

**MINUTES OF THE REGULATORY COMMITTEE  
TUESDAY, 5 FEBRUARY 2013**

Councillors Basu, Beacham, Brabazon, Demirci (Chair), Ejiofor, Mallett, McNamara, Peacock (Vice-Chair), Reid, Schmitz, Scott and Solomon

Apologies Councillor Christophides

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>	<b>ACTION BY</b>
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<b>REG79.</b>	<b>APOLOGIES FOR ABSENCE</b>	
	Apologies for absence were received from Cllr Christophides.	
<b>REG80.</b>	<b>MINUTES</b>	
	<p>The Chair advised the Committee of the intention for minor amendments to be made to the Planning Committee procedure to help streamline the process and ensure the Committee were able to determine the applications listed on meeting agendas within the time allocated, thereby reducing deferrals:</p> <ul style="list-style-type: none"> <li>• From the officer side, a new, more condensed report template would be used. The Committee emphasised the importance of the Planning Service actively seeking improvements to the quality of applications submitted and thereby Committee reports and reducing the practice of the tabling of papers at the meeting.</li> <li>• Wherever possible, the Planning Service would seek to maintain a continuous dialogue with applicants to address issues with applications at an early stage thereby reducing the number needing to proceed to Committee.</li> <li>• The Chair advised that as a rule he would not approve requests from Members for single dwelling applications to come to Committee instead of being dealt with under delegated authority unless extenuating circumstances were put forward.</li> <li>• It was advised that a number of special Planning Committees were likely to be required before the end of the municipal year in order to help reduce the backlog of applications.</li> <li>• A short training session would be held for Planning Members before the start of the next meeting on 18 February on material and non material planning considerations.</li> <li>• In terms of the conduct of meetings, Members would be asked, where possible, to write down questions and seek responses from officers in advance of the meeting. Members would then have the opportunity to address any outstanding questions to officers prior to final deliberations in the anticipation that most would be answered during the course of proceedings.</li> <li>• The Chair advised that he would refer where necessary any specific concerns about individual Member behaviour at Committee to respective party Whips.</li> </ul> <p>In order to provide clarity, Members asked that a short briefing be</p>	

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	<p>circulated to the Committee setting out the steps and/or criteria use to determine whether applications were delegated or came before Committee.</p> <p><b>RESOLVED</b></p> <ul style="list-style-type: none"> <li>That the minutes of the Regulatory Committee on 22 November 2012 be agreed as an accurate record and signed by the Chair.</li> </ul>	<p>Marc Dorfman</p>
<p><b>REG81.</b></p>	<p><b>LOW CAR / CAR FREE DEVELOPMENT</b></p> <p>The Committee considered a report, deferred from the last meeting, providing an overview on policies and implementation issues surrounding low car and car free developments, primarily in this instance the Council's UDP. The link was explained to assessments of Public Transport Accessibility Levels (PTALs) which had been mapped across the borough. Members raised concerns over a perceived variation in the application of car free development rules across the borough, potentially linked to issues of the marketability of properties. Confirmation was provided that PTALs served only as a guide and that applications were determined on a case by case basis and with regards to the policy set out within the UDP of supporting car free residential development. It was requested that the formula used to calculate PTALs be forward to Cllr Schmitz.</p> <p>Members queried the position with regards to the allocation of parking space for mobility scooters within developments. Officers agreed to refer this issue to the Development Control Policy and Standards Group for further consideration.</p> <p><b>RESOLVED</b></p> <ul style="list-style-type: none"> <li>That the report be noted.</li> </ul>	<p>Malcolm Smith</p> <p>Marc Dorfman</p>
<p><b>REG82.</b></p>	<p><b>HOW THE PLANNING APPLICATION PROCESS WORKS</b></p> <p>The Committee considered a report outlining details of the planning process, including how applications are assessed, the timescales involved and the manner in which the decision is made.</p> <p>In response to a question, it was clarified that the clock started for the application process from the date of receipt of the application and subject to its validation. A new system would be implemented to improve this stage of the process including providing further training to officers validating applications and greater input from senior officers at an earlier stage to ensure more speedy and efficient allocation of applications. Members sought further reassurance over the new system proposed in light on ongoing concerns regarding the performance of the service and quality of applications. As such, it was proposed that members of the Committee undertook a sampling exercise of applications held by the planning service for scrutiny and quality control purposes. It was agreed</p>	

