

## **EPPING FOREST DISTRICT COUNCIL COUNCIL MINUTES**

<b>Committee:</b>	Council	<b>Date:</b>	1 November 2017
<b>Place:</b>	Council Chamber, Civic Offices, High Street, Epping	<b>Time:</b>	7.30 - 8.30 pm
<b>Members Present:</b>	Councillors D Stallan (Chairman), R Bassett (Vice-Chairman), N Avey, R Baldwin, A Beales, N Bedford, A Boyce, H Brady, R Brookes, R Butler, G Chambers, D Dorrell, A Grigg, S Heap, L Hughes, R Jennings, J Jennings, H Kane, S Kane, P Keska, Y Knight, J Lea, A Lion, M McEwen, A Mitchell, G Mohindra, R Morgan, S Murray, S Neville, A Patel, J Philip, C P Pond, C C Pond, M Sartin, G Shiell, Stalker, D Sunger, C Whitbread, H Whitbread, J H Whitehouse, J M Whitehouse and D Wixley		
<b>Apologies:</b>	Councillors W Breare-Hall, K Chana, R Gadsby, L Girling, H Kauffman, J Knapman, L Mead, C Roberts, D Roberts, B Rolfe, B Sandler, S Stavrou, B Surtees and E Webster		
<b>Officers Present:</b>	D Macnab (Deputy Chief Executive and Director of Neighbourhoods), C O'Boyle (Director of Governance), R Palmer (Director of Resources), S Hill (Assistant Director (Governance)), R Perrin (Democratic Services Officer), S Kits (Social Media and Customer Services Officer) and P Seager (Chairman's Secretary)		

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### **49. WEBCASTING INTRODUCTION**

The Assistant Director of Governance and Performance Management reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

### **50. FORMER COUNCILLOR MORAN FARNSWORTH**

The Chairman informed members of the death of former Councillor Moran Farnsworth.

Moran Farnsworth had represented the Grange Hill Ward of the District as a Conservative Councillor from 1979 to 1984. He had served on many of the Council's member bodies during his time and had also represented the County Council Chigwell Ward from 1985 to 1989.

Members paid tribute to the memory of former District Councillor and stood for a minute's silence in his memory.

### **51. DISTRICT COUNCIL BY-ELECTION - 19 OCTOBER 2017**

The Chairman welcomed Councillor Paul Stalker, who had been elected on 19 October 2017 to represent the Lower Sheering Ward until May 2019.

### **52. MINUTES**

#### **RESOLVED:**

That the minutes of the Council meeting on 26 September 2017 be taken as read and signed by the Chairman as a correct record subject the following amendments;

Public Questions (Minute 38) – that a typographical error be corrected to replace ‘Philips’ with ‘Philip’;

Questions by Members Without Notice - (e) Emergency Planning (Minute 42) - that a typographical error be corrected to replace ‘Councillor C C Pond’ with ‘Councillor C P Pond’; and

Joint Arrangements and External Organisations (Minute 48) - that Councillor J H Whitehouse asked the Council’s representative, Councillor G Mohindra for an update on the Epping Forest District Local Strategic Partnership.

### **53. DECLARATIONS OF INTEREST**

There were no declarations of interest by members of the Council under this item.

### **54. ANNOUNCEMENTS**

(a) Announcements by the Chairman of Council

(i) Chairman’s Events

The Chairman informed members that he had attend a variety of events including the start of the construction for Waltham Abbey’s Leisure Centre with Hillhouse Church of England Primary School; and the official opening of Council built housing in Waltham Abbey.

(ii) Chairman’s Quiz

The Chairman of Planning Sub-Committee’s were asked to organise members teams from each of the Sub-Committee’s for the Chairman’s Quiz on 19 January 2017.

(iii) Extraordinary Council Meeting

The Council noted that the Extraordinary Council regarding the Local Plan would be held on 14 December 2017 at 6pm.

(iv) Floral Display

The Chairman announced that he intended to send the flowers from tonight’s meeting to Abbeyfield’s Rider House in Loughton.

### **55. PUBLIC QUESTIONS (IF ANY)**

(a) **Publicity of the Local Plan**

**Question from Terry Blanks to Councillor J Philip, Planning and Governance Portfolio Holder**

“The Council is proposing to make public via the proposed Council Meeting on 14 December the result of their 5 year efforts to produce a Local Plan. Will you undertake any extra publicity of this event to ensure residents have the earliest opportunity to discover what you plan for their future.”

