

## NOTICE OF MEETING

# REGULATORY COMMITTEE

**Thursday, 25th February, 2021, 10.00 am - MS Teams**

**Members:** Councillors Sarah Williams (Chair), Gina Adamou (Vice-Chair), Dhiren Basu, John Bevan, Luke Cawley-Harrison, Justin Hinchcliffe, Peter Mitchell, Sheila Peacock, Reg Rice, Viv Ross, Yvonne Say, Daniel Stone and Preston Tabois

Quorum: 3

- 6. ESTABLISHMENT OF A SEPARATE MAIN PLANNING COMMITTEE WITH A PLANNING SUB COMMITTEE AND SEPARATE LICENSING COMMITTEE WITH A LICENSING SUB COMMITTEE AND DECOMMISSIONING THE REGULATORY COMMITTEE FOR THE MUNICIPAL YEAR 2021/22 (PAGES 1 - 38)**

Report to Follow

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Tuesday, 23 February 2021

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**Report for:** **Regulatory Committee - 25 February 2021**

**Title:** Establishment of a separate Strategic Planning Committee with a Planning Sub Committee and separate Licensing committee with a Licensing Sub Committee and decommissioning the Regulatory Committee for the Municipal year 2021/22.

**Report**

**authorised by :** Interim Monitoring Officer – John Jones

**Lead Officer:** Ayshe Simsek - Democratic Services and Scrutiny Manager

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

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

**1. Describe the issue under Consideration.**

- 1.1 This report responds to the issues raised at Regulatory Committee on the 14<sup>th</sup> of January 2021 when options were considered for separating out the Planning and Licensing functions of the Regulatory Committee. There were 4 options considered along with their implications. These were as follows:
- 1.2 Option 1 – Adding the non-executive Planning related functions of Regulatory Committee, including making informal recommendations, to Cabinet and Council, to the current Planning Sub Committee terms of reference and making this a Committee of the Council.
- 1.3 Option 2 – Regulatory Committee deleted, and Planning Committee established as a Committee of the Council, with the current Sub-Committee terms of reference. This would mean Policy reports progressing directly to Cabinet and then Full Council without any informal recommendations from a non - executive Committee. Planning service performance reports and other reports which were not related to applications could be considered by the relevant Scrutiny Panel. Separate Licensing Committee and Sub Committee to be created.
- 1.4 Option 3. Clarified, following the 14<sup>th</sup> of Jan ,meeting to mean having a Strategic Planning Committee as a Committee of the Council keeping only Planning related functions [ from the Regulatory Committee] which are not licensing related with a Planning Sub Committee to consider applications. Having a separate Licensing Committee with one Sub Committee to consider licensing applications.
- 1.5 Option 4 – To keep current Regulatory Committee without establishing a Licensing Committee and only having one Licensing Sub Committee.

- 1.6 The discussion at Regulatory Committee raised a number of important points and it was suggested that some members of the Regulatory Committee could meet informally as a smaller group to consider their views and the potential options in greater detail. It was noted that any conclusions and proposals would need to be considered by the Regulatory Committee and the Standards Committee before any proposals were recommended for adoption at the Annual Council meeting on 24 May 2021.
- 1.7 All Regulatory Committee members were invited to the informal group meeting and 7 members attended, considering further additional information on options 1 and 3 which were the favoured options at the 14<sup>th</sup> of January Regulatory meeting. This briefing note is attached as Appendix 4 as background. Further to considering this information, there was support for Option 3 as this would provide a clearer distinction between meetings of Planning that would consider performance and policy related reports and those that would consider Planning applications. There was consideration given to the number of members that would sit on the Strategic Planning Committee and Planning Sub Committee. There was consensus that this should be the same number and membership, with 11 on Strategic Planning and also 11 on the Planning Sub Committee. There was discussion on how the main Licensing Committee would work with its Sub Committee. Some members felt that there should not be a specific Sub Committee membership for Licensing to consider applications and there not be a reliance on special meetings and substitutes. There was a need to ensure that each member of Licensing Committee was participating in Licensing decisions. This report follows up on this query and proposes that there is one Sub Committee with any three members of the main Licensing committee as members. Further details are set out paragraph 6.11.
- 1.8 There was a need to ensure that by splitting the functions of Regulatory Committee between Strategic Planning and Licensing Committee that any non-executive regulatory responsibilities do not fall outside of the remit of these two Committees . There is reference in the Regulatory Committee terms of reference to other 'regulatory matters' and these have been kept in the Licensing Committee Terms of reference.
- 1.9 The protocol for Regulatory Committee is referenced in the Constitution terms of reference and this has been located and updated with some information on how the Licensing Committee and Strategic Planning Committee will work, including requirements for Planning Training and having a reserve pool of trained members that can substitute on Planning Sub Committee.

## **2. Cabinet Member Introduction**

N/A

## **3. Recommendations**

- 3.1 To comment on the additional information provided on Option 3 and recommend a proposed final model for establishment of a separate main Planning Committee with a Planning Sub Committee and separate Licensing Committee with a Licensing Sub Committee, decommissioning the Regulatory Committee for the Municipal year 2021/22, to Standards Committee on the 2<sup>nd</sup> of March 2021.
- 3.2 To note that there will need to be further review of the proposed Terms of references by Planning officers and Legal Services.

#### **4. Reasons for decision**

- 4.1 In the Review of Members' Allowances for the Municipal year 2020/21, the independent person, conducting this review, outlined in his report, to the 2<sup>nd</sup> of March 2020 Standards meeting, that there seemed to be consensus around the proposition that the Regulatory Committee should be formally reconstituted as two separate Committees – a Planning Committee and a Licensing Committee. The Standards recommended consultation with the Regulatory committee on options for taking forward this change to the Committee structure.
- 4.2 Regulatory Committee considered 4 options for how this change could be taken forward on the 14<sup>th</sup> of January and a further 2 options were considered by the working group of Regulatory Committee on the 11<sup>th</sup> of February. This report responds to comments and discussion at these meetings and proposes a structure for the member consideration of Planning, Licensing and Regulatory functions.

#### **5. Alternative options considered.**

- 5.1 Not to comment and recommend a preferred option which would be contrary to the request made by Standards Committee.
- 5.2 To reconsider and recommend Options 1, 2 or 4 as set out at 1.2, 1.3 and 1.5.

#### **6. Background**

- 6.1 As set out above, this paper takes forward Option 3, clarifying that a Strategic Planning Committee is created[ there can be another name chosen if it is felt that this may confuse with the term for major planning applications which are sometimes referred to as "Strategic ] as a Committee of the Council with a Planning Sub Committee whilst also having a main Licensing Committee and Licensing Sub Committee. There would need to be 4 additional meetings of Strategic Planning added to the Council Committee Calendar for 2021/22 and Licensing Committee would replace the Regulatory meeting dates. There could be a net increase in 4 meetings for members. To mitigate this net increase, it is proposed that there are **2** main Licensing Committees added to the calendar one in **May** to establish the sub committees and one in **January** to consider policies and agree required fee charges. It is also proposed to

only add **3** additional Strategic Planning meetings to cover the quarterly updates and reports . This would mean a net increase of only 1 meeting.

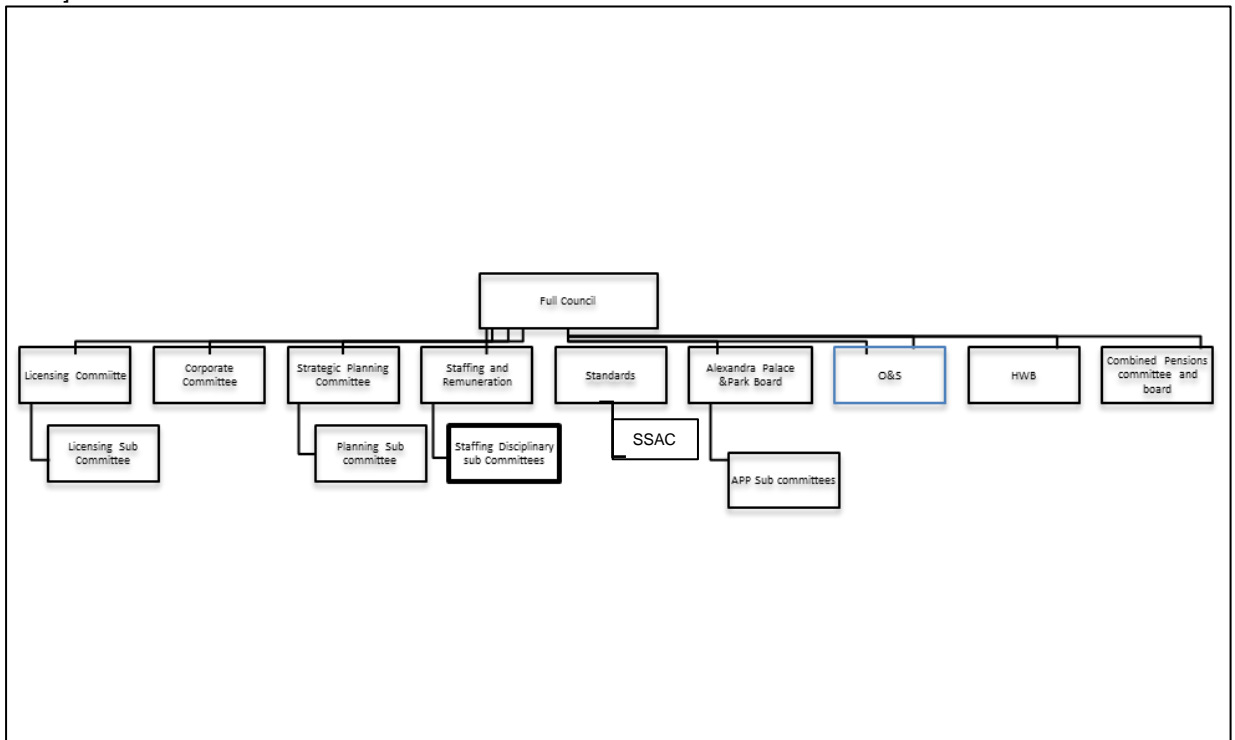
6.3 The number of licensing related items for the Licensing Committee likely to come forward in 2021/22 are as follows.

- a review of the years licensing activities to include - the years various licences issued under delegated authority, any Licensing Appeal cases summed up,
- any Sub Committee cases summary and points of learning.
- Fees and charges report

6.4 In the years that the Statement of Licensing Policy or Gambling Policy needed to be considered (Gambling every 3 years, Licensing every 5 years) there would need to be special meetings. The Gambling Policy is normally considered by Regulatory Committee in July whilst it is out to consultation, so that the Committee can feedback to Cabinet in October and it can be recommended to Full Council in November. That work will be happening this year, therefore a Special Licensing Committee meeting is likely to be required in July 2021. The Statement of Licensing Policy will be reviewed during 2025. It is normally considered by the Regulatory Committee before and after it goes out to consultation, usually in September and November before recommending to Full Council in November.

