

Report for: **Regulatory Committee - 25 February 2021**

Title: Establishment of a separate Strategic Planning Committee with a Planning Sub Committee and separate Licensing committee with a Licensing Sub Committee and decommissioning the Regulatory Committee for the Municipal year 2021/22.

Report

authorised by : Interim Monitoring Officer – John Jones

Lead Officer: Ayshe Simsek - Democratic Services and Scrutiny Manager

Ward(s) affected: N/A

**Report for Key/
Non-Key Decision:** Non key decision

1. Describe the issue under Consideration.

- 1.1 This report responds to the issues raised at Regulatory Committee on the 14th of January 2021 when options were considered for separating out the Planning and Licensing functions of the Regulatory Committee. There were 4 options considered along with their implications. These were as follows:
- 1.2 Option 1 – Adding the non-executive Planning related functions of Regulatory Committee, including making informal recommendations, to Cabinet and Council, to the current Planning Sub Committee terms of reference and making this a Committee of the Council.
- 1.3 Option 2 – Regulatory Committee deleted, and Planning Committee established as a Committee of the Council, with the current Sub-Committee terms of reference. This would mean Policy reports progressing directly to Cabinet and then Full Council without any informal recommendations from a non - executive Committee. Planning service performance reports and other reports which were not related to applications could be considered by the relevant Scrutiny Panel. Separate Licensing Committee and Sub Committee to be created.
- 1.4 Option 3. Clarified, following the 14th of Jan ,meeting to mean having a Strategic Planning Committee as a Committee of the Council keeping only Planning related functions [from the Regulatory Committee] which are not licensing related with a Planning Sub Committee to consider applications. Having a separate Licensing Committee with one Sub Committee to consider licensing applications.
- 1.5 Option 4 – To keep current Regulatory Committee without establishing a Licensing Committee and only having one Licensing Sub Committee.

- 1.6 The discussion at Regulatory Committee raised a number of important points and 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 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.
- 1.7 All Regulatory Committee members were invited to the informal group meeting and 7 members attended, considering further additional information on options 1 and 3 which were the favoured options at the 14th of January Regulatory meeting. This briefing note is attached as Appendix 4 as background. Further to considering this information, there was support for Option 3 as this would provide a clearer distinction between meetings of Planning that would consider performance and policy related reports and those that would consider Planning applications. There was consideration given to the number of members that would sit on the Strategic Planning Committee and Planning Sub Committee. There was consensus that this should be the same number and membership, with 11 on Strategic Planning and also 11 on the Planning Sub Committee. There was discussion on how the main Licensing Committee would work with its Sub Committee. Some members felt that there should not be a specific Sub Committee membership for Licensing to consider applications and there not be a reliance on special meetings and substitutes. There was a need to ensure that each member of Licensing Committee was participating in Licensing decisions. This report follows up on this query and proposes that there is one Sub Committee with any three members of the main Licensing committee as members. Further details are set out paragraph 6.11.
- 1.8 There was a need to ensure that by splitting the functions of Regulatory Committee between Strategic Planning and Licensing Committee that any non-executive regulatory responsibilities do not fall outside of the remit of these two Committees . There is reference in the Regulatory Committee terms of reference to other 'regulatory matters' and these have been kept in the Licensing Committee Terms of reference.
- 1.9 The protocol for Regulatory Committee is referenced in the Constitution terms of reference and this has been located and updated with some information on how the Licensing Committee and Strategic Planning Committee will work, including requirements for Planning Training and having a reserve pool of trained members that can substitute on Planning Sub Committee.

2. Cabinet Member Introduction

N/A

3. Recommendations

- 3.1 To comment on the additional information provided on Option 3 and recommend a proposed final model for establishment of a separate main Planning Committee with a Planning Sub Committee and separate Licensing Committee with a Licensing Sub Committee, decommissioning the Regulatory Committee for the Municipal year 2021/22, to Standards Committee on the 2nd of March 2021.
- 3.2 To note that there will need to be further review of the proposed Terms of references by Planning officers and Legal Services.

