

**MINUTES OF THE REGULATORY COMMITTEE
TUESDAY, 3 MARCH 2015**

Councillors Ahmet (Chair), Beacham, Bevan, Carroll, Carter, Mallett (Vice-Chair), Rice, Sahota and Stennett

Apologies Councillor Akwasi-Ayisi, Basu, Gunes and Patterson

MINUTE NO.	SUBJECT/DECISION	ACTION BY
REG154.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies were received from Cllrs Beacham, Akwasi-Ayisi, Basu, Gunes, Patterson and Sahota.</p>	
REG155.	<p>URGENT BUSINESS</p> <p>No items of Urgent Business were tabled.</p>	
REG156.	<p>DECLARATIONS OF INTEREST</p> <p>No Declarations of Interest were tabled.</p>	
REG157.	<p>MINUTES</p> <p>Cllr Bevan requested an update in relation to the following actions from the minutes of meeting on 15th January:</p> <ul style="list-style-type: none"> • The wording of the Haringey Civic Centre site plan be reviewed to avoid any presumption being implied in relation to the traveller's site. The AD Planning responded that the allocation for the Civic Centre site had been looked at and it explicitly excluded the traveller site in the red line boundary. The Planning service had checked the wording to make sure that was not an issue. • Officers to look into the potential of establishing policy position prohibiting advertising on BT phone boxes. The AD Planning responded that this issue was being examined. • Supporting the Highgate Neighbourhood Plan. The AD of Planning responded that Officers had subsequently met with the Highgate Area Forum and noted that the Forum had submitted a bid for new support funding for professional support which would be considered shortly. <p>The AD of Planning fed back that, as per page 7 of the minutes, the Committee requested that consideration be given to including a link on the pre-application planning pages. It was noted that this was part of an ongoing piece of work with Communications and should be in place by 1st April.</p> <p>Clerk to remove the draft watermark from the minutes of the meeting on 15th January.</p>	Clerk

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	<p>Regulatory Services Manager to raise an issue with Cllr McNamara around the Parks service, working with promoters to do more to prevent stalls promoting smoking or the sale of cigarettes at Finsbury Park during events.</p> <p>RESOLVED</p> <ul style="list-style-type: none"> • That the minutes of the Regulatory Committee meetings held on the 15th January and 9th December be approved. 	<p>Daliah Barrett</p>
<p>REG158.</p>	<p>DELIVERING QUALITY IN NEW DEVELOPMENT</p> <p>The Chair elected to bring Forward Item 9 on the agenda, around Delivering Quality in New Developments.</p> <p>The Committee considered a report that was tabled by the AD for Planning as part of the agenda pack on the implementation of a new design review process. The Committee noted that Peter Studdart had been appointed as an independent Chair of the Quality Review Panel. Peter Studdart gave a presentation to the Committee, outlining how the design review process worked and how this would fit in to the other measures that had been put forward.</p> <p>The following points were raised during the presentation and the subsequent discussion:</p> <ul style="list-style-type: none"> • The National Planning Policy Framework recommended that local planning authorities had local design review arrangements in place to ensure high standards of design. • A Quality Review Panel helped to demonstrate that the authority had high aspirations for design quality. The context was set by Haringey Quality Charter and Local Plan. Quality was particularly relevant given the high profile major developments around Tottenham. • Quality Review Panel would replace the existing Design Review Panel and moved to a more structured service. • Chair appointed, but 12-15 panel members were sought. • Design review process aimed for one full day meeting per month from April and is funded by the developer. 4-5 Panel members chosen per meeting which ensured an appropriate range of skills. • The review process would involve a site visit. • Process should speed up the planning process if done well, reduced risks and costs to the developer and identified contentious issues early on in the process. • Process provided access to independent expert advice and guidance, showed that Haringey was serious about securing high quality design and backed up officers when poor schemes were recommended for refusal. • It was noted that the closing date for applications to the Panel was 13th March. Panel appointed and provisional meeting dates set from April for coming year. Peter Studdart agreed to give an annual report back on progress to Regulatory Committee. 	<p>Peter Studdart</p>

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- The AD for Planning commented that the design review process was estimated as costing around £3100 and £1500 for a design review meeting, compared to around £8000 for a CABE design review meeting. The operating costs were modelled to be of no cost to the public purse.
- In response to a question around where the Quality Review Panel sat in relation to pre-planning meetings, officers advised that the two processes could work alongside each other.
- Confirmation was given that it would be a judgement call from officers as to which schemes were brought before the Quality Review Panel. It was noted that they would tend to be the larger schemes or the more contentious cases.
- Confirmation was also given that it was envisaged that the Panel would be made up of a range of skilled expertise such as architects, engineers, heritage advisors etc. In order to provide a broad range of expertise to reviewed schemes.
- The AD for Planning noted that he would not expect Peter Studdart to attend Planning Committee. Instead, it would be the role of officers to act as a conduit between the Quality Review Panel and Planning Committee.
- Advertisements for the Panel had been placed in specialist publications and promoted through existing channels and contacts for people that had the requisite the range of skills and were able to speak with authority on design. Some local membership would be desirable but not exclusively.