**Reply of Councillor J Philip, Planning and Governance Portfolio Holder**

“Residents who read the local newspapers or take an interest in the meetings of Epping Forest District Council may already recall a number of public statements I have issued indicating our intention to present the Local Plan for Regulation 19 representations at the extraordinary meeting of Full Council on 14 December.

With the approval of Full Council, I intend to publicise the Local Plan with an invitation to residents and stakeholders to make representations on its legality and soundness prior to submission to the Planning Inspectorate early in 2018.

The urgency of the process has become apparent following recent government announcements suggesting that this district – and other council areas – could receive significant increases in housing allocations where Local Plans are not submitted to the Planning Inspectorate by 1 April. In the case of Epping Forest District, this could mean an increase of around 9,000 additional homes, over and above the 11,400 identified by our draft Local Plan in 2016.

However, as the Leader of Council and others have said before, the Local Plan is probably the most important single project being undertaken by the Council. The success of our Local Plan will have a direct bearing on the protection and preservation of the character of our district for years to come while providing the balance of new housing and infrastructure the district needs to meet the challenges of a changing and growing population.

In order to ensure that residents and stakeholders are aware of the Pre Submission Plan the Council will be updating the website to host the Plan and supporting materials.

- an online response form through which residents and other stakeholders will be able to submit their representations on the Plan for consideration at the Examination in Public.

In addition the Council will be:

- issuing a series of media releases in the period running up to and during the six-week period for representations;
- placing advertising in local newspapers and online outlets;
- primarily utilising Facebook and Twitter we will issue social media messages linked to and integrated with the Council’s website; and
- Online video – the Council will extend its online reach through a new YouTube hosted video.

On a personal note, similarly to our Regulation 18 consultation last year, I shall be making myself available for interview with our local media including, BBC Essex, local newspapers, local online news and any other reporters we can interest in the process. You can also follow me on my Twitter handle @cllrjohnphilip.”

**Supplementary Question from terry Blanks to Councillor J Philip, Planning and Governance Portfolio Holder**

“Will a copy of the Local Plan be published to accompany the Council agenda; and in sufficient hard copy numbers for all those attending the meeting?”

**Reply of Councillor J Philip, Planning and Governance Portfolio Holder**

“Yes, the Local Plan will be published at the same time as the Council agenda and the Council will publish a reasonable amount of hard copies. This is the case for all meetings and the Local Plan will be available on the Council’s website.”

**56. QUESTIONS BY MEMBERS UNDER NOTICE**

The Council noted that there were no members questions submitted for consideration at the meeting.

**57. REPORTS FROM THE LEADER AND MEMBERS OF THE CABINET****(a) Leader of the Council**

The Leader advised that the Council had a good track record in investment of the quality of services provided to the District residents, which had been achieved by prudent financial management and effective relationships with the public and private sector partnerships. In October, he had the pleasure of attending the opening of John Scott Court, which had been the first council houses built by the Council in 30 years. Secondly, he had attended the ground breaking event, which marked the start of construction for the new leisure centre in Waltham Abbey. He also advised that there were also improvement plans for the future of all the District’s leisure centres.

Furthermore, the Leader informed members that the Council’s number one priority would be the delivery of the Local Plan. He would be working with the Planning and Governance Portfolio Holder, listening to views and working closely with Ward Councillors before the meeting on 14 December 2014. There would be a lot of work to be done to get the final draft Local Plan in place, but everyone had risen to the challenge and he thanked everyone involved.

**(b) Finance Portfolio Holder**

Councillor G Mohindra advised that the annual consultation for the Council’s Local Council Tax Support (LCTS) scheme had now closed. There had been 267 hits on the survey, although the majority had not completed the survey. An additional 12 responses had been received after the survey had been reopened but the majority supported the proposals being put forward and were not in receipt of council tax support.

The 100% rate retention bid had been submitted to the DCLG on Friday 3 November 2017, although Thurrock Council had decided to remove themselves from the bid. This withdrawal had been most unhelpful and had reduced the chances of the bid being successful with the DCLG’s stating preference for bids covering entire Counties but it had still been submitted with the 15 remaining authorities.

**(c) Safer, Greener and Transport Portfolio Holder**

Councillor S Kane updated members following the increased anti-social behaviour that had surrounded Halloween on 31 October 2017. He advised that a planned operational response had been delivered by the Community Policing Team which had been supported by EFDC Community Safety Team to help direct of police resources around the District.

