

EPHING FOREST DISTRICT COUNCIL COUNCIL MINUTES

Committee: Council **Date:** 31 July 2018

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.02 pm

Members Present: Councillors R Bassett (Chairman), R Gadsby (Vice-Chairman), N Avey, A Beales, H Brady, P Bolton, R Brookes, L Burrows, G Chambers, K Chana, D Dorrell, A Grigg, I Hadley, S Heap, S Heather, L Hughes, R Jennings, J Jennings, S Jones, H Kane, S Kane, H Kauffman, P Keska, J Knapman, Y Knight, J Lea, A Lion, A Mitchell, G Mohindra, R Morgan, M Owen, A Patel, J Philip, C P Pond, C C Pond, M Sartin, J Share-Bernia, S Stavrou, D Stocker, D Sunger, B Vaz, E Webster, C Whitbread, H Whitbread, J H Whitehouse, J M Whitehouse and D Wixley

Apologies: Councillors R Baldwin, N Bedford, M McEwen, L Mead, S Murray, S Neville, C Roberts, D Roberts, B Rolfe, B Sandler and P Stalker

Officers Present: A Hall (Director of Communities), S Tautz (Democratic Services Manager), P Maddock (Assistant Director (Accountancy)), P Seager (Chairman's Secretary), S Kits (Social Media and Customer Services Officer) and R Perrin (Senior Democratic Services Officer)

14. WEBCASTING INTRODUCTION

The Democratic Services Manager reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

15. FORMER COUNCILLOR F. S. LOVE

It was with much sadness that the Chairman informed the Council of the death of former Councillor Frank Love.

Former Councillor Frank Love had represented the Chipping Ongar Ward of the District as a Conservative Councillor from 1978 to 1991. He had served on many of the Council's member bodies and outside organisations during his time.

Members paid tribute to the memory of former Councillor Frank Love and stood for a minute's silence in his memory.

16. MINUTES

RESOLVED:

That the minutes of the Council meetings held on 24 May 2018 be taken as read and signed by the Chairman as a correct record.

17. DECLARATIONS OF INTEREST

There were no declarations of interest by members of the Council under this item.

RE-ORDER OF AGENDA

The Chairman advised that with the consent of the Council, the motion under agenda item 10, Motions, would be brought forward as the next item of business.

18. MOTIONS**(a) Holocaust Memorial**

Moved by Councillor G. Chambers and seconded by Councillor H. Kauffman

“(1) That the Leader of Council appoint the relevant Portfolio Holder to secure an official Holocaust memorial within our District and brings forward a proposal (after working with the mover and seconder of this motion) to a future Cabinet meeting;

(2) That, once completed, the Chairman of Council give consideration to an appropriate commemoration of Holocaust Memorial Day within his/her annual calendar of events; and

(3) That the wording of any memorial will only say Holocaust memorial, the person it was opened by and the actual year.”

Carried Unanimously

Motion as first moved ADOPTED

RESOLVED:

(1) That the Leader of Council appoints the relevant Portfolio Holder to secure an official holocaust memorial within the District and bring forward a proposal (after working with the mover and seconder of this motion) to a future Cabinet meeting;

(2) That, once completed, the Chairman of Council give consideration to appropriate commemoration of Holocaust Memorial Day within his/her annual calendar of events; and

(3) That the wording of any memorial will only say Holocaust memorial and the person it was opened by and the actual year.”

19. ANNOUNCEMENTS**(a) Announcements by Chairman of Council**

The Chairman advised that he had attended numerous events around the district including the Freedom Parade and salute of the 56 Squadron at North Weald, Our Voices Choir from Ongar, visiting various old people's homes and attending the Conservators of Epping Forest event.

(b) Flowers

The Chairman announced that he intended to send the flowers from tonight's meeting to the wife of former Councillor and Chairman of the Council David Stallan as he was currently unwell.

20. PUBLIC QUESTIONS (IF ANY)

The Council noted that there were no public questions submitted for consideration at the meeting.

21. QUESTIONS BY MEMBERS UNDER NOTICE**Question by Councillor G. Chambers to the Portfolio Holder for Safer, Greener and Transport, Councillor S. Kane**

“Whilst I appreciate that most resources are going towards the Local Plan, I am concerned at the lack of progress on the proposed Buckhurst Hill Conservation Area which started in 2011.