4. Reasons for decision

- 4.1 In the Review of Members' Allowances for the Municipal year 2020/21, the independent person, conducting this review, outlined in his report, to the 2nd of March 2020 Standards meeting, that there seemed to be consensus around the proposition that the Regulatory Committee should be formally reconstituted as two separate Committees – a Planning Committee and a Licensing Committee. The Standards recommended consultation with the Regulatory committee on options for taking forward this change to the Committee structure.
- 4.2 Regulatory Committee considered 4 options for how this change could be taken forward on the 14th of January and a further 2 options were considered by the working group of Regulatory Committee on the 11th of February. This report responds to comments and discussion at these meetings and proposes a structure for the member consideration of Planning, Licensing and Regulatory functions.

5. Alternative options considered.

- 5.1 Not to comment and recommend a preferred option which would be contrary to the request made by Standards Committee.
- 5.2 To reconsider and recommend Options 1, 2 or 4 as set out at 1.2, 1.3 and 1.5.

6. Background

- 6.1 As set out above, this paper takes forward Option 3, clarifying that a Strategic Planning Committee is created[there can be another name chosen if it is felt that this may confuse with the term for major planning applications which are sometimes referred to as "Strategic] as a Committee of the Council with a Planning Sub Committee whilst also having a main Licensing Committee and Licensing Sub Committee. There would need to be 4 additional meetings of Strategic Planning added to the Council Committee Calendar for 2021/22 and Licensing Committee would replace the Regulatory meeting dates. There could be a net increase in 4 meetings for members. To mitigate this net increase, it is proposed that there are **2** main Licensing Committees added to the calendar one in **May** to establish the sub committees and one in **January** to consider policies and agree required fee charges. It is also proposed to

only add **3** additional Strategic Planning meetings to cover the quarterly updates and reports . This would mean a net increase of only 1 meeting.

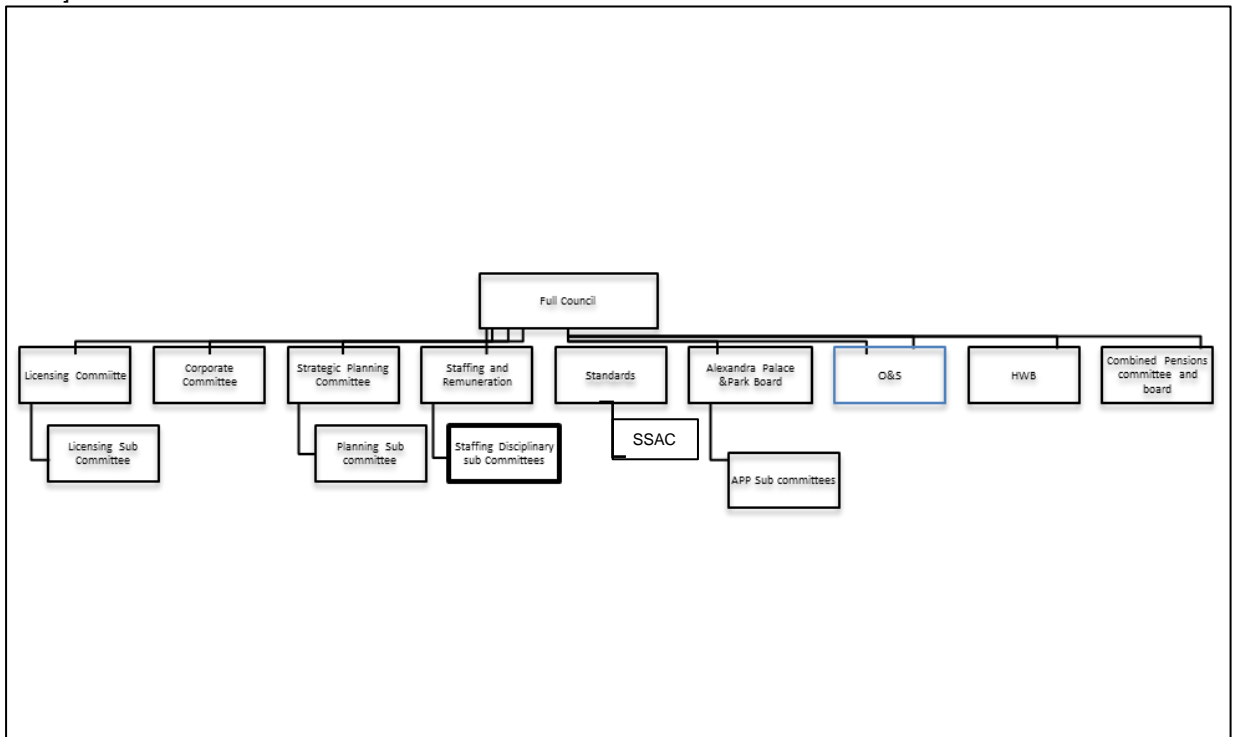
6.3 The number of licensing related items for the Licensing Committee likely to come forward in 2021/22 are as follows.

