

MINUTES OF THE MEETING OF THE REGULATORY COMMITTEE HELD ON Monday, 15th February, 2016, 19:00 hrs

PRESENT:

**Councillors: Peray Ahmet (Chair), Vincent Carroll (Vice-Chair),
Dhiren Basu, David Beacham, John Bevan, Clive Carter, Toni Mallett,
James Patterson and Elin Weston**

198. FILMING AT MEETINGS

The Chair referred those present to agenda item 1 as shown on the agenda in respect of filming at this meeting and asked that those present reviewed and noted the information contained therein.

199. APOLOGIES FOR ABSENCE

Apologies for Absence were noted from Cllr Mitchell.

Apologies were also noted for Peter Studdart who was unable to attend due to illness.

In addition, apologies were also noted from Raymond Prince for lateness.

200. URGENT BUSINESS

There were no items of Urgent Business.

201. DECLARATIONS OF INTEREST

No Declarations of Interest were received.

202. MINUTES

Cllr Bevan requested an update on meeting with the Quality Review Panel, both as Design Champion and as part of the Committee. Officers responded that Peter Studdart from the Quality Review Panel was due to attend the meeting but had to give apologies due to illness. Mr Studdart would hopefully be attending the next meeting to update the Committee on the Quality Review Panel.

The AD Planning added that he was attempting to facilitate the Quality Review Panel meeting with local amenity groups as requested and was looking at what the most efficient and effective manner of doing that would be.

The Chair proposed that this should be done through a community conference to ensure that all groups get equal access. The AD Planning agree to look in to putting

together an annual sharing and review process with the panel and Members, potentially around April time and to look in to a similar process for community groups.

Action: Stephen Kelly

Cllr Bevan requested clarification on the issue of security grills within the conservation area on Noel Park Estate. Officers responded that the Committees' concerns around security grills had been reflected in the Noel Park Conservation Area Character Appraisal and Management Plan, presented to the Committee at Agenda Item 8.

Cllr Bevan also sought clarification on pooled resources with the GLA around viability assessments. The AD Planning was due to meet the lead officer on this project last week but the meeting was rescheduled, he advised that Haringey were working with the GLA to move to an agreed and shared protocol.

Cllr Bevan requested an update on the previous action around the terms affordable housing and social housing being set out in a glossary and also consistency in their use in Council reports. Officers responded that a review was undertaken of Local Plan documents to ensure that the terms were used in a consistent manner and that the definition adopted was derived from the National Planning Policy Framework. Officers commented that the Housing and Planning Bill proposed including starter homes being part of that definition.

Cllr Bevan also sought clarification on the re-definition of Travellers and the impact on the provision for Travellers sites within the borough. Officers responded that they had engaged consultants ORS to undertake the further survey work required in light of the change in definition.

Cllr Cater requested that the minutes of 21st September be amended to reflect that he was a Director of the Friends of Finsbury Park Group Ltd and that the minutes reflect that it was a limited company and a registered charity.

Action: Clerk

RESOLVED

That the minutes of the Regulatory Committee on 21st September and the Special Regulatory Committees on the 9th November and the 4th January be approved.

203. REVISION OF GAMBLING POLICY

The Lead Licensing Officer, Daliah Barrett, gave a verbal update to the Committee on the revision of Gambling Policy. The Committee noted that that new Statement of Licensing Policy was on the Council's website and that the Statement of Gambling Policy was also on the website. The Statement of Gambling Policy required updating this year to reflect the new provisions around local risk assessments. The Lead Licensing Officer was pulling together data on ward profiles and was developing a policy that would set out what each of the local risk assessments would be for each betting operator.

Cllr Weston enquired how the risk assessments would impact the Licensing Committee's ability to condition licenses. Officers responded that there was no change

to the primary legislation, so there was still a duty on the Committee to aim to permit. Having the risk assessments in place meant that the operator needed to undertake further research of the area that they wanted to open a premises in and also enabled the panel to put in place some conditions on the premises to open in a particular area. The Committee noted the example of requiring a premises to put a door supervisor on duty.

Cllr Carter asked for clarification on the term aim to permit and enquired whether any discussion had taken place on what the term meant as that term was not used in other aspects of licensing. Officers responded that Gambling Act required that we should aim to permit gambling as far as it is in line with the objectives set in the legislation, the guidance from the Gambling Commission and the Council's Statement of Licensing Policy.

