

Regulatory & Appeals Committee Minutes

Date: 26 November 2014

Time: 7.00 - 8.26 pm

PRESENT: Councillor J A Savage (in the Chair)

Councillors M C Appleyard, R Farmer, R Gaffney, M Hanif, M Hussain JP,
Mrs G A Jones, B E Pearce and R Wilson, J L Richards OBE and T Snaith

12 APOLOGIES FOR ABSENCE

Apologies for absence were received from A D Collingwood and Councillor Ms P L Lee.

13 MINUTES

RESOLVED: That the minutes of the meeting of the Committee held on 21 July 2014 be approved as a true record and signed by the Chairman.

14 DECLARATIONS OF INTEREST

There were no declarations of interest.

15 PLANNING DECISIONS MADE BY THE REGULATORY & APPEALS COMMITTEE

A report was submitted which stated that on 9 June this Committee had reviewed the current arrangement for the determination of certain planning applications by its Members. Consequently the Planning Committee had been invited to consider the whole review process and report back to this Committee with specific proposals for improvement.

The matter was considered by the Planning Committee at its meeting on 31 July 2014, whereby Members had concurred with the officer's report recommendation, that the current arrangements for reference of certain planning applications to the Regulatory and Appeals Committee be maintained. Members had in addition expressed that they felt the current procedural arrangement were adequate, and as such did not support the formation of a small panel to review the referrals process.

Members views in relation to the Planning Committee's decision were varied. Some felt that the correct decision had been reached helping to strengthen the public's perception and trust which would be viewed as a neutral and independent process. Others emphasised their concerns over the decision being based on financial considerations rather than the merits of the case itself. The Presenting Officer reiterated that in fact the case was only referred to the Regulatory and Appeals Committee when any decision about to be made by the Planning

Committee would be deemed unreasonable as set out in the National Planning Policy Guidance.

Following some debate, the majority of the Members were in agreement with the report recommendations.

RESOLVED: That the recommendations of the Planning Committee be noted and the current arrangements be maintained.

16 POLLING DISTRICTS AND POLLING PLACES REVIEW

A report was submitted which requested that the Polling Districts and Polling Places be agreed following consideration of the feedback received from the consultation responses as set out at Appendix F to the report. This would then be recommended to full Council for its endorsement.

The report stated that the review had commenced on 5 October until 5 November, following a change in the statutory timetables for the review to be completed by January 2015. A total of 21 responses had been received, 10 of which had fallen outside the remit of the review. The remaining 11 responses received had ranged from no change to several location changes based on necessity, convenience and fairness of allocation.

The report highlighted that the responsibility for the review of Parliamentary Polling district and places rested with Wycombe District Council for any constituencies located in Wycombe and parts of Aylesbury, Beaconsfield and Bucks. The report also outlined the legislative requirements the Council needed to comply with in determining the designation of its polling districts and places.

During the discussion on the report before them, some Members wished to include a number of late additional recommendations to those detailed within appendix F, but were informed that to consider any such responses which were received after the statutory consultation period had elapsed, posed the risk of contravening legislation relating to the consultation timetable.

Some Members expressed the view that in certain circumstances assumptions would need to be made when comments were not received within the allocated timescale, thereby indicating consent to the proposals presented within the report.

Councillor L M Clarke OBE who was given permission to speak commented regards the WF and WF2 Polling district. It was suggested that this be put into the Chiltern Gate School as supposed to the Cressex Community Centre thereby keeping division voters included within the Abbey County Division.

A summary of the recommendations arising from the consultation process were set out at appendix 'F' of the report, and Members were invited to consider each individually.

The following was agreed for recommendation to Council:

- Cedar Barn - RK – No change

- WB & WC – Move WB electors to Oakridge School; WC electors to remain at ARTS4EVERY1
- Chiltern Gate School - WA and WA2 – no change
- Wycombe Sports Centre Creche - WD – to be relocated to St Michaels School, Daws Hill Lane
- Abbey County Division – to be: WA – Chiltern Gate School, WB – Oakridge School, WC – ARTS4EVERY1, WD – St Michaels School, WF2 – Cressex Community Centre
- Land End Village Hall - RA – no change (status quo)
- Church of Christ the Servant King – WE, WE2 – no change
- Cressex Community Centre – WF, WF2 – no change
- 12 polling places within the Beaconsfield Constituency (part) – reject proposal from UKIP representative and retain status quo
- Hazlemere South – Hazlemere Community Centre – RL – no change, retain status quo
- Barrowcroft Lounge – WO, WO2 – use new development of the Wrights Meadow Centre

The Committee also noted the responses from the Wooburn & Bourne End Parish Council, the Beaconsfield Constituency ARO, the Aylesbury Constituency ARO, and the Buckingham Constituency ARO, all commenting that there should be no change to the current arrangements. This was endorsed by the Committee.”

