

Select Committee Agenda



Governance Select Committee Tuesday, 2nd February, 2016

You are invited to attend the next meeting of **Governance Select Committee**, which will be held at:

**Committee Room 1, Civic Offices, High Street, Epping
on Tuesday, 2nd February, 2016
at 7.15 pm .**

**Glen Chipp
Chief Executive**

Democratic Services Officer M Jenkins mjenkins@eppingforestdc.gov.uk (01992 56 4607)

Members:

Councillors T Church (Chairman), Y Knight (Vice-Chairman), D Dorrell, L Hughes, S Jones, H Kauffman, M McEwen, B Sandler, S Watson, J M Whitehouse and D Wixley

SUBSTITUTE NOMINATION DEADLINE:

18:15

1. APOLOGIES FOR ABSENCE

2. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

(Director of Governance) To report the appointment of any substitute members for the meeting.

3. DECLARATIONS OF INTEREST

(Director of Governance) To declare interests on any items on the agenda.

In considering whether to declare a pecuniary or non-pecuniary interest under the Code of Conduct, Overview and Scrutiny members are asked to pay particular attention to paragraph 11 of the Code in addition to the more familiar requirements.

This requires the declaration of a pecuniary or non-pecuniary interest in any matter before an OS Committee which relates to a decision of or action by another Committee or Sub-Committee of the Council, a Joint Committee or Joint Sub-Committee in which the Council is involved and of which the Councillor is also a

member.

Paragraph 11 does not refer to Cabinet decisions or attendance at an OS meeting purely for the purpose of answering questions or providing information on such a matter.

4. NOTES OF PREVIOUS MEETING (Pages 3 - 8)

To agree the notes of the last select committee meeting held on 1 December 2015 (attached).

5. TERMS OF REFERENCE/WORK PROGRAMME (Pages 9 - 12)

(Chairman/Lead Officer) The Overview and Scrutiny Committee has agreed the Terms of Reference of this Select Committee. This is attached along with an on-going Work Programme. Members are asked to review both documents at each meeting.

6. KEY PERFORMANCE INDICATORS 2015/16 - QUARTERLY PERFORMANCE MONITORING (QUARTER 3) (Pages 13 - 16)

(Director of Governance) To consider the attached report. The Key Performance Indicators will be despatched as a supplementary item next week.

7. DEVELOPMENT MANAGEMENT CHAIR AND VICE CHAIR'S MEETING - 27 OCTOBER 2015 (Pages 17 - 22)

(Director of Governance) To note the published minutes from the most recent Development Management Chair and Vice Chair's meeting from 27 October 2015 (attached).

8. DEVELOPMENT MANAGEMENT PRE-APPLICATION ADVICE (Pages 23 - 40)

(Director of Governance) To consider the attached report and appendices.

9. DATE OF NEXT MEETING

The next scheduled meeting of the Select Committee will be held on Tuesday 5 April 2016 in Committee Room 1.

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF GOVERNANCE SELECT COMMITTEE
HELD ON TUESDAY, 1 DECEMBER 2015
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.00 - 9.12 PM**

Members Present:	T Church (Chairman), Y Knight (Vice-Chairman), D Dorrell, L Hughes, S Jones, H Kauffman, M McEwen, S Watson and D Wixley
Other members present:	J Philip (Governance and Development Management Portfolio Holder) and E Webster (Chairman of Council)
Apologies for Absence:	B Sandler and J M Whitehouse
Officers Present	N Richardson (Assistant Director (Development Management)), S G Hill (Assistant Director (Governance & Performance Management)), T Carne (Public Relations and Marketing Officer), B Copson (Senior Performance Improvement Officer), P Seager (Chairman's Secretary) and M Jenkins (Democratic Services Officer)

17. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

There were no substitute members at the meeting.

18. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

19. NOTES OF PREVIOUS MEETING

RESOLVED:

That the notes of the last meeting of the select committee, held on 6 October 2015, be agreed.

20. TERMS OF REFERENCE AND WORK PROGRAMME

(a) Terms of Reference

The Select Committee's Terms of Reference were noted.

(b) Work Programme

The Select Committee was updated as follows:

(i) Item 7 Development Management Chair and Vice Chair's Meeting

It was advised that this item, although scheduled for the current meeting, could not be discussed as the notes from the most recent meeting of the Development Management Chair and Vice Chair's meeting had not yet been confirmed. It was agreed that it would be put before the 2 February 2016 Select Committee.

(ii) Item 11 Planning Enforcement Report

The Select Committee was reminded that this item had been referred to the Resources Select Committee by the Overview and Scrutiny Committee in October 2015.

The Assistant Director (Development Management) informed members that Management Board would shortly be discussing a proposal to use drones in undertaking enforcement work.

21. KEY PERFORMANCE INDICATORS 2015/16 - QUARTER 2 PERFORMANCE

The Select Committee received a report regarding the Key Performance Indicators 2015/16 – Quarter 2 Performance from the Performance Improvement Officer.

The Local Government Act 1999 required that the Council made arrangements to secure continuous improvement in the way in which its functions and services were exercised having regard to economy, efficiency and effectiveness.

As part of the duty to secure continuous improvement, a range of Key Performance Indicators (KPIs) relevant to the Council's services and key objectives were adopted each year by the Finance and Performance Management Cabinet Committee.

A range of 36 KPIs for 2015/16 were adopted by the Finance and Performance Management Cabinet Committee in March 2015. This report included in detail only those indicators which fell within the areas of responsibility of the Governance Select Committee.

Five of the KPIs fell within this select committee's areas of responsibility. The overall position with regard to the achievement of target performance at the end of Q2 for these 5 indicators was as follows:

- (a) 4 (80%) indicators achieved their Q2 target;
- (b) 1 (20%) indicators did not achieve its Q2 target;
- (c) 0 (0%) indicators performed within their tolerated amber margin;
- (d) 4 (80%) indicators were currently anticipated to achieve their cumulative year end target.

RESOLVED:

That the progress made in regard to the Key Performance Indicators 2015/16 – Quarter 2 be noted.

22. EQUALITY OBJECTIVES 2012-2016 Q2 PROGRESS 2015-2016

The Select Committee received a report regarding Equality Objectives 2012-2016 Quarter 2 Progress 2015/16 from the Performance Improvement Officer.

The Equality Act 2010 placed a number of responsibilities on the Council including a Public Sector Equality Duty (PSED) to have due regard to equality in the exercise of its functions, the need to eliminate discrimination, advance equality of opportunity and foster good relations between persons who shared a relevant characteristic and those who did not.

In March 2012, the Cabinet agreed four equality objectives for the four years from 2012 to 2016 designed to help the Council meet the aims of the PSED. The report reflected progress against these objectives at the mid-point of last year.

The objectives were as follows:

- (a) Objective 1: To integrate the Council's public sector equality duty in our partnership working.
- (b) Objective 2: To apply robust equality requirements in commissioning, procurement and contract management frameworks.
- (c) Objective 3: To improve and develop equality in our business activities and project working.
- (d) Objective 4: To develop our capacity so that our employees have the knowledge, skills and confidence to deliver our plans and services.

As the current set of equality objectives came to the end of its lifetime in March 2016, work was underway in identifying a new set of objectives for 2016-2020.

The Select Committee observed that all of the objectives had been met or were under control.

RESOLVED:

- (1) That the progress against the Council's Equality Objectives 2012-2016, up until September 2015, be noted; and
- (2) That the draft equality objectives for 2016-2010 be noted.