Please can you provide me and my fellow ward councillors with an update on this application and also set out some robust time lines when this will be delivered for our residents.”

Answer to Councillor G. Chambers from Councillor S. Kane, Portfolio Holder for Safer, Greener and Transport.

“I would like to thank Councillor G. Chambers for his question and keeping the issue in the spotlight. After enquiring about this issue, I can confirm that the draft Conservation report has been completed and a copy has now been passed onto you. I would like to thank Maria Kitts and the Conservation Team for completing this document, which would be shortly sent out for consultation.”

22. REPORTS FROM THE LEADER AND MEMBERS OF THE CABINET

The Council received written reports from all the Portfolio Holders. The Chairman invited the Leader to provide an oral report and any other members of the Cabinet to give an update of their written report, if required.

(a) The Leader of Council

The Leader advised that he had attended many meetings across the district since the last Council meeting.

Firstly, as part of the Council’s programme of modernisation covered within the People Strategy, a new officer structure had been agreed. At the most senior level, the new Management Board would consist of the Chief Executive and two Strategic Directors. In June following a rigorous interview process which included technical assessments, a stakeholder panel and a presentation, Georgina Blakemore had been appointed as one of the Strategic Directors. She had previously held senior corporate roles at both Colchester and Basildon Councils. Unfortunately, the Appointments Panel had not felt able to appoint another person to the other Strategic Director position at this time and it would remain vacant. The intention was still to recruit another Strategic Director, in consultation with the external advisors SOLACE and the Senior Management Selection Panel would meet again in September 2018 to take this forward.

On the 20 July 2018, he had attended the launch of the Community Safety Hub, which brought together the Council, Essex Police and other agencies at the Civic Office. He credited the Safer, Greener and Transport Portfolio Holder, Councillor S Kane who when appointed to the role, set out to do something about anti-social

behaviour in the district. The new Hub also demonstrated the future vision of how the Council would look and would improve the working environment for officers.

He had also attended the 150 year celebrations of Smithfield Market hosted by the City of London Corporation at Guildhall, in the presence of Princess Anne. Finally, he had attended a meeting with the leaders of the neighbouring districts regarding the centre core of the London Stansted Cambridge Corridor (LSCC), which works together to promote jobs and future opportunities for the district, Harlow, Uttlesford, Broxbourne and East Herts.

(b) Safer, Greener and Transport Portfolio Holder

Councillor S. Kane advised that the Petanque Day mentioned in his Portfolio Holder Report to Council was organised by Ongar and District Twinning Association not the Ongar Town Forum as suggested.

(c) Technology and Support Services Portfolio Holder

Councillor A. Lion advised that the drop in i-trent training session for new members would be rescheduled due to the launch of the Community Safety Hub.

He also advised that the Council had been mentioned in the Financial Times on 18 July 2018, regarding the District having one of the highest Broadband speeds.

(d) Planning and Governance Portfolio Holder

Councillor J. Philip advised members that the annual canvass of electors had begun and the forms should have started to be received. He pointed out that there were a number of automated ways to respond, which he would like to encourage residents to use and which were faster and cheaper for the Council. Already, 5% of residents had responded and he encouraged both members and residents to respond quickly to prevent fewer people to chase and the costs associated.

23. QUESTIONS BY MEMBERS WITHOUT NOTICE

(a) Bring Banks/Biffa

Councillor C.C. Pond asked the Environment Portfolio Holder to report back to Council on the outcome of the recycling Bring Banks investigation and to pass on his thanks to Biffa for their efforts in the recent heatwave.

Councillor N. Avey advised that he would be reporting back on the recycling Bring Bank investigation and would pass on the Council's thanks to Biffa.

(b) Anti-Social Behaviour

Councillor H. Whitbread asked the Safer, Greener and Transport Portfolio Holder to expand on how anti-social behaviour in the summer months would be tackled.

Councillor S. Kane advised that the summer months were the most difficult when it came to anti-social behaviour. Park guard had been tasked to patrol known problematic areas of the district and the additional Police would also be able to assist.

(c) Loughton Leisure Centre

Councillor R. Brookes asked the Leisure and Community Services Portfolio Holder if the residents in Tycehurst Hill could be updated on the noise disturbance being experienced from Loughton Leisure Centre and whether any further disturbance could be moderated for the neighbouring properties.

