



City of Westminster

Committee Agenda

Title:

Planning & City Development Committee

Meeting Date:

Thursday 17th January, 2019

Time:

7.00 pm

Venue:

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

Members:

Councillors:

Gotz Mohindra (Chairman)	Jim Glen
Timothy Barnes	Angela Harvey
Geoff Barraclough	Elizabeth Hitchcock
David Boothroyd	Louise Hyams
Susie Burbridge	Guthrie McKie
Ruth Bush	Robert Rigby
Melvyn Caplan	Tim Roca
Tony Devenish	Selina Short
Peter Freeman	James Spencer
Murad Gassanly	

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 at City Hall. 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, Georgina Wills, Committee and Governance Officer.

**Tel: 0207 7641 7513; email: gwillis@westminster.gov.uk
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. DECLARATION OF INTEREST

To receive and record declarations of interest.

2. MINUTES

To sign the minutes of the last meeting as a correct record of proceedings.

(Pages 3 - 6)

3. PLANNING REVIEW INCLUDING THE INTRODUCTION OF PUBLIC REPRESENTATIONS AT PLANNING APPLICATIONS COMMITTEES

(Pages 7 - 28)

4. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT

**Stuart Love
Chief Executive
9 January 2019**



CITY OF WESTMINSTER

MINUTES

Planning & City Development Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning & City Development Committee** held on **Thursday 12th November, 2018**, Rooms 3.6 and 3.7, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Gotz Mohindra (Chairman), Geoff Barraclough, David Boothroyd, Iain Bott, Susie Burbridge, Ruth Bush, Peter Freeman, Jim Glen, Angela Harvey, Elizabeth Hitchcock, Louise Hyams, Guthrie McKie, Robert Rigby, Selina Short and James Spencer

Also Present: Councillor Richard Beddoe (Cabinet Member for Place Shaping and Planning)

1 MEMBERSHIP

- 1.1 Apologies for absence were received from Councillors Timothy Barnes, Tony Devenish, Murad Gassanly and Tim Roca.

2 DECLARATIONS OF INTEREST

- 2.1 Cllr David Boothroyd declared that he was Head of Research and Psephology for Thorncliffe, whose clients were companies applying for planning permission from various local authorities. No current schemes were in Westminster; if there were he would be precluded from working on them under the company's code of conduct.

3 WESTMINSTER CITY PLAN - DIRECTION OF TRAVEL

- 3.1 The Committee received a report from the Director of Planning which provided a summary of the key current trends and issues facing the service.
- 3.2 The Director of Planning introduced the report and provided an update on the following areas:

Pre-commencement Conditions – The Committee noted that the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 came into force from 1 October 2018. Its effects were detailed which included the requirement for the local planning authority to seek the written agreement of applicants to any pre-commencement conditions attached to permissions

granted in or after that date. Whilst the benefits of the new regulations were acknowledged concern was expressed over the likely practical implications for the determination of applications. These included a potential increase in refusals, extra expense for the applicant at the application stage and various issues for officers and members at Planning Sub-Committees.

Unauthorised Installation of Telephone Kiosks – An update on recent enforcement action undertaken against telephone kiosks deemed to be in poor condition was provided. The Committee was pleased to note that this had resulted in the removal of several kiosks. Following the completion of the pilot scheme, options for further pro-active enforcement action in other parts of Westminster were being assessed. The Committee requested that future enforcement action concentrate on the Edgware Road and Baker Street areas and Members were asked to forward on any further suggestions to the Director of Planning.

3.3 The Committee then discussed in detail the following topics:

- **Planning Advisory Service Review** – It was noted that proposals to permit public speaking at Planning Sub-Committee meetings had been delayed so that further work could be undertaken to understand how to best implement new procedures. The Committee agreed that views should be sought on any changes from all those with a stake in the planning system in Westminster, most notably residents. Members were advised that if they had comments on the consultation these should be fed back to the Chief Executive.
- **Place-Shaping and Planning Directorate** – The Committee discussed the proposals to create a new directorate and how the new service would help deliver the direction of travel set out in the emerging City Plan. Members were informed that if they had any questions on the remit of the new directorate to contact the Chief Executive.
- **Planning Changes Proposed by the Government** – The recent Government consultation setting out proposed changes to the planning system was noted, in particular with regards to new permitted development rights. It was acknowledged that it was an attempt to reduce red tape, however concerns were expressed it could have the opposite effect and actually increase red tape.
- **Carlton Tavern** – In response to a question the Committee was provided with a brief update on the status of the works to rebuild the pub.

4 CITY PLAN

4.1 The Cabinet Member for Place Shaping and Planning provided the Committee with an overview of the City Plan 2019-2040 that set out the Council's strategy for Westminster's development and the policies that would be used in determining planning applications. This included:

- A new housing policy ensuring 35% of all new housing developments would be social and affordable. Restrictions would also be introduced to limit the size of new homes.
- A new greener and cleaner policy requiring developers to demonstrate they are designing for people of all ages and abilities and that sustainable materials were being used.
- A new design and heritage policy setting out seven clear design policies.
- A neighbourhood development policy.
- Golden principles for building heights in Westminster.
- A new office space policy designed to help high streets respond to the changes in the retail environment.
- A policy to help conserve Soho's unique character.

4.2 The Committee held an in-depth discussion on the Plan and was informed that a consultant had confirmed that requiring all new housing developments to consist of 35% affordable housing would have a 0% impact on the viability of future developments. The Committee was pleased to note that 60% of this housing would be classified as intermediate therefore providing homes for those people who did not qualify for social housing but who could not afford market prices.