6.5 If there was only one Licensing Sub Committee, ideally it should meet twice a month due to the timescales for hearing applications and reviews and the fact that the Committee can only realistically deal with a maximum of 2 hearings in one evening. Where necessary, special meetings will need to be called e.g. to deal with TENs applications.

- 6.6 The Committee structure would look as follows: Members can comment on this new name]



**Impact on Seat Numbers would be as follows:**

- 6.7 As set out in the appendix 4 and according to principles of allocation as set out above, the main Licensing Committee could have 11 seats and Strategic Planning Committee could have 11 seats with the Planning Sub Committee also having 11 seats. The working group, on the 11<sup>th</sup> agreed this number is put forward.
- 6.8 The number of seats available on ordinary committees increases to 56. There would be 40 seats available to Labour and 16 seats available to the Liberal Democrat Group.
- 6.9 In practice, the political Chief Whips can choose the same members to sit on both Strategic Planning Committee and main Licensing Committee if they want to maintain the close connection between these functions or choose to spread the membership in the respective political groups.
- 6.10 A potential terms of reference for Option 3 is set out in Appendix 1.
- 6.11 The working group indicated that they were not in favour of having a Licensing Sub Committee with a set membership and wanted the whole pool of councillors on the main Licensing Committee to be accessed and not have to rely on substitutes. It is proposed that, as a way forward, at its first meeting, the Licensing Committee is asked to formally agree the establishment of one Sub Committee and further agree that the Licensing Sub-Committee may

comprise any three members, including the Chair of the main Licensing Committee. There will be a note advising that all members of the Licensing Committee will be consulted on their availability when it is known that a licensing hearing is required. From responses received, three Members would be notified that they have been selected to serve on the Licensing Sub-Committee and all members of the Licensing Committee will be advised accordingly. Democratic Services will ensure that all members of the Licensing Committee share Sub-Committee responsibilities on an equal basis and can provide a note to the political group Chief Whips on attendance on a quarterly basis.

- 6.12 Members are asked to comment on the information above and recommend this option for Standards Committee on the 2<sup>nd</sup> of March 2021 for consideration.

7. Contribution to strategic outcomes

The Council's constitution supports the governance of the Council and its decision making thereby assisting the Council to meet its strategic outcomes.

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

Finance

- 8.1 There are no financial implications arising from this report.

Legal

- 8.2 The proposed changes to the Council constitution were taken forward with Legal Service assistance.

Equality

- 8.3 There are no equality matters in this report.

9. Use of Appendices

Appendix 1 a- Option 3 Terms of Reference for changing the current Regulatory Committee terms to proposed main Licensing Committee [shown with track changes]

Appendix 1b Licensing Sub Committee Terms of Reference with track changes

Appendix 1c - Proposed terms of reference for Strategic Planning Committee -New



Appendix 2.1 Current Regulatory Committee Protocol amended to cover the new Main Licensing Committee and created new Strategic Planning Committee Protocol at 2.2[ with track changes]

Appendix 3 – Clean terms of references for Licensing Committee, Licensing Sub Committee, Strategic Planning Committee, Protocol for Licensing Committee and Strategic Planning Committee.

Appendix 4 – Regulatory Committee – Briefing paper

10. Local Government (Access to Information) Act 1985

The Council Constitution can be found at: <http://www.haringey.gov.uk/local-democracy/about-Council/Council-constitution>.

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**Appendix 1 a- Option 3 Terms of Reference for changing the current Regulatory Committee terms to proposed main Licensing -Committee**

**7. The Licensing Regulatory Committee**

The Licensing Regulatory Committee has functions either (1) as the statutory Licensing Committee of the Council under the Licensing Act 2003, which also exercises functions under the Gambling Act 2005, or (2) as a non-statutory Committee exercising other non-executive functions relating to Licensing, Town Planning and other regulatory matters generally. At the beginning, and at other appropriate stage(s) in each meeting, the Chair will make a short announcement indicating whether the Committee is operating in its capacity as “statutory Licensing Committee” or as a “non-statutory Committee”.

**Membership**

The Regulatory Licensing Committee must have between 10 and 15 members in order to comply with the legislation as statutory Licensing Committee.

**Protocol**

There is a Protocol outside this Constitution setting out how the Licensing Regulatory Committee is to operate. The Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4 and the relevant Licensing Procedure Rules when the Committee is conducting a formal hearing. Any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.

- (1) In its capacity as the statutory Licensing Committee the Committee has all the functions referred to it by law under the Licensing Act 2003 and the Gambling Act 2005. These include:
  - (a) To be responsible for monitoring the operation of the Acts licensable activities and gambling in the Borough;
  - (b) To establish the Licensing Sub-Committees and to agree the delegation of functions to the Sub-Committees and to officers;
  - (c) To receive reports on the matters in (a) above and on the functions delegated to the Licensing Sub-Committees and to officers. To call for a report on any individual case;
  - (d) To determine the procedures to be followed in handling applications, notices, representations and all hearings, subject to the relevant Regulations;
  - (e) Subject to Regulations, to determine the fees payable for applications

for premises licences and related matters under the Gambling Act 2005;

- (f) In a Council Election Year when there is a need to hold a hearing in the period between Election day and the Annual Meeting of the Council, those members of the Committee who are re-elected as councillors shall meet as the Committee (subject to there being a quorum of 3 members) in order to exercise any of the functions of the Licensing Sub-Committees, or of the Committee under (f) above, and shall elect a Chair for the meeting.
- (2) In its capacity as the non-statutory Committee exercising other non-executive functions the Committee has the following functions:
- (a) Exercising the functions which are stated not to be the responsibility of The Executive/Cabinet In Regulation 2 and Schedule 1, Paragraph B (Licensing and Registration) of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any Statute or subordinate legislation further amending these Regulations. The Committee's functions are to determine all policy issues, procedures and standard terms and conditions relating to the non-executive licensing functions but exclude decisions in individual cases which are delegated to the Licensing Sub-Committees. The Sub-Committee's remit includes the licensing of street trading, scrap metal dealing, special treatment premises, sex establishments and dog breeding establishments;
  - (b) Formulating, reviewing and approving for consultation the Statement of Licensing Policy under the Licensing Act 2003 and recommending it, and any revisions to it, to full Council for adoption;
  - (c) Being consulted informally on the review and determination of the Statement of Gambling Policy, including procedures for Council consultation with external stakeholders, and making recommendations on these matters to the Cabinet;
  - (d) ~~Making informal recommendations to the Cabinet and full Council on local development documents, development plan documents, the local development framework, the statement of community involvement and any other planning policy matter;~~
  - (e) Reviewing all Council plans and policies on any licensing, **planning** or regulatory matters, exercising an overview in relation to common themes and making informal recommendations on these matters to Cabinet and full Council;
  - (f) Making informal recommendations to the Cabinet and other bodies on service delivery, grant aid, commissioning and procurement matters when these involve or relate to licensing, **planning**, ~~conservation~~ or regulatory issues.

## Appendix 1b Licensing Sub Committee Terms of Reference with track changes

### 4. Under The Licensing Regulatory Committee

#### 4.1 Licensing Sub-Committeees

##### Introduction

The Licensing Sub-Committeees hasve functions either (1) as Sub-Committeees of the Licensing Regulatory Committee in its capacity as the statutory Licensing Committee of the Council under the Licensing Act 2003, which also exercises functions under the Gambling Act 2005, or (2) as Sub-Committeees of the Licensing Regulatory Committee in its capacity as a non-statutory Committee exercising non-executive licensing and regulatory functions. At the beginning, and at other appropriate stage(s) in each meeting, the Chair will make a short announcement indicating whether the Sub-Committee is operating in its capacity as “statutory Licensing Sub-Committee” or as a “non-statutory Sub-Committee”.

##### Membership

The membership of ~~the each~~ Sub-Committee shall be drawn from the Licensing Regulatory Committee. ~~In the event that an appointed member or members of a Sub-Committee is unable or unwilling to take part in a hearing for any reason a Special Licensing Sub-Committee may be appointed from among the remaining members of The Regulatory Committee.~~ When operating in its capacity as “statutory Licensing Sub-Committee” there must be a membership and quorum of 3 present at all times.

##### (1) General Provisions Relating to the Statutory Licensing Sub-Committeees

- (a) The Licensing Sub-Committeees hasve the power to make final decisions on behalf of the Council on matters within their terms of reference and there is no right of appeal to the Licensing Regulatory Committee;

##### Functions under both the Licensing Act 2003 and the Gambling Act 2005

- (b) To determine applications for premises licences where relevant representations have been made;
- (c) To determine applications for provisional statements where relevant representations have been made;
- (d) To determine valid applications for review of premises licences where relevant representations have been made;
- (e) To decide on any other matter where it is necessary or desirable for members to make that decision;

##### Functions under the Licensing Act 2003 alone

- (f) To determine applications for variations of premises licences where relevant representations have been made except in the case of minor variations;
- (g) To determine applications to vary designated premises supervisors following police objections;
- (h) To determine applications for transfer of premises licences following police objections;
- (i) To consider police objections made to interim authority notices;
- (j) To determine applications for club premises certificates where relevant representations have been made;
- (k) To determine applications to vary club premises certificates where relevant representations have been made except in the case of minor variations;
- (l) To determine valid applications for review of club premises certificates where relevant representations have been made;
- (m) To decide whether to give counter notices following police objections to temporary event notices;
- (n) To determine applications for grants of personal licences following police objections;
- (o) To determine applications for renewals of personal licences following police objections;
- (p) To decide on revocation of personal licences where convictions come to light after grant;
- (pa) To determine the review of a premises license following a closure order where relevant representations have been made

Functions under the Gambling Act 2005 alone

- (q) To determine applications for variations of premises licences where relevant representations have been made;
- (r) To determine applications for transfers of premises licences following representations by the Gambling Commission or others;
- (s) To determine applications for the re-instatement of premises licences where relevant representations have been made;
- (t) To decide whether to give counter notices following objections to temporary use notices;

- (u) To determine applications for the grant or renewal of club gaming permits and club machine permits where valid objections have been received;
  - (v) To determine proposals to cancel club gaming permits and club machine permits where the licence holder requests a hearing;
  - (w) When the licence holder requests a hearing, to determine officer proposals: (i) to make an order removing the entitlement of an on-premises alcohol licence holder to have one or two gaming machines, or (ii) to cancel or vary a licensed premises gaming machine permit;
  - (x) To determine applications for the grant or variation of licensed premises gaming machine permits for 5 or more machines or in any case where the Chair of the Licensing Regulatory Committee considers that there is cause for concern about the proper management of the premises;
- (2) General Provisions Relating to the Non-Statutory Licensing Sub-Committees
- a) The Sub-Committees have all the functions which are stated not to be the responsibility of the Council's Executive/Cabinet in Regulation 2 and paragraph B (Licensing and Registration) of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 S. I. 2853, as amended, or further amended, in any statute or subordinate legislation. The Sub-Committee's remit includes the licensing of street trading, scrap metal dealing, special treatment premises, sex establishments and dog breeding establishments.
  - (b) The Sub-Committees make decisions in all individual licensing or registration cases where a hearing is required because of an objection to an application or to a proposed revocation or because of an officer recommendation for refusal.
  - (c) The Sub-Committees have the power to make final decisions on behalf of the Council in relation to its functions in (b).
  - (d) Excluded from the Sub-Committee's terms of reference are decisions on all policy issues, procedures and standard terms and conditions which are within the remit of The Licensing Regulatory Committee.

