

**EPPING FOREST DISTRICT COUNCIL  
NOTES OF A MEETING OF CONSTITUTION WORKING GROUP  
HELD ON TUESDAY, 20 FEBRUARY 2018  
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING  
AT 7.00 - 8.42 PM**

**Members Present:** M Sartin (Chairman), , D Dorrell, L Hughes, S Kane (Safer, Greener & Transport Portfolio Holder), J Philip (Planning and Governance Portfolio Holder), C C Pond, C P Pond, D Stallan (Chairman of the Council) and J H Whitehouse

**Other members present:** None.

**Apologies for Absence:** M McEwen

**Officers Present** S Hill (Assistant Director (Governance)), N Richardson (Assistant Director (Development Management)) and V Messenger (Democratic Services Officer)

**14. SUBSTITUTE MEMBERS**

There were no substitute members at the meeting.

**15. NOTES OF PREVIOUS MEETING**

**RESOLVED:**

That the notes of the last meeting of the Working Group held on 25 January 2018 be agreed as a correct record.

**16. TERMS OF REFERENCE & WORK PROGRAMME**

(a) The Terms of Reference were noted.

(b) Work Programme

- (i) Item (4) Procurement Rules – it was noted that the updated Procurement Rules would be going to Council on 24 February 2018 for adoption.
- (ii) Item (5) Review of Audit and Governance and Standard Committees – this item would be deferred until the next meeting.
- (iii) Item (6) Gifts and hospitality advice – as this item was still outstanding, it would be rescheduled into the 2018/19 meetings cycle.

**17. PLANNING PROCESS REVIEW 2017/18 - DELEGATION, OBJECTIONS AND COMMITTEE SYSTEMS**

(1) Committee systems for members considering planning applications

Most councils had one or two planning committees which this Council had also had up until 1999. These two planning committees had dealt with applications when they

were ready for determination on a non-geographic basis. In 1999 approval was given by members to create four area committees, A, B, C and D. However, these committees had a wider remit that had included some devolved budgets. In 2007 a review reduced the planning committees to three areas, East, South and West.

It was noted that all other meetings of the Council followed the provision in the Local Government Act 1972 in that they were:

- (a) Subject to pro rata at the same proportions of seats for groups as it held on the main council;
- (b) Maintained the overall majority for each committee that reflected that of the full Council seats;
- (c) Did not have a membership made up of one group only (except those related to Cabinet which was allowed under the 2000 Act).

Further, exceptions to pro rata were allowed by the Local Government (Committee and Political Groups) Regulations 1990, Section 19(c) (SI 1990, 1553), where:

- (a) the voting members of the committee consisted solely of persons who were elected for the electoral divisions or wards which were wholly within that part; and
- (b) the area of that part did not exceed two fifths of the total area of the authority; or
- (c) the population of that part, as estimated by the authority, did not exceed two fifths of the total population of the area of the authority as so estimated.

This was the basis on which the current three Area Planning Sub-Committees had been formed – to consider only those applications located within its geographic area.

However, research undertaken by officers had shown that between November 2016 and October 2017, there had been:

- An imbalance in workloads of these sub-committees, as Plans South dealt with significantly more applications;
- Plans South held more than 40 per cent of the District's population (contrary to 20(c));
- Plans East had more than 40 per cent of the District's area (contrary to 20 (b));
- A greater number of household applications were submitted from the District's more urban area; and
- Pro rata could not be achieved under the current configuration of committees.

The Assistant Director (Governance) advised that the forthcoming District elections on 3 May 2018 were an unknown quantity that might create additional imbalances. However, all the current planning committees did meet legal requirements but were not really in the spirit of the LGA. Also the District Development Management Committee (DDMC), which met once every other cycle, had the capacity to do more meetings, perhaps monthly.

Thus the following options were considered by members of the Working Group:

- (a) Do nothing at this time pending the assessment of the effect of not routinely referring 'other' category and householder applications to sub-committees and review in a year;
- (b) Change the number of or configuration of the sub-committees (any area committees would need to meet the test in paragraph 20 above);
- (c) Change the sub-committees to normal pro-rata committees, which would mean having a membership open to all members; or
- (d) Increase the number of DDMC meetings and alter the responsibilities of those committees relative to each other.