4.3 The Committee also discussed conservation areas, construction management and limits to the size of new homes. The consultation process in place was noted which would include the Cabinet Member for Place Shaping and Planning holding briefing sessions with community associations, amenity Groups and Ward Councillors. Members of the Committee were requested to participate in the consultation and try to ensure their local communities were fully engaged with the process.

5 ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT

5.1 The Chairman reminded the Committee that if they had any questions over Planning Advisory Service Review to liaise with the Chief Executive.

The Meeting ended at 8.05 pm

CHAIRMAN: _____

DATE _____

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City of Westminster

Planning & City Development Committee

Date: 17 January 2019

Classification: General Release

Title: Planning Review including the Introduction of Public Representations at Planning Applications Committees

Report of: Deirdra Armsby - Director of Place Shaping and Planning

Financial Summary: The implications will be managed within existing resources.

Report Author and Contact Details: Claragh Mulhern cmulhern@westminster.gov.uk

1. Executive Summary

1.1 This report presents an update on the programme of work which is underway to implement the findings of the Planning Review undertaken by the Planning Advisory Service (PAS) as reported to Cabinet on 25 October 2018. Cabinet approved the direction of travel to make the planning service more proactive, transparent and focused on the delivery of the Council's City for All vision and corporate priorities. This also involves making it easier for residents to engage with the planning system in Westminster.

1.2 This will involve a major change to the culture and operation of the planning function of the Council under the new structure of the Place Shaping and Planning Directorate. This programme is being supported with internal resources to coordinate the activities and is being supported through the ongoing engagement of the Planning Advisory Service (PAS) in training and staff development.

1.3 Since October 2018, Council officers have held a series of engagement workshops to inform the development of new procedures and protocols within the Council's planning service and how to implement them (see list of engagement workshops at Appendix 1). This report presents an update on the options for implementing these new procedures and protocols. Of significance, this report focuses on the introduction of public speaking rights, the proposals for which are outlined in this report for agreement before they are formally introduced at Planning Applications Sub-Committee meetings from February 2019.

1.4 The report also sets out feedback received and the direction of travel on pre-application community engagement and delegated decision making. These will be fully implemented as part of the wider review.

1.5 The procedures and protocols will be formally reviewed after six months to ensure they are fit-for-purpose, but processes will, of course, be reviewed and amended continually.

2. Recommendation

2.1 Members are asked to consider the contents of this report and:

1. To agree to the proposed procedures and protocols to allow for members of the public to make verbal representations at Planning Applications Sub-Committee meetings as outlined in the Procedure Rules attached at Appendix 2.
2. To agree that these procedures and protocols take effect from the first Sub-Committee meeting to take place when the Council moves back to 64 Victoria Street, subject to a 6 month review of their effectiveness.
3. To note the ongoing work to implement the proposals relating to pre-application community engagement and delegated authority with regards to planning decisions.

3. Background

3.1 A review of Westminster's planning service by the Planning Advisory Service and Local Government Association was undertaken in 2018 to look at all aspects of the decision-making process to ensure it is an independent and impartial process.

3.2 The findings of the review were reported to Cabinet on 25 October 2018. Amongst the key recommendations of this review was the recommendation to facilitate the opportunity for members of the public to make verbal representations at planning sub-committee meetings as part of the overall aim to improve the transparency of the planning process and ensure that residents are at the heart of decision making. In addition, it was recommended that engagement with the local community on pre-planning proposals be enhanced and that the delegation of decision making on planning applications to officers be increased with only the more significant applications being reported to Committee. Cabinet agreed with these recommendations.

3.3 The purpose of this report to the Planning and City Development Committee is to consider the procedures and protocols which need to be put in place to allow for public speaking to take place in an efficient, effective and fair manner. Members are also asked to note the progress on proposals relating to pre-application engagement and delegation arrangements. The recommendations outlined in this report have been discussed with the Cabinet Member for Place Shaping and Planning and the Chairman of Planning Committee.

4. Considerations

Verbal representations at Committee

4.1 In order to inform the recommendations outlined in this report, an assessment of procedures and protocols relating to public speaking at planning committees across the other London boroughs has been undertaken. From this assessment, a number of key matters for consideration were evident:

- i) the deadline for registering interest in speaking at the Committee meeting and the related registration process;
- ii) the number of persons/organisations permitted to speak either against or in support of the planning application being considered;
- iii) the length of time permitted for each speaker to make their case;
- iv) practical matters relating to the Committee meeting including the running order of the speakers and the nature of the representations permitted.

The recommendations outlined below are based on an assessment of common practice at other local authorities and taking into account the feedback received during the stakeholder engagement exercise undertaken between October and December 2018.

4.2 The report to Cabinet on 25 October in response to the PAS review also outlined the need for consideration to be given to support for the public to make effective representations, the management of meetings by the Chairman, the layout of the room, and training requirements for Members sitting on Planning Sub-Committees.

Registering an interest in speaking at Committee

4.3 From an assessment of the practices at other London boroughs, it is clear that the majority of councils operate a formal process whereby anyone who wishes to speak at the Committee meeting must register in advance. In some rare exceptions people may arrive at the Committee meeting and declare their intentions to speak however this would be extremely difficult to manage and co-ordinate, with potentially large numbers of people wishing to speak on a single item. As such it is recommended that a formal registration process is established, with a deadline for submissions of interest in speaking.