204. REVIEW OF FEES AND CHARGES (LICENSES) 2016/17

The AD Finance apologised for the late dispatch of the report. The AD Finance introduced the report which sought approval for the annual review of the level of Fees and Charges levied upon service users and the accompanying increases entailed. The AD Finance advised that the fee's and charges contained in the report were separate to the fees and charges approved at February Cabinet in a separate report. The Committee was informed that by law, a number of fees and charges could not be approved by Cabinet hence this report.

The Committee noted that the approach in the report was consistent with the Cabinet report in that where there was discretion, an inflationary rate of 1% was proposed. There were a couple of exceptions to this approach such as street trading fees, as set out in paragraph 6.6 of the report.

Cllr Bevan commented that he had written to the Cabinet Member and reiterated his view that the fees and charges should be rounded up or down to the nearest pound or 50 pence, but was told that the fees and charges had already been set. Officers responded that these fees and charges were an entirely separate list of fees and charges from those agreed by Cabinet. Officers also advised that some work had been done to try and achieve a relatively round figure, however there was a balance between doing so and being mindful of the need to justify any increases that were significantly above inflation.

Cllr Bevan asked for clarification on whether this report covered swimming charges and was advised by officers that they were contained in the earlier Cabinet report.

Cllr Carroll enquired whether the authority was charging the maximum allowable amount for gambling fees. Officers responded that they were 5% below the maximum level but the report proposed increasing these by 1 %.

Cllr Bevan proposed moving that the gambling fees be moved to the maximum amount allowable. Officers advised that the Committee could do so but warned that any increases would leave the Council more open to challenge by the betting industry and potentially generate greater scrutiny from the betting industry of what the money

from the annual fees was spent on. The Committee agreed that any further increase in gambling fees should be done with caution and properly evidenced.

Assistant Head Litigation & Corporate advised that in terms of timescales, any increase would need to be agreed through the annual budget process, however the ground work could be done beforehand. The AD Finance stated that he was not aware of any reason why a change in the fee level could not come back mid year, subject to the appropriate consultation and equalities assessments being carried out.

Officers agreed to look into increasing gambling fees to their maximum amount and bringing an update back to a future meeting of the Committee.

Action: Daliah Barrett

RESOLVED

To approve the increases to the Council's licensing fees and charges, as set out in Appendix A of the report, with effect from 1st April 2016.

205. NOEL PARK CONSERVATION AREA CHARACTER APPRAISAL AND MANAGEMENT PLAN

The Committee considered a report which fed back on the Noel Park Conservation Area Character Appraisal and Management Plan following the expiration of the public consultation period. The document had been amended in light of the representations received. The Committee was asked to review the finalise draft of the document and recommend it to Cabinet for adoption. The AD for Planning and Lucy Morrow, Conservation Assistant introduced the report.

Ms Morrow informed the committee that, following concerns raised previously around prevention of external security grills, gates and shutters being installed, the report was amended prior to going to consultation to reflect these concerns. Cllr Bevan enquired whether the report referred to security grills on windows as well as doors and requested that the report be amended to include a recommendation that residents seek advice from the crime prevention officer. Ms Morrow agreed to include mention of window security grills and to suggest seeking advice from the crime prevention officer.

Action: Lucy Morrow

The Chair raised concerns around enforcement of the conservation appraisal and enquired what was being done to ensure adequate enforcement took place. Officers responded that the Council was aiming to improve its processes within the Planning Enforcement team and progress was being made on this front. Officers also fed back to the Committee that they were engaging with the Team Noel Park project and with HfH about how they could improve joint working and appropriately target interventions through the TNP project.

Cllr Weston enquired what the position was regarding enforcement for those residents who currently lived outside of the Article 4 and Conservation Area but would be caught in the expanded Article 4 and Conservation Area. Officers responded that the Article 4

declaration was not retrospective and so if changes were made under Permitted Development at the time, they would remain permitted.

In response to a question around outreach work and community engagement, officers advised that the community engagement had already been undertaken as part of the consultation process and it was planned to deliver leaflets to local residents following adoption of the character appraisal and management plan.

Cllr Carroll enquired what would be done in the instance of somebody within the conservation area installing UPVC windows. Officers responded that the normal route would be an Enforcement Notice requiring their replacement. The Chair requested that officers feedback to Cabinet on the need for an effective and consistent approach to enforcement.

The Committee noted the comments received on the draft document and recommended that Cabinet adopted the Noel Park Conservation Area Appraisal and Management plan, subject to the report being amended to include mention of security grills in front of windows as well as doors.