23. CHAIRMAN'S EXPENDITURE AND ALLOWANCES

The Select Committee received a report regarding the Chairman's Expenditure and Allowances from the Public Relations and Marketing Officer.

The Chairman and Vice-Chairman of Council received special responsibility allowances in recognition of the particular expenses incurred by the Civic and Ceremonial role. It was advised that an anomaly in recompense for transport costs was addressed by the adoption of a motion at Full Council on 28 July 2015 that a review should be conducted into the current levels for the civic ceremonial budget by this select committee.

In addition to the Chairman's and Vice Chairman's individual allowances, "spending" budgets directly supported the work of the Chairman and Vice-Chairman amounted in total to £22,530. Officers conducted a survey of civic ceremonial expenditure by other Essex and neighbouring councils although differing budget structures made direct comparisons with the District Council difficult, there was a range of costs applied by different authorities, for example Chelmsford City spent £71,000 in total and Braintree District Council spent £17,340.

The District Council hosted three major events each year, the Civic Awards, Civic Carol Service and the Civic Lunch, additionally each Chairman carried out a wide range of other engagements, the scope and volume of such engagements varied

from year to year depending on the number and type of invitations accepted. Levels of staff support varied considerably between different councils.

In attendance at the meeting was the current Chairman of Council, Councillor E Webster, who elaborated on the civic ceremonial role and its expenses. Officers informed members that the Chairman's spending never went over budget, in addition the Chairman's Secretary made strenuous efforts to reduce expenditure on events by obtaining a fairer bargain for the authority. It was also stated that there had been no inflationary increase in budget for the Chairman of Council in 10 years.

The Select Committee supported referring the Chairman's and Vice-Chairman's Allowances to the Member Remuneration Panel for more direct scrutiny, in addition the Governance and Development Management Portfolio Holder suggested that this issue could, in the final instance, be referred up to Full Council by obtaining the permission of the Chairman of the Overview and Scrutiny Committee.

RECOMMENDED:

- (1) That the review of Civic Ceremonial expenditure and the current levels of member allowances in respect of payments made to the Chairman and Vice-Chairman of Council be noted;
- (2) That the Chairman's and Vice-Chairman's Allowances be referred to the Member Remuneration Panel for review; and
- (3) That following consideration by the Member's Remuneration Panel, recommendations be made direct to Full Council, bypassing the Overview and Scrutiny Committee with the Chairman's permission.

24. PLANNING APPEALS PERFORMANCE

The Select Committee received a report and a Powerpoint presentation from the Assistant Director (Development Management) regarding Planning Appeals Performance.

Applicants applying for planning permission through a local planning authority, could appeal to the Secretary of State, any decision made whether it be refusal or granting with conditions. In these instances, all parties provided the evidence required and were normally determined by exchange of written statements or appearance at a hearing or inquiry.

Appeal performance was reported every 6 months to the area planning committees using two Key Performance Indicators (KPIs), GOV007 which measured the percentage of planning applications recommended by planning officers for refusal, overturned and granted planning permission by appeal and GOV008 which measured the percentage of planning applications refused by Councillors against the recommendation of the planning officers and subsequently granted planning permission on appeal. Members sought clarity and understanding on why some appeals were dismissed and others were allowed, which in turn would help towards improving performance of these two KPIs as identified in their individual improvement plans.

It was difficult to show common themes in why some appeals were more successful than others, but the Assistant Director (Development Management) had picked out 6

relatively recent cases across the district for further scrutiny, which he did in the form of a presentation to the committee and these were:

- (a) (EPF/2693/14) 42 Princes Road, Buckhurst Hill – Appeal allowed.
- (b) (EPF/1412/14) Church Hill Car Park, Church Hill, Loughton – Appeal allowed with costs.
- (c) (EPF/0180/15) 47a Theydon Park Road, Theydon Bois – Appeal dismissed.
- (d) (EPF/1556/14) Former Haulage Yard, Sewardstone Road, Waltham Abbey – Appeal dismissed.
- (e) (EPF/2358/14) 134 High Street, Ongar – Appeal allowed.
- (f) (EPF/1924/12) 261 High Street, Epping – Appeal allowed.

Members were advised on the problems of attempting to successfully defend a decision to refuse at an appeal if there were no objections from the local Highways authority. However, they felt that the staff at Essex County Council Highways were not particularly pro-active in checking planning applications at the consultation stage for neighbour objections on highway grounds whereas Councillors felt, if they did, then they could raise objections which would support their own views at the committee meeting.

The Assistant Director (Development Management) informed the select committee that an officer from Highways visited the District Council planning offices most weeks to review current planning applications and also made regular site visits in the area as well. An option for area planning sub-committees was to defer items for a fuller Highways assessment of the application in question. The Governance and Development Management Portfolio Holder advised caution when objecting to planning applications against officer recommendation as good evidence was needed to justify a refusal in all reasons put forward. Whilst there was a risk that costs could be awarded against any reason for refusal being appealed. The Assistant Director (Development Management) put the appeals situation into context by stating that there had only been one successful appeal this year where costs had been awarded against the authority.

The current method of analysing the appeals record from the area planning sub-committees was through the Probity in Planning reports submitted to the committees every six months at the end of the meeting which was in some was after a very heavy agenda. It was suggested that a summary of appeal decisions could regularly appear in the Bulletin and that officers consider adding this as part of the annual planning training for Members. The Probity in Planning reports did not always receive adequate attention after a long meeting.

RESOLVED:

That the Planning Appeals Performance report be noted.

25. DATE OF NEXT MEETING

Members decided that this select committee would meet at 7.15p.m. for the duration of the council year. The next meeting of the Select Committee would be held on Tuesday 2 February 2016 in Committee Room 1.

SELECT COMMITTEES

TERMS OF REFERENCE 2015/16

Title: Governance Select Committee

Status: Select Committee

1. To undertake the overview and scrutiny, utilising appropriate methods and techniques, of services and functions of the Governance Directorate, excluding those matters within remit of the Audit and Governance Committee, the Standards Committee or the Constitution Working Group;
2. To develop a programme of work each year, informed by relevant service aims and member priorities, to ensure that the services and functions of the Governance Directorate are appropriate and responsive to the needs of residents, service users and others;
3. To consider any matter referred to the Select Committee by the Overview and Scrutiny Committee;
4. To identify any matters within the services and functions of the Governance Directorate that require in-depth scrutiny, for referral to the Overview and Scrutiny Committee;
5. To establish working groups as necessary to undertake any activity within these terms of reference;
6. Where requested by the Overview and Scrutiny Committee, to examine and review call-in requests and the implementation of executive decisions;
7. More service specific proposals to be determined by the relevant lead officer.
8. To consider the effect of Government actions or initiatives on the services and functions of the Governance Directorate and any implications for the Council's residents, service users and others, and to respond to consultation activities as appropriate;
9. To undertake pre-scrutiny through the review of specific proposals of the Council and its partner organisations or other local service providers, insofar as they relate to the services and functions of the Governance Directorate, to help develop appropriate policy;

Performance Management

10. To undertake performance monitoring in relation to the services and functions of the Governance Directorate, against adopted key performance indicators and identified areas of concern;
11. To review relevant Key Performance Indicator (KPI) outturn results for the previous

year, at the commencement of each municipal year;

12. To identify on an annual basis, subject to the concurrence of the Finance and Performance Management Cabinet Committee:
 - (a) a basket of KPIs important to the improvement of the relevant to the service areas for which the Panel has scrutiny responsibility Council's services and the achievement of its key objectives,; and
 - (b) the performance targets for those KPIs for each year;
13. To review performance against the KPIs on a quarterly basis throughout each year, and to make recommendations for corrective action in relation to areas of slippage or under performance.