4.4 Any interested party who has made written representations during the course of the application (either in support or objection) would be notified that the application is due to be reported to Committee and they would be directed to information on the Council's website which would outline the process for registering their interest in speaking at the Committee meeting. The website would include a simple outline of the process with guidance on how to make effective representations and in addition the procedure rules attached at Appendix 2 to this report would also be available to view online. Only those who have made written representations on the application would be notified by the Council of the application being reported to Committee but anyone would have the right to register to speak. The period for registration of interest in speaking would only commence after the case has been listed on a Committee agenda, published online at least 5 working days in advance of the meeting (i.e. any requests to speak included in a written representation on the application or direct contact with officers or Members would not override the formal registration process). The case would not be deferred to another Committee date if an interested party is not available to speak at the Committee meeting however they may ask a representative to speak on their behalf if appropriate.

4.5 There are different approaches across the boroughs with regard to how the registration process is managed; some councils have online forms, some ask people to phone the Council however the majority provide an email address for registration. It is intended that an online form will be provided. In order to register, the objector/supporter or their representative would need to provide the reference number and address of the application, their name and contact details, the date on which the application is due to be reported to Committee, and whether they wish to speak against or in favour of the application providing a short overview of their reasons for requesting to speak.

4.6 With regard to the deadline for registration, many other councils have deadlines either two working days before or the day before the Committee meeting. It is considered, in order to allow sufficient time for Committee and Governance Services to make the necessary arrangements, that a deadline of 12pm on the Friday immediately before the Tuesday committee meeting (i.e. two working days) is enforced. During the stakeholder engagement sessions, it was suggested by some stakeholders that the registration process should be open until 5pm on the day of Committee, however this is not considered to be practical as it will be necessary for officers and potentially the Chairman (depending on the options explored below) to co-ordinate and allocate speaking slots. In addition, officers, Committee Members and the speakers themselves will need to have clarity in advance as to who will be permitted to speak

and for how long. It is therefore strongly recommended that a deadline of 12pm two working days before the Committee meeting is agreed. Committee and Governance Services would subsequently provide the final list of speakers to the Committee Chairman and presiding officer by close of business on Monday (the day immediately before Committee).

Number of persons/organisations permitted to speak

4.7 The number of persons/organisations allowed to speak varies across the other London boroughs, ranging from some councils which do not place any maximum limit to others which only allow one speaker for and one speaker against the proposal. Many councils suggest that where more than one or two speakers wish to make representations either in support or against, the interested parties should discuss between themselves and nominate a spokesperson. This is generally either arranged in advance of the meeting, facilitated by the council sharing their contact details with each other, or immediately before the meeting where the potential speakers meet in the committee room 15/30 minutes before the meeting to nominate a speaker. Many other boroughs operate a system where a certain maximum number of speakers are allowed to speak, either for a set limited time or, where more than one or two people register to speak, the time may be shared between them.

4.8 Taking into account practices at other local authorities and the feedback from stakeholders, it is considered that the fairest and simplest system would be to have a specified number of speaking slots (depending on whether the Committee is a Major or a Sub-Committee) where the speakers are allowed to speak for a set limited time. In order to ensure that the wide range of issues which may be at play are fairly represented, it is recommended that the same number of speaking slots is provided for those wishing to speak against and those wishing to speak in favour; however interested parties are encouraged to take a positive approach to their involvement and suggest what changes to the application or conditions could overcome their concerns, in the spirit of achieving a balanced outcome. The applicant would be allowed to speak in support of their application; taking one of the slots for supporters. A number of other boroughs advise that the applicant should only be allowed the opportunity to speak where an objector is speaking against the proposal, however it is considered reasonable to allow the applicant to speak irrespective of whether or not anyone wishes to speak against.

4.9 Standard speaking slots be allocated as follows as follows:

- **Planning (Major) Applications Sub-Committees:** a maximum of two speakers in support of the application (with one of these slots reserved for the applicant or their nominated spokesperson) and two against. In addition, there be a separate slot for the recognised and/or semi-recognised amenity society and a further slot for the relevant Ward Councillors should they wish to speak.
- **Planning Applications Sub-Committees 1, 2 and 3:** a maximum of one speaker in support (normally the applicant or their nominated spokesperson) and one speaker against. In addition, there be a separate slot for the recognised and/or semi-recognised amenity society and a further slot for the relevant Ward Councillors should they wish to speak.

If the number of requests to speak either in support or against the application exceeds the number of public speaking slots outlined above, potential speakers will be encouraged to either nominate a speaker who will make a verbal representation at the Planning Applications Sub-Committee on their common behalf, or to share the total time to be allocated to speaking slots for either objectors or supporters, as the case may be, between them (e.g. at a Major committee where two 3 minute speaking slots are allocated for those speaking in opposition to the application however six people register to speak, they would each be given one minute to speak). The Committee and Governance Services team would contact the relevant parties on the Friday afternoon immediately after the registration deadline and seek their agreement

for their contact details to be shared with the other parties in advance of the meeting to decide on whether they wish to nominate a speaker or share the time between them (this agreement is necessary in order to avoid concerns regarding data protection). The nomination of the spokesperson or clarification that the time is to be shared between the speakers would need to be submitted to the Committee and Governance Services Team by the following Monday at 12pm (i.e. the day before Committee). If the spokesperson were to be nominated or the speaking slots shared immediately before the meeting as in some other authorities, this could result in disagreements about who should represent the group and several potential speakers preparing representations in advance, only to be disappointed by not being allowed to speak or preparing their representations before the meeting only to discover that they have less time to speak.

