

**MINUTES OF THE REGULATORY COMMITTEE  
THURSDAY, 23 MAY 2013**

Councillors Basu, Beacham, Brabazon, Demirci (Chair), Ejiofor, Mallett, McNamara, Reid, Reith and Rice

Apologies Councillors Scott and Strang

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>	<b>ACTION BY</b>
REG93.	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>Apologies were received from Cllrs Scott and Strang.</p>	
REG94.	<p><b>MINUTES</b></p> <p><b>RESOLVED</b></p> <ul style="list-style-type: none"> <li>• That the minutes of the Regulatory Committee meeting on 5 February be agreed as an accurate record and signed by the Chair.</li> </ul>	
REG95.	<p><b>ESTABLISHMENT OF LICENSING SUB COMMITTEES</b></p> <p>The Chair confirmed that the Committee would be operating in its capacity as a statutory Licensing Committee for consideration of this item. For the remainder of the agenda, the Committee would be sitting as a non statutory Committee.</p> <p>The Committee considered a report proposing the establishment of two Licensing Sub Committees to conduct both the statutory and non-statutory licensing functions of the Council. The report additionally set out the terms of reference for the Regulatory Committee and the two Licensing Committees. Appendix 2 of the report setting out proposed memberships for the sub-Committees was tabled.</p> <p><b>RESOLVED</b></p> <ul style="list-style-type: none"> <li>• That the terms of reference of the Regulatory Committee in the Council's Constitution attached as Appendix 1, and the terms of reference of the Licensing Sub-Committees attached as Appendix 3 to the report be noted.</li> <li>• That Members agree the establishment of two Licensing Sub-Committees with the membership set out in Appendix 2 to this report (tabled following the confirmation of membership at Annual Council on 20 May) to conduct both the statutory and non-statutory licensing functions of the Council as set out in Part Three, Section C of the Council's Constitution attached as Appendix 3 to the report.</li> <li>• That Members note the provisions in the Committee Procedure</li> </ul>	

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	<p>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 1.5 of the Constitution), attached at Appendix 4 to the report, for the appointment of a substitute Member of a Licensing Sub-Committee from among the Members of the Regulatory Committee when the permanent Sub-Committee Member is unable to attend for any reason.</p> <ul style="list-style-type: none"> <li>To note that the Council Procedure Rules in Part 4 B 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.</li> </ul>	
<p><b>REG96.</b></p>	<p><b>INFORMATION PAPER ON GAMBLING ACT 2005 CASES</b></p> <p>The Committee received an update briefing on recent action taken by Newham Council to refuse a betting shop application under the Gambling Act 2005 and the subsequent scheduling of a test case hearing in June. Progress of a number of additional betting shop test cases in Westminster and Greenwich were noted.</p> <p>Confirmation was provided that a watching brief would be kept on these cases, with the Committee updated on outcomes.</p> <p><b>RESOLVED</b></p> <ul style="list-style-type: none"> <li>That the briefing be noted.</li> </ul>	<p>Dale Barrett</p>
<p><b>REG97.</b></p>	<p><b>DISCUSSION PAPER ON MATTERS RELATING TO THE UPDATE OF THE STATEMENT OF LICENSING POLICY</b></p> <p>The Committee received a report outlining plans to review the Council's Statement of Licensing Policy, the current version of which would expire in January 2014. The new Policy would need to incorporate recent legislative changes such as the Police Reform and Social Responsibility Act 2011, the Licensing Act 2003 and accompanying Secretary of State guidance issued under s182 of the Act.</p> <p>Cllr Canver addressed the Committee to emphasise the importance of a thorough review of the Policy with input from both Members and members of the public. A future special meeting was planned with the relevant Responsible Authorities to encourage their participation and comments on the revised Policy.</p> <p>It was agreed that a working group would be convened to take forward the review process in the acknowledgement that further discussions were required on a number of fundamental issues relating to the Policy, such as the potential inclusion of a Cumulative Impact Policy provisions. The Chair agreed to email Committee members to seek nominations to sit on the working group.</p> <p>It was intended that a special Regulatory Committee would be convened</p>	<p>Chair</p>

