



City of Westminster

# Committee Agenda

Title: **Business and Children's Policy and Scrutiny Committee**

Meeting Date: **Monday 1st February, 2021**

Time: **6.30 pm**

Venue: **This will be a virtual meeting**

Members:

<b>Councillors:</b> Geoff Barraclough Richard Elcho Christabel Flight Lindsey Hall Aicha Less Eoghain Murphy Tim Roca Karen Scarborough	<b>Elected Voting Representatives:</b> Ryan Nichol, Parent Governor Vacant  <b>Co-opted Voting Representatives:</b> Alix Ascough, CE Diocesan Rep Marina Coleman, RC Diocesan Rep  <b>Non-Voting Co-opted Representatives:</b> Mark Hewitt, Headteacher, St John CE Primary School Wasim Butt, Principal, Beachcroft AP Academy
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**Members of the public and press are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda**

[Link to live meeting](#)



**This meeting will be live streamed and recorded. To access the recording after the meeting, please revisit the link.**



**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, Artemis Kassi ([akassi@westminster.gov.uk](mailto:akassi@westminster.gov.uk)).**

**Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

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

## **AGENDA**

### **PART 1 (IN PUBLIC)**

#### **1. MEMBERSHIP**

To note any changes to the membership and to elect a chairman.

#### **2. DECLARATIONS OF INTEREST**

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

#### **3. MINUTES - TO FOLLOW**

To agree the minutes of the meeting of the Community Services, Business and Planning Policy and Scrutiny Committee held on Monday 9<sup>th</sup> November 2020.

#### **4. UPDATE FROM THE CABINET MEMBER FOR BUSINESS AND PLANNING**

**(Pages 5 - 14)**

Councillor Matthew Green, the Cabinet Member for Business and Planning, to provide a verbal update and outline of his portfolio to the Committee on current and forthcoming issues in his portfolio and to answer questions from Members.

#### **5. UPDATE FROM THE CABINET MEMBER FOR YOUNG PEOPLE AND LEARNING**

**(Pages 15 - 20)**

Councillor Tim Barnes, the Cabinet Member for Young People and Learning, to provide a verbal update and outline of his portfolio to the Committee on current and forthcoming issues in his portfolio and to answer questions from Members.

#### **6. REPORT ON THE COUNCIL'S ROLE IN SUPPORTING NEIGHBOURHOOD FORUMS IN DEVELOPING NEIGHBOURHOOD PLANS**

**(Pages 21 - 52)**

To receive a report on the Council's role in supporting neighbourhood forums in developing neighbourhood plans.

**7. WORK PROGRAMME REPORT FOR 2021 - TO FOLLOW**

To review the work programme for this committee for the remainder of the municipal year.

**8. ANY OTHER BUSINESS**

**Stuart Love  
Chief Executive  
22 January 2021**

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City of Westminster

## Business and Children's Policy Scrutiny Committee

**Date:** Monday 1 February 2021  
**Portfolio:** Business, Licensing and Planning  
**The Report Of:** Councillor Matthew Green, Cabinet Member for Business, Licensing and Planning  
**Report Author and Contact Details:** Chloe Baker, Cabinet Officer  
[cbaker@westminster.gov.uk](mailto:cbaker@westminster.gov.uk)

### 1 Business and Enterprise

#### West End Recovery

- 1.1 Work has commenced on the economic recovery of the West End, as part of the City for All ambitions to revitalise and restore economic opportunity and prosperity in the West End, following the COVID-19 Pandemic. Through collaboration with major partners, such as London and Partners (L&P) and local Business Improvement Districts (BIDs), a number of projects have started to be scoped to feed into this wider ambition.

#### West End Pop-up Project

As part of the recovery ambition, work has begun to identify vacant units in key shopping and tourist districts of the borough to foster exciting opportunities for businesses to host "Pop-ups."

- 1.2 Introductory meetings with Westminster's BIDs have been held to ensure that our approach is aligned to each BIDs' vision, existing frameworks and future schemes. Based on these discussions, we have started to work on the development of context responsive activation concepts that will enable the creation of differentiated approaches for each area. Our aim is to provide each BID with a targeted series of Pop-up proposals that address each area as a whole and captures its character and unique qualities. We have worked closely with HOLBA and have developed activation concepts that align with their Art of London and Cultural strategies.
- 1.3 We are working with the BIDs and stakeholders including The Crown Estate to identify the units that are suitable for pop-up activity. NWECC have conducted a voids audit which they are continually reviewing and discussing options with property owners to identify the sites that can be earmarked for pop-up uses. Marble Arch and Paddington BIDs have already identified eight vacant premises that subject to property owner agreement can be activated with pop-up ventures. HOLBA are working on a void analysis to identify suitable premises which will help us to determine the activation concept that will fit best

based on each premise's location, size, and use class.

- 1.4** Our approach and the timing of implementation will need to be incredibly flexible as the extent to which we can implement pop-up activity will be wholly directed by the path of the pandemic and associated lockdown/Tier arrangements in place at any given time. A somewhat steady state needs to be reached to give pop-up occupiers the best chance of success. As such, we are currently working to a revised end of April/beginning of May target date.

#### Westminster Investment Service

- 1.5** A key priority as part of the recovery ambition is to encourage new investors, both internationally and domestically, to choose Westminster as a home for their business, paying particular attention to businesses who may have previously not considered Westminster as an option. The second strand of this programme will focus on Westminster's indigenous businesses, with the aim to provide wrap around support and tailored expertise to keep their businesses viable during this period of uncertainty. A 'Concierge Service' for new investors and already established businesses will feed into this provision of support.
- 1.6** A timeline for priorities and delivery between January to March 2021 has been scoped, outlining the early priorities to be delivered. Work is underway with each BID to identify key collateral and messaging to feed into the overall Post-COVID West End Vision and investment proposition, with a series of neighbourhood and district profiles, characterising the individual assets of each locale.
- 1.7** Following the Lord Mayor's confirmed interest in supporting this programme, discussions have taken place with the Lord Mayor's office to identify a number of forthcoming and annual civic engagements which will offer opportunities to promote the new investment service. This includes events and meetings with London's Embassy network. A plan identifying these opportunities and proposed timelines is now in preparation.
- 1.8** *The Westminster 100* will identify and pro-actively engage with Westminster's most strategically significant employers, ensuring a two-way relationship of intelligence sharing and support. Following a team workshop on the Westminster 100 on 15 January, wider internal consultation will take place on the draft list. Protocols and CRM arrangements, including the initial outreach to the Westminster 100, are in development. This will include consultation with the Cabinet Member and WCC Senior Leaders to encapsulate existing relationships and strategic management of the most significant companies.
- 1.9** A workshop has been held with London & Partners specifically on the West End Future Occupiers Programme while offering an opportunity to discuss the overall input of the Westminster Investment Service to the ongoing work of London & Partners' inward investment function. This has identified the roles and responsibilities of WCC and London and Partners from a programming and investor perspective, including how these roles dovetail to the BIDs and landowners as key partners. Roles and responsibilities have been mapped diagrammatically across the 6 phases of the Investor Journey as follows: pre-journey, live enquiry, pitch, location, settle and growth to show each partner's added value to investor requirements.

#### Westminster Animation Strategy

- 1.10** We will also be leading a process to pull together an animation strategy – with a strong focus on delivery – for the next two years for the West End. This will build upon work already

carried out by HOLBA and is strongly supported by HOLBA and NWEA. The purpose will be to situate well known events in a broader canvas of eye-catching and surprising opportunities that position the West End as an imaginative, world leading and adaptive city centre.

- 1.11** Our planned arts festival, *Inside Out*, will also go ahead this year, following postponement in 2020, providing visitors the unique opportunity to sample our cultural institutions. Government COVID-19 restrictions permitting, the festival include a light display, outdoor performances and an outdoor gallery.

## **Employment Opportunities**

### Kickstart

- 1.12** This is a joint initiative led by the Business & Enterprise Service and Westminster Employment Service. On 30 December 2020 we were notified our Kickstart funding bid has been approved by the Department for Work and Pensions (DWP) for the City Council to become a Kickstart employer, we are also listed as an official gateway to act as an intermediary for SMEs wishing to participate in Kickstart but unable to commit to the required 30 jobs to hold a direct grant agreement with DWP.
- 1.13** Westminster City Council (WCC) will lead by example in creating an initial minimum of 30 high quality, London Living Wage Kickstart jobs for 16-24-year-old residents in receipt of Universal Credit, within WCC. It is anticipated that interest in this programme and the ambition of the City Council will be to grow the number of Kickstart job opportunities with the City Council substantially. We hope to work with the Council's supply chain, partners, developers and SME and Micro businesses in the local business community to encourage them to create Kickstart jobs within their own organisations as part of our intermediate employer partnership.
- 1.14** Our Kickstart offer will contribute to the council's ambition to increase the proportion of Westminster residents amongst our workforce by working with DWP to ringfence our Kickstart opportunities to eligible Westminster residents. We will also ensure it reflects the council's commitment to building an inclusive culture and increasing the diversity of our workforce by working with DWP to ensure roles are designed and recruited to through inclusive recruitment practice and the achievement of diverse and inclusive shortlists of candidates suitably supported and prepared to apply for these opportunities. Furthermore, we will set diversity and inclusion targets for the programme which WCC and DWP will develop a partnership approach to meeting.

### Westminster Employment Service

- 1.15** The team's current focus is working with the NHS to support recruitment of over 220 roles to support the mass vaccination programme in Westminster and RBKC. The testing sites will be in Edgware Road, Marble Arch (Westminster) and Exhibition Road (RBKC). The Westminster hubs are scheduled to open on the 1 February 2021.
- 1.16** All roles are paid at rates above the London Living Wage and are for varied shift patterns - part time and full-time roles are available. To date we have received over 500 applications which the whole WES team is assessing for the NHS. Suitable candidates will be screened and uploaded on to the NHS system by 22 January and notified by the NHS if successful.
- 1.17** Other emergency response roles and recruitment which WES is supporting is for Mass Testing Roles (above London Living Wage). The team has supported 39 residents into roles to date, including 13 long-term unemployed. Currently, the majority of onsite staff

in symptom-free testing centres are Westminster residents, with some volunteers and WCC Public Protection and Licensing staff supporting.

- 1.18** One of the residents who had been out of work for 8 years said, “Thank you for selecting me for the test processor job. I found the job interview process was fairly easy and I was selected for the position quickly. As I haven’t been working for a while I was very excited to start the job. so far it’s been great helping the community and I am enjoying it very much.”
- 1.19** Through the roles with the NHS and profiled outcomes for residents, the Service anticipates achieving our job target for the year which is to support 350 residents into employment.

### Westminster Wheels

- 1.20** In December, four trainee mechanics completed their first period of work and City and Guilds qualifications. All of the team are 18 and 23 and from Westminster – two participants are BAME; one participant is a care leaver; two have complex family backgrounds, one participant has a learning disability. All trainees have been loaned a bike and provided with cycle safety training. As further suitable donations come in, they will refurbish their own bike to keep.
- 1.21** The 5<sup>th</sup> member of the Wheels team – our courier - is placed in the North Paddington Foodbank. He is supporting in their warehouse. We are using the newly purchased electric cargo bike to deliver food to low income families whilst helping the foodbank to avoid congestion charging, rental fees for vans and reduced carbon emissions.
- 1.22** With a team now in place, our target is to refurbish and donate 120 bikes in the next quarter. We are developing donation criteria with existing “hardship” programmes within Westminster to ensure our process is fair and transparent. We will be focused on criteria that promote: cycling participation in under- represented groups; cycling for health; for commuting to training and employment. The latter will be the immediate focus during lock down, to enable people to commute without use of public transport
- 1.23** In response to a review of our 1st cohort recruitment and the current lock down, we have revised the process for the next spring cohort with more online assessments (1-2-1), followed by practical assessment in late February. 6 people will be selected for the City & Guilds training running from the 8 March to 29 March and employment opportunities with the team will start from the 30 March. We are continuing to prepare our site on Church Street, with electrical safety works completed. We anticipate that this new workshop and retail space will be fully open in mid-February.
- 1.24** In December, we reached out to local groups and the Church Street Community Champions within the Church Street area. Through this, we were able to donate 3 children’s bikes to the Marylebone Bangladeshi Society and an adult bike for use by one of the local community champions.

