

## **+REPORT OF THE REGULATORY COMMITTEE TO FULL COUNCIL ON 23 NOVEMBER 2015**

Chair:  
Councillor Peray Ahmet

Vice Chair:  
Councillor Vincent Carroll

### **1. INTRODUCTION**

1.1 This report to Full Council arises from consideration of the following reports by Regulatory Committee:

- Consultation on revised Statement of Licensing Policy for Gambling Act 2005 – 21 September 2015
- Local Plan Preparation – 21 September 2015
- Outcome of consultation on revised Statement of Licensing Policy for Licensing Act 2003 – 9 November 2015

### **2. SUMMARY OF CONSIDERATIONS**

#### 2.1 Consultation on revised Statement of Licensing Policy (SoLP) for Gambling Act 2005 – 21 September 2015

2.1.1 We received the report on the statutory three year review of the borough's SoLP for the Gambling Act including the proposed draft for consultation.

2.1.2 We sought clarification on the Council's position regarding the operation of any future casinos within the borough. Officers advised that a Full Council resolution had been passed to ban any prospective casino, a position which was reflected within the SoLP. Details of the resolution would be circulated to Cllr Carter.

2.1.3 We sought an update on progress made in establishing closer working relationships between the Planning and Licensing Services to facilitate, as far as possible, a cohesive approach to dealing with licensed premises under the separate legislative regimes. Officers advised that closer working practices were being developed including checking planning conditions related to licensing hours. A briefing report would be provided to the next meeting.

2.1.4 We were advised of the recent reclassification of betting shops and pay day loan shops to sui generis use class. The draft DMP document would set out a position regarding the clustering of betting shops which would be adopted subject to the consultation process.

#### **2.1.5 WE RESOLVED**

That the draft Statement of Licensing Policy for the Gambling Act 2005 be noted.

## 2.2 Local Plan Preparation – 21 November 2015

2.2.1 We considered a report setting out the responses received to the public consultation on the four draft Haringey Local Plan documents including Local Plan; strategic policies, development management DPD, draft site allocations DPD and the draft Tottenham Area Action Plan. The report included a draft Council response to the points raised in the 650 written representations submitted.

2.2.2 We received a question asked from the floor by a member of the public contesting the designation of the Pinkham Way site as open land. Officers advised that a set process had been followed during the consultation period to seek representations. Proposed Council responses to each issue raised had been drafted by officers and which did not in all occasions concur with consultee's views. It would be the role of an independent planning inspector to test the soundness of the Plans and thereby act as ultimate arbitrator.

2.2.3 Officers advised that the key themes raised during the consultation period included questioning the unrealistic level and potential harm from the quantum of housing growth to be made provision for; that development was unfairly weighted towards the east of the borough and Tottenham; concerns that new housing would not be affordable for local people; the selloff of Council estates to private developers to fund estate renewal; increasing pressure on public services and infrastructure; height of buildings and the consequences of redevelopment plans on existing businesses.

2.2.4 We asked the following questions of officers in consideration of the report:

- Whether officers had undertaken an analysis of responses received broken down by area. Officers advised that predominantly responses had been received by email which restricted the ability to analyse on this basis. The issues receiving the most representations included BWF and Lordship Rec and in Wood Green, the intensification of the town centre and Haringey Heartlands. A significant number of responses were received regarding issues wider than the remit of the Local Plan.
- Clarification was sought as to whether plans were included to build on Lordship Rec. Officers advised that there had been initial plans to allocate a proportion of the Rec as a 'swap out' to allow the redevelopment of the BWF estate but that following the level of objections received, this allocation had been removed.
- The concerns of the Friends of Finsbury Park group were reiterated including opposition to any plans to build on MOL within Finsbury Park and direct overlooking of the Park from surrounding new developments and any loss of trees to make way for new entrances. Officers confirmed that this representation had been received and a draft response provided within the report. Plans to improve the reconfiguration of access to the Park through the Rowans site had now been omitted from the Plan documents.
- The use of the terms social housing and affordable housing needed to be set out within a glossary. Officers confirmed that a glossary was included within the full Cabinet report but agreed to review the consistency of use of these terms within the summary of comments.
- Clarification was sought on how recent changes to the definition of Travellers would impact on provision for Traveller's sites within the borough. Officers confirmed that changes pertained to assessments of need and also could not be applied

retrospectively. To this end, existing Traveller's sites would require re-provision if subject to redevelopment.

- Assurances were sought from the Committee that the inclusion of sites within the Site Allocations SPD did not presuppose the award of planning permission. Officers confirmed that inclusion did not confer any planning consent but did set out clear aspirations for sites. Planning Committee would have to have regard to Plans when determining planning applications coming forward.

