

Supplementary Committee Agenda



**Epping Forest
District Council**

Local Councils' Liaison Committee Thursday 21st November 2024

Place: Council Chamber - Civic Offices

Time: 7.00 pm

Democratic Services:

Tel: (01992) 564243 Email:
democraticservices@eppingforestdc.gov.uk

**7. NEW PLANNING COMMITTEES AT EFDC - PROCEDURES AND PROTOCOLS
(Pages 2 - 7)**

Please see supplementary information 'Advice for Planning Committee Members'.

Agenda Item 7

ADVICE FOR PLANNING COMMITTEE MEMBERS

Agenda Points:

Webcast Introduction: At the start of the meeting the Chairman will read out the webcasting introduction.

Welcome: The Chairman will then welcome Councillors and members of the public. Advice to speakers can be found at the front to the agenda.

The Officers present will be introduced (Planning Officer, Democratic Services Officer, Legal Officer, Webcasting Officer, and any specialist officers present).

Apologies for Absence: Any apologies should be given to Democratic Services in advance of the meeting. The Democratic Services Officer will read out any apologies given. Late apologies may be verbally reported by other Councillors in attendance at the meeting.

Declarations of Interest: Any Declarations of Interest must be vocalised by Members at the Committee. These could be pecuniary or non-pecuniary.

Minutes: Members will be asked to agree the minutes of the previous Committee meeting. Any concerns or corrections should be highlighted at this time.

Any other Business: Any other business matters must be raised with Democratic Services ahead of the meeting.

Development Control:

A senior Planning Officer will always be in attendance at the meeting to give advice to the Chairman and the Committee. However officers and speakers can join the meeting via Teams. There may be more than one Planning Officer attending virtually to present the application that they had been working on as the case officer. A Legal representative/advisor will also always be in attendance, either virtually or in-person.

All public speakers (in person or on Teams) will be timed and have 3 minutes to speak. The exception to this is the local Ward Councillor(s), who will not be constrained to 3 minutes. However, the Chairman will manage the timings, especially if more than one Ward Member will be speaking.

Planning Applications:

Each planning application on the agenda will be presented to Committee by a Planning Officer and will include a PowerPoint presentation. In some instances, more than one application may be presented together (such as a planning application and associated listed building application). However, in such instances a separate vote will have to be taken on each individual application.

Speakers:

After the presentation any registered speakers will have their opportunity to speak. The order will be:

1. Objector;
2. Parish/Town Council; and
3. Applicant or Applicants Agent.

Each speaker will have a maximum of 3 minutes to speak.

Following the registered speakers, any local Ward Members in attendance will be given the opportunity to speak. The Ward Members are not restricted to 3 minutes, however the Chairman will manage the timings of the meeting, especially if more than one Ward Member will be speaking. It is important that issues are not repeated.

General Discussion:

After the last speaker has finished, the case will be opened up to the Planning Committee Members to discuss. During this discussion, questions can be asked of the Planning Officer, or any other officers in attendance. Points of clarity or confirmation can also be sought from the local Ward Members, however they are unable to join in the general discussion or vote on the application (even if they are a Member of the Planning Committee).

Registered speakers may not join in the debate however, at the discretion of the Chairman of the Planning Committee, they may clarify matters relating to their presentation and answer questions from members.

During this discussion extra conditions might be proposed. Local Ward Members can be involved in determining extra conditions that may be necessary.

Extra Conditions (if proposed):

Any extra conditions suggested by Members need to be clearly outlined and seconded. The planning officer, or any appropriate other officer in attendance, will be asked for their views on the appropriateness of the conditions proposed. The inclusion of additional conditions will need to be agreed by majority vote. This can be as a stand-alone vote or as part of the general decision (i.e. a vote to approve consent subject to the suggested additional conditions).

Voting:

Once the discussion has taken place then a formal vote will be taken on the officer recommendation. If for approval subject to extra conditions then it should be made clear that these form part of the decision.

Members will be asked to vote for:

- all those in favour of the officers recommendation (to grant or refuse);
- all those against; and
- any abstentions.

If the Officer's recommendation is not agreed then Members will need to suggest an alternative decision. This must be seconded and voted on.

If the alternative recommendation is for refusal then clear reasons for refusal need to be given. Advice on the suitability of the suggested reasons should be sought from the Planning Officer and/or the Legal Officer.

If the alternative recommendation is for approval, then Members can grant Planning Officers delegated authority to determine the appropriate conditions. However, any specific conditions Members consider to be necessary should be made clear. If the approval of planning consent would constitute a departure from the Local Plan (which can be confirmed by the Planning Officer and/or Legal Officer) then material considerations which justify the departure **must** be clearly stated. Failure to do so may constitute maladministration or give rise to a Judicial Review. An application approved contrary to Local Plan policy may have to be referred to the Secretary of State, depending upon the type and scale of the development.

