

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

<b>Committee:</b>	Constitution Working Group	<b>Date:</b>	Tuesday, 20 September 2016
<b>Place:</b>	Committee Room 1, Civic Offices, High Street, Epping	<b>Time:</b>	7.00 - 8.26 pm
<b>Members Present:</b>	Councillors M McEwen (Chairman), M Sartin (Vice-Chairman), D Dorrell, J Philip, C C Pond, C P Pond, D Stallan, H Whitbread and J H Whitehouse		
<b>Other Councillors:</b>	Councillors R Bassett and S Kane		
<b>Apologies:</b>	A Mitchell and G Waller		
<b>Officers Present:</b>	S G Hill (Assistant Director (Governance & Performance Management)), S Tautz (Democratic Services Manager) and M Jenkins (Democratic Services Officer)		

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### **1. Substitute Members (Minute Item 39 - 23.7.02)**

There were no substitute Members appointed.

### **2. Notes of Previous Meeting**

#### **RESOLVED:**

That the notes of the last meeting of the Working Group held on 22 March 2016 be agreed.

### **3. Terms of Reference and Work Programme**

#### **(a) Terms of Reference**

It was noted that Item (1) To complete a review of the Council's Constitution by 31 March 2016 needed deletion as this had been completed.

#### **(b) Work Programme**

There were 3 items on the Work Programme:

- (i) Review of Planning Protocol (for discussion at this meeting).
- (ii) Gifts and Hospitality Provisions – Review was scheduled for the 21 February 2017 meeting.
- (iii) Audit and Governance Committee – Review was scheduled for 2018.

### **4. Review of Planning Protocol**

The Working Group received a report on the Planning Protocol from the Assistant Director Governance and Performance Management.

The Working Group were reminded that work on the new Constitution was substantially completed in March 2016. The Working Group did wish to come back and review two elements, firstly the guidance on gifts and hospitality and, secondly, the Planning Protocol. These documents were not included in the final version of the Constitution.

The Planning Protocol was last reviewed in 2007, since that time, the passing of the Localism Act meant that there had been some clarification on the role of Members, particularly interests in planning matters and the types of interests that were now required to be disclosed.

Counsel had been asked to provide a commentary on the current protocol. Mark Beard, therefore, had provided the Council with some exemplar codes and protocols from other authorities. It was suggested that the Council's document should be updated and as a minimum should cover the following:

- (a) The aim and application of the Planning Protocol.
- (b) The relationship with the Local Member's Code of Conduct.
- (c) Roles and responsibilities.
- (d) Declaration of Interests.
- (e) Predisposition, predetermination and bias.
- (f) Membership of their councils and bodies.
- (g) Pre-application discussions.
- (h) Contact with applicants, developers and interested persons.
- (i) Lobbying of and by Councillors.
- (j) Officers.
- (k) Attendance and participation at public meetings.
- (l) Site visits.
- (m) Officer reports and recommendations.
- (n) Conduct during public meetings.
- (o) Decision making.
- (p) Decisions contrary to the officer recommendation.
- (q) Training.
- (r) Review.

In the Member's discussion, it was felt that the protocol should take account of the "Way Forward" which Councillors suggest for the benefit of applicants where planning applications have been refused. The Assistant Director Governance and

Performance Management advised that he would speak with the Assistant Director Development Management about this.

Changes to pre-determination and dispositive meant it was important to acknowledge the difference in the new protocol. For example a Cabinet decision on a particular site would not necessarily mean that any Portfolio Holder involved had a Declarable Pecuniary Interest in a future planning application connected with that site. It was advised that members may have seen the same planning application more than once through different tiers. Any unsurety should be directed to the Monitoring Officer for clarification. However the Protocol would need to delve deeper into this.

The Working Group suggested that a Licensing Protocol was also needed, this should be discussed with the Licensing Committee. Councillor D Stallan proposed that a draft licensing Protocol should be added to the Working Group Work Programme and consultation take place with the Licensing Committee members, at the appropriate time. This was seconded by Councillor C C Pond, the Working Group agreed.

It was felt that the Standards Committee, Parish and Town Councils, Local Council's Liaison Committee and the Members of the Joint Meeting of Development Management Chair and Vice Chair needed to be consulted on the new Planning Protocol.

It was advised that an updated draft of the Planning Protocol should be circulated to Working Group members for comments. An extra-ordinary meeting would be scheduled if significant amendments were needed.

**RESOLVED:**

- (1) That officers submit an updated draft of the Planning Protocol to Working Group Members for comments;
- (2) That consultation be undertaken with Members and the following Committees and authorities;
  - (a) Standards Committee;
  - (b) Local Council's Liaison Committee; and
  - (c) Joint Meeting of Development Management Chair and Vice Chair.
- (3) That the Working Group, at its next meeting, approve the final draft document for recommendation.

**5. Update on New Constitution**

The Select Committee were advised by the Democratic Services Manager of recent updates made to the Constitution. There had been slight amendments to the document but no operational issues had developed in the preceding 6 months.

**6. Dates of Future Meetings**

The next meeting of the Working Group would be held on Tuesday 21 February 2017.

**CHAIRMAN**