



City of Westminster

Committee Agenda

Title: **Business, Planning and Transport Policy and Scrutiny Committee**

Meeting Date: **Wednesday 15th November, 2017**

Time: **7.00 pm**

Venue: **Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**

Members: **Councillors:**

Tony Devenish (Chairman)	Louise Hyams
Julia Alexander	Karen Scarborough
Thomas Crockett	Cameron Thomson
Paul Dimoldenberg	Jason Williams

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

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**Email: jdeacon@westminster.gov.uk Tel: 020 7641 2783
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Committee and Governance Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the Membership.

2. DECLARATIONS OF INTEREST

To receive declarations of interest by Members and officers of any personal or prejudicial interests.

3. MINUTES AND MATTERS ARISING

To sign the minutes of the Business Planning and Transport Policy and Scrutiny Committee meeting held on Wednesday 13 September 2017.

(Pages 1 - 10)

4. UPDATE FROM CABINET MEMBERS

Written updates from the Cabinet Member for Planning and Public Realm (Appendix 1), the Cabinet Member for City Highways (Appendix 2) and the Deputy Leader and Cabinet Member for Business, Culture and Heritage (to follow).

Question and Answer session at the meeting with the Deputy Leader and Cabinet Member for Business, Culture and Heritage, Councillor Robert Davis MBE DL.

(Pages 11 - 20)

5. UPDATE ON PROGRESS OF THE SAFER WESTMINSTER PARTNERSHIP

Report of the Director of Public Protection and Licensing.

(Pages 21 - 26)

6. OVERVIEW OF PREVENT DELIVERY

Report of the Director of Public Protection and Licensing

(Pages 27 - 34)

7. UPDATE - ASSETS OF COMMUNITY VALUE

Report of the Director of Policy, Performance and Communications

(Pages 35 - 56)

8. PRESS RELEASES

The Committee to consider whether it wishes to issue any press releases in relation to its work.

9. UPDATE ON THE WORK PROGRAMME

Report of the Director of Policy, Performance and Communications (to follow)

10. ANY OTHER BUSINESS THE CHAIRMAN CONSIDERS URGENT

11. DATES OF FUTURE MEETINGS

8 February 2018 and 12 April 2018.

**Charlie Parker
Chief Executive
7 November 2017**

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City of Westminster

Minutes

Minutes of a meeting of the **BUSINESS PLANNING AND TRANSPORT COMMITTEE** held at 7:00pm on Wednesday 13 September 2017 in Committee Room 3.1, 3rd Floor, 5 Strand, London WC2 5HR

Members of Committee: 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

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.

11. CLOSE OF MEETING

11.1 The meeting ended at 8.42p.m.

Chairman: _____ Date: _____



Business, Planning and Transport Policy and Scrutiny Committee Briefing

Committee date: 15 November 2017

Author: Cllr Daniel Astaire

Portfolio: Cabinet Member for Planning and Public Realm

Please contact: Charlie Hawken x2621
chawken@westminster.gov.uk

Please find below an update on key areas of activity from the Planning and Public Realm portfolio since the committee last met.

Development Planning

1. Telephone Boxes and advertising

The current intensity of interest around telephone boxes has increased since September's report with three new companies, Europayphones, Infocus and Maximus, applying for new telephone boxes with the intention, we believe, to use them for dedicated advertising – which is in addition to the New World boxes which have already been refused and are currently subject to appeal. The new proposals will also be refused, and these decisions are very likely to be challenged on appeal.

A new trend has now added to the issue surrounding telephone boxes, as a company called Red Kiosk has applied to convert 8 existing telephone boxes to coffee kiosks containing coffee-making machines to dispense hot drinks to passing members of the public with an attendant operator/server. Although these applications do not currently include advertising, it is very likely that their real purpose is to establish a plausible use for the boxes to justify their retention and so in the future be able to make a case for also using them for advertising. As the planning issues are different to those for new phone boxes, alternative reasons for refusal will be needed which can be successfully defended on appeal.

Following my letter to the Secretary of State on the matter of misusing phone boxes for the primary purpose of hosting advertisements, a meeting was convened which was attended by senior planning officers from a large number of Local Authorities along with civil servants from the DCLG. Despite pressure from Local Authorities the DCLG delegation was unmoved by requests to change the law, stating that it was a low priority matter at present. There was consensus, however, among the Local Authorities representatives that the matter should not be dropped and pressure on the DCLG should continue to be applied.

2. Workload and Recruitment

2.1 There is still currently no evidence of a slowing workload in Development Planning, despite the uncertainty around Brexit and predictions that international investment may decline. In particular, it remains the case that there are still sufficient on-going pre-application discussions in respect of several large schemes which would be likely to require substantial investment, including foreign, and which would not commence for perhaps 5 years and so at present there is still development industry long-term interest in key sites in Westminster.

2.2 As a correction to September's report which stated that interviews for four new planning officers would take place in March 2018, these will actually occur in November 2017.

There has been a successful appointment to the new post of Head of Arboriculture, for which two candidates were interviewed. Barbara Milne has been internally promoted to this post.

3. Planning Fees

There is still much uncertainty around the Government's proposals to increase planning fees by 20%, which was put on hold in June 2017, with some unofficial sources indicating that there may be an announcement on this in the November budget. However, a November announcement is not to be relied upon.

Planning Policy

4. Neighbourhood planning

4.1 It is anticipated that the Knightsbridge Neighbourhood Forum will formally submit their draft neighbourhood plan to the council by mid November 2017. This will be the first neighbourhood plan in Westminster to have reached this stage in the process. When the plan has been submitted officers will check the draft plan and accompanying documentation to ensure they meet the

requirements of the neighbourhood planning legislation. There will then be a further formal stage of consultation and a public examination that will be conducted by an independent person appointed in agreement with the Neighbourhood Forum.

- 4.2 Officers have been advised that Queen's Park Community Council (QPCC) are planning imminently to publish their draft plan for consultation. This consultation will be undertaken by QPCC, as the qualifying body for producing the plan, and is a requirement of the Neighbourhood Planning Regulations 2012 (as amended) as stage prior to formal submission of the draft plan to the council. The council will be a consultee to the pre submission draft of the plan along with other key stakeholders. Officers have already commented on an earlier draft of QPCC's draft plan.
- 4.3 There are no further updates on the other Neighbourhood Areas at the time of writing.

5. Community Infrastructure Levy (CIL)

- 5.1 Westminster's Community Infrastructure Levy (CIL) is a charge applied to development to help fund strategic and neighbourhood infrastructure that is required to support the development of Westminster. Westminster's CIL was formally introduced on 1st May 2016 and as of 30th September 2017 a total of £7,444,076 had been received. Demand notices have been issued for a further £6,002,285 of Westminster CIL that is payable before 31st March 2018.
- 5.2 Liability notices for a potential additional value of £58,442,497 have also been issued. These notices are raised following the grant of planning permission and set out what the liable charge would be should work on the development start. The realisation of these monies is therefore totally dependent on a developer implementing their planning permission. In Westminster it is common to have multiple planning permissions on a site or for a permission not to be implemented. This figure, while informative, should not therefore be treated as guaranteed future income.
- 5.3 On 2 November 2017 I will chair the first Cabinet CIL Committee to discuss the potential allocation of both CIL and Section 106 funds. In preparation of the committee all Councillors were invited to put forward projects that could benefit from funding in their local neighbourhood areas. These will be included for consideration in the report to committee alongside priority projects that have been put forward from the council's main service areas.
- 5.4 It is not the intention for this first meeting of the Cabinet Committee to consider the allocation of the monies ring fenced for neighbourhood CIL. A

clear strategy for engagement with the neighbourhood areas and forums is currently being developed by officers and will be taken forward following the resolution of this committee in association with an approved Policy Spending Statement. It is anticipated that following engagement with the neighbourhood areas, and the accrual of sufficient receipts, that agreed recommendations for neighbourhood CIL allocations will be brought forward to a future Cabinet Committee.

2 November 2017

If you have any queries about this report or wish to inspect any of the background papers please contact Charlie Hawken x2621 chawken@westminster.gov.uk



Business, Planning and Transport Policy and Scrutiny Committee Briefing

Date: Wednesday 15th November

Portfolio: Cabinet Member for City Highways

Briefing Author and Contact Details: Councillor Danny Chalkley
dchalkley@westminster.gov.uk
 0207 641 2228

1. Transport

- 1.1 38 locations outside of schools are part of the 20mph trial, launched on 5th September. 40 Vehicle Activated Signs have been installed as part of this, informing drivers if they are exceeding the 20mph limit.
- 1.2 A leaflet publicising the trial will be sent to affected residents and a range of interested parties inviting their views and comments.

2. Highways

2.1 The table below shows the performance for reactive highway works on the carriageway and footway.

	July Performance		August Performance		Target from 1 April '14	Previous Contract Target
Priority 1 (2 hour)	99%	↓	97%	↓	98%	98%
Priority 2 (24 hour)	98%	↔	98%	↔	98%	95%
Priority 3 (10 day)	100%	↑	96%	↓	98%	90%
Priority 4 (28 day)	86%	↓	99%	↑	98%	83%

Performance levels were achieved for 24 hour and 28 day jobs, but below Service Level Agreement (SLA) target for 2 hour and 10 day jobs.

We attended 102 Priority 1 jobs during August. 3 of these were out of SLA due to IT problems with our Icon system, which have now been rectified.

3. Preventative Maintenance

3.1 Planned Preventative Maintenance Footway – 2017/18

The following footway schemes are currently onsite:

Chepstow Road – W2

Wellbeck Street – W1G

Waterloo Bridge – WC2

This year's PPM footway programme is 76% completed.

3.2 Planned Preventative Maintenance Carriageway – 2017/18

The following carriageway resurfacing schemes are currently on site:

Elgin Avenue – W9

Wigmore Street – W1U

Belgrave Road – SW1V

Praed Street – W2

This year's PPM carriageway programme is 73% completed.

4. Parking

4.1 The diesel surcharge on pay-to-park tariffs in the Low Emission Neighbourhood (LEN) has seen a 12.72% reduction in pre-2015 diesel vehicles paying to park in the area.

4.2 A new debt management service has been procured, with the new contract with Marston Group Ltd. due to commence on 1st November. This includes a number of service enhancements regarding the collection and sourcing of parking-related debt and also includes the additional provision of an abandoned and untaxed vehicle service.

4.3 Parking Services is in the process of procuring a car sharing service to supersede the current car club provision, which has been extended via a waiver until 31st January. The procurement is in two lots, covering 'fixed' and 'floating' provision.

4.4 Contract extension discussions with the respective providers are in progress for the Business Processing & Technology, People & Resources and Bay Sensor contracts.