Equality

14. To review six monthly progress towards the achievement of the Council's equality objectives for 2012/13 to 2015/16, and progress in relation to other equality issues and initiatives.

Public Consultation and Engagement

15. To develop arrangements as required, for the Council to directly engage local communities in shaping the future direction of its services, to ensure that they are responsive to local need;
16. To annually review details of the consultation and engagement exercises undertaken by the Council over the previous year;

Chairman: Councillor T Church

Governance Select Committee (Chairman – Councillor T Church)

Work Programme 2015/16

Item	Report Deadline/Priority	Progress/Comments	Programme of Meetings
(1) Review of the Elections 7 May 2015	7 July 2015	Review of the processes for the General, District Council and Parish Council elections. COMPLETED	7 July 2015; 6 October 2015; 1 December 2015; 2 February 2016; and 5 April 2016
(2) Review of Public Consultations	7 July 2015	Annual Review COMPLETED	
(3) Key Performance Indicators 2014/15 – Outturn	Outturn KPI performance (Governance indicators only) considered at first meeting in each municipal year;	Outturn KPI performance report for 2014/15 to be considered at meeting on 7 July 2015. COMPLETED	
(4) Key Performance Indicators 2015/16 – Quarterly Performance Monitoring	Quarterly KPI performance (Governance indicators only) considered on a quarterly basis;	Quarterly KPI performance reports for 2015/16 to be considered at meetings on: 6 October 2015 (Q1) COMPLETED 1 December 2015 (Q2) COMPLETED 2 February 2016 (Q3)	
(5) Proposed Governance Key Performance Indicators 2016/17	Draft indicator set KPI performance for 2016/17;.	Proposed Governance KPIs for 2016/17 to be considered at meeting on 5 April 2016.	
(6) Planning Appeals Performance	1 December 2015	To receive examples of recent appeals decisions issued by the Planning Inspectorate. COMPLETED	
(7) Development Management Chair and Vice Chair's Meeting	2 February 2016	To receive feedback from meeting (27 October 2015) of Chair and Vice Chair's of the Area Planning and District Development Management Committees.	

(8) Equality Objectives 2012-2016 – 6 monthly reporting	7 July 2015	Review 6 monthly performance: 7 July 2015 COMPLETED 1 December 2015 COMPLETED	
(9) Proposed Equality Objectives 2016-2020	5 April 2016	Proposed Equality Objectives 2016-2020 to be considered at meeting 5 April 2016	
(10) S106 Monitoring Report	6 October 2015	COMPLETED Future reports to be referred to District Development Management Committee for consideration.	
(11) Planning Enforcement Report		This item has been referred onto the Resources Select Committee. REFERRED	
(12) Review the budget for the Chairman and Vice-Chairman of Council	1 December 2015	Referred from Council on 28 July 2015 COMPLETED	
(13) Annual Equality Information Report 2015	6 October 2015	COMPLETED	
(14) Development Management – Pre-Application Advice	2 February 2016	To receive details of the resource requirements for pre-application planning advice and opportunities for increased member involvement in the pre-application process.	



Report to: Governance Select Committee

Date of meeting: 2 February 2016

Portfolio: Governance and Development Management (Councillor J. Philip)

Subject: Key Performance Indicators 2015/16 - Quarter 3 Performance

Officer contact for further information: B. Copson (01992 564042)

Democratic Services Officer: M. Jenkins (01992 564607)

Recommendations/Decisions Required:

That the Select Committee review performance against the Key Performance Indicators within its areas of responsibility, at the end of Quarter 3 (Q3).

Executive Summary:

The Local Government Act 1999 requires that the Council make arrangements to secure continuous improvement in the way in which its functions and services are exercised, having regard to a combination of economy, efficiency and effectiveness.

As part of the duty to secure continuous improvement, a range of Key Performance Indicators (KPI) relevant to the Council's services and key objectives, are adopted each year by the Finance and Performance Management Cabinet Committee. Performance against the KPIs is monitored on a quarterly basis by Management Board and overview and scrutiny to drive improvement in performance and ensure corrective action is taken where necessary.

Reasons for Proposed Decision:

The KPIs provide an opportunity for the Council to focus attention on how specific areas for improvement will be addressed, and how opportunities will be exploited and better outcomes delivered. It is important that relevant performance management processes are in place to review and monitor performance against the key performance indicators to ensure their continued achievability and relevance, and to identify proposals for appropriate corrective action in areas of slippage or under performance.

Other Options for Action:

No other options are appropriate in this respect. Failure to monitor and review KPI performance and to consider corrective action where necessary could have negative implications for judgements made about the Council's progress, and might mean that opportunities for improvement are lost.

Report:

1. A range of thirty-six (36) Key Performance Indicators (KPIs) for 2015/16 was adopted by the Finance and Performance Management Cabinet Committee in March 2015. The KPIs are important to the improvement of the Council's services, and comprise a combination of some former statutory indicators and locally determined performance measures. The aim of the KPIs is to direct improvement effort towards services and the national priorities and local challenges arising from the social, economic and environmental context of the district.
2. Progress in respect of each of the KPIs is reviewed by the relevant Portfolio Holder, Management Board, and overview and scrutiny at the conclusion of each quarter. This report includes in detail only those indicators which fall within the areas of responsibility of the Governance Select Committee
3. A headline Quarter 3 performance summary in respect of each of the KPIs falling within the Governance Select Committee's areas of responsibility for 2015/16, together with details of the specific nine-month performance for each indicator will be attached to the supplementary agenda as an appendix to be forwarded.
4. The Select Committee will be requested to review third quarter performance in relation to the KPIs for 2015/16 within its areas of responsibility.

Resource Implications:

Resource requirements for actions to achieve specific KPI performance for 2015/16 will have been identified by the responsible service director/chief officer and reflected in the budget for the year.

Legal and Governance Implications:

There are no legal or governance implications arising from the recommendations of this report. Relevant implications arising from actions to achieve specific KPI performance for 2015/16 will have been identified by the responsible service director.

Safer, Cleaner, Greener Implications:

There are no implications arising from the recommendations of this report in respect of the Council's commitment to the Climate Local Agreement, the corporate Safer, Cleaner, Greener initiative, or any crime and disorder issues within the district. Relevant implications arising from actions to achieve specific KPI performance for 2015/16 will have been identified by the responsible service director.

Consultation Undertaken:

The performance information and targets set out in this report have been submitted by each appropriate service director and have been reviewed by Management Board. The individual KPI improvement plans for 2015/16 will be agreed by the Board.

Background Papers:

KPI submissions are held by the Performance Improvement Unit. Detailed performance data is held by the responsible service director.

Impact Assessments:***Risk Management***

There are no risk management issues arising from the recommendations of this report. Relevant issues arising from actions to achieve specific KPI performance for 2015/16 will have been identified by the responsible service director.

Equality:

There are no equality implications arising from the recommendations of this report. Relevant implications arising from actions to achieve specific KPI performance for 2015/16 will have been identified by the responsible service director.

