



City of Westminster

Planning & City Development Committee

Date: 7 November 2019

Classification: General Release

Title: Revised Guidance For Members Making Planning Decisions

Report of: Director of Place Shaping and Town Planning

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

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1. Executive Summary

1.1 This report provides an update on the revised 'Guidance for Members Making Planning Decisions' document, which is designed to help Members of the Planning Applications Sub-Committees to understand their responsibilities and to enable them to make robust and consistent planning decisions. The guidance document was revised and updated by the Legal Services in early 2019 following the Planning Advisory Service (PAS) Review of the planning service in 2018 and the recommendations made by Cabinet on 25 October 2018, following the conclusion of the PAS Review. The revised and updated guidance document was reported to the Standards Committee on 12 July 2019, which endorsed the updated document, with only minor amendments recommended. The recommended amendments have now been incorporated into the finalised version of the guidance. The finalised guidance document is provided at Appendix 1.

2. Recommendation

2.1 Members are asked to note and have regard to the revised and updated 'Guidance for Members Making Planning Decisions' dated 31 July 2019 when carrying out their role as a member of one of the Planning Applications Sub-Committees.

3. Background

3.1 The update and revision of the 'Guidance for Members Making Planning Decisions' document forms part of the wider Planning Review programme which seeks to address the key findings of the Planning Advisory Service (PAS), which informed the recommendations that made by the Chief Executive to Cabinet on 25 October 2018, which the Cabinet resolved to endorse. The update and revision of the guidance provided for Members specifically addresses two of the Cabinet's recommendations, namely: (1) to restate to officers and Members their responsibilities in terms of the Council's gifts and hospitality policies, and (2) to restate to officers and elected Members involved in the planning process that they must retain a distance from land

owners, applicants, agents and community stakeholders other than at formally arranged visits and meetings.

4. Considerations

- 4.1 The 'Guidance for Members Making Planning Decisions' document has been revised and updated throughout, but with specific regard being had to clarity and robustness of the guidance it provides on responsibilities around gifts and hospitality and in relation to the relationship Members have with those involved in the development industry and community stakeholders. The updated guidance is designed to ensure that decisions are taken in a robust, transparent way to provide high levels of integrity to the process.
- 4.2 To achieve this the guidance document has been reordered to place the chapter on 'Good Practice in Planning' at the beginning of the document, giving it and its enhanced content much greater prominence. This emphasises the value of high standards of probity to the integrity of the decision making system, underlining the strong relationship between a high standard of decision making and the creation of good places, which gives confidence for continued sustainable investment from residents and businesses.
- 4.3 The 'Good Practice in Planning' chapter includes more detailed advice than was previously the case on the acceptance of gifts and hospitality and recommends that Members be mindful, not only of whether the acceptance of gifts or hospitality is lawful, but also whether acceptance may give rise to an adverse perception, either fairly or unfairly. The wider advice on Members conduct in planning matters, including disclosable pecuniary interest/s and non-pecuniary or other interests, bias and predetermination, site Inspections, decisions contrary to officers' recommendations and development impacting on persons known to Members, have also been strengthened to ensure that the expected behaviours of Members of the Planning Applications Sub-Committees are clear. The general principles such as making decisions with an open mind, absence of predisposition and focusing on material planning matters are reinforced through the updated guidance.
- 4.4 The guidance has also been updated throughout the rest of the document to ensure advice on procedural issues is correct and up to date with current processes and Town and Country Planning legislation. Similarly, the guidance on how Members will be advised at Sub-Committees and in reports presented to them has been updated to include recent changes to Sub-Committee procedures, such as the introduction of public speaking.
- 4.5 It should be noted that the updated guidance should be read in conjunction with the Members Code of Conduct and extant protocols and procedures for other aspects of the planning process, such as the protocol for Member involvement at pre-application stage governing requests for meetings with developers (April 2019).

5. Financial Implications

- 5.1 The implications will be managed within existing resources.

6. Legal Implications

- 6.1 None.

7. Conclusion

- 7.1 Members should ensure that they conduct themselves in accordance with the revised and updated 'Guidance for Members Making Planning Decisions' dated 31 July 2019 when carrying out their role as a member of the Planning Applications Sub-Committees.

If you have any questions about this report, or wish to inspect one of the background papers, please contact: Oliver Gibson (ogibson@westminster.gov.uk / 020 7641 2680).

Background Papers:

1. 'Guidance for Members Making Planning Decisions' document dated 31 July 2019.