Councillor H. Kane advised that there were two aspects to the noise complaints. Firstly, the construction noise experienced out of hours had been the result of several break ins, which had required replacement doors and steel shutters being installed late at night and the occasional over night work required to prevent the centre closing in the day time. She had spoken to the leisure management contractor and advised that they regretted the noise and impact on the surrounding properties and would undertake to minimise any further noise. The work was also scheduled to be completed at the end of August, which would help the situation. Furthermore, a contractor was in the progress of installing sound limiters and an acoustic engineer would be assessing the building, ceilings and wall materials. Although this may take some time and residents had been asked to keep noise diaries by the Environmental Health Officers.

The usage of the Leisure Centre has remained stable and the extension would allow for more residents to use the facilities.

(d) Knolly's Nursery, Waltham Abbey

Councillor D. Dorrell asked the Housing Portfolio Holder about whether the stringent nomination requirements had been adhered to, and the ongoing issues with Thames Water had been resolved at the development on the former Knolly's Nursery. He also raised concerns about the speed of traffic on Pick Hill.

Councillor S Stavrou advised that the development at Knights Wood, previously known as Knolly's Nursery had been developed in close partnership with a locally based developer, Hill Partnerships and the housing association East Thames. The development contained 80% affordable housing, which comprised 38 affordable rented homes and 25 shared ownership homes. All of the rented properties had been let to households living within the District for at least 5 years and had been registered on the Council's Housing Register. In addition to this, half were local residents from Waltham Abbey. Furthermore, Councillor S. Stavrou advised that the 79 homes were also contributing to the overall number of new homes required by the proposed Local Plan.

Councillor S. Kane advised that traffic issues at Pick Hill were being considered through the Local Highways Panel, who would determine the best course of action and consider other parking issues by the school in that area. It appeared that Thames Water were digging up and replacing water pipes in this area as well.

(e) Waltham Abbey Leisure Centre

Councillor D. Stocker asked the Leisure and Community Services Portfolio Holder whether the Waltham Abbey Leisure Centre and Swimming Pool was on target to be completed in November 2018.

Councillor H Kane advised that the Waltham Abbey Leisure Centre was on schedule and may possibly be completed before this date. She had arranged for members and some residents to have a tour of the centre on Tuesday 11 September 2018 at 10 a.m.

(f) Nitrous Oxide Canisters

Councillor D Wixley asked the Leisure and Community Services Portfolio Holder whether representation could be made to the District's three MP's regarding the controlled sale of nitrous oxide canisters and whether the Government should be lobbied to consider legislation on the vetting of the distribution. He advised that he was willing to put forward a motion to a future Council meeting and was looking for guidance and support from members initially.

Councillor H Kane advised that she would invite the Youth Council and Police to consider this issue, in the first instance, to discuss and recommend a way forward. If Councillor D. Wixley presented a motion to a future Council meeting, she said that she would be happy to discuss this with him beforehand.

Councillor S. Kane advised that there was nothing illegal about the canisters but they were a source of anti-social behaviour and lobbying local MP's would be a sensible suggestion.

(g) Buckhurst Hill Outdoor Gym

Councillor A. Patel asked the Environment Portfolio Holder whether he could investigate the negotiations between the Council and Buckhurst Hill Parish Council regarding a piece of land in Buckhurst Hill, which had been suggested as becoming an outdoor gym.

Councillor N. Avey advised that he was very supportive of this and would look into the negotiations.

(h) Broadband

Councillor K. Chana asked the Technology and Support Services what was the Council's current position on broadband and whether the super fast broadband would be available to all residents and businesses in the District and how it would benefit the community.

Councillor A. Lion advised that the District was part of an extensive programme for faster broadband in Essex and the Council's intention was to be the best connected district in Essex. There was currently 96% broadband coverage in the District and within the next two years this would increase to 99.67%. Unfortunately, there would be approximately 210 houses that would not be serviced by this broadband service, but there were other ways they could receive the service.

(i) Fly Tipping

Councillor J. Share-Bernia asked the Environment Portfolio Holder whether there was an established time scale between the reporting of fly tipping and collection of the items.

Councillor N. Avey advised that the Council relied on residents reporting fly tipping and each case was logged with the Environment and Neighbourhoods Team, to be investigated. Once reported, action was taken as soon as possible, although each case had to be investigated to discover what the fly tipping contained and what disposal and action was required. There were also issues around the ownership of land which affected the issue.