RESOLVED

- That the report, and the steps being taken to improve design quality in the borough, be noted.

REG159. PADDY POWER APPEAL HEARING

The Committee considered a report from the Paddy Power appeal hearing which was held at Highbury Magistrates Court over two days in November 2014. The following points were raised during the discussion of the report:

- The Committee noted that Paddy Power won the appeal hearing but that the Council was not made liable for court costs. The Regulatory Services Manager commented that the Council's case was predicated on arguing that crime and disorder in the area caused by the customers of the existing betting shops was sufficient of a link to gambling and that there was clear evidence that the level of disorder was above the threshold of being a mere nuisance. The Council argued that there were no conditions that could be added to the licence to minimise the risk of further crime and disorder.
- The District Judge noted that the local authority had a duty to aim to permit such applications and that she was satisfied that the evidence before her showed no connection between acts of crime and disorder in the area and gambling.

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	<ul style="list-style-type: none"> • The District Judge also commented that the conditions on the licence proposed before the first hearing was sufficient and should have been added to the Licence at the time by the Licensing Committee. Consequently the Licence was awarded and the list of conditions was added to the Licence. • During the costs hearing, Paddy Power’s QC noted that one of the Licensing Committee Members approached him and expressed an opinion that the Council should not have refused the Licence application. It was noted that Members should be aware that such comments can be mentioned in court and undermined the Council’s case in apportioning costs. • Confirmation was given that there would be no appeal on the award of costs. • In response to a question on what grounds would the Council bring a similar case to court, officers advised that the Council’s case hinged on the witnesses convincing the Judge that the anti-social behaviour caused by patrons of the existing betting shops was sufficient to refuse the licence on the grounds of crime and disorder. Officers also advised that similar cases in other boroughs had gone against the local authority, and in a number of cases had resulted in the betting shop company being able to also claim substantial costs. • The Committee was advised that Police had not given evidence in support of the case and that the reason why was because crime statistics tended to be quite low around betting shops, especially in comparison to some other high street premises e.g. McDonalds. • The AD Planning noted the Government had been consulting on whether betting shops should be given a different licensing classification of <i>sui generis</i> which would allow the planning authority to restrict instances of changes of use. As part of the Development Management Policies’ DPD, the Council has suggested a policy approach on numbers and what the level of concentration should be. The Committee were encouraged to review the documents and feedback any comments to Planning. • The Committee noted that that planning permission was often seen as the best route to tackle the proliferation of betting shops, given the weakness of current gambling legislation. <p>The Committee agreed to ask the Monitoring Officer to produce guidance for Members in light the instance of a member of the Planning Committee giving his personal opinion to Paddy Power’s barrister and undermining the Council’s case.</p>	Chair/Cl erk
REG160.	<p>REVIEW OF FEES AND CHARGES 2015-16 - LICENCES</p> <p>A report was tabled by the Head of Finance – Accounting & Control, outlining the annual proposed increase to a number of licences that fell under the authority of Regulatory Committee. Cabinet had already met on the 10th February to agree the fees & charges that fell within its remit. The Committee noted that the report proposed 2.3% uplift across the board, in line with inflation (subject to a degree of rounding up or down to</p>	

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the nearest pound in some instances).

