



City of Westminster

Committee Agenda

Title:

Planning & City Development Committee

Meeting Date:

Thursday 28th September, 2017

Time:

7.00 pm

Venue:

Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR

Members:

Councillors:

Richard Beddoe
David Boothroyd
Iain Bott
Susie Burbridge
Ruth Bush
Melvyn Caplan
Paul Church
Jonathan Glanz

Barbara Grahame
Angela Harvey
Louise Hyams
Tim Mitchell
Gotz Mohindra
Robert Rigby
Andrew Smith
Jason Williams



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

Admission to the public gallery is by ticket, issued from the ground floor reception. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Tristan Fieldsend, Committee and Governance Officer.

**Tel: 020 7641 2341; email: tfieldsend@westminster.gov.uk
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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/ELECTION OF CHAIRMAN

1.1 To elect a Chairman.

1.2 To report any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive and record declarations of interests.

3. WESTMINSTER CITY PLAN - DIRECTION OF TRAVEL

Report of the Director of Policy, Performance and Communications

(Pages 1 - 16)

4. PLANNING APPLICATIONS REPORTED TO COMMITTEE - TRENDS AND ISSUES

Report of the Director of Planning

(Pages 17 - 20)

5. WHEN TO DECLARE INTERESTS AT MEETINGS OF THE PLANNING APPLICATIONS SUB-COMMITTEES

Report of the Director of Law

(Pages 21 - 34)

6. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT

**Charlie Parker
Chief Executive
20 September 2017**



Planning & City Development Committee

Decision Maker:	Planning & City Development Committee
Date:	28 September 2017
Classification:	For General Release
Title:	Westminster City Plan – Direction of Travel
Wards Affected:	All
City for All Summary	The Westminster City Plan is a key tool in the delivery of the five programmes set out in City for All 2017/18; Civic Leadership, Building Homes and Celebrating Neighbourhoods, Greener City, World Class Westminster and a Smart Council.
Key Decision:	No
Financial Summary:	There are no direct financial implications as a result of the recommendations of this report.
Report of:	Director of Policy, Performance and Communications

1. EXECUTIVE SUMMARY

- 1.1 Government is putting increased emphasis on local planning authorities having up-to-date, single “local plan” documents (which bring together strategic policies and more detailed ones to govern individual planning decisions). They have announced their intention to intervene where an authority has no local plan by early next year.
- 1.2 The basic framework of our strategic policies is that put in place when we adopted our Core Strategy in January 2011 – the text and supporting data are now almost six years old and so predate changes to local, regional and national policies since then. There is, therefore, a pressing need to produce a single local plan combining strategic and more detailed development management policies. For these reasons, the Leader of the Council instructed that a higher priority be

given to expediting the review of the City Plan to reset our planning framework to deliver the wider aspiration of City for All 2017/18 and, in particular, increased affordable housing delivery.

- 1.3 The Planning and City Development Committee is made up of 16 members of the Council (12 Majority party members and 4 Minority party members) and is drawn from the membership of the Planning Applications Committees (Nos 1 to 4). Its Terms of Reference are:

1. To consider proposed local plan policies (and supplementary planning documents) at appropriate stages of the statutory process for their preparation and adoption and make recommendations to the relevant Cabinet Member.
2. To have oversight of the practices and procedures of the Planning Applications Sub-Committees (but not to consider individual planning applications) making recommendations where necessary to officers, Planning Applications Sub-Committees and/or the Cabinet for Planning and Public Realm.
3. To consider and recommend a training programme for members of the Planning Applications Sub-Committees.

- 1.4 Under 1 above, this report updates the Committee of progress on the revised City Plan at the post-Regulation 18 Notification /pre-Regulation 19 Notification stage, it informs Members of the broad direction of travel of the new Plan and it seeks Committee's views on the direction of travel of key policy areas.

2. RECOMMENDATION

- 2.1 That the Committee note the broad direction of travel of the Full Revision to the Westminster City Plan and provides views on the following:

(i) Westminster City Plan review - Regulation 18 consultation responses - paragraphs 5.4-5.7

3. REASONS FOR DECISION

- 3.1 The Planning and City Development Committee's remit is to 'consider proposed local plan policies (and supplementary planning documents) at appropriate stages of the statutory process for their preparation and adoption and make recommendations to the relevant Cabinet Member'. This report updates the Committee of progress on the revised City Plan, informing Members of the broad direction of travel and seeking Committee's views on that broad direction of travel.

4. BACKGROUND, INCLUDING POLICY CONTEXT

4.1 Westminster's development plan consists of:

- the London Plan (itself going through a review with a draft for public consultation expected late autumn 2017);
- Westminster's City Plan (adopted November 2016); and
- A large number of detailed development management policies from the Westminster Unitary Development Plan which were originally adopted in January 2007 and "saved" by a ministerial direction in 2010.

4.2 Government is putting increased emphasis on local planning authorities having up-to-date, single "local plan" documents (which bring together strategic policies and more detailed ones to govern individual planning decisions). They have announced their intention to intervene where an authority has no local plan by early next year. While Westminster's position is sufficiently different from other boroughs and local planning authorities outside London (i.e. we have the London Plan and reasonably up-to-date and National Planning Policy Framework (NPPF) - compliant strategic policies) the fact that we are relying on 'saved' policies nearly a decade old (and so pre-dating the NPPF) means that it is likely that Inspectors and Ministers will give the saved policies increasingly little weight in taking planning decisions affecting Westminster as time goes on.

4.3 The basic framework of our strategic policies is that put in place when we adopted our Core Strategy in January 2011 – the text and supporting data are now almost six years old and so predate City for All Year 2017/18 and the increased emphasis on housing delivery and changes to local, regional and national policies since then. A further reason for expediting the City Plan review is the increasing importance of neighbourhood planning and ensuring that draft neighbourhood plans are in general conformity with the strategic policies of the local plan. We will be able to be more helpful to neighbourhoods in developing their plans (and commenting on them) if our Plan is clear about the strategic policies we will insist on and if these are clearly up-to-date. Such clarity will provide the basis for a constructive relationship with neighbourhoods as more of them take their own plans forward.

