

# Regulatory & Appeals Committee Minutes

Date: 13 May 2019

Time: 7.00 - 7.40 pm

**PRESENT:** Councillor J A Savage (in the Chair)

Councillors: Mrs L Clarke, M Clarke, A D Collingwood, C Etholen, R Gaffney, A Green, M Hussain, I L McEnnis, R Raja, D Shakespeare OBE and Ms J D Wassell.

Also Present: K Ahmed.

## **35 APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor C Etholen.

## **36 MINUTES**

**RESOLVED:** That the minutes of the meeting of the Regulatory & Appeals Committee held on 18 March 2019 be confirmed as a true record and signed by the Chairman.

## **37 DECLARATIONS OF INTEREST**

There were no declarations of interest

## **38 CIL ENFORCEMENT REPORT**

A report was submitted which stated that the Community Infrastructure Levy (CIL) introduced in 2012 may be payable for developments which involved the creation of new dwellings or developments of over 100 square metres. The payment was charged on residential and retail developments only. In addition in accordance with the CIL Regulations 2010 (as amended) there was also a requirement for the Council to administer the collection of the local allocation to parish/town councils.

The presenting officer stated that it was vital that the Council's decision making arrangements were robust and streamlined which would ensure efficient collection and enforcement where payments had not been received. Currently such decisions fell to Cabinet as a whole to make. In the interests of expediency, Members were requested to authorise that the Head of Planning & Sustainability be given delegated authority on all matters of CIL enforcement and for the administration of the transfer of local allocations. This would require that the Council's Constitution be amended accordingly.

In considering the report before them, Members wished to delegate the authority for such decisions to the Head of Planning & Sustainability in consultation with the Cabinet Member for Planning, or in his/her absence, to the Leader of the Council.

A Member enquired as to the likely position with regard to collections post April 2020 bearing in mind that the partner authorities had a variety of different arrangements in place for this process. It was stated that not all the authorities had a charging process and that the issue of funding allocations would be a matter for the new unitary authority as a whole.

Another Member requested that in order to highlight the current position, a list of developers with outstanding payments for the whole district be provided on a ward by ward basis and circulated to all Members of the Council.

Following a debate, it was,

**RESOLVED:** That a list of developers with outstanding payments for the whole of the district be provided on a ward by ward basis and circulated to all Members of the Council.

**RECOMMENDED:** That

- (i) Delegated authority be granted to the Head of Planning & Sustainability in consultation with the Cabinet Member for Planning or in his/her absence, the Leader of the Council, to make all decisions in matters relating to CIL enforcement and the transfer of local allocations covered by the CIL Regulations 2010 (as amended)
- (ii) The Head of Democratic, Legal and Policy Services be authorised to amend the Constitution accordingly.

### **39 COMMUNITY GOVERNANCE REVIEW - UPDATE**

The Chairman of the Community Governance Review (CGR) Working Group updated members on the progress made to date.

The Committee was informed that the Working Group had met on three occasions. The first meeting was to form the working group, select a chairman and clarify the scope, terms of reference and timescale for the CGR. Suitable consultants were identified to carry out the CGR. The second meeting interviewed the potential consultant, and the third meeting began the consultation and clarified any issues that the consultants highlighted

It was noted that that at the first meeting the Head of Democratic, Legal and Policy Services had clarified the timescales, particularly with regards to the petitions from the wards of Micklefield and Totteridge. In addition, further clarification had also been provided in relation to which body would make the final decision on the review, and it was noted that this rested with the Shadow Executive, not WDC. The

timeline provided for this to take place was at the December 2019 meeting of the Shadow Executive. The Chairman of the Working Group commented that it was fortunate that a member of the Shadow Executive also served as a member of the Working Group, as he would be able to give the Shadow Executive a full picture of the work and recommendations presented on the CGR.

Members noted the selection process for the preferred consultants, and given the tight timescales, it had been decided to use a firm rather than individual consultants. The Local Government Resource Centre (LGRC) were deemed suitable to undertake the required work.

At the second meeting of the Working Group, representatives from LGRC were invited to attend to meet Members and discuss in greater detail the proposed review to be undertaken. The Working Group was satisfied that LGRC were suitable and confirmed that they should be engaged. The CGR would be conducted in accordance with the process authorised by legislation and the Guidance on Community Governance Reviews published by the Local Government Boundary Commission.

The Committee was informed that at the third meeting of the Working Group, the process with LGRC had been initiated, and any apparent issues were discussed, including in relation to the terms of reference as agreed by Council. Some concern was expressed over the deadline for the completion of the initial report by the first week of July so that the necessary information could be made available to the residents of the unparished area to make an informed response to the annual consultation. Further discussions took place, which led to a proposed change of date to the middle of July.

The Chairman of the Working Group then highlighted the various timescales. He went on to highlight that up to the middle of July consultation would take place with those identified in the legislation and Terms of Reference and that the first report would be produced which would form the basis of consultation with residents in the middle of July to the end of September. The results of this would be analysed and a report produced with a number of recommendations.

In December Shadow Executive would be invited to consider the recommendations made from the review. In May 2020 elections to any parish councils would take place for any created, and in the event that there was no decision to create any parish council in any part of the unparished areas, the next occasion that this could be revisited would be in 2025.

Members were informed that meetings of the Group would be called as and when required and that no further meetings were scheduled for the time being.

**RESOLVED:** That the report be noted.

## **40 CHANGE OF MEETING DATE**

**RESOLVED:** That the date of the next meeting of the Committee be rescheduled to Wednesday 17<sup>th</sup> July 2019 at 7pm.

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Chairman

**The following officers were in attendance at the meeting:**

Ian Hunt	- Democratic Services Manager
Iram Malik	- Democratic Services Officer
Matt Rae	- Electoral Services Manager
Catherine Whitehead	- Head of Democratic, Legal & Policy.