### **WAES**

- 1.25** This year WAES launched a refreshed community learning programme that focussed on expanding its reach into communities, particularly those most impacted by COVID19. The delivery has the following target areas:
- Employability
  - Digital Skills

- Health and Wellbeing
- Literacy/Numeracy
- Creative and Arts
- ESOL

**1.26** From October onwards, good progress had been made in re-engaging residents in these community-based programmes. However, the venue restrictions that were introduced in the latter part of 2020 and the current lockdown and has significantly impacted on the number of residents able to engage in learning. In term 1, we engaged with and delivered community learning to 431 residents, whilst this is positive for those that are engaging, this represents a reduction of 150 residents compared to the same period last year prior to Covid-19.

#### Accredited and employability programmes

**1.27** The majority of our mainstream accredited programmes recruited strongly in September, with 90% of targets on programme in term 1. A key focus of our accredited programmes is to help residents to gain the skills required to support the rebuilding of the economy and gain access to employment opportunities in relevant sectors. A significant development this year has been the collaborative work that we have undertaken in partnership with the Westminster Employment Service and the Department for Work and Pensions. This has enabled us to deliver short intensive employability programmes for residents, with most of them securing employment at the end of their programme through the support received from the WES Employer Relationship Manager and the Employment coaches.

**1.28** From 5 January 2021 all learning at WAES went back online in response to the lockdown and government guidance. WAES was better prepared and had already ensured that current learners had experience of online learning, so that it would be easy to make the transition. However, many of the learners studying at WAES have primary and secondary school aged children, who are now being home-schooled. This has impacted their attendance to their online lessons. In addition, some new learners that were due to start in January have not been able to join their programmes due to a lack of IT equipment.

**1.29** The employability programmes that were due to start in January have been deferred to February as many of these are for learners who also have no IT skills or equipment. However, from those that attended our public sector course in October and November, eight have entered employment at the Mass vaccination centres and one person has started work with WCC. We will resume these programmes as soon as restrictions are eased.

**1.30** WAES is taking an active in part in both the recruitment, induction and training of those that join the City Council's employment through the Kickstart scheme.

#### Apprenticeship Offer

**1.31** WAES has a redefined apprenticeship offer, which is currently recruiting new apprentices this year. There are currently new cohorts starting the Librarianship Apprenticeship. In addition, new apprentices for the Outdoor Activity Leadership have been signed up with Sayers Croft. The first group of libraries apprentices are due to complete and finish in March and are all employed in the City Council libraries.

**1.32** From our recent sector based work academy in November which had 8 residents training in construction, 3 of those have secured apprenticeships with Morgan Sindall. Others are working with WES on securing permanent employment.

## **2 Licensing**

- 2.1 The portfolio has now widened to merge licensing with existing business and planning responsibilities to ensure that our major regulatory functions are able to respond agilely to the difficult circumstances many businesses in the city are facing.

### **Licensing Policy**

- 2.2 The revised Statement of Licensing Policy, which was agreed by Full Council on the 9 December 2020, came into effect on the 7 January 2021. The revision to this policy was intended to implement the findings from the Council's Cumulative Impact Assessment, which has recently been published as well as provide a general update and minor improvements to the policy framework.
- 2.3 The Policy approach has generally remained unchanged. However, following the findings of the Cumulative Impact Assessment Queensway/Bayswater, Edgware Road and the area to the East of Covent Garden are no longer designated as Cumulative Impact Zones. The policy now only has one Cumulative Impact Zone in the West End. A new policy will now be applied to areas that were previously designated as Cumulative Impact Zones or have been identified with heightened levels of incident rates surrounding licensed premises. These areas have been designated as Special Consideration Zones and applicants will be expected to demonstrate that they have taken into account the issues in the area and put forward mitigation to address them for their own premises. Due to the impact of COVID-19 on the hospitality sector it is intended to undertake a further review of this policy within the next 12 to 18 months.
- 2.4 Over the next 6 months officers we will work on producing Supplementary Licensing Documents (SLD) that will further achieve the City for All milestones and sit alongside the Council's Statement of Licensing Policy. The SLD will provide greater clarity on the technical requirements to meet aspects of the policy, provide best practice examples or initiatives that can be employed by individuals or groups of businesses and set out enhanced businesses practices that the Council would like to see which cannot be imposed or enforced under the licensing regime, e.g. environmental practices. However, the SLD's will not implement further or amend existing policies within the Statement of Licensing Policy.

### **Street Entertainment**

- 2.5 Following two years of engagement with stakeholders and the community and including two public consultations (where collectively c.1700 responses were received), the finalised Policy has been drafted. The policy includes:
- Our City wide code of conduct: which is a set of clear guidelines on what the council considers as responsible busking
  - The Busking and Street Entertainment Forum: which would become the direct avenue for our ongoing engagement with the busking community
  - Our support for Street Performers' Associations (SPAs): who can play a vital role in managing performance activities, as well as engagement with the wider busking community
  - Maps of the regulated area for licencing: across the centre of the City
  - 26 designated pitches: within the regulated areas
  - The Standard Licence conditions: and pitch terms and conditions
  - The Application process: including the procedure to vary the standard conditions
  - And our commitment to keeping the policy under close review: during and after the first full calendar year of implementation

- 2.6** Following approval at Full Council on 9 December 2020, the final consultation (a legal requirement) commenced on 10 December, where representations to be heard from stakeholders and statutory agencies who may wish to provide comment or object for operational reasons against the streets to be licensed under the scheme.

The Consultation is running until 31 January 2021. A report on the results will then be brought to the Cabinet Member for consideration on any amends

- 2.7** Following this, the report shall be heard by the March Full Council and they will decide whether to agree amendments and adopt the Policy. If this decision is made, the council must allow for a 28 day notice period before implementing the scheme. Implementation is therefore anticipated on 5 April 2021.

#### The impact of Covid-19

- 2.8** Busking and street entertainment has been significantly affected by the Covid-19 pandemic, with the necessary containment measures leading to the suspension of activities for many months. As social distancing rules are adapted based on current risk level, widespread uncertainty remains and footfall from those who work and visit our City remains lower than typically expected.

- 2.9** Whilst the Council considers not only the financial impact on the buskers and street entertainers who cannot recover loss in earnings, and the wider social impact on the art and culture industry as a whole, it however cannot be ignored that adverse impacts as a result of busking and street entertainment continue to persist. 505 complaints have been received since April 2020 lockdown and social distancing measures were introduced and continues to drive our need for control and regulation to ensure those who live and work here are protected from adverse impacts particularly as our City and economy begins to recover.

- 2.10** Irrespective of the Council's proposal to introduce a policy, buskers and street entertainers (as well as their crowds) must ensure they comply with the social distancing guidance set by government or risk police enforcement action under the Coronavirus Act 2020.

## **3 Planning**

### **City Plan**

- 3.1** Following the public hearings in October 2020, the Planning Inspectors concluded that the Plan can be found sound with proposed modifications. Public Consultation on the main modifications that the Inspectors consider necessary launched on 31 November 2020 and closed on 18 January 2021.

- 3.2** The Inspectors will consider the consultation responses and determine if further amendments to the plan are required. We expect to receive the Inspectors' final report in February 2021, closing the examination. Once the examination is closed, the Plan can start to be used to determine planning applications. The Plan will be formally adopted at the next Full Council.

### **Place Shaping**

#### Future Victoria Master Plan

- 3.3** In October 2019, the Victoria Partnership, formed of Westminster City Council, Victoria Business Improvement District, Network Rail, the Greater London Authority, Transport for London and landowners, appointed a multi-disciplinary team tasked with delivering the 'Future Victoria' masterplan.
- 3.4** The core objective of this commission is to develop a concept level masterplan that ensures the challenges linked to the station area are considered as a whole and a framework can be agreed that guides future development. This commission will set out what future development within the opportunity area may look like and how additional benefits can be unlocked to respond to the three pillars of City for All. The projects key aims are:
- Make the station and interchange easier to use
  - Improve the quality of the streets and spaces around Victoria Station
  - Set out a framework which guides good growth so that it brings benefits to the area
  - Enhance perceptions of Victoria, making it a place that you want to go to
- 3.5** Work has progressed over the lockdown period to resolve some of the viability and technical challenges that this project presents; notably how improvements can be made to the transport and movement network, how the station and interchange can become more intuitive and where initiatives can be introduced to address the Climate Emergency. Work on these items are due to complete in March 2021.
- 3.6** At this point there will be a pause to allow the Victoria Partnership to consider how stakeholder engagement, that has been interrupted by Covid-19, can safely resume. This is essential to ensure that the ideas and proposals within the emerging masterplan are tested for alignment with local appetite and ambition.

#### Greening Victoria Street

- 3.7** The Place Shaping team are working alongside key stakeholders on the delivery of 'greening' across Victoria Street. There is political appetite to see improvements delivered at pace, working towards City for All objectives (in particular Cleaner and Greener) and Climate Emergency targets.
- 3.8** The Place Shaping team are in the process of appointing a consultancy team to develop a strategy for how greening across the area can be introduced whilst also developing initial 'quick-win' projects on key Victoria Street sites that are capable of immediate delivery; inspiring and kick-starting wider environmental improvement. WCC will be working with various stakeholders, from landowners to resident groups, to encourage outside investment and help facilitate greater ownership over aspects such as long-term maintenance. It is intended that a consultant will be appointed by February 2021 with initial greening projects delivered on key sites by May 2021.

#### Harrow Road Place Plan

- 3.9** The Place Shaping team are continuing to develop several projects emerging from the Harrow Road Place Plan. Of particular focus is the delivery of projects relating to our successful Good Growth Fund application; each of these projects are being pursued as they will directly respond to all three pillars of the City for All programme.
- 3.10** In early 2020 WCC secured £900,000 towards the delivery of Harrow Road Place Plan from the Greater London Authority's Good Growth Fund. This funding is being matched by WCC to provide a total project budget of £1.8m. The COVID-19 pandemic has resulted in a significant delay to the original programme, but the team have now commenced a

procurement exercise that will see, an architect-led, consultant team appointed to the project by late March 2021.

- 3.11** To begin with, the consultant team will work alongside WCC and local stakeholders to draw together a wealth of existing work into a holistic and coherent masterplan. This will provide a clear framework for delivering improvement across the area and help coordinate input across council departments and amongst the community.
- 3.12** Once this strategic work is completed, the consultant team will be tasked with the detailed design and delivery of three key projects that have the potential to catalyse wider neighbourhood improvements. The first focuses on Maida Hill Market whilst the second and third sit at intersections of the Harrow Road, where the high street meets the Paddington arm of the Grand Union canal.
- 3.13** These projects will build on ambitions of key stakeholders including Queens Park Community Council and Paddington Development Trust and will take forward work that is already taking place on a vision for Maida Hill Market. This is being co-produced with local people and will be completed by the end of February 2020. The Place Plans governance structure will be reviewed as part of this process to ensure it is operating efficiently and inclusively.
- 3.14** There has been a delay to the WECH garden due to issues between WECH and its contractor, however we have been working hard to mitigate the delays. Whilst there is a time delay, the situation is not presenting WCC with any additional financial costs. We are liaising closely with WECH to understand how long the delay will be, but once the delay has been ended, the project will be 8 weeks away from completion.