(d) Planning and Governance Portfolio Holder

Councillor J Philip advised that he would be carrying out local plan briefing sessions with members on an area by area basis with an additional briefing before the publication of the Council's agenda on 14 December 2017, so that any queries could be sorted out before that meeting. He asked members to contact himself or officers, if they had any queries before the meeting on 14 December 2017.

(e) Technology and Support Services Portfolio Holder

Councillor A Lion advised that members would now be receiving their pay slips through the online system, iTrent. He informed members that drop in sessions had been provided before the Overview & Scrutiny Committee on 31 October 2017 and would be provided again before the Council meeting on 21 December 2017.

**58. QUESTIONS BY MEMBERS WITHOUT NOTICE**

(a) Epping Forest Six Form Consortium

Councillor S Murray asked the Leader, whether he would;

- i) note the success of the Six Form Consortium;
- ii) congratulate the Teachers, Head Teachers, Governors and Students for the success of the consortium; and
- iii) acknowledge that the first two years of the consortium had reversed the decision made 30 years ago to remove the Districts Six Forms.

Councillor C Whitbread advised that he applauded the success of the Six Form Consortium arrangements in the District and 30 years ago, there were probably a variety of decisions made, that people may now regret.

(b) Recycling Sacks

Councillor C C Pond asked the Environment Portfolio Holder whether he could have the estimated annual value of EFDC recycle sacks recovered at the recycling centre.

Councillor C Whitbread advised that he would have the answer put into the Members Bulletin.

(c) Local Plan

Councillor J M Whitehouse asked the Planning and Governance Portfolio Holder whether he had any progress and responses from Government concerning the Local Plan; and when would the responses to the Council's Regulation 18 Consultation be published on the Council's website.

Councillor J Philip advised that there had been no significant feedback from Government, although as an authority and as part of a co-operation board, the Council would be making responses to the consultation.

In regard to the Regulation 18 responses, officers were making sure that the responses had been redacted and this was in progress. He would be able update members at the Cabinet meeting on Thursday 9 November 2017.

(d) Buckhurst Hill Parking Reviews

Councillor S Neville asked the Safer, Cleaner & Transport Portfolio Holder, if an update could be given on the Buckhurst Hill Parking Review consultation, which had taken place in March 2017, and included Walnut Way and Station Way.

Councillor S Kane advised that he would obtain a progress report and send it directly to Councillor Neville.

(e) Loughton Leisure Centre Crèche

Councillor R Brookes asked the Leisure & Community Services Portfolio Holder, asked whether there had been any progress on accommodating crèche facilities at the Loughton Leisure Centre when it reopens next year?

Councillor H Kane advised that she had no further updates to her report but she had asked Places for People to explore the feasibility of providing a new crèche and they were trying their best to accommodate.

(f) Retails Langston Road

Councillor S Murray asked the Assets and Economic Development Portfolio Holder how some members were regarding the Retail Park at Langston Road, as a flagship policy and why were pedestrians given no dedicated route to cross roads over to the retail park from the Roding Ward area.

Councillor A Grigg advised that some of the highways works were not completed and she was disappointed that residents were not able to cross safely into the retail park, but she would look into it and put an answer in the Members Bulletin. Regarding the flagship policy, she advised that some members saw the benefit to residents, the Council and the employment opportunities, although it was a matter of opinion.

(g) 418 Bus Route

Councillor C C Pond asked the Safer, Cleaner & Transport Portfolio Holder whether he was aware notice had been given by the commercial operator for the cancellation of route 418, Epping to Loughton from the New Year; and would he consider a joint approach to responsible authorities to secure a replacement for this service

Councillor S Kane advised that he had not been aware and diminishing bus services were a district wide problem. The council would need to look towards a joint approach and he would investigate what options were available for the 418 service.

## 59. MOTIONS

The Chairman reported that there were no motions to be considered at this meeting.

## 60. CONSTITUTION - REVISIONS AND ASSOCIATED MATTERS

**Mover: Councillor M McEwen, Chairman of the Constitution Working Group**

Councillor M McEwen presented a report on minor amendments to Working Group's Terms of Reference; a discrepancy to Article 6 (Overview and Scrutiny) Overview and Scrutiny Committee – Public Questions; changes made to Article 10 – Changes to Membership of Area Plans Sub-Committee and Overview and Scrutiny – Consultation Documents; and a review on the Planning Code of Practice.

