

LONDON BOROUGH OF WALTHAM FOREST**PLANNING COMMITTEE**

DAY/DATE/TIME	VENUE:
Wednesday, 13 December 2017 7.00 pm	ASSEMBLY HALL, TOWN HALL COMPLEX Forest Road, E17 4JF
CONTACT:	TEL./E-MAIL:
Perminder Purewal Democratic Services @WFCouncil	020 8496 4537 perminder.purewal@walthamforest.gov.uk

Dear Member,

This is formal notice advising you of the above meeting. The Agenda is set out below. Supplementary Items will be added only if the Chair considers them urgent.

Martin Esom
CHIEF EXECUTIVE

MEMBERSHIP:

Chair: Councillor Jenny Gray
Vice-Chair Councillor Keith Rayner
Councillors: Councillor Marie Pye, Councillor Alan Siggers and Councillor Steve Terry

Councillors and officers: if you are reading this on your tablet or laptop, the Council has saved £7.44 on printing.

Speak to Democratic Services to learn more (contact details above).

Waltham Forest Council *Information*

Waltham Forest Council and Committee Meetings



All Council/Committee Meetings are held in public unless the business is exempt in accordance with the requirements of the Local Government Act 1972.

Most meetings are held at Waltham Forest Town Hall which is an accessible venue located in Forest Road E17 between Waltham Forest Magistrates Court and Waltham Forest College. The nearest underground and railway station is Walthamstow Central which is approximately 15 minutes' walk away from the Town Hall. Buses on routes 275 and 123 stop outside the building.

There is ample parking accommodation for visitors for meetings held at Waltham Forest Town Hall including parking bays for people with disabilities.

From 3 January 2012 the Town Hall Complex site became a Permit/Pay and Display facility. The following parking charges now apply between 8.30 am and 5.00 pm weekdays:

1 hour: £1.30

2 hours: £2.60

3 hours: £3.80

4 hours: £5.10

24 hours: £6.50

There is a ramped access to the building for wheelchair users and people with mobility disabilities.

The Council Chamber and Committee Rooms are accessible by lift and are located on the first floor of Waltham Forest Town Hall.

Induction loop facilities are available in most Meeting Rooms.

Electronic copies of agendas, reports and minutes are available on the Council's website. The link is <http://democracy.walthamforest.gov.uk/>

Contact officers listed on the agenda will be able to provide further information about the meeting and deal with any requests for special facilities.

Contact details for report authors are shown on individual reports. Report authors should be contacted prior to the meeting if further information on specific reports is needed or if background documents are required.

Reporting on Proceedings at Meetings

The Council is legally required to allow any person to film, record or report upon the meeting (including live recording). We ask that people filming the meeting to focus on the committee but it is possible that as a member of the public you may be filmed or recorded. The Council does not control or process any personal data recorded by a member of the public or press.

If you would prefer not to be filmed, we recommend you sit in the Upper Gallery where there is less chance of being filmed.

The Mayor or Chair of the meeting has the discretion to halt any reporting if, in his/her view, this is causing a general disturbance, for example through excessive use of flash photography or intrusive camera equipment, or by the person reporting moving about the meeting room. In such cases attendees may continue to observe the meeting, but not to report on it.

If the meeting votes to exclude the press and public during consideration of exempt or confidential material then, in conjunction with this, all rights to report on the meeting are removed.

Anyone recording a meeting is asked to focus only on those actively participating, and is requested not to put undue restrictions on the material produced so that it can be reused and edited by other local people and organisations on a non-commercial basis.

If you have any questions please contact Democratic Services on 020 8496 3000 or at democraticservices@walthamforest.gov.uk. Members of the press are asked to contact the Communications Team on the above number or at media@walthamforest.gov.uk, particularly if you expect to use large equipment (including lighting).

Full details of the Council's Protocol on the Reporting on Proceedings at Meetings by the Press and Public are available on the Council's website at <http://bit.ly/11gxSfT>.

Disclosable Pecuniary Interests (DPI) are prescribed by the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#) as follows:

Interest	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a member in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

A Member must disclose at meetings as a **non-pecuniary interest**:

- Appointments made by the authority to any outside bodies (excluding joint committees with other local authorities);
- Membership of charities;
- Membership of trade unions recognised by the authority;
- Membership of lobbying or campaign groups;
- Governorships at any educational institution in the borough;
- Membership of voluntary organisations operating in the borough.

Monitoring Officer's guidance on bias and pre-determination

The Council often has to make controversial decisions that affect people adversely and this can place individual councillors in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well-established legal principle that councillors who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially so in "quasi-judicial" decisions in planning and licensing committees.

This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

Predisposition

Predisposition is lawful. The law is very clear that members may have strong views on a proposed decision, and indeed may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an "open mind".

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination "just because" a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

Pre-determination / Bias

Pre-determination and bias are unlawful and can make a decision unlawful. Pre-determination means having a "closed mind". In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence.

Bias can also arise from a member's relationships or interests, as well as their state of mind. The Code of Conduct's requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a "non-pecuniary interest" under the Code also gives rise to a risk of what is called apparent bias. The legal test is: "whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the tribunal was biased".

A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek legal advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer and / or the legal advisor for their committee.

AGENDA

1. APOLOGIES FOR ABSENCE AND SUBSTITUTE MEMBERS

2. DECLARATIONS OF INTEREST

Members are required to declare any pecuniary or non-pecuniary interests they or their spouse/partner may have in any matter which is to be considered at this meeting. Interests are defined on the inside cover of this agenda.

3. DEVELOPMENT MANAGEMENT

To **NOTE** the Chair has agreed to the submission of the Update Report of the Head of Development Management and Building Control at the meeting in accordance with the urgency provisions of Section 100 B (4) of the Local Government Act 1972 to ensure that Members have before them all the relevant facts and information about the planning applications set out on the agenda.

To **RESOLVE** that, in the event of recommendations being amended at Committee in the light of debate, other representations made by Members of the public, applicants or their agents, the task of formalising the wording of condition(s) and/or reasons for refusal be delegated to the Head of Development Management and Building Control along the broad lines indicated at the meeting.

3.1 THE MALL, 45 SELBORNE ROAD, WALTHAMSTOW, (Pages 9 - LONDON 186)

PLEASE NOTE THAT THE AGENDA IS AVAILABLE IN ELECTRONIC FORMAT ON THE COUNCIL'S WEBSITE VIA THE FOLLOWING LINK:

<http://democracy.walthamforest.gov.uk/>

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Perminder Purewal ON
020 8496 4537 perminder.purewal@walthamforest.gov.uk**