

MINUTES OF THE MEETING OF THE REGULATORY COMMITTEE HELD ON THURSDAY, 14TH JANUARY, 2021, 7.00 - 9.25 PM

PRESENT: Councillor Sarah Williams (Chair), Councillor Gina Adamou (Vice-Chair), and Councillors Dhiren Basu, John Bevan, Luke Cawley-Harrison, Liz Morris (substitute), Sheila Peacock, Reg Rice, Viv Ross, Yvonne Say, Daniel Stone, and Preston Tabois.

1. FILMING AT MEETINGS

The Chair referred to the notice of filming at meetings and this information was noted.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Peter Mitchell and Councillor Justin Hinchcliffe. It was noted that Councillor Liz Morris was in attendance as a substitute for Councillor Justin Hinchcliffe.

3. URGENT BUSINESS

The Chair noted that there was one item of urgent business which related to Revised Committee Membership. It was explained that the report for this urgent business had been circulated and published in a supplementary agenda pack in advance of the meeting.

It was confirmed that Councillor Sheila Peacock was replacing Councillor Daniel Stone on the Planning Sub-Committee and Councillor Daniel Stone was replacing Councillor Yvonne Say on Licensing Sub-Committee B. It was highlighted that the report asked the Regulatory Committee 'to appoint Councillor Stone to Licensing Sub-Committee B, replacing Councillor Sheila Peacock', but that this should state 'replacing Councillor **Yvonne Say**'.

It was also noted that each Licensing Sub-Committee had three members and that three members were required to attend for the meeting to be quorate. The Democratic Services Manager explained that all Regulatory Committee members were trained in licensing and could be appointed as substitutes if required.

RESOLVED

1. To agree the appointment of Councillor Sheila Peacock to the Planning Sub-Committee, **replacing Councillor Daniel Stone**.
2. To agree the appointment of Councillor Daniel Stone to Licensing Sub-Committee B, replacing **Councillor Yvonne Say**.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. MINUTES

Councillor Ross noted that he had asked a question about life expectancy at the Regulatory Committee meeting on 5 October 2020; he explained that the Integrated Impact Assessment (IIA) stated that life expectancy rates in Haringey were increasing but he believed that this was incorrect and they were decreasing. The Chair noted that an answer would be requested outside of the meeting.

RESOLVED

That the minutes of the Special Regulatory Committee meeting held on 2 October 2020, the minutes of the Regulatory Committee meeting held on 5 October 2020, and the minutes of the Regulatory Committee meeting held on 29 October 2020 be confirmed and signed as a correct record.

6. PLANNING SERVICES 2020/21 QUARTER 3 UPDATE

Rob Krzyszowski, Interim Assistant Director Planning, Building Standards & Sustainability, introduced the report which provided an update from Planning Services in relation to Quarter 3 of 2020-21.

Robbie McNaugher, Development Management Team Manager, provided an update in relation to Development Management. It was noted that performance remained high and 100% of major applications (14 in total) had been decided, which was an increase from the previous year. It was stated that there had been an increase in income as a result of efforts to better train and equip officers to offer relevant services. It was explained that the Council was required to meet various standards of performance which were set by the government; for the majority of these standards, the Council was performing well. It was noted that, in relation to overturns of refusals (officer and committee) on major applications on appeal, the Council determined a relatively low number of major applications which meant that not many appeals needed to be lost before the threshold was met. It was commented that the threshold required this figure to be below 10; the Council was currently at 8.7% and one further lost case would surpass the threshold. It was added that there were two major appeals pending. It was also noted that there had been 54 enforcement notices and an increase in complaints which was likely caused by the increased number of people staying at home and having more time to report due to the Covid-19 pandemic.

Members of the Committee raised the following matters:

- It was enquired whether the Council had started preparing its case, given that this would be required if the Council lost one of the outstanding major applications on appeal. The Development Management Team Manager noted that this issue was being monitored and officers were in contact with the Ministry of Housing,

Communities, and Local Government (MHCLG); officers were confident that a response could be provided within a two week period if required.