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	<p>that a small sub group of the Committee would undertake a case audit on a random basis at a time agreed by the Assistant Director. To provide additional assurance to Members, it was confirmed that an external audit was also being undertaken of cases in relation to the collection of CIL for the Mayor and which would look at data collection and management.</p> <p>Members raised concern over the variation in quality and accuracy of applications put before Planning Committee and the importance of officers continuing to put emphasis on applicants to improve standards through a rigorous approach to validation. It was suggested that consideration be given to the provision of baseline expectations and/or examples of best practice might assist applicants in this regard.</p> <p><b>RESOLVED</b></p> <ul style="list-style-type: none"> <li>• That the report be noted.</li> </ul>	<p>Marc Dorfman</p>
<p><b>REG83.</b></p>	<p><b>INFORMATION REPORT - THE WORKINGS OF THE STREET NAMING AND NUMBERING PROCESS IN NEW DEVELOPMENTS</b></p> <p>The Committee considered an information report requested at a previous meeting, setting out the procedure on how a new development was named and numbered, particularly in relation to the imposition of an informative in this regard by the Planning Committee.</p> <p>The briefing outlined the current disconnect between the street naming and numbering function and the planning process. To this end, the Committee agreed with the officer recommendation to put in place a system to ensure the naming and numbering officer was provided with the details of any planning decision notice containing an informative on street naming and or numbering.</p> <p><b>RESOLVED</b></p> <ul style="list-style-type: none"> <li>• That the report be noted and that the procedure as detailed above to improve the link between the Planning Service and the naming and numbering officer be implemented.</li> </ul>	<p>Marc Dorfman</p>
<p><b>REG84.</b></p>	<p><b>THE ROLE OF WARD COUNCILLORS IN DISCUSSIONS WITH PLANNING OFFICERS AND APPLICANTS</b></p> <p>The Committee received a briefing clarifying the important role of ward Councillors during the processing of planning applications and appeals. The additional constraints imposed on Members sitting on the Planning Committee were also reiterated, particularly the importance of avoiding any involvement with applications due to come before the Committee in advance of the meeting to avoid any perceptions of predetermination or bias towards cases.</p> <p><b>RESOLVED</b></p>	

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	<ul style="list-style-type: none"> <li>• That the report be noted.</li> <li>•</li> </ul>	
<p><b>REG85.</b></p>	<p><b>DEVELOPMENT MANAGEMENT AND BUILDING CONTROL WORK REPORT</b></p> <p>The Committee received an update report providing performance statistics for Development Management and Building Control services since the last meeting and the ongoing efforts to improve performance and address the historical backlog of applications within the Planning Service. The new report format now showed trend comparisons and progress made addressing performance issues.</p> <p>A two year action plan was being implemented for the Planning Service, with an immediate focus on improving performance on determining major applications in light of proposed future government reforms. The Committee were advised that the performance of the service was anticipated to be sufficiently improved going forward so as to avoid the government trigger point for placing authorities determining 30% or less of major applications within 13 weeks on special measures. Improvements implemented under the plan included creation of a bespoke team to focus on progressing major applications within the 13 week time limit or to have a performance agreement in place with the developer, weekly monitoring meetings with the Director Place and Sustainability and the Cabinet Member, and providing fortnightly update reports to Director’s Group. It was advised that, where possible, major applications would be brought forward for determination before the end of the current financial year in order to secure a sufficient approval rate over a two year period. Staffing issues were also being addressed within the service including recruitment to a number of additional posts as well as dealing with capability issues where appropriate. An interim Head of Service was in place, with permanent recruitment underway.</p> <p>The service was making progress in addressing the historical backlog of applications, although it was acknowledged that by virtue of the primary focus remaining on improving performance in relation to majors, there was an associated sacrifice from having to drip feed the backlog of minors and other applications into the system. Performance in relation to appeals remained above London and national benchmarks.</p> <p>It was agreed that monthly progress update reports would be circulated to Committee members. The Committee also requested that a special meeting be convened within a month to receive an update on progress as concerns remained regarding the performance of the service and that performance targets were set too low. The Committee also requested that details be provided of the other improvement workstreams to be implemented within the service including processes to improve the quality of applications. Members agreed the current need for more regular oversight of performance monitoring of the service by Regulatory Committee, particularly due to the conflict between improving determination timescales whilst also ensuring quality. Cllr Ejiofor put</p>	<p>Marc Dorfman</p> <p>Marc Dorfman</p>

