



CITY OF WESTMINSTER

MINUTES

Business, Planning and Transport Policy and Scrutiny Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Business, Planning and Transport Policy and Scrutiny Committee** held on **Wednesday 13th September, 2017**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Tony Devenish (Chairman), Julia Alexander, Paul Dimoldenberg, Louise Hyams, Karen Scarborough, Cameron Thomson and Jason Williams

Also Present: Councillor Daniel Astaire, Cabinet Member for Planning and Public Realm and Councillor Jonathan Glanz.

1 MEMBERSHIP

1.1 Apologies for absence were received from Councillor Thomas Crockett.

2 DECLARATIONS OF INTEREST

2.1 Councillor Jonathan Glanz declared that he is a customer of G. Network. David Sangster, Managing Director and Co-founder, G. Network, was in attendance for item 5, Broadband Coverage.

3 MINUTES AND MATTERS ARISING

3.1 **RESOLVED:** That the minutes of the Business Planning and Transport meeting held on Monday 12 June 2017 be signed by the Chairman as a correct record of proceedings.

4 UPDATE FROM CABINET MEMBERS

4.1 The Committee received written updates from the Deputy Leader and Cabinet Member for Business, Culture and Heritage, the Cabinet Member for City Highways and the Cabinet Member for Planning and Public Realm on significant matters within their portfolios.

4.2 The Chairman welcomed Daniel Astaire, Cabinet Member for Planning and Public Realm, to the meeting. The Committee put questions to and received responses from Councillor Astaire on a number of matters that were relevant to his portfolio. John Walker, Director of Planning, was also in attendance for this item. The matters raised included the following topics:

- Neighbourhood planning - What was the current position in respect of the Council supporting the Neighbourhood Forums on their neighbourhood plans, including those not referred to in the Cabinet Member Update? Councillor Astaire replied that officers were working with a number of the Forums as set out in the report regarding Mayfair, Knightsbridge, Fitzrovia West and the Queen's Park Community Council. There were other Forums such as Marylebone who had taken the view it would be best to wait and take account of the Council's revised City Plan and the Mayor's revised London Plan when these were finalised rather than spend time, money and effort on producing a neighbourhood plan which did not comply with these documents.
- Mayor of London's Supplementary Planning Guidance ('SPG') on Affordable Housing and Viability – The Cabinet Member was asked why the Council had not to date indicated support for the SPG. He replied that there would be a number of policy changes that would be made on affordable housing by the Council which would have similar features to the SPG and there would be a number of aspects where it was necessary to distinguish Council policy from the SPG. The City Plan was being re-drafted. Councillor Astaire stated that a suite of affordable housing policies would be introduced that he believed would be appropriate for Westminster and these would reflect the content of the speeches that he and the Leader had made recently. This included taking a more rigorous approach to development viability and a commitment to increasing transparency of viability assessments as set out in the Cabinet Member Update.
- Paragraph 7.3 of the Cabinet Member Report referred to the 'intention to introduce post-permission viability reviews to take account of changes in market conditions after consent is given'. Councillor Astaire was asked at what point the reviews might be made and by whom? He replied that there would be an overage clause in the planning permission. If there was a reason for granting planning permission but the scheme did not provide required policy levels of affordable housing, there would be an overage mechanism within the consent given. This would set out that at an appropriate time (most likely when the developer would be due to be putting the homes on the market), if the Council's viability consultants determined that the developer could have afforded to give more in terms of homes or payments in lieu then the applicant would be required to make a balancing payment at that stage.
- Paragraph 7.4 had referred to the 'intention to give more information about the use of section 106 contributions through the Affordable Housing Fund'. The Cabinet Member was asked whether he could give a sense of what these contributions would be. He replied that there was currently a

lack of clarity for developers and the public as to where the money was directed when it was collected through the planning process. A booklet would be produced which would show what had been collected including where it has been spent, how many units it has delivered, whether it had delivered more units than it would have delivered had the Council required on site housing for those developments, where is the money committed going forward and what that would deliver.