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Meeting of the Development Management Chairmen and Vice-Chairmen **Date:** 27 October 2015

Place: Committee Room 1, Civic Offices, High Street, Epping **Time:** 7.30 - 8.35 pm

Members Present: B Sandler, S Jones, P Keska, A Mitchell and J Hart

Other Councillors: R Bassett and J Philip

Apologies: B Rolfe and Y Knight

Officers Present: N Richardson (Assistant Director (Development Management)), S Tautz (Democratic Services Manager), J Godden (Principal Planning Officer (Heritage, Enforcement & Landscaping)) and G J Woodhall (Senior Democratic Services Officer)

1. ELECTION OF CHAIRMAN

Resolved:

(1) That Councillor B Sandler be confirmed as Chairman for the municipal year 2015/16.

2. NOTES OF THE LAST MEETING

Resolved:

(1) That the notes of the last meeting, held on 2 December 2014, be agreed as a true and accurate record.

3. MATTERS ARISING

In respect of a potential alternative location in Loughton for Area Plans Sub-Committee South (minute 6 refers, Meeting of Development Control Chairmen and Vice-Chairmen 2 December 2014), Cllr Philip advised the Group that the requested report prepared by S Hill had not identified any significant saving for the Council from moving to an alternative location, and Members of the Sub-Committee had indicated that they were content with the current location at Roding Valley High School. Therefore, there were no plans to move the meetings of Area Plans Sub-Committee South at the current time.

4. REVISION OF ARTICLE 10 - DISTRICT DEVELOPMENT MANAGEMENT COMMITTEE AND AREA PLANS SUB-COMMITTEES

S Tautz presented a report on the revision of Article 10 in the Constitution concerning the District Development Management Committee and Area Plans Sub-Committees.

S Tautz reminded the Group that a revised version of Article 10 was agreed by the Council in April 2015, and the views of the Group were sought on its initial operation. In addition, the Constitution Working Group had also reviewed the operation of minority references and was proposing some amendments to the current rules; the main change was that a minority reference could not be invoked until after a vote on the matter in hand had been taken, thus limiting the point in the debate that such a reference could be made.

In respect of the circulation of photographic and other such material received after the publication of the agenda, S Tautz stated that Democratic Services would provide the Members' publicly available contact details (i.e. email addresses) to applicants or objectors; if there were no publicly available email addresses available for a Member then Democratic Services would consider distributing the materials to that(those) Member(s). An article had been placed in the Council Bulletin explaining this to Members, following a recent incident whereby an objector had been informed by a Member of a Sub-Committee that Democratic Services would perform this task for them.

Cllr Bassett enquired as to whether any guidance could be provided for Members when they were approached by Developers to have meetings with and offer support for their applications. N Richardson stated that Officers were also approached by Developers, and Developers were encouraged by Officers to discuss their proposals with the Local Councils involved. In addition, the Council provided paid, pre-application discussions for Developers, and it would be useful if Members could get more involved in these as there would be Officers present at such meetings to recall the discussions. S Tautz added that Member involvement in the paid, pre-application discussions had been raised at the Governance Select Committee as well.

In relation to Site Visits, Cllr Jones felt that these operated in a much better fashion since the Guidance for Members for Site Visits had been published in the Constitution, and their distribution to applicants and objectors prior to a site visit also aided the process as well. Cllr Jones acknowledged that Sub-Committee East undertook more site visits than the other Sub-Committees, but felt that the majority of the site visits were necessary and helpful to the Sub-Committee. N Richardson commented that Planning Officers felt a site visit was, sometimes, agreed in order to defer a refusal for an application.

Cllr Philip informed the Group that the Constitution Working Group would be reviewing the Planning Protocol in due course.

Resolved:

- (1) That the operation of the revised Article 10 – District Development Management Committee and Area Plans Sub-Committees – be noted; and
- (2) That the proposed revisions by the Constitution Working Group to the operation of Minority References (Operational Standing Orders – Non Executive Bodies, Section 13 refers) be agreed.

5. REVIEW OF PLANNING PROCEDURES

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

Cllr Philip highlighted that Sub-Committee East had to deal with 18 applications split over two meetings this month, of which only one was a householder application. It was also highlighted that there was a previous occasion when Sub-Committee East had adjourned its meeting at 10.00pm and a second date had been arranged, and that there had been a further occasion when Sub-Committee East had been split into two meetings due to the number of items on the agenda. N Richardson commented that there had been a backlog of planning applications for processing, hence the previous occasions when a large number of planning applications had come through to the Sub-Committee simultaneously, but this had been dealt with now. There was a possible imbalance between the East and West Sub-Committees, and perhaps consideration should be given to moving an area from Sub-Committee East to Sub-Committee West.

It was pointed out that Sub-Committee South usually had a considerable number of applications on each agenda, but N Richardson informed the Meeting that there was a higher proportion of householder applications considered by Sub-Committee South which were quicker to determine. Cllr Mitchell opined that the current Members of Sub-Committee West would not necessarily know too much about the wards in Sub-Committee East and this could possibly lead to more site visits being agreed in meetings. S Tautz added that the whole of a ward would have to be moved across.

The Group felt that the composition of the Sub-Committees should be left as they were for the time being, and the agenda for each meeting should be analysed as to whether a second meeting would be required to complete the business. S Tautz informed the Group that the Calendar of Meetings for 2016/17 was currently being drafted and would include a date each month to be kept free for Member Briefings and additional meetings. This was probably the best approach at the current time, with the situation being monitored for the time being and potentially reviewed in the future.

Resolved:

(1) That the number of items on each agenda for a Planning (Sub-)Committee be monitored for the foreseeable future and extra meetings arranged where necessary.

6. REVIEW OF CURRENT AND FUTURE TRAINING NEEDS

The Group considered the current and future training needs for the Members tasked with discharging the Council's Planning function.

N Richardson stated that the same training for Planning tended to be held each year, and that all the training relevant to Planning – Development Management and Enforcement – had been held on one particular day in recent years. J Godden opined that it would be valuable if more inexperienced Members and more Local Councillors attended the sessions. Cllr Philip suggested that the Planning training sessions could be recorded using the webcasting equipment for Councillors to watch later if they could not attend on the day. In addition, questions could be submitted in advance and a database of 'Frequently Asked Questions' could be built up. N Richardson added that the slides from the training sessions could also be distributed. Cllr Jones

commented that the Parish Clerks could be reminded that all of their members should keep their Planning training up to date.

Cllr Bassett advised the Group that Planning Policy, Rules and Guidelines were often revised after the annual Member training sessions, and that perhaps there should be a six-monthly update briefing for all Members. The Group felt that this was an excellent idea; N Richardson could perform a short video briefing to update Members each month, which could potentially involve a joint briefing with Planning Policy Officers on Local Plan issues on occasion. This would then build up into a very useful video library for future reference by Members.

Resolved:

(1) That the concept of a monthly Member video briefing by the Assistant Director of Governance (Development Management) on updates to Planning Policy, Guidelines and Rules – possibly in conjunction with further updates from Planning Policy Officers on Local Plan issues – be investigated further for implementation in 2016/17.

7. ANY OTHER BUSINESS

Cllr Sandler informed the Group of complaints from Local Councils about the quality of the plans being submitted for planning applications, and requested that each application be checked more thoroughly in future before they were accepted by the Council. N Richardson stated that Officers were regularly reminded of the Validation Checklist to be followed when a new application was received, especially new Officers to the Council as a drawing of the street scene was not a requirement at other local planning authorities. It was also emphasised that Councillors should not expect to see measurements on plans as they were scale drawings. J Godden added that if a set of submitted plans passed the checklist then it was difficult to subsequently refer them back to the architect for amendment, and Local Councils should also utilise the same measuring tool for submitted plans as used by the District Council Planning Officers.

