

Regulatory & Appeals Committee Minutes

Date: 11 November 2013

Time: 7.00 - 7.43 pm

PRESENT: Councillor J A Savage (in the Chair)

Councillors M C Appleyard, A D Collingwood, R Farmer, R Gaffney, Mrs G A Jones, Ms P L Lee, D A C Shakespeare OBE and R Wilson, D A Anson MBE

15 APOLOGIES FOR ABSENCE

Apologies for absence were received from M Hussain and B Pearce

16 MINUTES

RESOLVED: That the minutes of the meeting of the Regulatory and Appeals Committee held on 16 September 2013 be approved as a true record and signed by the Chairman.

The Chairman updated the Committee regarding a delegated action which had been reported at the last meeting of the Committee. This related to a driver of a private hire vehicle who had been prosecuted due to contravening licensing conditions, and had surrendered his licence.

The Chairman had been in communication with Legal Services regarding the matter and discovered that the driver concerned was now operating in the Aylesbury Vale District. Having requested information as to whether he could be prosecuted for misleading the Court in relation to his employment status, the Chairman had been informed by Legal Services that the procedure would be costly and time consuming with no guarantee of a positive result. It was therefore not considered appropriate to pursue such a case.

17 DECLARATIONS OF INTEREST

There were no declarations of interest

18 OUTCOME OF CONSULTATION ON CHARITY COLLECTION

A report was submitted which requested that the policies on Street Collections and House to House Collections as set out at Appendices A and B to the report be

agreed and recommended for approval to Full Council, to become effective from 1 January 2014.

The report stated that Local Authorities were required to consider and determine applications to carry out either Street or House to House Collections of money or other goods. Currently the Council did not have any formal policies in place for such activities, but it had been considered appropriate that these be produced in the interests of maintaining clarity and consistency.

The draft policies which had previously been considered and approved by this Committee had been subject to a full formal consultation process, as a result of which amendments to the House to House policy had been made in order to reflect some of the concerns which had been raised.

One of the concerns in relation to House to House Collections included the requirement for a specific percentage of proceeds to be applied to charitable causes. Taking into account guidance issued by NALEO (National Association of Licensing and Enforcement Officers), it was proposed that the percentage requirement be removed with a need for the relevant charities to provide a declaration stating that they were satisfied with the percentage of proceeds. This change was highlighted under General Principles, point 4 as tabled at the meeting.

Another concern raised during the consultation related to the proposed restrictions and apparent inflexibility of permitted collection times and days. It was consequently proposed that the permitted hours of collection be extended from 6pm until 7pm and that collection outside of these hours for specific one off events would require prior written permission of the Council. The tracked changes were further highlighted in part 5 point 7 of the tabled sheet.

In terms of the draft policy in relation to Street Collections, it was proposed that this remain unchanged as the comments received had been predominantly positive and supportive. The only issues that had been raised related to those governed by law, and over which the Local Authority had no discretion.

A number of Members voiced some concern over the extended permitted hours of collection, particularly with regards to the elderly population, who were already uncomfortable with the process. The Presenting Officer explained that a 2 tier system was in operation whereby National Charities could be granted exemptions and were required only to notify the Authority of their intention to carry out collections during a set period in time. As such the Council could not exercise any control over those collections which had received Home Office authorisation. The presenting Officer also explained that all current exempted national charities appeared on the Home Office website for the benefit of the public, but that the list was constantly changing. The Council's policies on House to House and Street Collections would also be published on the Council's website if endorsed by Full Council at its meeting in December 2013.

Another Member questioned whether later night collection activities by such organisations as the Rotary Club, Round Table and Wycombe Lyons would be limited by the proposed policy. It was confirmed that they would be in no way

penalised due to the clause within the Policy allowing for the issuing of later collection permits and that this flexibility had been introduced to make specific allowance for these types of events.

Following some deliberation it was;

RECOMMENDED: That the draft policies on Street Collections and House to House Collections as set out at Appendices A and B to the report be approved, to become effective on 1 January 2014.

19 REFERRAL PLANNING COMMITTEE RE AMENDMENT TO SCHEME OF DELEGATED POWERS

A report was submitted which stated that following Councillor Johncock's appointment as Chairman to the Planning Committee, he had taken the opportunity to review the efficiency and effectiveness of the Committee. Following the review, a minor change was being proposed to the Council's Constitution with regard to the scheme of delegation for determining planning applications.

The report proposed that the requirement for the Head of Planning and Sustainability to consult with the Chairman of Planning Committee before determining certain categories of development be removed. Furthermore it was also recommended that all references to Conservation Area Consent be removed from the Constitution, as this consent regime had now been abolished.

It was emphasised that the amendments to the scheme of delegated powers would not prevent the Head of Planning and Sustainability deciding not to exercise his delegated powers and referring the matter to Planning Committee. Nor would it prevent ward Members from directly "calling in" major planning applications, or through consultation with the Chairman of Planning Committee requesting a "call-in" of other applications where good planning reasons were provided.

The changes proposed would become effective from 16 December 2013 if ratified by Full Council.

The vast majority of the Committee was concerned over the reduced involvement of the Planning Committee Chairman in determining applications.

The Presenting Officer explained that the proposed change in the scheme of delegation only related to issues where local Members had not raised any objections.

It was also emphasised that the local Members could continue to intervene at any time it was considered appropriate. The part of the scheme relating to referrals by Local Members was unaffected by the proposed changes. Various checks and balances were in place to ensure that the most efficient route was being taken in determining an application, but where it was felt that the Committee could add any value to the process applications would certainly be brought before the Planning Committee. The objective of the Scheme of Delegation was to allow the Planning

Committee to focus its limited resources effectively and concentrate on issues of more strategic significance or particular local importance.

Members undertook a discussion around the practice in some other Local Authorities whereby any Member could refer an application to the Planning Committee. The pro's and con's of such a practice were preliminarily debated, and the suggestion was made that Full Council note the request for the Cabinet Member for Planning and Sustainability to review this in the near future.

RECOMMENDED: That (1) the requirement for the Head of Planning and Sustainability to consult with the Chairman of Planning Committee before determining the following categories of development be removed:

- i) Any extension and alteration to any non-residential building and /or the erection of any structure within the curtilage of such a building to create 500m sq or more gross additional floorspace;
 - ii) Any residential development (including change of use and conversion of existing building) consisting of the creation of 3 or more units
 - iii) Any other non-residential development (including change of use and conversion of existing buildings) involving 1000m sq or more gross additional floorspace or a site area of 1 hectare or more.
- 2 The reference(s) to Conservation Area Consent be removed from the Constitution due to this consent regime having been abolished.

20 ACTIONS TAKEN UNDER DELEGATED POWERS

A file containing the actions taken under Delegated Powers since the last meeting was circulated.

Chairman

The following officers were in attendance at the meeting:

Iram Malik	- Democratic Services Officer
Alastair Nicholson	- Development Manager
Caroline Steven	- Licensing Team Leader