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	<p>forward a motion, which was carried, that a minimum of six Regulatory Committee meetings a year be scheduled to maintain sufficient oversight and also to receive feedback from the sub group undertaking an audit of cases.</p> <p><b>RESOLVED</b></p> <ul style="list-style-type: none"> <li>• That the report be noted.</li> </ul>	<p>Chair/ Clerk</p>
<p><b>REG86.</b></p>	<p><b>PLANNING ENFORCEMENT AND APPEALS UPDATE</b></p> <p>This item was deferred to the next Committee meeting.</p>	
<p><b>REG87.</b></p>	<p><b>DELEGATED DECISIONS</b></p> <p>This item was deferred to the next Committee meeting.</p>	
<p><b>REG88.</b></p>	<p><b>REVIEW OF FEES AND CHARGES - LICENSES</b></p> <p>The Committee received a report seeking approval for an increase to the Council's licensing fees and charges, which were subject to annual review under the Medium Term Financial Plan and in line with the external income policy. In December, Cabinet had approved the application of a 3% general increase to fees and charges levied by the Council, although approval for a number of specified licensing fees and charges was within the remit of Regulatory Committee. The report recommended that all non-statutory charges in this regard be increased in overall terms by 3% in line with the position agreed by Cabinet and the premise of full cost recovery. Confirmation was provided that an Equalities Impact Assessment had been undertaken and showed no adverse impact on groups with protected characteristics.</p> <p>Members expressed concern over the premise of a blanket increase. Although it was recognised that the fees proposed aimed to achieve a full cost recovery position, it was requested that a future, more detailed costing exercise be undertaken to more fundamentally review the basis for the level of fees charged as opposed to the imposition of a year on year blanket increase. It was considered that some of the fees charged appeared to be out of line with likely cost recovery including some of the additional street trading charges and enforcement costs and as such should be reviewed. In response to questions about street trading application fees, it was confirmed that a review would be undertaken later in the year looking at how the fees and charges were set.</p> <p>Concerns were also expressed on the report coming to the Committee at such a late stage, providing little opportunity to provide input into the level of the fees set as the new charges were required to come into force from 1 April. Officers provided confirmation that this was the first scheduled meeting of the Committee since the primary Cabinet decision regarding fees and charges was taken in December.</p>	<p>Dale Barrett</p>

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	<p><b>RESOLVED</b></p> <ul style="list-style-type: none"><li>• To grant approval for the increase to the Council's licensing fees and charges, as set out in the appendix attached to the report, with effect from 1 April 2013, subject to an Equalities Impact Assessment being carried out with any subsequent changes then required being delegated to the Director of Place and Sustainability having consulted with the appropriate Cabinet member.</li></ul>	
<b>REG89.</b>	<p><b>DATES OF FUTURE MEETINGS</b></p> <p>To be confirmed.</p>	

CLLR ALI DEMIRCI

Chair