4.5 The trial to deploy marshals directly to their beats from home has been successful and is being rolled out further with expected efficiencies of around £500,000 per annum.

5. Electric Vehicles













5.1 There are currently 162 Electric Vehicle (EV) on-street charging points. 97 of these are in dedicated EV-only bays, 44 in dedicated car club bays and a further 21 have been retrofitted into lamp columns. Funding has been secured to deliver up to a further 80 points this year.

5.2 From January 2018, all new taxis must be zero-emission capable. Officers are working with Transport for London to identify suitable rest ranks where, subject to planning consent, rapid charging units can be installed. In addition, discussions are underway to implement the first zero-emission working taxi rank in the LEN - only zero-emission capable taxis will be able use this rank.

5.3 Potential on-street and off-street locations for rapid charging units for general use are being sought.

6. Lighting

6.1 The table below shows the current performance for reactive responses for lighting.




	June Performance		July Performance		August Performance		Target from 1 April 14	Previous Contract Target
Priority 1 (2 hour)	100%		98%		96%		98%	98%
Priority 2 (24 hour)	100%		100%		100%		98%	98%
Priority 3 (48 hour)	99%		99%		100%		98%	90%
Priority 4 (7 day)	100%		100%		100%		98%	98%

6.2 This year to date, 2654 maintenance activities have been completed, of which 42% were relating to outages. It should be noted that on average the time taken to fix outages is approximately 14 hours.

6.3 There has been an increase in the number of reported day burning lights. An evaluation of CMS control along with options for the future is currently underway and photo-electric cells are now being implemented to correctly control lights where signalling issues are experienced. Since the implementation of photo-electric cells, we have fixed 928 day burners

7. Road Management

7.1 The table below shows the number of Fixed Penalty Notices (FPNs) issued to work promoters for failure to correctly apply for permits to work. This includes both the utilities and our own contractors. The number of FPNs issued fluctuates based on the errors within promoters' work.

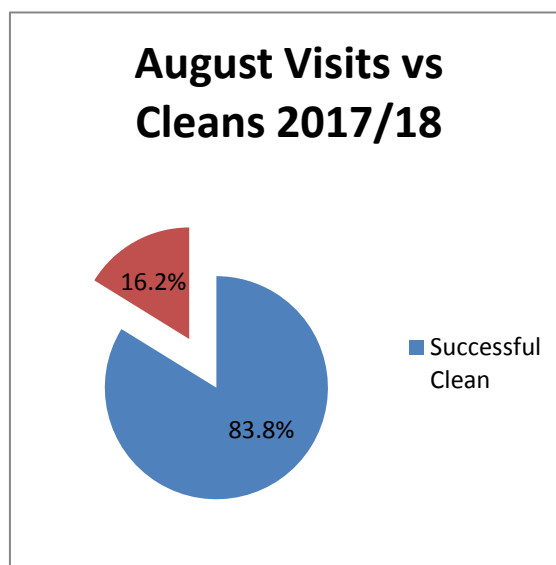
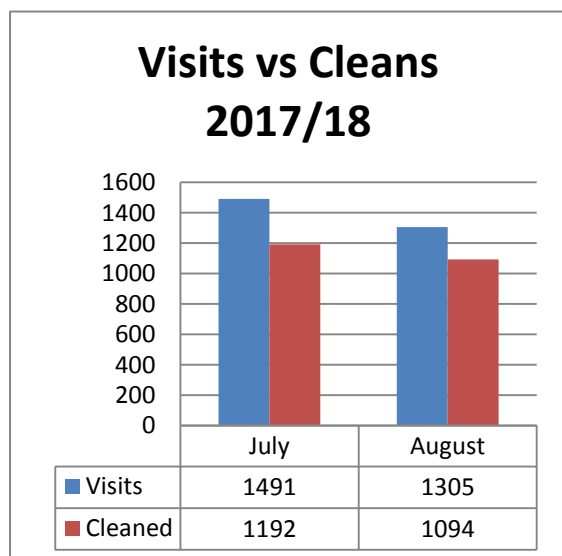
	June Performance		July Performance		August Performance		Target
FPNs	79		68		60		60

7.2 The table below shows the volume of activities on the highway:

	June Volume	July Volume	August Volume	Previous three months' average
Utility Works	822	798	776	799
Crane Licences	92	106	85	94
Temporary Structures	193	205	162	187
Road Closures	146	145	124	138

8. Surface Water Management

8.1 August routine and reactive services reported no operational issues but have continued to experience a number of inaccessible gullies, with vehicle-over dominantly taking the majority of the inaccessible gullies. The rate of successful cleans has improved from July's 79.9% to 83.8%



8.2 Partnership working with Westminster City Council Parking trialled a car lifter on 24th and 25th August to complete revisits (failed-attempts) in preparation for the Notting Hill Carnival. Over the two day lift and shift pilot, it was shown that, with some adjustments, this scheme can greatly improve efficiencies on the routine/reactive cleaning service. Over the two-day trial 29 gullies were attended, with 13 vehicles moved and 3 gullies not cleaned.

8.3 The integration of the surface water management programme to consolidate the drainage improvements at known locations with significant problems is continuing.

9. Public Protection

9.1 Increase in Moped Enabled Crime

Since 2016, the Metropolitan Police Service has identified a significant increase in crimes, especially smash and grabs, committed by offenders riding mopeds. A more serious incident, which resulted in a number of stabbings and the murder of a resident, occurred in October for which two Westminster residents have been remanded in custody.

Our overarching strategy in response to moped-enabled crime has been to focus on ways in which we can strengthen and expand multi-agency and cross-border working to support the police.

The service is working closely with the Police and other partners to improve intelligence sharing, to identify those at risk of becoming either a victim or offender and ensuring the right support is in place to prevent this. We are also working with the safer schools partnership to raise awareness.

9.2 London Crime Prevention Fund and Co-commissioning

Westminster has been allocated London Crime Prevention Funding (LCPF) over the next four years, which pays for our Integrated Gangs Unit (IGU), specialist services to support victims of violence against women and girls, services to reduce reoffending of adult and youth offenders, and tackling anti-social behaviour (ASB). The City Council's allocation reduces year on year from c. £1.1m to c. £450k from 2019/20 onwards.

However, there is flexibility to roll-forward any unused funds between 2017/18 and 2018/19. Therefore, it is currently anticipated that we will be able maintain the current level of service provision until the end of March 2019.

Further work over the coming months will consider the implications for 2019/20 onwards, alongside the development of expressions of interest for Tranche 2 of the LCPF Co-commissioning fund, once the priorities for this phase have been announced.

9.3 Autumn Nights

We have worked with the Police, London Fire Brigade, schools and youth services to ensure a safe environment between Halloween and Bonfire Night. Fire Safety presentations also took place in primary and secondary schools during this period.

9.4 Effective Neighbourhood Working Programme

Engagement on the delivery of a new model for more effective working in our neighbourhoods with staff and partners has started. This is a Council-wide programme which will be delivered in two phases: City Management and Communities, Growth Planning and Housing, and Public Health in 17/18 with Children's Services, Adult Services and partners starting in March 2018. This approach is designed to save £900k in 2018/19.

Workshops have been held with program leads from Digital and Public Health to ensure programme objectives and timescales align. Unions have been briefed on the programme on a monthly basis and will continue to be briefed regularly throughout the programme.

9.5 Reducing the Harm of Shisha

The Council wants to help people make informed choices about shisha, while also making sure that businesses offering shisha do so safely, legally and with minimal disturbance to others.

The City Inspector service has been working to identify premises where there is harm involved in the use of shisha. The majority of the issues relate to smoking in an enclosed area and breaches of the Health Act. There have been 35 Health Act-related visits to shisha cafes in the 2nd Quarter of 2017/18.

9.6 Warrant Executed Against Premises Breaching the Health Act

City Inspectors led a multi-agency operation to execute a search warrant from a venue with a long history of non-compliance and obstruction.

Upon entering the premises, over sixty customers were found on the 6th floor, with numerous offences under the Health Act being committed due to the large amounts of shisha pipes being smoked. Further Health Act offences were detected in the basement. City Inspectors, Police, Trading Standards, and Health and Safety then carried out a systematic search of the premises and seized all items relating to offences that had been observed.

9.7 Street Population Summit

Despite the significant reductions that have been seen in the number of rough sleepers, there continues to be concern about the number of people openly taking drugs, committing anti-social behaviour and begging. There is also concern about the welfare of these individuals. A street population summit is being held, chaired by the Leader, on the 6th of November with a range of key partners to discuss the issues and our approach going forward.



Business Planning and Transport Policy and Scrutiny Committee

Date:	15 November 2017
Classification:	General Release
Title:	Update on progress of the Safer Westminster Partnership
Report of:	Sara Sutton: Director of Public Protection & Licensing
Cabinet Member Portfolio	Public Protection – Cabinet Member for City Highways
Wards Involved:	All
Policy Context:	Community Safety
Report Author and Contact Details:	Report Author Angela Lambillion x5753 alambillion@westminster.gov.uk Angela Lambillion- Community Safety Commissioning Manager

1 Executive Summary

- 1.1 This report provides an update for the Committee on the following items:
- Progress on delivery of the Safer Westminster Partnership strategy
 - The key findings of the Safer Westminster Partnership ('SWP') Strategic Assessment.

