

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF JOINT MEETING OF DEVELOPMENT MANAGEMENT
CHAIRMEN AND VICE-CHAIRMEN
HELD ON THURSDAY, 20 APRIL 2017
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.00 - 8.00 PM**

Members Present: B Sandler (Chairman), , S Jones, P Keska, G Chambers, A Patel, A Mitchell, G Shiell, R Bassett (Vice Chairman of the Council) and J Philip (Planning and Governance Portfolio Holder)

Other members present: -

Apologies for Absence: B Rolfe

Officers Present N Richardson (Assistant Director (Development Management)), S Hill (Assistant Director (Governance & Performance Management)), S Tautz (Democratic Services Manager), J Shingler (Principal Planning Officer) and G J Woodhall (Senior Democratic Services Officer)

Also in attendance:

22. NOTES OF THE LAST MEETING

Resolved:

(1) That the notes of the last meeting, held on 4 October 2016, be agreed as a true and accurate record.

23. MATTERS ARISING

In relation to the review of the Planning Protocol, S Hill reported that the new Planning Protocol had been drafted and would be considered by the Standards Committee and Constitution Working Group, as well as this Group. Representations had been made by Officers from the Planning Policy Team, which would be circulated in due course, and S Hill had had a meeting with A Blom-Cooper regarding these representations. The post Annual Council meeting training would be on the current Planning Protocol as this was still valid and would remain so for a while longer.

In response to questions from the Group, S Hill stated that the new Code of Practice would cover various situations that could arise in a meeting, such as what to do when the Officer recommendation was refused by the Committee, and where the recommendation to grant and the proposal to refuse were both lost on a vote. The current flowchart within the Constitution could also be updated accordingly.

24. AREA PLANS SUB-COMMITTEES - SEATING ARRANGEMENTS

S Tautz presented a report on the seating arrangements for the Council's Planning (Sub-)Committee meetings.

Joint Meeting of Development Management Chairmen and Vice-Chairmen

Thursday, 20 April 2017

The Group was reminded that Council had agreed to move the meetings of Area Planning Sub-Committee South from its current location at Roding Valley High School back to the Council Chamber at the Civic Offices for 2017/18. The membership of this Sub-Committee was considerably larger than the membership of the other two Sub-Committees, and it would not be possible to fit all of the Members of the Sub-Committee on the benches. Therefore, Officers had met with the current Chairman of the Sub-Committee and the Group was referred to the draft seating plan distributed at the meeting. This showed the Members of the Sub-Committee sitting in the horseshoe section of the Chamber, with the public speakers sitting on the benches; the Chairman, Vice-Chairman and Officers would sit in their usual positions at the top table.

Cllr Chambers, as the current Chairman of Area Planning Sub-Committee South, suggested that the draft seating plan be prototyped for the initial meetings of the Sub-Committee and amended if necessary in the light of experience. Cllr Chambers also enquired whether there would need to be set seats for Members in the Council Chamber. Cllr Philip responded that there usually was set seating for Members in the Council Chamber for webcasting purposes.

S Tautz reminded the Group that a public disturbance had occurred at the meeting of Area Planning Sub-Committee West on 19 October 2016, which had resulted in a number of changes to the Member and public seating arrangements at Planning (Sub-)Committees:

- (i) Members of the Planning (Sub-)Committee to be seated on the left hand side of the Chamber (as viewed by the Chairman) to enable Members to evacuate directly through the ante room in the event of an incident without having to cross the floor of the Chamber first; and
- (ii) only those members of the public registered to speak at the meeting to be permitted to sit in the Council Chamber, with all other members of the public to be directed to the Public Gallery on the second floor.

S Tautz stated that, following the implementation of these changes, Members of Area Planning Sub-Committee East had raised some concerns regarding the new arrangements. The sitting of all non-speaking members of the public in the Public Gallery meant that it was difficult to gauge public opinion on specific proposals and for the public to observe the proceedings of the meeting. Management Board had considered the differing views regarding the segregation of the public at Planning (Sub-)Committee meetings and had suggested that the issue should be considered at this meeting.

Cllr Keska stated that members of the public seated upstairs in the Public Gallery could not see the Members of the Planning (Sub-)Committees and had to lean over the railing; the audio system in the Public Gallery was not particularly good either. Cllr Jones felt that the vast majority of the public were respectful, but it was disconcerting to not be able to see the reactions of the public during a meeting and made the atmosphere more intimidating. J Shingler added that members of the public were more likely to be vocal when they were in the Public Gallery and N Richardson remembered one instance when an agenda was thrown into the Council Chamber from the Public Gallery at a meeting of the District Development Management Committee. Cllr Philip acknowledged that it was difficult to see proceedings from the Public Gallery as Members did not stand up when they were speaking during Planning (Sub-)Committees, and would prefer it if all members of the public were sat in the Council Chamber as they would feel more involved in the process.

Cllr Sandler reminded the Group of the instance when a planning application for the demolition of the Winston Churchill Public House in Loughton was considered at the District Development Control Committee, which became so disruptive that the meeting had to be adjourned whilst the Chamber was cleared of the Members and the public – the majority of whom were upstairs in the Public Gallery. Cllr Sandler could only remember one instance of public disturbance at Area Planning Sub-Committee South during his time on the Council. Cllr Chambers reminded the Group that the motion at Council concerning the current seating arrangements at Council Planning meetings was passed for security reasons.

