team members visit the site together and examine the existing highway layout or features and where the new scheme ties into the existing highway. Site visit required during daytime and invitees to be determined by RSA team.

Stage 2: Completion of detailed design - or combined Stage 1/2

Layout of junctions, positioning of signs, carriageway road markings, lighting and other issues are considered during the Stage 2 Audit. As with Stage 1, all audit team members visit the site together and examine the existing and proposed highway features.

A combined RSA Stage 1/2 could be undertaken after detail design when preliminary design is not carried out previously.

Site visit required during daytime and invitees to be determined by RSA team.

Stage 3: Completion of construction

Once the highway works are substantially complete and ideally before the works are open to users, a Stage 3 Safety Audit is carried out. The audit team will examine the scheme during daylight and darkness so that all hazards can be identified. For the Stage 3 audit it is mandatory for representatives of the Police and Maintaining Authority to be invited on the visit.

Stage 4: 12 months following scheme opening

Following the first year of a scheme opening the personal injury statistics are reviewed to check for injury trends which may be associated with the works so that remedial actions can be taken where necessary. The Police may also be contacted where accident data is not fully detailed to provide further evidence of any accident regularities. If a site visit is needed, the RSA team will decide depending on collision data analysis a particular time. Site visit shall be post-opening monitoring and invitees to be determined by RSA team.

The redaction or not of a report will be decided by the Overseeing Organization, and in case a Stage 4 RSA report is not required, this decision shall be recorded and saved.



8. Standard Materials Palette

The default position when considering the construction materials is to draw from a standardized materials palette for carriageways and footways. Traditional, proven highway materials provide uniformity of appearance and predictable performance characteristics and maintenance requirements when they are designed and constructed in accordance with published standards and acknowledged best practice. Wherever possible use materials which have an environmental 'whole life' benefit will be encouraged.

The standard palette of materials consists of proven, predictable, cost effective materials. The current standardized materials are broadly identified in Section 5 of this SDG via Links:

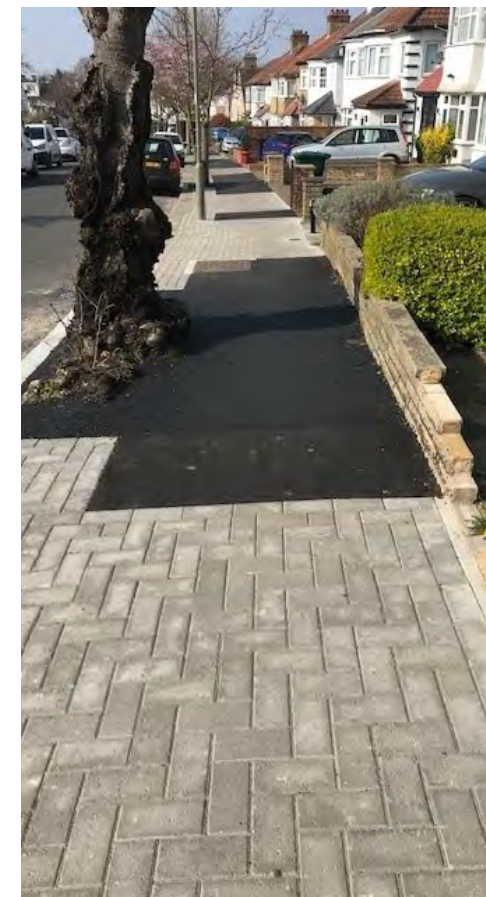
For new works (including replacement maintenance) refer to the Adoption of Highways Appendix E and the Network Recovery Plan (NRP) standard details for footways and carriageways aligned with agreed single supplier palette of materials.

It is acknowledged that material selection can enhance or change the function, character, and local identity of schemes. In circumstances where standard materials do not fulfil the aesthetic design aspirations the palette of materials is not intended to discourage use of enhanced materials or innovation for surfacing and kerbing but it does aim to encourage appropriate use and sets out the palette of standard materials the Council would normally utilise in scheme development. The core palette is a basis from which specific design guidance for Town Centre design guidance agreed specifications/policies are developed (see Section 6).

Standard Materials

Council's standard palette of surfacing materials comprises of the following:

- Warm asphalt
- Dense Asphalt Concrete
- Precast Concrete Flags - Traditional Large sized flags
- Close Graded Asphalt Concrete
- Granite Kerbs
- Brindle Blocks
- Standard Concrete Block Pavers
- Precast Concrete Gully Pots
- Tactile Paving
- Precast Concrete Edgings
- Ductile Iron Gully Gratings





This Streetscape Design Guide is intended to provide developers and consultants including internal design teams with a framework to formulate proposals within technical, practical and financial limitations that will be required by the Council.

For any construction material to be used on the highway network, it must fulfil the following principles:

- Safety - Safe for purpose
- Durability
- Sustainability
- Quality
- Maintainability - Easy to maintain
- Availability
- Suitability
- Fit for Purpose
- Functionality

The Developer is encouraged to use materials which have an environmental 'whole life' benefit. LBB in conjunction with Tarmac Kier Joint Venture use a treatment matrix based on the promotion of warm mix materials as the first choice surfacing material for maintenance schemes to reduce carbon footprint.