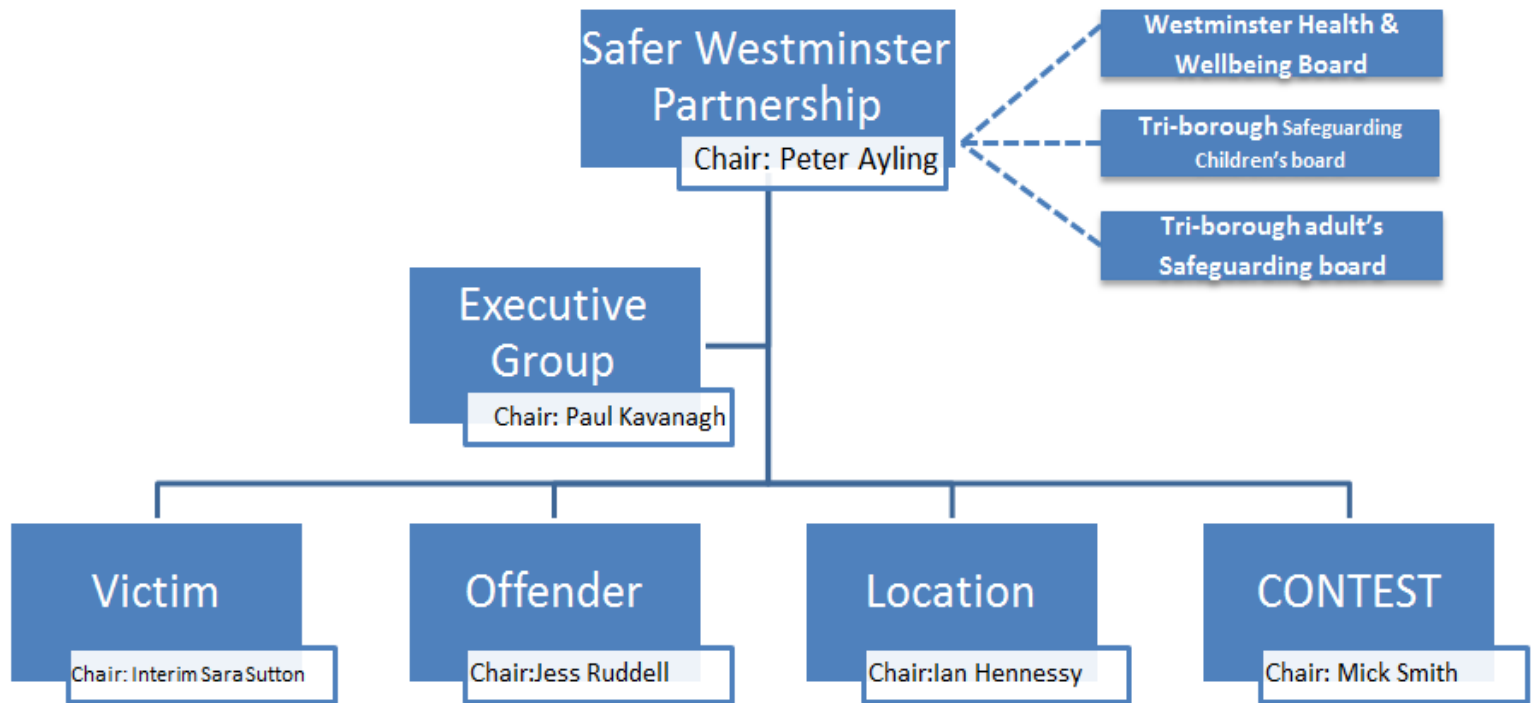
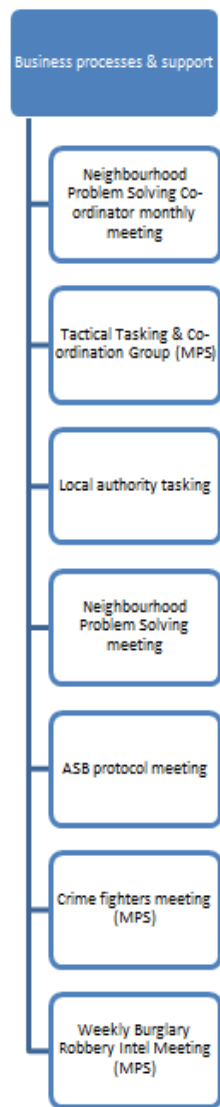
2 Key matters for the Committee's Consideration

- 2.1 The Committee are asked to note the contents of this report and provide any feedback.

3 Safer Westminster Partnership Strategy

- 3.1 The three year strategy was produced in June 2017 and sets out the vision 'Making Westminster safer by working in partnership to reduce the risk and harm of crime and Anti-Social Behaviour ('ASB'), and focusing on protecting the most vulnerable within our communities'.

- 3.2 The structure of the SWP was refreshed this year to make it more problem oriented and to provide flexibility to respond to new and emerging issues. Underpinning this strategy are action plans for the four main delivery groups, Victim, Offender, Location and CONTEST, which relates to the counter terrorism strategy. These action plans will be refreshed annually as a result of the findings of the annual Safer Westminster Partnership strategic assessment. The latest strategic assessment and Safer Westminster Strategy are attached to this report for information.



3.3 Each of the boards has met three times. The first to agree the action plans and then to review and assess progress made. The next section lists some of the progress made to date. Of note, progress has been hindered by the partnership response to the recent terrorist attacks and the tragic Grenfell Tower fire.

3.4 Victim progress

3.4.1 The overarching aim of the group is; identifying and working with repeat victims to reduce their vulnerability.

3.4.2 A registered social landlord practitioner's forum has been set up and had its inaugural meeting on 12th October. The purpose of the meeting is to share Anti-Social Behaviour (ASB) knowledge and best practice to ensure victims are provided a consistent quality of service.

3.4.3 Domestic violence has some of the highest levels of repeat victimisation and services are commissioned through the Angelou partnership to address this along with Standing Together to work with high risk victims of domestic abuse. 92% of women who worked with Angelou reported increased physical and or psychological safety and feelings of safety as measured by exit surveys/closing assessments.

3.4.4 A young women's advocate to support young women affected by gangs and youth violence is currently funded through MOPAC (Mayor's Office for Policing & Crime). This role has enabled the issue of girls affected by gangs to be discussed more frequently.

3.4.5 A pilot is to commence in November using Anti-Social Behaviour warning notices to help identify young people on the periphery of serious youth violence or gang activity as victims or offenders. This will be piloted in Little Venice/Church Street and Tachbrook wards.

3.5 Offender progress

3.5.1 The overarching aim of the Offender Delivery group; working with the most problematic offenders to reduce their re-offending.

3.5.2 Starting Over through Turning Point has been commissioned to provide additional support to the most prolific offenders in the borough from the Integrated Offender Management cohort. 33 people have been referred to Starting Over this financial year. 8 people have completed their treatment and 5 are now shown as drug free.

3.5.3 A wider evidence base has been collated on the indicators that put someone at risk of offending such as poor attendance and being in care of a child in need. Children's Services are using this evidence to ensure scarce resources are not duplicated to limit the number of professionals working with young people and to simplify processes. This will now be expanded to cover adult offender cohorts.

3.6 Location progress

- 3.6.1 The overall objective of the Locations delivery group is to: Reduce high harm crime in Queens Park, Church Street wards and the West End.
- 3.6.2 One of the key outcomes of the Locations Delivery group is to improve employment opportunities within the vulnerable Queens Park and Church Street wards. This group has benefited from forging new links across the partnership in particular with the Economic team. Work is on-going to link up young people with hospitality job opportunities that exist.
- 3.6.3 ASB protocols have been developed and training is being delivered across the partnership. An ASB officer within City West Homes is intervening early in low level threshold ASB, through family support and joint visits to identify what parental support is available.
- 3.6.4 The Street Population Action Group meet monthly to ensure ASB associated with street population at hotspots is effectively tackled through co-ordinated joined up engagement and enforcement by partnership agencies. 100 people are being monitored across four areas. To date this has resulted in 7 Community Protection Notices being issued for begging.
- 3.6.5 An ASB officer within City West Homes is intervening early in low level threshold ASB, through family support and joint visits to identify what parental support is available. He is now attending ward panels to ensure appropriate referrals are made.

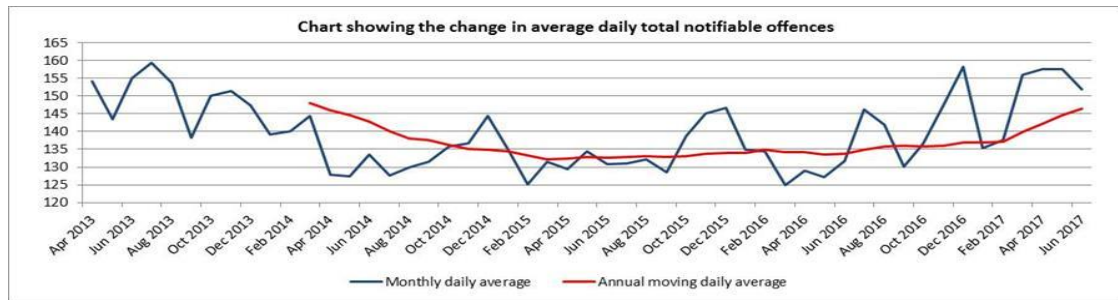
3.7 CONTEST progress

- 3.7.1 Project Griffin training is delivered to increase awareness of how best to reduce and respond to the most likely types of terrorist attacks. 123 presentations have been given to 3,892 people since April 2017. More detailed training is delivered via Project Argus, 14 sessions have been delivered over the first two quarters of this year.
- 3.7.2 The threat level has been raised to critical on two occasions since the start of this performance year. As a result, a review of deployments and activity in the local Protect plan has been undertaken.
- 3.7.3 As part of the Prevent Programme, project planning is underway to commission a range of projects in order to support and empower Westminster's communities including;
 - >Deliver strengthening families
 - >Strengthening communities
 - >Parenting programme
 - >Deliver fathers for future.

4 Safer Westminster Partnership Strategic Assessment

- 4.1 A strategic assessment is produced annually as a requirement of the Police and Justice Act 2006 on behalf of the responsible authorities for the Safer Westminster Partnership. The aim is to identify the key crime and anti-social behaviour issues affecting the borough and to make recommendations on SWP priorities for 2018/19. The latest report is attached for information.
- 4.2 New and emerging findings from the Strategic Assessment
 - 4.2.1 Over the last year crime has increased by 9%, the highest annual rise in crime for over a decade. Whilst some of this increase can be attributed to improvements in crime

recording not all can. Despite this increase, public confidence and feelings of safety remain high.



- 4.2.2 In contrast, the volume of resident offenders being dealt with by the criminal justice system has declined dramatically. Over the last decade the number of resident adult offenders in Westminster has nearly halved and there are seven times fewer juveniles. In spite of this reduction, the proportion of juvenile offenders who reoffend has increased and a small proportion of offenders are responsible for a considerable volume of crime. This highlights the importance of concentrating resources on this small recidivist cohort.
- 4.2.3 It is unclear if this increase in crime is a result of an increase in cross border offenders or foreign national offenders coming into the borough to commit crime. New trends are emerging in relation to offending and victimisation particularly among young people with an increase in crime being committed across 'county lines'. A greater understanding of this issue is needed to fully understand the extent and risks to facilitate the prompt sharing of intelligence and information.
- 4.2.4 Reducing repeat victimisation should be at the heart of any action taken to work with victims as previous victimisation is the single best predictor of future victimisation. The levels of repeat domestic violence victimisation remain high at 18% and increases to 22% for most high risk cases.
- 4.2.5 Westminster has a distinct temporal pattern of incidents compared to the rest of London. The West End alone has a bigger night time economy than that of Edinburgh, Birmingham and Manchester combined. Nearly one third of incidents occurred between 00:00 to 05:59 hours compared with only 19% across London. This disparity may increase further with the Mayor's ambition for a 24 hour city of culture and entertainment.
- 4.2.6 Hate crime levels have increased and been shown to peak following a terrorism incident. Further analysis is needed to understand this link and any impact this may have on community tension. A lack of access to police data is currently inhibiting this.