Report as first moved **ADOPTED**

**RESOLVED:**

That the following changes be adopted and the Constitution be amended to reflect these changes;

Terms of Reference

(1) That the Terms of reference for the Working Group be amended to remove the initial requirement to have reported to the full Council by March 2016 on the new Council Constitution;

Overview and Scrutiny Committee – Public Questions/Consultation Documents

(2) That the following revisions be made to the Procedure Rules of the Constitution:

- (a) A Q3(1) (Revised) “Members of the public may ask questions of the Leader of the Council, any Portfolio Holder, or the Chairman of the Overview and Scrutiny Committee, at ordinary meetings of the Council”;
- (b) Q3(2) (New) “Members of the public may also ask questions of any Portfolio Holder at ordinary meetings of the Cabinet and of the Chairman of the Overview and Scrutiny Committee at ordinary meetings of the Committee”; and

(3) That the following revision be made to Appendix 1 of Article 6 of the Constitution:

- (a) 1(q) “to review the implications of consultation documents relating to matters affecting the Epping Forest District, where requested by members or considered appropriate by the relevant Service Director, and to respond to such matters on behalf of the Council”;

New Planning Code of Practice

(4) That the Planning Code of Practice attached at Appendix 1 to these minutes be adopted; and

Article 10 – Changes to Membership of Area Plans Sub-Committees

(5) That the existing paragraph (3) of Article 10 of the Constitution be deleted and substituted with the words “(3) Newly elected members maybe appointed to the relevant Area Plans Sub-Committee at the next ordinary meeting of the Council”.

**61. APPOINTMENTS TO COMMITTEES & OUTSIDE ORGANISATIONS 2017/18**

**Mover:** C Whitbread, (Chairman of the Appointment Panel and Leader of the Council)

Councillor C Whitbread reported on further outstanding appointments to Committees, Partnership Boards and Outside Organisations for the remainder of the 2017/18 municipal year or stated term of office.

Report as first moved **ADOPTED**

**RESOLVED:**

- (1) That Councillor P Stalker be appointed on the Joint Consultative Committee for the remainder of the 2017/18 municipal;
- (2) That Councillor S Kane be appointed to the Off-Street Car Parking Contract Partnership Board for the remainder of the 2017/18 municipal;
- (3) That Councillor P Stalker be appointed deputy representative to the Stansted Airport Consultative Committee, for the remainder of the 2017/18 municipal year;
- (4) That Councillors S Kane and G Shiell be appointed as deputy representatives to the Lee Valley Regional Park Authority until 30 June 2021; and
- (5) That Councillor P Stalker be appointed a member of the Plans East Sub-Committee for the remainder of the 2017/18 municipal year.

**62. OVERVIEW AND SCRUTINY COMMITTEE**

The Chairman of Overview and Scrutiny Committee, Councillor M Sartin gave a verbal update from the meeting on 31 October 2017. This included guests speakers from Barts Health NHS Trust, regarding to the continued improvement of inpatient, outpatient and other medical and emergency services at Whipps Cross University Hospital; a final report from the Transformation Task and Finish Panel; the appointments of Councillor P Stalker to the Resources Select Committee and Councillor N Bedford to the Governance Select Committee; and that the Chairman and Vice Chairman of the Resources Select Committee being confirmed as Councillor A Patel and Councillor D Sunger as Chairman and Vice-Chairman respectively.

Finally, Members would have the opportunity to scrutinise Transport for London with regard to the bus services within the District delivered by them at the next meeting on 9 January 2018.

**63. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS**

- (a) The Council received a written report regarding the Royal Gunpowder Mills from Councillor H Kane, as the Council's representative; and
- (b) Councillor G Mohindra advised that his report on the Local Strategic Partnership would be attached at Appendix 2 to these minutes and placed in the Members Bulletin.

**CHAIRMAN**



### Planning Code of Practice

#### (i) The Aim and Application of the Planning Code

1. This Code is intended to provide Councillors, staff and the Public advice and guidance on the planning process.
2. This Code has the status of advice and should be used to shape Councillors conduct and consideration of all planning matters they are asked to determine. It also deals with the involvement of Councillors and officers of the Council in the operation of the planning system outside the formal decision-making process.
3. In this Planning Code the term “Planning Meeting” means any formal meeting where a planning matter is being determined up to and including the Full Council meeting to determine such an application referred to it by the District Development Management Committee (DDMC).
4. It cannot, however attempt to cover every eventuality or situation.

