

**EPPING FOREST DISTRICT COUNCIL  
NOTES OF A MEETING OF CONSTITUTION WORKING GROUP  
HELD ON THURSDAY, 28 MARCH 2019  
IN COMMITTEE ROOM 2, CIVIC OFFICES, HIGH STREET, EPPING  
AT 7.30 - 8.05 PM**

<b>Members Present:</b>	M McEwen (Chairman), M Sartin (Vice-Chairman), D Dorrell, S Heap, S Jones, J Philip, C C Pond, C P Pond and J H Whitehouse
<b>Other members present:</b>	None.
<b>Apologies for Absence:</b>	J Share-Bernia
<b>Officers Present:</b>	S Tautz (Democratic Services Manager), N Richardson (Service Director, Planning) and V Messenger (Democratic Services Officer)

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**17. SUBSTITUTE MEMBERS**

It was noted that there were no substitute members for this meeting.

**18. NOTES OF PREVIOUS MEETING**

**RESOLVED:**

That the notes of the meeting of the Working Group held on 3 December 2018 be agreed as a correct record.

**19. TERMS OF REFERENCE & WORK PROGRAMME**

- (a) The Terms of Reference were noted.
- (b) Work Programme
  - (i) Constitution – amendments (item 1) was a standing item.
  - (ii) Planning Delegations (item 2), Petition Scheme (item 3) and Honorary Alderman (item 4) had been completed at the meeting on 3 December 2018 and then approved by Council on 20 December 2019.
  - (iii) Section 106 and Section 278 Agreements (item 6) where a review of planning delegations and practise to examine the approach taken was scheduled for the next Working Group meeting in September 2019.

Councillor J Philip advised that as the Local Plan progressed, an additional meeting of the Constitution Working Group might be required in relation to this item, before the next scheduled meeting on 24 September 2019.

- (iv) Gifts and hospitality (item 7) where a review of the existing guidance in the Constitution was due by members also had to be considered by the Standards Committee in the same cycle and would shortly be discussed by the Corporate Governance Group.

- (v) Reviews of Audit and Governance and Standards Committees (item 8), and the committee systems under the Planning Process Review 2017/18 (item 9) were outstanding items from this municipal year.
- (vi) Financial Regulations (item 10) to be advised by the Chief Finance Officer was also outstanding. The Democratic Services Manager, S Tautz, informed members that the current 151 Officer would be leaving the Council shortly. Therefore, this would need to be discussed with the new incoming 151 Officer. Councillor C C Pond asked if arrangements had been made as this was a statutory position required by law, to which S Tautz affirmed.

## 20. CONSTITUTION - REVISIONS & AMENDMENTS

S Tautz, Democratic Services Manager, was in attendance.

A revised version of the Constitution had been published on 21 December 2018, which had included revisions to the Scheme of Delegation (Part 3) (Delegation to Officers from Full Council). This was as a result of the ongoing Council restructure of senior management and the removal of a number of positions from the Council's establishment. This had also included the arrangement for the new Monitoring Officer, N Boateng, and the removal of references to the Staff Appeals Panel, which had been discontinued during 2018.

Any further revisions to the Constitution would be published after Council on 25 April 2019, but would incorporate the Members' Allowance Scheme for the 2019/20 municipal year that had been agreed by Council on 20 December 2018.

Members were advised that all forthcoming revisions to the Constitution would be publicised in the Council Bulletin.

### **RESOLVED:**

That the report be noted and agreed.

## 21. AREA PLANS SUB-COMMITTEES - SITE VISITS

S Tautz, Democratic Services Manager, and N Richardson, Service Director (Planning Services) were in attendance.

This proposal had originally been made to improve the efficiency of the Area Plans Sub-Committees to avoid speakers waiting lengthy times. It had given members the opportunity to identify and agree requirements for formal site visits to be held prior to consideration of planning applications at the Area Plans Sub-Committees. It had been in operation since the commencement of the 2018/19 municipal year on a 6-month trial basis, subject to being reviewed by the Constitution Working Group. Therefore, a review of the success of this arrangement was overdue.