#### Lillington and Longmore Community Centre Redesign

- 3.15** The objective of this project is to bring new life to the community centre, transforming it into a vibrant place that better meets the needs of the local area. This includes addressing key issues such as accessibility, letting in more natural light and natural ventilation, improving the offer to the community and contributing to wider wayfinding and sense of safety across the estate. The project has been heavily supported by ward councillors who have assisted the team in developing an estate-wide Community Survey to gain resident views and ideas to support the redesign. This insight has informed a brief that has been used to appoint an architect-led consultant team to develop the design alongside further engagement.
- 3.16** Design development and engagement will take place between January and March 2021. A planning application will be submitted in April 2021 and we are targeting Winter 2021 for starting on site with project completion in Spring 2022. Alongside the design work, the Place Shaping team will be working to identify and secure external funding to deliver the project on site.

#### **Operational**

- 3.17** The Town Planning department continues to function using digital tools during the ongoing period impacted by Coronavirus and this has allowed business to largely continue as usual in terms of assessing and determining applications. The latest national lockdown has necessitated a review of the site visit protocol and this now precludes visits in most circumstances until current restrictions are eased, at which time the protocol will be reassessed.
- 3.18** The impacts of Coronavirus are being taken into account when making planning decisions where these are a material planning consideration, for example when assessing proposals

that support entertainment uses, such as tables and chairs applications and physical alterations to buildings to allow businesses to operate in compliance with current restrictions.

**3.19** Town Planning are continuing to work collaboratively the City Plan team to assist with the development of planning policy and guidance to support the forthcoming new City Plan.

## WCC YOUNG PEOPLE AND LEARNING

### REPORT BY THE LEAD MEMBER

#### 1 SCHOOLS AND EARLY YEARS SETTINGS: OPENINGS AND ATTENDANCE

- 1.1 In line with government guidance, schools within the borough have remained open for children of key workers, vulnerable children and children who do not have access to a digital device or the internet. There is limited attendance data available for the first full week of school openings (4th January till the 8th of January), with provisional data indicating that 16% primary school students are attending on site. We are expecting to have a clearer picture of attendance from week commencing 18 January.
- 1.2 In line with government requirements, all schools have in place remote and home learning programmes for children and young people. The majority of pupils at primary and secondary schools will learn online until at least February half term. Families with questions about what provision is available for their children are being advised to contact headteachers and check the information on their school's website.
- 1.3 Since January the 5<sup>th</sup>, when schools closed to all pupils apart from the children of key workers, vulnerable children and children who do not have access to a digital device or the internet, all schools have provided materials for home learning. Westminster City Council has provided schools with a list of suggested resources and websites. Schools have learning platforms that all pupils can securely log into. This enables school staff to monitor access by pupils, check work completed and provide feedback. Parents are advised on the use of online learning. In addition to using a range of home learning materials, many schools have now established the use of on-line learning platforms (including Google Classrooms and Microsoft TEAMS). This facilitates 'real-time' teaching and learning by teachers.
- 1.4 The difference between this lockdown and the first is that our early years settings can continue to remain open. The current SAGE report indicates that the numbers of transmissions in these settings are very low, and on balance it is considered better for children's development that they remain open. The first week attendance data indicates that 33% of children on the existing roll are attending at these settings.
- 1.5 **Pupils with Special Educational Needs**, defined by the DfE as those children with Education, Health and Care Plans (EHCPs), are considered a priority for school attendance. This means that Special schools and Special post-16 settings continue to remain open. They continue to allow pupils to attend full-time or as per their usual timetable. The short breaks service at The Tresham Centre will also continue to remain open.
- 1.6 Where schools grant a leave of absence i.e. because the parent of a vulnerable child wishes for their child to be absent, they will first speak to parent/carers, or in some cases social workers, to explore the reasons for this and whether any adjustments could be made to support and encourage their attendance. Then if it is determined

that the leave of absence is appropriate, schools continue to ensure appropriate education and support while they are at home. Pupils with EHCPs who ordinarily attend mainstream schools are defined as vulnerable children and are therefore expected to attend full-time with the exception being those who are shielding or symptomatic and self-isolating or in quarantine.

## **2 FREE SCHOOL MEALS**

- 2.1 Free School Meals will continue to be provided, either through weekly food parcels or through voucher schemes. The national voucher scheme re-opened from the week commencing 18 January. Schools are able to continue to provide weekly healthy food parcels via their school catering contractors or to provide food vouchers via a local supermarket voucher scheme or via the national voucher scheme. Schools will receive funding from the DfE to support this.
- 2.2 We are seeking feedback from heads about the FSM options they are currently using and are planning to use moving forward. Based on feedback from schools we expect that the majority will move to a voucher system from w/c 18th January with the introduction of the national voucher scheme and/or continuation of local voucher schemes.
- 2.3 Westminster City Council will continue to support families eligible for free school meals during the February half term, as part of the government's Winter Covid Grant Scheme. Last year, the council announced a comprehensive £750k package to support families and vulnerable people who are in need. This support extends up until March, with free school meal vouchers being provided during February half term, as well as grants to low-income families and vulnerable people. During the Christmas holidays, the Council funded FSM food vouchers for 6706 eligible children and young people. We will support these children again over the February half term by making funding available to schools for the provision of FSM food vouchers. This will ensure thousands of families will get an extra £15 per child to reduce food poverty and support low-income households.

## **3 SUPPORTING VULNERABLE CHILDREN'S ATTENDANCE AT SCHOOLS: DIGITAL FUTURES PROJECT**

- 3.1 The Council and the Young Westminster Foundation are working in partnership to support disadvantaged children attending our schools to have better access to digital devices and stronger broadband connectivity.
- 3.2 During the first lockdown a total of 764 devices were distributed to vulnerable children and their families. Through the Digital Futures programme we have obtained a further 1135 devices that will be distributed throughout January. This is in addition to the 1028 devices allocated by the DfE directly to maintained schools. We have made sure that all children receiving a device have access to the internet in order to learn online.

## **4 EMOTIONAL WELLBEING AND MENTAL HEALTH OFFER**

- 4.1 The Council fully recognises the need to keep promoting our local emotional wellbeing and mental health offer effectively to children and young people, working in partnership with schools. We continue to work closely with our emotional wellbeing and mental health providers and wider stakeholders to continue to communicate our local offer to young people. Recognising that young people will seek and access support in different ways – we tailor and vary our communication accordingly.
- 4.2 Examples of this include but are not limited to:
- [Kooth](#), our online counselling and support provider, promoting their offer through various popular social media platforms.
  - Widely promoting accessible content such as our [knowing your mental health leaflet](#) through our various channels and out through our partners working directly with young people.
  - Branded, [online video platform](#) developed by our delivery partner *Mind*. The platform is populated with interactive video content on a range of mental health and emotional wellbeing topics (hosted on an online video site, like YouTube). There are embedded clickable quick response codes (QR codes) which will direct the viewer to associated digital handouts.
- 4.3 In these particularly challenging times, we are working closely with schools and youth providers to promote the available offer. We will continue to develop and expand our approach to promoting and communicating our offer to children and young people over the coming months.

## **5 18 TO 25 MENTAL HEALTH SERVICE PILOT**

- 5.1 Work continues to progress on the pilot of an integrated 18-25 year old service that will provide young adults with holistic support in the community from mental health practitioners and other workers. The support will encompass a range of needs, including employment, training, housing, substance misuse and mental health. We held our inaugural working group meeting with stakeholders before Christmas following many informal meetings. We have also commenced discussions with potential providers to test the market and have begun the drafting of a business case and commissioning strategy. This is taking place alongside engagement with key stakeholders and with young people.

## **6 LAUNCHING OF THE INCLUSION STRATEGY**

- 6.1 In recent years there has been significant national and local interest relating to school exclusions. Exclusion from school is increasingly recognised as an issue pertinent to child health and wellbeing. We know that particularly groups are disproportionately likely to be excluded from schools, these groups include; boys, children who are looked after, children living in poverty, children with SEN or those from certain ethnic minorities.
- 6.2 We have heard from schools, Children's Services colleagues, the Voluntary Sector, parents, children and others about what would we can do to promote inclusion in

schools and thereby make a real difference to some of our most vulnerable children and young people.

- 6.3 There are already extensive examples of good practice taking place to promote inclusion within in our schools. This strategy celebrates and builds on this work and will enable us to share inclusive practice. The Inclusion Strategy will set out how we will all work together as a local area to promote positive engagement in education, reduce rates of exclusion and improve outcomes for young people who have been or at risk of exclusion. It will be finalised this month and is due to be launched in March/April time. It will be complemented by an Inclusion Action Plan which will underpin and drive the delivery of the ambitions set out within the strategy.

## **7 SEND STRATEGY REFRESH**

- 7.1 The Westminster City Council Strategy for Children and Young People with Special Educational Needs and Disabilities (our 'SEND Strategy') was published in 2018. It is underpinned by a dynamic Action Plan which has, over the past few years, driven ongoing service improvements based on co-production and our desire to learn from the experiences of our local community and our aim to deliver outstanding services in an ever-changing landscape.
- 7.2 We are now updating the strategy and the refresh will take us to 2024, when the SEND reforms (under the Children and Families Act) will have been in place for a decade. Over the course of the next few months we will be engaging with a wide group of stakeholders, including parents/carers, children and young people, providers, third sector organisations and others, to review the progress that we have made since 2018 and to shape ambitious priorities for the 2021-2024 Strategy. We are aiming to launch the new strategy in September 2021.

## **8 WORKING WITH CHILDREN, YOUNG PEOPLE AND FAMILIES**

- 8.1 **Social Care** staff continue to support families during these difficult times. The response has been agile, creative and consistently focused on keeping children and young people safe. Our front-line workers have continued to visit those most at risk and multi-agency child protection conferences continue to be facilitated, albeit virtually.
- 8.2 Social workers continue to maintain high levels of contact with our looked after children and care leavers. We continue to work hard with foster carers and care providers to ensure they have access to the necessary support to promote safe and stable care environments for our young people. We are monitoring this on a weekly basis so as to provide additional support in a timely way as and when it is necessary.
- 8.3 **Family Hubs** are remaining open for walk-in support. There will be someone on reception, who can direct families to the appropriate help.

**Youth Clubs** in Westminster are providing a blended offer. There is currently some provision of online sessions and check-in phone calls and also some after-school provision for the children of key workers. Two of the Westminster clubs are considering opening for on-site activities to vulnerable children in bubbles.

- 8.4 In **Churchill Gardens**, a Financial Capability Officer (FCO) has been appointed since October 2020 and linked in with agencies in the Bessborough Family Hub and other partnerships on the estate. Communications have been produced to promote the service. The FCO has received referrals from formal services but also through links with local community organisations as well as self-referrals. The FCO is currently working with 10 families, having received 20 referrals. The majority of referrals have come from Rent Officers. Support provided has focused on dealing with debt, maximising income, rent arrears and budgeting. The work is continuing, subject to restrictions on face to face meetings resulting from the current lockdown.

## **9 CHURCH STREET TRANSITION PROJECT**

- 9.1 The Churchill Transition Project works with Year 6 primary school pupils in the Church Street area. It aims to build resilience and reduce youth violence. As part of the project, boys are supported with the transition to secondary school by the youth provider Future Men. Following the transition to secondary school last term of the previous cohort, the project is working with 14 more recent referrals from local schools and youth providers. A meeting with another local school in January is expected to lead to an increase in referrals.
- 9.2 Because of COVID restrictions, group work has not taken place. Support is therefore provided on a one-to-one basis, some of it taking place at local youth clubs. In addition to the usual concerns, children receiving support have other needs relating to the confusion, disruption of routine and isolation caused by the pandemic. The project takes a trauma-informed approach to addressing the anxieties and worries of the group.

