

**STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN at 4.00 pm on 7 OCTOBER 2013**

Present: Councillor R M Lemon – Chairman  
Councillors K Eden, J Loughlin, J Menell (Uttlesford members)  
Mrs G Butcher-Doulton, Mr V Lelliott and Mr A Brobyn  
(Independent members).

Officers in attendance: M Cox (Democratic Services Officer), M Perry  
(Assistant Chief Executive - Legal) and A Taylor (Assistant  
Director Planning and Building Control).

**S10 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors C Cant and E  
Godwin.

**S11 MINUTES**

The minutes of the meetings held on 17 July and 29 August 2013 were  
agreed and signed by the Chairman as a correct record.

**S12 BUSINESS ARISING**

**i) Minute S9 –Hearing into allegation of a breach of the Code of  
Conduct**

In relation to the meeting on 29 August 2013, Mr Lelliott inquired whether the  
councillor concerned had been asked to clarify his reason for the call-in. He  
was informed that the councillor had provided a reason but it did not  
constitute a valid planning reason, and at the time a formal procedure for  
rejection of a member call –in had not been in place.

**S13 PROTOCOL FOR CALL-IN OF PLANNING APPLICATIONS**

The Assistant Chief Executive – Legal presented a report on a proposed  
protocol for the call-in of planning applications. A review of this procedure  
had been requested by members following a complaint on this issue that had  
recently come before the committee.

The council had a written procedure for member call- in that had been  
circulated to all councillors at the start of the year, but during the recent  
investigation it had become clear that members were not fully familiar with its  
content. A formal protocol would raise the profile of this procedure as any  
deviation would amount to a breach of the code of conduct.

The Assistant Chief Executive - Legal explained that the majority of the  
decisions on planning applications were taken by officers under delegated

powers. Officers could refuse those applications that did not accord with the council's policies and approve applications within policy except in cases that were not covered by delegated powers when they would be considered by the Planning Committee. Any member could call-in an application which would also be dealt with by the Planning Committee

In the preparation of the report the Assistant Chief Executive - Legal had researched the practises of other councils and this had revealed a variety of approaches. Mr Lelliott asked whether the council's current procedures were along the right lines or whether now would be a good opportunity for a more fundamental review. He was advised that the council's approach was generally acceptable but needed to be formalised and provide clarity in certain areas.

The draft protocol was circulated, based on the current guidance and the following points were highlighted.

- The call-in should be in writing and received within 5 weeks of the validation date.
- If a member was intending to call-in an application that was not within their ward they should inform the ward member concerned of their intention to do so.
- A valid planning reason should be provided.
- There was an additional paragraph that gave the authority for the Assistant Director of Planning and Building Control to refuse a request for a call-in if he was not satisfied that the reason given was a planning reasons.

The Assistant Director Planning and Building Control said that the call-in system provided a good balance and on the whole the current procedure worked well. Planning officers were happy to discuss any planning application with members and give advice on the planning issues. He did not expect to reject many requests for call-in; this provision had been included as a fail-safe. Councillor Menell asked if there should be an avenue to appeal against the Assistant Director's decision but members did not consider this to be necessary.

In response to a member question, the Assistant Director said there were about two or three 'call-ins' per committee, which was a small number in relation to the number of cases although it did create an additional workload. Most of the cases were prompted by town and parish councils or comments from local people and tended to be smaller and locally controversial applications. He had investigated recent cases and found that members of the planning committee were more likely to call-in an application, probably because they were more confident in their knowledge of planning policies.

Mrs Butcher –Doulton said there appeared to have been a loophole in the system that had led to the recent case before the Standards Committee. Investigating the issue had cost the council time and money and she wanted to ensure that all members were aware of how they should act in future. She asked for clarification on the type of planning reasons to be used and whether they were stringent and clear. The Assistant Director replied that it

would not be possible to set out specific planning reasons as each application was concerned with different issues.

It was noted that the majority of councillors tended to speak to a planning officer if they were thinking of calling in an application, although this was not always the case. Councillor Lemon said it was very helpful for members to do this and asked whether this practise could be formalised within the protocol. He was advised that this would not be workable because any member who chose not to consult with an officer would be deemed to have breached the code. As an alternative it was suggested that the following paragraph could be added to the introduction as an advisory note.

‘1.4 It is recommended that members considering calling in an application should seek advice of planning officers before doing so’

The committee agreed the draft protocol and suggested that the operation of the new procedures should be reviewed in 12 months’ time.

RECOMMENDED to Full Council the adoption of a protocol to deal with the call –in of planning application with the addition of the additional paragraph 1.4 above.

S14

#### **DATE OF NEXT MEETING**

The next meeting would be held at 4.00pm on Monday 5 March 2014.

The meeting ended at 4.45pm