- Had the affordable housing policy led to any falling off of planning applications? Mr Walker replied that this had not been the case so far. He believed that different factors influenced whether developers submitted applications prior to the revision of the City Plan. Some might want to put in an application before a policy is reviewed whilst others might wait to see what the revised policy was.
- Councillor Astaire was asked for his views on keeping a balance between having sufficient office space and the shift to provide more housing. He said that Westminster Property Association was supporting the aim of the Council to provide more housing. He was seeking to reflect in the City Plan that the economic vibrancy of the borough was maintained with the space for additional jobs and that the homes that people need in Westminster were also provided.
- The first Cabinet Community Infrastructure Levy Committee was due to be held on 2 November 2017 to discuss the potential allocation of the funds. Had any Councillors been invited formally to think about any projects that could benefit from funding in their wards? Councillor Astaire replied that a pamphlet would be sent out to Members with details of the 2 November 2017 meeting and would request ideas from them.

4.3 **RESOLVED:**

That the contents of the Cabinet Member Updates be noted.

5 BROADBAND COVERAGE

- 5.1 The Committee received a report on the actions taken to improve connectivity within Westminster, including broadband and mobile connectivity. The report assessed how the Council had progressed with actions proposed in the report to the Environment Policy and Scrutiny meeting on 7 March 2016.
- 5.2 The Committee in considering matters relating to this topic heard from Councillor Jonathan Glanz, Lead Member for Connectivity, David Wilkins, Business & Enterprise Programme Manager and David Sangster, Managing Director and Co-founder, G. Network. Greg Ward, Director of Economy was also in attendance.
- 5.3 The Committee heard initially from Mr Wilkins. He stated that when the Committee had last scrutinised this topic, Ofcom data from 2014 had showed that 47% of premises in Westminster had access to superfast broadband.

This figure had been updated in December 2016 and superfast broadband availability was now 70%. He stated that this still lagged behind the London average of 95% and was behind the likes of Anglesey, Snowdonia, South Somerset and Brecon. The UK as a whole lagged behind globally in relation to broadband connectivity.

- 5.4 Mr Wilkins explained some of the initiatives the Council had taken to create the right conditions that would lead businesses to invest in superfast broadband. These included that by the end of August, Openreach had upgraded 62 cabinets capable of delivering superfast broadband, serving an additional 14,500 premises in Westminster (Mr Wilkins did make the point that Openreach had fallen well short of delivering the 144 cabinets promised to the Council by the end of 2017). In order to support Openreach, regular meetings had been held with the street works team who had tackled any challenges faced in respect of the deployment of the cabinets. There had also been joint working with the street works team and broadband providers such as G. Network to reduce the amount of disruption to public realm from the providers. Mr Wilkins advised that the Council had adopted the standardised wayleave agreement for Council housing stock (legal agreement to install infrastructure on to a building). As a result of this change, the Council had received applications for infrastructure capable of delivering upload and download speeds of 1Gbps.
- 5.5 Mr Wilkins stated that the Council had on 24 August 2017 launched a £2.8m European funded project, Connect Westminster, which supported small businesses in connecting to gigabit capable broadband. Over the next couple of years at least 1,250 businesses would benefit from this. There had been 23 applications to date. Mr Wilkins advised the Committee that early evaluations from the Council's previous voucher scheme suggested that 25% of all firms who received the vouchers took on additional employees. There had been increased profits as a result of additional sales and reduced costs for the firms. Mr Wilkins referred to the implementation of a parking bay discount scheme to reduce costs to broadband providers when deploying new networks. He drew Members' attention to the inclusion of specific provisions in the working draft of Westminster's City Plan to provide guidance to developers on how they can improve digital connectivity. The Council was also offering up street assets to enable the market to deliver small cell deployments within the borough. It would help plug the gaps in 4G connectivity and in the future 5G.
- 5.6 Mr Wilkins updated the Committee on the work of the Department of Digital, Culture, Media and Sport ('DCMS') and the Greater London Authority ('GLA') which was relevant to Westminster in respect of broadband connectivity. The DCMS had launched a £200m national fund to support the rollout of Local Full Fibre Networks. Westminster had expressed an interest in bidding for money from the fund. The Council was keen to build on the work of the Connect Westminster project and deliver a scheme to enable local residents to get connected to broadband which was still an issue in the borough. Mr Wilkins advised that the GLA was looking to target 'not spot' areas within London boroughs. In meetings with the GLA it had become clear that they were keen to learn from some of the initiatives that the Council had promoted. The GLA