RESOLVED

1. To note the comments received to the consultation on the draft document and how these have been taken into account in the finalising the draft Noel Park Conservation Area Appraisal and Management Plan, highlighted at paragraph 5.18 and set out in the Consultation Statement at Appendix 2 of the report;
2. To recommend to Cabinet that it adopt the finalised draft Noel Park Conservation Area Appraisal and Management Plan as attached at Appendix 2 of the report (subject to expanding the prohibition of security grates to cover both windows and doors);
3. To recommend to Cabinet that the Article 4 Direction be extended to include the whole of the Noel Park Conservation Area in accordance with the appraisal recommendations.

206. REVISED LOCAL DEVELOPMENT SCHEME

The Committee considered a report that set out the revised timetable for the Local Plan documents that the Council was intending to produce over the coming years. The revised Local Development Scheme was being developed to replace the current outdated LDS published in January 2015. The Committee noted that the revised timetable for the Local Development Scheme was around 3 months behind what was agreed in the previous Local Development Scheme.

Cllr Bevan asked for clarification around the five documents that were currently out to consultation and sought clarification on the basis with which a resident could request a

change to be made. Officers responded that the Council was currently out to consultation on four key planning documents at pre-submission stage; Alterations to Strategic Policies, Site Allocations, Development Management Plan and the Tottenham Area Action Plan. The Committee noted that the Wood Green Area Action Plan was out for Regulation 18, Issues and Options stage – which was an open and informal consultation stage seeking stakeholder views on the main issues and options for the scheme.

The test of soundness for those four documents involved the following three criteria: Was the document justified, was it based on robust and credible evidence and was it the most appropriate strategy considered against other alternatives; was the document effective (could it be delivered) and was it flexible enough; was it consistent with national and regional policy.

Cllr Bevan also asked for an update on increasing the range of the Community Infrastructure Levy (CIL). Officers responded that Overview & Scrutiny Committee had recently looked at the CIL process and had recommended revisiting the CIL rates. Officers commented that a piece of work would be undertaken to look at both the rate and the list of the projects that CIL would be applied to once the scrutiny process can be completed.

RESOLVED

1. To note and comment on (if necessary) the revised Local Development Scheme at Appendix A of the report; and
2. To recommend that Cabinet approve the revised Local Development Scheme (LDS) at Appendix A of the report and that in doing so Cabinet resolve that the LDS is to have effect and in the resolution specify the date from which the scheme is to have effect.

207. REVISED PLANNING PROTOCOL 2016

The Committee considered a report seeking approval to adopt a revised version of the Planning Protocol taking account of the lessons learnt in the first year of operation for the existing protocol and the comments made by Members. The purpose of the planning protocol was to provide more detailed guidance on the standards to be followed in relation to planning matters, which supplements the Members Code of Conduct.

Following a workshop to discuss the operation of the Planning Protocol held in October 2015, a key proposal was for the inclusion of speaking rights for ward Members and the Cabinet Member for Planning at pre-application briefing meetings of the Planning Committee. Speaking rights were included at 3 minutes each in the proposed revised protocol. In addition the following additional changes were proposed:

- The removal of reference to the weekly list of planning applications as this was being phased out as a list, by ward, and could be run from the website at any time.

- Clarification that if an application was recommended for refusal a request for referral to Planning Sub-Committee will not be accepted.
- Clarification that there were no public speaking rights at pre-application briefings to committee.
- The introduction of the opportunity for Ward Members or Cabinet Members to speak for three minutes at pre-application briefing meetings to Planning sub-committee.
- Encouraging Ward Members to register their intention to speak at pre-application briefing meetings or at planning sub-committee by midday on the working day prior to the Planning Sub-Committee meetings in order to manage the efficient operation of the Planning Sub-Committee (this cannot be required because of the Committee Procedure rules which allow for any member to speak at the Chair's discretion).
- Clarification that proposals should go before the Quality Review Panel prior to presentation at pre-application committee briefing meetings unless scheduling and programming prevents this.
- Changing references to the Design Review Panel to its replacement the Quality Review Panel.
- Clarifying that the applicant has a right to reply of the equivalent length of time of the objectors and any objecting ward councillors.

The Chair welcomed the proposal to allow speaking rights for ward Members and the Cabinet Member but cautioned that ward councillors needed to make it clear whether they were objecting to a particular application or not. Officers advised that, under the new protocol, Members would be asked to state that intention when they registered to speak. Similarly, if Members arrived on the night and requested to speak, they would also be asked to state their intention as to whether they were objecting or not. The Committee welcomed the removal of any ambiguity in that regard.