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	<p>in July to approve the release of the revised Policy for public consultation. The final document incorporating responses from the consultation would then be submitted to the October Regulatory Committee meeting for approval before progressing to Full Council for adoption.</p> <p>Members asked that the potential scope be explored of the Council providing a mechanism by which local residents could obtain licensing advice and guidance, for example through an independent advocate. Confirmation was provided that a similar scheme was in place in LB Westminster and Cllr Canver agreed to look into the feasibility of adopting a scheme within the borough. This could also constitute a potential future area of joint working with the Environment and Housing Scrutiny Panel.</p> <p><b>RESOLVED</b></p> <ul style="list-style-type: none"> <li>• That the update be noted.</li> </ul>	<p>Cllr Canver / Dale Barrett</p>
<p><b>REG98.</b></p>	<p><b>INFORMATION PAPER ON NEW SCRAP METAL DEALERS ACT 2013</b></p> <p>The Committee received an information briefing updating on new powers under the Scrap Metal Dealers Act 2013 covering scrap metal dealing and vehicle dismantling which were due to come into force in October. The legislation would provide local authorities and the Police with greater powers to refuse and revoke licences, rights of entry and inspection and requirements for dealers to keep thorough records and only accept payments via cheque.</p> <p>Confirmation was provided that a report would be provided to a future meeting setting out associated procedures and fee levels to be implemented in the borough following the release of further guidance and Regulations from the Home Office.</p> <p>The Committee expressed support for the increased regulation under the new Act, but emphasised the importance of the Council publicising the changes to increase awareness including in a wide range of community languages.</p> <p><b>RESOLVED</b></p> <ul style="list-style-type: none"> <li>• That the update be noted.</li> </ul>	<p>Dale Barrett</p> <p>Dale Barrett</p>
<p><b>REG99.</b></p>	<p><b>DEVELOPMENT MANAGEMENT AND BUILDING CONTROL WORK REPORT</b></p> <p>The Committee received an update report setting out performance statistics for Development Management and Building Control services since November 2012.</p> <p>Data for the Planning Service showed a slight decline in performance for</p>	

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	<p>the determination of minor applications owing to the continued focus on reducing the backlog of applications. Indicative performance figures for April/May for minors and other applications were however currently showing as above the national target. Members emphasised the importance going forward of the Service focussing on achieving performance targets for all categories of applications, not just major applications, to which assurances were provided that targets were set within the Service business plan to exceed national performance levels for all three categories of application.</p> <p>The Committee requested a background briefing on government proposals around the deregulation of planning rules, such as changes to permitted development rights, in order to provide a context to future discussions around performance. Officers confirmed that an information report outlining recent changes was currently being drafted in conjunction with other London boroughs and which once finalised would be circulated to all Members.</p> <p>Building Control performance showed a general downwards trend due to compounding factors such as the economic climate and the difficult market due to competition from the private sector. The marketing of the Service and plans to increase income levels were being reviewed as part of the business plan including options such as partnership working with Homes for Haringey and other authorities, running information sessions, leaflet drops etc. The service had however won a number of large commissions recently including Brook House.</p> <p><b>RESOLVED</b></p> <ul style="list-style-type: none"> <li>• That the update be noted.</li> </ul>	<p>Marc Dorfman</p>
<p><b>REG100.</b></p>	<p><b>PLANNING ENFORCEMENT UPDATE - YEAR END REPORT 2012-13</b></p> <p>The Committee received a report setting out Planning Enforcement's progress in maintaining service delivery in 2012/13. It was advised that there had been a 19% increase in the number of cases compared to the previous year and an overall decline in performance. Confirmation was provided that a working group had been established to explore the underlying reasons for this slight decline including looking at the underlying policy and the experience of other authorities. At update would be provided at the next Committee meeting.</p> <p>Members requested that consideration be given to increasing the publicity of successful planning enforcement action to act as a deterrent, including reviewing and potentially improving the content provided on the Council website.</p> <p>Both officers and Members recognised the importance of capitalising on learning opportunities from planning appeal cases where costs had been awarded against the Council, particularly officers working to improve the supporting evidence provided. Feedback was also important from cases where appeals had been awarded following a decision made by</p>	<p>Marc Dorfman</p> <p>Marc Dorfman</p>