were looking to build on the work of the standardised wayleave agreement and introducing an agreement for mobile infrastructure which the Council had expressed an interest in being involved in.

5.7 The Chairman thanked Mr Wilkins and Councillor Glanz for their work in taking these initiatives forward. The Committee asked a number of questions on broadband coverage, including the following:

- Had Communications Department been involved in promoting the Council's vouchers schemes? Councillor Glanz replied that they had. He advised that over 100 different suppliers had applied to be registered with the Connect Westminster voucher scheme. He emphasised that a key message was that there were a number of providers offering different services. Some might specialise in providing broadband connectivity to blocks of flats and others might focus on small or large businesses. He had concerns that Openreach were not due to deliver the number of cabinets by the end of 2017 which they had committed to in 2015. However, Councillor Glanz made the point that ultimately the choices to customers needed to involve ultrafast broadband so that Westminster was comparable with the best achieving broadband connectivity worldwide rather than the superfast broadband which fibre to the cabinets were due to deliver. Mr Wilkins added that there had been a number of press releases about the Connect Westminster scheme both from the Council and external organisations. As the Council started to issue more vouchers and having more case studies, it would be possible to showcase what the scheme was able to achieve.
- Would it be possible to use telephone boxes in the borough as check in hubs providing superfast broadband connectivity? Mr Wilkins responded that the Council had received some proposals to create digital telephone boxes with displays which include advertising but provide wi-fi. The concern with this was that the advertising was in breach of planning regulations and the business model would not stack up if there was no advertising. Councillor Glanz stated that the GLA would in the London Plan be looking at what would be included by way of permitted development. This could affect rules and presumptions, including in respect of telephone boxes. The LGA could potentially seek to permit development rights in order to achieve 4G or 5G.
- The report had referred to Westminster not currently having a digital strategy and had set out that it would strengthen the Council's position to have one. Mr Wilkins and Councillor Glanz were asked what they envisaged being in the plan. Mr Wilkins replied that there were some suggestions set out in the potential options for the year ahead in the conclusion to the report that would be relevant for inclusion in a digital strategy, including for instance improving mobile connectivity. It was an opportunity for the Council to look at how it worked with broadband providers to offer low cost or affordable broadband for long term unemployed residents. A provider was working with Westminster's Employment Service to assist unemployed residents to find a job.

Councillor Glanz commented that a digital strategy could set out how good connectivity was able to improve Council services in the future. This was potentially a matter for a task group to look at in terms of how services would be transformed.

- Clarification was sought on the street assets that were being offered by the Council to enable the market to deliver small cell deployments within Westminster. Mr Wilkins replied that these were lamp posts (there is a policy in place to reduce street clutter so it would not involve additional street furniture). This was an initiative to support the rollout of mobile connectivity such as 4G which was how data was received on the phone. In time this would progress to 5G.
- What more could be done in persuading Openreach to respond to the issue that large areas of the City are deemed commercially unviable when searching the Openreach availability checker, which checks to see if superfast broadband is in the area, despite there being clusters of demand from residents? Councillor Glanz replied that it was unacceptable for the centre of the City not to have first class connectivity supplied by the legacy provider. It was not the case that there was a lack of demand. Other providers had recognised that there is demand. The Council could not pick or select individual providers. It was able to facilitate the rollout of superfast and ultrafast broadband. The initiatives set out in the report would assist this process.