The Working Group had to consider the impact on officers' workloads and that they were split differently into two teams, North and South, whereas the sub-committees covered the areas – East, South and West. There was the option of altering DDMC's responsibilities by lowering the thresholds and changing the frequency of the number of meetings. The Council was also anticipating an influx of planning applications for Local Plan (LP) sites, which would mean an increased workload on members and officers, hence this report.

Councillor C C Pond commented that ten years ago the Plans South membership had changed to every councillor (relevant to that committee) was a member. He asked what consultations were likely to take place with local councils on the possible restructuring of planning committees, as members of the Essex Association of Local Councils (EALC) Epping Forest Branch had raised their concerns at its meeting on 6 February 2018. It was noted the Branch Secretary had outlined their concerns in an email to some Working Group members and officers.

The Assistant Director (Governance) advised that until members had agreed to make any recommendations there could not be a consultation.

Councillor M Sartin (Chairman) commented that the planning committees were all 'apolitical' and that members were not whipped.

A discussion followed where some members were in favour of non-geographic pro rata groups, provided that ward representation would be taken into consideration. There was merit in this because it would streamline and make the process faster. The judicial selection process could work. Therefore members with local knowledge could become involved in local issues that could influence their decision, so it was better to have a 'disconnected' view on applications. Other members disagreed and were of the opinion that geographic representation was very important, particularly to residents who wanted councillors with local knowledge. This was because there were significant differences between areas in the District. Also with non-geographic committees, ward members might find themselves at a meeting every week.

Other options / comments voiced included:

- Plans South had too many applications to consider and that if a meeting went on too late, then this was not advantageous to members or the public.
- To redistribute the wards within the existing three to improve the current imbalances;
- To move to four committees;
- If a fourth committee was introduced, Buckhurst Hill and Chigwell could be one with Loughton on its own or include Abridge and Passingford; or Buckhurst Hill and Loughton could be together while Chigwell joined another area;

- Increasing the number of meetings would increase the workload on officers and members;
- Set up an additional committee to handle applications of LP sites only, which would run parallel to DDMC;
- More site visits would be an additional burden;

Councillors had to look at the planning application process from a quasi judicial viewpoint, that decisions were made on a planning basis, that it was balanced and that the various voices were heard. They had to remember that they were not representing the public at planning committees but the Council as the Local Planning Authority (LPA). As planning applications could become emotive and the public were proactive in speaking at planning committees, it was important to get any potential restructure right.

The Assistant Director (Governance) said that Development Control provided a service to the applicants, who were often frustrated with delays to their applications when these went to committee. Applicants did not have any option but to agree to any delays. Therefore the LPA was missing targets. However, if the threshold of the size of sites was to change, this would have an impact. Furthermore, the customer planning processes were being looked at by the Head of Customer Service.

The Assistant Director (Development Management) continued that planning officers often had to deal with applicants' complaints during the process before the applications reached committees, which in itself increased their workload. At the beginning of the process officers did not know if any objections would be received. The LPA should deal with most applications within 8 weeks, except major applications – these had a 13-week completion target. This review was trying to lessen the impact on officers by having fewer committees and streamlining the process, and consequently should be less expensive.

Several councillors agreed with an alternative option – 24(a) Do nothing at this time pending the assessment of the effect of not routinely referring 'other' category and householder applications to sub-committees and review in a year.

The Assistant Director (Governance) replied that members could wait until after the District Elections on 3 May 2018 and see if the results would alter the pro rata membership of the sub-committees. He emphasised that with a new LP emerging, LP site applications would start to rise.

The Assistant Director (Development Management) agreed and that members would want to be involved in pre-applications and masterplanning, which would again increase members' workloads. He said that the Interim Assistant Director of Planning Policy would advise further on these matters. Members might consider changing the threshold from 5 dwellings back up to 10 units. Councillors suggestions to this included: 5 units when objections were received, but 10 units without objections; and changing the thresholds might not make a difference.

The Assistant Director (Governance) said that there was only a certain level of officer time and member time. Some responsibilities at the 'lower' end of the planning process needed to be taken out, to free up time for members to participate in the 'higher' end areas of masterplanning and strategic site developments.

