

Appendix 1 – Engagement sessions undertaken and options appraisal

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

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

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

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

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

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

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

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Public Speaking Rights

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

Pre-Application Community Engagement

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

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

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

Delegated Authority

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

Other

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

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

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

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

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

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

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

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