Cllr Paterson asked for clarification on the purpose of allowing objecting ward councillors to speak at pre application meetings. Officers responded that when the proceedings were reviewed, there was a certain amount of angst as to why ward councillors were invited to attend when they were unable to take part. After reflecting on the concerns raised, officers added that they did not think it was appropriate for ward councillors to sit around a table with the Committee because it was important for the public to understand who was the Committee and who was a ward councillor. It was felt that the most appropriate solution to this issue was to give the ward Member the opportunity to be able to publically state what their views were in relation to a particular scheme. Officers clarified that it did not have to be an objection and could simply be participation or comments on the scheme.

Cllr Paterson further remarked that his concern was that the pre-application meeting could end up pre-empting the Committee meeting. Officers responded that they shared some of those concerns but on reflection decided that it was important to give ward councillors the opportunity to speak. The Chair commented that she had also a discussion with officers on this issue prior to inclusion in the draft protocol and advocated that having a 3 minute slot to speak was a valuable part of the process in terms of open/transparent decision making and giving Members an opportunity to be

involved in the process, giving the developers the chance to hear the views of the local ward councillors. Officers also stated that, going forward, one of the key objectives sought was to improve the quality of the outcomes that were put in front of the Committee as a decision making body. The pre-application process provided an opportunity for developers to engage with Members on the issues that the Council saw as a priority, at an early stage, to improve the quality of design. The provision would be monitored going forward to observe its effectiveness and the speaking rights could be reviewed if it was subject to abuse.

Officers advised that some form or guidance note for Members on how the pre-application meetings would work, including speaking rights, would be developed. Officers suggested that the Committee may want to review this again in a year's time.

The Committee expressed concern at the intention to discontinue the weekly list of planning applications as they found it extremely useful in terms of understanding what decisions were due. Officers advised that one of the reasons behind doing away with the list was that it tended to drive behaviour, particularly from the public, to wait for its circulation before looking at or commenting on applications and this effectively elongated the process. Officers advised that a daily list of applications by ward could be generated on the website.

Officers agreed to run a training or drop-in session for Members to show them how to use the website effectively.

Action: Emma Williamson

The Committee raised concerns that without a reminder of applications in their wards, Members would struggle to keep track with what was happening on a weekly basis.

Officers also agreed to develop a guidance note and accompanying flow chart for Members that outlined how to access upcoming planning applications, which would be published on the intranet.

Action: Stephen Kelly/Emma Williamson

The Committee requested that, given that most of the issues caused by the weekly list were based around residents and community groups, could a weekly list continue to be developed for councillors. Officers responded that a number of significant changes were being implemented to the Northgate software system and Planning was also scheduled to be included in the My Haringey application in September. Officers agreed to look at whether it would be possible to generate a system of automatic emails or notifications to councillors highlighting when an application was due in their ward. Officers also agreed to look into maintaining the weekly list for councillors in the interim.

Action: Stephen Kelly/Emma Williamson

Officers commented that the Planning service was undergoing a pilot process to implement a new way of working to improve productivity and reduce the timeframe for making a decision on a planning application. Officers further advised that part of the

reasoning behind discontinuing the weekly list was that it undermined the process and tended to result in delays to the 22 day target to make a decision on a planning application.

The AD Planning agreed to circulate a briefing note via Democratic Services around proposals for continuing the weekly list for councillors in the short term and the potential for automating notifications on planning applications, prior to the next meeting.

Action: Stephen Kelly/Emma Williamson

Cllr Weston commented that Paragraph 10.6 of the draft planning protocol did not make sense with the tracked changes and officers agreed to review and amend the wording in the report.

Action: Emma Williamson

RESOLVED

1. That the Regulatory Committee adopt the revised planning protocol;
2. That the Regulatory Committee requires that the Planning Sub-Committee implement the provisions of the revised planning protocol; and
3. That the Regulatory Committee authorises the Assistant Director Corporate Governance in consultation with the Assistant Director Planning to make any consequential amendments to the protocol arising out of any changes made to the Council's constitution or scheme of delegation

208. HARINGEY QUALITY REVIEW PANEL

This item was deferred until the next meeting of the Committee.

Action: Clerk

209. NEW ITEMS OF URGENT BUSINESS

None.

210. DATES OF FUTURE MEETINGS

The future meeting dates were noted as to be confirmed, in line with approval of the calendar for the new municipal year.

CHAIR: Councillor Peray Ahmet

Signed by Chair

Date