## **10 DOMESTIC ABUSE: CAMPAIGNS AND FUNDING**

- 10.1 From the beginning of September 2020 to mid-January 2021, cases of Domestic violence have increased 4.56% in Westminster compared to last year's figures. Concerns and evidence of increased rates of Domestic Abuse nationally, WCC ran two publicity campaigns in March 2020 and November 2020, making it clear what domestic abuse is, where to report any concerns and the support that is available locally. Posters were distributed widely in GP surgeries, local shops and children's centres. In addition to the above campaigns, the Local Children's Safeguarding Partnership website provides information on how to report any incidents of child abuse.
- 10.2 Westminster has also provided local Domestic Abuse charities with grant funding to increase the capacity of their services in order to respond to increased demand and also increased complexity in the nature of cases over the next year. This is on top of

existing Council funded services which have continued to provide support to domestic abuse victims throughout the pandemic.

## **11 FALLING ROLLS IN PRIMARY SCHOOLS**

- 11.1 Addressing the continuation of falling rolls in primary schools is a priority for the Council. Approximately 6 forms of entry have been removed since 2018; this equates to 1,190 places across all year groups. Falling birth rates, and other attributing factors, such as Brexit, changes to how state benefits are paid and affordability has seen fewer families locating to Westminster. A variation of tried and tested projection models forecast a continued downward then stable trend for at least a further 5 years.
- 11.2 To support the School Organisation and Asset Strategy work, Schools Forum commissioned the ISOS Partnership to carry out a detailed analysis of school capacity and budgets in collaboration with schools, the Catholic and Church of England Diocese and Officers.
- 11.3 Further to the ISOS findings and subsequent report, a Strategic Working Group has been established to consider required action and the report recommendations that are then presented at each stage to Schools Forum for approval. The timeline of work will expect to see a final report for recommendations towards the end of the Summer term.
- 11.4 The key recommendation is the removal of 4 to 5 forms of entry by 2023. Options will range from reduction in capacity for schools that currently exceed one form of entry, amalgamation and school closure.

## **12 LIBRARIES**

- 12.1 Following the announcement of the third national lockdown, government guidelines have allowed libraries to remain open to provide a number of clearly defined essential services (as they were able to in the second lockdown). From the start of the current lockdown period, eight of our libraries have remained open with a service offer in line with current government guidelines which ensures that social distancing can be maintained, and our residents continue to have the opportunity to read, learn and connect.



## Policy and Scrutiny Committee

<b>Date:</b>	1 February 2021
<b>Classification:</b>	General Release
<b>Title:</b>	The council's role in supporting Neighbourhood Forums in developing Neighbourhood Plans
<b>Report of:</b>	Pedro Wrobel Executive Director Innovation and Change <a href="mailto:pwrobel@westminster.gov.uk">pwrobel@westminster.gov.uk</a>
<b>Cabinet Member Portfolio</b>	Cllr Matthew Green, Cabinet Member for Business, Licensing and Planning
<b>Wards Involved:</b>	All
<b>Policy Context:</b>	City for All
<b>Report Author and Contact Details:</b>	<b>Luke Ferguson</b> <a href="mailto:lferguson1@westminster.gov.uk">lferguson1@westminster.gov.uk</a>

### 1. Executive Summary

- 1.1. The council is committed to neighbourhood planning and its benefits and believe strongly that it is an important tool for allowing communities to have a say in how their area is shaped.
- 1.2. Neighbourhood planning was introduced by the Localism Act 2011 and gives communities statutory powers to shape the development of their local area. The council has a statutory duty to provide support to neighbourhood forums preparing neighbourhood plans.
- 1.3. The council has proactively encouraged and supported neighbourhood planning since the introduction of the Localism Act and dedicated resource towards helping forums. This is shown by successful examples of Plans going through examinations and having positive support at referendum. This report summarises how the council supports designated neighbourhood forums in carrying out planning activities and producing and adopting neighbourhood plans.
- 1.4. Designation as a neighbourhood forum (and therefore a mandate to develop a neighbourhood plan) lasts for five years. There are 12 existing neighbourhood forum designations in the city with another three forums which have recently expired but are going through re-designation (more information can be found on

our webpage '[Live Neighbourhood forum applications](#)'). Queens Park are designated as a Community Council and as such their powers to develop a neighbourhood plan do not expire. So far, two neighbourhood plans have been successfully adopted in the city, these are Knightsbridge and Mayfair, with two more currently going through examination (Soho and Fitzrovia West). The council is supporting many other forums that are coming forward and progressing with neighbourhood plans.

## 2. Key Matters for the Committee's Consideration

### 2.1. Internal processes to support forums

2.1.1. The council proactively encourages designated forums to carry out planning activities. We embrace our 'duty to support' forums as set out in statutory requirements. This includes two specific roles: taking decisions at key stages in the neighbourhood planning process; and providing advice and assistance to the neighbourhood forums preparing neighbourhood plans. Council officers in the Policy & Projects team provide advice and assistance in several ways:

#### **Advice:**

- Technical expertise (e.g. explaining how you can meet the legal requirements for neighbourhood plans; providing advice on policy writing);
- Critical friend (e.g. commenting on draft questionnaires, reviewing the draft plan).

#### **Assistance:**

- Process guidance (e.g. explaining the timescales and processes for examination and referendum);
- Point to evidence (e.g. population and housing evidence sources and data);
- Point towards further support and funding (e.g. connecting Forums with groups that are further ahead in the process).

2.1.2. The council corresponds with forums ensuring that they are aware of the tools available to them ensuring that they are able to make the most of their planning powers. The council carries out its 'Duty to support' by making key decisions within set timescales, such as designating (or re-designating) a forum, where the decision must be made within thirteen weeks of the start of consultation (as set out in legislation).

2.1.3. The Planning Policy team has assigned one 'lead officer' and one 'support officer' for each forum. This means that specific officers will work with the forums and become familiar with the plan they develop. This also helps the forum by having a direct contact that they can correspond with. The officers in the team can form a closer relationship with the forum and develop knowledge about the communities and areas that the forums represent.

2.1.4. Officers regularly update the neighbourhood planning section of the council's website with information on existing neighbourhood areas and forums (including contact details), live designation and plan consultations. An interactive neighbourhood planning map shows these designations. We have produced a bespoke Neighbourhood Planning Guide<sup>1</sup> (see Appendix A) which is available online to provide forums with information on what a neighbourhood plan should contain, how to begin work on it, manage expectations on timings for production of a plan and where the council can provide support. Some baseline statistics about each neighbourhood area is also provided.

2.1.5. Officers from the Planning Policy team attend the Neighbourhood "Forum of Forums" when invited, which is a meeting attended by the majority of forums and provides opportunity for open discussion of planning issues or any questions for the council. Previously officers have provided briefings on planning reform, neighbourhood CIL and the progress of the City Plan at these meetings.

## 2.2. Overview of support in developing plans

2.2.1. Before submitting the Plan to the council for examination, officers ask neighbourhood forums to share with them at least two drafts of their plan (informal and formal), for the council to provide written feedback and assess whether it meets the Basic Conditions. The Basic Conditions are requirements such as promoting sustainability and being in conformity with national policy and are set out in legislation. It is particularly important for officers to see the final draft before it is published for formal consultation to check these requirements are met.

2.2.2. The role of officers is to provide guidance to forums on how they can put their views and strategies into place in line with planning legislation and policy. Officers cannot draft the plan's policies on behalf of the forums, but can advise on:

- making best use of the evidence;
- what makes a good policy;
- where policy unnecessarily repeats local or national policy;
- the role of supporting text;
- the requirement for a Sustainability Appraisal;
- the need to gather more evidence to support the plan;
- addressing relevant EU obligations;
- the use of monitoring indicators;
- providing a health-check of the draft plan; and
- whether changes are needed to ensure the plan meets the basic conditions.

2.2.3. Neighbourhood Plans should be focused on the communities in the area and the local issues they have and should not unnecessarily repeat higher level strategic policy.

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<sup>1</sup> [https://www.westminster.gov.uk/sites/default/files/uploads/333\\_1\\_-\\_wcc\\_neighbourhood\\_planning\\_document\\_009.pdf](https://www.westminster.gov.uk/sites/default/files/uploads/333_1_-_wcc_neighbourhood_planning_document_009.pdf)

2.2.4. When the final neighbourhood plan draft has been consulted on, officers will also provide a response with comments on its policies and conformity with higher level plans such as the City Plan and London Plan. Lead officers will also incorporate feedback from other council departments such as Town Planning, Highways, Licensing, Events, etc.

2.2.5. Neighbourhood Plans must go through an examination similar to the City Plan to be adopted – i.e. they are assessed by an independent examiner appointed by the council in agreement with the forum. All Neighbourhood Plans must meet all of the basic conditions to be found sound by the Examiner. The basic conditions are set out in the NPPF (National Planning Policy Framework) and PPG (Planning Practice Guidance)<sup>2</sup>, as well as in legislation. They state that Plans should have a regard to national policies, have regard to preserving listed buildings, have regard to protecting conservation areas, contribute to sustainable development, conform with the local plan (Westminster's City Plan in this case) and does not breach any EU obligations.

### 2.3. Supporting the allocation of Neighbourhood CIL

2.3.1. The Community Infrastructure Levy (CIL) is a financial contribution paid by developers via the planning permission process, once a development commences. The CIL Regulations provide for a proportion of CIL collected in an area to be reserved for local communities to address impacts of development in the area. 15% of CIL receipts within the designated area are to be used for this purpose, rising to 25% when a neighbourhood plan is adopted, providing an incentive for local communities to develop neighbourhood plans.

2.3.2. Officers can provide guidance on how it can be spent and information is also provided online (<https://www.westminster.gov.uk/neighbourhood-community-infrastructure-fund>). Examples of the type of projects neighbourhood CIL can be spent on are:

- Prevention of crime and anti-social behaviour, e.g. CCTV installations
- Public Realm enhancements
- Transport/highways, e.g. junction improvements to improve pedestrian safety, electric charging rollout, cycle docking stations, bridge refurbishment /corrosion protection
- Open Spaces, e.g. WCC parks landscaping and play facilities upgrade, Paddington Rec upgrade
- Health facilities
- Sports & Leisure facilities
- Utilities/Waste, e.g. deep drainage improvements, Street Markets utilities improvements
- Feasibility studies and research to enable the identification of eligible infrastructure projects.

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<sup>2</sup> <https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum>

2.3.3. Projects are allocated funding by the council's Cabinet CIL Committee, following an application process. Allocations are made on a quarterly basis.

#### 2.4. Examples of previous engagement and work with forums

2.4.1. Knightsbridge Neighbourhood Forum was the first Forum to successfully 'make' (adopt) their plan following examination. Since then Mayfair has also made their plan and many other forums are showing good progress. Queen's Park, Fitzrovia West, Soho and Pimlico are all fairly advanced in their plan preparation.

2.4.2. Through regular contact and information sharing, we have developed very good working relationships with all of the active forums and they appreciate the time and effort put in by the council to support plan-making activities. Officers in Policy and Projects also make sure that forums are linked in with other relevant teams across the council to help develop policies or feed into council led projects in their neighbourhood area e.g. the highways or place shaping teams.

### **3. Challenges**

3.1. The council welcomes its neighbourhood planning responsibilities and understands the importance of the process in allowing communities to shape the future of their area. Nevertheless, there are challenges to ensuring that maximum support is given to forums developing plans.

#### 3.2. Time allocation and resources

3.2.1. The council strives to provide fair and equal support to each forum and dedicate sufficient time to developing neighbourhood plans, however, officers have a limited amount of capacity given other statutory responsibilities. These include the preparation of the council's City Plan and associated documents such as SPDs (Supplementary Planning Documents) or responding to government consultations. This is also compounded by the fact we have a high number of active forums compared with other local authorities which means a single officer can be responsible for a number of forums. This issue is managed proactively with officers informing the forums as early as possible if there are likely to be periods of time when officer availability will be affected.

