

- iv. Draft Licensing Protocol (in consultation with the Licensing Committee – scheduled for 20 February 2018 meeting).

3. Constitution - Revisions & Amendments

The Assistant Director of Governance reported on the following revisions that needed to be made to the Constitution to ensure that the Constitution remained fit for purpose. A discrepancy in the provisions of Article 6 (Overview and Scrutiny), paragraph 22, and Procedure Rule Q3(1) of the Constitution was recently identified as a result of a public question submitted to the O&S Committee. While the provision in Article 6 allowed the public to ask questions of the Chairman of O&S Committee at its ordinary meetings, the provision made in Procedure Rule Q3(1) appeared to suggest that public questions could only be made to the O&S Chairman at meetings of the Council, rather than the committee itself.

Members supported the recommendations made and Councillor D Stellan asked for these to be published in the Council Bulletin.

A revised edition of the Constitution was published on 20 June 2017 to reflect changes made to Portfolio Holder responsibilities, officer delegation arrangements and the current members allowances scheme.

Agreed:

- (1) That a report be made to the Council recommending:
 - (a) That the following revisions be made to the Procedure Rules of the Constitution with immediate effect:

Q3(1) (Revised) “Members of the public may ask questions of the Leader of the Council, any Portfolio Holder, or the Chairman of the Overview and Scrutiny Committee, at ordinary meetings of the Council”;

Q3(2) (New) “Members of the public may also ask questions of any Portfolio Holder at ordinary meetings of the Cabinet and of the Chairman of the Overview and Scrutiny Committee at ordinary meetings of the Committee”; and
 - (b) That the following revision be made to Appendix 1 of Article 6 of the Constitution with immediate effect:

1(q) “to review the implications of consultation documents relating to matters affecting the Epping Forest District, where requested by members or considered appropriate by the relevant Service Director, and to respond to such matters on behalf of the Council”; and

Subject to the agreement of this proposed revision to the Constitution, the existing delegation made by the Overview and Scrutiny Committee for the Select Committees to consider consultation documents on its behalf, would also need to be revised. This would be addressed through a revision to the Terms of Reference for each Select Committee; and

- (2) That recent changes to the Constitution implemented in accordance with the authority delegated to the Director of Governance for the maintenance of the Constitution, be noted, as followed:
 - (a) A revised schedule of Portfolio Holder Responsibilities (Part 3) (Scheme of Delegation - Appendix 4);
 - (b) A revised schedule of Officer Delegation Arrangements (Part 3) (Scheme of Delegation - Appendix 5); and
 - (c) The adopted Members' Allowances Scheme and schedule of implementation for 2017/18 (Part 6 – Scheme of Allowances).
 - (d) Appropriate revisions made throughout the Constitution, to reflect changes to Portfolio Holder Responsibilities from the current municipal year.

4. New Planning Code of Practice

The Assistant Director of Governance reported on proposals for a new Code of Practice in Planning, which would replace the current Planning Protocol contained in the Constitution.

The Council had, when seeking an external review of the main Constitution document in 2016, sought guidance from Counsel on the structure of such a code. Additionally, the Standards Committee had been asked to comment on the new Code as that Committee had responsibility for Code of Conduct advice.

The Working Group considered the report and made suggested changes to the Planning Code of Practice, which would require the assent of the Council.

Recommended:

- (1) That a report be made to Council recommending the adoption of the new Planning Code of Practice; and
- (2) That subject to (1) above, the new Planning Code of Practice be published in the Council Bulletin.

5. Planning Process Review 2017/18 - Scoping and Council Referral

The Assistant Director of Governance outlined the agenda report, which concerned whether to recommend allowing members to opt in or opt out of membership of Area Plans Sub-Committee South during the municipal year or only at Annual Council. The second matter concerned the implications of an increase in planning applications to deliver the growth identified in the Draft Local Plan and how this would impact on the Council (officers and members), and how the wider review of the planning process should be phased. Counsel had commented that the Council probably had not received more pre-emptive applications because of the high percentage of green belt land in the District. The report outlined the scope of the review at points 5 and 6, and listed relevant documents. The Monitoring Officer also needed to be satisfied the Council was working within the law.