- It was enquired when Conservation Area training would be provided for members. It was noted that this was currently not scheduled. The Chair stated that members had a number of training requests and that it may be useful for members to prioritise these requests.
- Members noted that it would be helpful if future versions of this report were re-formatted to include: a consistent number of previous years' data for all matters, the presentation of all outcomes, a demonstration of how figures were calculated, and ordering similar matters together. It was explained that this would assist the Committee in understanding whether there were improvements or deteriorations. The Interim Assistant Director Planning, Building Standards & Sustainability thanked the Committee for this feedback and noted that the information could be presented in a more tabular form to enable comparisons.
- In relation to enforcement, it was commented that some letters contained a contact email address and some did not; it was stated that all letters should contain the same information. It was also noted that, when the Enforcement Team responded to member enquiries, no reference number or case history was provided which made tracking issues difficult. The Committee also enquired how quickly responses should be provided to members. The Interim Assistant Director Planning, Building Standards & Sustainability stated that he would pass this feedback to the Enforcement Team and an update would be provided. He noted that enforcement had internal response targets and that it generally took six to eight weeks to investigate and decide on enforcement issues.
- In relation to the overturn of the Council's planning decisions, some members noted that there was substantial development in Haringey and that members were under pressure to make difficult decisions which required balancing planning policy and community opinion. The Chair noted that it may be useful for members to receive an appraisal of appeal decisions where the Council's decisions had been overturned.

Bryce Tudball, Planning Policy Team Manager, provided an update in relation to Planning Policy and Infrastructure. It was noted that consultation on the Local Plan had begun in November 2020 and would run until 1 February 2021. There had been a number of communications, including virtual events on different topics that had been well attended and had established some new connections with local groups. There had also been some 'offline' events with schools, the Youth Advisory Board, and the Bridge Renewal Trust to connect with groups who were generally underrepresented in consultation.

It was explained that the results of the Housing Delivery Test, an annual housing delivery measurement introduced by the government in 2018, were due to be published shortly. It was anticipated that the results of the 2020 test would lead to the 'Presumption in Favour of Sustainable Development' (PIFSD) taking effect in Haringey. This would affect how future planning applications were determined and the PIFSD would be a significant material consideration. It was explained that about one in four London Boroughs and one in five local authorities nationally were expected to have the PIFSD introduced. It was highlighted that Haringey had published an action plan to increase housing delivery but that it was challenging to comply with the test

when delivery was within the control of external companies. It was acknowledged that this test was considered to be slightly unfair.

It was commented that the government had published several consultations. The Council had submitted concerns in relation to the 'Planning for the Future' white paper in October 2020 and had supported the proposals for higher standards in the 'Accessible Homes' consultation in November 2020. There was also a consultation on 'Supporting housing delivery and public service infrastructure' which proposed a new permitted development right for change of use from Commercial, Business and Service use (Class E) to residential (Class C3). This proposed that any Class E use could be changed to residential use without the need for planning permission which would have significant implications for town centres and high streets. This proposal was a significant concern and the Council's response, setting out its strong opposition, would be submitted before the end of January 2021.

It was noted that the Mayor of London had published a copy of the London Plan which was intended to be the final version, subject to Secretary of State sign off. It was anticipated that this could come into effect as early as February 2021. It was noted that members would be provided with a paper copy of the London Plan when it was finalised.

It was reported that the Council had proposed four new Article 4 Directions to withdraw permitted development rights on a non-immediate basis for Noel Park, Peabody Cottages, Tower Gardens, and Rookfield Estate Conservation Areas. These were due to come into effect in December 2020 and the new directions for Noel Park, Peabody Cottages, and Tower Gardens came into effect on 21 December 2020. However, following the feedback received, the new direction for Rookfield Estate was not confirmed. This would allow for consideration of the Rookfield Estate Conservation Area Appraisal and Management Plan (CAAMP) which was being drafted and was due to be completed in 2021. It was also noted that Cabinet had approved spending of £14.6 million of strategic Community Infrastructure Levy monies.