Mr Wilkins informed the Committee that it was intended to have an indicator of the activity of the providers for the benefit of small businesses. Once there was a track record to show who was delivering broadband connectivity in Westminster, it was planned that a league table would be produced accordingly.

- Mr Wilkins was asked about superfast connectivity to the community halls on the Council estates. He replied that connectivity was being rolled out to the Council's housing stock. This was a commercial decision by the providers. The provider would need to commission any rollout to the community halls.

5.8 Mr Sangster, Managing Director and Co-founder, G. Network, was asked by the Committee to provide evidence from the broadband provider's point of view. He said that G. Network was playing its part in improving broadband connectivity in Westminster, deploying its own ducts and fibres in the streets. The Council had encouraged businesses such as G. Network to invest in Westminster as a result of the initiatives which had been introduced. These included discounts for parking bay suspensions which Mr Sangster described as being 'enormously important'. The money that was saved from the discounts, in for instance Marylebone, would be spent on laying fibre in another street in the borough and connecting more people. Mr Sangster advised the Sub-Committee that there was already interest from customers in respect of the Connect Westminster scheme.

5.9 Mr Sangster wished to bring to the attention of the Committee that progress had been made on standardising wayleaves, including by the Council. However, wayleaves to access local authority property were still probably the biggest challenge for broadband providers. There were still some estates or landlords who were charging excessively often to each business within premises. In response to a question from the Committee, he advised that fibre to the premises did not have to be laid via the ground. It could also be laid via the roof although this tended to be a more expensive option and was used when more creative solutions had to be found.

5.10 **RESOLVED:** That (i) the Committee formally welcomed the work of Mr Wilkins and Councillor Glanz in taking forward the initiatives to improve superfast and ultrafast broadband access in Westminster; and,

(ii) the Committee noted the comments of Mr Wilkins, Councillor Glanz and Mr Sangster at the meeting, including in relation to the potential for a Westminster digital strategy.

6 NATIONAL CODE OF PRACTICE FOR HIGHWAY INFRASTRUCTURE

6.1 The item was introduced by Kevin Goad, Head of Highways and Public Realm. Andy Foster, Asset Manager – Highways Infrastructure and Andy Warrington, Associate Director, Atkins Ltd, were also in attendance for this item. Mr Goad referred to the Council's role in the maintenance and management of highway infrastructure assets, including footways and carriageways and ancillary assets, bridges and structures, highway drainage and street lighting. On 28 October 2016 the Department for Transport and the UK Roads Liaison Group had released an updated national code of practice ('CoP'), 'Well-Managed Highway Infrastructure' on the maintenance and management of highway infrastructure assets. The Council had until the end of October 2018 to comply with the recommendations of the updated national CoP. Mr Goad spoke about the CoP requiring authorities to adopt a risk based approach which considers the appropriate levels of service in accordance with local needs and priorities. It would be necessary to manage the challenges, opportunities and risks created by the new CoP. Atkins Ltd was helping to manage this process.

6.2 Mr Warrington gave a presentation to the Committee on the implementation of the new CoP. He referred to a number of matters in the presentation. These included that the CoP replaces the previous separate codes for the maintenance of 'highways', 'structures' and 'public lighting', the matters that the Council needs to take into account in relation to third party liability claims, the need to provide detailed outcomes of how services are managed, the 36 recommendations in the new CoP, the opportunities and risks inherent in complying with the CoP and the three stepped approach involved in complying with the CoP.