#### **Further advice on specific circumstances is available from the Council Monitoring Officer and Deputy Monitoring Officer.**

5. Councillors and staff should bear in mind that planning matters are the source of most complaints from the public and early advice is key to ensuring that such complaints do not occur.

#### (ii) The relationship with the Local Members' Code of Conduct

6. This Code is complementary to the provisions of the Council's Code of Conduct for Councillors and Officers but does not repeat its provisions which can be found in Part 5 of the Constitution. It should also be read in conjunction with guidance on gifts and hospitality.

#### (iii) Roles and responsibilities

7. Councillors are elected members of the Council (see Article 2 for their roles and functions). At Epping Forest District Council, every Councillor will be a member of the relevant Area Plans Sub-Committee unless they give notice to the Proper Officer (in this instance the Chief Executive) of their wish not to be a member.
8. These memberships are reviewed only at each Annual Council meeting. Councillors cannot opt in and out of membership during the year unless a review is triggered under the provisions of the Local Government Act 1972 (as amended)
9. It is Councillors' responsibility to represent the views of all the people in their wards. However, in planning matters, there is often a polarisation of views between different sections of the community. It is the role of Councillors to balance these views against planning policy and the wider needs of the district.

#### **Decisions on Planning Applications should always be made on their planning merits.**

10. Some types of planning decision have been delegated by the Council to officers to determine. The extent of this delegation is set out in the Constitution (Part 3, Appendix 3).

#### (iv) Registration and Declaration of interests

11. Upon being elected, Councillors are required to complete a form to register their disclosable pecuniary and other interests. They are required to keep this document under review, to maintain that declaration, and to amend it as necessary within 28 days of any change

in circumstances.

12. This form also contains the interests of the Councillors' spouse, civil partner or person living with the Councillor as a spouse or civil partner (called the 'relevant person')

13. The form is part of the Register of Councillors' interests and is maintained by the Council's Monitoring Officer. The register is available for public inspection and reproduced on individual Councillor webpages for public inspection.

14. Rule 11 of the Council Rules requires Councillors to withdraw from meetings if they have a disclosable pecuniary interest, firstly having declared the existence and nature of the interest. This also applies to interests of the relevant person. Such a declaration is also required by Councillors exercising executive functions. (see Part 5 of the Constitution).

15. Any Councillor being the applicant (with or without representation or by their relevant person) for an application is required to identify him or herself as the applicant on the planning application form, and advise the Monitoring Officer. That Councillor must then take no part in the planning process, and may not attend that part of the meeting. Such an instance will always create a DPI for the Councillor. All applications from Councillors will be heard by the relevant Sub-committee and not otherwise dealt with under delegation.

16. Declaring such an interest at a planning meeting may give rise to a need to alter the Councillor's declaration of interests form. Advice on such matters is available from the Monitoring Officer or Deputy.

17. Members are also subject to the 'Public Perception' test, introduced by Council in 2016, which asks Councillors to consider whether they are predetermined in any matter before participating.

18. For more information of the public perception test see the adopted Code of Conduct for members.

#### **(v) Predisposition, Predetermination and Bias**

19. Councillors must ensure that they do not fetter<sup>1</sup> their ability to participate in the decision making process on an application by making up their mind (or clearly indicating that they have made up their mind) on how they will vote prior to the consideration of the application by the planning committee.

20. The planning committee should, when considering an application, take into account all views expressed (in writing, orally, evidence from the planning officer and the views of other Councillors) in such a way that they are fairly considered in a balanced way before the planning committee reaches a decision.

21. Councillors can be predisposed to a particular point of view but must have an open mind at the point they are required to consider and determine the matter.

22. Section 25(2) of the Localism Act 2011 provides that a decision-maker is not to be taken to have had, or to have appeared to have had, a closed mind when making the decision just because:

(a) the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take, in relation to a matter, and

(b) the matter was relevant to the decision.

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<sup>1</sup> 'Fetter' – confine or restrain themselves by a previous act which makes them appear to have prejudged the issue

23. However, there are some actions which would undermine the Councillor's position; for example, by making declarations of opposition or support in a public forum. This includes press statements, residents' meetings and using social media. As meetings are webcast, Councillors should not appear to have predetermined applications by coming to meeting with pre-prepared written speeches. Councillors must guard against being, or giving the appearance of being, predetermined in this way.

#### **(vi) Membership of other councils and bodies**

##### **Parish and Town Councils**

24. Applications are routinely referred to Parish and Town Councils for statutory consultation. The Parish/Town Councils do not determine planning applications, but submit (if agreed) comments as part of the planning application process.