#### 3.3. Forums' expectations of the council

3.3.1 Neighbourhood forums should be aware that there are limits to what the council can offer. For example, we should not be responsible for drafting the plan on behalf of a forum. This is because it is crucial that the plan represents local people and the policies must therefore be drafted from the views of the forum in consultation with the local community. The council will offer as much support as possible however officers cannot be expected to:

- Attend every meeting arranged by the forum
- Draft plan policies or lead on plan preparation
- Produce specific evidence base or analysis to support the plans
- Provide legal advice

- Assist in collating and analysing consultation responses
- Make comments at every stage of the plan making process where multiple draft plans are produced
- Promote the neighbourhood plan outside of the regulatory requirements
- Provide monetary assistance
- Set up external webpages

3.3.2 Neighbourhood forums can expect the council to:

- Provide advice on the key stages in the neighbourhood planning process
- Take key decisions in the process in a timely manner
- Provide advice on the evidence requirements to support policy development
- Provide advice on the effectiveness of draft policies and conformity with higher level plans
- Publicise formal consultations
- Make suggestions on the appointment of an examiner
- Arrange and publicise the referendum

**If you have any queries about this Report or wish to inspect any of the Background Papers, please contact the report author, Luke Ferguson**  
[lferguson1@westminster.gov.uk](mailto:lferguson1@westminster.gov.uk)

**APPENDIX:**

Appendix A: A Guide to Neighbourhood Planning in Westminster

A GUIDE TO

# NEIGHBOURHOOD PLANNING IN WESTMINSTER

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City of Westminster

January 2020

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# WHAT IS NEIGHBOURHOOD PLANNING?

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Neighbourhood planning was introduced in the Localism Act 2011; it is an important tool that gives communities statutory powers to shape how their local area develops. This guide explains how the neighbourhood planning system operates within the context of local, regional and national planning legislation. It outlines Westminster City Council's (WCC) role in supporting neighbourhood forums to prepare a neighbourhood plan and provides an overview of the entire process, from designation of a neighbourhood area to adoption of a plan.

## **What does this guide to neighbourhood planning do?**

- Helps you to identify whether a neighbourhood plan is the right fit for your community
- Outlines the neighbourhood planning process step-by-step
- Explains how the council will support neighbourhood forums in developing their plans
- Explains the legislation and regulations that defines your neighbourhood plan

For more advice and information on this guide, please contact us at [neighbourhoodplanning@westminster.gov.uk](mailto:neighbourhoodplanning@westminster.gov.uk). The guide includes a range of links to websites providing supporting information, data or guidance. These links are up to date as of January 2020.

# SECTION 1: INTRODUCTION

## What is a neighbourhood plan?

A neighbourhood plan is a community-led framework for guiding the future development, regeneration and conservation of a designated neighbourhood area. It is prepared by a local Neighbourhood Forum (or, where in place, a Community Council) and it sets out planning policies for the area that are used to determine whether to approve planning applications. The below diagram provides an overview of the neighbourhood planning process, which is explained further in [section 2](#) of this guide.



## A neighbourhood plan can be used to:

- Develop a shared vision for your neighbourhood;
- Choose where new homes, shops, offices and other development should be built;
- Identify and protect important local green spaces;
- Influence what new buildings look like; and
- Plan for the infrastructure needs of the area.

Before embarking on the neighbourhood planning process, you must understand what a neighbourhood plan can and cannot do.

What a neighbourhood plan can do	What a neighbourhood plan cannot do
Decide where and what type of development should happen in the neighbourhood.	Conflict with the strategic policies in Westminster’s City Plan and the Mayor’s London Plan.
Promote more development than is set out in Westminster’s City Plan.	Control development beyond planning matters e.g. street management.
Include policies that complement existing policies in the local plan for the neighbourhood.	Be used to prevent development that is promoted in the local plan.

Neighbourhood plans are optional. There is no legal requirement for a community to prepare a plan; the policies in the City Plan will still apply to your neighbourhood. If you are considering whether a neighbourhood plan is right for your area, reflect on whether your community has concerns relating to development and whether it has the volunteer capacity to create a plan. It can take between two to three years to develop a neighbourhood plan. The benefits and costs of creating a neighbourhood plan, and not relying solely on the City Plan to guide development in your area, are outlined below.

### Benefits of a neighbourhood plan:

- ✓ Gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area.
- ✓ Has statutory weight: planning applications are judged against the London Plan, the City Plan and neighbourhood plan together.
- ✓ Neighbourhood areas with a made neighbourhood plan are allocated 25% of Community Infrastructure Levy (CIL) receipts, instead of the default 15% (explained more in [stage 4](#)). The plan-making process can include identifying shared spending priorities for CIL.
- ✓ The process can bring the community together.

### Costs of a neighbourhood plan:

- It can be time and resource intensive. For example, the need to meet the statutory '[basic conditions](#)' adds time to the process, which is reliant on volunteer time.
- Planning expertise and support is required, which can often come from costly external consultants.

Community consultation can identify non-planning goals which communities can tackle themselves through other means. If your community decides that there is no need to create a neighbourhood plan, there are alternative options to contribute to shaping development in your area:

- Apply for a [Neighbourhood Development Order](#) (a means for neighbourhood forums to grant planning permission to certain types of development within their area)
- Apply for a [Community Right to Build](#) (a form of Neighbourhood Development Order that is used to grant planning permission for small scale development to the benefit of the community in a specific area)
- Influence the council's planning policies by making representations at consultation stages.

- Engage with planning applications, either by entering into pre-application community engagement or attending Planning Applications Sub-Committee meetings and making verbal representations.

### Council support

Whilst the council has a statutory requirement to provide support to neighbourhood forums preparing neighbourhood plans, it is a tool that Westminster embraces by putting local communities at the centre of the planning system. We will provide you with assistance and advice in your neighbourhood plan preparation and look forward to working with neighbourhood forums throughout the process.

However, we cannot draft your plan for you. Your plan belongs to your community; the council's role is to consider and approve your neighbourhood area, forum and plan, ensuring that they meet all the relevant regulations. We will also check that it generally conforms with the London Plan and strategic policies in the City Plan. [Section 2](#) of this guide identifies the key stages at which the council will provide support and direction for the neighbourhood planning process.

### Overview of the neighbourhood planning process

The key stages to produce a neighbourhood plan are outlined in the next [section](#). Whilst the process is listed in defined steps and as a logical progression, the reality of neighbourhood planning is often more complex, with different steps running in parallel. The statutory requirements for neighbourhood plans must be properly addressed within the relevant timescales (marked with an \*), but there is flexibility with several of the steps outlined in the table below.

Stage	Steps	Time required (statutory timescales*)	Responsibility of
<b>Stage 1: Designating a neighbourhood area and forum</b>	Step 1: Applying for a neighbourhood area/forum	Take as much time as you need	Neighbourhood forum
	Step 2: Consulting on a neighbourhood area/forum	Six weeks*	Neighbourhood forum, facilitated and promoted by WCC
	Step 3: Designating a neighbourhood area/forum	Decision made within 13 weeks from receipt of the application*	Westminster City Council
<b>Stage 2: Preparing the neighbourhood plan</b>	Step 4: Community engagement	Take as much time as you need	Neighbourhood forum
	Step 5: Reviewing existing policy framework and preparing evidence	Take as much time as you need	Neighbourhood forum
	Step 6: Drafting the plan	Take as much time as you need	Neighbourhood forum
	Step 7: Consulting on the draft plan	Six weeks*	Neighbourhood forum, facilitated and promoted by WCC
<b>Stage 3: Submitting and adopting the neighbourhood plan</b>	Step 8: Submitting the neighbourhood plan	Take as much time as you need	Neighbourhood forum
	Step 9: Consulting on the submitted plan	Six weeks*	Westminster City Council
	Step 10: The examination	As long as the Examiner needs	WCC and an independent Examiner
	Step 11: The referendum	Voters notified 28 days before referendum date*	Westminster City Council
	Step 12: Making the plan	When Full Council meets to make the plan, which takes place every two months	Westminster City Council
<b>Stage 4: Delivering the neighbourhood plan</b>	Applying the neighbourhood plan policies in the determination of planning applications in that neighbourhood area	Until the plan needs to be refreshed (for example when policies in the City Plan have been updated)	Westminster City Council

## SECTION 2: KEY STAGES OF THE NEIGHBOURHOOD PLANNING PROCESS

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### Stage 1: Designating a neighbourhood area and forum

The process for designating a neighbourhood area and a neighbourhood forum are very similar. The steps in the first stage of the neighbourhood planning process are:

- Step 1: Applying for a neighbourhood area/forum
- Step 2: Consulting on a neighbourhood area/forum application
- Step 3: Designating a neighbourhood area/forum

#### How will we help?

- ✓ Provide you with maps and consider the boundary/composition of your neighbourhood area
- ✓ Consider your application against the legal requirements
- ✓ Publicise consultation updates and events for designation

### Neighbourhood areas

Nearly all of Westminster is covered by a neighbourhood area designation. Up-to-date information on existing neighbourhood areas is provided on the council's [neighbourhood planning webpage](#).

The neighbourhood area does not have to follow existing administrative boundaries e.g. ward boundaries. You may decide that one area is particularly cohesive and has its own identity, or that adjacent neighbourhoods would benefit from being designated as one neighbourhood area because the subsequent plan could tackle shared issues.

You should check whether there are other neighbourhood areas nearby. If you think that part of an area that is already designated as a neighbourhood area should be part of your area, you will need to talk to us about how to proceed. Whatever area you decide upon, you will need to say why you have chosen it when you make your application to the council. Both the council [website](#) and the [National Planning Practice Guidance \(NPPG\)](#) website outline the process for designating a neighbourhood area. There are no time constraints in setting up an area: you can take as long as you need.

Neighbourhood forum designations are subject to the following tests, highlighted on the council's [neighbourhood planning webpage](#):

- The neighbourhood forum has been established for the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area concerned;
- There are at least 21 members who live in the area, work in the area or are an elected member for any part of the area; and
- The area is not governed by a parish council.

### Step 1: Applying for a neighbourhood area

To apply for the designation of a neighbourhood area, the community needs to write a letter to the council that includes the following legal requirements:

- a map showing the area you want designated a neighbourhood area (the council can help you to create this map);
- a statement explaining why this area is appropriate for designation; and
- a statement that the organisation or body is a parish council or capable of being designated as a neighbourhood forum, for the purposes of [section 61G](#) of the Town and Country Planning Act 1990.

This process is outlined in [Regulation 5](#) of the Neighbourhood Planning Regulations 2012.

### Business neighbourhood areas

Where a proposed neighbourhood area is one that is wholly or predominantly business in nature, the council may decide to designate it as a business area. This has the effect of allowing business people to vote in an additional referendum on whether to bring the neighbourhood plan into force. While such areas may choose to prepare a plan with a greater business focus, the additional referendum is the only procedural difference between a designated business area, and other neighbourhood planning areas. Even in normal neighbourhood areas, it is important to engage with and involve the business community.

This process is outlined in [section 61H](#) of the Town and Country Planning Act 1990.

### Step 2: Consulting on a neighbourhood area application

The council is required to consult on applications for new neighbourhood areas. Once the council receives an application, we will publish the application on our [neighbourhood planning webpage](#) to give people who live, work or carry out business in the area an opportunity to comment. Residents and businesses can subscribe to the [Planning Consultation List Enrolment](#).

We aim to set up and start the consultation within two weeks of receiving a complete application. An application will be subject to public consultation for at least six weeks, in alignment with [Regulation 6](#) (2012). Consultation events will be published online on the council's [consultation webpage](#), but we advise that you also promote the consultation locally.

### Step 3: Designating a neighbourhood area

After consultation, the responses will be considered. A report detailing the main issues raised in responses will be prepared for the Cabinet Member for Place Shaping and Planning. In most circumstances, this report will have a recommendation for the area to be designated. In accordance with [Regulation 6a](#) of the Neighbourhood Planning Regulations (2015), the council has a total of 13 weeks to determine the application from the date that the consultation started. If the area extends outside Westminster, we will have 21 weeks to determine the application.