4.10 Where agreement cannot be reached between the parties on a nominated spokesperson (for example where objectors have different concerns) or for the time to be shared between the speakers; it is proposed that the Chairman, in conjunction with the Presiding Officer, may choose to agree to a random selection process (a ballot) to determine who will speak. It is also recommended that the Chairman should only use his/her discretion to allow more speakers to make representations in extraordinary circumstances such as where an application is of a significantly large scale or highly contentious. Interested parties may also wish to contact their Ward Councillors and request that they make representations on their behalf however if such requests by Ward Councillors are made after the Friday deadline (see 4.11 below) they will need to be submitted directly to the Chairman for agreement.

4.11 In addition to the members of the public being allowed to speak, it is recommended that an additional speaking slot be provided for the relevant local recognised or semi-recognised amenity society to make verbal representations. These organisations are designated statutory consultees in the planning process, are well-organised, have members with in-depth knowledge of their areas and their input is highly valued by officers and Members. It is currently the case that where a local Ward Councillor wishes to speak either in objection to or in support of an application, they may request permission from the Committee chairman. It is recommended that a speaking slot is provided for Ward Councillors who should follow the same procedure as outlined above in terms of registration. Where a Ward Councillor requests that an application relating to their ward is reported to Committee, they must attend the relevant Committee meeting to outline their views.

Length of time permitted for each speaker

4.12 The length of time permitted for each speaker varies across the London boroughs. Most allow either two or three minutes per speaker but some advise that a maximum of, for example, five minutes is allowed for objectors to be shared between those who wish to speak (with the result that where five people register to speak, they are given one minute each to speak) whilst others allow up to five minutes for a nominated speaker to speak on behalf of objectors.

4.13 As outlined above, a set maximum number of speaking slots is recommended; the number of speakers allowed depending on the scale of the application. It is recommended that a period of three minutes is permitted for each speaker (except where the number of requests exceeds the number of speaking slots and potential speakers agree to share the total speaking time between them as outlined in 4.9 above).

Practical matters including order of events

4.14 The running order of the Committee is outlined in the Procedure Rules attached at Appendix 2 and will, in general terms, not change significantly from the current procedure with the exception of the order of speakers. In brief summary, the following order of speakers is recommended:

Order of Speakers
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) Ward Councillor(s) and/or MP(s)
vi) Council Officers response to verbal representations
vii) Member discussion (including questions to officers for clarification)
viii) Member vote

4.15 Only verbal representations should be allowed; it is not considered necessary or reasonable to allow members of the public to use visual presentation material. Representations should pertain to planning issues relevant to the application and should generally reflect the issues already raised in the written submissions made during the course of the application. When the speaker has finished making their representations, they should then re-take their seat in the public gallery (except in the case of Ward Councillors who may sit adjacent to the Committee). The Committee Members may ask questions of the planning officer seeking clarification on certain points and when all speakers have finished, Members will discuss the case and may ask questions of the planning officer before taking a vote.

Committee Room Layout and Guidance on the Committee Process

4.16 The PAS review noted that due to the layout and arrangement of the current committee room, the attendees and general public at Committee felt isolated from the Committee Members. The review team also noted that large individual screens blocked the ability to see the Committee Members and there is a lack of basic guidance and information which makes the committee process difficult to understand as an attendee. It is noted that the Committee meetings attended by the PAS team took place at 5 Strand and the layout there is a temporary solution while renovation works are undertaken at 64 Victoria Street. The new chamber at 64 Victoria Street will be laid out to reduce the separation between the Committee Members and public gallery.

4.17 It is also proposed to live-stream and record Planning Applications Sub-Committee meetings and make the coverage available post-meeting. Work is currently underway to identify and procure an appropriate technological solution with these facilities required to be place when the first Planning Applications Committee meeting takes place at 64 Victoria Street following the refurbishment works. Subject to the proposals outlined in this report with regard to public speaking being agreed by Members, it is intended that public speaking at Planning Committees will be introduced as soon as the rooms and technology in 64 Victoria Street are ready for use (planned during February).

4.18 It is proposed to provide improved guidance, for the benefit of members of the public, to explain the committee process and how the Chairman may manage the Committee meeting. The procedure rules attached at Appendix 1 to this report form the basis for this guidance, however it may be simplified and included on the Council's website and at the Committee meeting to help attendees and others to understand the process. This information will form part of a wider programme to review all digital content to improve accessibility for the general public; with the aim of improving the way we explain planning policies and decisions to make them easier to understand.

Pre-application Community Engagement

4.19 The PAS report recommends that the Council develops a new approach to the early involvement of communities in shaping proposals, proportionate to the type of development. Such an approach could be co-ordinated by planning officers, in conjunction with ward councillors, who would be encouraged and supported to play a stronger role in influencing and guiding any developments in their ward at an earlier stage in the planning process.

4.20 Many large developments already benefit from pre-application engagement with the community, yet this is primarily delivered by the applicant in isolation from the Council. It is therefore proposed that the Council plays a more active role in this process in order to identify and in an attempt to resolve any potential issues in advance of the planning application being formally submitted. This will require a revision of the Council's Statement of Community Involvement (SCI) to outline, at the pre-application stage, best practice for developers.

4.21 In addition to the informal engagement, consideration is currently being given to options for more formal meetings or forums where applicants may present their proposals to the local community, Ward Councillors and officers. Feedback on these initial proposals from stakeholders has been mixed, with additional information and clarity on how these 'forums' might be facilitated and resourced required. Concerns have also been raised regarding the pressure on resources of amenity societies as well as officers.