24. WASTE MANAGEMENT RECYCLING**Mover: Councillor N. Avey, Environment Portfolio Holder**

Councillor N. Avey submitted a report regarding the financial impact of the inability to sell recycling materials in the Chinese market. He stated that, following specialist advice, a settlement offer had been made by the Council in recognition of the investment made by Biffa to improve the quality of output materials from their Material Recycling Facilities and to ensure all of the Council's recycling materials were reprocessed and recycled. A financial contribution to Biffa Municipal had been agreed by Cabinet on 14 June 2018 and required agreement from Council.

Report as first moved **ADOPTED**

RESOLVED:

(1) That a one off Capital supplementary estimate in the sum of £200,000 in 2018/19 be approved; and

(2) That the first payment of a Revenue supplementary estimate in the sum of £50,000 for 2018/19 be approved.

25. OVERVIEW AND SCRUTINY COMMITTEE**(a) Overview and Scrutiny Annual Report**

The Council received and noted the Annual Report of the Overview and Scrutiny Committee, its Select Committees and the Task and Finish Panels for 2017/18 presented by the Overview and Scrutiny Committee Chairman, Councillor M. Sartin.

(b) Report of the Chairman of the Overview and Scrutiny Committee

The Council received a written report from Councillor M. Sartin, the Chairman of Overview and Scrutiny Committee on issues considered at its last meeting.

26. STATUTORY STATEMENT OF ACCOUNTS 2017/18**Councillor J. Knapman, Chairman of Audit and Governance Committee.**

Councillor J. Knapman advised that the date for completion of the Statutory Statement of Accounts for 2017/18 had been changed, and brought forward, to 31 July 2018. This had resulted in the late submission of the Statutory Statement of Accounts to the Audit and Governance Committee for scrutiny and the external auditors were still working on the audit, at the time of the Council meeting, although no significant changes had been presented to date. The Audit and Governance Committee were recommending the adoption of the Statutory Statement of Accounts 2017/18, subject to any minor changes arising from the completion of the audit process.

Report as first moved **ADOPTED**

RESOLVED:

That the Statutory Statement of Accounts for 2017/18 be adopted subject to any minor amendments required by the Section 151 Officer.

27. APPOINTMENT TO AUDIT AND GOVERNANCE COMMITTEE

The Council's Constitution Article 11, Paragraph 8 (Eligibility for Membership - Councillor Members), stated that councillors appointed to the Audit and Governance Committee could not also be members of any select committee appointed by the Overview and Scrutiny Committee with responsibility for reviewing the Council's finances or financial procedures. Councillor A. Patel had been appointed to the membership of the Audit and Governance Committee for 2018/19 at the Annual Meeting of the Council on 24 May 2018 and as Chairman of the Resources Select Committee by the Overview and Scrutiny Committee on 4 June 2018. Councillor A. Patel had indicated that he wished to remain on the Resources Select Committee and had therefore resigned from the Audit and Governance Committee. A new Conservative nomination was required for the municipal year 2018/19.

RESOLVED:

That Councillor P. Bolton be appointed to the Audit and Governance Committee for the remainder of the 2018/19 municipal year.

28. PLANNING PROCESS REVIEW 2017/18

Councillor J. Philip presented a report on behalf of the Chairman of the Constitution Working Group regarding a review of the current arrangements for the delegation of planning-related matters to officers to ensure a smooth implementation of the Local Plan.

Councillor J. Philip advised that the words in Article 10 of the Constitution (District Development Management Committee and Areas Plans Sub-Committee) Appendix 3 (9) "after the 6 week deadline" should also be removed.

Carried

Report as amended ADOPTED**RESOLVED:**

(1) That the words "Director of Governance" in paragraph (3) of the Working Groups Terms of Reference be replaced with the words "Monitoring Officer" as set out in Appendix 1 to this report.