## Appendix 1c

### **Proposed terms of reference for Strategic Planning Committee -New**

#### **– Option 3**

There is a Protocol outside this Constitution setting out how the Strategic Planning Committee is to operate. The Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4. Any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.

There is also a Protocol setting out how members of the Strategic Planning Sub-Committee will exercise any these functions delegated to the Sub-Committee, including behaviour in relation to applicants, residents and other third parties, to ensure the probity of planning transactions and the highest standards expected in public office, which will also be followed by members of Strategic Planning Committee when exercising the same functions as the Sub-Committee. This protocol is supplementary to the Members' Code of Conduct at Part 5 of the Constitution fs-

The Committee has all the functions which are set out below and which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1, Paragraph A (Town and Country Planning) of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any statute or subordinate legislation further amending those Regulations.

To establish the Planning Sub-Committees and to agree the delegation of functions to that Sub-Committee.

The Committee shall also:

(i) Make informal recommendations to the Cabinet and full Council on local development documents, development plan documents, ~~the local development framework, the statement of community involvement~~ and any other planning policy matter;

(ii) Review all Council plans and policies on any ~~licensing, planning or regulatory~~ matters, exercising an overview in relation to common themes and making informal recommendations on these matters to Cabinet and full Council;

(iii) Make informal recommendations to the Cabinet and other bodies on service delivery, grant aid, commissioning and procurement matters when these involve or relate to ~~licensing, planning, and conservation or regulatory~~ issues.

Current Planning Sub Committee Terms of reference 2020 for information – this will remain the same in option 3 but will need further review by Planning officers



There is a Protocol setting out how members of the Planning Sub-Committee will exercise those functions, including behaviour in relation to applicants, residents and other third parties, to ensure the probity of planning transactions and the highest standards expected in public office. This protocol is supplementary to the Members' Code of Conduct at Part 5 of the Constitution.

The Sub-Committee has all the functions which are set out below and which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any statute or subordinate legislation further amending those Regulations (references to paragraphs are to those in Schedule 1):

(a) paragraph A - Town Planning Functions

(A) planning applications for the erection of 10 or more dwellings and where the officer recommendation is for approval;

(B) planning applications for changes of use of 1000 sq. metres or more of gross internal floor space and where the officer recommendation is for approval;

(C) planning applications for the erection, or extension of non-residential buildings where the new build is 1000 sq metres or more of gross internal floor space and where the officer recommendation is for approval;

(D) unless otherwise agreed with the Chair of the Planning Sub-Committee, planning applications either:

(i) for major development as defined by the Town and Country Planning (Development) Management Procedure (England) Order 2015 (or any replacement legislation) and where the officer recommendation is for approval; or

(ii) where a legal agreement relating to that development is required; or

(iii) where the recommended decision would be contrary to the development plan;

(E) unless otherwise agreed with the Chair of the Planning Sub-Committee, applications submitted by, or on behalf of the Council;

(F) planning applications on Council owned land, where the Council is not the applicant, where significant material planning objections are received during the consultation process and which the [Assistant Director or Head of Development Management](#), in consultation with the Chair of the Planning Sub-Committee, determines should be subject to members' consideration;

(G) planning applications submitted by or on behalf of members; or employees within the Planning Service or senior employees elsewhere in the Council; or their spouses, parents or children;

(H) any planning application to amend an application or vary conditions or a legal agreement previously decided/imposed by Planning Sub-Committee and which the [Assistant Director or Head of Development Management](#), in consultation with the Chair of the Planning Sub-Committee, considers to constitute a major or significant change;

(l) any planning application where there have been objections from a single councillor of the Ward within which the application site is situated and/or a local community body and/or a local residents' association, and a written request setting out the planning reasons for the matter to be referred to the Planning Sub-Committee has been made before the expiry of the consultation period, and which the [Assistant Director or Head of Development Management](#) in consultation with the Chair of the Planning Sub-Committee considers should be referred to the Planning Sub-Committee for determination;

(b) paragraph B - Power to amend;

For the avoidance of doubt, the [Assistant Director or Head of Development Management](#) is authorised after a Planning [Sub-Committee](#) determination to make any alterations, additions or deletions to the recommended heads of terms and/or recommended conditions (and to authorise any such changes requested by the GLA or government body) (and to further sub-delegate this power) provided this authority shall be exercised after consultation with the Chair (or in their absence the vice-Chair) of the [Sub-Committee](#).

Appendix 2.1 Current Regulatory Committee Protocol amended to cover the new Main Licensing Committee and created new Strategic Planning Committee Protocol at 2.2

## PROTOCOL COVERING Licensing ~~REGULATORY~~ COMMITTEE

### ~~1~~ INTRODUCTION

~~1.1 A key objective of Haringey's Governance Review 2010/11 was to reduce the number of Council Committees, and to develop a more streamlined, focused and transparent decision-making structure. A single Regulatory Committee was therefore established to combine the remits of the Planning and Licensing Committees, as well as some non-executive licensing functions of the General Purposes Committee and Miscellaneous Functions Sub-Committee.~~

~~4.21.1~~ The Terms of Reference for the Licensing Regulatory Committee is stated in the Council's Constitution (Part 3 Section C). The purpose of this protocol is to set out in detail the process by which the Licensing Regulatory Committee will function.

1.2 This Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4 of the constitution. Any issue on procedure at the meeting shall be subject to the ruling of the Chair.

1.3 This document will be subject to regular review along with other governance arrangements, to ensure that it remains updated in the light of experience.

### 2 MEMBERSHIP AND CHAIR

~~2.1 A Planning Sub-Committee and Licensing Sub-Committees A and B shall sit under the Regulatory Committee.~~

~~2.22.1~~ The members and chair of the Licensing Regulatory Committee ~~and its Sub-Committees~~ shall be elected and ratified each year at the Annual Council Meeting.

~~2.32.2~~ The Licensing Regulatory Committee shall comprise 11-12 members. ~~The Planning Sub-Committee shall comprise 9 members, and each Licensing Sub-Committee shall comprise 3 members. Each Sub-Committee shall be elected from the Regulatory Committee. The members of the Licensing Sub-Committee may comprise any three members of the Licensing Committee.~~

2.3 All members of the Licensing Committee will be consulted on their availability when it is known that a Licensing Sub Committee meeting/hearing is required.

2.4 From responses received three Members will be notified that they have been selected to serve on the Licensing Sub-Committee and all members of the Licensing Committee will be advised accordingly. (Note: All efforts

will be made to ensure that all members of the Licensing Committee share Sub-Committee responsibilities on an equal basis)

2.5 The Chair of the Licensing Regulatory Committee and shall also act as the Chair of the Planning Committee and the Chair of Licensing Sub-Committee B. The Vice-Chair of the Regulatory Committee shall chair the Licensing Sub-Committee A. In their absence, a member of the Licensing Committee who is trained to chair licensing meetings will be proposed and seconded as chair of the meeting.

~~2.41.1 Where one or more members of the Planning Sub-Committee are unable to participate in a hearing for some reason, they may give notice to arrange a substitute member in their place (as detailed in Paragraph 49, Part 4 Section B of the Council's Constitution), provided they have requisite training on planning matters.~~

~~2.5 Where one or more members of a Licensing Sub-Committee are unable to participate in a hearing for some reason, the Regulatory Committee may appoint substitute member(s) to sit on a special Licensing Sub-Committee. The special Licensing Sub-Committee must be comprised of Regulatory Committee members.~~

### 3 RESPONSIBILITIES

Main Licensing Regulatory Committee

3.1 The Licensing Regulatory Committee shall act as:

- (a) a **statutory licensing body**;
- (b) a **non-statutory body**.

3.2 At the appropriate stage during the meeting, the Chair of the Licensing Regulatory Committee shall announce whether the Committee is acting in its statutory or non-statutory role.

3.3 The main responsibilities of the Licensing Regulatory Committee will be in regard to determining and being consulted on Licensing and Regulatory policy issues, evaluating decisions and identifying learning points and informing Member and Officer development and training. These responsibilities are explained further in paragraphs 3.4 to 3.10 below. Decision making responsibilities in relation to individual complex or contested licensing ~~and planning~~ applications will be devolved to a Planning Sub-Committee and two the Licensing Sub-Committees. Uncontested or non-complex applications, or those that comply with the Scheme of Delegation, are determined by Officers.

3.4 As the **statutory licensing body** under the Licensing Act 2003 and Gambling Act 2005, the Licensing Regulatory Committee shall:

3.4.1 Establish the Licensing Sub-Committees

The Committee shall establish the Licensing Sub-Committees, and determine the procedures for handling applications, notices and representations, including the fees payable for applications under the Gambling Act 2005. The Committee shall retain overall responsibility for the hearings carried out by the Sub-Committees. The

Committee shall be able to call for a report on any individual case from the Licensing Sub-Committees.

3.5 As the **non-statutory body** the Licensing Committee's functions are to:

3.6 Determine policy issues relating to non-executive licensing functions

The Committee may determine policy for licensing functions that are not required to be made by Cabinet. Examples include policy to regulate street trading, sex establishments, special treatment premises and dog-breeding establishments.

3.7 Formulate, review and approve the Statement of Licensing Policy

The Committee shall formulate, review and approve for consultation the Statement of Licensing Policy, and any revisions to it, to full Council for adoption.

3.8 Be consulted on the Statement of Gambling Policy

The Committee can be consulted and provide recommendations on the Statement of Gambling Policy, for a decision by the Cabinet.

~~Be consulted on planning policy~~

~~The Committee may exercise an informal consultative role in relation to planning policy. Examples include local development documents, development plan documents, the local development framework, and the statement of community involvement. As most planning policy decisions must by law be made by the Cabinet and sometimes by full Council, the role of the Regulatory Committee will be 'informal'.~~

3.9 Be consulted on Council plans and services relating to regulatory issues

The Committee may make informal recommendations to the Cabinet and other bodies on Council plans, service delivery, grant aid, commissioning and procurement matters when these involve or relate to regulatory issues.

Licensing Sub-Committees

3.6 The Licensing Sub-Committees shall act as:

- (a) **statutory licensing bodies;**
- (b) **non-statutory licensing bodies.**

3.7 At the appropriate stage during the meeting, the Chair of the Licensing Sub-Committee shall announce whether the Sub-Committee is acting in its statutory or non-statutory role.

