

**Minutes of the Meeting of the LICENSING AND PLANNING POLICY COMMITTEE
held at the Council Chamber, Epsom Town Hall on 11 July 2024**

PRESENT -

Councillor Peter O'Donovan (Chair); Councillor Clive Woodbridge (Vice-Chair); Councillors Tony Froud (as nominated substitute for Councillor Robert Leach), Rob Geleit, Shanice Goldman, Julie Morris, Phil Neale, Kieran Persand and Humphrey Reynolds

Absent: Councillor Neil Dallen and Councillor Robert Leach

Officers present: Victoria Potts (Director of Environment, Housing and Regeneration), Ian Mawer (Planning Policy Manager), Simon Taylor (Planning Development & Enforcement Manager) and Tim Richardson (Democratic Services Manager)

1 APPOINTMENT OF ACTING VICE-CHAIR

The Committee agreed to appoint Councillor Clive Woodbridge as Acting Vice Chair for the meeting.

2 QUESTIONS AND STATEMENTS FROM THE PUBLIC

No questions or statements were received from members of the public.

3 DECLARATIONS OF INTEREST

No declarations of interest were made in relation to items of business to be discussed at the meeting.

4 MINUTES OF THE PREVIOUS MEETING

The Minutes of the Meeting of the Standards and Constitution Committee held on 18 January 2024 were agreed as a true record and signed by the Chair.

5 MINUTES OF LICENSING SUB-COMMITTEES

The Committee received a report presenting the Minutes of the meetings of the Licensing Sub-Committees held on 12 February 2024, 18 March 2024, and 10 April 2024.

Following consideration, the Committee unanimously resolved to:

- (1) **Receive the Minutes of the meetings of the Licensing Sub-Committees held on 12 February 2024, 18 March 2024, and 10 April 2024, and authorise the Chair of the Sub-Committee meeting to sign them as a true record of that meeting.**

6 COMMUNITY INFRASTRUCTURE LEVY MEMBER WORKING GROUP

The Committee received a report recommending the approval of updated Terms of Reference for the CIL Member Working Group and agreement to the establishment and membership of the group.

The following matters were considered:

- a) **Appointment of Members.** The Committee noted that the following members were nominated for appointment to the Group: Councillors, Clive Woodbridge, Kim Spickett, Liz Frost, Alex Coley, Alan Williamson, Julie Morris, Rob Geleit and Kieran Persand.
- b) **Terms of Reference.** In response to a question from a member, the Planning Policy Manager informed the Committee that the Working Group would consider both the Strategic CIL component (80% of fund) and Neighbourhood CIL component (15% of fund).
- c) **Conflicts of Interest.** In response to a question from a member, the Planning Policy Manager informed the Committee that Members of the Working Group with an interest in a proposal being considered by the Group would be able to participate in debate, but unable to vote on the proposal.

Following consideration, the Committee unanimously resolved to:

- (1) **Agree to the establishment of the CIL Member Working Group.**
- (2) **Approve the Terms of Reference for the CIL Member Working Group as set out in Appendix 1 to the report.**
- (3) **Agree the Membership of the CIL Member Working Group for 2024/25 as set out in Section 3 of the report, with the following members appointed:**
 - Cllr Clive Woodbridge (Chair) – Licensing & Planning Policy Committee Representative
 - Cllr Kim Spickett – Community & Wellbeing Committee Representative
 - Cllr Liz Frost – Environment Committee Representative
 - Cllr Alex Coley – Strategy & Resources Committee Representative
 - Cllr Alan Williamson – Climate Change Action Group Representative

- Cllr Julie Morris – Liberal Democrat Representative
- Cllr Rob Geleit – Labour Representative
- Cllr Kieran Persand – Conservative Representative

7 LOCAL VALIDATION REQUIREMENTS LIST 2024

The Committee received a report presenting the updated Local Validations List for adoption.

The following matters were considered:

- a) Page 71 of agenda pack – Ownership Certificate D.** In response to a question from a member, the Planning Development and Enforcement Manager informed the Committee that applications requiring a Category D certificate (where the applicant does not know any of the owners of the site) were very rare. An example of a use of Certificate D was rights of way/alleyways where the applicant did not know the owner.
- b) Consultation responses.** The Vice Chair informed the Committee that a consultation response in relation to trees had been submitted by the Ewell Village Resident’s Association. The Vice Chair informed the Committee that he was aware of the consultation response, but had no involvement with it.
- c) Ownership of trees in conservation areas.** In response to a question from a member, the Planning Development and Enforcement Manager informed the Committee that there was no legal requirement for approval to tree works to be provided by tree owners on the application form. The Committee was also informed that a proposal to require the replanting of felled trees in conservation areas would be a matter for the relevant policy document, not the Validation Requirements List.
- d) Page 89 – Green Belt Statement.** In response to a question from a member, the Committee was informed that increase in harm to the Green Belt was primarily measured in the volume of the extension or new building when measured against the original building.