4.4 Through the Cabinet Member portfolio changes, Full Council, the Leader's Breakfast, meetings with the WPA and landowners/developers, conferences and events etc., the Leader of the Council has reinforced this message and that a higher priority will now be given to expediting the review of the City Plan – not just to deliver revised housing policies but to reset our planning framework to deliver the wider aspiration of City for All 2017/18. There is, therefore, a pressing need to produce a single local plan combining strategic and more detailed development management policies

4.5 To do this a City Plan Task Force has been established. This is chaired by the Director of Policy, Performance and Communications and is made up of senior

officers from other Directorates who provide input and challenge. This Committee, alongside the Business, Planning and Transport Policy & Scrutiny Committee, will receive reports and updates at key stages of the statutory timetable. This is the first of those reports.

- 4.6 The process for making a local plan is covered by statutory legislation and there are legal steps we have to comply with for our plan to be found 'sound'. As the City Plan progresses through its statutory stages and depending on the level of stakeholder agreement the draft plan would have very significant weight in decision-making. Our timetable is very tight and does not allow for unforeseen events such as major changes in national/regional policy. We also have limited scope for taking account of emerging London Plan policies (although we have fully engaged with the GLA's consultation on the "A City for All Londoners" document and held Duty to Cooperate meetings with the GLA and TfL, statutory consultees and neighbouring boroughs).
- 4.7 The timetable has allowed for the responses received from the 'Building height – Getting the right kind of growth for Westminster' consultation to be considered in drafting the new growth/tall/higher buildings policies. The 'Building height – Getting the right kind of growth for Westminster' consultation will be reported more fully to the Business, Planning and Transport Policy & Scrutiny Committee on 15th November.

5. THE DIRECTION OF TRAVEL FOR THE CITY PLAN

Interim Statement of our new approach to Housing Delivery: Application of Adopted City Plan Policies

- 5.1 On 13th June 2017 the Leader of the Council and the Cabinet Member for Planning & Public Realm issued a joint interim statement on our new approach to housing delivery through the application of adopted City Plan policies. This re-emphasised that Westminster needs more homes (and affordable housing in particular) and that we had fallen short in delivery over recent years. The interim statement reinforced the need for more affordable housing in Westminster and that we want to provide more homes for those that support the central London economy and for those who want to stay in the city and raise families – contributing to their local neighbourhoods and communities.
- 5.2 It signposted the drafting of a new Westminster City Plan; acknowledging that whilst this will set out a strong ambition to deliver more housing in the city – both market and (in particular) affordable – it will take time. In the interim we will implement a new approach based on existing adopted City Plan policy to deal with applications seeking to deliver housing. This is based on the central presumption that developments should meet the full viable affordable housing requirements set in the City Plan. It set out a direction of travel for a range of policy areas:

Affordable Housing Cascade

- Aim: To see more actual delivery of affordable homes, rather than payments in lieu.
- Adopted Policy: S16
- We will emphasise more strongly the importance of on-site and, where justified, off-site delivery in the application of the priorities for affordable housing delivery.
- We will expect developers to fully evidence their justification for moving each step down the cascade from on-site delivery.
- Payment in lieu will be a last resort; just as the policy says.
- Changes to future policy: we intend to strengthen the policy cascade in Policy S16 to make our priority for actual delivery absolutely clear and to set the standard of evidence required to move through the list of priorities.

Use of Section 106 Funds

- Aim: To be clear that affordable housing will be the strategic priority for the use of section 106 contributions from residential developments and the residential elements of mixed use schemes.
- Adopted Policies: S16, S33
- Offsetting contributions for purposes like public realm improvements or social and community contributions will only be considered acceptable in the most exceptional cases.
- Changes to future policy: We will apply this principle as a matter of practice and will enshrine it in policy and guidance in revising the City Plan.
- Changes to future policy: The Council will be more transparent about how affordable housing funds are used.

Viability Assessments

- Aim: We want to be clear that our starting point is that to be acceptable to the council, developments should make provision for policy-compliant levels of affordable housing provision.
- Adopted Policy: S16
- There will be a presumption that developments will meet the full viable affordable housing requirements. Where a developer questions this and submits viability evidence to justify providing less we will commission our own independent advice and we will expect the delivery of the quantity of affordable housing suggested by the *Council's* consultants as being viable.
- Changes to future policy: The expectations on viability reports will be made clearer in policy S16.

Cost of land

- Aim: We will be more rigorous in applying the principle that, if developers willingly pay too much in acquiring a site, we will not allow a reduction in the policy compliant affordable housing contribution to be reduced.

- Adopted Policy: S16
- All parties concerned should be fully aware of the levels of affordable housing required by Westminster's adopted planning policy when land transactions are negotiated and agreed. Going forward we expect that decisions about the amounts paid will take this into account. Equally, landowners need to reset their expectations about the price they will receive.
- If developers decide to take the risk of bidding for land on the basis of delivering *less* affordable housing than our policy requires and using viability as a way of negotiating the requirement down, they should not be surprised if they are unsuccessful.
- Changes to future policy: The City Plan will make it clear that developers have a duty to think about viability in this context from the start and should price this in when deciding how much to pay for land.
- We recognise that there will be applications in the pipeline based on transactions concluded before this statement and will exercise an appropriate level of flexibility for an interim period of three months from the date of this statement.

Post-permission viability reviews

- Aim: To secure more appropriate levels of affordable housing from schemes where the market changes *after* permission is granted in ways that weren't anticipated and which result in the delivery of more affordable housing becoming viable for that scheme.
- Adopted Policies: S16, London Plan policy 3.12 (B)
- Large and phased schemes will be subject to post-permission viability review mechanisms to see whether changes in the market after permission is granted, before implementation of the scheme, or individual phases within it, have improved the viability of the schemes and if they can support the delivery of more affordable homes.
- We have already made a start, reassessing all the major schemes currently in the planning system to see whether it is possible to agree more affordable housing.
- Changes to future policy: We will extend the principle to later stages in the development process through revision of the City Plan and we will look to adopt the approach to post-permission viability set out in the Mayor's recently published Affordable Housing and Viability SPG.

Affordable Housing Credits

- Aim: To ensure that planning policies for the delivery of affordable housing do not become over complicated.
- Adopted Policy: S16
- Having consulted on introducing an 'affordable housing credits' system we are not convinced that the suggested benefits of delivering more affordable housing, faster would be realised - at least to the extent sufficient to justify the additional complexity involved and the risk that credits become an end in

themselves. We have, therefore, decided not to pursue this policy approach going forward.

