

Report to Constitution Working Group

Date of meeting: 20 September 2016



**Epping Forest
District Council**

Subject: Planning Protocol

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Recommendations/Decisions Required:

- (1) That the Working Group considers the Council's Planning protocol and suggest amendments and additions for further redrafting;**
- (2) That consultation be undertaken with members and the Standards Committee on the draft; and**
- (3) That the Working Group, at its next meeting, be asked to approve the final draft document for approval by Council.**

Report:

1. (Assistant Director Governance and Performance Management) As the working group will know, work on the new Constitution was substantially completed in March this year. The Working Group did however want 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.
2. The Planning Protocol was last reviewed in 2007. Since that time the passing of the localism act means that there has been some clarification on the role of members, particularly interests in planning matters and the types of interests that are now required to be disclosed.
3. When Counsel Opinion was sought on the main constitution earlier this year, we asked that Counsel provide us with some commentary on our current protocol. As part of his advice, Mark Beard has provided us with some exemplar codes and protocols from other authorities as a starting point.
4. A copy of the latest version of the protocol is attached as Appendix 1 to this report. A copy of the relevant section of the Counsels Opinion is attached as Appendix 2.
5. It is suggested that although the Council's Protocol does need review, some sections only require updating. It has also been suggested that the Council's document should cover (as a minimum) the following:
 - (i) The aim and application of the Planning Protocol;
 - (ii) The relationship with the Local Members' Code of Conduct;
 - (iii) Roles and responsibilities;
 - (iv) Declaration of interests;

- (v) Predisposition, predetermination and bias;
- (vi) Membership of other councils and bodies;
- (vii) Pre-application discussions;
- (viii) Contact with applicants, developers and interested persons;
- (ix) Lobbying of and by councillors;
- (x) Officers
- (xi) Attendance and participation at public meetings;
- (xii) Site visits;
- (xiii) Officer reports and recommendations;
- (xiv) Conduct during public meetings;
- (xv) Decision-making;
- (xvi) Decisions contrary to the officer recommendation;
- (xvii) Training;
- (xviii) Review.

Members may wish to consider whether this list provides them with sufficient structure or if other matters should be included.

6. The approach taken with the rest of the new constitution is that:

- (a) as far as is possible, duplication has been avoided.
- (b) re-stating legislative positions is not required;

This is suggested approach here. Where the existing protocol deals with matters considered elsewhere in the new Constitution these should not be duplicated, likewise as the procedures relevant to planning decisions are addressed elsewhere they too can be omitted. This will have the effect of shortening the existing document.

7. It is suggested that this protocol could merely point to the relevant sections of the Constitution. Effort would then be made to ensure that the remainder of the advice is put clearly and positively (as suggested by Counsel).

8. Members are asked to:

- (i) consider the existing document to review which sections they wish to delete or keep;
- (ii) review the list suggested by Counsel and make suggested additions as required;
- (iii) indicate sections, from other the authorities documents supplied, they would like to see incorporated.

9. Officers will redraft the document for comments by members and seek the view of the Standards Committee before bringing back the final document for agreement and referral to Council in due course.