Where any Councillor is proposing to put forward a motion contrary to the officer recommendation, the Chairman will ensure that the planning reasons are apparent **before** a vote is taken and will ensure that the Planning Officer is given an opportunity to explain to the committee the implications of their decision.

Once the result is known, so that the public know what has happened to the application, the Chairman will make it clear that application has been agreed or refused.

Please note:

- *If a vote for an application recommended to be granted is lost, then that application has **not been refused** but stands in limbo, as it has not been granted. A Member must then make a proposal to refuse the application citing valid planning grounds. This must then be seconded and then voted upon.*
- *Once an application is refused then the Committee no longer indicates a 'way forward' for that application.*
- *In the event of a tie, the Chairman may (or may not) exercise a 'casting vote'. This is optional.*
- *At a Planning Committee, it is the Members of that Committee's role to make a decision on planning applications. On rare occasions, if a Committee cannot reach an agreed decision then the application can be referred to the other Planning Committee. However, it is important that Members should make a planning decision unless there are **exceptional reasons** not to.*

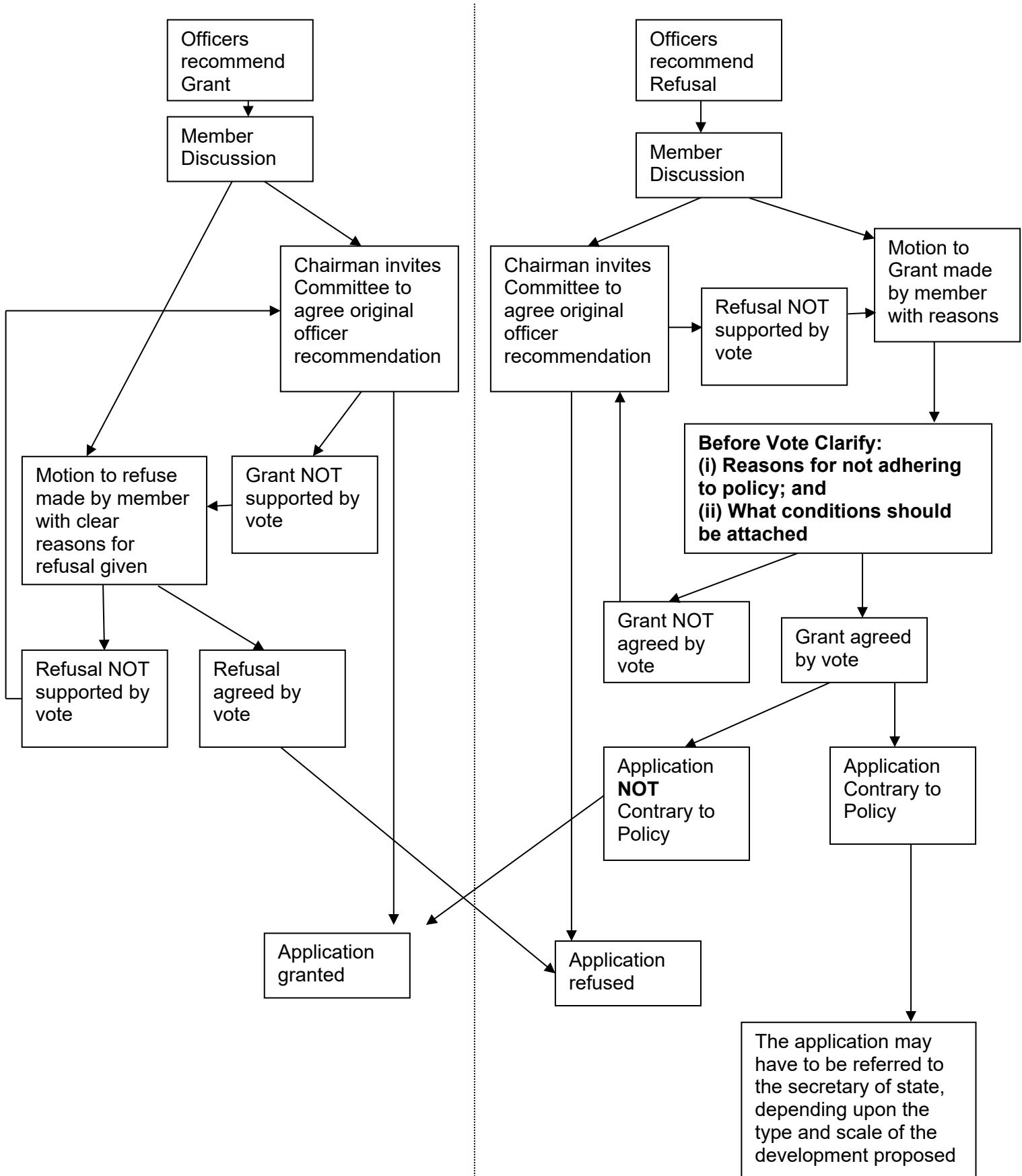
Continued overleaf:

Appendix 1 – Decisions Flowchart

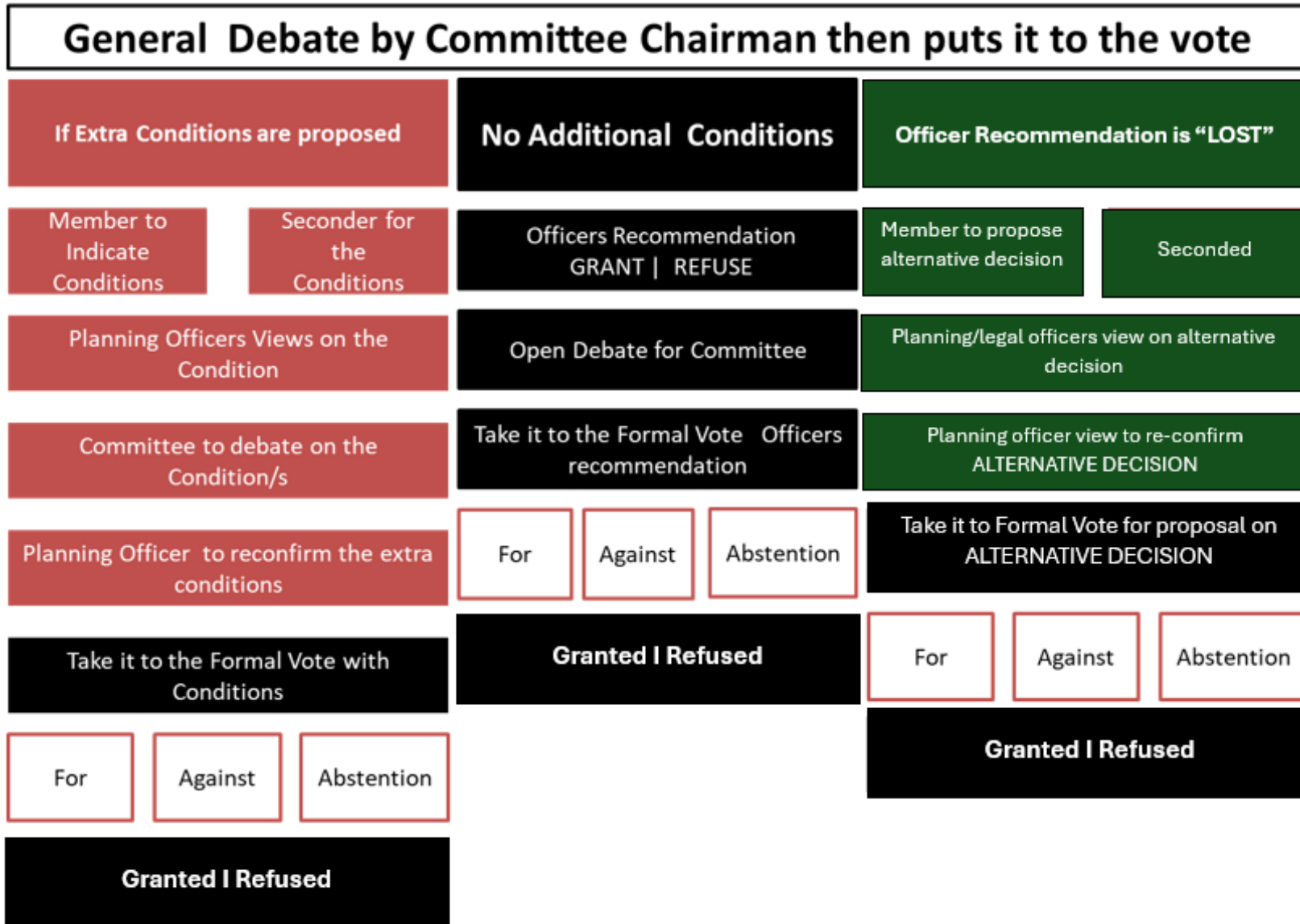
Appendix 2 – Diagram: General debate by Chairman then puts to the vote

Appendix 3 – Guidance on Member Call-in

Appendix 1 – Decisions Flowchart for Consideration of Planning Applications



Appendix 2 – Diagram



Appendix 3 – Guidance on Member Call-in