- We will not accept residential schemes which have already been permitted to be treated as a “credit” against the affordable housing requirement for future schemes.
- Credits used to satisfy the mixed use policy which we have accepted must result in additional housing above what is already in the pipeline.
- Changes to future policy: Affordable housing delivered by the council or using public subsidy may be a material consideration to meet the affordable housing requirements when future housing proposals are submitted by the same developer.

Unallocated Residential Parking

- Parking – unallocated parking spaces will no longer be required – residential developments which are expected to deliver parking spaces should provide allocated parking spaces for the occupants of that development.

- 5.3 The interim statement referenced the fast-track revision of the Westminster City Plan and that the statutory ‘Regulation 18’ consultation on the new plan will begin shortly. It also made clear that the council was open to new, innovative ideas to deliver more affordable housing and that we would urge landowners, developers and their agents to engage with the council and to put forward ideas to deliver more genuinely affordable housing that we would champion when lobbying the Mayor and Government.

Westminster City Plan review - Regulation 18 consultation

- 5.4 On 16th June 2017 the council issued the statutory ‘Regulation 18’ Notice informing all interested parties that, following the completion of three sets of revisions in 2016 (relating to basements, mixed use and special policy areas/policies map), the council intends to carry out a full review of the entire plan to include those policies currently “saved” from the Unitary Development Plan (2007). The notice also asked for comments on the proposed scope of the review and explained the headline issues the review would be likely to include.
- 5.5. The Regulation 18 consultation noted that the full revision will result in a single local plan providing a strategic planning policy framework for the City of Westminster for the period to 2035. This revision will be known as the ‘Westminster City Plan Full Revision’ and that the city council intends that it will result in a local plan by the third quarter of 2018. The scope of the Westminster City Plan Full Revision will focus on but not be limited to:
- **A renewed vision and strategic objectives.**
 - **Increasing overall housing targets and the delivery of affordable housing** on site, and, where appropriate, off site; in preference to a payment in lieu, through changes to the affordable housing policy cascade; changes to the calculation of payment in lieu; changes to policy relating to ‘super-size’

residential units; reviewing the use of affordable housing credits, introducing policies on affordable rent, tenure mix, amending the split between intermediate and social housing to 60:40, introducing post-permission reviews of viability where larger schemes are not providing policy-consistent levels of affordable housing, and to enable families to remain in Westminster, with the use of s106 prioritised for meeting housing need.

- **A focus on joint work across the public sector to make the most efficient use of land assets ('One Public Estate')**
- **Reconsideration of existing policy designations;** including 'Core and Wider Central Activities Zone (CAZ)' and the 'West End Special Retail Policy Area', and the way these relate to Westminster's and the Mayor's CAZ; the introduction of a new 'West End' designation; potential changes to the North Westminster Economic Development Area; separate policy treatment of the Church Street/Edgware Road and other housing renewal areas; changes to reflect the wider role of St. John's Wood as a centre for leisure and recreation, and consequent changes to other designations.
- **Changes and simplification of policies adopted as part of the Mixed Use revision.** In particular this will involve:
 - the removal of policy S1 3A which introduces a 30% commercial uplift 'allowance' without providing residential floorspace, in the Core CAZ.
 - Changes to policy S1 3B which allows a 30% commercial uplift 'discount' for proposals involving an increase in floor space of 30-50%
 - A change of approach to Mixed Use credits, and a greater emphasis on delivery of housing on site (see above).
 - Amendment of the cascade at Policy S1 3C
 - Changes and simplifications to the supporting text.
- **Changes to business and employment policies** with increased support or employment through policies which focus on the provision of a range of workspace, support for the digital economy and job opportunities for Westminster residents.
- **Changes to policy S20 Offices and other B1 floorspace** policy to encourage a range of types of floorspace, without detriment to the delivery of affordable housing.
- **A review of retail policies to include the addition of an exception to policy S21 Retail** in respect of development which provides for a better mix of uses, or more unique uses and to clarify policy related to A2 uses following the council's Article 4 direction in respect of A1 to A2 uses.
- **Review of policies on the night-time economy and, in particular, the concept and policy wording of the existing 'Stress Areas'** to reflect a more positive approach to the evening and night time economy, a possible relaxation of the policy restrictions on entertainment uses, combined with a stricter requirement to contribute to a reduction in cumulative impact in the currently named stress areas.
- **Clarification on the policy position on tall and higher buildings,** guided by the outcomes of the 'Building Height – Getting the Right Kind of Growth

for Westminster' consultation and to include a review of local views in policy S26.

- **A review of the uses protected by the St. James's Special Policy Area**, in particular private members' clubs.
- **A review of all 'design' policies, including potential for minor amendments and simplification to the basements policy.**
- **An update of policy S29 Health, Safety and Well-being,**
- **A review of policy S34 Social and Community infrastructure**, in particular the necessity for continued protection of these uses on large development sites.
- **A review of all transport policies including removal of references in policy S41 'Pedestrian Movement and Sustainable Transport'** to reducing the reliance on private motor vehicles and single person motor vehicle trips, and introduction of wording to ensure development does not impede traffic flow and vehicle movement.
- **Specifying which principles and parts of the plan should be taken into account in the preparation of neighbourhood plans.**

5.6 The Full Revision also includes those areas previously the subject of a series of informal consultation booklets, published between October 2013 and March 2015 (and not already covered by the three revisions made in 2016). As such the Full Revision also includes policies relating to the following areas:

- Town centres and retail, including street markets
- Commercial and West End.
- Environmental policies (e.g. energy and waste)

The Full Revision will also:

- Provide greater detail to those policies in the City Plan, ensure that development accords with the objectives set out in the City Plan and is consistent with national policies and those emerging from preparation of the London Plan and other Mayoral strategies.
- Revise the adopted Westminster's City Plan (November 2016) and Policies Map as appropriate
- Ensure policies are presented in a way that is clear, concise, and user-friendly.