The following points were raised during the discussion of the report:

- A query was raised about the fact that the 2.3% increase resulted in a number of charges that were rounded to nearest few pence, and that the charges should be all rounded to the nearest pound instead. Officers responded that with inflation being low, the proposals reflected a desire to increase each of the fees and charges. In addition, officers advised that the Council is trying to move to a less cash dependant system of collecting income and so the amount should not matter as long as it's rounded to the nearest 1 pence.
- Officers also noted that the danger with rounding up to the nearest pound is that can, in some instances, be a very large percentage increase, which would be difficult to justify on inflationary grounds. All of the fees and charges should be aimed at a level that sought to recover costs.
- Cllr Bevan moved that the Committee amend the fees and charges to the nearest Pound, apart from where the charges were set at the maximum by the Government. The Principal Lawyer to the Committee responded that the level of fees needed to be set at this Committee meeting and that if rounded to nearest Pound, either up or down, it would create an element of uncertainty. The Committee needed to be quite clear as to what the figures were. Cllr Carter seconded the motion. The Principal Lawyer to the Committee agreed that a resolution could be taken subject to her previous advice. The chair suggested that the Committee voted on the proposed fees and charges as set out in the tabled report and that if those were rejected that the committee would move to Cllr Bevan's resolution. The Committee approved the proposed fees and charges as set out in the report by 7 votes to 2.

RESOLVED

- That the proposed increase to the Council's licensing fees and charges, as set out in the appendix of the tabled report be approved with effect from 1st April 2015, subject to an Equalities Impact Assessment being undertaken, as set out in Paragraph 7 of the report, with any subsequent changes then required then being delegated to the Assistant Director for Environmental Services and Community Safety.

**REG161. CONSULTATION ON HARINGEY'S DRAFT HOUSING STRATEGY
2015-2020**

The Committee considered a report seeking views and recommendations on the proposed draft Housing Strategy; these comments were to be fed into a report to Cabinet. Cabinet would then consider the recommendations as part of the draft report before it was sent out for public consultation. The Committee noted that there was an addendum tabled to this report, as the document was still being developed and amendments had been made since the agenda pack for

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this meeting was distributed. The addendum report outlined what those changes were. There were no significant changes to the recommendations made in the report and most changes were implemented to make the document easier to understand.

The Committee noted that the draft strategy would go to Cabinet on the 17th March and that Cabinet would then give approval to go out to public consultation for six weeks. The Committee further noted that the consultation would begin following the conclusion of the Purdah period, and the result of the General Election on the 7th May. A clear result in the election would enable the consultation to be sent out on the 11th May for six weeks. However, in the event of a hung parliament and a delay in forming a government then Purdah would be extended and the consultation would be delayed. The intention was to take the final strategy to Cabinet with a recommendation to approve the strategy to Full Council in July, but a significant delay in the outcome of the election may result in this being delayed until September.

The following points were raised during the discussion of the report:

- The committee noted a significant reduction, across neighbouring boroughs, in the numbers affordable homes being built given the large reduction in government subsidy. Michael Kelleher agreed to circulate the figures of the number of affordable homes being built in Haringey and neighbouring boroughs, to the Committee.
- The Committee asked for further details on the approach being adopted in the strategy. The Chair clarified that in its current format the document had a number of over-arching strategy points and that some of the detail was still to be developed. Officers confirmed that they were seeking the Committee's recommendations on the over-arching strategy.
- The Committee expressed an interest in understanding the delivery model in more detail when this was better understood. Officers responded that the various delivery plans and sub-strategies would be developed over a period a time and that some of these in fact already exist, such as the Housing Investment and Estate Renewal Strategy. Michael Kelleher agreed to send round an outline of the various sub-strategies that existed to the Committee. It was agreed that the report should more clearly outline the fact that there are a number of sub strategies and delivery plans sitting beneath the over-arching Housing Strategy.

Michael
Kelleher

The Chair welcomed Cllr Strickland, Cabinet member for Housing and Regeneration to the meeting.

The following further points were raised during the discussion of the report:

- Cllr Bevan raised concerns with the commitment on pp.34 to increase the PRS stock, particularly in the east of the borough. The Cabinet Member for Housing and Regeneration responded that this was linked to raising quality standards. It was noted that there was firm

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demand for private sector housing in the area and the Council was keen to insert purpose built good quality private rented sector accommodation into that market.