(2) That the revised planning delegation (currently numbered CLD 2 in the scheme of delegation from the Council) as set out at Appendix 2 to the report be approved;

(3) That Article 10 of the Constitution (District Development Management Committee and Area Plans Sub-committees) be amended as follows (and as set out in Appendix 3 to the report):

(i) within the section on the Terms of Reference of the District Development Management Committee, the deletion of the following words in paragraph (f) of that subsection, "(and/or a spouse or partner thereof)" and the insertion of the words "(and/or their relevant person as defined in the Council's Code of Conduct)";

(ii) within the section on the Terms of Reference of the Area Plans Sub-committees, deletion of paragraph (5) of that subsection and the insertion of a new paragraph (5) as follows:

“(5) Planning applications made by officers of Service Director level and above”

(iii) within the section on the Terms of Reference of the Area Plans Sub-committees the inclusion of the following additional words as a new subsection:

“(7) To request officers to undertake enforcement action on a site where members have refused a retrospective planning application; and

(8) To require a report to the relevant Plans Sub-committee from officers in those cases where no further action is subsequently proposed, such a report to give option to refer enforcement action to the District Development Management Committee; and

(9) To require such report be made within 2 months after the elapsing of the timescale within which a retrospective application can be appealed and that the sub-committee is informed if an appeal has been launched.”;

(4) That the Monitoring Officer be asked to make the required changes to the schedule of delegations and Article 10 of the Constitution; and

(5) That the Constitution Working Group be asked to undertake a review of the impact of these changes after a year of operation.

29. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

a) There were no updates from council representatives on any other business of joint arrangements and external organisations; and

b) There were no requests made for written reports by representatives on joint arrangements and external organisations for the next meeting.

CHAIRMAN

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CONSTITUTION WORKING GROUP

TERMS OF REFERENCE

Title: Constitution Working Group
Status: Working Group
Terms of Reference: (1) To review any aspect of the authority's constitutional arrangements as requested by the Council; (2) To undertake general reviews of specific elements of the Constitution in order to ensure that the authority's constitutional arrangements complement current legislative requirements and decisions made by the Council; and (3) To consider any proposals of the Monitoring Officer for necessary revision to any element of the Constitution. Reporting: The Working Group shall report directly to the Council in connection with its Terms of Reference and the achievement of its work programme.
Chairman: Councillor M McEwen

S. Hill (July 2018).

Appendix 1

Planning Delegations

CLD2

Service Director – Planning

A. To determine:

- (a) All Full Planning Applications
- (b) All Householder Planning Applications
- (c) All Outline Applications and Reserved Matters Applications
- (d) All applications for Advertisement Consent,
- (e) All Applications for Listed Building Consent
- (f) All applications for Demolition in Conservation Areas
- (g) All Applications for Hazardous Substance Consent
- (h) Tree Preservation Order Consent applications where felling is proposed.
- (i) All Applications for Variation or Removal of Conditions

except the following which shall be determined by the committee or subcommittee indicated in Article 10 to the constitution:

1. Applications for residential developments consisting of 10 or more dwellings (unless approval of reserved matters only) which are recommended for approval;
2. Applications made by the Council on land and / or property in its ownership which are for disposal, in accordance with the size of application set out in Article 10 of the Constitution.
3. Applications recommended for approval where at least one of the following have been received:
 - a. At least 5 expressions of objections material to the planning merits of the proposal are received (or where less than five have been consulted, the majority of those responding have objected); or
 - b. An objection is received from a local council, supported by at least one non-councillor resident, with material planning reasons; or
 - c. An objection from a Local Council, material to the planning merits of the proposal is received and confirming in writing their intention to attend and speak at the meeting where the proposal will be considered.

4. Applications which a member (whose ward is within the Plans Sub-Committee Area) has requested be referred to committee for consideration subject to:
 - a. The request is made in writing within 4 weeks of that application's notification in the weekly list.
5. Any application by an elected member or Senior Officer (Head of Service and above) of the Council or a relevant person (see code of conduct for definition) recommended for approval;
6. Any other application which the Head of Planning considers appropriate to be determined by members.

B. To determine;

All matters, set out below, unless the Service Director, Planning considers it appropriate to be determined by members.

1. Planning Related Applications

- (a) Tree Preservation Order consent applications other than where felling is proposed
- (b) All notification applications
- (c) All prior approval applications.
- (d) All certificates of lawful use and development.
- (e) All applications for non-material amendments to applications.
- (f) All applications for approval of details reserved by condition.
- (g) All applications for Permission in Principle for Minor Housing Led Development and for Technical Details Consent

2. Planning and Related Procedures

- (a) Finalising the conditions or reasons for refusal, which appear on decision notices.
- (b) The preparation of legal agreements, in consultation with the Service Director Governance and Member Services/Solicitor to the Council, within the terms of any relevant Committee resolution.
- (c) Determining the need for information required to make a decision on a planning application including the need for, and scoping of, an Environmental Assessment.
- (d) Deciding the charge to be made for the provision of information where the normal scale of charges is inappropriate (e.g. information requiring research and/or to be used for commercial purposes.)
- (e) Deciding what should be within the Councils Local Validation Checklist.