Westminster City Plan review - Regulation 18 consultation responses

5.7 Regulation 18 consultation closed on 28th July 2017. In total 45 responses were received from a range of stakeholders. Although formally this consultation is on the scope of the revision rather than on the proposed policies themselves, many of the respondents did express views on these and the comments made are being taken into account in drafting the new City Plan policies. A summary of the responses received by key topic area are set out below:

Housing

- There was a large amount of cross-sector support for the proposal to review the housing policies to increase housing and affordable housing delivery across the city, particularly to meet the demand for intermediate housing for those on middle to lower incomes.
- Generally, the proposal to 'flip' the proportion of social and intermediate housing from 60% social and 40% intermediate was supported. The Minority Party have expressed their objection to the proposal.
- There was support for densification around commuter hubs and encouragement for build to rent in line with recent proposals from Government. However, densification in general was raised as a concern in relation to the impact this will have on social and community facilities.
- Concerns were raised about the introduction of post-permission viability reviews. Developers commented that reviews which take place prior to completion will create uncertainty, affect viability and deliverability of schemes- they advise that reviews should only take place prior to implementation, and should not be used to increase affordable housing contributions above the policy compliant level regardless of the amount of profit the scheme generates. Developers also requested that post-permission viability reviews only apply to large multi-phased schemes.
- Some respondents want the City Plan policy requiring 33% of new homes as family sized housing to be reviewed as this does not best address housing need.
- Some respondents are concerned about the balance between residential and commercial uses in the CAZ – there was a suggestion that the focus should be for housing delivery outside of CAZ, particularly affordable housing for viability reasons.

Mixed use

- A number of responses to the proposed direction of travel of the mixed use policy were received from the property and development sector. In particular, the Westminster Property Association (WPA) does not welcome the proposed change but in their response to the Regulation 18 consultation they suggested a potential way forward for the council to consider.
- In essence this was to pose the question whether going forward the mixed use office policy should focus on securing affordable housing from commercial development as a priority, given the pressing need for this. Discussions are being held with the WPA about how this principle might be taken forward in the new policies.

The CAZ, West End and other policy designations/boundaries

- A number of responses to the proposed changes to the CAZ boundaries were received. Some consultees linked this to an objective to 'promote the night time economy' and were not supportive. A number of consultees expressed concern in regards to potential change in more local policy designations. For example, that 'inappropriate development', including tall offices, could be brought about by the arrival of Crossrail 2 in areas such as Belgravia and Victoria.
- Landowners, developers and agents were generally more supportive of a review of the CAZ, West End and Opportunity Area boundaries. A more appropriate boundary for the West End, which should be extended beyond the current West End Special Retail Policy Area and take a broader policy approach dealing with the range of uses in the area over and above retail, was supported by the BIDS and estates.
- Many felt that the CAZ should remain the primary land use designation and commercial land uses should continue to be the priority within the CAZ. Consultees would be keen to see a new West End designation embed some of the employment and commercial space targets agreed by the West End Partnership (WEP).
- The Core CAZ (or however defined) should continue to promote an improved public realm and focus on pedestrians. The alignment of Westminster's CAZ area boundary with the Mayor's CAZ boundary was welcome.

Design, Heritage and Tall Buildings

- A number of respondents referred to their previous responses to the 'Building Height – Getting the Right Kind of Growth for Westminster' consultation. In general, developers, landowners and property advisors welcomed the direction of travel set out in the consultation document, and acknowledged that if we are to retain our economic competitiveness it is necessary to build additional height and density at appropriate locations to deliver additional floorspace and jobs.
- They made the point that the very limited land in Westminster needs to be used more efficiently to accommodate additional growth: density and intensity of development should be increased. Extra height is one important element of this; throughout the history of the City, buildings have become higher. Design policies need to make this clear and tall buildings, therefore, should be considered where there are growth opportunities and where the context is appropriate.
- Further consideration of tall building policies would be welcomed, a balance needs to be struck between conservation and the benefits of new development for the future but this should allow the City to continue to evolve

as it always has, without detriment to the overall character of the City. The Opportunity Areas also have significant potential to accommodate additional economic growth as well as larger and taller buildings. The revision of the Plan should provide clear support for intensification and densification, including some additional height, through appropriate changes to design policies to enable growth, especially within the CAZ and Opportunity Areas.

- On the other hand, heritage groups, residents, some neighbourhood forums and amenity societies felt that the extant UDP and Westminster City Plan policies provide a strong foundation for this review and have served the borough well. In view of the exceptional historic environment of Westminster it will be important to include heritage in the renewed vision and strategic objectives; it should also be key when determining where and how growth should be accommodated, both to sustain this inheritance and inspire new development.

The evening and night-time economy (inc. the ‘Stress Areas’)

- Some consultees pointed out how operational requirements on businesses can be restrictive and a coordinated approach to planning, licensing and street management was recommended. A number of consultees felt the plan review should distinguish between evening uses, such as restaurants and theatres, and late night uses such as clubs and music venues, as different evening uses have very different impacts.
- More than one consultee would welcome a review around the concept and policy wording of the existing 'Stress Areas'. Local residents disagreed with any relaxation of policy restrictions on entertainment uses and called for stricter requirements on activities so they contributed to reducing the cumulative impact on the current stress areas.
- Many consultees wanted a greater diversity of activities in the evening and night-time economy, such as later opening for restaurants, cultural institutions, theatres and shops. A more diverse culture and night time economy offer has the potential to lead to a more inclusive and responsible street culture at night, with a wider range of groups attracted to the evening and night time economy.
- On the other hand, many respondents stressed the need of finding the right balance between the vitality of town centres and the amenity of neighbouring residents. This concern was shared by local neighbourhood associations and neighbouring local authorities. Many felt that developments outside the existing commercial areas should be resisted to protect residential amenity.

Social and Community Uses

- Several consultees supported a review of the social and community uses policy – with some supporting reduced protection for private social and community uses but continuing to retain protection for public facilities.
- Developers and some landowners expressed issues with the existing social and community policy with regard to disposal of assets. Particular issues raised included the requirement of an assessment of demand from other social and community providers which is seen to be too onerous a requirement and costs land owners when having to market a site for 12-18 months.
- Alternative approaches suggested include having a Westminster, London or UK-wide approach to the provision of social and community facilities to encourage the most efficient use of public assets in line with the One Public Estate ethos.
- Other concerns raised were the pressures created on existing social and community facilities by the development of high numbers of new housing, that protection remain for theatres in the West End and that the provision of new public toilets should be considered by a policy in the plan.

