

**MINUTES OF THE REGULATORY COMMITTEE
THURSDAY, 26 MAY 2011**

Councillors Basu, Brabazon, Demirci, Egan, Erskine, Hare, Mallett, Peacock, Rice, Schmitz, Scott and Wilson

Apologies Councillor Waters, Councillor Reece and Councillor Beacham

MINUTE NO.	SUBJECT/DECISION	ACTION BY
REG01.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Cllr Waters, for whom Cllr Egan was substituting, from Cllr Reece, for whom Cllr Wilson was substituting and from Cllr Beacham, for whom Cllr Hare was substituting.</p>	
REG02.	<p>URGENT BUSINESS</p> <p>There were no new items of urgent business.</p>	
REG03.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p>	
REG04.	<p>MINUTES</p> <p>RESOLVED</p> <p>That the minutes of the Licensing Committee held on 27 May 2010 and 10 March 2011, and the Licensing Sub Committees held on 18 November 2010, 17 January 2011, 7 March 2011, 5 April 2011 and 10 May 2011 be approved and signed by the Chair.</p>	
REG05.	<p>ESTABLISHMENT OF LICENSING SUB-COMMITTEES AND PLANNING SUB-COMMITTEE</p> <p>The Committee considered the report on establishing two Licensing Sub Committees and a Planning Sub Committee, and the proposals for membership of the Sub Committees, as set out in appendix 2 to the report, which was tabled at the meeting. The reasons for the lateness of this documents was due to information being awaited from the party groups regarding membership of the Regulatory Committee. The Committee noted that, were membership the Sub Committees confirmed as proposed in the tabled report, the quorum of the Planning Sub Committee would increase from two to three. Concern was raised regarding the late increase in the Planning Sub Committee membership, and it was proposed that a membership of 7, as originally agreed with cross-party support as a result of the Governance Review process, would be sufficient. The late notice of the proposal was also raised as a concern, and it was suggested that the original membership of 7 be approved and the situation reviewed during the course of the year to determine whether a larger Planning Sub Committee membership was</p>	

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indeed necessary.

It was asserted that, while the membership of the Regulatory Committee was agreed by Full Council, it was for the Regulatory Committee itself to establish its Sub Committees. It was felt to be confusing that the proposed membership of the Sub Committees had been included in a report to the Annual Council meeting, when this was not the meeting at which the Sub Committees would be confirmed. It was agreed that this would be reviewed going forward.

In response to concerns raised regarding the increase in membership of the Planning Sub Committee, it was argued that a larger Sub Committee would enable greater transparency in the decision-making process, particularly in light of the significant applications which the Sub Committee would be required to determine in the forthcoming year. An opinion was also expressed that larger Planning applications should be heard by the whole Regulatory Committee.

There was some disagreement that a Planning Sub Committee membership of 9 would be more transparent than a membership of 7, and concern was raised that one of the Liberal Democrat Members of the Regulatory Committee would be required to sit on both the Planning and Licensing Sub Committees, which would represent an excessive workload for that Member. It was also argued that a smaller Planning Sub Committee membership would enable Members to benefit from a greater amount of training.

It was proposed that the membership of the Sub Committees be agreed as tabled, and the position reviewed during the course of the year to determine whether this arrangement was unduly onerous on any Member. In the event that this was felt to be the case, it was suggested that a decision could be taken by Full Council to increase the membership of the Regulatory Committee itself, taking into consideration issues of proportionality. It was argued that there was no question that this arrangement would be unduly onerous on the Liberal Democrat Member sitting on both the Planning and Licensing Sub Committees and that it was unfair to impose this change at late notice.

It was moved by Cllr Wilson, and seconded by Cllr Scott that a membership of 4:3 on the Planning Sub Committee be appointed. On a vote of 5 in favour, 7 against, this amendment was lost.

Cllr Scott was proposed for the vacancy on the proposed Planning Sub Committee membership as tabled.

The Chair moved the recommendations of the report and the membership as set out in the tabled appendix 2, with the addition of Cllr Scott to the membership of the Planning Sub Committee, and on a vote of 7 in favour, 5 against, the motion was carried.

The Committee expressed concern that the new governance arrangements might not permit substitutions onto the Planning Sub

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Committee from outside the membership of the Regulatory Committee, and requested that this issue be looked into with the Monitoring officer as a matter of urgency. It was also requested that the issue of increasing the membership of the Regulatory Committee be explored.

RESOLVED

- i) That the terms of reference of the Regulatory Committee in the Council's Constitution as attached at Appendix 1 to the report be noted, and the terms of reference of the Licensing Sub Committees and Planning Sub Committee in the constitution as appendix 3 to the report be confirmed.
- ii) That the establishment of two Licensing Sub Committees be agreed with the membership set out in the tabled appendix 2 to the report and the establishment of a Planning Sub Committee with membership, as set out in the tabled appendix 2 to the report, with the addition of Cllr Nigel Scott, be agreed.
- iii) That the provisions in the Committee Procedure Rules, Part 4, Section B of the Constitution and the delegations to the Head of Local Democracy and Member Services (Appendix E Section 9 paragraph 1.4 of the Constitution) for the appointment of a substitute Member of a Licensing Sub Committee from among the Members of the Committee when the permanent Sub Committee Member is unable to attend for any reason be noted.
- iv) That it be noted that the Council Procedure Rules in Part 4B of the Constitution do not apply to licensing hearings only in those areas where they conflict with the Local Licensing Procedure Rules and the relevant Acts and Regulations which take precedence.
- v) That the Local Licensing Procedure Rules as attached at Appendix 4 to the report be noted.
- vi) That the issue of permitting substitutes onto the Planning Sub Committee from outside the membership of the Regulatory Committee be looked into by the Monitoring Officer.
- vii) That, if it proved necessary, an increase in the membership of the Regulatory Committee, in line with proportionality rules, be considered and put to Full Council for approval.

The Liberal Democrat members placed on the record their concerns that the membership of the Sub Committees as agreed at the meeting would make it difficult for them to fill their places on the forthcoming Planning Sub Committee meetings.

REG06. NEW ITEMS OF URGENT BUSINESS

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	There were no new items of urgent business.	
REG07.	DATES OF FUTURE MEETINGS NOTED 10 October 2011 21 February 2012 12 April 2012	
REG08.	EXEMPT MINUTES RESOLVED That the exempt minutes of the special Licensing Sub Committee held on 17 January 2011 be approved and signed by the Chair. The meeting closed at 19:45hrs.	

CLLR ALI DEMIRCI

Chair