

Report to Overview and Scrutiny Committee



SCRUTINY

Date of meeting: 23 March 2015

Subject: Review of Operation of Planning Committees and Terms of Reference



Epping Forest District Council

Officer contact for further information: Simon Hill, Governance (Ext 4249)

Committee Secretary: Mark Jenkins (Ext 4243)

Recommendations/Decisions Required:

That a report be made to Council recommending:

- (1) the adoption of the attached revised draft Article on the operation of and arrangements for planning committees including the proposals for the renaming of the District Development Management Committee;**
- (2) the inclusion of the provisions within the Council's Constitution with immediate effect subject to a review during 2016; and**
- (3) the approval of consequential amendments to the constitution by the Monitoring Officer including the removal of old provisions and areas of duplication.**

Report:

1. (Chairman of Panel – Councillor M Sartin) The Overview and Scrutiny Committee, at its meeting on 16 September 2014, referred a PICK request to the Planning Services Panel. The request was sponsored by the Chairman of the District Development Control Committee, Councillor Brian Sandler.

2. The Planning Services Panel, at its meeting on 9 December 2015 and the Constitution Panel, at its meeting on 16 February 2015 have looked at the following matters:

(i) The operation of the speaking arrangements and deadlines for submission of material for the Planning subcommittees as currently contained within the rules for participation on planning matters to include:

- (a) Classes and types of speakers, duration and registration arrangements and deadlines;
- (b) The extent of Chairman's discretion on such matters;
- (c) Procedure for other submissions and photographic material;

(ii) The terms of reference of the Planning subcommittees and District Development Control Committee to include:

- (a) Definitions of applications of major importance;
- (b) Clarification of the mechanism for referrals from Planning Subcommittees
- (c) The role of the Leader as currently defined in the DDCC's terms of reference.
- (d) How the Council's own applications are dealt with.

3. The operation of arrangements for speaking at planning meetings has never been substantively reviewed since they began in 2006. The review is timely for two reasons; firstly the review of the Constitution into which this review fits neatly. Secondly there have recently

been a number of 'complaints' about operation (mainly from applicants/objectors).

4. Having discussed, in some detail, the operation of the Planning meetings at both the Planning Services Panel, at its meeting on 9 December 2015 and the Constitution Panel, Officers have been able to codify members wishes into the attached revised Article of the Constitution. The article brings together all references to the Planning Committees in one place within a new Constitution.

5. This revised Article sets out the membership of the committees, responsibility for functions, terms of reference and participation and site visits rules. In particular it seeks to draw a clear line between the main bulk of applications dealt with at area level and those which would be considered, either directly, or by reference, by the District Development Management Committee (renamed as part of these proposals).

6. The changes will also bring clarity to the role of the Chairman in controlling the business at the meeting, particularly for speakers.

7. It is considered by the Panels that these rules should be implemented in advance of the completion of the Constitution Review to allow a period of operational experience to be undertaken with a check in 2016 to make sure that they are still appropriate.

8. Members are asked to consider the revised Article for incorporation into the Constitution and recommend it to Council for adoption.

Reason for decision:

9. A review of the whole of the Constitution is ongoing. The review will alter the arrangements of sections of the Constitution. A PICK form requesting that review be undertaken has been received and considered by the Planning Services and Constitution Panels and requires the endorsement of this Committee.

Options considered and rejected:

10. The Committee could recommend no change to current rules or could bring forward alternative proposals. Changes to the Constitution are reserved to the full Council.

Consultation undertaken:

11. Consultation has been undertaken with both the Development Control Chairmen and Vice Chairmen's meeting; the Planning Services Scrutiny Panel and the Constitution and Members Services Scrutiny Panel. Professional Planning Staff and the Assistant Director – Development Management have also been consulted.

Resource implications:

Budget provision: From existing
Personnel: From existing
Land: Nil

Relevant statutory powers: Town and Country Planning Acts

Background papers: Revised Article, Current Constitution
Environmental/Human Rights Act/Crime and Disorder Act Implications: none
Key Decision reference: (if required) Not a key decision