Cllr Jones enquired as to whether any feedback had been sought from the Local Councils over the use of the new planning system. N Richardson stated that the issue had been discussed at meetings of the Local Councils Liaison Committee in the past, but would discuss the matter with the Service Business Manager for Development Management.

Cllr Hart requested information on the procedure for the notification of planning applications to neighbouring properties. N Richardson stated that the Council would write to all of the immediate neighbours. If the application was for a rear extension then the Council might not write to the neighbours opposite, only the side and rear neighbours, but the Council would always write to the neighbours adjacent on either side of the property concerned and would erect a yellow site notice if necessary.

N Richardson commented that the presentations for each application considered at a (Sub-)Committee seemed to be relying heavily on photographs, both of the site and aerial shots showing the surrounding area. It could take two days for the Officers to prepare their presentations for Sub-Committee East and South. J Godden added that different Planning Officers took varying numbers of photographs of each site, and that sometimes photographs were more useful than the submitted plans.

Meeting of the Development Management Chairmen and Vice-Chairmen

27 October 2015

N Richardson also stated that the advice to Planning Case Officers was to visit the site concerned as soon as possible after the receipt of a planning application, and Members were encouraged to speak to the Planning Case Officers listed in the agenda prior to planning meetings if they had any queries.

CHAIRMAN

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Report to Governance Select Committee

Date of meeting: 2 February 2016

Subject: Pre-planning application advice

**Officer contact for further information: Nigel Richardson
Assistant Director Governance (01992 56 4110)**

SCRUTINY



Committee Secretary: M Jenkins (01992 56 4607)

Recommendations/Decisions Required:

- 1. To consider Member involvement in the paid pre-planning application process.**
- 2. To note the Development Control resource requirements for paid pre-planning application advice.**

Report:

Background

1. The Local Government Act 2003 allows Local Authorities to charge customers for holding discussions prior to the submission of planning applications. This Council has been charging on Major Category types since 2007 and has since then expanded this across other development types in 2013 and then more recently, to include householder extensions in 2015. Whilst planning application fees are nationally set, the pre-application advice fee is locally set. Pre-application discussions have always been encouraged by this authority, but a charging scheme does have the benefit of dissuading some ill-conceived proposals and highlighting the cost of officer time in the process and recouping some of this cost. It is also a question asked on the standard planning application form and assists in dealing with a planning application if one is subsequently submitted.
2. The requirements for pre-application discussions with officers involves not only the receipt of a fee based on a category of development at the outset, but also a requirement for an on-line form to be completed and submitted together with some basic plans and information. It is then allocated its own unique reference number, allocated to a planning officer for consideration and relevant consultation is carried out. Rather like the assessment of a planning application, a report in letter form is produced and signed off by a principal planning officer and other than small-scale and householder extension types, by the Assistant Director of Governance (Development Management).
3. Pre-application advice is generally encouraged because it not only reduces the likelihood of submitting invalid planning application and the need to meet local list requirements, but it helps the applicant to understand how planning policies and other requirements affect the proposal as well as highlight potential problems. The officer's report in letter form gives an assessment of whether there seems a reasonable chance of getting planning permission and where possible, suggests how amendments could be made as a way forward. This often involves meeting the developer, but if further officer work is required, then an extra charge is usually made per meeting.
4. The Council still has a Duty Planner Service that offers basic planning advice free of charge for visitors to the planning reception area and through the Duty Officer phone, where the advice is generally a short conversation about a development proposal and

is useful where it has little or no chance of success because it breaches development plan policies.

Member Involvement

5. Members have access to the paid pre-planning application enquiries through the weekly Council Bulletin, with each pre-app having a unique reference number, site address, a description of development and the officer's details as a contact point. However, there is low contact by Members, although officers are aware that some parish and town council's do allow a pre-application presentation from a developer. It is the Government's view that effective pre-application engagement should involve Members, particularly Ward Members, because it should lead to improved quality development that meets the needs of the community and a quicker planning permission.
6. The Planning Advisory Service (PAS) in 2014 worked with a cross sector group from councils, the development industry and statutory consultees on setting out ways of working to improve the contribution of pre-application discussions to good planning and from this produced a "10 commitments to effective pre-application engagement", which is set out as follows:.

1. Enable sustainable development to proceed efficiently from proposal to completion

How? Via open and integrated working with all parties. Adopt a spirit of finding solutions to enable a clearer path through the planning system.

2. Offer a range of pre-application services to developers, making sure that each choice can be delivered in a timely, effective manner; proportionate to the size of the proposal

How? Make choices available; from self-serve guidance to detailed problem solving working on complex proposals. Clearly set out the process, costs, timetable and output for each level and put this on the planning page of your council's website.

3. Help potential applicants to select the level of engagement necessary to deal with the issues raised by the proposal

How? Recognise that potential applicants will only choose services that offer good value for their business. Set out what they will receive and be sure you deliver on service promises.

4. Demonstrate that your pre-application services are good value for money, whether or not you make a charge to the prospective applicant

How? Pre-application engagement costs both the council and the developer. So, make sure the process is efficiently run and effective. If you do charge, make sure that the cost is justified and relates to the services offered.

5. Co-operate to bring together the right people to address all of the development issues

How? Have processes in place to ensure that the right people are involved so advice given and commitments made are carried through to application and permitting stages.

6. Have an open exchange of information.

How? By ensuring all information pertinent to the decision making is freely available to all interested parties prior to the submission of an application.

7. Be collaborative; the requirements of all parties should be given consideration

How? The planning considerations might be the starting point, but to encourage delivery, the needs of other parties have also to be taken into consideration.

8. Provide an opportunity for councillors to be actively involved in pre-application discussions

How? Bring councillors and developers together to help develop a scheme to meet the area's needs.

9. Engage with local communities about development proposals as early as possible

How? Facilitate conversations between communities, councillors and developers to help inform and influence the proposals.

10. Maintain an agreed record of information submitted, advice given and any agreements reached

How? Share agreed notes to provide transparency, help build trust, and ensure that pre-application discussions have traction when the application is considered.

7. As point 8 above states, councillors should have the opportunity to become involved at pre-application level and through the Council Bulletin, the opportunity is there, but with a low take-up, so therefore should more be done to get at least the Ward councillor involved and the local council? Whilst there have been occasions when developers have presented to a planning committee before a meeting starts, some other local planning authorities have taken this much further in the form of community engagement through developer forums, working groups, Member briefings for example.
8. Appended to this report is an extract from a PAS document outlining how councillors and communities can become engaged in pre-application discussions and encourages more committee member involvement in early discussions to provide a steer, which would not only assist in the final decision process but better inform decision makers.