The following was agreed for recommendation to Council.

RECOMMENDED: That

the Polling Districts and Polling Places as set out at Appendix C to the report be agreed, subject to the comments set out above.

17 PROPOSED CONSTITUTION AMENDMENT- THE OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014

A report was submitted which requested that The Openness of Local Government Bodies Regulations 2014 be noted and Standing Order 24 relating to the Protocol for Filming Recording and Photography at meetings of the Council be amended as set out in Appendix B to the report.

The report stated that The Openness of Local Government Bodies Regulations had come into force in August 2014, through the Local Audit and Accountability Act 2014 which sought to enhance the right of the press and public to film blog or tweet or use any other type of social media to report.

A new guidance document replacing the existing one had recently been issued, which required some amendment to the current one in order to be fully reflective of the new requirements. The Presenting Officer drew Members` attention to the

current Protocol attached at Appendix A along with the proposed amendments highlighted within Appendix B.

The primary amendments meant that an individual wishing to request to film or record was no longer required to provide 3 days` notice. Instead the Council was expected provide reasonable facilities to facilitate the request, indicating that some prior notice should be given in order for this to be achieved. An additional clause had also been included within the regulations which afforded Members the same privilege provided that it did not disrupt the proceedings. In all instances the Chairman of the Committee could ask the individual to stop filming and leave in the event that the meeting was disrupted in any way. It was also emphasised that the filming recording and reporting was restricted to the public part of the meeting only.

A Member requested that the protocol include a clause which allowed the Council to request a copy of the recording taken.

RECOMMENDED: That

- a) The Openness of Local Government Bodies Regulations 2014 be noted, and Standing Order 24 within the Council`s Constitution relating to the Protocol for Filming, Recording and Photography at Council, Cabinet and Committee meetings, be amended as set out in Appendix B to the report.
- b) The Protocol allow for the Council to request a copy of the material recorded at the meeting
- c) The Democratic Services Manager be authorised to make the amendments set out above.

18 CONSTITUTION AMENDMENTS

A report was submitted which requested approval for a number of minor amendments to the constitution. The proposed amendments aimed to bring the Constitution up to date with current legislation and to refine processes following an internal review.

The report stated that at its meeting on 22 September the Cabinet had agreed to adopt the provisions of the Anti- Social Behaviour Crime and Policing Act 2014. Cabinet had further agreed to delegate enforcement powers under the Act to the Heads of Community and Environment in consultation with the District Solicitor. In addition the Chief Executive had been granted delegated authority with regards to the extension of a closure notice under the new Act.

The Committee was requested to note that the Council`s Constitution would need to be updated accordingly. The Presenting Officer highlighted that this Committee at its meeting in November 2012 had agreed that delegated authority be granted to the Head of Democratic Legal and Policy Services to effect any consequential changes to the Constitution, arising from changes to mandatory legislation. Members also noted that a further change to the Constitution would be brought about by the Local Government (Miscellaneous Provisions) Act 1982, as it had become apparent that the powers under the Act covered both executive and non -

executive functions. Consequently this would need to be reflected within the Head of Environment's Executive functions.

Members were also requested to endorse a further change to the Constitution brought about by the Cabinet on 22 September in relation to delegated powers with regards to Street naming and numbering. Currently the Head of Planning and Sustainability had the power to consult on this matter where there was no difference of opinion between consultees. Cabinet had requested that the scheme of delegation for the Cabinet Member for Planning and Sustainability be amended to include delegated authority in consultation with the Head of Planning to reach a decision where there was a difference of opinion, thereby avoiding any ambiguity.

RECOMMENDED: That

- a) The proposed amendments to the constitution in relation to the delegation for the naming of a new street where there is a difference of opinion as set out in paragraph 5 of the report be agreed.
- b) The proposed amendments to the Constitution to reflect the anti-Social Behaviour crime and Policing Act 2014 and the Local Government (Miscellaneous Provisions) Act 1982 as set out in paragraphs 6, 7 and 9 of the report, be noted and endorsed
- c) The Democratic services Manager be authorised to make the amendments set out above.

19 ACTIONS TAKEN UNDER DELEGATED AUTHORITY

A file on the actions taken under delegated authority was circulated.

Chairman

The following officers were in attendance at the meeting:

Rob Curtis	- Elections Manager
Ian Hunt	- Democratic Services Manager
Iram Malik	- Democratic Services Officer
Alastair Nicholson	- Development Manager