4.22 PAS has been retained to provide further guidance on this subject and a programme of research into best practice at other local authorities is proposed. As such, it is premature at this stage to make formal recommendations and more detailed proposals will be reported back to members as they develop.

Delegated Authority

4.23 PAS recommends that Planning Applications Sub-Committee meetings should focus on major and contentious applications rather than small-scale applications which raise local issues and that such applications should be delegated to officers. Currently, 97% of planning decisions within the Council are already taken under delegated authority by planning officers. The current scheme of delegation to officers allows for most applications to be delegated to officers (with the exception of, for example, strategic or highly contentious applications or Council applications where refusal is being recommended), with officers using their discretion to report applications to Committee depending on the nature of objections received. As such it is not proposed to significantly change the current scheme of delegation from Members to officers in respect of decisions on planning applications.

4.24 Ward councillors will retain their right to call in all planning applications to Committee and will be required to attend the Committee meeting to discuss any concerns about an application in their ward if they have called the application in.

4.25 It is also proposed to explore options for increased delegation to a wider number of planning officers and to delegate the hierarchy of decision making which is currently highly concentrated at a senior officer level. It is proposed that planning officers engage more with ward councillors at the pre-application stage to solve issues, thereby avoiding the need for an application to be reported to a Planning Applications Sub-Committee at the end of the process. Appropriate checks and balances would remain in place with peer review of proposed decisions and escalation controls in the event of certain thresholds being reached with different applications. This will require a comprehensive shift in culture as well as a training and development programme for officers, planning for which has already commenced.

4.26 These proposals will be considered as part of the review of the operating model of the directorate, as the major changes relate to officer processes and management structures. Any changes would be undertaken in consultation with the Cabinet Member for Place Shaping and Planning.

5. Financial Implications

5.1 None

6. Legal Implications

6.1 None

7. Conclusion

7.1 Following an assessment of the procedures and protocols at other London boroughs and taking into account the feedback received during the recent stakeholder engagement sessions, it is recommended that the attached procedure rules be adopted for the facilitation of public speaking at Planning Applications Sub-Committee meetings. Members are also asked to note the ongoing work on facilitating improved pre-application engagement with the community and the review of the delegation arrangements for planning decisions.

If you have any questions about this report, or wish to inspect one of the background papers, please contact: Claragh Mulhern on x2535

Background Papers:

1. Engagement sessions undertaken and options appraisal.
2. Planning Applications Sub-Committee Procedure Rules DRAFT.
3. Report to Cabinet on Planning Review dated 25 October 2018 and associated resolution and appendix:
<https://committees.westminster.gov.uk/ieListDocuments.aspx?CIId=130&MIId=4784&Ver=4>
4. List of Recognised and Semi-Recognised Amenity Societies:
https://www.westminster.gov.uk/sites/default/files/list_of_amenity_societies_in_westminster2018.pdf

Appendix 1 – Engagement sessions undertaken and options appraisal

Date	Group	Attendees
12th November	Majority Group Ward Councillors	Cllr Caplan Cllr Arzymanow Cllr Wilkinson
13th November	Minority Group Ward Councillors	Cllr Bush Cllr Lewis Cllr Barraclough
19th November	Amenity Societies	Belgravia Residents Association St John's Wood Society Marylebone Association Belgravia Society Kemp House Residents Association Harrowby & District Residents' Association
29th November	Majority Group Ward Councillors	Cllr Mohindra Cllr Bott Cllr Shearer Cllr Barnes Cllr Murphy
3rd December	Minority Group Ward Councillors	Cllr McKie
5th December	Amenity Societies	New Hereford House The Thorney Island Society Soho Society PRACT SEBRA Mayfair & St James's Association Paddington Waterways and Maida Vale Society
6th December	WPA	WPA Montagu Evans Grosvenor

Appendix 1 – Engagement sessions undertaken and options appraisal

		The Crown Estate Dolphin Living CBRE Turley The Howard de Walden Estate Shaftesbury Gerald Eve Great Portland Estates NWECC
10th December	Planning Committee Councillors	n/a
12th December	3 rd Amenity Societies workshop (via WASF)	Soho Society/Seven Dials Trust Marylebone Association Park Place Amenity Ltd

Page 16

Those consulted generally welcomed the changes and provided detailed comments on proposals for:

- public speaking rights;
- pre-application community engagement; and
- delegated authority.

The engagement workshops followed the below agenda and put forward the proposals listed above:

- Recap of findings from the Planning Review
- Public speaking rights
- Pre-application community engagement
- Delegated authority
- Summary and discussion of next steps.

The feedback received on each proposal is outlined below (NB the comments are received from all groups unless otherwise indicated).