- 3.8 As **statutory bodies** under the Licensing Act 2003 and the Gambling Act 2005, the Licensing Sub-Committees shall undertake hearings on individual licensing applications (as detailed in Part 3 Section C of the Council's Constitution), and has the power to make final decisions on those matters. The authority to agree minor variations to premises licenses under the Licensing Act 2003 is delegated to officers. All licence reviews will be undertaken by the Licensing Sub-Committee.
- 3.9 As **non-statutory bodies**, the Licensing Sub-Committees shall undertake hearings on individual licensing applications that fall outside the Licensing Act 2003 and Gambling Act 2005, where they have been objected to and require a Member level hearing. Examples include the licensing of street trading, special treatment premises, sex establishments, pet shops and dog breeding establishments. All licence reviews will be undertaken by the Licensing Sub-Committee.

### Planning Sub-Committee

- ~~3.10 The Planning Sub-Committee shall determine complex (including for reasons of scale) or contested applications for:~~
- ~~• Planning Permission;~~
  - ~~• Conservation Area consent;~~
  - ~~• Listed Building consent;~~
  - ~~• Advertisements consent;~~
  - ~~• Entering into Planning Agreements;~~
  - ~~• Enforcement of Planning and Listed Building Controls;~~
  - ~~• Creation, stopping up, diversion of highways, footpaths or bridleways;~~
  - ~~• Preservation of trees.~~

## 4 MEETING FREQUENCY AND FORMAT

### Main Licensing Regulatory Committee Meetings

- 4.1 The ~~Licensing Regulatory~~ Committee will ~~not~~ have 2 scheduled meetings, however the Chair of the ~~Licensing Regulatory~~ Committee may call a special meeting in accordance with the process in the Council's Constitution (Part 4 Section B). ~~Where possible, Regulatory Committee meetings shall take place on the same evening as, and directly before, a Planning Sub-Committee meeting or Licensing Sub-Committee meeting.~~

— The work programme for the ~~Licensing Regulatory~~ Committee shall be agreed between the Chair of the Committee and senior officers, at the beginning of the civic year and will include:

- ~~— The years various licences issued under delegated authority~~
- ~~• Any Licensing Court cases summed up~~
- ~~• Any Sub Committee cases summary~~

### 4.2 Points of learning.

### Sub-Committee Meetings

- ~~4.3 It is intended that the Planning Sub-Committee shall meet on a monthly basis.~~

~~4.44.2~~ Licensing Sub-Committee meetings shall be scheduled on a twice monthly basis, ~~divided between Sub-Committees A and B.~~ It is necessary to schedule on this frequency given the need to convene such meetings at a relatively short notice due to statutory deadlines for licensing applications. In practice it is envisaged that a number of the Licensing Sub-Committee meetings will be cancelled if the volume and timing of applications do not require them.

~~4.5 The Chair of a Licensing or Planning Sub-Committee may call a special meeting in accordance with the process in the Council's Constitution (Part 4 Section B).~~

The Terms of Reference for the Strategic Planning Committee is stated in the Council's Constitution (Part 3 Section C). The purpose of this protocol is to set out in detail the process by which the Licensing Committee will function.

This document will be subject to regular review along with other governance arrangements, to ensure that it remains updated in the light of experience.

## MEMBERSHIP AND CHAIR

A Planning Sub-Committee shall sit under the Strategic Planning Committee.

The members and chair of the Strategic Planning Committee shall be elected and ratified each year at the Annual Council Meeting.

The Strategic Planning Committee shall comprise 11 members. The Planning Sub-Committee shall comprise the same 11 members.

The Chair of the Strategic Planning Committee shall also act as the Chair of the Planning Sub-Committee.

Where one or more members of the Planning Sub-Committee are unable to participate in a hearing for some reason, they may give notice to arrange a substitute member in their place (as detailed in Paragraph 49, Part 4 Section B of the Council's Constitution), provided they have requisite training on planning matters.

There will be a reserve list of councillors/members who have received the required training to participate in Planning Sub Committee meetings if needed. This list will be updated on an annual basis by the Political Chief Whips.

### 1.1.1 Be consulted on planning policy

The Committee shall make/may exercise an informal consultative role/recommendations in relation to planning plans and policy, -Examples including local development documents, and development plan documents, the local development framework, and the statement of community involvement and service delivery to -As most planning policy decisions must by law be made by the Cabinet and sometimes by Full Council, the role of the Strategic Planning Committee will be 'informal'.

## Planning Sub-Committee

4.3 The Planning Sub-Committee shall be established on an annual basis and determine complex (including for reasons of scale) or contested applications for:

- Planning Permission;
- Conservation Area consent;



- Listed Building consent;
- Advertisements consent;
- Entering into Planning Agreements;
- Permission in Principle and Technical Details Consents
- Enforcement of Planning and Listed Building Controls;
- Creation, stopping up, diversion of highways, footpaths or bridleways;
- Preservation of trees.

## **5 MEETING FREQUENCY AND FORMAT**

### Strategic Planning Committee Meetings

5.1 The Strategic Planning Committee will have 3 scheduled meetings, however the Chair of the Strategic Planning Committee may call a special meeting in accordance with the process in the Council's Constitution (Part 4 Section B). ~~Where possible,~~

5.2 The work programme for the Strategic Planning Committee shall be agreed between the Chair of the Committee and senior officers, at the beginning of the civic year and will include:

Planning Performance

Planning guidance

### Sub-Committee Meetings

5.3 It is intended that the Planning Sub-Committee shall meet on a monthly basis.

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**Appendix 1 a- Option 3 Terms of Reference for changing the current Regulatory Committee terms to proposed main Licensing Committee**

**7. The Licensing Committee**

The Licensing Committee has functions either (1) as the statutory Licensing Committee of the Council under the Licensing Act 2003, which also exercises functions under the Gambling Act 2005, or (2) as a non-statutory Committee exercising other non-executive functions relating to Licensing, and other regulatory matters generally. At the beginning, and at other appropriate stage(s) in each meeting, the Chair will make a short announcement indicating whether the Committee is operating in its capacity as “statutory Licensing Committee” or as a “non-statutory Committee”.

**Membership**

The Licensing Committee must have between 10 and 15 members in order to comply with the legislation as statutory Licensing Committee.

**Protocol**

There is a Protocol outside this Constitution setting out how the Licensing Committee is to operate. The Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4 and the relevant Licensing Procedure Rules when the Committee is conducting a formal hearing. Any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.

- (1) In its capacity as the statutory Licensing Committee the Committee has all the functions referred to it by law under the Licensing Act 2003 and the Gambling Act 2005. These include:
  - (a) To be responsible for monitoring the operation of the Acts licensable activities and gambling in the Borough;
  - (b) To establish the Licensing Sub-Committee and to agree the delegation of functions to the Sub-Committee and to officers;
  - (c) To receive reports on the matters in (a) above and on the functions delegated to the Licensing Sub-Committee and to officers. To call for a report on any individual case;
  - (d) To determine the procedures to be followed in handling applications, notices, representations and all hearings, subject to the relevant Regulations;
  - (e) Subject to Regulations, to determine the fees payable for applications for premises licences and related matters under the Gambling Act 2005;
  - (f) In a Council Election Year when there is a need to hold a hearing in the

period between Election day and the Annual Meeting of the Council, those members of the Committee who are re-elected as councillors shall meet as the Committee (subject to there being a quorum of 3 members) in order to exercise any of the functions of the Licensing Sub-Committees, or of the Committee under (f) above, and shall elect a Chair for the meeting.

- (2) In its capacity as the non-statutory Committee exercising other non-executive functions the Committee has the following functions:
- (a) Exercising the functions which are stated not to be the responsibility of The Executive/Cabinet In Regulation 2 and Schedule 1, Paragraph B (Licensing and Registration) of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any Statute or subordinate legislation further amending these Regulations. The Committee's functions are to determine all policy issues, procedures and standard terms and conditions relating to the non-executive licensing functions but exclude decisions in individual cases which are delegated to the Licensing Sub-Committees. The Sub-Committee's remit includes the licensing of street trading, scrap metal dealing, special treatment premises, sex establishments and dog breeding establishments;
  - (b) Formulating, reviewing and approving for consultation the Statement of Licensing Policy under the Licensing Act 2003 and recommending it, and any revisions to it, to full Council for adoption;
  - (c) Being consulted informally on the review and determination of the Statement of Gambling Policy, including procedures for Council consultation with external stakeholders, and making recommendations on these matters to the Cabinet;
  - (d)
  - (e) Reviewing all Council plans and policies on any licensing, or regulatory matters, exercising an overview in relation to common themes and making informal recommendations on these matters to Cabinet and full Council;
  - (f) Making informal recommendations to the Cabinet and other bodies on service delivery, grant aid, commissioning and procurement matters when these involve or relate to licensing, or regulatory issues.

Appendix 1b Licensing Sub Committee Terms of Reference with track changes

**4. Under The Licensing Committee**

**4.1 Licensing Sub-Committee**

Introduction

The Licensing Sub-Committee has functions either (1) as Sub-Committee of the Licensing Committee in its capacity as the statutory Licensing Committee of the Council under the Licensing Act 2003, which also exercises functions under the Gambling Act 2005, or (2) as Sub-Committee of the Licensing Committee in its capacity as a non-statutory Committee exercising non-executive licensing and regulatory functions. At the beginning, and at other appropriate stage(s) in each meeting, the Chair will make a short announcement indicating whether the Sub-Committee is operating in its capacity as “statutory Licensing Sub-Committee” or as a “non-statutory Sub-Committee”.

Membership

The membership of the Sub-Committee shall be drawn from the Licensing Committee. When operating in its capacity as “statutory Licensing Sub-Committee” there must be a membership and quorum of 3 present at all times.

