

**MINUTES OF THE REGULATORY COMMITTEE
TUESDAY, 22 OCTOBER 2013**

Councillors Basu, Beacham, Brabazon, Browne, Demirci (Chair), Mallett, McNamara, Reid, Reith, Rice, Scott, Solomon and Strang

MINUTE NO.	SUBJECT/DECISION	ACTION BY
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REG108.	<p>MINUTES</p> <p>RESOLVED</p> <ul style="list-style-type: none"> That the minutes of the Special Regulatory Committees on 30 April and 24 September and the Regulatory Committee on 23 May be approved and signed by the Chair. 	
REG109.	<p>AMENDMENT TO LICENSING SUB COMMITTEE MEMBERSHIP FOR THE MUNICIPAL YEAR 2013/14</p> <p>[The Committee sat in its capacity as a statutory Licensing Committee for the consideration of this item. For the remainder of the agenda, the Committee sat as a non statutory Committee].</p> <p>The Committee considered a report seeking confirmation of the appointment of Cllr David Browne to the membership of Licensing Sub Committee A for the remainder of the 2013/14 municipal year following the retirement of Cllr Ejiofor from Regulatory Committee subsequent to his appointment to the Cabinet.</p> <p>RESOLVED</p> <ul style="list-style-type: none"> That Cllr Browne be appointed to the membership of Licensing Sub Committee A for the remainder of the 2013/14 municipal year. 	
REG110.	<p>SCRAP METAL DEALERS ACT 2013</p> <p>The Committee were provided with a verbal update on progress with the implementation of the new licensing regime covering scrap metal dealers following a briefing report considered at the last meeting.</p> <ul style="list-style-type: none"> In response to concern expressed by Members at the last meeting regarding the proposed level set for officer delegation under the regime, confirmation was provided that this had now been amended to delegate to the Assistant Director Single Frontline. A question was raised at the last meeting regarding the feasibility of making the granting of new scrap metal site licences conditional on the applicant obtaining full planning permission. Officers confirmed that although the new Scrap Metal Regulations did not specifically refer to this, new applicants as part of the application process would be asked to confirm the position in relation to planning permission for the proposed site and which could then be used as part of the 'fit and proper' person 	

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	<p>determination in the granting of a site licence.</p> <ul style="list-style-type: none"> • With regards to the need for information sharing between agencies under the new regime, the Home Office had confirmed that this remained at the discretion of the local authority inline with that required in order to make the determination decision. <p>RESOLVED</p> <ul style="list-style-type: none"> • That the update be noted. 	
<p>REG111.</p>	<p>FINSBURY PARK OUTDOOR EVENTS POLICY BRIEFING</p> <p>The Committee received a briefing on plans to review the outdoor events management policy for Finsbury Park as the current policy was no longer fit for purpose. A public consultation was currently running on proposed changes to the policy, with the final closing date extended to 10 November. A report would subsequently be submitted for Cabinet approval in December to confirm proposed changes to the policy.</p> <p>Members identified that a number of local residents living in the vicinity of the Park had expressed concerns regarding the events held including their duration, the impact on traffic in the local area, noise etc. Officers emphasised the importance of encouraging local residents to feed their views into the consultation process, responses to which would be posted on the Council's website. The difficulty was acknowledged however in achieving a balance between the use of the Park as a community asset and the need to generate income from events. The consultation would also seek views on how income generated would be used to fund improvements within the Park.</p> <p>In response to a question as to whether noise management would be an element revisited under the review of the Policy, confirmation was provided that sufficiently robust noise procedures were already in place covering events including testing acoustic levels set against a baseline of lowest background noise levels. Discussions were however underway with LB Islington regarding extending noise monitoring to all boundaries of the Park.</p> <p>The Committee requested that a copy of the final Cabinet report be circulated to them in advance of the meeting.</p> <p>RESOLVED</p> <ul style="list-style-type: none"> • That the update be noted. 	
<p>REG112.</p>	<p>INFORMATION PAPER ON HOME OFFICE CONSULTATION ON THE FUTURE OF PERSONAL LICENCES</p> <p>The Committee received an information briefing on a planned government consultation on the future of the personal licence system, potentially with a view to abolition to reduce the burden on businesses and allow local authorities to adopt a more targeted approach. The government had also committed to removing the current requirement for</p>	

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personal licences to be renewed on a ten yearly basis.

Officers had provided comments within the report on the potential impact of abolishing personal licences, including the removal of current safeguards requiring licence holders to undergo training and criminal record checks. The Committee agreed with the proposed consultation response to be submitted by the Council objecting to any abolition of the personal licence system on the grounds it would be a retrograde step and reduce the Council's powers to deal with premises selling alcohol in an irresponsible way. Confirmation was provided that this response was in line with the consensus position voiced by other boroughs at the London Licensing Forum.

It was advised that should the decision be made to abolish the system, the Council would seek to provide in-house licensing training to businesses. A responsible retailers pack was also being developed for use as a training manual for licensed premises as another tool for promoting responsible alcohol selling.

In response to a question regarding the potential for the licensing policy working group to play a role in the consultation response, confirmation was provided that this was precluded as the Council's response had to be submitted by 7 November. The working group could however play a role once the government's decision had been announced, which depending on the decision, could require changes to be made to Council policies and procedures.

RESOLVED

- That the update be noted.

REG113. DEVELOPMENT MANAGEMENT AND BUILDING CONTROL WORK REPORT INCLUDING DEVELOPMENT MANAGEMENT IMPROVEMENT PLAN PROGRESS

The Committee received a briefing paper and short presentation setting out performance statistics for Development Management and Building Control services and an update on progress implementing the Development Management Improvement Plan set within the context of changes to performance monitoring criteria introduced by the Government. The Committee were advised that additional officer resourcing was now in place to lead implementation of the Improvement Plan, with monitoring and oversight provided by a dedicated Project Board in addition to the Council's Corporate Delivery Unit.