6.3 The Committee asked a number of questions on the CoP, including the following:

- Did the CoP lead to a major change in the way the Council undertook the maintenance and management of highway infrastructure assets? Mr Goad replied that it did involve a significant step change. One example was that previously there had been a lack of asset data on drainage, including the condition of them. The knowledge of the assets would be updated. The risk based approach was an opportunity to address some of the major issues relating to drainage / gullies in the borough and change the way in which investment was made. These could include fat in gullies in Chinatown, concrete in gullies from development sites or sorting out the gullies prior to the leaves from trees falling in Bayswater. There was an option to spend a long period of time in one or two wards, address the issues and then it might not be necessary to return for a significant period of time. Officers were able to be proactive whilst having a budget set aside to react to issues that arose on a day to day basis.
- Would there not be implications for other wards in Westminster if a long period of time was spent in one or two wards on seeking to resolve specific issues? Mr Goad replied that there would always be investment across the borough. He referred to the lay panel who were asked to give feedback on the annual programme of planned preventative maintenance for roads and footways and held officers to account so that locations across Westminster were covered.
- Were there issues with liability claims from legal firms? Mr Goad replied that there were not currently significant issues. The new CoP potentially created some risks. The Council had a 93% success record in defending against claims.
- The Committee noted the steps required to comply with the CoP by October 2018. Was there a need to comply with it over a longer time frame? Mr Foster replied that there was and that the Council's approach to the CoP would be evolving. Officers would be producing process maps and implementing a two year review period when results would be monitored.
- How did officers plan to respond to the impact on gullies from basement developments? Mr Goad referred to an additional fee that developers would be required to pay an additional fee for the upkeep of the gullies, including the inspection and cleaning process. The Chairman recommended that Mr Goad and his team work with Communications Team to set out their plans in press releases for improving the gullies in Westminster, including in relation to basement developments.
- Mr Foster explained that there was a recognition in the CoP that whilst highway authorities developed their own levels of service, they were encouraged to collaborate in determining levels of service, especially across boundaries with neighbours responsible for strategic and local highway networks. Westminster would not want to be too far apart in this regard from the Royal Borough of Kensington and Chelsea.

6.4 **RESOLVED:** That (i) the Committee recommended that Mr Goad and his team work with Communications Team to set out their plans in press releases for improving the gullies in Westminster, including in relation to basement developments; and

(ii) the contents of the report be noted.

7 **PRESS RELEASES**

7.1 The Committee decided not to produce a press release at this time in relation to the items on the agenda.

8 **UPDATE ON THE WORK PROGRAMME**

8.1 The Committee considered the Work Programme for the next Business, Planning and Transport Policy and Scrutiny meeting on 15 November 2017 and the following meetings in 2018. There were a number of items scheduled for November and Members decided that two items which would be topical and suitable for scrutiny would be firstly to review the results of the 'Building Height: Getting the right growth for Westminster' consultation and scrutinise policy proposals for the City Plan and secondly receive an update on street markets in the borough. The potential items on the Community Infrastructure Levy, Assets of Community Value / Pubs and Place Shaping would be rescheduled for the meetings in 2018.

8.2 The Committee requested a statement from UK Power Networks in respect of a power network explosion which had occurred below the pavement in Oxford Street on 7 September. Members also sought a written update on the current position regarding the cycling strategy and progress of the Cycling Superhighways.

8.3 **ACTION:** The following actions arose:

- That UK Power Networks be asked to provide a statement on the power network explosion at Oxford Street on 7 September (Artemis Kassi, Policy and Scrutiny Officer).
- a written update be provided on the current position regarding the cycling strategy and progress of the Cycling Superhighways (Anthony Sabato, Service Development Manager and Toby Jacobs, Sustainable Transport Officer, Artemis Kassi, Policy and Scrutiny Officer).

8.4 **RESOLVED:** That (i) the work programme be updated;

That (ii) the action tracker be noted; and,

That (iii) the actions be taken forward.

9 **ANY OTHER BUSINESS THE CHAIRMAN CONSIDERS URGENT**

9.1 There was no additional business for the Committee to consider.

10 DATES OF FUTURE MEETINGS

10.1 The dates of future meetings are 15 November 2017, 8 February 2018 and 12 April 2018.

The Meeting ended at 8.42 pm

CHAIRMAN: _____

DATE _____