- a review of the years licensing activities to include - the years various licences issued under delegated authority, any Licensing Appeal cases summed up,
- any Sub Committee cases summary and points of learning.
- Fees and charges report

6.4 In the years that the Statement of Licensing Policy or Gambling Policy needed to be considered (Gambling every 3 years, Licensing every 5 years) there would need to be special meetings. The Gambling Policy is normally considered by Regulatory Committee in July whilst it is out to consultation, so that the Committee can feedback to Cabinet in October and it can be recommended to Full Council in November. That work will be happening this year, therefore a Special Licensing Committee meeting is likely to be required in July 2021. The Statement of Licensing Policy will be reviewed during 2025. It is normally considered by the Regulatory Committee before and after it goes out to consultation, usually in September and November before recommending to Full Council in November.

6.5 If there was only one Licensing Sub Committee, ideally it should meet twice a month due to the timescales for hearing applications and reviews and the fact that the Committee can only realistically deal with a maximum of 2 hearings in one evening. Where necessary, special meetings will need to be called e.g. to deal with TENs applications.

6.6 The Committee structure would look as follows: Members can comment on this new name]



Impact on Seat Numbers would be as follows:

- 6.7 As set out in the appendix 4 and according to principles of allocation as set out above, the main Licensing Committee could have 11 seats and Strategic Planning Committee could have 11 seats with the Planning Sub Committee also having 11 seats. The working group, on the 11th agreed this number is put forward.
- 6.8 The number of seats available on ordinary committees increases to 56. There would be 40 seats available to Labour and 16 seats available to the Liberal Democrat Group.
- 6.9 In practice, the political Chief Whips can choose the same members to sit on both Strategic Planning Committee and main Licensing Committee if they want to maintain the close connection between these functions or choose to spread the membership in the respective political groups.
- 6.10 A potential terms of reference for Option 3 is set out in Appendix 1.
- 6.11 The working group indicated that they were not in favour of having a Licensing Sub Committee with a set membership and wanted the whole pool of councillors on the main Licensing Committee to be accessed and not have to rely on substitutes. It is proposed that, as a way forward, at its first meeting, the Licensing Committee is asked to formally agree the establishment of one Sub Committee and further agree that the Licensing Sub-Committee may

comprise any three members, including the Chair of the main Licensing Committee. There will be a note advising that all members of the Licensing Committee will be consulted on their availability when it is known that a licensing hearing is required. From responses received, three Members would be notified that they have been selected to serve on the Licensing Sub-Committee and all members of the Licensing Committee will be advised accordingly. Democratic Services will ensure that all members of the Licensing Committee share Sub-Committee responsibilities on an equal basis and can provide a note to the political group Chief Whips on attendance on a quarterly basis.

- 6.12 Members are asked to comment on the information above and recommend this option for Standards Committee on the 2nd of March 2021 for consideration.

7. Contribution to strategic outcomes

The Council's constitution supports the governance of the Council and its decision making thereby assisting the Council to meet its strategic outcomes.

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Finance

- 8.1 There are no financial implications arising from this report.

Legal

- 8.2 The proposed changes to the Council constitution were taken forward with Legal Service assistance.

Equality

- 8.3 There are no equality matters in this report.

9. Use of Appendices

Appendix 1 a- Option 3 Terms of Reference for changing the current Regulatory Committee terms to proposed main Licensing Committee [shown with track changes]

Appendix 1b Licensing Sub Committee Terms of Reference with track changes

Appendix 1c - Proposed terms of reference for Strategic Planning Committee
-New

Appendix 2.1 Current Regulatory Committee Protocol amended to cover the new Main Licensing Committee and created new Strategic Planning Committee Protocol at 2.2[with track changes]

Appendix 3 – Clean terms of references for Licensing Committee, Licensing Sub Committee, Strategic Planning Committee, Protocol for Licensing Committee and Strategic Planning Committee.

Appendix 4 – Regulatory Committee – Briefing paper

10. Local Government (Access to Information) Act 1985

The Council Constitution can be found at: <http://www.haringey.gov.uk/local-democracy/about-Council/Council-constitution>.