5 Next steps

- 5.1 The Strategic Assessment findings will be presented to the Safer Westminster Partnership meeting on 26th October 2017 and recommendations will be made upon refreshing the partnership plan and respective action plans.

**If you have any queries about this Report or wish to inspect any of the Background Papers please contact Report Author x5753
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Business Planning and Transport Policy and Scrutiny Committee

Date:	15 November 2017
Classification:	General Release
Title:	Overview of Prevent Delivery
Report of:	Sara Sutton: Director Public Protection & Licensing
Cabinet Member Portfolio	Public Protection – Cabinet Member for City Highways
Wards Involved:	All
Policy Context:	City for All
Report Author and Contact Details:	Mark Chalmers x6032 mchalmers@westminster.gov.uk

1. Executive Summary

- 1.1. The purpose of this report is to outline the work that is undertaken to deliver the Prevent Strategy within Westminster.
- 1.2. Updates on Prevent delivery have also been provided to the Children, Environment and Leisure Policy and Scrutiny committee.

2. Key Matters for the Committee's Consideration

- 2.1. The Committee are asked to consider the contents of this report and provide any necessary feedback.

3. Background

3.1. Introduction

- 3.1.1. Prevent forms one part of CONTEST, the Government's counter-terrorism strategy. CONTEST is based on 4 areas of work:
- Pursue: to stop terrorist attacks
 - Protect: to strengthen our protection against a terrorist attack
 - Prepare: to mitigate the impact of a terrorist attack
 - Prevent: to stop people becoming terrorists or supporting terrorism
- 3.1.2. Prevent aims to stop people becoming terrorists or supporting terrorism, in all its forms. Prevent works at the pre-criminal stage, using early intervention to encourage and empower individuals and communities to challenge extremist and terrorist ideology and behaviour.
- 3.1.3. Extremism takes many forms including: animal rights extremism, right-wing extremism, Northern Ireland related extremism and Islamic extremism. Whilst Prevent is concerned with all types of extremism, Prevent work is prioritised according to the risks that we face. This means that the work delivered in Westminster is to address local needs and vulnerabilities and may be different to what is being done elsewhere in London or the UK.
- 3.1.4. From the 1st July the Counter-terrorism and Security Act 2015 placed a statutory duty on local authorities and other bodies to have "due regard for the need to prevent people from being drawn into terrorism" in the exercise of their functions.
- 3.1.5. Westminster's Prevent Team and the projects that it commissions are funded through a grant agreement with the Office for Security and Counter-terrorism within the Home Office.

3.2. Threat

- 3.2.1. At the time of writing, (16 October 2017) the level of threat the UK faces from international terrorism is severe; meaning that a terrorist attack is highly likely. As has been seen in the UK and across Europe, attacks can happen at any time and any place without warning.
- 3.2.2. As well as being a potential terrorist target, Westminster is a Prevent priority area and has one of the higher levels of Islamic and domestic extremist activity in London. In terms of the resident population, the primary threat is in relation to Islamic Extremism and the Extreme Far-Right. However, Westminster's high profile sites and areas of high footfall attract a full range of extremist groups or individuals who would seek to use the City as a platform for protest or other activity.

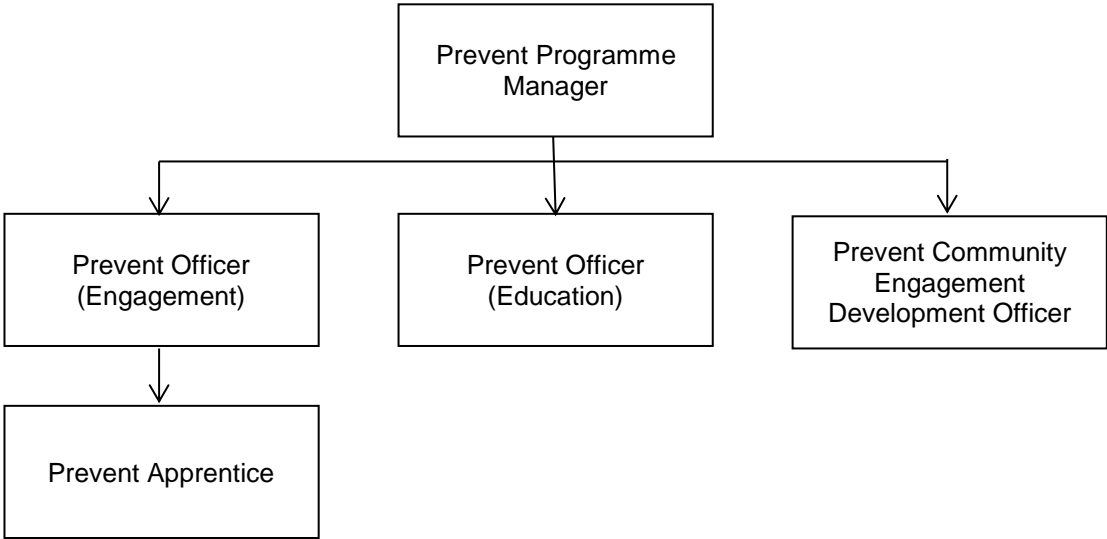
3.3. Prevent work in Westminster

3.3.1. The objectives of the Prevent Strategy are to:

- Respond to the ideological challenge we face from terrorism and aspects of extremism, and the threat that we face from those who promote these views.
- Work with institutions where there are risks of radicalisation to be addressed.
- Provide practical help in order to safeguard vulnerable people from being drawn into terrorism and ensure that they are given appropriate advice and support.

3.3.2. The delivery of Prevent is led by local authorities. In delivering the strategy in Westminster, staff work closely with a wide range of sectors and institutions; these include but are not limited to: education, criminal justice, faith, charities and government departments, in addition to community organisations.

3.3.3. Westminster’s Prevent Team currently consists of four full time equivalent members of staff and an Apprentice. All staff are on 12 month fixed term contracts or Internal Temporary Transfers. The team sits within Community Safety in Public Protection and Licensing.



3.3.4. Local delivery of the Prevent Strategy is threat led and focused on local needs and vulnerabilities. As is evident from recent media reporting, it is important to consider that vulnerability to radicalisation and extremism is not limited to any particular part of Westminster’s diverse communities. As such, much of the work of the Prevent Team covers the whole of the City, for example projects that are available to all educational institutions. Vulnerability to radicalisation and extremism is very rarely seen in isolation and those individuals are often vulnerable to other harms, such as involvement with gangs or forms of exploitation. In terms of specific projects, every effort is made that these are made available to individuals and communities that will most benefit from that intervention.

3.3.5. Westminster's Prevent Team works with institutions, communities and individuals that include people of all ages.

3.4. **Governance**

3.4.1. The Council's Executive Management Team provides oversight in relation to the delivery of CONTEST and receives updates on a quarterly basis. Each strand is overseen by a delivery group, which in relation to Prevent is the Tri-Borough Prevent Steering Group.

3.4.2. Delivery of Prevent is sovereign in Westminster but the team maintains a close working relationship with the Bi-Borough (LBHF & RBKC) Prevent Team. The shared steering group is a recognition that many of the services and partners that the teams work with operate across borough boundaries.

3.4.3. The Local Safeguarding Children's Board and Local Safeguarding Adults' Board both have a statutory role in the oversight of safeguarding processes across the City. Quarterly updates on training and safeguarding are provided to the relevant LSCB sub-groups.

3.4.4. Counter terrorism is a priority for the Safer Westminster Partnership and therefore updates are also provided to this strategic multi agency group on a regular basis.

3.4.5. Quarterly monitoring reports are provided to the Home Office, as the funding body. This includes output measures in relation to staff and projects.

3.5. **Delivering Prevent in Westminster's Communities**

3.5.1. Engaging with Westminster's communities and also the voluntary and community sector forms a key part of the Prevent Team's work. Many of the individuals or families who would benefit most from Prevent projects are from our hardest to reach communities. Furthermore, in order to effectively deliver these projects, it is necessary to partner with local community organisations and groups.

3.5.2. Westminster Prevent Team commission a range of projects in order to support and empower Westminster's communities. These projects are designed to address the Prevent Strategy objectives (above) but often also address wider needs and vulnerabilities. A selection of these are described below.

3.5.3. A Prevent parenting programme has been commissioned over the last three years. In addition to self-referring to the parenting programme, parents can be put forward for participation by support services. Furthermore, the Prevent Team conduct community engagement visits and attend parent coffee mornings in schools to raise awareness of the parenting programme and invite interested parents to sign up to take part.

- 3.5.4. The programme is an adapted version of the Race Equality Foundation's 'Strengthening Families, Strengthening Communities' course. Over the past year, we have delivered 9 series of this programme to 122 parents across Westminster. The programme seeks to aid parents in building stronger relationships with their children by developing their current parenting approaches and equipping them with new skills, tools and techniques to use within their homes. In addition to exploring issues around radicalisation the programme considers a range of challenges of concern to Westminster's parents and families, including: gangs, internet safety, hate crime, balancing competing cultural expectations and British Values. The programme also works to raise parents' awareness of behavioural changes that may indicate that young people are in need of support, and of the availability of local support services and how to access them.
- 3.5.5. Feedback from parents has been overwhelmingly positive. In a focus group following completion of the programme, one participant stated that *'This course is changing me and making me a better mother, my kids are happier and their behaviour is improved in school. I hope everyone in our communities has the chance to take part in this'*.
- 3.5.6. Whilst the parenting programme has always been available to both mothers and fathers, participants have been overwhelmingly female. Therefore this year, a project is being developed called Fathers for Futures. The objectives of the project are similar to those of the parenting programme, namely to improve the confidence, parenting skills and awareness of Fathers in relation to the vulnerabilities experienced by their children. However, a key part of the project will be to proactively engage with local fathers to encourage participation on the course.
- 3.5.7. Youth engagement, outside educational settings, was previously identified as within the Prevent programme and was a key area of focus for the team last year. As part of our work to address this we developed a Gangs and Radicalisation Project, which reached 92 young people across four local youth projects. We partnered with the youth projects to deliver sessions for young people aged 16-24. The project recognises that the same vulnerabilities that can lead to young people joining gangs - like isolation, frustration and lack of purpose - can also make them more of a target for extremist views. The young people were first given a chance to discuss and explore their grievances. They then had the chance to listen to the stories of people, who have turned to gangs, crime or extremism as an answer - and the negative impact that's had on their lives. They then also learned the impact that such life choices had on their families, for example by listening to someone who lost her son fighting in Syria.
- 3.5.8. Following this year's terrorist incidents the prevent team worked with the London Network on prevent related matters, providing guidance on Pan-London areas of focus. They also enhanced local engagement based on need and areas of concern, delivering reassurance activity as required.