Appendix 1 – Engagement sessions undertaken and options appraisal

Public Speaking Rights

- All supported the introduction of public speaking rights, particularly given that most Local Authorities already have such rights in place. Opinions differed on how the public speaking registration process should work and how much time should be allocated to public speaking.
- All stakeholders opposed the proposal to allocate public speaking slots on a first come, first served basis. Most stakeholders proposed limiting the length of time for each speaker to three or five minutes. Some stakeholders supported limiting the number of public speaking slots to three slots for major applications and two for minor, not including the relevant Ward Councillor(s), should they wish to speak.
- The Majority Group suggested that registered speakers should agree amongst themselves who will speak if the number of registered speakers exceeds the number of public speaking slots. They proposed that if residents cannot decide amongst themselves, either a randomised selection process or a Planning Officer should determine who speaks, based on who has been involved in the application thus far. They also suggested that the proposed pre-application community engagement forums should be held in quarterly pre-application forums, facilitated by the Council and involving residents, developers, Amenity Societies and Neighbourhood Forums.
- The Minority Group opposed the proposal to close the online registrations for public speaking slots two days before the Committee and suggested a deadline of 5pm on the day of the Committee. One participant proposed limiting the length of time for each speaker to five minutes.
- Amenity Societies proposed that the allocation of slots is flexible and at the Chair's discretion, who will consider which key stakeholders have been involved in the application. Some participants proposed that there should be an even representation between those who speak in favour of an application and those who speak against it. Some participants agreed that Amenity Societies should have a designated public speaking slot. Others agreed that each public speaking slot should not be automatically allocated to a specific group or individual and each applications' speaking slots should be allocated flexibly.
- The WPA and development industry proposed that the applicant speaks last at a Planning Applications Sub-Committee, to allow the applicant to respond to challenges from residents and Amenity Societies. They also raised whether Amenity Societies and Neighbourhood Forums would have a designated speaking slot, in addition to residents and Ward Councillors.

Pre-Application Community Engagement

- All groups highlighted their belief that planning decisions are predominantly made before committee stage, when a proposal is first brought forward by a potential applicant. To enhance transparency and ensure the community's

Appendix 1 – Engagement sessions undertaken and options appraisal

voice is taken into account, the groups suggested that the applicant and members of the community should have the opportunity to enter into pre-application discussions.

- All agreed that employing the application knowledge of Planning Officers and the community knowledge of Ward Councillors to the pre-application stage should address any issues earlier in the planning process, enabling solutions to be suggested before Committee stage.
- All agreed that Ward Councillors should retain the right to call in applications and attend the corresponding Planning Applications Sub-Committee to discuss the application in question.
- Amenity Societies proposed that the thresholds of pre-application engagement forums are clearer and specify what constitutes a major and minor application at each pre-application engagement forum level. They also expressed concerns over the additional time required of them in order to be involved at pre-application stage. However, Amenity Societies need only be involved at pre-application stage where they deem it necessary or if an application is for a major development or is contentious.

Delegated Authority

- Amenity Societies highlighted that additional responsibility of Planning Officers must correspond with a comprehensive training programme within the Planning Team. A priority for the new Director of Place-Shaping and Planning should be to organise and implement the training programme and allocate sufficient resource to accommodate for the increased demand on Planning Officers' time. Part of this programme should involve shadowing opportunities and peer reviews to ensure officers feel confident and empowered to make delegated decisions at a more junior level.
- The Minority Group suggested creating a Citizens Advice Bureau (CAB) for residents to provide them with planning advice, similar to the CAB service for licensing applications.
- The WPA and development industry raised concerns about delegating to junior officers – particularly if such officers begin to reject more development to reduce the risk of error - and the increased risk of legal challenges.

Other

- The Minority Group supported the live-streaming of the Planning Applications Sub-Committees being published online to improve transparency of the planning system. They proposed that the webpage should include a clear explanation of the planning process and application stages, to ensure residents feel informed and empowered to become involved in the planning system. Similarly, planning reports should also be written in a simpler and clearer style.

Appendix 1 – Engagement sessions undertaken and options appraisal

- Amenity Societies asked if the Council could create a guidance note for the development industry to explain the importance of engaging with the community on applications e.g. residents, Amenity Societies, Resident Associations and Neighbourhood Forums.

Appendix 1 – Engagement sessions undertaken and options appraisal

Following an assessment of procedures and protocols used in other local authorities and taking into account the feedback received from stakeholders during the recent engagement sessions, a number of options for the allocation of public speaking rights in Westminster are outlined below. The options considered are:

1. Allocation of public speaking rights to registered speakers on a first come, first served basis;
2. **RECOMMENDED** Allocation of public speaking rights by registered speakers agreeing amongst themselves who will make a verbal representation (unless they cannot reach agreement in which case a ballot system is applied);
3. Allocation of public speaking rights by registered speakers agreeing amongst themselves who will make a verbal representation (unless they cannot reach agreement in which case the Chairman will use his/her discretion to determine who should be allowed to speak); and
4. Allocation of public speaking rights to registered speakers based on a resident's proximity to the application site in question.

Option	Advantages	Disadvantages	Feedback from stakeholders
1. A specified number of speaking slots are allocated on a first come, first served basis.	It is a simple and impartial method which is easy to administer and clear for stakeholders	<p>It could disadvantage certain stakeholders who are unable to apply at exactly the moment that registration opens e.g. they may be at work or have other commitments</p> <p>It would limit the number of speakers and there may be more persons who wish to make representations.</p>	<p>The majority of stakeholders opposed this option.</p> <p>Stakeholders were concerned that this option could disadvantage certain stakeholders who are unable to access the online registration portal when registration opens or that certain groups/persons who are familiar with the system would take the prime slots and those residents who are less familiar with the process would be at a disadvantage.</p>
2. RECOMMENDED Allocation of public	Puts residents at the heart of the planning system and	There may be cases where consensus between the	The majority of stakeholders supported this option.