Resourcing

9. In terms of officer resourcing of the pre-application enquiry process, there are 10 Development Control Officers who carry a workload of pre-planning application enquiries as well all other types of planning applications and related work. Since the category of charging for application types was expanded in 2013, the number received and dealt with has markedly increased and whilst this has brought in a larger income to help set against the cost of providing a statutory Development Control service, it has also added significantly to officer's workload. Given the number of enquiries, there is not quick turnaround time.
10. The workload increase is demonstrated as follows:

Year	No. of Paid Pre-Application Enquiries	Total Income (£)
2010/11	13	15 000
2011/12	6	3 000
2012/13	19	23 000
2013/14	108	74 000
2014/15	129	105 000
2015/16 (9 months)	173	83 000

11. The charge fee for the category of pre-application advice was last increased in 2014 and together with the process of dealing with them, including time frame for responses, are attached as a 2nd Appendix to this report. It is fair to say that given the workload of officers, that the time frame for response, which is within 21 days of a meeting, is rarely achieved because the pressure for turning around planning applications in a timely manner has a greater priority. It is hoped though that the very recent Cabinet approval of two trainee planning officers for 2016/17 will improve the resources of this very busy and demanding service area

and we are also looking to producing more meeting notes advice as opposed to the more time consuming report-type responses.

Summary

12. As a local planning authority the objective of providing pre-application advice is to improve the service to our customers. Constructive pre-application discussions between potential applicants and planning officers have been recognised as helping to ensure all relevant considerations are addressed when an application is submitted and to potentially speed up the determination of an application and bring more certainty into the process, which the involvement of councillors at an early stage in the overall application process would potentially do.
13. A good pre-application service also reduces the costs for both the applicant (in failed application and lost time) and for the Council – avoiding the need for repeat or free-go applications. The current high level of pre-planning application enquiries is putting increasing pressure on officers to effectively deliver this particular service and although extra resources is on its way, this will take some time to bed in.
14. Should Members consider that the pre-application process should become more formalised, particularly in the case of Major development types and certainly where they are of strategic importance, then councillor involvement at an early stage has proved to be beneficial in understanding planning issues and giving a steer to developers at other council's. However, there is likely to be a need for more planning officer resources and councillor time.

Reason for decision:

Options considered and rejected:

The report is predominantly informative and options are open for consideration.

Consultation undertaken: None

Resource implications:

Budget provision: None, but potentially could require extra resources.

Personnel: None

Land: None

Community Plan/BVPP reference: None

Relevant statutory powers: Town and Country Planning Act 1990, Localism Act 2011 and The National Planning Policy Framework (NPPF).

Background papers: PAS –“ Pre-application Suite”. Point 1 – 10 in paragraph 6 above and appended “Engaging councillors and communities in pre-application discussions” are extracts from this.

Environmental/Human Rights Act/Crime and Disorder Act Implications: None

Key Decision reference: None

Impact Assessment:

Risk Management

There are no risk management issues arising from the recommendations of this report.

Equality:

There are no equality implications arising from the recommendations of this report.

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Development Management

Pre Application Advice Charges 2015/16

Why seek pre-application advice?

It can be very helpful to seek our advice about your planning proposals before submitting your actual application. This might involve meeting with us or just sending us your proposals for us to comment. This can help to overcome potential difficulties and to make sure your application deals with all important planning considerations.

You may also find it helpful to obtain advice from an independent planning specialist when drawing up your scheme. People who regularly prepare planning applications have the experience and expertise that can help make sure your scheme has the best chance of being granted consent. Spending time and effort in preparing your scheme is more likely to result in a good quality and acceptable development and also help us process your application quickly.

From April 2015, irrespective of the level of information you provide, we will charge for providing advice on built developments or changes of use, including any that may be retrospective. **The charges are as follows:**

Major development schemes of 100 and over new residential units, or the creation of commercial development or changes of use of 10,000 square metres floorspace and over, or changes of use of land or earth movement on land 2 hectares or more = £3,600.00 inclusive of VAT at 20%

Major development schemes of 10 - 99 new residential units, or the creation of commercial development or changes of use between 1,000-9,999 square metres, or changes of use of land or earth movement on land 1 hectares or more = £1,800.00 inclusive of VAT at 20%

Minor development schemes of 2 - 9 new residential units, or the creation of commercial development or changes of use between 100 - 999 square metres or changes of use of land or earth movement on land under 1 hectares = £840.00 inclusive of VAT at 20%

Minor development schemes of 1 new or replacement residential unit or the creation of commercial development or changes of use up to 100 square metres = £300.00 inclusive of VAT at 20%

All other cases, including householder additions, adverts, other commercial development alterations = £48.00 inclusive of VAT at 20%

Your payment must be made in advance by cheque, banker's draft made payable to Epping Forest District Council or alternatively, by debit or credit card by ringing either of the following two numbers:

01992 564476 or 01992 564436 between 9:00am and 5:00pm, Monday to Friday.

We will need to be satisfied that your cheque has cleared before we can meet you or provide a written response.

Proposals affecting listed buildings and archaeology is subject to separate pre-application advice charging from Place Services at Essex County Council.

Please follow this link to their charges -

http://www.placeservices.co.uk/media/56522/epping-historic-environment-pre-application-advice-v-1_1.pdf

How the scheme works

We will decide which officers from Development Management or other Council services, or from outside organisations need to deal with your enquiries and whether a meeting is required. You can ask to meet with certain officers but the ultimate decision will be ours. If we consider a meeting is required, it will usually be held at the Civic Offices in Epping unless there are good reasons to meet elsewhere.

You will need to provide us with enough information about the site and your scheme to be clear about what you propose and to help us decide who else should be consulted. As a minimum, we will require:

- a) a description and summary of the proposals
- b) a site location plan and stated site area and
- c) your contact details.

You will need to send us this information far enough in advance for us to be able to reach a preliminary view, but as a minimum provision it is likely that the Council's response will be limited to whether or not it complies with current national and development plan policies and any meeting with officers at this stage is unlikely.

It is therefore beneficial to both you and for us in being able to offer the best possible advice, that in addition to the above and to increase the likelihood for a meeting to take place with officers, you provide:

- d) photographs and drawings of the site and the proposals
- e) any supporting documents, surveys, statements etc.

The issues, depending on the information you provide, are likely to include:

- The planning history of the site.
- If there are any constraints on the site. For example, is the building listed; is the development site in a conservation area; is there a flood risk; are there any national or local designations etc.
- Government advice.
- Relevant Development Plan policies.
- The design.
- Amenity impact.
- Possible obligations on you as the developer. For example, the provision of infrastructure, affordable housing or contributions to service provision.
- Necessary practical measures. For example, dealing with possible contamination.
- Process or timetable issues.

We will provide a written summary of our advice, the timescale of which will depend on the complexity of the proposal and our own consultation feedback, especially if we require further information. However if a meeting is deemed necessary then the written response would usually be within 21 days of this meeting.

Once we have given you a written response, if further investigation or meetings are required then additional fees are likely to be invoiced at the rate of £80 per hour. At the service's discretion minor follow up queries may not be subject to further charge.

Our advice will be provided in good faith but it will not be any guarantee that your application will result in a particular decision and will not be binding on the Council in any way. It will only be applicable so long as there is no change in policy or other circumstances relevant to the case.

Our opinion might have to change during the formal application process once the views of neighbours, Local Councils and District Councillors have been obtained. The final decision may also be made by the relevant Council Committee, rather than by officers, and it is always possible that the Committee Members may reach a different view.

Whether or not you decide to take pre-application advice does not affect your right to submit a planning application nor to appeal should consent be refused.

To request pre-application advice, please complete the form below and e-mail us at contactplanning@eppingforestdc.gov.uk or phone the planning duty officer (you may need to leave a message) between 10:30am and 1:00pm on 01992 564477

Other planning advice available

We now provide much more information and documents online at www.eppingforestdc.gov.uk . This information is available free of charge and at virtually all hours. Examples include:

- Our current Local Plan with all planning policies and progress towards a new Local Plan.
- Advice when planning permission is needed.
- Information about the planning history of sites.
- Real time up dates on the progress of current applications.
- The Council's local validation requirements.