3.6. Delivering Prevent in Westminster's Educational Institutions

- 3.6.1. A set of training packages for Westminster's educational institutions have been developed and delivered over the last two years. This training includes an overview of Prevent and the safeguarding measures available to help support individuals at risk of radicalisation or extremism. Versions are available and have been delivered to educational settings from Early Years to universities.
- 3.6.2. Since April 2016 the Prevent Team delivered training to over 1800 staff in 53 institutions. The product has been adapted a number of times based on changes in legislation and on feedback. Overall, the feedback throughout the year has been very positive.
- 3.6.3. Much of the support and training provided to the Higher and Further Education Institutions in Westminster is delivered by the two pan-London HE/FE Prevent Co-ordinators. The Prevent Team locally have worked closely with them and assisted with providing support, advice and training to this sector. With a dedicated officer working across educational institutions, the intention is to improve our links with this sector.
- 3.6.4. A series of pages are available on the Council website have been built in order to provide information on Prevent. This includes a suite of projects, lesson plans and guidance documents that have been put together for educational institutions.
- 3.6.5. A number of projects are also commissioned to support schools in the delivery of Prevent locally.

3.7. Safeguarding vulnerable individuals

- 3.7.1. Through the Channel and wider Prevent safeguarding processes, we continue to work closely with different Council departments and agencies to support and safeguard individuals potentially vulnerable to extremism or radicalisation.
- 3.7.2. We are currently developing a new integrated referral process with Children and Family Services to ensure those with the necessary skills, knowledge and experience are able to efficiently review and manage referrals on vulnerable young people. This will include a social worker embedded within the prevent team.
- 3.7.3. The Prevent Team deliver workshops to staff in order to raise awareness of Prevent. They also provide support and advice to departments around the other requirements of the Prevent duty. Training has been delivered to members of staff from Council departments, contractors and other external partners.

- 3.7.4. When delivering training on Prevent, whether to frontline staff or teachers in institutions, an emphasis is placed on the importance of a proportionate response to something that gives cause for concern; encouraging staff to use their professional judgment and to follow their existing safeguarding referral processes. In the case of children or young people, this is through their designated safeguarding lead and in to Access to Children's Services. For adults, it is in to Adult Social Care.
- 3.7.5. Channel is a statutory early intervention multi-agency process designed to safeguard vulnerable people from being drawn into violent extremism and/or terrorism. Channel works in a similar way to other safeguarding partnerships such as case conferences for children in need. Channel is a pre-criminal process that is designed to support vulnerable people at the earliest possible opportunity, before they become involved in illegal activity.
- 3.7.6. Engagement with the Channel process is voluntary and for a young person would require parental consent.
- 3.7.7. Each Channel Panel is chaired by the Council's Head of Community Safety. Permanent membership of the panel includes officers from Children's and mental health services. Alongside this, other multi-agency partners, including all those involved in any specific case, are brought together to collectively assess the risks in relation to an individual and decide whether a support package is needed. If the panel feels that an individual would benefit from support; a bespoke package of support will be tailored for that individual, based on their particular needs and circumstances.
- 3.7.8. Numbers of Prevent referrals are not published at a local level.

3.8. Challenges

- 3.8.1. Short-term funding, year on year, causes significant problems in relation to the recruitment and retention of staff. It also limits our ability to build and establish longer term projects and pieces of work.
- 3.8.2. Prevent delivery needs to be responsive to a rapidly changing threat picture.
- 3.8.3. Until recently the Prevent Team only consisted of two members of staff, this presented significant challenges in terms of both capacity and resilience. Newly recruited staff will remedy this challenge in the short to medium term.

If you have any queries about this Report or wish to inspect any of the Background Papers please contact Mark Chalmers x6032
mchalmers@westminster.gov.uk

APPENDICES:

Nil.

BACKGROUND PAPERS

Nil.



City of Westminster

Business Planning and Transport Policy and Scrutiny Committee

Date:	15 November 2017
Classification:	General Release
Title:	Update - Assets of Community Value
Report of:	Director of Policy, Performance and Communications
Cabinet Member Portfolio	Cabinet Member for Planning and Public Realm
Wards Involved:	All
Policy Context:	City for Heritage
Report Author and Contact Details:	Michela Leoni, Planning Policy Officer, Policy, Performance and Communications mleoni@westminster.gov.uk Andrew Barry-Purssell, Place and Investment Policy Manager, PPC abarrypurssell@westminster.gov.uk

1.0 Introduction

This report provides an update on the experience of the Council to date on Assets of Community Value (ACVs) in Westminster since the previous report to the Environment and Customer Services Policy and Scrutiny Committee in September 2016.

2.0 Background

- 2.1 The Localism Act 2011 introduced a Community Right to Bid scheme which aims to ensure that buildings and amenities designated as assets of community value can be kept in community use and remain an integral part of community life. The scheme allows local parish or community councils, or community organisations, to identify and nominate assets within their locality that they believe to be of intrinsic value to the community and the social wellbeing of their locality, to request that they are provided with sufficient notice and opportunity to bid to purchase the asset should it be proposed for sale.

- 2.2 The scheme, which came into force in September 2012, has two main parts: nominating and listing assets and the moratorium. When a nomination is submitted to the Council, the decision on whether to list an ACV is carried out by officers under delegated authority. Section 88(2) of the 2011 Act provides that a building or land may be of community value if, in the opinion of the local authority, its use (which was not an ancillary use) has furthered the social well-being or social interests of the local community in the recent past and it is realistic to think that it will do so in the future.
- 2.3 If a land or building is successfully included in the list of ACVs, it will remain listed for five years unless a listing review leads to the de-listing of an asset prior to the expiry of that term. If the owner of a listed ACV wants to sell the asset, a six month moratorium period will be triggered during which the asset cannot be sold. This period gives community groups some time to develop a proposal and raise the required capital to bid for the property when it comes onto the open market at the end of the moratorium period.
- 2.4 A more detailed report on ACVs in Westminster, which was considered by the Environment and Customer Services Policy and Scrutiny Committee in September 2016, is attached for information (Appendix 3). This provides a comprehensive summary of the legislation and guidance surrounding Assets of Community Value, and a summary of the views and experience of the Council up to then in responding to and assessing nominations.

3.0 The experience of Westminster City Council

- 3.1 Since the introduction of the ACV scheme, Westminster has received 22 valid nominations, of which nine were successful in being designated (40%) and 13 were rejected.
Westminster currently has 9 listed Assets of Community Value:
- four public houses (44%),
 - three open spaces (33%),
 - one community hall,
 - one further education college.
- 3.2 Since the last report in September 2016, three nominated assets have been successfully listed as ACVs:
- St. John's Square Gardens
 - Pimlico Gardens
 - Essendine Wild Gardens
 - Westminster Kingsway College (which had previously been listed but was de-listed following a revision which found the nomination had not met the local connection requirement, and was therefore invalid).

During the same time, seven ACV nominations were received which were ultimately unsuccessful:

- The Timber Yard, Pimlico Road
- Chippenham Hotel
- Berwick Street Market
- My Café, Charlwood Street
- The Squirrel
- The Lord Wargrave
- The Larrik

More details on listed ACVs and unsuccessful ACV nominations can be found in Appendix 1 and Appendix 2 respectively, including reasons for refusal in the case of unsuccessful ACV nominations.

- 3.3 There have been six review applications, with two of these resulting in the de-listing of an ACV. The complete up-to-date list of ACVs and the list of all unsuccessful ACV nominations in Westminster are appended at the end of this document.

4.0 ACV applications after amendment of the General Permitted Development (Amendment) (No 2) Order 2017

- 4.1 Although one of the major motivations for the ACV scheme (and much of the publicity around it) was the aim of protecting local pubs that had an important role for the local community, it is not solely limited to pubs and nominations for land or buildings that can constitute an ACV as defined by section 88 of the 2011 Localism Act can come forward. In fact, over 50% of listed ACVs in Westminster are not public houses.
- 4.2 On 23 May 2017 the Town and Country Planning (General Permitted Development) (England) (Amendment) (No 2) Order 2017 came into force. This removed permitted development rights for the demolition or change of use of pubs (although allowing pubs to change to pub with additional restaurant use) without a full planning application. This effectively extended the protections previously given to pubs designated as ACVs to all pubs.
- 4.3 The removal of permitted development rights in relation to A4 uses has considerably changed the landscape that had originally shaped the ACV scheme, in that it has provided greater protection against the demolition or change of use of A4 premises to other A-class uses through the planning system. Any such development will now have to be subject to planning permission and each application judged on its own merits.
- 4.4 Since the inception of the ACV scheme, seeking to list a local pub as an ACV was seen by local community groups as a means of opposing the loss of local pubs to other uses allowed by the GPDO, however the scope of

listing a pub as an ACV may have been partly surpassed by the greater level of protection resulting from the removal of permitted development rights for this use class, which has been achieved through a change in the GPDO.

4.5 Nonetheless, nominating an asset as an ACV can still be used by local groups to add an additional layer of protection on top of the application screening by the Local Planning Authority, and to allow sufficient time to place a bid in the event the community group intends to acquire the asset.

4.6 Since the start of 2017, Westminster has received five valid ACV nominations, of which only one was for a pub (ten valid nominations were received in 2016). It is yet to be seen if the recent change in the GPDO will translate in a reduced number of ACV nominations, and consequent saving in officers' time and legal costs incurred by the Council.

5.0 Compensation

5.1 Under the ACV legislation, private owners may claim compensation for loss and expense incurred through the asset being listed or previously listed. The Regulations specifically provide that this can include a claim arising from a period of delay in entering into a binding agreement to sell which is wholly caused by the moratorium period; or for legal expenses incurred in a successful appeal to the Tribunal. The assumption is that most claims for compensation will arise from a moratorium period being applied; however the wording allows for claims for loss or expense arising simply as a result of the land being listed.

5.2 The Council may be liable to pay compensation if the owner of land that has been listed as an asset of community value incurs any loss or expense that it is likely they would not have incurred had the land not been listed. That can include reasonable legal expenses in successfully appealing to the First-tier Tribunal against the listing. The qualifying statutory criteria for ACV designation are formulated in very general terms so as to accord a great deal of discretion to the local authority but this also means that there is a much greater chance that an owner will challenge a decision that is adverse to their interests.