Following consideration, the Committee resolved (with 7 votes for, 1 vote against and 1 abstention) to:

- (1) Adopt the Local Validation Requirements List at Appendix 1 to the report.**

8 PLANNING ENFORCEMENT PLAN 2024

The Committee received a draft Planning Enforcement Plan for adoption. The Plan provided a wholesale review of the current Enforcement Plan, including incorporation of legislative changes and audit recommendations.

The following matters were considered:

- a) **Paragraph 2.3 of the report.** The Committee noted that the wording in paragraph 2.3 of the report provided a quotation from the National Planning Policy Framework, which was not within the Committee's remit to amend.
- b) **Appendix 1, paragraph 16 – Member training on Planning enforcement.** Members of the Committee requested that a training/briefing session be provided to councillors with regard to planning enforcement.
- c) **Appendix 1, Table 1: Prioritisation Levels – Development causing ongoing and immediate harm to the public and/or environment.** The Committee requested that the Examples of Breach for Level 1 priorities be amended to incorporate implications for physical and mental health within bullet point three. The wording of this amendment would be agreed by the Director of Environment, Housing and Regeneration in consultation with the Chair of the Committee following the meeting.
- d) **Audit findings – February 2024.** In response to a question from a member, the Planning Development and Enforcement Manager informed the Committee that there were 2 outstanding actions from an Internal Audit review of Planning Enforcement. These related to a system to communicate updates with residents and updates to internal process notes. In response to a further question the Planning Development and Enforcement Manager also informed the Committee that the Council was not statutorily required to meet the timescales set out in the Planning Enforcement Plan, but that every effort to do so was made. The Director of Environment, Housing and Regeneration informed the Committee that Internal Audit would undertake another full audit of Planning Enforcement in the last quarter of this year.
- e) **Officer training.** In response to a question from a member, the Planning Development and Enforcement Manager informed the Committee that the Council's Enforcement Officer was fully qualified to undertake the position. A register of training received by officers was maintained and requests to view this would be considered through the Freedom of Information process.
- f) **Appendix 1, Table 1: Prioritisation Levels – Development in the Green Belt (page 175 of the agenda).** Councillor Julie Morris proposed and Councillor Kieran Persand seconded the following amendment to Table 1: Prioritisation Levels of Appendix 1 on page 175 of the agenda:

To add the wording “Development in the Green Belt” to the Examples of Breach for Level 1 priorities and remove the wording “Development in the Green Belt” from the Examples of Breach for Level 2 priorities.

Following consideration this amendment was unanimously agreed by the Committee.

Upon the agreement of this amendment, Councillor Clive Woodbridge proposed and Councillor Rob Geleit seconded the following amendment to Table 1: Prioritisation Levels of Appendix 1 on page 175 of the agenda:

To add the wording “except for minor residential development” following the wording “Development in the Green Belt” to read: “Development in the Green Belt except for minor residential development”.

Following consideration this amendment was unanimously agreed by the Committee.

- g) Access to updates on enforcement action.** Members of the Committee requested officers to consider whether a more streamlined access to updates on enforcement action could be provided to councillors, rather than requesting individual updates directly from the Planning Enforcement Officer. It was noted that Officers would investigate whether a regular excel update could be provided to Councillors.

Following consideration, the Committee unanimously resolved to:

- (1) Adopt the Planning Enforcement Plan at Appendix 1 to the report subject to the following amendments:**
- **An amendment to the Examples of Breach provided for Level 1 priorities set out in Table 1 on page 175 of the agenda pack, to incorporate implications for physical and mental health within bullet point three.**
 - **An amendment to Table 1 on page 175 of the agenda pack to add the wording “Development in the Green Belt except for minor residential development” to the Examples of Breach for Level 1 priorities and remove the wording “Development in the Green Belt” from the Examples of Breach for Level 2 priorities.**

9 URGENT DECISIONS

The Committee received a report regarding decisions taken by the Chief Executive and Directors on the grounds of urgency, in compliance with the requirements of the Constitution.

The following matter was considered:

- a) Consultation with Committee Members via email.** Councillor Julie Morris proposed and Councillor Phil Neale seconded that an additional recommendation be added to the report to enable Committee members to

be consulted regarding urgent decisions via email if appropriate. The wording of the amendment was as follows:

“(2) That if in future and if appropriate the Committee could be consulted by email if the meeting schedule does not permit time for decisions.”

Following consideration this amendment was unanimously agreed.

Following consideration, the Committee unanimously resolved:

- (1) To note the urgent decisions taken and the reasons for those decisions, since the last meeting of the Committee.**
- (2) That if in future and if appropriate the Committee could be consulted by email if the meeting schedule does not permit time for decisions.**

The meeting began at 7.30 pm and ended at 8.56 pm

COUNCILLOR PETER O'DONOVAN (CHAIR)