### Neighbourhood forums

Once a neighbourhood area has been designated, members of the community can form a neighbourhood forum to take forward the development of a neighbourhood plan. The steps (1-3) to designate a neighbourhood area are similar to that of designating a neighbourhood forum. A neighbourhood forum application must contain:

- The name of the proposed neighbourhood forum;
- A copy of your written constitution;
- The name of the neighbourhood area and a map identifying it;
- Contact details for at least one member (which will be made public); and
- A statement explaining how the neighbourhood forum meets the requirements of [section 61F\(5\)](#) of the Town and Country Planning Act 1990 (as amended). This statement should explain how the forum was put together and include contact details of the people in the forum.

The factors affecting the council's decision to designate are:

- How widely the membership is drawn (including different places and different sections of the community); and
- How the purpose of the group generally reflects the character of the area.

If a neighbourhood forum is designated, no other organisation or body can be designated as a forum for that neighbourhood area until the existing designation expires or is withdrawn. A neighbourhood forum designation expires after five years from the date it is made. The re-designation process is identical to the initial designation process.

The council is also required to consult on applications for new neighbourhood forums. On receiving an application, the council will publicise it for a six week period to provide an opportunity for people in the local area to comment. We aim to set up and start the consultation within two weeks of receiving a complete application. Similarly to consultations for neighbourhood areas, the council will publish consultation updates and events on our website, but we advise that you also promote the consultation locally. In accordance with [Regulation 2](#) of the Neighbourhood Planning and Development Management Procedure (Amendments) Regulations 2016, the council has a total of 13 weeks to determine the application from the date that the consultation started. For applications that extend beyond Westminster and require an application to more than one council, we will have 21 weeks to determine the application.

### Stage 2: Preparing the neighbourhood plan

Once an area and forum have been designated, there are four steps in this initial stage of drawing up a draft plan:

- Step 4: Community engagement
- Step 5: Reviewing existing policy framework and preparing evidence
- Step 6: Drafting the plan
- Step 7: Consulting on the draft plan

#### Step 4: Community engagement

Community engagement should aim to involve everyone in the local area whom might be affected by the neighbourhood plan. This will mainly be residents, but it will also include anyone who travels into the area to work, visitors and local businesses. You should seek to include landowners or their agents if you are considering designating land or if development is proposed in the plan. A priority early in the plan-making process should be to list all the people and groups you can think of whom you will need to involve.

We can help you decide how best to involve the community in developing your neighbourhood plan. Before you begin writing your plan, it may be helpful to:

- Focus on informing people about what a neighbourhood plan is, that a neighbourhood plan is being prepared for their area, and how they can get involved;
- Ask the community open questions, enabling everyone to say what is important to them, rather than limiting views to specified issues; and
- Delve deeper into key issues/themes that have been highlighted as important to the community.

The engagement methods you choose to use are up to you. Be creative to engage people's interest and imagination. Methods could include:

- Polls or surveys (paper and/or online);
- Online discussion forums, social media comments;
- Market/street stalls/stalls at community events;
- Open workshops;
- A walk round your area, with people taking pictures of what they like or dislike; and
- Making a 3D model of your area, using approaches like [Planning for Real](#).

It is important to balance the views of the community with robust local evidence. Secondary evidence can help inform community discussion, moving the debate beyond one based solely on opinion.

#### Step 5: Reviewing existing policy framework and preparing evidence

There are several sources of information on a range of topics that can support your plan, including:

- **Plans and strategies:** as explained in [section 5](#) of this guide, neighbourhood plans must be in general conformity with the statutory development plan (the City Plan and London Plan). It is crucial that a neighbourhood plan does not repeat policies already included in the development plan; it is not necessary and can lead to confusion as to how the policies are applied if they are worded differently.
- **Policy designations:** policy designations for buildings (e.g. listed buildings), sites (e.g. scheduled ancient monuments), routes (e.g. public rights of way) and areas (e.g. Royal Parks) highlight what is special in your area, and what should be protected or enhanced when planning for development. You need to take account of these kinds of designations when preparing your plan.
- **Evidence:** the policies you include in your plan must be based upon robust evidence as well as upon community priorities. There is a huge range of Westminster-based evidence sources available in different formats, including written reports, data presented as interactive mapping or charts, and raw data. Most of this is available on the council's [neighbourhood planning webpage](#), but the council will also be able to provide more specific data sets upon request for you to analyse. Given the breadth of information available, think carefully about what is the most relevant evidence that will actively inform your plan. Try to minimise the collection of your own data: you may be able to use or build upon evidence gathered for the City Plan, or for other nearby neighbourhood plans.

## Step 6: Drafting the plan

Once you have gathered community views and evidence, there is a wide range of things to think about when drawing up the draft plan:

- Identify key issues/themes for the plan to address: based on the engagement and consultation you have done and the evidence that you have collected. Some plans may only have one policy: do not feel obliged to write lots of policies that may well repeat planning policies in the City Plan.
- Identify the strategic City Plan policies: strategic policies are indicated as such by the prefix 'S' in the adopted [City Plan](#) (November 2016). In the draft [City Plan 2019-2040](#), Appendix 3 lists which policies, or parts of policies are strategic. Neighbourhood plan policies must be in general conformity with the London Plan and the strategic policies in the City Plan and must not repeat local or national policies; such policies already apply and repeating them causes confusion, wastes time and may lead to unintended consequences.
- Develop clear aims for the neighbourhood plan: that tackle the key issues/themes, whilst recognising that the policies with which to achieve these aims can only deal with planning matters.
- Write relevant planning policies: policies are best written in a concise, positive and unambiguous way, in order to give clear requirements for development to meet, to inform decision makers and those applying for planning permission. There is no need to use jargon or to write in a legalistic way; it is better if the policies are written in simple and plain english. Examples of positive language in a policy could be 'development will demonstrate how it will enhance or maintain the public realm' instead of the negatively phrased 'development will not harm the public realm'.
- Identify any special projects or proposals for the neighbourhood area: consider whether these projects need to be enabled by policies. If they do, we advise that you include any special projects as an appendix to the neighbourhood plan.

- Consider allocating specific sites for different uses: if there are different options for where the development can go, you should highlight in your plan what is the best option(s).
- Use appraisal tools to optimise the impacts of the proposals in the plan. The content of your plan will influence whether there is a need to consider the use of mechanisms like Strategic Environmental Assessment (SEA) and other EU obligations.<sup>1</sup>

When drafting your neighbourhood plan, ensure that the priorities in it have a realistic chance of being delivered. To achieve this, you could create an action plan for how to achieve the aims you have identified in the plan. An action plan could also be an effective way to identify your priorities for spending Community Infrastructure Levy (CIL) receipts. More information on CIL is available in [Stage 3](#) of this section: 'Delivering the neighbourhood plan'.

### Draft plan 'health-check'

As set out in [section 5](#) of this guide, your plan will need to meet the basic conditions to pass examination. We recommend you share an initial first draft with us for which we will provide written feedback for you to consider, and a second draft prior to submission. This is particularly important when you have finished your final draft and are preparing to consult on it, so that we can advise you on any changes needed to ensure it meets the basic conditions.

<sup>1</sup> The Court of Justice of the European Union's ruling in the 'People Over Wind' case (2018) has impacted the Habitats Directive and subsequently the screening process for neighbourhood plans. The Court clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means if a likely significant effect is identified at the screening stage of a habitats assessment, an 'Appropriate Assessment' must be undertaken. There is now an expectation that a plan needs to be screened without considering mitigation, meaning more plans could be considered to have a likely effect on EU-protected sites. For more information on the implications of the decision, visit: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/762518/180723\\_-\\_Notes\\_on\\_Neighbourhood\\_Planning\\_Nov\\_2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/762518/180723_-_Notes_on_Neighbourhood_Planning_Nov_2018.pdf)

### Top Tips for drafting your plan

- Engage early with the council to let us know you intend to start working on a Neighbourhood Plan
- Engage early with the local community to identify the key themes and issues you want to address through the Plan
- Make the plan focussed on issues specific to your neighbourhood area that are not covered already by the City Plan, London Plan or NPPF
  - there is no need for a policy on every possible topic area if already adequately addressed elsewhere
- Avoid repeating or simply rephrasing City Plan, London Plan or NPPF if you are not adding anything locally specific to it that will impact on how applications are determined
- Focus on planning policies that can be used to determine planning applications rather than seeking to impose additional procedural requirements on the council as planning authority e.g. additional consultation requirements
- Ensure the plan does not stop development encouraged by the London Plan or City Plan
- Focus on issues that can be controlled through land use planning – i.e. not matters such quality of retail occupiers, licensing hours, changes to bus routes etc.
- Set priorities for future spend of neighbourhood CIL in your area in a ‘projects’ on ‘neighbourhood CIL priorities’ section appendix to the plan
- The plan should have a clear and organised structure, which avoids repetition and clearly sets out the plan’s vision and objectives and how the policies contribute to achieving them. It should also clearly identify what is policy and what is supporting text, and ensure there is evidence justifying the policies – including any standards or development thresholds and their impact on development viability (these can be added as an appendix).

- Number paragraphs and policies, provide clear maps and ensure maps and pictures in the document clearly relate to and support the policies and supporting text. Areas and buildings that are referred to in policies should be clearly identified (e.g. through a map).
- Use plain english, avoid jargon and the use of acronyms. Add a glossary at the end of the document.

#### We can advise on:

- ✓ Making best use of the evidence;
- ✓ What makes a good policy;
- ✓ The role of supporting text to the policies;
- ✓ The requirement for a Strategic Environmental Assessment (SEA);
- ✓ The need to gather more evidence to support your plan;
- ✓ Addressing EU obligations;
- ✓ The use of monitoring indicators;
- ✓ Providing a health-check of your draft plan; and
- ✓ Advising you on whether changes may be needed to ensure it meets the basic conditions.

### Regulations and guidance

[NPPG: Preparing a neighbourhood plan](#)

[Locality: How to write planning policies for your neighbourhood plan](#)

[Locality: How to create a neighbourhood plan: Your step by step roadmap guide](#)

The Neighbourhood Planning (General) Regulations 2012: [Regulation 14](#) and [Regulation 21](#)

[NPPG: Consulting on, and publicising, a neighbourhood plan](#)

[Neighbourhood Planning and the Historic environment](#)

## Step 7: Consulting on the draft plan

### Pre-submission consultation

The neighbourhood forum is required to undertake consultation for a period of at least six weeks on the draft neighbourhood plan. You should try to publicise the consultation as widely as possible. Consider contacting:

- Local residents and businesses;
- Key consultees, based on the content of the plan (e.g. Natural England, the Environment Agency, Historic England);
- Neighbouring neighbourhood forums;
- Significant landowners, particularly if you are proposing to allocate their land for any reason; and
- Local community organisations.

We can help you publicise the consultation via social media and other online tools and we can provide you with contact details for key consultees subject to GDPR restrictions<sup>2</sup>. You must record the contact details of those that respond to the consultation - an email address is usually sufficient - so that they can be informed of any changes made to the neighbourhood plan. You must also clearly set out how their contact details will (and will not) be used to comply with GDPR legislation. These details need to be sent to the council as part of the consultation statement when you submit the neighbourhood plan.

<sup>2</sup> The General Data Protection Regulation (GDPR) came into effect on Friday 25 May 2018. If you are handling personal information as part of your neighbourhood plan consultations, you may want to read associated guidance that the Information Commissions Office (ICO) have prepared: <https://ico.org.uk/for-organisations/guide-to-data-protection/>. This will help you ensure the personal data you hold meets the GDPR 2018 and inform you of the data you can share with the council and the Examiner.

## Responding to the consultation

Once you have identified the main issues raised in comments on the draft plan, you must decide whether you want to change the plan to try to address these issues. It may be necessary to prompt people to suggest how the draft plan could be changed to address the issue raised. However, you do not have to change the plan as they suggest. We will comment on the revised draft plan and determine whether the plan meets the basic conditions.