5.3 The decision maker considering an ACV nomination has to be satisfied that there is sufficient evidence to list the property as an ACV. If a property is listed and subsequently de-listed following a review, the owner can seek compensation from the Council. Local authorities are liable for up to £20,000 per year in compensation payments, with the Government meeting any liabilities exceeding this amount. This could occur through a local authority paying out over £20,000 in one financial year either on one large claim or as a combined total on a number of smaller claims.

- 5.4 There has been one compensation claim in relation to the listing of an Asset of Community Value in Westminster. The claimant appealed to the Upper Tier Tribunal. Leave to appeal was granted and the appellants have lodged their grounds of appeal. We are currently waiting for a hearing date. There are concerns that if the appeal is allowed, this could “open the floodgates” and encourage other compensation claims to come forward.

6.0 Other issues to note

6.1 The Carlton Tavern

This public house dating back to the 1920s was unlawfully demolished by developers CTLX in April 2015. The Council issued the developers an enforcement notice ordering them to rebuild the pub “brick by brick” by the end of July 2018. The developer’s appeal against the enforcement action was dismissed, the Planning Inspector confirming the Council’s requirement that the pub must be rebuilt. The Council is liaising with the architects appointed by the owner to coordinate the rebuild. In the event the pub is not rebuilt by the prescribed deadline, we will be taking any legal action open to us.

The Carlton Tavern has also been a listed ACV since February 2016.

7.0 Ongoing work

- 7.1 The Council have been working on amending and clarifying its guidance online to ensure that all information on the ACV scheme is presented in a clear and detailed manner. The intention is to better guide potential nominating organisations through the process and help set their expectations on what the scheme is able to achieve in protecting local community assets. This work has been informed by the experience of administrating officers to date.

APPENDICES:

Appendix 1 – List of Assets of Community Value in Westminster

Appendix 2 – List of unsuccessfully nominated Assets of Community Value in Westminster

Appendix 3 – Previous report to the Environment and Customer Services P&S Committee (14 September 2016)

Appendix 1 – List of Assets of Community Value in Westminster

Successful Nominations			
Description of the land nominated as an asset of community value.	Address of land nominated	Details of the nominating council or body	Date added to list
The Clifton Hotel	96 Clifton Hotel, London, NW8 0JT	St. John's Wood Society	11.02.2015
The Star Public House	38 St. John's Wood Terrace, NW8 6LS	St. John's Wood Society	13.02.2015
The Swan and Edgar Public House	Linhope Street, London, NW1 6LH	Save the Linhope Street Local Group	06.05.2015
Queen's Park Hall/All Stars Boxing Gym	576 Harrow Road, London, W10 4NJ	Queen's Park Community Council	08.01.2016
The Carlton Tavern	The Carlton Vale, London, NW6 5EU	The Carlton Vale Phoenix Association Community Organisation	02.02.2016
St George's Square Gardens	SW1	Pimlico Toy Library	16.05.2016
Pimlico Gardens	SW1	Pimlico Toy Library	16.05.2016
Essendine Wild Garden	24 Essendine Mansions, Essendine Road, London W9	Essendine Residents Association	01.12.2016
Westminster Kingsway College	15 Peter Street, Soho, London W1F 0HS	Berwick Street Community Group	17.01.2017

Appendix 2 – List of unsuccessfully nominated Assets of Community Value in Westminster

Unsuccessful nominations				
Name of property	Property address	Nominating organisation	Reason why unsuccessful	Date
Westminster Fire Station	Greycoat Place, London, SW1 1SB	Friends of Westminster Fire Station	Failure to provide any information as to how the public could have a community use of the building in the future.	16/10/2015
Temple Gardens	Temple Gardens Roof Terrace, London, WC2R 2PH	The Westminster Society	The land occupied by the roof terrace is operational land, which is one of the classes of land exempt from being listed as an ACV.	13/11/2015
Balmoral Castle Public House	Churchill Gardens Estate, London, SW1V 3AJ	The Churchill Gardens Residents Association	The property has been vacant for at least 9 years.	20/11/2015
Brazen Head Public House	69 Lisson Street, London, NW1 5DA	Church Street Ward Community Forum	The nomination contains no explanation as to how an existing or previous use of the land furthers a community use.	29/01/2016
BT Telephone Exchange/Kensal Green TE	740-742 Harrow Road, London W10 4NB	Queen's Park Community Council (QPCC)	The application originally made by the QPCC was invalid and remains so. There is no need to further consider the application for listing under section 88 of the 2011 Act.	05/04/2016
Prince of Wales Public House	351 Harrow Road, London, W9 3RS	Westbourne Neighbourhood Forum	The property was originally listed on 27/11/2015. Following a review the listing was removed from the ACV list because it was decided that there was insufficient evidence to demonstrate that there had been actual use of the property in the recent past or that within the next 5 years the property would further the social wellbeing or social interests of the local community, particularly in relation to the upper floors of the property.	06/06/2016
The Timber Yard	61 and 63 Pimlico Road, London, SW1W 8NF	The Belgravia Society	The nomination did not demonstrate that there is a non-ancillary community use of the site. The use of the site as a timber yard forms the main use of the building. The architectural or heritage merit of the property is not relevant to an asset of community value nomination.	26/10/2016
Chippenham Hotel	207 Shirland Road, London, W9 2EX	Friends of the Chippenham Pub	The nomination contains no explanation as to how an existing or previous use of the land furthers a community use. Failure to provide any information as to how the public could have a community use of the building in the future.	23/12/2016
Berwick Street Market	Berwick Street, Soho, London	Berwick Street Traders Society	Berwick Street Market is exempt from listing on the basis that the use of the highway by the Market is ancillary to the principal use of the highway for passing or re-passing. Furthermore, the land is not of community value on the basis that it is operational land.	19/01/2017

My Café	93 Charlwood Street, London SW1V 4PB	Churchill Gardens Neighbourhood Forum	The nomination has not established that the current or recent use of the Property has furthered the social wellbeing or social interests of the local community	19/01/2017
The Squirrel	46 Chippenham Road, London, W9 2AF	Supporters of the Squirrel Pub	The nomination has not met the test set out in section 88(1) and 88(2) in demonstrating that that the asset is being used or has in the recent past been used to further the social well-being or the social interests of the local community (where such use is not an ancillary use).	08/03/2017
The Lord Wargrave	40-42 Brendon Street, London, W1H 5HE	Harrowby and District Residents Association	The nomination has not met the test set out in section 88(1) and 88(2) in demonstrating that that the asset is being used or has in the recent past been used to further the social well-being or the social interests of the local community (where such use is not an ancillary use).	15/03/2017
The Larrik	32 Crawford Place, London, W1H 5NN	Harrowby and District Residents Association	The nomination has not met the test set out in section 88(1) and 88(2) in demonstrating that that the asset is being used or has in the recent past been used to further the social well-being or the social interests of the local community (where such use is not an ancillary use).	15/03/2017



Environment and Customer Services Policy and Scrutiny Committee

Date:	14 September 2016
Classification:	General Release
Title:	Assets of Community Value
Report of:	Director Policy, Performance and Communications
Cabinet Member Portfolio	Cllr Robert Davis MBE DL Cabinet Member for the Built Environment
Wards Involved:	All
Policy Context:	City for Heritage
Report Author and Contact Details:	Phoebe Morris-Jones, Policy Officer, x2127 pmjones@westminster.gov.uk

1. Executive Summary

This report provides a summary of the legislation and guidance surrounding Assets of Community Value, and an explanation of the process by which nominated assets are adjudicated by the local authority. The report also provides an example of the process and reasoning by which an asset was successfully nominated in the City of Westminster, and provides a summary of the views and experience of the Council to date in responding to and assessing nominations.

2. Key Matters for the Committee's Consideration

The Committee is requested to:

- Comment on the process which the Council uses to adjudicate Assets of Community Value nominations;
- Suggest communications channels that might support an increased understanding of Asset of Community Value and the nomination process amongst neighbourhood and community groups;

- Comment on the appropriateness of the legislation in supporting communities to achieve their aspirations for maintaining social assets in their localities for the Council to submit alongside the report to the Department for Communities and Local Government review of this scheme (currently on-going).

3. Background

- 3.1 Part 5 Chapter 3 of the Localism Act 2011 provides for the scheme known sometimes as “assets of community value” or the “community right to bid”¹.

The scheme allows local parish or community councils, or community organisations, to identify and nominate assets within their locality that they believe to be of intrinsic value to the community and the social wellbeing of their locality, to request that they are provided with sufficient notice and opportunity to bid to purchase the asset should it be proposed for sale.

- 3.2 The Government has indicated that the legislation was introduced to address the following concerns:

“Over the past decade communities have been losing local amenities and buildings of great importance to them – the village or housing estate shop or pub of community centre or village hall. On average nearly 300 pubs and 400 village shops have closed each year. Over the same period community asset ownership has been growing, delivering real benefits for many communities...

All too often community organisations find themselves without the time to prepare a bid before an asset is sold. We know that many communities, both urban and rural, have lost the use of buildings or land that were important to them because they were sold privately or without an interested community group having time to raise the necessary funds”².

- 3.3 The provisions of the Localism Act 2011 provide that parish and community councils, and community organisations (with sufficient local standing) can nominate an asset. Individuals cannot make a nomination. In addition to parish and community councils, neighbourhood forums, charities, community groups without a formal constitution but which have at least 21 local members (individuals registered to vote within the local authority boundary) can make a nomination. This means that local groups established to support a specific local asset are not prevented from nominating this asset provided they have sufficient local support.
- 3.4 When submitting a nomination form, the nominator has to set out the reasons for thinking that the local authority should conclude that the land is of

¹ [Localism Act 2011, Part 5, Chapter 3, “Assets of Community Value”](#)

² [Assets of Community Value Policy Statement, Department for Communities and Local Government, September 2011](#)

community value as defined by section 88 of the Localism Act 2011. The nominator ought to include as much information as possible to justify the nomination. If the reasons are not sufficient that may result in the authority deciding not to list the asset.