## **2.2.5 WE RESOLVED**

- To note the summary of the main consultation comments received to the draft Local Plan documents (the draft alterations to the Strategic Policies DPD; the draft Development Management Policies DPD; the draft Site Allocations DPD; and the draft Tottenham Area Action Plan DPD) as set out in the tables at Appendices A through D of this report.
- To recommend to Cabinet that it adopt the Council's proposed response to the comments received, including proposed further amendments, as set out in the tables at Appendices A through D of this report and report the same for consideration and approval to Full Council.
- To note that the report provided only a summary of the consultation responses received, and that the full list of responses was available to view on the Council's website.

## **2.3 Outcome of consultation on revised Statement of Licensing Policy for Licensing Act 2003 – 9 November 2015**

2.3.1 We considered a report updating on responses received to the consultation on the revised Statement of Licensing Policy (SoLP) as part of the statutory five year review required under the Licensing Act 2003. The draft policy would progress to Full Council in November seeking approval for adoption. Regulatory Committee had considered the draft policy prior to its release for consultation at the last meeting on 21 September.

2.3.2 The Licensing Officer outlined the responses received during the 6 week consultation period. The two representations received from interested parties in response to the consultation were set out within the report including the proposed Council response. The first submission proposed that real ales and beers above 6.5% ABV (alcohol by volume) that appeal to the higher end market be exempt from licence conditions restricting high ABV products. Officers proposed to change the wording within the Policy to reflect this to emphasise the primary focus on cheap high strength products. We expressed some concern that this distinction could be counterproductive and emphasised that clear definitions of the terms 'cheap' and 'premium' in this respect would need to be set out as well as clearly couching this consideration in terms of preventing binge drinking. The consultee also proposed that the policy covered all premises types in relation to framework hours and which officers confirmed was the case and therefore no Policy amendment was required. The second representation proposed that the policy set out an expectation that premises should have the correct planning use in place prior to making a licence application. Officers proposed that this be added to the Policy although this could only constitute guidance as it was not a legislative requirement.

2.3.3. We raised concern over the low number of representations received during the consultation period, including limited input from Councillors. Officers outlined the methodology used including notifications sent out, meetings held with licensees etc and confirmed that a link to the consultation had been circulated to all Councillors. Confirmation was also provided that input had been provided by all responsible authorities in the drafting of the Policy. We proposed as a learning point for future consultations that a concise summary of proposed policy revisions be circulated to Councillors to encourage a greater level of response. In light of identified issues with street drinking in parts of the borough, it was also suggested that future consultation be expanded to cover groups such as HAGA (Haringey Advisory Group on Alcohol) involved in providing alcohol support services in the borough.

2.3.4 We sought clarification on whether reference was made within the Policy to promoting the Pubwatch initiative. It was advised that Pubwatch was active in the borough but was an initiative led and run by licence holders and as such could not be imposed under the Policy. It was however recognised that engaging with smaller licence holders such as those running off licences remained an ongoing issue and the licensing service would be looking to improve this going forward.

2.3.5 The Council's position regarding the potential imposition of a late night levy within the borough was questioned. The Licensing Officer advised that consideration had been given to imposition of a levy in 2013 but that the management team had decided not to proceed at that time. As the government were currently reviewing the levy initiative due to concerns over its efficacy, Cllr McNamara as Cabinet Member for Environment advised that consideration of imposing a levy was currently on hold but could be revisited in the future accompanied by a detailed piece of work.

2.3.6 We questioned plans to implement a Cumulative Impact Policy within the borough. Officers advised that currently there was not sufficient evidence to support imposing such a policy but that this position would be kept under review, including keeping a watching brief on LB Hackney in their efforts to impose such a policy in Shoreditch and which was proving controversial.

2.3.7 We sought clarification on whether the SoLP would take into account any variation in approach across the borough to licensed premises to reflect differing characteristics of the town centres. The Licensing Officer advised that responsible authorities had a duty to consider licence applications on a case by case basis.

2.3.8 Cllr Carter sought assurances on any plans for the future licensing of casinos within the borough. The Licensing Officer outlined that this issue fell within the Council's Statement of Gambling Policy and not Licensing Policy. Confirmation was however provided that presently no Full Council resolution had been passed to prohibit any future casino within the borough and that no discussions were currently underway with any parties regarding the issuing of a future casino licence in the borough.

### **2.3.9 WE RESOLVED**

- To note the outcome of the consultation, there were two responses to the consultation. A summary of the responses and effect if any on the policy are shown in paragraph 6.10 and also in Appendix 2 of the report.

- To approve the draft Statement of Licensing Policy at Appendix 1 for recommendation to Full Council for adoption in November 2015.
- In coming to their decision to note and take account of the EQiA set out at Appendix 3 of the report.