

Economic Development,
Education & Place
Shaping Policy and
Scrutiny Committee

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Title:	Update on the Planning Review Programme
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Cabinet Member Portfolio	Cllr Richard Beddoe, Cabinet Member for Place Shaping and Planning
Wards Involved:	All
Policy Context:	City for All
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1. Executive Summary

- 1.1 This report provides an overview of the implementation of the Planning Review programme from October 2018 to date. The Planning Review programme comprises a number of projects that in combination deliver improvements to the processes and practices of the planning service to address the recommendations made by Cabinet on 25 October 2018 in light of the PAS report on the function of the planning service, which was undertaken earlier in 2018.
- 1.2 Summary updates on progress on implementing the Planning Review programme have been reported to each of the Policy and Scrutiny Committee meetings held during 2019 as part of the Cabinet Member's updates.

2. Key Matters for the Committee's Consideration

2.1 The Committee is asked for a view on:

- Whether the projects and departmental changes either already completed or due for delivery in 2020 have met the requirements of the 10 Cabinet recommendations.
- The introduction of public speaking and whether it has enabled a more open, accessible and transparent process, which will be kept under review to ensure continuous improvement.
- Consideration of how very early engagement, in particular with Members and residents, on known development proposals is configured to enable optimum time to change/ modify schemes and specify community benefit.

3. Background

Scope and Purpose of the Planning Review Programme

3.1 The Planning Review comprises a programme of work to deliver improvements to the processes and practices of the planning service to address the recommendations made by Cabinet in October 2018 (see Appendix 1) in response to the findings of the PAS review of the service carried out in mid 2018. Cabinet made 10 key recommendations to make the planning service more proactive, collaborative and transparent, and better able to contribute effectively to the delivery of the Council's City for All vision and other corporate priorities.

3.2 The recommendations made by Cabinet in October 2018 were:

1. To record, and make available post meeting, coverage of Planning Applications Sub-Committee meetings.
2. To live stream Planning Applications Sub-Committee meetings.
3. Introduce public speaking rights at Planning Applications Sub-Committee meetings.
4. Review digital content on the planning process and planning decisions and improve accessibility to the general public.
5. Improve the way planning policies and decisions are explained to make them easier to understand.
6. Support resident and Ward Councillor participation at an earlier stage in the process, for example at pre-application stage of major applications.
7. Increase delegation and review call in procedures to empower officers to take more delegated decisions.
8. To restate to officers and Members their responsibilities in terms of the Council's gifts and hospitality policies.

9. 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.
 10. Create a new Place Shaping and Town Planning directorate.
- 3.3 The Planning Review programme comprises a number of separate projects of differing scales and complexity, which in combination will realise the aims and objectives of the 10 Cabinet recommendations. In view of the differing scales of the various projects and the varying degrees of complexity of each project, some of the service enhancements required to meet the Cabinet recommendations have already been realised, whilst a small number of more complex projects remain in their implementation phase, with delivery scheduled during 2020.
 - 3.4 The progress of the programme is set out in the following sections of the report in response to each of the Cabinet recommendations.

Programme Response to Cabinet Recommendations

Recommendations 1 and 2:

To record, and make available post meeting, coverage of Planning Applications Sub-Committee meetings and live stream Planning Applications Sub-Committee meetings.

- 3.5 To respond to these recommendations a project was established to introduce live streaming of Sub-Committee meetings, so that the transparency of the planning decision making process would be enhanced by it being significantly more accessible to service users and other stakeholders. This project is now at an advanced stage, with delivery imminent. Technical issues related to maintaining sound projection within the committee room during live streaming and to enable 'picture in picture' within the live stream (i.e. where live stream viewers can see the images of the planning application proposal that are being shown to the committee as well as the image of the committee room) have delayed initial implementation. However, a technical solution has now been achieved in relation to both issues and live streaming and the ability to access archive coverage of committee meetings post meeting will be introduced in February 2020.
- 3.6 The CIVICO system that has been procured provides a single online platform for the end to end process of recording, editing and web hosting the recorded content, which will enable live streaming via the Council's website. The system can be used to live stream all types of public meeting that Council holds using the equipment that has been installed within Rooms 18.1, 18.2 and 18.3 at 64 Victoria Street. As such, this project has the potential to deliver wider benefits as it can be used to live stream and host recordings of public meetings operated by other Council services and functions.

Recommendation 3:***Introduce public speaking rights at Planning Applications Sub-Committee meetings.***

- 3.7 Following consultation with stakeholders and development of new procedures and protocols by officers in late 2018, the Planning and City Development Committee (PCDC) in January 2019 resolved to agree the proposed procedures and protocols to allow for members of the public to make verbal representations at Sub-Committee meetings. Public speaking was subsequently introduced at the Planning Applications Sub-Committee meeting on 26 February 2019.
- 3.8 A 6-month review of public speaking was undertaken in Autumn 2019 and reported to the PCDC on 7 November 2019 (see Appendix 2). The review found that the introduction of public speaking had been overwhelmingly well received by stakeholders and that it had enhanced the degree to which the planning committee meetings were viewed as being open and transparent public forums. The review also found that the initially introduced procedures and protocols governing the public speaking process had been successful, but made some minor recommendations relating to the number of speakers permitted, the use of public speaking rights on deferred applications and the provision of a dedicated public speaking 'slot' for Neighbourhood Forums. The findings of the review were supported by the PCDC and public speaking procedures and protocols have subsequently been updated in accordance with the PCDC's resolution. The effectiveness of the public speaking procedure at Sub-Committee meetings will continue to be reviewed through ongoing monitoring of the process and by continuing to secure feedback from stakeholders.