- (1) General Provisions Relating to the Statutory Licensing Sub-Committee
- (a) The Licensing Sub-Committee has the power to make final decisions on behalf of the Council on matters within their terms of reference and there is no right of appeal to the Licensing Committee;

Functions under both the Licensing Act 2003 and the Gambling Act 2005

- (b) To determine applications for premises licences where relevant representations have been made;
- (c) To determine applications for provisional statements where relevant representations have been made;
- (d) To determine valid applications for review of premises licences where relevant representations have been made;
- (e) To decide on any other matter where it is necessary or desirable for members to make that decision;

Functions under the Licensing Act 2003 alone

- (f) To determine applications for variations of premises licences where relevant representations have been made except in the case of minor variations;

- (g) To determine applications to vary designated premises supervisors following police objections;
- (h) To determine applications for transfer of premises licences following police objections;
- (i) To consider police objections made to interim authority notices;
- (j) To determine applications for club premises certificates where relevant representations have been made;
- (k) To determine applications to vary club premises certificates where relevant representations have been made except in the case of minor variations;
- (l) To determine valid applications for review of club premises certificates where relevant representations have been made;
- (m) To decide whether to give counter notices following police objections to temporary event notices;
- (n) To determine applications for grants of personal licences following police objections;
- (o) To determine applications for renewals of personal licences following police objections;
- (p) To decide on revocation of personal licences where convictions come to light after grant;
- (pa) To determine the review of a premises license following a closure order where relevant representations have been made

Functions under the Gambling Act 2005 alone

- (q) To determine applications for variations of premises licences where relevant representations have been made;
- (r) To determine applications for transfers of premises licences following representations by the Gambling Commission or others;
- (s) To determine applications for the re-instatement of premises licences where relevant representations have been made;
- (t) To decide whether to give counter notices following objections to temporary use notices;
- (u) To determine applications for the grant or renewal of club gaming permits and club machine permits where valid objections have been received;
- (v) To determine proposals to cancel club gaming permits and club machine permits

where the licence holder requests a hearing;

- (w) When the licence holder requests a hearing, to determine officer proposals: (i) to make an order removing the entitlement of an on-premises alcohol licence holder to have one or two gaming machines, or (ii) to cancel or vary a licensed premises gaming machine permit;
- (x) To determine applications for the grant or variation of licensed premises gaming machine permits for 5 or more machines or in any case where the Chair of the Licensing Committee considers that there is cause for concern about the proper management of the premises;
- (2) General Provisions Relating to the Non-Statutory Licensing Sub-Committee
  - a) The Sub-Committee has all the functions which are stated not to be the responsibility of the Council's Executive/Cabinet in Regulation 2 and paragraph B (Licensing and Registration) of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 S. I. 2853, as amended, or further amended, in any statute or subordinate legislation. The Sub-Committee's remit includes the licensing of street trading, scrap metal dealing, special treatment premises, sex establishments and dog breeding establishments.
  - (b) The Sub-Committee makes decisions in all individual licensing or registration cases where a hearing is required because of an objection to an application or to a proposed revocation or because of an officer recommendation for refusal.
  - (c) The Sub-Committee has the power to make final decisions on behalf of the Council in relation to its functions in (b).
  - (d) Excluded from the Sub-Committee's' terms of reference are decisions on all policy issues, procedures and standard terms and conditions which are within the remit of The Licensing Committee.

## **Appendix 1c**

### **Proposed terms of reference for Strategic Planning Committee -New – Option 3**

There is a Protocol outside this Constitution setting out how the Strategic Planning Committee is to operate. The Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4. Any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council. There is also a Protocol setting out how members of the Planning Sub-Committee will exercise any functions delegated to the Sub-Committee, including behaviour in relation to applicants, residents and other third parties, to ensure the probity of planning transactions and the highest standards expected in public office, which will also be followed by members of Strategic Planning Committee when exercising the same functions as the Sub-Committee. This protocol is supplementary to the Members' Code of Conduct at Part 5 of the Constitution. The Committee has all the functions which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1, Paragraph A (Town and Country Planning) of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any statute or subordinate legislation further amending those Regulations.

To establish the Planning Sub-Committee and to agree the delegation of functions to that Sub-Committee.

#### The Committee shall also:

- (i) Make informal recommendations to the Cabinet and full Council on local development documents, development plan documents, and any other planning policy matter;
- (ii) Review all Council plans and policies on any , planning matters, exercising an overview in relation to common themes and making informal recommendations on these matters to Cabinet and full Council;
- (iii) Make informal recommendations to the Cabinet and other bodies on service delivery, grant aid, commissioning and procurement matters when these involve or relate to , planning, and conservation issues.

#### Current Planning Sub Committee Terms of reference 2020 for information – this will remain the same in Option 3 but will need further review by Planning officers

There is a Protocol setting out how members of the Planning Sub-Committee will exercise those functions, including behaviour in relation to applicants, residents and other third parties, to ensure the probity of planning transactions and the highest standards expected in public office. This protocol is supplementary to the Members' Code of Conduct at Part 5 of the Constitution.



The Sub-Committee has all the functions which are set out below and which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any statute or subordinate legislation further amending those Regulations (references to paragraphs are to those in Schedule 1):

(a) paragraph A - Town Planning Functions

(A) planning applications for the erection of 10 or more dwellings and where the officer recommendation is for approval;

(B) planning applications for changes of use of 1000 sq. metres or more of gross internal floor space and where the officer recommendation is for approval;

(C) planning applications for the erection, or extension of non-residential buildings where the new build is 1000 sq metres or more of gross internal floor space and where the officer recommendation is for approval;

(D) unless otherwise agreed with the Chair of the Planning Sub-Committee, planning applications either:

(i) for major development as defined by the Town and Country Planning (Development) Management Procedure (England) Order 2015 (or any replacement legislation) and where the officer recommendation is for approval; or

(ii) where a legal agreement relating to that development is required; or

(iii) where the recommended decision would be contrary to the development plan;

(E) unless otherwise agreed with the Chair of the Planning Sub-Committee, applications submitted by, or on behalf of the Council;

(F) planning applications on Council owned land, where the Council is not the applicant, where significant material planning objections are received during the consultation process and which the Assistant Director or Head of Development Management, in consultation with the Chair of the Planning Sub-Committee, determines should be subject to members' consideration;

(G) planning applications submitted by or on behalf of members; or employees within the Planning Service or senior employees elsewhere in the Council; or their spouses, parents or children;

(H) any planning application to amend an application or vary conditions or a legal agreement previously decided/imposed by Planning Sub-Committee and which the Assistant Director or Head of Development Management, in consultation with the Chair of the Planning Sub-Committee, considers to constitute a major or significant change;

(I) any planning application where there have been objections from a single councillor of the Ward within which the application site is situated and/or a local community body and/or a local residents' association, and a written request setting out the planning reasons for the matter to be referred to the Planning Sub-Committee has been made before the expiry of the consultation period, and which the Assistant Director or Head of Development Management in consultation with the

Chair of the Planning Sub-Committee considers should be referred to the Planning Sub-Committee for determination;  
(b) paragraph B - Power to amend;

For the avoidance of doubt, the Assistant Director or Head of Development Management is authorised after a Planning Sub-Committee determination to make any alterations, additions or deletions to the recommended heads of terms and/or recommended conditions (and to authorise any such changes requested by the GLA or government body) (and to further sub-delegate this power) provided this authority shall be exercised after consultation with the Chair (or in their absence the vice-Chair) of the Sub-Committee.

## **PROTOCOL COVERING LICENSING COMMITTEE**

- 1.1 The Terms of Reference for the Licensing Committee is stated in the Council's Constitution (Part 3 Section C). The purpose of this protocol is to set out in detail the process by which the Licensing Committee will function.
- 1.2 This Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4 of the constitution. Any issue on procedure at the meeting shall be subject to the ruling of the Chair.
- 1.3 This document will be subject to regular review along with other governance arrangements, to ensure that it remains updated in the light of experience.

## **2 MEMBERSHIP AND CHAIR**

- 2.1 The members and chair of the Licensing Committee shall be elected and ratified each year at the Annual Council Meeting.
- 2.2 The Licensing Committee shall comprise 11 members. The members of the Licensing Sub-Committee may comprise any three members of the Licensing Committee.
- 2.3 All members of the Licensing Committee will be consulted on their availability when it is known that a Licensing Sub Committee meeting is required.
- 2.4 From responses received three Members will be notified that they have been selected to serve on the Licensing Sub-Committee and all members of the Licensing Committee will be advised accordingly. (**Note:** All efforts will be made to ensure that all members of the Licensing Committee share Sub-Committee responsibilities on an equal basis)
- 2.5 The Chair of the Licensing Committee shall chair the Licensing Sub Committee. In their absence, a member of the Licensing Committee who is trained to chair licensing meetings will be proposed and seconded as chair of the meeting.

### 3 RESPONSIBILITIES

#### Main Licensing Committee

3.1 The Licensing Committee shall act as:

- (a) a **statutory licensing body**;
- (b) a **non-statutory body**.

3.2 At the appropriate stage during the meeting, the Chair of the Licensing Committee shall announce whether the Committee is acting in its statutory or non-statutory role.

3.3 The main responsibilities of the Licensing Committee will be in regard to determining and being consulted on Licensing and Regulatory policy issues, evaluating decisions and identifying learning points and informing Member and Officer development and training. These responsibilities are explained further in paragraphs 3.4 to 3.10 below. Decision making responsibilities in relation to individual complex or contested licensing applications will be devolved to a the Licensing Sub-Committee. Uncontested or non-complex applications, or those that comply with the Scheme of Delegation, are determined by Officers.

3.4 As the **statutory licensing body** under the Licensing Act 2003 and Gambling Act 2005, the Licensing Committee shall:

Establish the Licensing Sub-Committee

The Committee shall establish the Licensing Sub-Committee, and determine the procedures for handling applications, notices and representations, including the fees payable for applications under the Gambling Act 2005. The Committee shall retain overall responsibility for the hearings carried out by the Sub-Committee. The Committee shall be able to call for a report on any individual case from the Licensing Sub-Committee.

3.5 As the **non-statutory body** the Licensing Committee's functions are to:

3.6 Determine policy issues relating to non-executive licensing functions  
The Committee may determine policy for licensing functions that are not required to be made by Cabinet. Examples include policy to regulate street trading, sex establishments, special treatment premises and dog-breeding establishments.

3.7 Formulate, review and approve the Statement of Licensing Policy  
The Committee shall formulate, review and approve for consultation the Statement of Licensing Policy, and any revisions to it, to full Council for adoption.

- 3.8 Be consulted on the Statement of Gambling Policy  
The Committee can be consulted and provide recommendations on the Statement of Gambling Policy, for a decision by the Cabinet.
- 3.9 Be consulted on Council plans and services relating to regulatory issues  
The Committee may make informal recommendations to the Cabinet and other bodies on Council plans, service delivery, grant aid, commissioning and procurement matters when these involve or relate to regulatory issues.

#### Licensing Sub-Committee

- 3.10 The Licensing Sub-Committees shall act as:  
(a) **statutory licensing bodies**;  
(b) **non-statutory licensing bodies**.
- 3.11 At the appropriate stage during the meeting, the Chair of the Licensing Sub-Committee shall announce whether the Sub-Committee is acting in its statutory or non-statutory role.
- 3.12 As **statutory bodies** under the Licensing Act 2003 and the Gambling Act 2005, the Licensing Sub-Committee shall undertake hearings on individual licensing applications (as detailed in Part 3 Section C of the Council's Constitution), and has the power to make final decisions on those matters. The authority to agree minor variations to premises licenses under the Licensing Act 2003 is delegated to officers. All licence reviews will be undertaken by the Licensing Sub-Committee.
- 3.13 As **non-statutory bodies**, the Licensing Sub-Committee shall undertake hearings on individual licensing applications that fall outside the Licensing Act 2003 and Gambling Act 2005, where they have been objected to and require a Member level hearing. Examples include the licensing of street trading, special treatment premises, sex establishments, pet shops and dog breeding establishments. All licence reviews will be undertaken by the Licensing Sub-Committee.