Warm mixes should be considered as the first choice of construction in consultation with the LBB Development Control Team and adoption standards.

In achieving these principles, the proposed material must not place an undue financial burden upon the Council which will become responsible for the long-term maintenance of the asset upon adoption. In circumstances where a non standard material is used, maintenance requirements and costs that are over and above those that would typically be expected for a standard material then a commuted sum payment will be sought from the developer. Developers will need to ensure that their proposals satisfy above principles.

It is recommended that early discussions and negotiations should take place with Designated Teams/ Officers.

Any non-core materials will attract commuted payments. Commuted payments are also applicable for trees; landscaped areas; SUD's; Highway Structures; Beany Blocks, pigmented surfacing, etc.





London Borough of Barnet Streetscape Design Guide

November 2022 | Draft for Approval

London Borough of Barnet
Environment and Climate Change
Committee
Forward Plan

2022-23

Title of Report	Overview of decision	Report Of
21 November 2022		
Business Planning Report	For approval	Deputy Chief Executive
Quarter 2 Performance Report	For comment	Deputy Chief Executive
Environment & Climate Change Forecast Financial Outturn month 6 (September 2022)	For comment	Deputy Chief Executive
Review of Tennis Courts	For approval	Assistant Director Greenspaces and Leisure/ Executive Director Communities, Adults and Health
Letting Agents Enforcement Policy	For approval	Director Regulatory Services/Executive Director Assurance
Sustainability Strategy update	For comment	Assistant Director Sustainability/Executive Director Communities, Adults and Health
Highways Streetscape Design Manual	For approval	Director of Highways and Transportation
25 Jan 2023		
Investing in Barnet's roads and pavements programme 2023/24	For approval	Director of Highways and Transportation
Highways Term Maintenance Contract Negotiation Outcomes	For approval	Director of Highways and Transportation
A1000 Cycleway	For approval	Director of Highways and Transportation

Title of Report	Overview of decision	Report Of
Environment & Climate Change Forecast Financial Outturn month 8 (November 2022)		Executive Director Strategy and Resources
Re-procurement of Tree Maintenance Contract (TBC if to be committee decision/DPR) – appointment of term contractor	For approval	Assistant Director Greenspaces and Leisure/ Executive Director Communities, Adults and Health
Tree Policy Update and Planting Programme	Update to policy and draft proposal for new programme for approval	Assistant Director Greenspaces and Leisure/ Executive Director Communities, Adults and Health
Sustainability Strategy update	For comment	Assistant Director Sustainability/ Executive Director Communities, Adults and Health
Air Quality Action Plan		Deputy Chief Executive
Park Ranger Model – options appraisal for implementation.	Options appraisal for implementation	Assistant Director Greenspaces and Leisure/ Executive Director Communities, Adults and Health
Barnet Allotments	Review of existing management arrangements and future considerations	Assistant Director Greenspaces and Leisure/ Executive Director Communities, Adults and Health
Street Scene Hire Vehicle Procurement	For Approval	Street Scene Director/Deputy Chief Executive Head of Fleet, Transport & Logistics
Transport Strategy - Review	For Approval	Deputy Chief Executive

Title of Report	Overview of decision	Report Of
Street Scene Vehicle Parts Supply Procurement	For Approval	Street Scene Director/Deputy Chief Executive Head of Fleet, Transport & Logistics
Invasive weed management and pesticide use strategy	For Approval	Street Scene Director

Title of Report	Overview of decision	Report Of
14 March 2023		
Quarter 3 Performance Report	For comment	Deputy Chief Executive
Environment & Climate Change Forecast Financial Outturn month 10 (January 2023)	For comment	Deputy Chief Executive
Sustainability Strategy update	For comment	Assistant Director Sustainability/ Executive Director Communities, Adults and Health
Events in Parks in Policy – update to existing Policy	For approval	Assistant Director Greenspaces and Leisure/ Executive Director Communities, Adults and Health
Colindale Parks Improvement Programme – progress on masterplan delivery and investments at Colindale Park, Montrose PF, Silkstream PF, Rushgrove Park and Heybourne Park	For comment	Assistant Director Greenspaces and Leisure/ Executive Director Communities, Adults and Health
Controlled Parking Zone Programme Update	To note and approve	Street Scene Director/Deputy Chief Executive Assistant Director Parking
To follow		

Title of Report	Overview of decision	Report Of
Climate Emergency Parking Delivery Model	To note/for comment	Street Scene Director/Deputy Chief Executive Assistant Director Parking
Fleet Replacement Programme	Approve vehicle replacement procurement	Street Scene Director/Deputy Chief Executive Head of Fleet, Transport & Logistics
Environment Act – Waste Management Arrangements	To approve waste management service configuration to reflect Environment Act '21 requirements.	Street Scene Director/Chief Executive Head of Street Scene Operations
Fly tipping and Littering Annual Report	Annual update on fly tipping and littering	Executive Director of Assurance/Assistant Director – Counter Fraud, Community Safety and Protection