

Terms of Reference

Planning Committee

1. Purpose

- The Planning Committee is constituted as a standing committee of Chigwell Parish Council.
- The purpose of the Committee is to consider and respond on behalf of the Council to planning matters within the responsibility of, or referred or devolved to, the Parish Council.

2. Legal Basis and Delegation Principles

Statutory functions are conferred on the Council as a corporate body. Formal decisions about the discharge of those functions must therefore be made by Full Council unless they have been lawfully delegated.

This Committee is appointed under section 102 of the Local Government Act 1972. Full Council delegates functions to the Committee under section 101 of that Act only to the extent set out in these Terms of Reference and any related Scheme of Delegation, Standing Orders or Financial Regulations.

- Delegated authority belongs to the Committee collectively and is exercised only by resolution at a properly convened meeting, unless an officer delegation is expressly made.
- No individual councillor, including the Chair or Vice Chair of the Council, the Chair or Vice Chair of the Committee, or any political group leader, may discharge the Council's statutory or legal functions in their own right.
- The Council may not delegate functions that legislation reserves to Full Council. These include, for example, levying or issuing the precept, deciding to borrow money, and adopting or revising the members' Code of Conduct.
- Full Council may at any time exercise a function that has been delegated to a committee, sub-committee or officer, subject to any legal or contractual constraints.
- Any officer delegation must be made to the Proper Officer, Responsible Financial Officer or another named officer, not to an individual councillor. Where the Openness of Local Government Bodies Regulations 2014 require a written record of an officer decision, the record must be made, retained and published in accordance with those Regulations.

3. Membership

- All eligible Parish Councillors shall be appointed annually at the Annual Meeting of the Council as voting members of the Planning Committee, subject to the restrictions in this section and the Council's Standing Orders.
- All members of the Planning Committee are requested to complete a recognised councillor planning training programme within three months of appointment. Training shall remain valid for four years from the date of completion.
- A Parish Councillor shall not be appointed to the Planning Committee if, within the five years before the beginning of the Parish Council's term, they submitted a planning application to Epping Forest District Council for anything other than works relating to, or the construction of, a single dwelling or workplace in their own ownership or that of a close family member.
- This exclusion shall also apply where, within the same period, the employer of a councillor or close family member, or a company in which the councillor or close family member holds directly or indirectly more than 5% of the shares, made such a planning application to Epping Forest District Council, except for works relating to, or the construction of, a single dwelling or workplace in their ownership.

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- The Chair and Vice Chair of the Committee shall be elected annually at the Annual meeting of the Council. If the Chair or Vice Chair resigns from the Committee or Council during the year, a replacement shall be appointed at the next appropriate Full Council or Planning Committee meeting at which an agenda item can be published for that purpose.

4. Quorum

- The quorum shall be one third of the total membership of the Council or a minimum of four councillors, whichever is greater, subject to the Council's Standing Orders.
- No business may be transacted unless the meeting is quorate.

5. Meetings

- The Committee shall meet at least 12 times a year. Meetings shall generally be held on the second and fourth Thursday of the month, or on alternative days where required, including because of public or religious holidays.
- Meetings shall be called in accordance with the Council's Standing Orders and applicable legislation.
- Agendas and minutes shall be published in accordance with Standing Orders and relevant regulations.
- Members shall declare interests on agenda items in accordance with the Code of Conduct adopted by Chigwell Parish Council.
- The public and press may be excluded from the meeting by resolution of the Committee where the public interest in exclusion outweighs the public interest in allowing them to remain. Where it is known in advance that exclusion is likely, this shall be indicated on the agenda.
- Draft minutes shall be published on the Council's website as soon as reasonably practicable after the meeting and, in any event, within 10 working days. Draft minutes shall be replaced by approved minutes once approved by the Committee.

6. Voting and Participation

- Voting rights shall be governed by the Council's Standing Orders and these Terms of Reference.
- Appointed members of the Committee may vote.
- Other councillors who attend but are not members of the Committee, and who do not have ex officio rights under Standing Orders, may attend as members of the public and may speak only during any public participation session or where Standing Orders otherwise permit. They may not vote.
- Members of the public may attend and may speak only during public participation or where otherwise permitted by Standing Orders.
- In the case of an equal vote, the councillor presiding at that meeting shall have a second or casting vote where permitted by legislation and Standing Orders.

7. Areas of Responsibility

The Committee shall deal with planning matters within the responsibility of, or referred or devolved to, the Parish Council, including but not limited to:

- planning applications received from the District Council, County Council or other relevant planning authority;
- planning appeals, amendments, reserved matters, discharge of conditions and other planning-related consultations;

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- tree preservation orders, conservation area consultations and related environmental or heritage planning matters where referred to the Parish Council;
- correspondence relating to planning matters and the Planning Committee;
- local plan, neighbourhood planning, planning policy, infrastructure, highways and related consultations where relevant to planning matters; and
- requests for call-in, site visits, representations or other procedural steps connected with planning matters.

8. Limits of Authority

Full Council delegates to the Planning Committee authority to discharge the Council's planning consultation function within the scope of these Terms of Reference.

Delegated authority includes

- considering planning applications and related consultations and resolving the Council's response;
- submitting comments, objections, support or no-objection responses to the relevant planning authority;
- requesting extensions of time, further information, call-in or other procedural steps where appropriate;
- authorising the Proper Officer or another named officer to submit the response resolved by the Committee; and
- making recommendations to Full Council where a planning matter has wider strategic, financial, legal or policy implications that fall outside the Committee's delegated authority.

Officer delegation for urgent planning responses

- Where a planning response deadline falls before the next scheduled Committee meeting and an extension cannot reasonably be obtained, the Proper Officer may be authorised to submit a response on behalf of the Council after consultation with the Chair and Vice Chair of the Planning Committee, or such other councillors as the Committee or Full Council may specify.
- The decision remains an officer decision under the delegated authority given to the officer. Consultation with councillors does not transfer decision-making authority to any individual councillor.
- Any such officer decision shall be reported to the next meeting of the Planning Committee and recorded in accordance with any applicable legal requirements.

Limitations

- The Committee does not determine planning applications as the local planning authority unless a function is lawfully devolved to the Parish Council.
- The Committee may not commit the Council to expenditure or legal obligations except within an approved budget and delegated authority.
- Matters outside the Committee's planning remit shall be referred to Full Council or the relevant committee.

9. Budget and Finance

- The Committee shall monitor any budget allocated to planning matters and may prepare draft project budget proposals for consideration by the Finance & Governance Committee and Full Council.
- The Committee may not exceed approved budgets or commit the Council to expenditure outside its delegated authority.

10. Reporting

- The Committee shall report to Full Council through its minutes and by presenting recommendations where a Full Council decision is required.
- Where the Committee does not meet before the next Full Council meeting, draft minutes may be presented to Full Council for information.
- Recommendations to Full Council shall identify the decision requested, the reason for the recommendation, any financial implications and, where relevant, whether the matter is reserved to Full Council.

11. Best Value

The Committee shall have regard to the principles of Best Value when considering matters within its remit and, where applicable, when making recommendations or exercising delegated authority.

Reference: Best Value Statutory Guidance as published by the Department for Communities and Local Government.

12. Review

- These Terms of Reference shall be reviewed annually at the Annual Meeting of the Parish Council or sooner if required.
- Considered and approved by the Council at its Annual Meeting on 21 May 2026.
- Review Date: May 2027.