## **4 MEETING FREQUENCY AND FORMAT**

### Main Licensing Committee Meetings

- 4.1 The Licensing Committee will have 2 scheduled meetings, however the Chair of the Licensing Committee may call a special meeting in accordance with the process in the Council's Constitution (Part 4 Section B).  
The work programme for the Licensing Committee shall be agreed between the Chair of the Committee and senior officers, at the beginning of the civic year.

### Sub-Committee Meetings

- 4.2 Licensing Sub-Committee meetings shall be scheduled on a twice monthly basis. It is necessary to schedule on this frequency given the need to convene such meetings at a relatively short notice due to statutory deadlines for licensing applications. In practice it is envisaged that a number of the Licensing Sub-Committee meetings will be cancelled if the volume and timing of applications do not require them.

## **Appendix 2.2 Strategic Planning Committee Protocol**

1. The Terms of Reference for the Strategic Planning Committee is stated in the Council's Constitution (Part 3 Section C). The purpose of this protocol is to set out in detail the process by which the Licensing Committee will function.
2. This document will be subject to regular review along with other governance arrangements, to ensure that it remains updated in the light of experience.

## **MEMBERSHIP AND CHAIR**

3. A Planning Sub-Committee shall sit under the Strategic Planning Committee.
4. The members and chair of the Strategic Planning Committee shall be elected and ratified each year at the Annual Council Meeting.
5. The Strategic Planning Committee shall comprise 11 members. The Planning Sub-Committee shall comprise the same 11 members.
6. The Chair of the Strategic Planning Committee shall also act as the Chair of the Planning Sub-Committee.
7. Where one or more members of the Planning Sub-Committee are unable to participate in a hearing for some reason, they may give notice to arrange a substitute member in their place (as detailed in Paragraph 49, Part 4 Section B of the Council's Constitution), provided they have requisite training on planning matters.
8. There will be a reserve list of members who have received the required training to participate in Planning Sub Committee meetings if needed. This list will be updated on an annual basis by the Political Chief Whips.

## **Be consulted on planning policy**

9. The Committee shall make informal recommendations in relation to planning plans and policy, including local development documents and development plan documents and service delivery to Cabinet and Full Council.

## **Planning Sub-Committee**

10. The Planning Sub-Committee shall be established on an annual basis and determine complex (including for reasons of scale) or contested applications for:
  - Planning Permission;
  - Listed Building consent;
  - Advertisements consent;
  - Entering into Planning Agreements;
  - Permission in Principle and Technical Details Consents
  - Creation, stopping up, diversion of highways, footpaths or bridleways;
  - Preservation of trees.

## **MEETING FREQUENCY AND FORMAT**

### **Strategic Planning Committee Meetings**

11. The Strategic Planning Committee will have 3 scheduled meetings, however the Chair of the Strategic Planning Committee may call a special meeting in accordance with the process in the Council's Constitution (Part 4 Section B).

12. The work programme for the Strategic Planning Committee shall be agreed between the Chair of the Committee and senior officers, at the beginning of the civic year and will include:

- Planning Performance
- Planning guidance

#### Sub-Committee Meetings

13. It is intended that the Planning Sub-Committee shall meet on a monthly basis.



## Appendix 4

### Regulatory Committee Working Group 11<sup>th</sup> of February 2021

#### Introduction

1. This briefing note responds to the issues raised at Regulatory Committee on the 14<sup>th</sup> of January 2021 when options were considered for separating out the Planning and Licensing functions of the Regulatory Committee. There were 4 options considered along with their implications. These were as follows:

Option 1 – Adding the non-executive Planning related functions of Regulatory Committee, including making informal recommendations, to Cabinet and Council, to the current Planning Sub Committee terms of reference and making this a Committee of the Council.

Option 2 – Regulatory Committee deleted and Planning Committee established as a Committee of the Council, with the current Sub-Committee terms of reference. This would mean Policy reports progressing directly to Cabinet and then Full Council without any informal recommendations from a non -executive Committee. Planning service performance reports and other reports which were not related to applications could be considered by the relevant Scrutiny Panel.

Option 3. Regulatory Committee remains as a Committee of the Council keeping only Planning related functions and Regulatory functions which are not licensing related.

Option 4 – To keep current Regulatory Committee without establishing a Licensing Committee and only having one Licensing Sub Committee.

- 1.1 The discussion at Regulatory Committee raised a number of important points and It was suggested that some members of the Regulatory Committee could meet informally as a smaller group to consider their views and the potential options in greater detail. It was noted that any conclusions and proposals would need to be considered by the Regulatory Committee and the Standards Committee before any proposals were recommended for adoption at the Annual Council meeting on 24 May 2021. A reminder of the discussion is included at section 2.

- 1.2 It was noted that Option 1 and Option 3 seemed to be the favoured options and these have been developed further in this paper with an understanding of the how they could work within existing resources and without significant impact on the existing governance arrangement whilst also responding to the issues raised by Members. These developed options are at section 3 and the previous report considered by Regulatory committee is also attached as appendix 1 for reference to options 2 and option 4 if needed.

## **2. Background**

The Regulatory Committee met on 14 January 2021 and their comments were as follows:

- a. The Regulatory Committee currently discussed more planning issues than Licensing issues; it would be useful either to receive service updates at the Regulatory Committee or to have a separate Licensing Committee that could focus on licensing issues.
- b. The Regulatory Committee provided important feedback on planning and licensing issues and this had resulted in positive changes, such as the introduction of apprentices in Building Control; there were concerns that this role would be lost if the Regulatory Committee was divided into a Planning Committee and a Licensing Committee.
- c. It was considered that any changes should aim to reduce the workload of councillors who were currently attending a lot of meetings of the Regulatory Committee, Planning Sub-Committee, and Licensing Sub-Committee.
- d. It was noted that Regulatory Committee was the only committee where a Vice-Chair received a Special Responsibility Allowance (SRA) and that it was useful to have consistency. It was also noted that, if the Regulatory Committee was divided, there would still be the same number of SRAs – the Planning Committee Chair would receive the same SRA as the Regulatory Committee Chair and the Licensing Committee Chair would receive the same SRA as the Regulatory Committee Vice-Chair.
- e. Generally, the Committee believed that it would be easier to have one Planning Committee that considered planning applications and matters of

planning policy and one Licensing Committee that considered licensing applications, matters of licensing policy, and the statutory licensing functions. It was suggested that policy and statutory issues could be considered quarterly by each committee. Some members expressed concerns that this may not result in a reduced workload for councillors.

- f. It was considered that it would be inconvenient for Council to be the parent committee for the Planning Committee as this would require all Council members to be trained in planning matters. Although, it was noted that it was very unlikely that the Planning Committee would refer any applications to the parent committee.
- g. It was noted that, under the Licensing Act 2003, a Licensing Committee must have at least 13 members. Some members considered that this would involve an increase in the number of councillors sitting on committees for planning and licensing compared to the current arrangements for the Regulatory Committee. Other members considered that some councillors could sit on the Planning Committee and the Licensing Committee and that there may not be an increase in workload. It was also noted that, if there was a parent Planning Committee and Licensing Committee, these would meet infrequently.
- h. It was commented that some existing committees could benefit from a reduction in size and it would be useful to consider the impact of splitting the Regulatory Committee on committee memberships and meeting frequency, including the impact on other committees, such as the Corporate Committee.
- i. Some members noted that the planning and licensing functions had been joined about 10 years' ago, creating the Regulatory Committee, and this was designed to reduce costs. It had been considered that one, core committee for planning and licensing was a better approach.

**3 - Option 1 - Adding the non-executive Planning related functions of Regulatory Committee, including making informal recommendations, to Cabinet and Council, to the current Planning Sub Committee terms of reference and making this a Committee of the Council.**

**Additional Information**

3.1 If Option 1 is taken forward and Planning Committee is established as a Committee of the Council along with the Licensing Committee at the Annual Council meeting, there would need to be 4 additional meetings of Planning added and in practice the Licensing Committee would replace the Regulatory meeting dates. This would lead to a net increase in 4 meetings for Members. To mitigate this net increase, it is proposed that there are 2 main Licensing Committees added to the calendar one in May to establish the sub committees and one in January to consider policies and agree required fee charges. It is also proposed to only add 3 additional Planning meetings to cover the quarterly updates and reports set out in 6.11. This would mean a net increase of only 1 meeting.

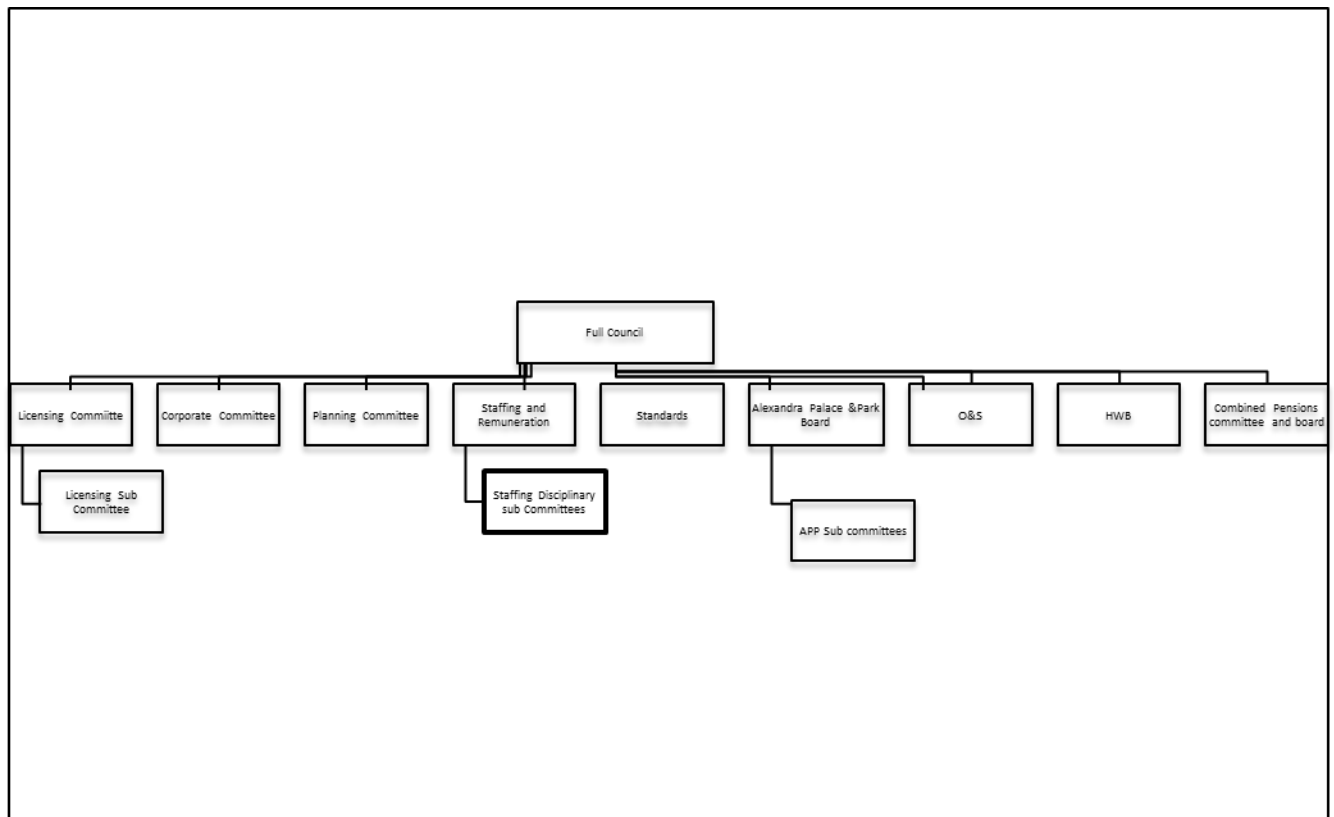
3.2 The number of licensing related items likely to come forward in 2021/22 are as follows.