Officers provided a brief overview of key actions and progress made under the 17 workstreams of the Improvement Plan including ongoing process mapping and reviewing, the re-evaluation of staff performance management, reassessing customer care and Member engagement mechanisms, the development of a resource manual and reviewing the service's IT resources. The Committee asked how Members could get involved with the service transformation under the ongoing Improvement Plan. Officers confirmed that although this was currently under

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development following the holding of an initial workshop session, Members would play a key role in the future review and development of enforcement priorities and protocols and pre-application discussion procedures as well as plans for the future promotion of the service.

The Committee noted the performance improvements made in relation to the determination of major applications since 2011 and which currently stood at 50% determined within 13 weeks. Officers were confident that performance would continue to improve in order to meet the 64% target set for major applications. Improvements in performance in the determination of minor applications was also noted and which reflected the allocation of additional resources. Good performance was also noted against the new quality criteria indicator introduced measuring the number of major applications overturned on appeal and also the increase in customer satisfaction levels following the undertaking of a phone survey. The Chair passed on the congratulations of the Committee for the performance improvements achieved to date although it was acknowledged by both officers and Members that transforming the service inline with the aspiration to become one of the best in London remained a long term, ongoing process.

Head
of DM

The Committee emphasised the importance of retaining a focus on the quality of decisions made by the service, particularly those made under delegated authority, and ensuring procedures to monitor this were in place. Officers advised that this area would constitute a significant part of the Improvement Plan going forward, with the introduction of a comprehensive quality control review system. This was currently at initial stage of development, with results to be reported to Members once sufficient data came through for collation and analysis. The Committee also requested, if feasible, that future reports include more detail on the specific improvements made within the service underpinning the progress made in raising performance to provide a more complete picture in conjunction with the performance data provided.

Head
of DM

The Committee noted the implications of the new planning guarantee introduced from 1 October and the arrangements put in place to monitor progress in determining applications within the 26 week deadline.

Head
of DM

Members sought assurance that a transparent fee structure was in place to cover pre-application discussions. Confirmation was provided that the charging schedule for this was published on the website. Fees charged for planning performance agreements, which were negotiated on an individual basis, were currently being reviewed and benchmarked with other authorities, although it would remain on the basis of cost recovery.

The Committee discussed how the format of future performance reports could be improved. Members agreed that a focus on data covering the quality of service provided and outcomes would be beneficial as well as providing 'good news stories' or anecdotes to help Members get a feel for the perception of the service. Following a request from Members, it was also agreed that statistical neighbour comparison data would be included in future performance reports.

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	<p>The Committee asked officers to consider how Members could be kept up to date with the progress of major applications after determination e.g. the current status of the Spurs stadium redevelopment following the award of planning permission. It was advised that an update report would be provided to the next meeting on major applications and compliance with conditions imposed such as local employment etc.</p> <p>RESOLVED</p> <ul style="list-style-type: none"> • That the update be noted. 	<p>Head of DM</p>
<p>REG114.</p>	<p>PLANNING ENFORCEMENT UPDATE-HALF YEAR REPORT 2013-14</p> <p>The Committee received a report updating on planning enforcement service delivery in the first half of 2013/14. A key factor identified was the significant continued increase in caseload, likely to equate if current levels continued to a 17% increase on last year. Performance data showed a slight drop in performance for the determination of cases within timescales and returns with regard to enforcement notices issued and enforcement appeals determined remained high.</p> <p>The Committee queried whether a specific review would be taken of the enforcement side of the service, particularly with a view to helping to streamline the process. Confirmation was provided that this would be covered under the wider service Improvement Plan, including reviewing enforcement protocols and priorities, moving towards adopting a more proactive, joined up approach to enforcement across the whole planning service and how learning from mistakes and complaints could be captured.</p> <p>In response to a request from Members, it was agreed that a separate report would be provided to the next Regulatory Committee updating on progress with the enforcement cases currently subject to legal action under the Proceeds of Crime Act and covering any learning points.</p> <p>Members requested that in future reports additional columns be provided to the table in appendix 7 setting out enforcement prosecutions and outcomes in order to include information on the nature of the breach, the outcome sought e.g. physical, financial, legal, and the date each case commenced so that progress could be mapped as a rolling programme.</p> <p>RESOLVED</p> <ul style="list-style-type: none"> • That the update be noted. 	<p>Head of DM</p> <p>Head of DM</p>
<p>REG115.</p>	<p>DECISIONS MADE UNDER DELEGATED POWERS BETWEEN 6 MAY 2013 AND 6 OCTOBER 2013</p> <p>The Committee received a report setting out decisions made under delegated powers by the Head of Development Management and the Chair of Regulatory Committee between May and October 2013.</p> <p>Members questioned the value in providing the Committee with a</p>	

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	<p>complete list of all delegated planning decisions which made up a significant proportion of the agenda pack. It was agreed that the Chair would review this with Head of Development Management with a view to potentially circulating the full list in email format only to the Committee.</p> <p>The Committee asked whether it would be feasible going forward to explore delegated decisions on a ward basis to look at underlying trends and provide evidence for future policy reviews. Officers agreed to look into this request and bring a proposal forward, potentially linked into the Annual Monitoring report.</p> <p>RESOLVED</p> <ul style="list-style-type: none">• That the update be noted.	<p>Chair & Head of DM</p> <p>Head of DM</p>
REG116.	DATES OF FUTURE MEETINGS	
	<p>The next meeting was scheduled for 3 February 2014.</p>	

CLLR ALI DEMIRCI

Chair