Appendix 1 – Engagement sessions undertaken and options appraisal

Option	Advantages	Disadvantages	Feedback from stakeholders
<p>speaking rights by registered speakers agreeing amongst themselves who will make a verbal representation (unless they cannot reach agreement in which case a ballot system is applied);</p>	<p>empowers officers and Councillors to make fair decisions based on community consensus.</p> <p>Fall back option of ballot system does not require the application of discretion or subjective judgements which could lead to risk of legal challenge.</p>	<p>residents is not possible, for example if they do not know each other or have differing opinions on the application, and as such they may not reach agreement on who should speak on their behalf.</p> <p>This option also creates logistical issues as the residents requesting to speak would need to meet/liaise with each other before the Committee to nominate a spokesperson and it would not be appropriate for the Council to share their contact details with each other due to GDPR data protection issues without prior agreement.</p> <p>Requires officer resources to co-ordinate and liaise with residents to determine who the spokesperson will be.</p>	
<p>3. Allocation of public speaking rights by registered speakers agreeing amongst</p>	<p>As above</p>	<p>There may be cases where consensus between the residents is not possible, for example if they do not know</p>	<p>There was concern from stakeholders about the exercise of discretion by the Chairman and how fair this would be given the</p>

Appendix 1 – Engagement sessions undertaken and options appraisal

Option	Advantages	Disadvantages	Feedback from stakeholders
<p>themselves who will make a verbal representation (unless they cannot reach agreement in which case the Chairman will use his/her discretion to determine who should be allowed to speak); and</p>		<p>each other or have differing opinions on the application, and as such they may not reach agreement on who should speak on their behalf.</p> <p>Where agreement cannot be reached on a nominated spokesperson, use of the Chairman’s discretion could leave the Council open to legal challenge by those residents who have not been selected to speak as they may feel that they have been treated unfairly and their concerns are not shared by the speaker chosen by the Chairman.</p> <p>This option also creates logistical issues as the residents requesting to speak would need to meet/liaise with each other before the Committee to nominate a spokesperson and it would not be appropriate for the Council to share their contact details with each other due to GDPR</p>	<p>Council’s commitments to an open and transparent planning process.</p>

Appendix 1 – Engagement sessions undertaken and options appraisal

Option	Advantages	Disadvantages	Feedback from stakeholders
		data protection issues without prior agreement.	
4. Speaking slots are allocated based on a resident's proximity to the application in question.	<p>Simple method</p> <p>Unambiguous for members of the public</p>	<p>It does not take into account all the complexities of a planning application: for example, a resident may be impacted visually by a development but is not living as close to it as someone who is not as visually impacted by it.</p> <p>This option could leave the Council open to legal challenge as those residents who have not been selected to speak may feel that they have been treated unfairly and have not been given the opportunity to engage nor represent their views.</p>	The majority of stakeholders opposed this option.

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City of Westminster

PLANNING APPLICATIONS SUB-COMMITTEE PROCEDURE RULES

1.0 General

1.1 These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.

1.2 In the case of items which have previously been deferred by the Planning Applications Sub-Committee and where no new evidence is to be tabled, speakers will not be allowed to make further representations at Committee.

PROCEDURE PRIOR TO THE MEETING

2.0 Registration to Speak

2.1 Members of the public who wish to make representations to the Committee must register to speak by 12pm on the Friday (or two working days where the meeting is held on a different day) immediately prior to the meeting. This applies to those wishing to speak against the application, the applicant who may wish to speak in support of their application, other persons wishing to speak in support of the application and a representative of the local Recognised or Semi-Recognised Amenity Society. Ward Councillors and /or Members of Parliament who wish to speak on an item are advised to adhere to the same deadline. The maximum number of speakers on each item is limited as follows:

- **Planning (Major) Applications Sub-Committees:** a maximum of two speakers in support of the application (with one of these slots reserved for the applicant or their nominated spokesperson) and two against. In addition, there be a separate slot for the recognised and/or semi-recognised amenity society and a further slot for the relevant Ward Councillors should they wish to speak.
- **Planning Applications Sub-Committees 1, 2 and 3:** a maximum of one speaker in support (normally the applicant or their nominated spokesperson) and one speaker against. In addition, there be a separate slot for the recognised and/or semi-recognised amenity society and a further slot for the relevant Ward Councillors should they wish to speak.

2.2 If the number of requests to speak either in support or against the application exceeds the number of public speaking slots outlined above, potential speakers will be encouraged to discuss in advance of the meeting whether they wish to either nominate a speaker who will make a verbal representation on their common behalf or to share the total time allocated to speakers making representations either for or against the application, as the case may be. The Committee and Governance Services Team will contact the relevant parties on the Friday afternoon immediately after the registration deadline and seek their agreement for their contact details to be shared with the other parties in advance of the meeting (this agreement is necessary in order to avoid concerns regarding data protection). The nomination of the

spokesperson or clarification that the time will be shared between the speakers would need to be received by the Committee and Governance Services Team by the following Monday at 12pm (i.e. the day immediately before the Committee meeting). Where agreement cannot be reached between the parties on a nominated spokesperson (for example where objectors have different concerns) or for the time to be shared; it is proposed that the Chairman, in conjunction with the Presiding Officer, may choose to agree to a random selection process (a ballot) to determine who will speak.

2.3 The Council's Committee and Governance Services Team will notify those parties who are eligible to speak and notify the other interested parties that they will not be permitted to speak however they can attend the meeting to hear the discussion. Interested parties may also wish to contact their Ward Councillors and request that they make representations on their behalf however if such requests by Ward Councillors are made after the Friday deadline they will need to be submitted directly to the Chairman for agreement. Committee and Governance Services will provide the final list of speakers to the Committee Chairman and presiding officer by close of business on Monday (the day immediately before Committee).