- The years various licences issued under delegated authority
- Any Licensing Court cases summed up
- Any sub committee cases summary
- Points of learning.

In the years that the Statement of Licensing Policy or Gambling Policy needed to be considered (Gambling every 3 years, Licensing every 5 years) we would need to have special meetings. The Gambling Policy is normally considered by Reg Committee in July whilst it is out to consultation, so that the Committee can feedback to Cabinet in October and it can be recommended to Full Council in November. That work will be happening this year, therefore a Special Licensing Committee meeting is likely to be required in July 2021. The Statement of Licensing Policy will be reviewed during 2025. It is normally considered by the Regulatory Committee before and after it goes out to consultation, usually in September and November before recommending to Full Council in November.

If there was only one Licensing Sub Committee, ideally it should meet twice a month due to the timescales for hearing applications and reviews and the fact that the committee can only realistically deal with a maximum of 2 hearings in one evening. Where necessary, special meetings will need to be called e.g. to deal with TENS applications.

The Committee structure would look as follows:



### Note

- 3.3 Overview and Scrutiny is not an ordinary Committee under section 102 of the Local Government Act 1972. Although we would still apply political proportionality rules we would not count these seats in the overall allocation

The political balance rules are disapplied by the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (SI 2013/218). The membership of the Health and Wellbeing Board is prescribed at section 194 of the Health and Social Care Act 2012.

These Committees are included above for ease of reference.

### **Impact on Seat Numbers would be as follows:**

- 3.4 The Annual Meeting of the Council appoints Committees of the Council in accordance with Article 4.02(k) of the Constitution. The Council is required to comply with the provisions of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 in terms of political balance when appointing 'ordinary' committees – that is, committees appointed under section 102(1)(a) of the Local Government Act 1972.

- 3.5 These rules provide that seats on 'ordinary' committees must be allocated in line with the following principles, so far as reasonably practicable:
- (a) that not all the seats on a body are allocated to the same political group;
  - (b) that the majority of the seats on the body are allocated to the political group which has the majority of the Council's membership;
  - (c) that, subject to principles (a) and (b) above, the proportion of seats allocated to each political group out of the total number of seats across all the ordinary committees of the Council shall be in the same proportion as their share of membership of the Council as a whole; and
  - (d) that, subject to paragraphs (a) to (c) above, the number of seats on each individual body shall be allocated to each political group in the same proportion as their share of membership of the Council as a whole.
- 3.6 The number of seats currently available on ordinary committees is 47 . The Independent Member indicated in October 2020 that she did not want a council seat and in consequence, Labour received 34 committee seats (72.3% of the total number of seats available) and Liberal Democrats 13 seats (27.65% of the total number). Both the Labour and Liberal Democrat groups have a percentage of committee seats that is slightly higher than their percentage share of the total number of Councillors.
- 3.7 According to the above, it is a legislative requirement to have between 10 and 15 members on the main Licensing Committee. Therefore, according to principles of allocation as set out above, the main Licensing committee could have 11 seats and Planning committee could have 11 seats.
- 3.8 The number of seats available on ordinary committees increases to **56**. There would be 40 seats available to Labour and 16 seats available to the Liberal Democrat Group.

## Implications

- 3.9 In practice, the political chief whips can choose the same members to sit on both Planning Committee and Main Licensing Committee if they want to maintain the close connection between these functions. The more frequent meetings are likely to be Planning Committee meetings. Licensing would have a one Sub Committee and be able to substitute members on the Licensing Sub Committee where appropriate or be able to hold special Licensing sub committees from the pool of Members sitting on the Main Licensing Committee. This model also provides the choice of distributing Licensing and Planning Committee memberships in the political groups so that the same members are not having to attend both Licensing and Planning Committees. The Chair of the Main Licensing committee could be the Member of the

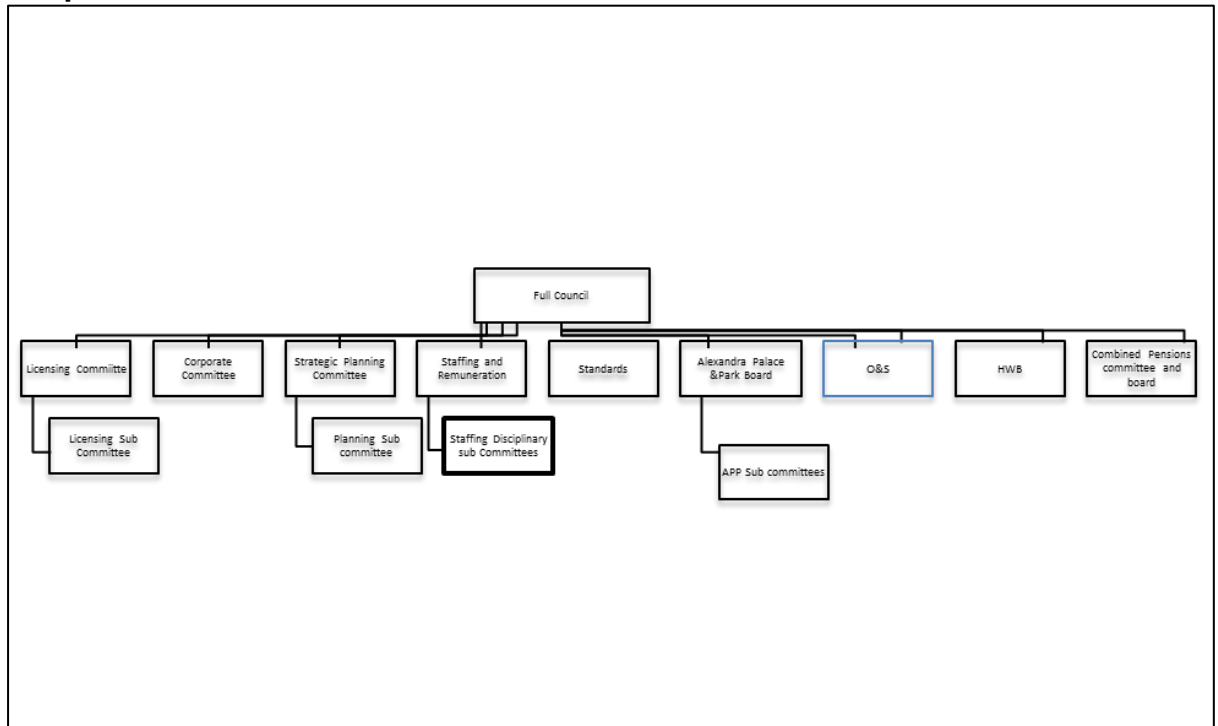
Planning committee and maintain the role of vice chair in line with previous SRA requirements.

- 3.10 There could be a query on reducing Corporate Committee to a lesser number of seats [i.e. 5 seats] as the Chief Whips will need to ensure members are available to fill the additional seats - this would mean total number of seats available is 51. This would mean 37 seats to Labour and 14 seats available to the Liberal Democrats. There would need to be a wider consultation with Finance, Audit, elections and health and safety officers about this and all Members to understand if any implications.
- 3.11 The risk set out at Paragraph 6.15 would remain. The public will be accustomed to Planning committee meeting to consider applications and it would need to be clearly set out in the agenda when the Committee are taking forward the requirements of their terms of references related to making informal recommendations to Cabinet or considering Planning service performance. There would unlikely be enough time of the agenda to consider both Planning Applications and reports relating to paragraph 6.11.
- 3.12 The terms of reference would as set out at Annex 1.

**Additional Information for Option 3 Regulatory Committee remains as a Committee of the Council keeping only Planning related functions and Regulatory functions which are not licensing related.**

- 3.13 A Strategic Planning Committee is created as a Committee of the Council with a Planning Sub Committee along with the main Licensing Committee. There would need to be 4 additional meetings of Strategic Planning added to the Council Committee Calendar and Licensing Committee would replace the Regulatory meeting dates. There could be a net increase in 4 meetings for members. To mitigate this net increase, it is proposed that there are 2 main Licensing Committees added to the calendar one in **May** to establish the sub committees and one in **January** to consider policies and agree required fee charges. It is also proposed to only add 3 additional Strategic Planning meetings to cover the quarterly updates and reports set out in 6.11. This would mean a net increase of only 1 meeting.
- 3.14 The number of Licensing related items likely to come forward in 2021/22 are as set out at paragraph 3.2.
- 3.15 The Committee structure would look as follows: [ The Regulatory Committee name has been replaced with a new name strategic Planning Committee - Members can comment on this new

name]



### Note

3.16 As set out in paragraph 3.3.

### **Impact on Seat Numbers would be as follows:**

3.17 As set out in paragraphs 3.4 to 3.6 and according to principles of allocation as set out above, the main Licensing committee could have 11 seats and Strategic Planning committee could have 13 seats with the Planning Sub Committee having 11 seats.

3.18 The number of seats available on ordinary committees increases to 56. There would be 40 seats available to Labour and 16 seats available to the Liberal Democrat Group.

3.19 In practice, the political chief whips can choose the same members to sit on both Strategic Planning Committee and Main Licensing Committee if they want to maintain the close connection between these functions. The Strategic Planning Committee would have 2 extra members to the Planning Sub Committee, similar to the current structure with Regulatory Committee and the Chief Whips may want these 2 additional members to be members of the main Licensing committee to maintain the regulatory expertise on the main strategic Committee. The Chair of the Main Licensing Committee could be the Member of the Strategic Planning Committee and vice chair and also be a member of the Planning Sub Committee and Vice Chair.

3.20 Again, there could be a query on reducing Corporate Committee to a lesser number of seats [i.e 5 seats] as the Chief Whips would need to ensure



members are available to fill the additional seats - this would mean total number of seats available is 51. This would mean 37 seats to Labour and 14 seats available to the Liberal Democrats. There would need to be a wider consultation with Finance, Audit, Elections and Health and safety Officers about this and all Members to understand if any implications.