Area Plans Sub-Committee South

The Assistant Director of Governance said that this committee was significantly larger than the other two. The Area Plans Sub-Committees had been reduced to three by Ongar and Epping joining together to form Area Plans Sub-Committee East, while Area Plans Sub-Committee West had stayed the same 'area' membership. Area Plans Sub-Committee South's membership had used to be pro-rata, was then limited to seventeen members and lastly that members had to opt in or opt out at Annual Council at the beginning of each municipal year, which was then fixed for that year. Therefore, Councillor D Sunger had recently had to wait until Annual Council this year to join the membership of Area Plans Sub-Committee South.

Councillor C C Pond said that in 2007 the membership had comprised all ward councillors. He said that regarding the motion proposed by Councillor S Murray, councillors should not have the choice to opt in and it should not be possible to opt out either. The Assistant Director of Governance replied that you could have the option to opt out but only Council could re-appoint councillors. Councillor S Kane commented that this should serve for the year or term. The Assistant Director of Governance commented that Democratic Services spent a lot of time chasing members of Area Plans Sub-Committee South to opt in / opt out. Councillor M Sartin said that Area Plans Sub-Committee East would become too small a committee if members were allowed to opt out. Councillor D Stallan asked for the Constitution to be kept as it was, that Democratic Services should not have to chase councillors to opt in / opt out, but if a member was elected during the municipal year, then to be allowed to opt in at the next full Council meeting.

Councillor D Dorrell proposed removing clause (3) and inserting a clause that stated, 'Newly elected members may be allowed to opt in at the next full Council meeting, and that this could not be changed during the year'. This was seconded by Councillor C C Pond who said that another motion could be proposed at the next Council meeting.

Review and scope of the Planning Process

The Assistant Director of Governance focused on the scope of the review and that this was a place to start for the next meeting. The Council needed a requirement to work across a wider area especially when sites crossed into another authority, as with Harlow Council. This was to avoid discrepancies occurring, for instance, if Harlow dealt with a planning application relatively quickly yet this Council was still cogitating after a year. It was advisable to work with partner authorities and be mindful of similar practises, as there were a lot of strategic sites around Harlow, on which there would need to be discussions. He would ask the Monitoring Officer to speak to the Harlow Council Monitoring Officer.

Councillor J H Whitehouse asked how members would be involved in masterplanning. N Richardson replied that the masterplan would be situated around Harlow and encouraged members to get involved by attending any presentation meetings. Members would also be kept up to date as a masterplan evolved regarding the mix, type, density of housing and infrastructure (better / bigger roads, GP surgery, schools etc). Members would want to get the best deal for their electorate. Councillor M Sartin said that masterplan meetings would be very useful. N Richardson added that there would be a quality review panel, a panel of experts, that would have a say on design and layout.

Members gave guidance on the areas where such a review should begin at the next meeting.

Recommended:

That a report be made to the Council recommending the Article 10, Changes to Membership of Area Plans Sub-Committees, as below:

- (1) That the existing paragraph (3) of Article 10 of the Constitution be deleted and substituted with the words “(3) Newly elected members maybe appointed to the relevant Area Plans Sub-Committee at the next ordinary meeting of the Council” as set out in the revised Article 10 attached at Appendix 3 to this report;
- (2) The Assistant Director of Governance to ask the Monitoring Officer (Director of Governance) to speak to the Harlow Council Monitoring Officer on similarities in practises; and
- (3) That for the next meeting a report be made on:
 - (i) Officer delegations;
 - (ii) How objections are considered and resolved;
 - (iii) How objections trigger a member review;
 - (iv) Committee systems for members considering planning applications; and
 - (v) Style of officer reports.

6. Date of Next Meeting

It was noted that an extra meeting of the Working Group would be held on 4 December 2017 at 7pm.

CHAIRMAN