Transport

- A number of responses were received referring to the review of transport policies as described in the Regulation 18 consultation letter and, in particular, the reference to “introduce wording to ensure development does not impede traffic flow and vehicle movement”.
- There was support for giving greater weight in the revised City Plan for delivery and servicing plans (DSPs) as well planned DSPs can have positive impacts on the public realm and air quality.
- There was much support for reviewing the requirement for off-street residential car parking in new residential developments, especially given the significant challenge of accommodating off-street parking on small residential developments.
- Wandsworth Council requested that their proposed new pedestrian and cycle bridge across the River Thames between Vauxhall Bridge and Grosvenor Bridge be recognised in the emerging Local Plan.

Health and Wellbeing, Open Space

- There was some support for the existing health and wellbeing policy but more support for a review of the policy. In particular, to encouraging healthy lifestyles and choices such as incorporating active design guidelines and

requiring the protection and provision of food growing space in new developments.

- Air quality was raised in relation to the health and wellbeing policies – with suggestions that clean air and green space be a ‘golden thread’ running throughout all policies along with more encouragement of walking and cycling to reduce the use of the private car.
- There was support for a policy which protects open space and requires the provision of new open spaces as part of redevelopments.

Next Steps

5.8 Officers are finalising responses to the comments received at Regulation 18. A current draft of the policies is with Counsel for review. Counsel has been asked to look at the policies generally and to advise on any suggested changes to ensure they are lawful and likely to meet the test of soundness in paragraph 182 of the NPPF.

5.9 Following consideration by Counsel, further iteration of policy and consideration by this Committee and the Cabinet Member(s) as appropriate, the introductory and supporting text to the City Plan will be developed and finalised and a fully revised Plan issued for a six week statutory consultation under Regulation 19 of the Town and Country Planning (Local Planning)(England) Regulations 2012.

6. FINANCIAL IMPLICATIONS

6.1 There are no direct financial implications as a result of the recommendations in this report. Costs associated with the review of the City Plan will be met from existing budgets.

7. LEGAL IMPLICATIONS

7.1 The proposed stages of plan development follow legally prescribed procedures as set out in the Town and Country Planning Act 1990 (as amended), the Planning and Compulsory Purchase Act (2004) and the Town and Country Planning (Local Planning)(England) Regulations 2012. Individual Regulations are referenced where relevant throughout this report, in particular Regulations 18 and 19.

7.2 **Regulation 18** stipulates that the local planning authority must:

- notify each of the bodies or persons specified in paragraph (2) of the subject of a local plan which the local planning authority propose to prepare, and
- invite each of them to make representations to the local planning authority about what a local plan with that subject ought to contain.

- 7.3 The bodies or persons referred to in 7.2 above are:
- such of the specific consultation bodies as the local planning authority consider may have an interest in the subject of the proposed local plan;
 - such of the general consultation bodies as the local planning authority consider appropriate; and
 - such residents or other persons carrying on business in the local planning authority's area from which the local planning authority consider it appropriate to invite representations.
- 7.4 In preparing the local plan, the local planning authority must take into account any representation made to them in response to the above invitations.
- 7.5. **Regulation 19** stipulates that before submitting a local plan to the Secretary of State under section 20 of the Planning and Compulsory Purchase Act 2004, the local planning authority must:
- make a copy of each of the proposed submission documents and a statement of the representations procedure available in accordance with regulation 35, and
 - ensure that a statement of the representations procedure and a statement of the fact that the proposed submission documents are available for inspection and of the places and times at which they can be inspected, is sent to each of the general consultation bodies and each of the specific consultation bodies invited to make representations under regulation 18(1).

8. CONSULTATION

- 8.1 In line with the Statement of Community Involvement in Planning, the council has undertaken the consultation on the scope of the revision to the City Plan in accordance with Regulation 18 of the Town and Country Planning (Local Planning)(England) Regulations 2012. Duty to Co-operate meetings have been held with the statutory consultees, including the GLA and TfL, neighbouring boroughs and individual neighbourhood forums, as appropriate. The Westminster Amenity Society Forum (WASF) has been briefed on the scope and direction of the City Plan review.
- 8.2 Regular meetings have been held with the WPA. The Leader, Cabinet Member for Planning & Public Realm, the Chairman of the Planning and City Development Committee and senior officers have all spoken or presented at conferences, seminars, events and briefings on the City Plan review and the increased priority given to affordable housing delivery.
- 8.3 Consultation responses received from the 'Building height – Getting the right kind of growth for Westminster' consultation have been considered in drafting the new growth/tall/higher buildings policies. The 'Building height – Getting the right kind of growth for Westminster' consultation will be reported more fully to the

Business, Planning and Transport Policy & Scrutiny Committee on 15th November.

9 BUSINESS PLAN IMPLICATIONS

- 9.1 Updating the Westminster City Plan is a priority commitment in the Policy, Performance & Communications Directorate Business Plan (2015-17) and the Policy, Performance & Communications Strategy and Communications Plan 2017/18.

If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Andrew Barry-Purssell, Place & Investment Policy Manager, Policy & Strategy, Policy, Performance and Communications, 020 7641 5662 abarrypurssell@westminster.gov.uk

BACKGROUND PAPERS

1. Regulation 18 notice
(https://www.westminster.gov.uk/sites/www.westminster.gov.uk/files/regulation_18_notification_letter_and_notice_v2.pdf)
2. Responses to regulation 18 consultation



Planning & City Development Committee

Date: 28th September 2017

Classification: For General Release

Title: Planning Applications Reported to Committee – Trends and Issues

Report of: John Walker - Director of Planning (GPH)

Financial Summary: N/A

Report Author and Contact Details: Louise Francis: lfrancis@westminster.gov.uk

1. Executive Summary

1.1 Following the restructuring of the Planning Applications Sub-Committees in February 2017, this note presents a summary of the applications considered by these committees between 1 February and 29 August 2017. It also addresses an issue raised by Cllr Burbridge regarding restaurants and takeaways.