- 3.21 A potential terms of reference for this Option is set out in Annex 2.
- 3.22 Members are asked to comment on the information above and recommend an option for Regulatory Committee for the meeting on the 25<sup>th</sup> of February and Standards committee on the 2<sup>nd</sup> of March 2021.

## Annex 1

### Option 1 - Terms of Reference Planning Committee

#### Red -Current Regulatory Committee Terms of reference for Planning functions

(d) Making informal recommendations to the Cabinet and full Council on local development documents, development plan documents, the local development framework, the statement of community involvement and any other planning policy matter;

(e) Reviewing all Council plans and policies on any licensing, planning or regulatory matters, exercising an overview in relation to common themes and making informal recommendations on these matters to Cabinet and full Council;

(f) Making informal recommendations to the Cabinet and other bodies on service delivery, grant aid, commissioning and procurement matters when these involve or relate to licensing, planning, conservation or regulatory issues.

#### Red - Planning Terms of reference 2020

There is a Protocol setting out how members of the Planning Sub-Committee will exercise those functions, including behaviour in relation to applicants, residents and other third parties, to ensure the probity of planning transactions and the highest standards expected in public office. This protocol is supplementary to the Members' Code of Conduct at Part 5 of the Constitution.

The Sub-Committee has all the functions which are set out below and which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any statute or subordinate legislation further amending those Regulations (references to paragraphs are to those in Schedule 1):

#### (a) paragraph A - Town Planning Functions

(A) planning applications for the erection of 10 or more dwellings and where the officer recommendation is for approval;

(B) planning applications for changes of use of 1000 sq. metres or more of gross internal floor space and where the officer recommendation is for approval;

(C) planning applications for the erection, or extension of non-residential buildings where the new build is 1000 sq metres or more of gross internal floor space and where the officer recommendation is for approval;

(D) unless otherwise agreed with the Chair of the Planning Sub-Committee, planning applications either:

(i) for major development as defined by the Town and Country Planning (Development) Management Procedure (England) Order 2015 (or any replacement legislation) and where the officer recommendation is for approval; or

(ii) where a legal agreement relating to that development is required; or

(iii) where the recommended decision would be contrary to the development plan;

(E) unless otherwise agreed with the Chair of the Planning Sub-Committee, applications submitted by, or on behalf of the Council;

(F) planning applications on Council owned land, where the Council is not the applicant, where significant material planning objections are received during the consultation process and which the Director, in consultation with the Chair of the Planning Sub-Committee, determines should be subject to members' consideration;

(G) planning applications submitted by or on behalf of members; or employees within the Planning Service or senior employees elsewhere in the Council; or their spouses, parents or children;

(H) any planning application to amend an application or vary conditions or a legal agreement previously decided/imposed by Planning Sub-Committee and which the Director, in consultation with the Chair of the Planning Sub-Committee, considers to constitute a major or significant change;

(I) any planning application where there have been objections from a single councillor of the Ward within which the application site is situated and/or a local community body and/or a local residents' association, and a written request setting out the planning reasons for the matter to be referred to the Planning Sub-Committee has been made before the expiry of the consultation period, and which the Director in consultation with the Chair of the Planning Sub-Committee considers should be referred to the Planning Sub-Committee for determination;

(b) paragraph B - Power to amend;

For the avoidance of doubt, the Director is authorised after a Planning sub-committee determination to make any alterations, additions or deletions to the recommended heads of terms and/or recommended conditions (and to authorise any such changes requested by the GLA or government body) (and to further sub-delegate this power) provided this authority shall be exercised after consultation with the Chair (or in their absence the vice-Chair) of the sub-committee.

Purple - Proposed terms of reference

There is a Protocol setting out how members of the Planning Committee will exercise those functions, including behaviour in relation to applicants, residents and other third parties, to ensure the probity of planning transactions and the highest standards expected in public office. This protocol is supplementary to the Members' Code of Conduct at Part 5 of the Constitution.

The Committee has all the functions which are set out below and which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any statute or subordinate legislation further amending those Regulations (references to paragraphs are to those in Schedule 1):

(a) paragraph A - Town Planning Functions

(A) planning applications for the erection of 10 or more dwellings and where the officer recommendation is for approval;

(B) planning applications for changes of use of 1000 sq. metres or more of gross internal floor space and where the officer recommendation is for approval;

(C) planning applications for the erection, or extension of non-residential buildings where the new build is 1000 sq metres or more of gross internal floor space and where the officer recommendation is for approval;

(D) unless otherwise agreed with the Chair of the Planning Committee, planning applications either:

(i) for major development as defined by the Town and Country Planning (Development) Management Procedure (England) Order 2015 (or any replacement legislation) and where the officer recommendation is for approval; or

(ii) where a legal agreement relating to that development is required; or

(iii) where the recommended decision would be contrary to the development plan;

(E) unless otherwise agreed with the Chair of the Planning Committee, applications submitted by, or on behalf of the Council;

(F) planning applications on Council owned land, where the Council is not the applicant, where significant material planning objections are received during the consultation process and which the Director, in consultation with the Chair of the Planning Committee, determines should be subject to members' consideration;

(G) planning applications submitted by or on behalf of members; or employees within the Planning Service or senior employees elsewhere in the Council; or their spouses, parents or children;

(H) any planning application to amend an application or vary conditions or a legal agreement previously decided/imposed by Planning Committee and which the Director, in consultation with the Chair of the Planning Committee, considers to constitute a major or significant change;

(I) any planning application where there have been objections from a single councillor of the Ward within which the application site is situated and/or a local community body and/or a local residents' association, and a written request setting out the planning reasons for the matter to be referred to the Planning Committee has been made before the expiry of the consultation period, and which the Director in consultation with the Chair of the Planning Committee considers should be referred to the Planning Committee for determination;

(b) paragraph B - Power to amend;

For the avoidance of doubt, the Director is authorised after a Planning committee determination to make any alterations, additions or deletions to the recommended heads of terms and/or recommended conditions (and to authorise any such changes requested by the GLA or government body) (and to further sub-delegate this power) provided this authority shall be exercised after consultation with the Chair (or in their absence the vice-Chair) of the committee.

The Committee shall also:

(i) Make informal recommendations to the Cabinet and full Council on local development documents, development plan documents, ~~the local development framework, the statement of community involvement~~ and any other planning policy matter;

(ii) Review all Council plans and policies on any ~~licensing~~, planning or regulatory matters, exercising an overview in relation to common themes and making informal recommendations on these matters to Cabinet and full Council;

(iii) Making informal recommendations to the Cabinet and other bodies on service delivery, grant aid, commissioning and procurement matters when these involve or relate to ~~licensing~~, planning, and conservation or regulatory issues.

**Option 1 – Regulatory Committee terms of reference with proposed changes to change this to main Licensing Committee**

The Licensing Committee has functions either (1) as the statutory Licensing Committee of the Council under the Licensing Act 2003, which also exercises functions under the Gambling Act 2005, or (2) as a non-statutory Committee exercising other non-executive functions relating to Licensing, and **other regulatory matters generally**. At the beginning, and at other appropriate stage(s) in each meeting, the Chair will make a short announcement indicating whether the Committee is operating in its capacity as “statutory Licensing Committee” or as a “non-statutory Committee”.

#### Membership

The Regulatory Committee must have between 10 and 15 members in order to comply with the legislation as statutory Licensing Committee.

#### Protocol

There is a Protocol outside this Constitution setting out how the Licensing Committee is to operate. The Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4 and the relevant Licensing Procedure Rules when the Committee is conducting a formal hearing. Any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.

(1) In its capacity as the statutory Licensing Committee the Committee has all the functions referred to it by law under the Licensing Act 2003 and the Gambling Act 2005. These include:

(a) To be responsible for monitoring the operation of the Acts licensable activities and gambling in the Borough;

(b) To establish the Licensing Sub-Committees and to agree the delegation of functions to the Sub-Committees and to officers;

(c) To receive reports on the matters in (a) above and on the functions delegated to the Licensing Sub-Committees and to officers. To call for a report on any individual case;

(d) To determine the procedures to be followed in handling applications, notices, representations and all hearings, subject to the relevant Regulations;

(e) Subject to Regulations, to determine the fees payable for applications for premises licences and related matters under the Gambling Act 2005;

(f) In a Council Election Year when there is a need to hold a hearing in the period between Election day and the Annual Meeting of the Council, those members of the Committee who are re-elected as councillors shall meet as the Committee (subject to there being a quorum of 3 members) in order to exercise any of the functions of the Licensing Sub-Committees, or of the Committee under (f) above, and shall elect a Chair for the meeting.

(2) In its capacity as the non-statutory Committee exercising other non-executive functions the Committee has the following functions:

(a) Exercising the functions which are stated not to be the responsibility of The Executive/Cabinet In Regulation 2 and Schedule 1, Paragraph B (Licensing and Registration) of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any Statute or subordinate legislation further amending these Regulations. The Committee's functions are to determine all policy issues, procedures and standard terms and conditions relating to the non-executive licensing functions but exclude decisions in individual cases which are delegated to the Licensing Sub-Committees. The Sub-Committee's remit includes the licensing of street trading, scrap metal dealing, special treatment premises, sex establishments and dog breeding establishments;

(b) Formulating, reviewing and approving for consultation the Statement of Licensing Policy under the Licensing Act 2003 and recommending it, and any revisions to it, to full Council for adoption;

(c) Being consulted informally on the review and determination of the Statement of Gambling Policy, including procedures for Council consultation with external stakeholders, and making recommendations on these matters to the Cabinet;

(e) Reviewing all Council plans and policies on any licensing, or regulatory matters, exercising an overview in relation to common themes and making informal recommendations on these matters to Cabinet and full Council;

(f) Making informal recommendations to the Cabinet and other bodies on service delivery, grant aid, commissioning and procurement matters when these involve or relate to licensing, conservation or regulatory issues.

## **Annex 2 - Option 3 Terms of Reference for Strategic Planning Committee**

There is a Protocol setting out how members of the Strategic Planning Committee will exercise those functions, including behaviour in relation to applicants, residents and other third parties, to ensure the probity of planning transactions and the highest standards expected in public office. This protocol is supplementary to the Members' Code of Conduct at Part 5 of the Constitution.

The Committee has all the functions which are set out below and which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1, Paragraph A (Town and Country Planning) of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any statute or subordinate legislation further amending those Regulations.

To establish the Planning Sub-Committees and to agree the delegation of functions to that Sub-Committee;

### The Committee shall:

- (i) Make informal recommendations to the Cabinet and full Council on local development documents, development plan documents, ~~the local development framework, the statement of community involvement~~ and any other planning policy matter;
- (ii) Review all Council plans and policies on any ~~licensing, planning or regulatory~~ matters, exercising an overview in relation to common themes and making informal recommendations on these matters to Cabinet and full Council;
- (iii) Make informal recommendations to the Cabinet and other bodies on service delivery, grant aid, commissioning and procurement matters when these involve or relate to ~~licensing, planning, and conservation or regulatory~~ issues.

Licensing Committee Terms of reference would be the same as set out in Annex 1.