Application for Building Regulations Approval

Should you gain planning permission for your development, please contact our Building Control section to make an application and complete the process before work commences on 01992 564141

Request for Pre-Application Planning Advice

Please fill in as much of this form as possible

1. Applicant Details	2. Agent Details
Name <input style="width: 90%;" type="text"/>	Name <input style="width: 90%;" type="text"/>
Address including Post Code <input style="width: 90%;" type="text"/>	Address including Post Code <input style="width: 90%;" type="text"/>
Tel No <input style="width: 90%;" type="text"/>	Tel No <input style="width: 90%;" type="text"/>
Email <input style="width: 90%;" type="text"/>	Email <input style="width: 90%;" type="text"/>

2. The Site
Full address or location of the site <input style="width: 95%; height: 60px;" type="text"/>
Please note that a location plan showing the site outlined in red is required. See section 5 below.

3. The Proposal				
Full Description of Proposed Development <input style="width: 95%; height: 60px;" type="text"/>				
<table style="width: 100%;"> <tr> <td style="width: 50%;">Site Area (Hectares) <input style="width: 80%;" type="text"/></td> <td style="width: 50%;">Site Dimensions (Metres) <input style="width: 80%;" type="text"/></td> </tr> <tr> <td>Residential Number of Dwellings Proposed <input style="width: 80%;" type="text"/></td> <td>Gross internal Floor Area (SQ Metres) <input style="width: 80%;" type="text"/></td> </tr> </table>	Site Area (Hectares) <input style="width: 80%;" type="text"/>	Site Dimensions (Metres) <input style="width: 80%;" type="text"/>	Residential Number of Dwellings Proposed <input style="width: 80%;" type="text"/>	Gross internal Floor Area (SQ Metres) <input style="width: 80%;" type="text"/>
Site Area (Hectares) <input style="width: 80%;" type="text"/>	Site Dimensions (Metres) <input style="width: 80%;" type="text"/>			
Residential Number of Dwellings Proposed <input style="width: 80%;" type="text"/>	Gross internal Floor Area (SQ Metres) <input style="width: 80%;" type="text"/>			

4. Preliminary Discussions		
If you have had previous discussions or correspondence with the Council regarding this proposal please provide details of the officer and any reference number quoted by the Council.		
Officer	Date	Ref if applicable

5. List of Plans, Drawings and Information

Please provide as much information as possible. Providing more information will enable more detailed advice to be offered. Existing and proposed plans are helpful.

Location Plan (eg 1:1250 scale) With site edged red	Block Plan
Elevations / Alterations	Statement as relevant
Photographs of the site	

6. Type of Advice Requested

Major development schemes of 100 and over new residential units, or the creation of commercial development or changes of use of land or earth movement on land 2 hectares or more = £3,600.00 inclusive of VAT at 20%

Major development schemes of 10 - 99 new residential units, or creation of commercial development or changes of use of between 1,000-9,999 square metres, or changes of use of land or earth movement on land 1 hectares or more = £ 1,800.00 inclusive of VAT at 20%

Major development schemes of 2 - 9 new residential units, or creation of commercial developments or changes of use between 100 - 999 square metres, or changes of use of land or earth movement on land under 1 hectares = £840.00 inclusive of VAT at 20%

Minor development schemes of 1 new or replacement residential unit or the creation of commercial development or changes of use up to 100 square metres = £300.00 inclusive of VAT at 20%

All other cases, including householder additions, adverts, other commercial development alterations = £48.00 inclusive of VAT at 20%

Your payment must be made in advance by cheque, banker's draft made payable to Epping Forest District Council or alternatively, by debit or credit card by ringing either of the following two numbers:

01992 564476 or 01992 564436 between 9:00am and 5:00pm, Monday to Friday.

We will need to be satisfied that your payment has cleared before we can arrange a meeting or provide a written response.

7. Freedom of Information Act

The Council is unable to keep queries confidential in the majority of cases due to the Freedom of Information Act.

8. Signature

I confirm that the above information is correct. Signed.....

Date.....

4. Engaging councillors and communities in pre-application discussions

i) Active involvement of both councillors and communities at the earliest stages of a development project is important to both improving the quality of the resultant scheme and in reducing potential delays.

Why? Because:

1. Local authority councillors are active civic leaders who have goals and aspirations for their area which they want to make happen. Their role in pre-application discussions gives them the opportunity to ensure that new development meets those aspirations.
2. Planning applications for the most significant developments are mostly determined through a democratic process at planning committee. These decisions are made by the elected representatives of the local community, not by officers.
3. Communities all over England are demonstrating their ability to take far reaching positive decisions about the type of development they want to see in their communities through neighbourhood planning. These communities are showing their capacity to consider development constructively and to work with developers and landowners to influence development in a way that is far removed from passive consultation.
4. The involvement of communities is critical to the success of the development planning system. This is reinforced in the National Planning Policy Framework (the Framework) where it states at para 66:

“Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably”

(see also Article 3A of the DMPO in which prospective applicants are legally required to carry out pre-application discussion with the local community for some kinds of wind turbine projects).

As in all pre-application engagement, proportionality is the key.

The arrangements that LPAs can put in place to facilitate early discussion will vary dependant on the scale and complexity of the development and the likely impact of the development on the wider community.

The role that people play in the development process will affect the reach and timing of their involvement.

All councillors will be chiefly acting to ensure that new development delivers the greatest benefits for their communities, but there are nuances to their roles that affect how they engage in pre-application discussions.

Early and proactive engagement in discussions from ward members and planning portfolio holders helps developers to shape major schemes even before they get to the drawing board. Leaders and portfolio holders in particular may need to act as managers of council assets acting as partners in the delivery of some strategic developments – balancing an asset management role with civil leadership and representing the interests of constituents. They are able to use their position as local leaders to aid important developments that will realise their aspirations for the area.

Ward councillors generally want to be confident that they have the right information about proposals happening in their area in order to be more effective community representatives. They want to do a job in encouraging developers to make proposed developments that their community will value and achieve benefits for their community from developments within it.

Planning Committee members will take decisions on planning applications but balance their community leadership role with the need to keep an open mind prior to decision making. This does not mean that committee members should be insulated from early discussions. It will help to bring about better understanding of the issues through open exchange of information, discussion and constructive questioning.

Councillors involved in early discussions have an invaluable opportunity to understand issues of viability and to explore potential contributions to local infrastructure and affordable housing. Members are able to provide a clear steer on what is likely to be acceptable to the community and can allow problems and opportunities to be identified and addressed as the proposals for the development are put together. The issues raised by statutory consultees can be explored and alternatives assessed.

While the outcome of the planning application is not pre-determined by this process, the issues are better understood and the likelihood of deferrals and delays much reduced.

In the Localism Act 2011 (s25), the government made it clear that the probity rules that ensure that councillors behave with the highest standards in relation to their role in planning are not a barrier to councillors being actively involved in bringing their local knowledge, expertise and understanding of community concerns to bear in the pre-application process. A decision taker must not have made up their mind on a proposal such that they have a closed mind to any new information or alternative views before taking a decision. But it is reasonable for a local councillor to be predisposed to support or object to a proposal as a result of both the community representative and leadership roles.