2. Recommendation

2.1 Members are asked to note the contents of this report.

3. Background

3.1 Since the changes to the committee structures in February 2017 a total of 239 applications have been reported to committee for determination. The distribution of cases has been as follows:

Committee and Chairman	Number of meetings between 1/2/17 and 29/8/17	Total number of applications on agendas	Average number of applications per Sub-Committee meeting	Total number of items deferred	Total number of officer recommendations overturned.
1 (Beddoe)	8	74	9.25	4	2
2 (Caplan)	9	60	6.66	1	0
3 (Smith)	7	60	8.5	2	2
4 (Harvey)	6	45	7.5	9 (7 sites)	2
Total	30	239	-	16	6

Type of applications considered

3.2 In terms of Sub-Committee 1, the majority of schemes considered are those of greater significance or larger scale reflecting the status of Cllr Beddoe as the Chairman of Planning. In his role it has often been the case that there have been prior meetings on these sites and therefore the schemes have subsequently been reported to his Sub-Committee. Recently the Chairman of Planning has asked officers to ensure a better balance of major schemes are reported across all four committees rather than taking the default position of reporting cases to committee No 1 merely because applicants have presented their schemes to Cllr Beddoe. Officers have started to address this issue and are aiming to have a more 'even spread' of applications across the Sub-Committees. To date, the items considered by Sub-Committees 2, 3 and 4 are a fairly even distribution of householder/commercial schemes as well as some more significant sites.

Items Deferred

Sub-Committee 1

3.3 One application was deferred for a Members' site visit (William Court, Hall Rd) and was subsequently refused (against officer recommendation) on 7th March. One item (157 Edgware Rd) was deferred for a revised transport/servicing report then subsequently refused (against officer recommendation) on 8th August. Of the other two items, the Helical Bar scheme on Drury Lane was deferred to allow re-consultation on some revisions received before the Committee subsequently refused consent on 11 July on design grounds (bulk/height). The scheme at 19-25 Baker Street was deferred to allow the applicant to reconsider the height of the Baker St building, reconsider the servicing arrangements and reconsider the distribution of A1/A3 units within the scheme. This has yet to be reported back.

Sub Committee 2

3.4 The deferral was in relation to further details on a management plan for a take away at 54 Queensway. It was subsequently granted in line with the original recommendation on 29th August.

Sub-Committee 3

3.5 Two items were deferred. 22 Eaton Place was deferred for an officer site visit and further assessment of the amenity issues. It was subsequently refused on amenity grounds on 22th August (contrary to officer recommendation). The other deferral (Carlton Court, Maida Vale) was to correct some inaccurate drawings; the item has not yet been reported back.

Sub-Committee 4

3.6 Of the seven sites where applications were deferred by Sub-Committee 4, two of these sites (77 Westmoreland Terrace and St James's Square) were each deferred twice. 77 Westmoreland Terrace was granted on 20th June in line with the original recommendation. The other has yet to go back to Sub-Committee.

3.7 One other deferral was for a members' site visit (1 Eaton Terrace), after which the application was granted in line with officer recommendation. Another (79 New Cavendish St) was deferred for further information and analysis relating to parking/servicing and was subsequently granted in line with officer recommendation. The remaining 3 sites have yet to go back to Sub-Committee.

Items where officer recommendation was overturned

3.8 All of these were originally recommended for approval and Sub-Committee resolved to refuse.

3.9 Of the six decisions where the recommendation has been overturned, three were following a deferral and receipt of further information or a members' site visit. Two of the decisions followed objections from other Councillors. Four of the six decisions that were overturned cited amenity (enclosure or loss of daylight) as the reason for refusal.

Refusals

3.10 Over the review period 24 items had an officer recommendation to refuse; four were withdrawn by the applicants before a decision could be made at committee; the remaining 20 were all refused in line with the recommendation.

Reason for refusal	Officer recommended	Overtaken recommendation	Following views sought by committee
Design	6	1	1
Design and amenity	3		
Amenity	2	4	
Land use	2		
Land use and amenity	3		
Design and highways	3		1
Amenity and highways	1		
Highways		1	

Restaurants and Take-aways

3.11 There is no universal definition for when a restaurant becomes a take away. Unless there are planning conditions restricting any take away operations, restaurants can offer some degree of take away sales without becoming an A5 take away use. This is generally because the take away sales are a minor part of the overall operation, and can be considered ancillary to the primary A3 restaurant function of the premises. Each case has to be judged on its individual merits. There are numerous factors which can dictate to what degree the take away is potentially

becoming a more significant part of the restaurant's operation, causing the premises to become a 'mixed use' (A3/A5) or primarily take away (A5) operation.

3.12 Officers are mindful of the recent surge in 'deliveroo' type operations and the consequent impact on highway congestion and residential amenity. As such, on new applications for restaurants we generally attach conditions restricting the operation to restaurants only with no take away service, which for the avoidance of doubt includes pick-ups from moped/bicycle delivery companies. Whilst this can help control new uses, we are often unable to control existing restaurants providing some element of take away, unless it is judged that the take away element has become so significant that it is no longer ancillary to the restaurant, thereby requiring planning permission.

3.13 Following a complaint regarding deliveries at Nandos 63 Westbourne Grove the Planning Enforcement issued an enforcement notice. The time period for any appeal against the notice has passed and the owners have confirmed they intend to comply and Deliveroo will stop using the restaurant to collect deliveries within the compliance period of our enforcement notice)

3.14 Officers will continue to monitor Nandos to ensure that any hot food takeaway sales remain ancillary to the restaurant use. The enforcement investigation will not be closed until we are satisfied that there is no breach.

4. Financial Implications

4.1 None

5. Legal Implications

5.1 None

6. Conclusion

6.1 The new planning committee structure has worked effectively and the decision making appears to be consistent across all four chairs with no obvious differences in approach. It is inevitable more major cases will be reported when the Planning Chairman sits at committee but there is recognition there should be a wider spread of complex cases across the other three committees.

If you have any questions about this report, or wish to inspect one of the background papers, please contact: Louise Francis on x2488



Planning and City Development Committee

Date: 28 September 2017

Classification: For General Release

Title: When to Declare Interests at Meetings of the Planning Applications Sub-Committees

Report of: Director of Law

Financial Summary: There are no financial implications

Report Author and Contact Details: Rhian Davies
Tel: 020 7641 2729
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1. Executive Summary

- 1.1 This report provides guidance to elected members when it is appropriate to declare an interest in matters being considered at committee.

2. Recommendations

- 2.1 That Committee note the contents of this report.