- 3.5 Subject to a number of exceptions, virtually any land or building can be nominated, whether in private or public ownership. The nomination can be based on either the current use of the land or building or on the use of the land or building in the recent past. An asset cannot be listed on the basis that it might be used for community use in the future if there is no existing community use and hasn't been such use in the recent past.
- 3.6 The "current user" test is that land is of community value if, in the opinion of the local authority, an actual current use of the building or land that is not an ancillary use furthers the social well-being or the social interests of the local community and it is realistic to think that there can continue to be non-ancillary use of the building or land which will further community benefit. This future use is not limited to the current use which means that an entirely different community use can be proposed provided it will further the social well-being or social interests of the local community. "Social interests" include cultural, recreational and sporting interests.
- 3.7 If there is no current use of the nominated property which can justify the listing of the land or building as an ACV, the process moves on to a second stage so as to consider use in the recent past. Section 88(2) of the 2011 Act provides that a building or land may be of community value if, in the opinion of the local authority, its use (which was not an ancillary use) has furthered the social well-being or social interests of the local community in the recent past and it is realistic to think that there is a time in the next five years when there could be non-ancillary use that would further community benefit. Once again, this future use is not limited to the current use provided it will further the social well-being or social interests of the local community. There is little guidance on the meaning of "recent past". It will depend on the specific circumstances of each case. Relevant factors include the length of community use to date, whether that was continuous use and the type of asset involved.
- 3.8 The legislation and guidance is sufficiently broad to include a large proportion of non-residential property. However, land which is used in the provision and/or delivery of public utilities by an organisation identified as a "statutory undertaker" cannot be nominated. This includes, for example, land used to provide railway, light railway, tramway, road transport, sewerage, water, and natural gas³. Residential premises cannot be nominated (though integral residential accommodation associated with an asset that could otherwise be listed, such as a pub, might be included within that listing).
- 3.9 If the nomination of an asset of community value is successful, the listing of the asset will require a moratorium period to be applied should the asset be

³ Town and Country Planning Act 1990, Part XI Statutory Undertakers, [Section 262 "Meaning of statutory undertakers"](#), and [Section 263 "Meaning of operational land"](#)

proposed for sale. During the moratorium period, the community group has an opportunity to raise funds to purchase the property. Should the community group identify and raise sufficient funds to bid for the purchase of the asset, the landowner has no obligation to accept the bid. Once the 6 month moratorium period has expired and no successful community bid for the asset has been received or accepted, the landowner is free to sell the land in the normal manner.

- 3.10 A summary of the nomination process and sale process and the associated timescales is included in Appendix 1 and Appendix 2 in flowchart form, with commentary included alongside.

4. Assets of Community Value in Westminster

- 4.1 Nationally, the asset of community value legislation has most commonly been used to list public houses. According to the Department of Communities and Local Government, since the right came into operation in September 2012, more than 1800 assets have been listed as ACVs, 122 groups have shown an intention to bid triggering the 6-month moratoriums. Research has identified that 11 assets of community value have been purchased by nominating organisations.

- 4.2 A breakdown of listed ACVs supplied to the House of Commons Communities and Local Government Committee is included below (correct as of 2015):

Type of asset	Proportion of total listed	WCC Comparison
Public House	31%	57%
Other	12%	29% (hotel, higher education college)
Community centre	8%	14%
Playing field	5%	0%
Church	4%	0%
Community shop, library, car park, allotment, school, sports ground, park	3% each	0%
Post office, other public space, land, village green	1% each	0%

- 4.3 Westminster City Council currently has 7 assets of community value listed, and 4 of these are public houses. A list of the assets of community value is included as Appendix 3, and a list of the assets which have been unsuccessfully nominated is included as Appendix 4.

- 4.4 Westminster City Council has received a similar number of ACV nominations, and has similarly adjudicated as successful and unsuccessful, as neighbouring authorities such as the Royal Borough of Kensington and Chelsea, Barnet and Ealing. Some local authorities have received significantly more ACV nominations, such as Camden, which has received 39 nominations and adjudicated 35 as successful nominations. It is not clear what the

contributory factors might be for an increased local use of the ACV mechanism, Westminster's communities have evidenced a strong and continuing interest in having a say in planning matters in their community, as demonstrated through the popularity of developing local neighbourhood forums.

5. Case Study

- 5.1 One of the successful nominations for an asset of community value has been the nomination of Queen's Park Hall/All Stars Boxing Gym by Queen's Park Community Council.

A nomination form was submitted on 31 December 2015. The Council verified that the nomination was valid as the nomination was made by an organisation which for the purposes of the Localism Act 2011 is a Parish Council (Queen's Park Community Council).

- 5.2 A summary of the material considerations that contributed to the decision to list the asset are included below:
- The Hall is used by scouts and as a youth club and can and has been hired out by community groups for events.
 - The Hall has a covenant on it that indicates it should be used as a Community Hall for the benefit of the people of Queen's Park.
 - The current occupiers of the building are the All Star's Boxing Club whose operator indicated they may be in a position to purchase the Hall should it be for sale, and who would continue to make the building available for the social wellbeing and social interests of the community. This provides evidence that there is a realistic belief that the building will continue to be used to further the social wellbeing of the community for a significant period.

The Hall was listed as an asset of community value on 8 January 2016.

6. Experience of Westminster City Council

- 6.1 Since the introduction of the asset of community value scheme, Westminster has received 12 applications, and 7 of these have been successful (58%).

Where a nomination has been refused, it has either been because:

- the land has been within the definition of "operational land" and therefore not within the scope of the scheme; or
- the nominating organisation has failed to provide sufficient evidence that the property is of community value currently or could be, or continue to be, of community value in the future.

- 6.2 As Westminster City Council is both the administrative and adjudicating body for nominations of assets of community value, it can only provide impartial assistance to organisations seeking to make a nomination. It cannot actively support a nomination that it has to determine as that would give rise to a conflict of interest. The owner of the asset also has appeal rights and may be able to seek compensation if an asset is listed. There is currently no right for a

nominator to appeal if the authority refuses to list an asset, though a further nomination can be submitted.

- 6.3 The House of Commons Communities and Local Government committee has stated that, in its opinion, one of the reasons for the popularity of the assets of community value scheme has been due to the listing process not being particularly onerous, with no specific evidence or support required beyond that provided by the existence of a community organisation with sufficient interest in nominating the asset. However, this low barrier to entry, and lack of clarity around criteria, can create additional work and cost to the adjudicating authority, as complex or unclear nominations can require a significant amount of consideration and communication with the nominating organisation.
- 6.4 However, the experience of Westminster City Council has been that the advantage of a simplified process for nominating organisations has complicated the adjudication of nominations for local authorities. Officers administering the nomination process are often required to communicate with nominating organisations to clarify the details provided so as to enable the authority to process the application. This is particularly the case when validating the application to ensure it provides sufficient evidence of a community organisations standing (whether it is a neighbourhood forum, community council or unincorporated association with at least 21 local residents).
- 6.5 Equally the broad definition of “social wellbeing and interests” of a community can contribute to confusion, misinterpretation and occasionally conflicting views between local authorities and community groups in nominating and evidencing assets of community value. Westminster City Council supports the underlying aims of the asset of community value scheme of localism and community self-determination, and this is evidenced by the strong support the Council has made available to the development of neighbourhood forums and community Councils. However the decision maker as to an ACV nomination has to be satisfied that there is sufficient evidence to list the property as an ACV, because if a property is listed and subsequently de-listed following a review, the owner can seek compensation from the Council. Local authorities are liable for up to £20,000 per year in compensation payments, with the Government meeting any liabilities exceeding this amount.
- 6.6 The Council may be liable to pay compensation if the owner of land that has been listed as an asset of community value incurs any loss or expense that it is likely they would not have incurred had the land not been listed. That can include reasonable legal expenses in successfully appealing to the First-tier Tribunal against the listing. The qualifying statutory criteria are formulated in very general terms so as to accord a great deal of discretion to the local authority but this also means that there is a much greater chance that an owner will challenge a decision that is adverse to their interests.

7. Work undertaken to improve administration of Assets of Community Value at the Council

- 7.1 The Council has undertaken a process, based on the experience of administrating officers, to amend and clarify its guidance online to ensure that potential nominating organisations are aware of the following:
- Whilst a useful tool, the asset of community value scheme does not determine the outcome of a planning application, does not prevent the sale of land and does not give community groups the right of first refusal in the event of a sale of a property. A listing of an asset of community value is not automatically taken into account as a material consideration when determining a planning application, though the planning authority may choose to regard it as a material consideration in any individual case. However, listing does remove certain permitted development rights in the case of drinking establishments (such as change of use and demolition). The government has indicated that it has no intention to disapply the permitted development rights in the case of other assets of community value. A listing of an asset does also not prevent other transfers of property interest such as the grant of a lease for less than 25 years or change of management.
 - A nominating organisation must seek to provide as much information as possible about its standing in the community and the property it seeks to nominate. Failure to provide adequate information for either of these can delay adjudication of the nomination.
 - Statements as to the value of a property to the community should be supported by evidence such as letters of support, details of events held for the benefit of the local community such as sports events and quizzes, social events such as weddings and receptions, use of facilities for meetings for local community groups, support for local businesses, use by local charities, awards for food or drink provided and the extent to which it may be the main or only provider of such facilities in the community etc.
 - The Council does not regard heritage or architectural value as supporting a community's social wellbeing or interests, and regards these elements of property as adequately protected by existing planning schemes and regulations.
- 7.2 The Council has also amended the online guidance and form to support nominating organisations to seek additional advice from organisations such as Locality⁴ and the Campaign for Real Ale (CAMRA)⁵ who provide specialist information to community groups seeking to make a nomination.
- 7.3 The Council does not receive any additional funding from government to support the administration and adjudication of these nominations; therefore it is seeking to provide sufficient impartial assistance to nominating organisations at the earliest possible stage with a view to making the nomination process as efficient as possible. From 1 April 2015 to date, the cost of legal advice and support in validating and adjudicating ACV nominations is £65,340. This figure does not account for the cost of non-legal officer time, including that of the decision makers.

⁴ [Campaign for Real Ale \(CAMRA\) List Your Local](#)

⁵ [Locality Asset of Community Right to Bid Presentation](#)

- 7.4 The Council currently does not promote the asset of community value scheme to local organisations. Rather, as indicated previously, it is seeking to provide sufficiently comprehensive and impartial information and guidance at the earliest stage. The Council is seeking however to improve awareness of the scheme amongst elected members and neighbourhood forums.
- 7.5 Due to their local connection and expertise, the Council regards neighbourhood forums as an ideal organisation to support community groups considering nominating a property as an asset of community value. Submitting a nomination via a neighbourhood forum would mean that the validation process would be significantly shortened, and the forum could provide an important critical friend to the application. In addition to this their endorsement would itself provide evidence of existing or potential local community benefit and interest.
- 7.6 It is also suggested that local neighbourhood forums, due to their planning expertise, would be best placed to advise local community groups of the limitations of the asset of community value scheme to delay or terminate an existing planning application or sale process. However, the Council could and would not require local groups to organise or agree their nominations through local neighbourhood forums, but we would advocate this as a beneficial route for both applicant and the Council.