3. Enforcement

- (a) To determine whether any enforcement should be taken and what such action should entail.
- (b) Issuing Stop Notices, Temporary Stop Notices, Enforcement Notices, Breach of Conditions Notices, Building Preservation Notices, Listed Buildings Enforcement Notices, Planning Contravention Notices, Conservation Area Notices, Discontinuance Notices in respect of advertisements and Notices under Section 215-219 of the Town and Country Planning Act 1990 (as amended), for all breaches of planning legislation, in accordance with the Council's adopted enforcement policy.
- (c) Prosecution of the unauthorised display of advertisements, unauthorised works to a listed building, and non-compliance where enforcement action has previously been authorised.
- (d) Take appropriate enforcement action, including serving an injunction where the Head of Planning or their nominee, having regard to the evidence, considers the circumstances to require urgent action.
- (e) Investigation and prosecution of breaches of temporary market requirements
- (f) Variation of the requirements for compliance with any enforcement related notices already authorised, including altering the period required for compliance, service of further notices and withdrawal of notices.
- (g) To authorise direct action (or re-charge the cost of that action) in pursuit of a valid enforcement notice subject to budget provision being available and to local District Councillors being notified
- (h) To report to an Area Plans Sub-committee on specific enforcement cases were requested by members.

4. Entry onto Land

- (a) To Authorise officers and agents engaged by the Council to use the relevant powers of entry as necessary and make application to the magistrates court for a warrant authorising entry where applicable in relation to any matter set out in this Annex.

ARTICLE 10**District Development Management Committee and Area Plans Sub-Committees**

The Council will establish the following Committees which shall be appointed at its annual meeting.

Membership

- (1) The following shall be the non-executive committees of the Council, consisting of the number of members set out below:

Committee or Sub-Committee	Number of Councillors	Membership
District Development Management Committee	15 members	15 members of the Council appointed by the Council at its Annual meeting, subject to pro rata requirements and including those members appointed as Chairman of each Area Planning Sub-Committee. Members to be appointed on the basis of aptitude, interest and planning experience
Area Plans Sub-Committee South	25 members	All District Wards in the parishes of Buckhurst Hill, Chigwell and Loughton;
Area Plans Sub-Committee East	19 members	The District Wards of Chipping Ongar, Greensted and Marden Ash; Epping Hemnall; Epping Lindsey and Thornwood Common; Hastingwood, Matching and Sheering Village; High Ongar; Willingale and The Rodings; Lambourne; Lower Sheering; Moreton and Fyfield; North Weald Bassett; Passingford; Shelley and Theydon Bois.
Area Plans Sub-Committee West	14 members	All District Wards in the parish of Waltham Abbey together with the District Wards of Lower Nazeing; Broadley Common, Epping Upland and Nazeing and Roydon.

- (2) Members of the Council appointed to each Area Plans Sub-Committee shall be drawn solely from those representing wards within the area for which the Sub-Committee is responsible shown in the 'Membership' column above. Seats on each Sub-Committee shall be allocated to all Councillors representing electoral wards in the areas concerned. The requirement for the appointment of Sub-Committees from all members of the Council shall not apply to the Area Plans Sub-Committees.

- (3) Newly elected members may be appointed to the relevant Area Plans Sub-Committee at the next ordinary meeting of the full Council.
- (4) A member of the executive may serve on an Area Plans Sub-Committee if otherwise eligible to do so as a Councillor.

Responsibility for functions:

The Committee and Sub-Committees the subject of this Article have responsibility for determining matters which have been delegated by the Council and the Executive shown in Part 3 of this Constitution, showing those which are the responsibility of the Executive and those which are not Executive functions and any limitations on delegation.