The Portfolio Holder for Planning and Governance said that the LP would not be in place during the next municipal year (MY), or even until the autumn of the following

MY. He again suggested potentially a 'new' committee in the opposite months to DDMC to consider just applications for LP sites, pro rata as DDMC was.

Councillor C C Pond referred again to the recent EALC Epping Forest Branch meeting where local councils had raised their concerns about the loss of a referral to a planning committee when the parish had lodged an objection to an application. He suggested that if a parish/town council objected to an application but this was unsupported by other objections, then the application should go to officer delegation. He thought this would make a difference, and that this should be trialled before Annual Council.

It was decided that it might be better to separate out these two matters to allow more to be achieved.

On local council objections to planning applications / officer delegation, it was agreed that the Assistant Director (Governance) would draft a report for the Working Group and councillors to consider. This report would need to be agreed first before the next Council meeting on 24 April 2018. Following this, to undertake a consultation by letter with all local councils.

However, before any change to the current planning committee structure could be considered, more information would be required to help progress this further. The Working Group outlined the type of information needed to help achieve this, which included:

- Number of applications received from each individual ward;
- Size of wards;
- Population of each ward;
- Population of each Area Planning Sub-Committee;
- Number of LP sites within each ward.

**Agreed:**

- (i) The Assistant Director (Governance) to draft a report on local council objections to planning applications / officer delegation for the Working Group to agree before the next Council meeting on 24 April 2018.
- (ii) The Assistant Director (Governance) to undertake a consultation with all local councils by letter and to circulate the (final) report.
- (iii) The Assistant Director (Governance) to provide more information to enable the Working Group to consider any changes to the current committee structure.

**(2) Style of officer reports**

The Assistant Director (Development Management) said that the officer report format was relatively acceptable. However, it was the volume of applications referred to the planning committees that created the workload for officers and members. He clarified that the wording used for the conditions was the actual wording used in the Decision Notice, when issued by the Council. He also explained that there were two systems currently used by officers to collate any objections received from the public that had allowed errors to creep in, but that new software would allow the two systems to be combined and should be installed soon.

Discussions amongst the Working Group raised the following points:

- Reasons why the application was before the committee (Appendix A) were sometimes wordy / incorrect – perhaps less reasons or a tick box exercise might help;
- Looking at ‘delegation’, members should be given a reason why the ward member had called in the application;
- Spelling errors crept into reports;
- Information that was late and had missed the agenda should be given verbally at the meeting;
- The style of the planning sub-committee agendas was that site maps were always first followed by the officer’s report, which was preferable to the DDMC agenda format where site plans were after the officer report; and
- Site plans were difficult to interpret when they lacked sufficient road or other information to help identify the location of the site.

The Chairman asked if members were able to approve the style of officer reports contained within options (a) to (h) at point 26, which was agreed.

### **(3) Meeting arrangements**

Finally, Councillor N Bedford had asked the Working Group to consider other meeting arrangements, by giving members of the planning sub-committees an additional option before the Development Control item to defer any applications for site visits (Appendix 3). The Assistant Director (Governance) said that any change to the Council’s Constitution was a procedural change. However, an earlier option in the agenda to propose a site visit could be trialled for a specified (brief) period, but that a majority view from the Working Group was required. Discussion between members led to their agreement on trialling this.

#### **Agreed:**

- (1) That the style of officer reports, as detailed in the agenda report at point 26 (a) to (h), was acceptable; and
- (2) Assistant Director (Governance) – to inform councillors and organise a trial to allow members the opportunity to propose and second a site visit for any application on the agenda prior to consideration of that item under Development Control. This would be after the May 2018 elections and for a specified/agreed period.

## **18. REVIEW OF AUDIT AND GOVERNANCE AND STANDARDS COMMITTEES**

It was noted that this item would be deferred to the next meeting for consideration.

## **19. DATE OF NEXT MEETING**

It was noted that an additional meeting would be required in the first half of April 2018 to allow recommendations from the Working Group to be made to Council before the end of April.

NB: The extra meeting was subsequently agreed to be held on 16 April 2018 at 7pm.