25. District Councillors do not need to make general declarations of interest at those meetings if it is based solely on the dual hatted nature of their role. (Other interests must be declared)

26. Where District Councillors are asked to express their views as part of their role as a Parish or Town Councillor, they are able to do so. It may be appropriate at the meeting to make it clear that they may take a different view once they have heard all relevant policy and representations at a subsequent planning meeting when they are determining the application.

27. Applications made to the District Council by a Parish or Town Council themselves are likely to create a conflict of interest for the Councillor if they have been party to decisions made by the Council concerned. It would normally create a non-pecuniary interest under section 8.1 of the Code of Conduct. The public perception test would then apply.

##### **Referrals to DDMC and Council**

28. Referrals from Area Plans Sub-Committees to DDMC or Council do not create an interest that is declarable at the subsequent meeting.

##### **Interests of Cabinet members**

29. Cabinet members who have sponsored any planning application made after a report or portfolio holder decision will normally have created a non-pecuniary interest in that application. Participating in any subsequent determination of that application would be subject to the public perception test.

#### **(vii) Pre-application discussions**

30. Enabling a developer to brief and seek the views of elected Members and Planning Officers about planning proposals at an early stage (usually pre-application or where this is not possible, very early in the formal application period) is important in ensuring that new development is responsive to and reflects local interests/concerns where possible. Early Councillor engagement in the planning process is encouraged and supported by the National Planning Policy Framework and is particularly important to allow Councillors to help shape future strategic developments in the Local Plan.

31. Discussions between a potential applicant and the council (officers or Members), prior to the submission of an application can be of considerable benefit to both parties and is encouraged. However, it would be easy for such discussions to become, or to be seen, particularly by objectors, to become, part of a lobbying process on the part of the applicant.

32. The purpose of member briefings should be:

- To enable Councillors to provide feedback that supports the ultimate submission of high quality development through the pre-application process, and avoid potential delays at later stages;
- To ensure Councillors are aware of significant applications prior to them being formally considered by the planning committee;
- To make subsequent planning committee consideration more informed and effective;
- To ensure issues are identified early in the application process, and improve the quality of applications; and
- To ensure Councillors are aware when applications raise issues of corporate or strategic importance.

33. In order to avoid such perceptions, pre-application discussions will take place within the following guidelines. (Although the term 'pre-application' has been used, the same considerations should apply to any discussions which take place at any time before a decision is taken):

- The decision making process applicable should be explained to the potential applicant.
- It should always be made clear at the outset that the discussions will not bind the Council to making a particular decision and that any views expressed are personal and provisional.
- Advice should be consistent and based upon the development plan and other material considerations. There should be no significant difference of interpretation of planning policies amongst planning officers.
- A written note should be made of important meetings.
- If possible, at least one officer should attend any such meeting involving a Member, or notify the officer in advance of the meeting.
- In the case of advice given by planning officers it should always be made clear that any views which they express are subject to review at a more senior level with whom the final recommendation to committee lies or the officer properly exercising a delegation.

#### **(viii) Contact with applicants, developers and interested persons**

34. Approaches from applicants, potential developers and applicants or objectors are a normal and proper aspect of the political process. However, unless the parties concerned exercise care and common sense, this can lead to the impartiality and integrity of Members being called into question. A planning committee decision may be susceptible to judicial review where there is a real danger of bias.

35. To avoid such problems, discussions should take place within the following guidelines:-

- Members should attend pre-application meetings only if organised in accordance with section (vii) above
- Members must take care not to indicate they have made up their minds on any planning application or issue before they have heard and/or read all the evidence, and should make clear that any views expressed are personal and provisional.

- Members should make it clear that they will not be in a position to make a decision until they have heard and/or read all the relevant evidence and arguments at the Committee meeting. The Committee report may contain issues previously unknown to Members; other aspects, not previously evident, may arise during the Committee's deliberations.

#### **(ix) Lobbying**

36. It is recognised that lobbying is a normal and perfectly legitimate element of the process of considering planning applications.

37. It is, however, important that Members protect their impartiality and integrity in planning matters. Members will not breach the Code by listening to or receiving viewpoints from residents or other interested parties provided that they make it clear that they are keeping an open mind. However, expressing an intention to vote one way or another before a planning committee meeting would prejudice impartiality.

38. Lobbying may be in person or by circulation of letters or documents to all or some Councillors.

39. Councillors should not organise support for or against a planning application and should not lobby other Councillors, as this would signal that they had made up their mind before hearing the evidence. Each Councillor should make up his or her own mind on the evidence and facts presented to the committee.