Members of the Committee raised the following matters:

- The Housing Delivery Test penalised councils if developers did not deliver housing; it was felt that this was unfair and some members enquired whether this issue could be taken up through judicial review or with the Local Government Association (LGA) or London Councils. The Interim Assistant Director Planning, Building Standards & Sustainability noted that the test was introduced several years' ago and, although there had been a lot of opposition, the time to apply for judicial review had passed. It was commented that the Council would be able to support any cross-borough lobbying.
- If the PIFSD was applied to Haringey planning applications, it was enquired how this would be communicated to residents. It was also suggested that the Council could liaise with and learn from other boroughs in relation to good practice for the Housing Delivery Test. The Interim Assistant Director Planning, Building Standards & Sustainability explained that, if the PIFSD applied, all committee and officer reports would explain the PIFSD and this wording could be used by councillors; explanatory wording would also likely be added to the Council's website. In relation to learning from other boroughs, it was noted that the Council did consider the action plans and best practice from other boroughs but that not many local

authorities were performing excellently and the test was somewhat unfair in holding councils to account for housing delivery.

- It was enquired how long a PIFSD would apply for and whether it could be reviewed. The Planning Policy Team Manager understood that the PIFSD would apply to a Council until the Housing Delivery Test measurements were back to the target level of 75% or above. It was noted that the Housing Delivery Test was measured on a three year rolling period and it would likely take some time to substantially improve this measurement.
- It was noted that the brownfield site register had not been presented to the Committee and it was enquired whether this had been updated. It was explained that the Greater London Authority had introduced a new database which meant that data had been temporarily unavailable but the brownfield site register could be included in the next report to the Committee.
- It was enquired how many people had attended the Local Plan consultation events and whether Black, Asian, and Minority Ethnic communities and traditionally hard to reach communities had participated. The Planning Policy Team Manager noted that the majority of events had been attended by between five and 25 people. It was commented that various communities had been represented at the events but that older, white people from the west of the borough had been over-represented. It was added that the events had generated some key, new connections with the local community and volunteers were assisting with outreach work; although the consultation had a slow start, it was now building some momentum.
- It was noted that there was a proposal to allow changes of use from Class E (commercial, business, and service) to Class C (residential) without the need for planning permission; it was enquired whether this would also allow changes from Class C to Class E. It was explained that the proposal only applied for changes from Class E to Class C. It was noted that, once premises became residential, they were likely to be more valuable and unlikely to return to Class E use.
- In relation to waste, it was noted that there were plans to use an incinerator in Edmonton. It was enquired when this was due to be delivered and whether this would be a sustainable option for emissions in the long term. The Interim Assistant Director Planning, Building Standards & Sustainability explained that the report related to the North London Waste Plan which set out the planning framework for waste management. In relation to the particular facility in Edmonton, this would assist with the decentralised energy network programme and would be a more efficient way to generate energy from waste. It was explained that work had already begun and that this was a considerable project to link a number of sites; it was planned to produce further outline business cases later in 2021.
- It was enquired whether there were plans to have additional facilities for refuse and recycling in Haringey. The Interim Assistant Director Planning, Building Standards & Sustainability explained that this was not part of the North London Waste Plan that was set out in the report; the plan related to management and processing of waste but not to disposal or recycling. It was commented that this question would be for the Environment and Neighbourhoods department and the question would be passed to them.

Bob McIver, Head of Building Control, provided an update in relation to Building Control. It was explained that there had been a decrease in the number of applications overall due to the Covid-19 pandemic, although it was noted that applications in 2019-20 had been higher than usual due to a programme of works from Homes for

Haringey. It was added that fee income was recovering, due in part to the larger projects underway. It was noted that dangerous structures remained prevalent and there were currently over 150; some Dangerous Structure Notices had also been served which was unusual as issues were normally resolved before this stage. BC consult currently had a good income of around £400,000 and continued to grow, being widely used across the Council and by Homes for Haringey.

It was noted that the government had issued the draft Building Safety Bill in July 2020. The bill had been considered in pre-legislative scrutiny and 40 points had been raised, notably the question as to why the option to choose a Building Control provider had not been removed. It was noted that Haringey Building Control had, alongside Londonwide colleagues, developed an action plan to respond to the proposed challenges.