If you have any queries about this Report or wish to inspect any of the Background Papers please contact Phoebe Morris-Jones x2127
pmjones@westminster.gov.uk

APPENDICES:

Appendix 1 – Assets of Community Value Process Flowchart

Appendix 2 – Sale of a Listed Asset of Community Value Process Flowchart

Appendix 3 - List of successfully nominated Assets of Community Value in Westminster

Appendix 4 – List of unsuccessfully nominated Assets of Community Value in Westminster

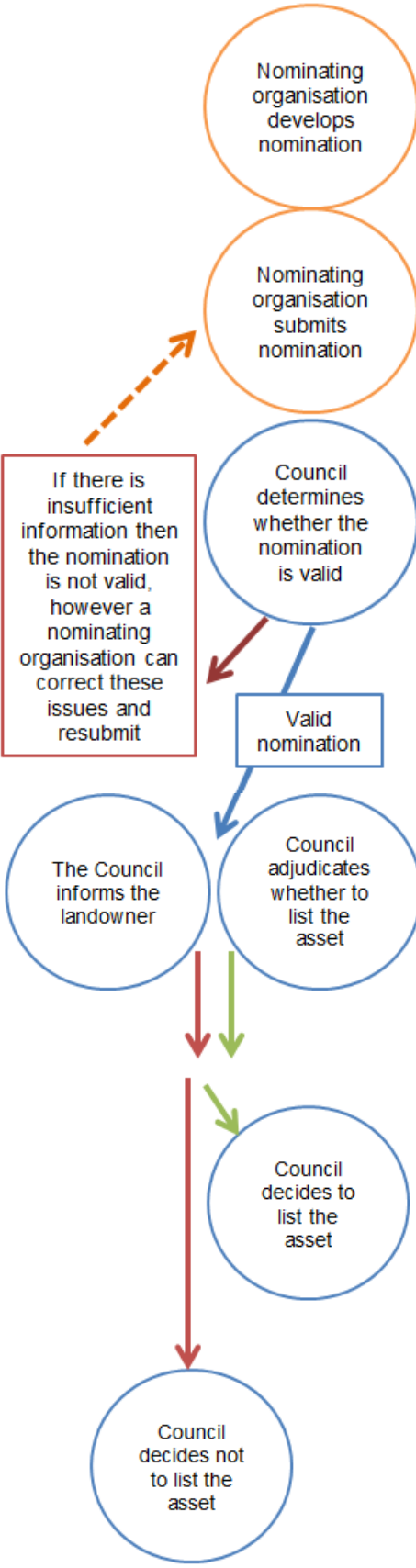
BACKGROUND PAPERS

[Localism Act 2011](#)

[A Plain English Guide to the Localism Act 2011, Department for Communities and Local Government, September 2011](#)

[Community Right to Bid: Non-statutory advice note for local authorities, Department for Communities and Local Government, October 2012](#)

Appendix 1 – Assets of Community Value Nominating Process Flowchart



Once a valid organisation (community organisation, neighbourhood forum or parish or community council) has identified an asset they wish to nominate as an asset of community value, they can access our nomination form and basic guidance on the City Council website

Once the local authority receives the nomination, it is required to first determine whether the nomination is valid. This includes determining whether:

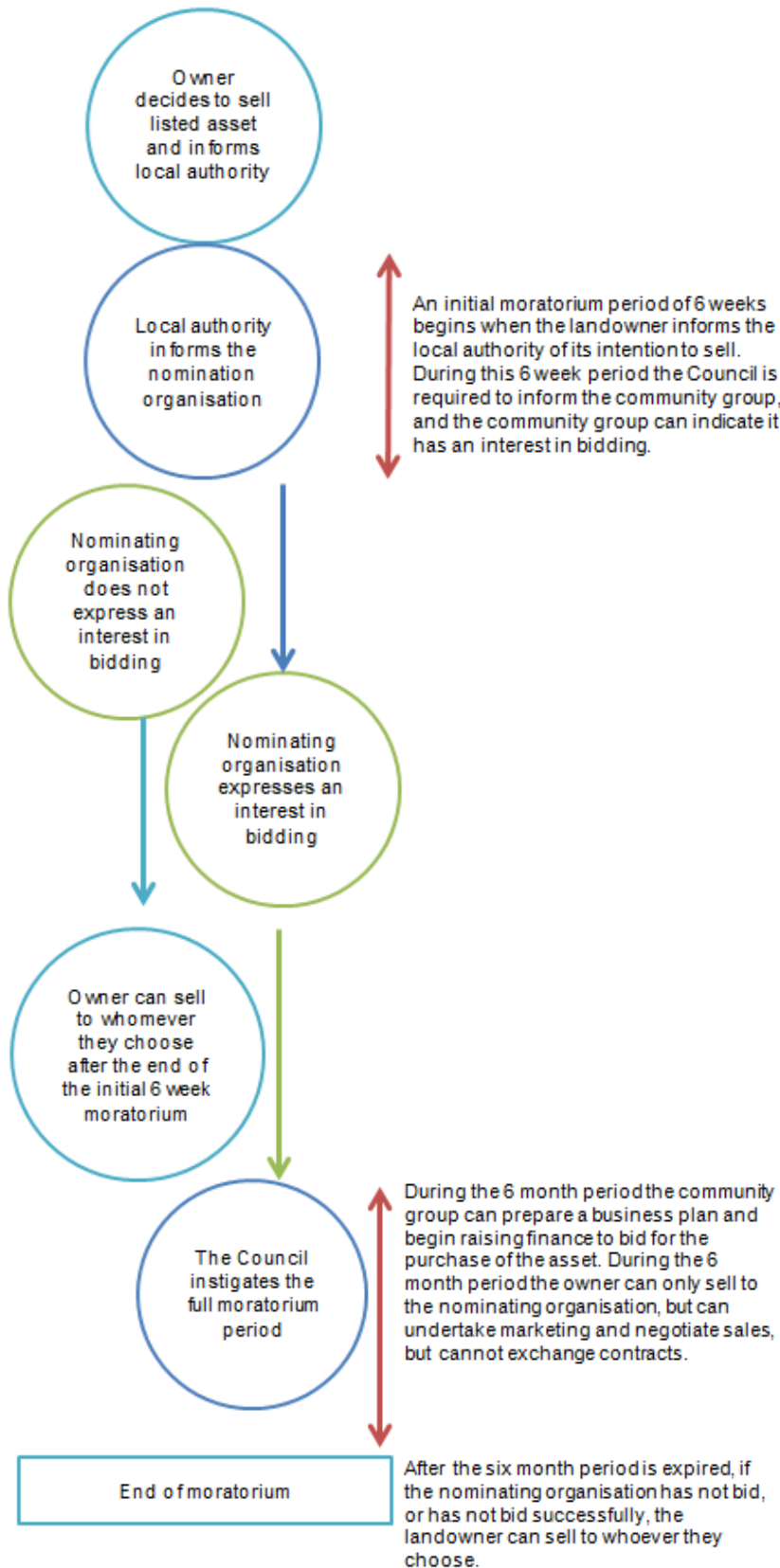
- The nominating organisation has provided evidence of their standing to do so (including for community groups whether they have 21 members registered to vote locally); and
- Sufficient information has been provided about the nominated asset that the Council can identify it with confidence.

The Council has **8 weeks** to adjudicate whether to list the asset once it has accepted the nomination as valid. Upon notification of the nomination a landowner can object, this preserves their right to request an internal review should the asset be listed.

If the Council decides to list the asset it is added to the publically maintained list of assets of community value. The asset is maintained on this list for 5 years. If the landowner has objected they are able to instruct an internal review of the decision, and are ultimately able to appeal to an independent body, the First Tier Tribunal. The local authority can be financially responsible for compensation due to financial loss arising from an asset being listed.

The Council is required to provide written reasons why it has decided not to nominate an asset. However the community organisation does not have a right to an internal review of the decision, and can only appeal to the courts for a judicial review of the decision.

Appendix 2 – Assets of Community Value Sale of an Asset of Community Value Process Flowchart



Appendix 3 – Westminster City Council List of Successful Assets of Community Value Nominations

Successful Nominations				
Reference Number	Name of Property	Property Address	Nominating Community	Date added to list
WCC/ACV/01	The Clifton Hotel	96 Clifton Hotel, London, NW8 OJT	St John's Wood Society	11/02/2015
WCC/ACV/02	The Star Public House	38 St John's Wood Terrace, NW8 6LS	St John's Wood Society	13/02/2015
WCC/ACV/03	The Swan and Edgar Public House	Linhope Street, London, NW1 6LH	Save the Linhope Street Local Group	06/05/2015
WCC/ACV/06	Westminster Kingsway College	15 Peter Street, Soho, London, W1F0HS	Bewick Street Community Group	23/10/2015
WCC/ACV/09	The Truscott Arms	55 Shirland Road, London, W9 2LD	Truscott Arms Supporters Group	27/11/2015
WCC/ACV/11	Queen's Park Hall/All Star's Boxing Gym	576 Harrow Road, London, W10 4NJ	Queen's Park Community Council	08/01/2016
WCC/ACV/13	The Carlton Tavern	Carlton Vale, London, NW6 5EU	The Carlton Vale Phoenix Association Community Organisation	02/02/2016

Appendix 4 – Westminster City Council List of Unsuccessful Assets of Community Value Nominations

Unsuccessful Nominations				
Reference Number	Name of Property	Property Address	Nominating Community	Reason for refusal
WCC/ACV/04	The Westminster Fire Station	Greycoat Place, London, SW1 1SB	Friends of Westminster Fire Station	Failure to provide any information as to how the public could have a community use of the building in the future
WCC/ACV/07	Balmoral Castle Public House	Churchill Gardens Estate, London, SW1V 3AJ	The Churchill Gardens Residents Association	The property has been vacant for at least 9 years
WCC/ACV/08	The Temple Gardens	The Temple Gardens Roof Terrace, London, WC2R 2PH	The Westminster Society	The land occupied by the roof terrace is operational land, which is one of the classes of land exempt from being listed as an ACV.
WCC/ACV/12	Brazen Head Public House	69 Lisson Street, London, NW1 5DA	Church Street Ward Community Forum	The nomination contains no explanation as to how an existing or previous use of the land furthers a community use.
WCC/ACV/10	The Prince of Wales Public House	351 Harrow Road, London, W9 3RS	Westbourne Neighbourhood Forum	The property was originally listed on 27/11/2015. However, following a review, the listing was removed on 6 June 2016 from the ACV list because it was decided that there was insufficient evidence to demonstrate that there was insufficient evidence to demonstrate that there had been actual use of the property in the recent past of that within the next 5 years the property would further the social wellbeing or social interests of the local community, particularly in relation to the upper floors of the property.