#### **(x) Officers**

40. Officers are paid employees of the Council. For planning, the Council employs appropriately qualified staff to make recommendations on planning applications to Councillors to be determined at meetings.

41. The function of officers is to support and facilitate the Councillors in their work and to ensure that robust, lawful decisions are made and that planning decisions are made in accordance with the local plan and material planning considerations.

42. Officers are required to act with impartiality at all times in determining or making recommendations upon planning applications. In considering applications and in advising members of the public and Councillors on planning policy, enforcement and other planning related matters, Officers are bound by the Officer Code of Conduct.

43. This process must be transparent and respect the sometimes contrary views, maintaining respect between the parties. Failure to maintain professional respect at any part of the planning process is a breach of the relevant code of conduct for either party.

44. In certain circumstances, where officers within development control or economic development submit a planning application, applications will be heard formally at the relevant member committee. (Part 3 – Scheme of Delegation – Appendix 3).

#### **(xi) Attendance and participation at public meetings**

45. All planning decisions are taken in public session at meetings except if they are delegated to officers. Planning issues usually attract high levels of public interest and attendances reflect this.

46. With high levels of public interest and sometimes contentious decisions to be made, confidence in the planning system is important. Issues such as conflicts of interest, lobbying, officer advice, the conduct of meetings and focus on planning considerations will colour the public perception positively or negatively. All participants need to keep this in mind. This will include your attendance at other public meetings convened locally. See section (v) on

predisposition.

47. The Council has a policy of allowing public speaking by applicants, objectors, other statutory authorities and Parish/Town Councils. The rules are set out in Article 10 which may be varied by the Chairman at their discretion. A ward member also has the right to speak at the District Development Management Committee when a Council-owned site is referred for review by that committee.

**(xii) Site visits**

48. Formal Site visits may be undertaken of any potential development site subject to application where there is a substantial benefit to the decision-making process. Further detail on the procedures that apply to site visits and the circumstances where a formal site visit is appropriate can be found in Article 10 (District Development Management Committee and Area Plans Sub-Committees).

49. Councillors may wish to view sites themselves prior to meetings but should stick to the public highway unless invited onto the site by the owner, observe practical 'lone working' principles and bear in mind the advice given at section (v) about predetermination.

**(xiii) Officer reports and recommendations;**

50. Officers will provide professional advice to members with a recommendation whether or not planning permission should be granted, based on the officer's assessment.

51. Each officer's report to the committee will provide:

- Details of the site, a site plan, its ward and description of the proposal and an internet link for viewing the plans
- The proposed decision recommended by the officers
- Details of either conditions (for approval) or reasons for refusal
- Relevant site history and policies applicable
- Summary of consultations carried out and representations
- A narrative on the issues and considerations of the application and a conclusion.

52. If, having read the reports prior to the meeting, Councillors have questions relating to the applications, they should contact the case officer without delay. This enables the officer to answer queries of a factual nature that could delay determination should they be asked at the meeting. The contact details of the relevant case officer are at the end of each report.

53. Reading the reports may help Councillors form an initial view of the proposals

**(xiv) Conduct during public meetings**

54. At the Planning meeting, applications will be heard in the order they appear on the agenda except where the chairman decides otherwise and seeks the assent of the meeting to the change of order. An example of where this could be agreed is when the meeting is being attended by a large number of people only interested in one contentious item. Chairmen should not delay items to allow Councillors, applicants or objectors to be present (see Rule V1 – Voting – Voting on quasi-judicial matters).

55. Each development control item will be dealt with as follows:

- (a) the planning officer present will her/his report including planning considerations, relevant local and national planning policies and a summary of any late representations received
- (b) evidence will be taken from registered public speakers (see Article 10, Appendix 1 for the rules of debate that apply);

(c) Councillors will then debate the matter seeking information from the planning officer that arises from the debate. Councillors' commentary should be based on the material planning considerations of the matter. It is the convention that the Chairman will allow both the ward councillor and non-committee members to speak as part of the debate.

**(xv) Decision-making;**

**Delegated Decision making**

56. The Council's Scheme of Delegation specifies clearly the categories of applications that may be determined by officers (see Part 3 of the Constitution – Scheme of Delegation – Appendix 3). This scheme may be reconsidered from time to time by the Council.