You will need to set out information about the consultation in the consultation statement. You may find it beneficial to look at how other neighbourhood forums have done this, or how we have done it for the emerging City Plan or our Supplementary Planning Documents (SPDs).

## Stage 3: Submitting and adopting the neighbourhood plan

This is the formal stage of the plan whereby most of the actions are taken by the council. There are five steps to this stage:

- Step 8: Submitting the neighbourhood plan
- Step 9: Consulting on the submitted plan
- Step 10: The examination
- Step 11: The referendum
- Step 12: Making the plan

### How will we help?

- ✓ Inform you of the documents required for submission
- ✓ Publicise consultation updates and events for the final plan
- ✓ Suggest options for the appointment of the Examiner
- ✓ Send the submission documents to the appointed Examiner
- ✓ Arrange and facilitate the referendum

### Step 8: Submitting the neighbourhood plan

The neighbourhood forum passes over the neighbourhood plan to the council at this step. When you are ready to submit your plan, you will need to send us a:

- **Basic conditions statement:** a statement setting out how the neighbourhood plan meets the basic conditions (see [section 5](#)).
- **Consultation statement:** a statement setting out whom and how you consulted on the neighbourhood plan, the main issues raised and how you have addressed them in the final version of the plan. This should include a list of all the people/organisations that made comments on the draft plan (but not their personal details).
- **Consultees' contact details:** the contact details (usually an email address) for all the people/organisations that made comments on the draft plan. This is important as we need this information when we consult on the submitted plan. This should not be part of the Consultation Statement as the contact details need to be kept private to comply with GDPR legislation.
- **Copy of the neighbourhood plan:** please send us an editable version of the final plan e.g. a Word file; if modifications are necessary following the examination, an editable version will enable the post-examination steps to be handled efficiently.

The submission documents also need to include a map of the neighbourhood area, which we can provide for you. It will take us up to four weeks to check the submission documents include everything that is required.

### Step 9: Consulting on the submitted plan

We will publicise the submitted neighbourhood plan and consult on it for a period of six weeks. You can help us by publicising the consultation locally, but this step is ultimately our responsibility.

### Step 10: The examination

#### Choosing an Examiner

We will discuss the appointment of the Examiner with you. There are two main appointment options:

- Both the [NPIERS](#) (Neighbourhood Planning Independent Examiner Referral Service) and [IPE](#) (Intelligent Plans and Examinations) can send the council details of three potential Examiners, based on any specialisms we specify. We will discuss with you whom we think is most appropriate.
- We can send you the contact details of an Examiner that we think would be appropriate - for example, someone who has examined another neighbourhood plan in Westminster.

The council will send the comments received during the submission consultation to the Examiner along with the submission documents. Whilst it is up to the council to decide on the final Examiner, we will make the decision jointly with you.

#### The examination

The examination will most likely be conducted by 'written representations', but could also include public hearings. The Examiner will decide if hearings are necessary based on the complexity of the issues raised and the impact of policies and on whether the plan will meet the basic conditions. The Examiner may ask us to produce a Statement of Common Ground (SCG) between your forum and the council, which informs them of agreements and disagreements between both parties. This statement may recommend modifications to sections of the plan to ensure it meets the basic conditions (see [section 5](#)).

## Examiner's report

### The Examiner writes a report that sets out whether:

- the plan meets the basic conditions as it stands;
- modifications will be necessary for the plan to meet the basic conditions; or
- modifications cannot be made to enable the plan to meet the basic conditions.

If the plan meets the basic conditions as it stands, or if modifications are needed, the recommendation is that the plan can proceed to a referendum. However, if the Examiner concludes that it is not possible to modify the plan to enable it to meet the conditions, the recommendation will be that the plan cannot proceed to a referendum.

The Examiner will take as long as they need to properly examine the plan. The Examiner usually asks us to check their draft report within two weeks. The report will be sent to the neighbourhood forum and the council in draft for 'fact checking', when basic information in the report - dates, sequences of events or names - can be corrected before publication. It is not an opportunity to query or question the Examiner's conclusions. This version is not for publication and should be kept confidential to the council and the neighbourhood forum.

Any necessary modifications will need to be incorporated into the plan by the neighbourhood forum: make sure you include all the modifications. Factual updates and corrections can be addressed at this stage, but more substantial changes must be avoided.

## Regulations and Guidance

[Neighbourhood Planning Independent Examiner Referral Service](#)  
[NPPG: The independent examination](#)  
[Locality: Neighbourhood Plans Roadmap \(page 35\)](#)

## Step 11: The referendum

### Progressing to referendum

The council has a procedure in place for when an Examiner's report is received. Although the Examiner's report is not binding, there are limited options to make changes at this stage. We can:

- **Act upon the Examiner's report and progress the neighbourhood plan to referendum:** this option should be taken when the Examiner either recommends that the plan meets the basic conditions as it stands or can meet them subject to modifications and if the forum agrees to the modifications.
- **Propose to take a substantially different decision from the Examiner's recommendation:** this option can only be taken because of new evidence or a different view taken by the council about an issue. In this case the council must notify all those identified in the consultation statement and invite representations on the alternative decision. Following these representations, the examination may need to be reopened.
- **Decide not to progress the neighbourhood plan because of the Examiner's report:** this is only permissible where the Examiner has recommended that the plan does not proceed to referendum, because it fails to meet the basic conditions or legislative requirements and cannot be modified to do so. As the neighbourhood plan will become part of the statutory development plan (subject to a majority 'yes' vote), the decision as to whether the plan proceeds to referendum is an important one. A report will therefore be prepared for the Cabinet Member for Place Shaping and Planning to determine the course of action to be taken. There are currently no procedures in place for how long we have in order to decide whether or not a neighbourhood plan will proceed to referendum. We will aim to complete this process within nine weeks.

### The referendum for neighbourhood forums

The council will coordinate the necessary administration for setting up the referendum. We will work with you to decide on a suitable date, providing at least 28 working days' notice that the referendum is going to take place. We will publicise the details of the referendum on our neighbourhood planning webpage.

The Examiner may advise that the area for the referendum should be enlarged from the neighbourhood area. If this is the case, those residents living in the larger area outside the neighbourhood area would be eligible to vote in the referendum. It is our responsibility to publicise the details and arrangements for the referendum, whilst it is the responsibility of the neighbourhood forum to campaign for a 'Yes' vote.

#### Factors that will make a 'Yes' vote more likely include:

- Publicity at all stages, so that the voting population are aware of which organisations have contributed to the development of the plan. The result of the referendum should be available within one week.
- Robust community involvement and engagement from the beginning and throughout the plan-making process, involving and engaging with as many people as possible, including minority groups, land owners and their agents, and local businesses.
- Basing the content of the plan on robust evidence and on the outcomes of community engagement. You must explain how key decisions were made in producing the plan and ensure that decision-making has been conducted in an open and transparent way.
- Clearly explaining the choices and compromises made in the plan, whilst addressing the diverse range of local needs and wants.

### The referendum for business neighbourhood areas

If a neighbourhood plan has been drawn up for a neighbourhood business area, two referendums will be held: a resident and a business one. A 50% or more 'Yes' vote from at least one referendum must be returned for the plan to proceed to be made. If the plan only gathers majority support at one referendum, the council decides if the plan should be made, taking into account:

- How close the result is in each referendum (i.e. did one referendum have a much larger majority voting one way than the other); and
- The level of turnout in each referendum (i.e. percentage of eligible voters who voted in the relevant referendum).

Once the neighbourhood plan has been through examination and the Examiner's report has recommended the plan to proceed to referendum, the council will contact all non-domestic rate payers within the neighbourhood area (or beyond if directed by the Examiner's report to invite them to join the Neighbourhood Plan Business Referendum Register and to nominate a single person to represent the business by casting the vote. This will be no less than 56 days before the referendum is due to be held.

#### The procedures for businesses to vote in the referendum are:

- Only businesses on the register will be eligible to vote in the referendum;
- A business must be registered on the business voting register on the day of the referendum; each business gets one vote by one named vote holder. The named vote holder will be named on the form businesses are required to fill out to join the business voting register;
- To be eligible to vote, the named vote holder must be 18 or over and either a British, Irish or EU citizen or a Commonwealth citizen who has leave to enter or remain in the UK or does not require such leave; and
- Rate payers have one vote each regardless of the number of properties they are liable to pay rates on.

Once the date for the referendum has been set, all businesses registered will be contacted with details of the date of the referendum and how to vote. The Regulations for Business Referendums are set out in the [Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(Schedule 6-8\)](#).

### Regulations and Guidance

[NPPG: The neighbourhood planning referendum](#)  
[Locality: Neighbourhood Plans Roadmap \(page 37\)](#)

### Step 12: Making the plan

The neighbourhood plan can be made (i.e. adopted) by Full Council if more than 50% of those voting support the plan. Following a successful referendum, Full Council will formally make the plan at one of their regular meetings, which take place every two months. Once the neighbourhood plan is made it becomes part of the statutory development plan for Westminster. This means that it is a statutory consideration in guiding future development and in the determination of planning applications within the neighbourhood area.

### Stage 4: Delivering the neighbourhood plan

The making of the neighbourhood plan is not the end of the process; the final neighbourhood plan stage is about delivering the priorities identified in your plan. You will find below a number of considerations to ensure that your neighbourhood plan creates positive change locally.

- ✓ **Planning decisions:** the council will determine planning applications in accordance with the statutory development plan for the area – which will include your neighbourhood plan when it is made.
- ✓ **Allocations of land for development:** as you write your neighbourhood plan, you can start thinking about how you will ensure that the development you want to see happens. This could involve talking to landowners or the council about how the development could be delivered, or starting to consider how a project might be funded.

- ✓ **Community Infrastructure Levy (CIL):** you can tap into the neighbourhood portion of CIL to assist the delivery of infrastructure projects that support neighbourhood priorities. It is recommended that such projects be identified in an appendix to the neighbourhood plan. More details on CIL can be found in the [Section 3](#).

### Guidance and Resources

[NPPG: Community Infrastructure Levy \(Spending the Levy\)](#)  
[Westminster City Council's Community Infrastructure Levy](#)

### Monitoring and reviewing your neighbourhood plan

Keeping track of the progress of the objectives and policies included in your plan (monitored either by you or in our annual [Authority Monitoring Reports](#)) will help you assess whether your plan's aims are being achieved, and if not, whether you need to do anything different to achieve them.

If circumstances in your area change, you may wish to refresh your neighbourhood plan. Any neighbourhood plan review will have to involve at least the formal processes of consultation, examination and referendum (steps 6 to 11). The [NPPG](#) contains advice about the procedures to follow when updating a neighbourhood plan.

### Neighbourhood forums as a statutory planning consultee

According to planning legislation (outlined in the [NPPG](#)), designated neighbourhood forums must be consulted on a planning application for certain types of development before a decision is made. Neighbourhood forums are under a duty to respond to an application within a given deadline and must provide a substantive response to the application in question.

## SECTION 3: COMMUNITY INFRASTRUCTURE LEVY (CIL)

### What is CIL?

CIL is a levy that local authorities can choose to charge on new developments in their area. Money secured in this way can be spent on infrastructure that supports growth anywhere in Westminster and is not time-limited.

Westminster's CIL is split into the following portions, as required by law:

- Strategic portion (70-80%): to be spent on infrastructure to support the growth of the area.
- Neighbourhood portion (15-25%): to be spent on local priorities (infrastructure and anything else required to address the impacts of growth) in agreement with the local community.
- Administrative portion (5%): to be spent on administering the collection of CIL.

### What about the 'neighbourhood portion' of Westminster's CIL?

The 'neighbourhood portion' is initially set at 15% of CIL receipts in each neighbourhood area, capped at £100 per council tax dwelling (calculated on an annual basis). This means that for example an area with 500 dwellings cannot receive more than £50,000 of CIL receipts per year. This will rise to 25% of receipts (uncapped) where a neighbourhood plan is in place.

