

Report to the Constitution Working Group

Date of meeting: 28 September 2017



**Epping Forest
District Council**

Subject: New Planning Code of Practice
Responsible Officer: Simon Hill (01992 564249)
Democratic Services: Vivienne Messenger (01992 564265)

Recommendations/Decisions Required:

- (1) That the Working considers a Planning Code of Practice and make suggested amendments and additions; and**
- (2) That, subject to the views of the Working Group, the full Council be asked to approve the Planning Code of Practice as part of the New Constitution at its meeting on 2 November 2017; and**

Report:

1. (Deputy Monitoring Officer) As the Working Group will know, work on the new Constitution was substantially completed in March 2016. The Working Group did however require officers 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. Although the Council's Protocol needed review, some sections only required updating. Counsel 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; and
- (xviii) Review.

5. A new draft Code of Planning is attached for consideration which will replace the old Planning Protocol. As the remit of the Standards Committee includes oversight of matters that give advice on Standards related issues, that committee's view was being sought on the document. That Committee endorsed the document subject to a couple of minor amendments to deal with:

- (1) A paragraph numbering regime;
- (2) Clarification of the documents relationship to advice on gifts and hospitality; and
- (3) Best practice advice to contact planning officers in cases where a member is contemplating pre-application discussion with an applicant.

6. These matters have now been added.

7. The Working Group may know that complaints related to planning are, by far, the most popular topic for complainants. It is therefore particularly important that clear advice is given to members. The new Code was trialled at members training, open to Parish and Town Councillors on 30 June 2017 and was well received.

8. Members are asked to consider the proposed document to make suggested amendments and additions and recommend the document for adoption by the Council in November 2017.