Terms of Reference:

District Development Management Committee

- (1) To determine:
 - (a) Any development proposals which affect more than one Area Plans Sub-Committee;
 - (b) Any 'large scale' application¹ (as defined below);
 - (c) Any 'major' application² (as defined below) where the Council is the land owner;
 - (d) Any application referred by an Area Plans Sub-Committee by resolution, by a minority of members of an Area Plans Sub-Committee in accordance with the Council's Rules or where the Sub-Committee is unable to determine the application;
 - (e) To determine any recommendation of an Area Plans Sub-Committee which relates to potential decisions liable to give rise to claims for costs or compensation, including development management matters and enforcement of planning requirements (including recommendations of no action) but excluding works on preserved trees;
 - (f) Any planning application or other planning matter submitted by, or on behalf of, a Councillor of the Authority (and/or their relevant person as defined in the Council's Code of Conduct); and

¹ 'Large-scale major development' means development involving any one or more of the following;

- (a) The provision of dwellinghouses where (i) The number of dwellinghouses to be provided is 200 or more: or (ii) The development is to be carried out on a site having an area of 4 hectares or more where the number of dwellinghouses is not known (normally an Outline application) or
- (b) The provision of a commercial building or buildings where the floor space to be created by the development is 10,000 square metres or more: or
- (c) Commercial development carried out on a site having an area of 2 hectares or more.

² 'major development' means development involving any one or more of the following;

- (a) The provision of dwellinghouses where (i) The number of dwellinghouses to be provided is 10 or more up to 199: or (ii) The development is to be carried out on a site having an area of 0.5 hectares or more but just less than 4 hectares where the number of dwellinghouses is not known (normally an Outline application)..
- (b) The provision of a commercial building or buildings where the floor space to be created by the development is 1,000 square metres or more up to 9,999 square metres: or
- (c) Commercial development carried out on a site having an area of one hectare but less than 2 hectares.

- (g) Any development proposals for a site made by or on behalf of the Council or where the Council is the landowner that has been recommended for refusal by the relevant Area Plans Sub-Committee contrary to a recommendation of the Director of Governance that planning permission be granted.

Area Plans Sub-Committees

- (1) To consider all applications (except as may be delegated to the Service Director (Planning Services) or fall to the District Development Management Committee to determine as set out above) received for development within the respective Sub-Committee area and, except as detailed below, to make decisions on behalf of the local planning authority thereon;
- (2) Subject to the prior approval of the Chairman of the Sub-Committee, to consider informal proposals for development and to give guidance to the Service Director (Planning Services);
- (3) To consider planning applications made by other authorities which are considered by the Service Director (Planning Services) to require member response;
- (4) To consider and make recommendations to the District Development Management Committee on applications for development where:
 - (a) the Sub-Committee's proposed decision is a substantial departure from:
 - (i) the Council's approved policy framework; or
 - (ii) the development or other approved plan for the area; or
 - (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
 - (b) the refusal of consent may involve the payment of compensation; or
 - (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
 - (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution; or
 - (e) development proposals for a site are made by or on behalf of the Council or where the Council is the landowner, that are recommended for refusal by a Sub-Committee contrary to a recommendation of the Director of Governance that planning permission be granted;
- (5) Planning applications made by officers of service Director level and above;
- (6) Where an application is objected to by a Councillor in a purely personal capacity.
- (7) To consider enforcement action on a site where members have refused a retrospective planning application;
- (8) To require a report to be made to the relevant Area Plans Sub-Committee from officers in those cases where no further action is subsequently proposed, such

report to give option to refer enforcement action to the District development management Committee; and

- (9) To require that such report be made within two months after the elapsing of the timescale within which a retrospective application can be appealed and that the Sub-Committee is informed if an appeal has been launched.

Public Participation at District Development Management Committee and Area Plans Sub-Committees on Planning Matters

- (1) There shall be afforded to those classes of persons specified in the rules for participation at Appendix 1 to this Article an opportunity, on request, to make oral representations to any Area Plans Sub-Committee (or in appropriate circumstances, the District Development Management Committee) meeting concerning any planning application or related matter before that Sub-Committee for determination.
- (2) The procedure for dealing with requests to address an Area Plans Sub-Committee or the District Development Management Committee shall be as prescribed from time to time by the Council and as set out in Appendix 1 to this Article.

Site Visits

- (1) Formal Site visits may be undertaken of any potential development site subject to application where there is a substantial benefit to the decision-making process. Such a visit may be approved by the Sub-Committee at the meeting where they are being asked to determine the matter or in advance on the recommendation of the Assistant Director of Governance (Development Management in consultation with the Chairman of the Sub-Committee.
- (2) Formal Site visits will be undertaken following the guidance at Appendix 2 to this Article