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	<p>Planning Committee against the advice of officers, and ensuring the Committee's reason for refusal were appropriate and robust.</p> <p>The Committee discussed the longstanding planning enforcement issues on a number of industrial estates in the borough and were updated that an officer had been commissioned to undertake a specific piece of work on this on Tottenham industrial estates. This would then inform the determination of the most appropriate way forward around enforcement and/or regeneration action. The report was due for completion by the end of June, with an update to be provided to the Committee at the next meeting.</p> <p>The Committee requested for future reports that the appendix listing the cases taken to prosecution and the subsequent outcomes include details of the status of costs as paid or unpaid and any additional details on outcomes.</p> <p><b>RESOLVED</b></p> <ul style="list-style-type: none"> <li>• That the year performance for 2012/13 for Planning Enforcement and appeals be noted.</li> </ul>	<p>Marc Dorfman</p> <p>Marc Dorfman</p>
<p><b>REG101.</b></p>	<p><b>DECISIONS MADE UNDER DELEGATED POWERS BETWEEN 21 JANUARY 2013 AND 5 MAY 2013</b></p> <p>The Committee considered a report setting out decisions made under delegated powers by the Head of Development Management and the Chair of Regulatory Committee between November 2012 and January 2013.</p> <p>Members were reminded of the importance of flagging up any objections for planning applications due for determination under delegated power or requests for applications to be referred to Planning Committee at the earliest possible opportunity from the list circulated on a regular basis to all Councillors.</p> <p>The Committee asked for officers to look into the feasibility of including on the list of planning applications decided under delegated authority any subsequent referrals to other Council services such as Community Housing, Environmental Health where action could potentially be taken under separate legislative powers such as housing standards etc.</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>REG102.</b></p>	<p><b>SECTION 106 MONITORING REPORT</b></p> <p>The Committee received an end of year update report on the management and administration of planning obligations and progress on unspent funds as at 31 March 2013.</p>	

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	<p>In response to a question regarding progress with the receipt of Hale Village s106 monies, confirmation was provided that negotiations remained ongoing, and that £3.1m had been received to date. A further update would be provided at the next meeting.</p> <p>The Committee requested, in the interests of clarity, that in future reports the table showing a budget breakdown of s106 monies include columns identifying those where agreements had expired, not been triggered or where funds had yet to be received.</p> <p>Members queried whether the proportion of s106 contribution spend allocated against an education pool for capital spend in schools could be restricted only to those directly maintained by the Council. Officers confirmed that the spend was determined in line with the policy set by the education department.</p> <p><b>RESOLVED</b></p> <ul style="list-style-type: none"> <li>• That the report be noted.</li> </ul>	Nick Powell
<b>REG103.</b>	<p><b>DEVELOPMENT MANAGEMENT DIAGNOSTIC REVIEW - DRAFT FINAL ASSESSMENT APRIL 2013</b></p> <p>The Committee were provided for their information with a full copy of the draft Development Management Diagnostic Review undertaken in 2012 in order to build on discussions at the last meeting where Members requested sight of the full document.</p> <p>Members were asked to direct any specific questions to Marc Dorfman and the Chair should further clarification be required.</p> <p><b>RESOLVED</b></p> <ul style="list-style-type: none"> <li>• That the report be noted.</li> </ul>	
<b>REG104.</b>	<p><b>DATES OF FUTURE MEETINGS</b></p> <p>The next scheduled meeting was 22 October.</p>	

CLLR ALI DEMIRCI

Chair