This item had been discussed at the Joint Meeting of Development Management Chairmen and Vice-Chairmen on 4 March 2019. Members were of the opinion that this procedure should be adopted on a permanent basis and that site visits should be agreed with a minimum of debate. There was also concern that if a site visit had taken place at an Area Plans Sub-Committee but the application referred for determination by the District Development Management Committee (DDMC), for

consistency a further member site visit should be arranged prior to its consideration, which might delay an application coming before the next DDMC.

However, this did not preclude site visits being agreed by any planning committee, which could be achieved:

- by a resolution of a majority of members during consideration of an application prior to its determination; or
- that a formal site visit could be held on the approval of a Sub-Committee Chairman on the recommendation of the Service Director (Planning Services) under the Constitution (Article 10 – District Development Management Committee and Area Plans Sub-Committees).

However, to be consistent with the Area Plans Sub-Committees under Article 10 of the Constitution, a further suggestion was made at the Joint Meeting that a site visit could be held on the approval of the DDMC Chairman on the recommendation of the Service Director (Planning Services).

N Richardson said that this trial had seen an increase in the number of site visits being organised, even for Area Plans South. S Tautz added that the ideal situation was that a site visit would be voted on without debate, but this would also allow some further discussion on why a site visit was being requested. Nothing prevented a site visit being proposed during the debate of an application when that agenda item was reached and therefore, served to strengthen the opportunity to have site visits.

Councillor C C Pond said the (South) site visits he had attended had been very instructive for both members and officers, and had therefore been a worthwhile experience.

Councillor J H Whitehouse asked if topics to be discussed could be made known before a site visit.

Councillor J Philip wanted members to propose good reasons for holding a site visit. It would be up to the Chairman of a planning committee to ensure that a request for a site visit did not continue into a debate on the planning merits. He supported retaining the early site visit option and that for consistency, the DDMC Chairman should be able to recommend a site visit.

There was a consensus among members who supported and agreed with these comments and that it was preferable to have as many options as possible.

N Richardson commented that there was a very tight timeframe in which to arrange a site visit before an application came to committee once an agenda had been published, but it was an option for the chairman to request a site visit. Members could also visit sites themselves before the meeting.

Councillor S Jones acknowledged that planning officers had suggested site visits in the past.

Councillor M Sartin added that she had undertaken site visits herself but you couldn't always see onto a site.

Councillor C C Pond agreed that developers had a propensity to put high fences around sites and was disappointed over the demise of Bing Birdseye, which had been useful in this task.

Councillor C C Pond asked if it would be useful to hold site visits for important planning applications that were referred to Full Council for determination. Furthermore, public speakers were not allowed to speak on applications at Council, and suggested that these be added to the Constitution Working Group's Work Programme.

S Tautz commented on the practicalities of trying to arrange a site visit for 58 members. He also replied that there was no provision for the public to speak on a planning application at Council, except when an application had been submitted directly to Council without prior consideration by any planning committee. Also, if an Extraordinary Council meeting had been organised with the Chairman's consent to determine a planning application, the Constitution limited the type of business that could be considered. Therefore, the Working Group might want to look at those arrangements, to which members agreed.

**RESOLVED:**

- (1) That it be recommended to Council that the operation of the arrangements for the agreement of formal site visits, with regard to planning applications listed in agendas for meetings of the Area Plans Sub-Committees, be implemented on a permanent basis with effect from the commencement of the 2019/20 municipal year;
- (2) That when a formal site visit had been undertaken by an Area Plans Sub-Committee but the application then referred for determination by the District Development Management Committee (DDMC), for consistency, a further member site visit for DDMC members be arranged prior to its consideration;
- (3) That to be consistent with the Area Plans Sub-Committee under Article 10 of the Constitution, the option for DDMC to hold a site visit following a recommendation by the Service Director (Planning Services) and with the approval of the Chairman be allowed, to align with the Area Plans Committees; and
- (4) That the following matters be added to the work programme of the Working Group:
  - (a) To consider possible arrangements for formal site visits to be held with regard to planning applications referred to Council for determination; and
  - (b) To review the existing arrangements in the Constitution whereby planning applications, when referred to meetings of Council or Extraordinary Council for determination, were not generally subject to arrangements for public speaking.

**22. DATE OF NEXT MEETING**

It was noted that the next meeting of the Working Group would be held on 24 September 2019 at 7.00pm.