3. Background

- 3.1 It is important that Committee Members should not be influenced or perceived to be influenced by any interests that they, their family or close associates may have in a particular application. To this end at the start of every Committee meeting, Committee Members will be asked to declare any interests they may have in relation to the matters before them.
- 3.2 As outlined in the Members' Code of Conduct, there are two distinct types of interests which will need to be declared. The first, relates to what are known as "disclosable pecuniary interests", which are prescribed by law and are entered in the register of interests maintained by the Council's Monitoring Officer. Secondly, the Members' Code of Conduct also provides for the disclosure of "other interests" at meetings in certain circumstances.
- 3.3 Disclosable Pecuniary Interests are prescribed by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and are set out in Appendix 1 to the Members' Code of Conduct. The categories of disclosable pecuniary interests include employment or office, interests in land in the Borough and contracts with the Council. An interest is a disclosable pecuniary

interest if it is of a type described above and it is an interest of the Member or of their spouse or civil partner, a person with whom they are living as husband and wife or a person with whom they are living as if they were civil partners and the Member is aware of the interest.

- 3.4 A Committee Member may have other interests which, whilst not falling within the legal definition of disclosable pecuniary interests, should be declared in the public interest. For example, such an interest may arise where the Committee Member resides near a development which is the subject of the planning application under consideration. While it is for the Committee Member to judge, a useful rule of thumb is “will my enjoyment of my property be affected either positively or negatively by this application?” If the answer is in the affirmative, it would be advisable for the Committee Member to declare an interest. An interest would also arise, for example, if the affected property were to be owned by a company of which the Committee Member is a director.
- 3.6 It is important to note that the rules relating to declarations of interest apply equally to non-Committee Members who may from time to time wish to attend a Committee meeting and speak on a particular matter on behalf of their constituents. Each Member who attends a meeting must make an assessment of whether they have an interest in the matters under discussion and whether they intend to participate in proceedings or not. A non-member of the Sub-Committee, who had a significant interest, would be unable to speak or attend. They could if they wished ask a Ward Member to speak in the same way as other constituents.
- 3.7 If a Committee Member declares a disclosable pecuniary interest they should leave the room and not participate any further in the discussion or decision making process. The same applies if a Committee Member declares any “other interest” and the circumstances are such that they should not participate in the decision on that application because the interest may give rise to a perception that they may have a conflict of interest in relation to the application under consideration. In the latter case, the Committee Member should also declare the interest and leave the room.

4. Interests which do not need to be declared at meetings

- 4.1 It is not always necessary to disclose all interests you consider that you may have. Examples of declarations that do not need to be disclosed are:
- **Ward Membership:** It is not necessary to declare this in respect of applications. The Ward membership of Councillors is a matter of public record and should not be regarded as a significant personal interest.
 - **Previous Consideration:** The consideration of previous applications in respect of the same site is not a matter which requires disclosure. Each application is required to be considered on their own respective merits and therefore having considered an application previously on the same site is not a significant interest which needs disclosure.

- **Attendance at Site Visits:** Members will often declare that they have attended a site visit. This is not a declarable interest under the Code but part of the Member's consideration. As such, attendance at these does not need to be declared as a significant interest.
- **Knowledge of other Members:** It is not necessary to declare that Members know Members who have made representations or who will do so as Ward Members. Different circumstances apply when Members are either the applicant or have made representations in a personal capacity. In the latter case, the Standards Committee have previously agreed that Members of the Majority Party and Minority Party will not be regarded as having a significant personal interest if they are able to make the following declaration:

PLANNING APPLICATIONS SUB-COMMITTEE

Chairman states:

"Councillor X has an interest in respect of Item x on the agenda. In line with guidance agreed by the City Council's Standards Committee, members of the Majority Party sitting on tonight's committee are no longer required to apply for a dispensation from the Code of Conduct provided they can declare that they only know Councillor x through their membership of the Majority Party and see him/her at Council and related events. I am able to give that declaration in relation to Councillor X."

OTHER MAJORITY PARTY MEMBERS STATE:

"and so am I". (This will also apply in relevant circumstances to the Minority Party).

In circumstances where the Member is unable to make this declaration they will need to declare a significant personal interest.

Other interests which do not need to be declared include:

- I am a customer of Marks & Spencer/BT or other shops and companies
- I use the local hospital
- I used to work many years ago at premises close to the development site when it previously operated as a café/shop
- I have previously borrowed books from the local library
- I pass the premises each day on my way to work/college/to collect children from school
- I was one of the members of the planning committee when the committee refused a planning application for a neighbouring site

5. Interests which must be Declared

- 5.1 Disclosable Pecuniary Interests and/or significant other interests must be disclosed. In these circumstances the Member must not participate in any

discussion on the matter under consideration or otherwise seek to influence the decision and withdraw from the meeting room.

6. Financial Implications

6.1 There are no financial implications regarding this matter.

7. Legal Implications

7.1 The legal implications are contained within the body of the report.

If you have any questions about this report, or wish to inspect one of the background papers, please contact Mick Steward:
Email: msteward@westminster.gov.uk

Appendices

- Appendix A – Members Code of Conduct

Background Papers

- None

Westminster City Council - Members' Code of Conduct

1. Application

This Code of Conduct applies to Members and Co-opted Members whenever they are acting in a capacity as a Member or Co-opted Member of the City Council. The definitions in Appendices 1 and 2 apply to this Code. This Code is consistent with the Nolan Principles as explained in Appendix 3.

2. General Conduct

Members must comply with the following standards of conduct/behaviour.

- 2.1 To act solely in the public interest and never to improperly confer or seek to confer an advantage or disadvantage on any person or act to gain financial or other material benefits for themselves, their family, friends or close associates.
- 2.2 Not to place themselves under a financial or other obligation to any individual or organisation that might seek to influence them in the performance of their official duties.
- 2.3 To make all decisions on merit when carrying out public duties, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits.
- 2.4 To be accountable for their decisions to the public and to co-operate fully with whatever scrutiny is required.
- 2.5 To be open and as transparent as possible about decisions and actions and the decisions and actions of the City Council and to give reasons for those decisions and actions
- 2.6 To register and declare any disclosable pecuniary interests and to declare non-disclosable pecuniary interests and non-pecuniary interests, as set out in this Code.
- 2.7 When using or authorising the use by others of the resources of the City Council, to ensure that such resources are not used improperly for political purposes (including party political purposes) and to have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 2.8 To behave in accordance with all legal obligations, alongside any requirements contained within the City Council's policies, protocols and procedures, including on the use of the Council's resources and dealing with confidential information appropriately.
- 2.9 To value and respect colleagues, staff, partners and the public, engaging with them in an appropriate manner that underpins the mutual respect between them that is essential to good local government, and not to act in a manner that could be deemed to be bullying, harassment or intimidation.