This portion can be used to support the development of the area and can fund anything that is concerned with addressing the demands that development places on an area. The council is required to spend this portion in agreement with local communities.

Ideas put forward by those that live and/or work in the area should be considered along with projects that have been identified by communities through the development of their neighbourhood plans. Ward member support will be a key criterion in taking neighbourhood CIL spending decisions.

### How to bid for the 'neighbourhood portion' of CIL

The Cabinet CIL Committee meet twice per year to consider bids put forward for the 'neighbourhood portion' of CIL. In advance of each committee, the relevant neighbourhood forums and Ward Councillors will be contacted by council officers and informed of CIL monies available within their neighbourhood and the deadline for making applications. They will then be invited to submit bids for CIL funds on a simple standardised application form, which incorporates the criteria for CIL funding. At least two Ward Councillors will need to support a project for it to be successful.

Where there is no designated neighbourhood forum, other community groups will be contacted and invited to submit proposals. Primarily, this will be the various amenity societies, who will be required to consult with any relevant Business Improvement Districts (BIDs) and Ward Councillors for the area.

Once received by the council, applications for neighbourhood CIL funding will be evaluated by the relevant service area to assess their feasibility. In order to be successful, bids will need to fall within the parameters set out in legislation and in the council's CIL Spending Policy Statement. If the project is feasible and the criteria are met, proposals will be put to the CIL Governance Group of senior officers before being presented to the Cabinet CIL Committee for decision. Each application will require a council sponsor from the relevant service area in order to ensure effective monitoring and the delivery of projects allocated funds.

Further details on the process to bid for and on the allocation of the 'neighbourhood portion' of CIL will be provided on the council's website.

## SECTION 4: COUNCIL SUPPORT FOR NEIGHBOURHOOD PLANNING

The council has a statutory requirement to provide support for neighbourhood planning, which is known as the ‘duty to support’. This includes two specific roles: taking decisions at key stages in the neighbourhood planning process; and providing advice and assistance to the neighbourhood forums preparing neighbourhood plans. Council officers can provide advice and assistance in several ways:

Advice	Assistance
Technical expertise (e.g. explaining how you can meet the legal requirements for neighbourhood plans; providing advice on policy writing)	Process guidance (e.g. explaining the timescales and processes for examination and referendum)
Critical friend (e.g. commenting on draft questionnaires, reviewing the draft plan)	Point to evidence (e.g. population and housing evidence sources and data)
	Point you towards further support and funding (e.g. connecting you with groups that are further ahead in the process)

Nonetheless, neighbourhood planning is led by the community; we cannot and should not write your plan for you. The support offer set out in this guide is therefore focused on providing specific support at key stages in the neighbourhood planning process, as detailed below.

Neighbourhood planning stage	Support from the council
Designating neighbourhood areas and forums	We will consider the boundary of your neighbourhood area and the composition of your neighbourhood forum before designation (the Cabinet Member for Place Shaping and Planning is ultimately responsible for the final designation decision). We will also publicise consultation updates and events for the designation of your neighbourhood area/forum on our website.
Community and stakeholder engagement	We can publicise consultation updates and events on our website. However, we are not responsible for informal consultation or community engagement.
Building the evidence base	We can steer you towards relevant evidence sources for your plan and provide you with local data sets (although we cannot analyse the data sets for you). We can also provide GIS shapefiles <sup>3</sup> so you can produce maps for your plan (although we cannot produce them for you). These sources can be found on our <a href="#">neighbourhood planning webpage</a> .
General conformity with the strategic policies in the statutory development plan	Before you draft the plan, we can discuss the requirement for general conformity with the strategic policies in the statutory development plan. This is made up of the adopted City Plan and London Plan. We will check your draft and submitted plan to assess how it meets the requirement for general conformity and advise where there is inconsistency.
Plan preparation	We can advise on key parts of the plan preparation process, from what makes a good plan to how to gather evidence (see <a href="#">section 4</a> of this guide). We can review your first draft of your plan at this stage and provide written comments for you to consider.
Draft plan health-check	Once we have provided feedback on your first draft and you have re-drafted where necessary, we ask that you share the second draft of your plan with us to ensure that it meets the basic conditions (see <a href="#">section 5</a> of this guide) – particularly before you consult on it.
Submitting the plan	We can inform you of the documents required for submission, including the: basic conditions statement, consultation statement, consultees’ contact details, and neighbourhood plan.
The examination	We can suggest options for the appointment of the Examiner and choose one in agreement with you. We will also draft the Statement of Common Ground (SGC) where requested by the Examiner and send the submission documents to the appointed Examiner.
The referendum	We will coordinate the necessary administration for setting up and facilitating the referendum. You will decide on a suitable date for the referendum to be held.

<sup>3</sup> A number of base layers may need to be ordered through Emapsite as the council cannot provide you with them. The council will however refund the cost.

Your neighbourhood forum will be allocated a dedicated lead officer and a support officer from the council's Policy & Projects team throughout the process. An initial meeting will be arranged to discuss your neighbourhood plan aims, resources and timescales, and its relationship with the City Plan. The best neighbourhood plans that have an impact on local development are the result of constructive and ongoing conversations with the council. Keeping in touch with us at key points in the process will ensure that your neighbourhood plan:

- is based upon the most relevant evidence;
- is additional and complementary to City Plan policies; and
- has 'teeth', in terms of influencing planning decisions.

It is recommended that neighbourhood planning enquiries are sent to [neighbourhoodplanning@westminster.gov.uk](mailto:neighbourhoodplanning@westminster.gov.uk). You will receive a response from the team within 14 days.

### Funding opportunities

There are funding sources available to support neighbourhood planning. All groups writing a neighbourhood plan or Neighbourhood Development Order will be eligible to apply for up to £9,000 in a basic neighbourhood planning grant. Groups facing more complex issues can apply for additional grant funding for up to £8,000 (in addition to the basic grant) or for specific packages of technical support, in the same application.

The council can also claim funding from central government once the referendum date for a neighbourhood plan has been set. This funding covers officer time to provide advice and assistance to communities in taking forward their neighbourhood plans and payments for examinations and referendums.

For further details of the funding opportunities you can access, use the following links from the neighbourhood planning website.

- [Basic neighbourhood planning grant](#)
- [Additional grant funding](#)
- [Technical support](#)

There are also opportunities to receive advice from consultants if you feel that you would benefit from more intensive planning support, to help you with specific parts of the process. If the cost of a consultant exceeds the grant allocated to the forum, it will need to be funded by the forum and the council will not provide any funding to support this.

### Online guidance

If you want to create a neighbourhood plan, there is a wealth of excellent guidance available online. This guide provides links to a wide range of other sources of neighbourhood planning advice and information. Locality's bespoke neighbourhood planning website is the most useful online tool to help you prepare for the neighbourhood planning process. Two particular documents are worth paying attention to:

- [How to create a neighbourhood plan: Your step by step roadmap guide](#)
- [Neighbourhood Planning Grant & Technical Support Guidance Notes](#)

The following list provides other helpful links to neighbourhood planning guidance available online. It is not an exhaustive list and if you find another resource that has been particularly helpful, we encourage you to share it with us so we can share it with other forums.

<a href="#">National Planning Practice Guidance (NPPG)</a>	Sets out the national requirements for the neighbourhood planning system including key stages and decisions (e.g. deciding neighbourhood areas, the legal tests for neighbourhood plans, and the process of independent examination and referendum).
<a href="#">Forum for Neighbourhood Planning</a>	Helpful to learn from other neighbourhood forums' experiences and for posting questions on a forum.
<a href="#">Ministry of Housing, Communities &amp; Local Government: notes on neighbourhood Planning</a>	Provides update bulletins on neighbourhood plan progress nationally, including links to new resources as they become available.
Twitter #neighbourhoodplanning	Useful for getting inspiration and following links to other's activities.

## SECTION 5: MEETING THE BASIC CONDITIONS

### Planning regulations

To be successful at examination, a neighbourhood plan must meet several tests, known as the 'basic conditions'.

The council can advise you at the start of the process about how to meet the [basic conditions](#). The [next section](#) of this guide provides further detail on planning regulations.

The Town and Country Planning Act 1990 (as amended) prescribes that your neighbourhood plan must demonstrate that it meets the following basic conditions:

- Have regard to national policy;
- Contribute to the achievement of sustainable development;
- Conform with strategic policies adopted in the statutory development plan; and
- Conform with EU obligations.

### National policy

As set out in the [National Planning Policy Framework](#) (NPPF), national policy outlines general planning principles and leaves the detail to local and neighbourhood plans. Policies in the NPPF must be considered when preparing a neighbourhood plan. However, it does not dictate how your plan should be written or the planning outcomes. It is a framework for producing distinctive neighbourhood plans which meet local needs. The [National Planning Practice Guidance](#) (NPPG) provides guidance on statutory processes for neighbourhood forums and planning authorities, as well as the application of national policy.

National and regional (i.e. the London Plan) planning policies are 'material considerations' for local and neighbourhood plans. If successful at referendum, a neighbourhood plan will become part of the statutory development plan for the area. This means that it is a statutory consideration in guiding future development and in the determination of planning applications within the neighbourhood area.

### Sustainable development

The key theme of the NPPF is sustainable development. Neighbourhood plans must demonstrate how their policies contribute to improvements in environmental, economic and social condition, using sufficient and proportionate evidence. You may be able to use the adopted City Plan Sustainability Appraisal (SA) – that forms part of the [Integrated Impact Assessment](#) – to provide some of this evidence. Plans can also show consideration to how potential adverse effects arising from the proposals may be prevented.

We can discuss with you the options for evidencing how your plan delivers sustainable development. A number of practical examples are listed in the Locality guide '[How to create a neighbourhood plan: Your step by step roadmap guide](#)' (see page 43). The [NPPG](#) also outlines how your plan can demonstrate sustainable development.

### Strategic policies in the statutory development plan

Neighbourhood plans need to be in general conformity with the strategic policies contained in the statutory development plan for the area. As of December 2019, Westminster's development plan is made up of: the [City Plan](#) (2016), the [London Plan](#) (2016), and the saved policies of [Westminster's Unitary Development Plan](#) (2007). However, you should be mindful of emerging changes to the Westminster's development plan. The City Plan is undergoing a complete review which is expected to be adopted in 2020, but will start to be a material consideration before that date depending on how the examination progresses. Once adopted, the new City Plan will replace the existing plan and all Unitary Development Plan (UDP) policies. Similarly, the London Plan is undergoing a complete review. Where a neighbourhood plan is brought forward before the emerging new City Plan is adopted, we will work positively with the neighbourhood forum to minimise any conflicts with the emerging plan.

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The adopted City Plan sets the context for development in Westminster and includes both strategic and non-strategic policies. The policy areas in the City Plan that are considered to be strategic are indicated as such by the prefix 'S' in the adopted [City Plan](#) (November 2016). In the draft [City Plan 2019-2040](#), they can be found listed in Appendix 3.

We can discuss with you at the beginning of the process what the requirement for [general conformity](#) with the development plan's strategic policies means. We will check your draft and submitted plan to assess how it meets the legal requirements for general conformity.

### EU obligations

Your neighbourhood plan must be consistent with [EU obligations](#) in order to be legally compliant. The key planning obligations relate to the environmental impacts of your plan, such as the [Strategic Environmental Assessment](#) (SEA), which integrates consideration of environmental impacts into the process of preparing a plan. With our support, you will need to identify whether your plan could trigger these types of environmental obligations.

We will discuss with you the steps that you need to take and what evidence needs to be produced to comply with the EU obligations.

### Contact Us

If you have any questions about this guide, please contact the council at [neighbourhoodplanning@westminster.gov.uk](mailto:neighbourhoodplanning@westminster.gov.uk). For general planning policy queries, please contact [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk).



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