The PAS/LGA guide “Probity in Planning 2013” sets out more guidance on this matter: http://www.local.gov.uk/environment-planning-and-housing/-/journal_content/56/10180/3979541/ARTICLE

The community in the planning context can include a multiplicity of potential players. It is not just those living near a future development but includes all those whose lives, work or responsibilities could be noticeably affected by it. It can for example include:

- those potentially affected by traffic, noise or visual impact some way away from a site
- the local parish, town council or a neighbourhood forum (as even if their role is not statutory, forums designated for neighbourhood planning will have an equal interest in representing their communities)
- people beyond a parish boundary; if, for example, changes might be happening to a school, centre or open space that serves a wider area;
- amenity and residents' groups, managers of local community infrastructure
- some external people even if not local, e.g. Natural England if there is a wildlife impact.

It is important that a potential applicant gains a clear understanding of the 'community' in relation to a proposed development early in the process and for the LPA to help the applicant to reach this understanding. While recognising that some aspects of it can, and perhaps should, change as a project evolves, applicants are well advised to use community consultation as one of the channels through which the design of a proposal can be developed and refined. Development of an engagement strategy, setting out how the community will have opportunities to understand and influence developments, is best done as part of early discussions and included within a PPA or project plan.

Applicants may go separately to engage with the community or may work with the LPA, including councillors, to facilitate the discussion at the formative stages. While in some commercial situations a potential applicant may wish to hold back on community engagement for reasons of confidentiality, the LPA should encourage the applicant to bring the community into discussions as soon as practically possible.

Like ward councillors, town and parish councils, neighbourhood forums and other community representatives also value being part of discussions and to shape proposals in their area; to understand the impact of viability, to advise on community priorities and to see that these are demonstrated in the proposals that are brought forward by applicants. Early, open discussions with local communities, are unquestionably the key to effective progress in developing proposals that meet both the needs of the applicant (a faster and more cost effective passage through the planning system) and increased benefits for the community who will live with the eventual development. They too are a key route through to the wider community.

Integrating councillor and community engagement into pre-application processes

To work well and ensure public confidence in the integrity of pre-application engagement, many councils have adopted some form of structured approach especially in regard to the involvement of councillors. This need not be tied to formal presentations, and may include more informal working/discussion arrangements, as appropriate for each council. However for the sake of transparency and so that a prospective applicant can understand the options available, the arrangements need to be integrated into the range of pre-application services discussed at section 2 of this pre-application suite.

In considering what arrangements are appropriate, the following should be taken into account:

- Active discussion will facilitate the design of schemes that better meet the needs of the local community more effectively than an "consult and determine" process
- Arrangements should be proportionate to the scale of the development and the complexity of the issues raised and therefore a range of options should be available
- Arrangements should be sufficiently flexible to accommodate a range of circumstances including where there has been discussion at plan preparation stage, following an appeal or reworking of unimplemented permissions.
- The LPA should have capacity to meet whatever arrangements are put in place
- The process should be managed in such a way that a record can be kept of matters discussed and advice given
- Councillors who are not normally involved in making planning decisions, may require additional support to help understand the development plan context and the NPPF.
- How councillors, town and parish councillors and neighbourhood forums and communities are engaged in pre-application discussions should be part of the PPA project plan and communities may be signatories to the PPA agreement.
- Allow for regular review of any confidentiality requirements in order to work towards inclusive open discussions.

ii) Options for effective engagement

Many councils have adopted good working models for engaging both the community and elected local authority members in pre-application discussions. No one solution will suit all councils or all developments. Councils can adopt a combination or hybrid of these suggested options, depending on the scale of development and the stage of the development process. As with other aspects of a good pre-application offer, all stages, options and costs involved should be clear to participants from the beginning. Any PPA should indicate the form of engagement/discussion that will be adopted and these should be identified as milestones in the project plan.

Discussions at concept stage

Councils are increasingly working to ensure that their economic development and planning services are working in close alignment. As part of this they are signposting a 'front door' whereby potential applicants for significant new developments are encouraged to come to the council at the very earliest stages to discuss concept proposals with senior councillors. Equally, whilst progressive developers have gone straight to the community to discuss proposals early in the design stages for some time, neighbourhood planning has been a catalyst for more direct approaches from developers who wish to work with communities to ensure that their proposals meet community objectives

In both cases this initial contact can set up good relations for the rest of the project or avoid costly delays in taking forward proposals that have little chance of success or community support. Discussions may start with a blank sheet of paper to allow options to be explored openly or may build on proposals that are at an early stage of development. While the discussions may be confidential and preliminary, it is nonetheless important that a record of advice and agreements is made, shared between the participants, and kept on record should an application follow.

Member and community briefings

Formal briefings at a meeting, in some form of presentation or less formally by phone, provide an opportunity for the council officers or a prospective applicant to give an introduction to a development proposal while that proposal is still at a formative stage. The 'audience' may be one or more councillors or a mixed group of people likely to be affected by the proposal and community representatives such as town and parish councillors or neighbourhood forums. Such briefing can be a helpful way for councillors to stay abreast of proposals that are being discussed in their area, neighbourhood or ward. It's also an effective means for portfolio holders to have an overview of development across the local authority. Briefing is most appropriate at the early stages of discussions between the council and a prospective applicant. It is envisaged more as a presentation of information than a discussion, allowing the 'audience' to take in the information and provide a considered response later. Some councils allow a developer to brief councillors directly. In all cases it is important that a record is kept, alongside a copy of any written briefing or presentation material.

Interim committee report/presentation

This is useful for ensuring that the planning committee members are given an early sight of pre-application proposals in a more formal surrounding with the public present and providing a public record. The officers prepare a report that briefs on the scheme; the issues raised in planning terms, and matters discussed in informal pre-application meetings with councillors, statutory consultees and community groups. The developer may be offered a chance to give a presentation to the committee members outlining the scheme including any on-going discussions such as viability and provision of community benefits. Some councils allow ward members and/or parish/town councils to also address the committee in order to raise issues that the community may have about the development. The committee hearing the briefing have a chance to openly question and explore the proposal while keeping an open mind about the proposal. This provides a public record of discussion and therefore high levels of transparency.

Discussion forum

A developer or the council can host a discussion forum attended by officers, councillors, representatives of other statutory consultee bodies and community stakeholders (as identified in the councils SCI). This can effectively combine the engagement of councillors and community representatives and members of the public in a single event. It differs from the member /community briefings in that it is not an information opportunity but a working discussion forum therefore it is important that this takes place when the scheme remains fluid and capable of change.

The prospective applicant has an opportunity to present his/her initial design and hear reactions from those present. Statutory consultees have an opportunity to outline any concerns, modifications or mitigation measures they consider to be required. The councillors and community representative can ask questions of both the applicant and statutory consultees about the detail of the proposal. The design, financial viability, local impacts and contributions to infrastructure and affordable housing can all be considered, views expressed and suggestions tabled. Such forums will require effective chairing. In most cases this local leadership role is taken by a councillor. The task of organising and funding the events will be agreed between the council and the prospective applicant under the terms of the pre-application offer or PPA. Some councils run regular planning discussion forums and the meeting may deal with several prospective developments in a single agenda – depending on the scale and complexity of the issues and level of public interest. This format has the advantage of keeping discussions in the open, providing an organised platform for all those with an interest in the development to gain a mutual understanding of issues and help to shape more successful schemes. The record of discussion at such meetings should be a material consideration later in the application process.