- 2.10 To promote and support high standards of conduct through leadership and by example.

3. Disclosable Pecuniary Interests

3.1 Members must

- a) comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which they have a disclosable pecuniary interest, as defined in Appendix 2.
- b) ensure their register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of their disclosable pecuniary interests.
- c) make an oral declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which they are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.

3.2 “Meeting” means any meeting, either formal or informal, organised by or on behalf of the City Council.

3.3 It is a criminal offence for a Member to:

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that they have disclosed to a meeting
- Participate in any discussion or vote on a matter in which they have a disclosable pecuniary interest
- As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, to fail to notify the Monitoring Officer within 28 days of the interest.
- To knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

3.4 The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

4. Other Interests

- 4.1 In addition to the requirements of Section 3, if Members attend a meeting at which any item of business is to be considered and they are aware that they have a “non-disclosable pecuniary interest” or a “non-pecuniary interest” in that item, they must make an oral declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.
- 4.2 Members have a “non-disclosable pecuniary interest” or a “non-pecuniary interest” in an item of business of the City Council where –
- 4.2.1 a decision in relation to an item of that business might reasonably be regarded as affecting their well-being or financial standing or that of a member of their family, or a person with whom they have a close association, to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward for which they have been elected, or
- 4.2.2 it relates to or is likely to affect any of the interests listed in the Table in Appendix 1 of this Code but in respect of a member of the Member’s family (other than a “relevant person”) or a person with whom they have a close association.

5. Gifts and Hospitality

- 5.1 Members must, within 28 days of receipt, notify or arrange for the Monitoring Officer to be notified in writing of any gift, benefit or hospitality with a value in excess of £25 which they have accepted as a Member from any person or body other than the City Council.
- 5.2 The Monitoring Officer will place the contents of the notification on the register of interests of the relevant Member.
- 5.3 Where the Monitoring Officer is of the view that such gift or hospitality is clearly below £25 in value they may decline to include this on the register.

6. Sensitive Interests

- 6.1 In cases where they have an interest and the nature of the interest is such that the Member and Monitoring Officer both consider that disclosure of the details of the interest could lead to the Member or a person connected with the Member being subject to violence or intimidation:
- the register of interests will not include details of the interest but may state that the Member has an interest about which details have been withheld and

- where required by this Code to declare the interest at a meeting, the Member may only be required to declare the fact that s/he has an interest in the matter.

7. Dispensations from the Restriction from Participating and Voting in Meetings

- 7.1 This provision applies to a situation where a Member or Members have an interest, which prevents them from taking part in a decision but they feel they ought to be able to participate or that it is necessary to allow them to participate in the interests of proper decision making, as explained below.
- 7.2 One or more Members may apply for a dispensation from the requirement not to participate in or vote in respect of a matter at a meeting by written request to the Monitoring Officer, so that they are able to participate in respect of that matter at the meeting.
- 7.3 The Monitoring Officer (or in his/her absence the Deputy Monitoring Officer) may agree the dispensation on behalf of the City Council, where s/he considers, after having had regard to all relevant circumstances such as follows:
- 7.3.1 that without the dispensation the number of persons prohibited by section 31(4) of the Act from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
 - 7.3.2 that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
 - 7.3.3 that granting the dispensation would be in the interests of persons living in the Council's area,
 - 7.3.4 that without the dispensation each member of the Cabinet would be prohibited by section 31(4) of the Act from participating in any particular business to be transacted by the Cabinet , or
 - 7.3.5 that it is otherwise appropriate to grant a dispensation.
- 7.4 If granted the dispensation will be granted by the Monitoring Officer in writing and citing the ground or grounds on which it is agreed and it will be published on the Council's website within 7 days of the decision.
- 7.5 The dispensation must be for a fixed time not exceeding a period beyond the next City Council elections and will normally cover only a specific matter or meeting.

- 7.6 A Member may seek a review of the Monitoring Officer's decision not to grant a dispensation to the Standards Committee. The Monitoring Officer may choose to refer any application for dispensation to the Standards Committee and may, in doing so, consult one of the Council's Independent Persons. The Monitoring Officer may also, if s/he chooses, consult one of the Council's Independent Persons prior to granting a dispensation referred to in 7.3 above.

APPENDIX 1

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011. Disclosable Pecuniary Interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 **as** either the interest of the Member or the interest of a relevant person **and** the Member is aware that the other person has an interest as follows-

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

APPENDIX 2

Definitions

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“Non-Pecuniary interest” is an interest which is not pecuniary (as defined above) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon the Member’s judgement of the public interest;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

APPENDIX 3

The following principles, commonly known as the “Nolan Principles”, do not form part of the Code of Conduct but are included as an Appendix simply to remind Members of the ethical standards expected of public office holders.

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

APPENDIX 4 - Declaring Interests Flowchart, Questions to ask yourself

Breaching those parts identified as a disclosable pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- Is your register of interests up to date?
- In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?
- Have you checked the register to ensure that they have been recorded correctly?

When should you declare an interest at a meeting?

- **What matters are being discussed at the meeting ; or**
- **If you are a Cabinet Member making decisions other than in Cabinet what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- **Relate to; or**
- **Is likely to affect**

any of your registered interests Disclosable Pecuniary Interests include your interests and those of:

- Your spouse or civil partner
- A person you are living with as husband/wife or as a civil partner

where you are aware that this other person has the interest.

Please seek advice from the Monitoring Officer about disclosable pecuniary interests.

What is a non- disclosable pecuniary interest or a Non-Pecuniary Interest? – this is an interest which is not a disclosable pecuniary interest (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

DPI

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting.



If the interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register.



Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- **Not participate, or participate further, in any discussion of the matter at a meeting;**
- **Not participate in any vote or further vote taken at the meeting; and**
- **Leave the room while the item is being considered/ voted upon**

If you are a Cabinet Member they may make arrangements for the matter to be dealt with by a third person but take no further steps

Non-DPI

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature. You should declare the interest and decide whether you can properly speak and remain in the meeting or should not participate further..

If you consider the interest would not be regarded as materially impacting upon your judgement you may participate and vote in the usual way.

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