2.4 The period for registration of interest in speaking will only commence after the case has been listed on a Committee agenda, published online 5 working days in advance of the meeting (i.e. any requests to speak included in a written representation on the application or direct contact with officers or Members will not override the formal registration process). The case will not be deferred to another Committee date if an interested party is not available to speak at the Committee meeting however they may ask a representative to speak on their behalf if appropriate.

3.0 Documents & Written Representations

3.1 Written representations received prior to the completion of the committee report will be referred to within the report. Representations received after the report is published will be reported verbally to the Planning Applications Sub-Committee, with copies of the representations sent to the Committee Members at close of business on the Thursday immediately prior to the Committee meeting where received by the planning case officer by 2pm that day and copies of any further representations received by the planning case officer after this time but in advance of the meeting will be presented to the Committee Members at the meeting.

3.2 Registered speakers (including the applicant), the Recognised or Semi-Recognised Amenity Society and Ward Councillors may only make verbal representations. No further written representations may be presented at the meeting and it will not be possible to use visual presentations to show photographs, drawings or other materials.

PROCEDURE DURING THE MEETING

4.0 Chairman's introduction

4.1 The Chairman will introduce the officers and Committee Members. The meeting shall only take place if it is quorate⁽ⁱ⁾.

5.0 Agenda Order

5.1 Agenda items will be heard in accordance with the order advertised on the agenda, however the Chairman will normally request that the agenda order be altered where interested persons/organisations have registered to make verbal representations on an application.

6.0 Apologies

6.1 The Chairman will report any apologies received or substitutions made to the Committee membership⁽ⁱⁱ⁾.

7.0 Declarations

7.1 The Chairman will ask the Committee Members and any visiting Ward Councillors whether they have any interests to declare in accordance with the Code of Conduct. Members will state clearly the nature of any interest and whether the interest is 'personal', or 'personal and prejudicial'. Committee Members with prejudicial interests will be required to leave the room for the duration of the relevant item, though they may make representations to the Committee before leaving the room.

8.0 Minutes

8.1 The Chairman will ask the Committee whether the minutes of the previous meeting can be signed as a correct record of proceedings⁽ⁱⁱⁱ⁾.

9.0 Officer's Presentation

9.1 At the beginning of each substantive item, the planning officer will provide a brief introduction to the case using drawings, photographs and other documentation as may be necessary, summarise the key issues for consideration and refer the Committee to any late amendments to the report.

10.0 Representations

10.1 The Chairman will invite those registered to make representations to the Committee to speak. Those speaking in support of the application (namely the applicant followed by any other supporters) will be heard first, followed by those speaking against the application. The local recognised or semi-recognised Amenity Society will be asked to speak next and interested local Ward Councillors or Members of Parliament will be heard last.

10.2 Each speaker will be allowed three minutes to make representations (except where the number of requests to speak either for or against the application exceeds the designated number of speaking slots and parties have agreed to share the maximum time allowed for speakers for or against the application), after which time they must then re-take their seat in the gallery. In the case of Ward Councillors, they may sit adjacent to the Committee). Representations must relate to material planning considerations, they must pertain to the item before the committee and in general no new issues beyond those raised in the written submissions already made in respect of the planning application should be raised.

11.0 Officer's response

11.1 When the Committee has heard from all of the speakers on an item, the planning officer will respond to any new issues raised by the speakers. Committee Members may put questions to the planning officer (and other Council officers present) in relation to the details of the case, the issues raised by the speakers and the officer's recommendation. The planning officer may provide further clarification relating to the application, planning policies, procedures and legislation, where necessary.

12.0 Views and Voting

12.1 When no further questions are to be put to the planning officer, the Chairman will then ask Committee Members to discuss their views on the application.

12.2 If a Committee Member proposes a decision be taken which is contrary to that recommended by the planning officer; proposes additional conditions or informatives be attached to a decision; or proposes deferral of an item, the Committee Member must state clearly the reason for this proposal.

12.3 Once any conflicting views have been heard, and in the advance of the main (substantive) vote, the Chairman may propose that the Committee vote on the addition of conditions, informatives or reasons for a decision, where necessary.

12.4 The Chairman will then propose that a substantive vote is taken. All decisions are reached by a majority vote. In the event of a tie the Chairman will have a casting vote.

12.5 Once the substantive vote has taken place, the Chairman will verbally summarise the decision, which will be minuted by the Committee and Governance Services Officer.

13.0 Disturbance to the Committee

13.1 During the meeting, members of the public will not be permitted to make representations from the public gallery and notes must not be passed from the public gallery to the Committee table. Members of the public or Councillors may be asked to leave the room if they cause disturbance to the process of the Committee.

14.0 Application of Procedure Rules

14.1 These rules should be read in conjunction with the Council's Constitution.

14.2 The above procedure rules will be reviewed from time to time and may be varied at the discretion of the Chairman in the case of extraordinary circumstances.

(i) In order to be quorate, a minimum of three members must be present at the beginning of the meeting for the Planning (Major) Applications Sub-Committee and a minimum of two members must be present at the beginning of the meeting for Planning Applications Sub-Committees 1, 2 and 3.

(ii) Members of the Planning Committee who are unable to attend the meeting may send a substitute if they have notified Committee and Governance Services prior to the meeting.

(iii) In the case of factual errors, any proposed amendments to the minutes must be seconded and carried by a majority vote to become effective. The minutes are summary of the proceedings of the meeting and not a verbatim transcript.

List of Recognised and Semi-Recognised Amenity Societies:

https://www.westminster.gov.uk/sites/default/files/list_of_amenity_societies_in_westminster2018.pdf