57. Where officers are determining applications under their delegated powers, an officer report will be completed which must record the material planning considerations that have been taken into account in the decision making process and the decision made by an officer with the relevant delegated power from the Council.

58. Councillors may call-in an application proposed to be determined by officers to the relevant committee for determination in accordance with the rules set out in Part 3 of this constitution, but must consider their reasons for so doing.

**Decision making by Councillors**

59. At the conclusion of the debate (subject to no contrary motion being moved and seconded) the recommendation of officers will be put to the committee by the chairman. This does not require a seconder.

60. Decision making at meetings shall be by way of a majority of Councillors present at a meeting voting positively for either approval or refusal. This is subject to the preservation of the required quorum at the time the vote is taken and shall be subject to Rule V1 (Voting) and Rule M2 (Minority References)

61. Voting down the recommendation of officers at the meeting does not mean that a decision has been taken on the application. A motion from a Councillor, seconded by another Councillor with reasons that are planning based is required.

**(xvi) Decisions contrary to the officer recommendation**

62. Decisions on planning proposals must be taken in accordance with the local plan unless material considerations indicate otherwise. In determining planning and other applications the committee is entitled to decide the weight to be attached to the various planning considerations which are relevant to the application. This can lead to a decision which is contrary to the recommendation of the Officers. The Committee can for example decide:

- to refuse planning permission where officers have recommended approval;
- agree with officers that permission should be refused but for different or additional reasons; or
- grant permission subject to different conditions or legal requirements than those recommended.

63. Where any Councillor is proposing to put forward a motion contrary to the officer recommendation, the committee Chairman will ensure that the planning reasons are apparent **before** a vote is taken and will ensure that the planning officer is given an opportunity to explain to the committee the implications of their decision.

64 Applications proposed to be granted which are substantial departures from the policy

framework, local plan, have financial implications or require the referral to the Secretary of State for approval or are applications on Council-owned sites that are refused by an Area Plans Sub-Committee (if such a refusal is contrary to the officers recommendation) must be referred to the District Development Management Committee (see Article 10, Area Plans Sub-Committees for more detail)

**(xvii) Training;**

65. It is fundamental that Councillors (including Parish and Town Council members) involved in planning matter should receive appropriate training, **before** being involved in making planning decisions. The Council will facilitate such training, which should be regarded as obligatory for all Councillors. The Standards Committee have also determined that Councillors should attend Code of Conduct training at least once per Council term. Councillors should also attend sessions designed to keep them abreast of new developments, as specified by the Authority.

**(xviii)**

**Review.**

66. This Code will be reviewed from time to time as necessary by the Council's Constitution Working Group having taken input on standards matters from the Standards Committee.

Version V4  
Simon Hill  
November 2017



## Report from Councillor G Mohindra, Chairman of One Epping Forest

“Our Local Strategic Partnership (LSP) is called One Epping Forest and has been restructured following a consultation with its partner organisations. This consultation recommended that the partnership narrow its focus to supporting public services to ‘deliver better services together’. Two key areas were chosen, Economic Development and Health & Wellbeing. The Board of the Partnership which meets 4 times per year, has been reduced in size. It is now made up solely of senior representatives from funding organisations, this includes Epping Forest College, Corporation of London, Vibrant Partnerships, West Essex CCG and Epping Forest District Council. The Board has retained the convention that it is Chaired by an elected member, currently Cllr Mohindra. There are two major delivery groups, a Health and Wellbeing Board, Chaired by the Vice Chair of West Essex CCG, and an Economic Board Chaired by Cllr Grigg. There are a number of sector or issue specific working groups including: Food Board, chaired by Cllr Bassett, Smart Places/Digital Innovation Group, chaired by Cllr Lion, Tourism Board, chaired by Vibrant Partnerships and a Green Task Force, previously chaired by Cllr Waller, which is currently not meeting. The future of this group is under review. A further group to focus on skills is being established under the leadership of Epping Forest College. This group is expected to meet within the next four weeks. Each element of the partnership is supported by a wide range of partners (up to 30 external organisations are involved). Some elements of work focus purely on Epping Forest district, however other elements involve leadership beyond the district boundaries, such as Digital and Health & Wellbeing. Central support is provided by an officer funded jointly by EFDC and external partners. A leaflet is available explaining the partnership and its structures and a new website is being finalised. The partnership is planning to re-establish its annual stakeholder conference, which previously attracted over 100 delegates from local groups, but continues to run major events such as Tourism Summits and Smart Places Seminars to engage in key areas of work.”

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