- Cllr Bevan also raised concerns with the commitment on pp.35, that the Council needed to provide 40% on-site affordable housing but neglected to mention targets for sites of less than 10 units. The Cabinet Member for Housing and Regeneration responded that this was more a matter for Planning policy as appose to a Housing Strategy.
- There was no definition of what was an affordable rent or what a social rent was and the terms seem to be used interchangeably. The Cabinet Member for Housing and Regeneration responded that there would be a mix of rents across the borough and that the provision to charge 80% of market rent for social housing was designed to cross subsidise the funding for new homes.
- Cllr Bevan raised concerns with the policy of calculating the number of units replaced in terms of habitable rooms. Cllr Bevan requested that the report advocated replacing units like for like when estates were regenerated. The Cabinet Member for Housing and Regeneration responded that this commitment was given for the Love Lane estate, where there was sufficient space to redevelop the site on a like for like basis. However, it was noted that on some other estates affordable housing would be re-provided on the basis of habitable rooms, as a significant proportion of properties on say, the Northumberland Park estate, were overcrowded and it may be more effective to build fewer properties with more rooms. Areas where social housing was very dense would be more difficult.
- Cllr Bevan supported the report's assessment that design plays a central role in driving up house quality and requested that this was highlighted further in the report.
- Cllr Bevan expressed concern with residents who benefitted from social housing but also owned property abroad and requested that the report explicitly noted that people who live aboard are not entitled to social housing. The Cabinet Member for Housing and Regeneration agreed that this was an important point and noted that this provision would be outlined in one of the sub-documents.
- Cllr Bevan clarified that he was concerned with Council accommodation being replaced like for like, as appose to Council housing being replaced by a range of other social housing provision for example, through housing associations. The Cabinet Member for Housing and Regeneration responded that the December Cabinet report on the Love Lane Estate expressed a strong preference for rebuilding Council accommodation with Council accommodation, but that this was ultimately subject to financial considerations. The Cabinet Member for Housing and Regeneration noted that the Council was trying to be quite creative in terms of bringing in the money and also having a stake in the housing stock long term.
- The Chair asked for clarification on how Right to Buy schemes would have an impact on the proposed new homes. The Cabinet Member replied that the first batch of new homes were not protected from coming under the Right to Buy scheme but new build homes benefitted from a 'floor price' that protected the amount of money put

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in for a certain number of years. In addition, stock built by the ALMO can be protected from Right to Buy.

- Cllr Mallet questioned how a reduction in the number of estates managed by more than one housing association would be achieved. The Cabinet Member for Housing and Regeneration responded that negotiations had been undertaken with the 6 major housing associations, who agreed to work together to tackle this issue.
- The Committee requested that the document elaborated on how the Council would encourage stock rationalisation between Registered Providers.
- The Chair questioned the use of the terminology of ‘black and white’ in the equalities section of the report and noted that a reference to numbers of BME’s might be more helpful. Officers agreed to make changes to this section of the report.
- Cllr Stennett raised the concerns around the fact that the Housing Strategy stated that, for schemes of 10 units or more, the requirement for affordable housing will be 40%, when the decision to reduce the threshold from 50% to 40% was still subject to consultation. The Assistant Director confirmed that the 40% threshold was laid out in the Planning Policy document which was subject to consultation and noted that there was an alignment issue as a consequence of the timing of the publication of the two reports. It was agreed that the draft Housing Strategy should note that this provision was “subject to consultation”.
- Cllr Stennett also noted that consultation document may want to outline more clearly that estate renewal may not necessarily result in properties being Council-run accommodation. The Cabinet Member for Housing and Regeneration agreed to review this section with Officers and see if changes needed to be made.
- Michael Kelleher confirmed that the new affordable housing figures discussed earlier were a gross figure.
- Members asked for further clarification on how estate renewal would tackle issues of overcrowding particularly when reallocating on a habitable rooms basis. Officers confirmed that a holistic approach would need to be taken and that overall this would require not just analysing the number of rooms on an individual estate but also looking at the Housing Infill Programme and creating additional capacity on estates that can generate more units. Michael Kelleher noted that the number of habitable rooms offered should be looked at in terms of a minimum baseline guarantee.
- Cllr Rice asked whether the building of new accommodation based on a shared public/private sector funding would necessitate higher rents to cover the cost of the development. Officers responded that there is a possibility that some properties could be offered at higher rents in order to cross subsidize the scheme but, by building at scale and by adopting innovative funding models, it should certainly be possible to keep rents at current levels.
- Members raised concerns that the approach of allowing rents on smaller units to be set at up to 80% while limiting rents on larger properties at 45% will act as a disincentive to developers to deliver enough larger units and encourage them to focus on delivering smaller units. The Assistant Director of Planning commented that this

Michael Kelleher

Michael Kelleher

Cllr Strickland

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was covered by a planning policy position and the London Plan, as well as the Housing Strategy statement around developing an affordable mix and bedroom sizes. It was also noted that one of the benefits of adopting habitable rooms as a basis for re-provision was that it reduced the incentive to the developer on how the overall quantum of development was divided.

The Committee agreed that the above comments would be used as the basis for the Committee's recommendations to the Cabinet report.

The Cabinet Member for Housing and Regeneration commented that some workshops would likely be set up at a later date to go through the Housing Strategy in more detail.