It was explained that all surveyors had passed fire safety competency exams which made Building Control in Haringey one of the most qualified teams in London. One of the key future challenges would be the retention of staff and the recruitment of apprentices. The Chair noted that the recruitment of apprentices had been recommended by the Regulatory Committee and it was good to see this being delivered. It was confirmed that the apprentices were currently being recruited and it was anticipated that they would start training at the start of the academic year in September 2021. During the Covid-19 pandemic, it was explained that site visits were continuing. There had been some reports that people were not following government procedures and officers frequently had to ask people to wear masks and maintain social distancing. It was highlighted that Building Control had a clear protocol and communicated requirements in advance but that all surveyors had been authorised to leave a site if they felt unsafe.

Members of the Committee raised the following matters:

- Some members enquired whether the Council could do more to encourage developers to use Haringey's Building Control. The Head of Building Control noted that it was concerning that people could choose their provider as this led for the potential to prioritise costs over standards. It was explained that the Development Management Team provided information about Haringey's Building Control services but developers could choose their provider.
- In relation to cladding, it was asked whether financial support was available for people living in premises and whether the Council had oversight of all buildings in the borough, including private residences. The Head of Building Control explained that the MHCLG had run a data collection exercise which included private blocks and this had been completed by the Council and Homes for Haringey. It was noted that this only applied to blocks that were 18m (six or seven stories) or higher; this related to 31 private blocks in Haringey and no issues had been identified. Any buildings which used aluminium composite metal (ACM) had been replaced with high pressure laminate (HPL). It was anticipated that the relevant height for building assessments would be reduced from 18m to 11m (four storeys) which would be a significant undertaking. It was noted that some money was available for leaseholders and some freeholders were undertaking works themselves and claiming support from central government.

RESOLVED

To note the report.

7. INFORMATION REPORT RESPONDING TO MEMBER COMMENTS IN THE REVIEW OF MEMBER ALLOWANCES THAT REGULATORY COMMITTEE SHOULD BE FORMALLY RECONSTITUTED AS TWO SEPARATE COMMITTEES - A PLANNING COMMITTEE AND A LICENSING COMMITTEE

The Democratic Services Manager introduced the report which sought the views of the Regulatory Committee in relation to member comments in the review of member allowances in 2019-20 which suggested that the Regulatory Committee should be formally reconstituted as two separate committees – a Planning Committee and a Licensing Committee. It was explained that this had been considered by the Standards Committee in November 2020 and the merits and disadvantages of this option were discussed. The discussion at the Standards Committee meeting had focused on licensing and it had been enquired whether it was possible to have one Licensing Sub-Committee, rather than two, in order to reduce costs. It was noted that the Standards Committee would be further considering this issue at its meeting on 25 January 2021 and was seeking the views of the Regulatory Committee.

The Democratic Services Manager noted that most boroughs in London had separate committees for planning and licensing, with a separate committee to consider other planning functions. It was explained that the report outlined four options in relation to the structure for planning and licensing functions and the Regulatory Committee was asked to comment on these options. It was commented that, if any changes were requested and put forward by the Standards Committee, they would be presented to the annual Council meeting in May 2021.

Members of the Committee raised the following matters:

- 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.
- 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.
- 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.
- 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.

- 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.
- 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.
- 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.
- 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.
- 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.

The Chair noted that the discussion had raised a number of important points and that further discussion may be required. 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 agreed that a smaller group would meet informally to discuss the issue and that any interested members should contact the Chair, Vice-Chair, and Democratic Services Manager. 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.

The Chair stated that, although the Regulatory Committee had not reached a conclusion or selected one of the options in the report, the initial comments made should be passed on to the Standards Committee for consideration at the meeting on 25 January 2021.

RESOLVED

1. To note the information contained in the report.
2. To pass the initial comments of the Regulatory Committee to the Standards Committee for consideration at the meeting on 25 January 2021.

3. For a smaller group of Regulatory Committee members to meet informally to discuss the issue of reconstituting the Regulatory Committee as a separate Planning Committee and Licensing Committee in more detail.

8. NEW ITEMS OF URGENT BUSINESS

There were no items of urgent business.

9. DATES OF FUTURE MEETINGS

It was noted that the next Regulatory Committee meeting was scheduled for 1 March 2021; this had been moved from 25 February 2021 to allow the meeting to take place before Cabinet.

CHAIR: Councillor Sarah Williams

Signed by Chair

Date