Cllr Bassett advised the Group that the membership of Area Planning Sub-Committee West was predominantly female and felt that the incident at Area Planning Sub-Committee West on 19 October 2016 was particularly nasty. If members of the public were allowed to sit in the Chamber again then there should be security available, as the Council had a duty of care and any further incidents could result in possible reputational damage for the Council. Cllr Bassett was also worried about possible disturbances in the car park areas if any members of the public were waiting outside after the meeting.

The Group agreed that the Council's duty of care meant there should be a visible security presence in the Council Chamber at all Council Planning meetings.

In respect of the seating arrangements for public speakers and the public at Council Planning meetings, S Hill suggested that it should be for the Chairman of each (Sub-)Committee to decide, following consultation with Officers and a discussion with Members at each (Sub-)Committee. This was agreed by the Group.

S Hill also informed the Group that the projector in the Council Chamber was beginning to come to the end of its useful life; however, the estimated cost of a replacement was approximately £8,000 and no budgetary provision had yet been made by the Council to replace it.

Resolved:

- (1) That the draft Member seating plan, with set seating for Members to be finalised, for future meetings of Area Planning Sub-Committee South in the Council Chamber be agreed and amended if necessary in the light of experience;
- (2) That, as the Council had a duty of care to the public, Members and Officers, a security presence should be visible at all Council Planning (Sub-)Committee meetings in the Council Chamber; and
- (3) That, in consultation with Officers, authority be delegated to the Chairman of each Planning (Sub-)Committee to decide the speaker and public seating arrangements for that (Sub-)Committee following a discussion with the Members of that (Sub-)Committee.

25. REVIEW OF PLANNING PROCEDURES

The proceedings of the Planning (Sub-)Committees held during the preceding six-month period was evaluated and consideration was given as to whether the procedure, policy and organisation of the (Sub-)Committees required review.

S Hill reminded the Group that an unusually large number of planning applications was expected to be received by the Council once the Local Plan had been agreed, which would put pressure on the Development Management Team and Members of Planning (Sub-)Committees. Those aspects of the Constitution which dealt with Planning matters would need to be reviewed, including delegations, to ascertain if the current rules were still 'fit for purpose'.

Cllr Sandler suggested that all large scale applications should go direct to the District Development Management Committee (DDMC), and not be heard at the Planning Sub-Committees. Cllr Chambers also suggested that the calling-in of planning applications by District Councillors could also be revised. N Richardson agreed that the Council could do this, although more meetings of DDMC would then be needed; but the Group were reminded that there was an expectation from Officers for more planning applications to be received generally after the Local Plan had been agreed, not just large scale planning applications. Cllr Sandler reminded the Group that the number of Tree Preservation Order applications heard at Committee had been reduced for similar reasons. S Hill advised the Group that the review would consider the best use of the time spent in determining applications at planning meetings.

N Richardson highlighted that there was a significant number of applications referred to a Committee meeting where the only objection to the application had been from the local Town/Parish Council, but then they did not attend the meeting to speak on the application and the application could have been dealt with under delegated authority by Officers. Cllr Keska pointed out that if such applications were dealt with by Officers under delegated authority then Local Councillors would simply lobby District Councillors to call in applications that they objected to, in order to get them considered at a Planning Meeting. Cllr Jones was also reluctant to lose the automatic referral of planning applications to a meeting where the local Town/Parish Council had objected, and suggested that the Planning Officer could discuss the objections with the Local Council and possibly reject the referral. Cllr Sandler felt that the training of Local Councillors could be improved to enable more of them to attend and comment on applications on planning grounds at meetings. S Hill reassured the Group that this issue would be included in the proposed review.

Cllr Bassett reminded the Group that, following the agreement and publication of the Epping Forest Local Plan, some cross-border planning decisions would be required and there was currently no mechanism to facilitate this. S Hill advised that a discussion document regarding the Governance of Strategic Housing Market Assessment Areas had been drawn up for consultation.

The Group then considered ways in which the Officer reports to the Planning (Sub-)Committees could be further improved to enhance the decision-making process. N Richardson acknowledged that one particular report to Area Planning Sub-Committee South, which had been cited by Members as an example, had not been of the required quality. The report itself was late and had only just been completed in time for the publication of the agenda. Principal and Senior Planning Officers had been reminded to complete their reports for Planning (Sub-)Committees in a timely fashion to allow for a proper review before the publication of the agenda. Cllr Sandler stated that the Planning Officer in attendance should not have to go through the whole report at the meeting, but just highlight the salient points in relation to that particular application.

26. REVIEW OF CURRENT AND FUTURE TRAINING NEEDS

The current and future training needs for the Members tasked with discharging the

Council's Planning function was considered.

S Hill informed the Group that training on the Planning Code of Practice had been scheduled for 30 June 2017, starting at 9.15am. The Chairmen and Vice-Chairmen were not only requested to attend themselves, but also be advocates for other Members of their Sub-Committees to attend. It was also highlighted that a training session specifically for Chairmen and Vice-Chairmen could also be scheduled if required, which would cover relevant Development Management matters from the point of view of the presenting Officers, as well as constitutional and procedural requirements. Cllr Sandler felt that it would be a very good idea for all of the Chairmen and Vice-Chairmen to attend a training session together specifically on how to run a Planning meeting.

27. ANY OTHER BUSINESS

It was noted that there was no other urgent business for consideration.

28. DATE OF NEXT MEETING

It was noted that there would be meetings of the Group in 2017/18 and these had been scheduled for:

- (a) 25 September 2017; and
- (b) 19 March 2018.

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