RESOLVED

- That the draft Housing Strategy (Appendix A) be noted and the comments of the Committee to Officers, be reported to Cabinet at the meeting on 17th March.
- To recommend that Cabinet (subject to point 1 above) approve the attached draft housing strategy – with specific reference to the issues covered in paragraph 6.2 of the report – for a six week public consultation.

**REG162. DEVELOPMENT MANAGEMENT AND PLANNING ENFORCEMENT
WORK REPORT**

The Committee considered a report which summarised performance around Development Management and Planning Enforcement for Quarter 3 and January 2015. An addendum report was also tabled summarising the enforcement action taken by Planning Enforcement in Quarter 3.

The AD for Planning noted that the report showed significant improvement in performance from a few years ago, particularly around speed of decisions being taken. A consistent level of performance on major applications and consistent levels of minor and household applications was also noted, against a back drop of rising application numbers. The AD for Planning advised that the appeal performance of the service has steadily improved, which showed an improvement in the quality of decisions taken.

A consistent level of pre-application proposals was noted. From April, the service would change to a paid service for householder pre-applications. A higher demand for the service was expected as a result but it was envisaged that the move to a paid model would also improve quality.

The Committee noted a continued increase in the number of Planning Enforcement enquiries. From 4th March, Planning Enforcement service

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requests would be handled by Customer Services. 257 enforcement cases were reported in the last quarter, which was on target to be lower than in previous years. The AD for Planning advised that the table at section 6.8 of the report which showed major application performance was in error - Performance around notification as a result of people who make enforcement complaints, was not correctly recorded in terms of the target figure.

The AD for Planning also advised that the Planning Enforcement service was undergoing a reorganisation of its structure to explore how the service could more effectively respond to complaints

The following further points were raised during the discussion of the report:

- Further clarification was sought on the difference between appeals made following a decision of the Committee over those made by officers under delegated authority. Officers responded that a number of policies were in the process of being developed to improve performance in this area. From March 2013 to January 2015, 9 applications were refused by Planning Committee. 7 of these were against officer recommendations and 6 of these refusals have been appealed. The AD of Planning agreed to give the Committee a more detailed update on performance around Planning Enforcement appeals and the breakdown of officer vs. Member decisions, in the next performance report.
- In response to a question on whether the Hollybank development in Muswell Hill had been appealed, the AD Planning responded that he was unsure but noted that this would be included in the performance figures for the next quarter.
- In response to issues raised by the Tottenham Conservation Society in a letter about delegated decisions made by Planning Officers, concerns were raised with erroneous decisions being made. The chair responded that she had discretionary powers to hear specific applications at Committee instead of the decision being taken by officers, and agreed that if there was a specific case to discuss then the applicant should speak to her directly.
- A broader point was noted about a significant number of Planning Officers being fairly new in post and perhaps not having much local knowledge and that pressure to meet deadlines and service standards was potentially having an impact on the quality of decisions. Officers responded that the challenge is one of speed over quality and that there was a thorough review process under way analysing the reasons behind cases where there had been a complaint about the decision taken by officers..
- Officers advised that a number of staff changes had an effect on enforcement performance in Quarter 3 and would continue to do so into Quarter 4.
- The AD of Planning acknowledged that there was a significant number of temporary staff within the Planning service due to high demand and the fact that it is a highly competitive market. The intension was to look at the offer for Planning Officers and that recruitment would take place shortly.

Stephen
Kelly

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	<ul style="list-style-type: none">• In response to query on the number of Planning Enforcement Officers, it was noted that the organisational structure had a full complement of 6 Planning Enforcement Officers, 2 of which are full time staff, 3 are agency and 1 post is becoming vacant.• The Committee requested that future reports were more consistent in the timescales used for performance measures. Officers responded that the government measured overall performance as a two year cumulative rolling average. It was noted that the Planning Enforcement suite of performance indicators was being reviewed and refreshed for future meetings. <p>RESOLVED</p> <ul style="list-style-type: none">• That the report and accompanying addendum report on Quarter 3 performance be noted.	
REG163.	DATES OF FUTURE MEETINGS The chair commented that there was a number of Planning meetings coming up that month and requested that Members inform the respective Chief Whips if they were unable to attend a meeting so that replacements could be found.	
REG164.	NEW ITEMS OF URGENT BUSINESS No new items of Urgent Business were tabled.	

The meeting closed at 21.35 PM

CLLR PERAY AHMAT

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Chair