Recommendation 4:***Review digital content on the planning process and planning decisions and improve accessibility to the general public.***

- 3.9 Progression of this aspect of the Planning Review programme is closely linked to improvements being made corporately to the appearance, navigation, accessibility and content of the Council's website. It is expected that improvements to the accessibility and content of the planning sections of the website will be made throughout 2020.
- 3.10 A review of digital content to ensure published documents are relevant and up to date is in the process of being undertaken in advance of the Examination in Public of the new City Plan in early to mid 2020. This review will substantially reduce the number of out of date and superfluous planning guidance documents published on the website, thereby simplifying the planning application process for applicants.
- 3.11 In terms of accessibility, since early 2019, the Council's website has been able to provide residents and other interested parties with E-notifications on planning applications that they have an interest in. Further development and communication of this functionality is proposed in 2020 to increase use of this 'opt-in' service, which can provide E-notifications for all applications within a specified radius of a chosen point within the City. Where residents or other

interested parties have opted in to this service, this method of consultation is significantly more reliable than traditional paper-based consultation methods (i.e. site notices and neighbour letters) and offers stakeholders quicker and enhanced access to the relevant planning documents.

- 3.12 As noted in paragraph 3.9, the content of the website is currently being examined to promote accessibility across all Council services and this is therefore an ongoing area of work that will continually evolve as new material/guidance becomes available and older content requires archiving. This is therefore an aspect of the service that will need to be continually reviewed going forward as part of 'business as usual' practices within the new PSTP department to ensure that the online content the service provides continues in future to be relevant to current planning processes and policies.

Recommendation 5:

Improve the way planning policies and decisions are explained to make them easier to understand.

- 3.13 The introduction of the new City Plan in late 2020 for planning decision making purposes will significantly simplify the development plan for Westminster, consolidating all local planning policies into a single document written in less technical and more accessible language, which will be in conformity with the currently emerging draft London Plan. Planning decisions from late 2020 onwards will therefore be simpler for officers explain and will be based on a more consistent and accessible suite of policies, which better reflects the current needs of the City and its communities, ensuring that planning decisions are more consistent with the needs of residents, visitors and businesses.
- 3.14 Allied to the simplification of the development plan going forward, work will commence early in 2020 on a review of the scope and content of delegated and Sub-Committee planning reports. The aim of this work will be to examine whether these documents can be revised to make them more accessible and simpler for members of the public and other stakeholders to understand.

Recommendation 6:

Support resident and Ward Councillor participation at an earlier stage in the process, for example at pre-application stage of major applications.

- 3.15 An 'Early Engagement' project has been set up as part of the wider programme to develop a process through which this recommendation can be delivered, so that early engagement with Ward Members and local communities on planning proposals is enhanced leading to better planning outcomes for local communities. The Planning Review programme team are currently undertaking options analysis for how earlier engagement could be introduced. This includes consideration of how the engagement could be structured, including various forms of face to face engagement and/ or the use of digital consultation platforms. Consideration is also being given to the impact early public engagement may have on developers seeking advice from the Council on their emerging schemes.

- 3.16 The programme team recognise that early engagement with Ward Councillors and local communities has the potential to help to alleviate the problems typically encountered with current developer led pre-application engagement system, which often results in misrepresentation of views expressed by local stakeholders, and often occurs at the very end of the pre-application process at a stage when developers are not inclined to amend the scheme prior to the submission of a formal planning application. It would also enable officers to better understand local stakeholder concerns and aspirations and enable them to incorporate them in to pre-application advice provided to pre-applicants.
- 3.17 It is expected that options analysis for early engagement will be concluded in early 2020, following which the chosen approach will move to a delivery phase. A detailed timescale for delivery has yet to be confirmed, but it is expected that a new early engagement process would be in place by the end of 2020.

Recommendation 7:

Increase delegation and review call in procedures to empower officers to take more delegated decisions.

- 3.18 Following publication of the PAS Review and creation of the Place Shaping and Town Planning (PSTP) department (see also Recommendation 10), there has been a notable cultural shift in the reporting of applications to the Planning Applications Sub-Committees (PASCs). Whereas previously there was a risk averse approach to resolution of minor applications with a small number of objections, now greater ownership of such issues is being taken by officers, freeing up the PASCs to consider larger scale and more strategic development proposals. This is reflected in the numbers of applications being reported to Sub-Committee meetings, which have fallen significantly over the last 12 months, since the Cabinet resolution in October 2018, as is reflected in the table below.

Table: Numbers of applications reported to PASCs 2017-2019 (Periods 1 and 2 2019 are first full periods post PAS Review and Cabinet Recommendation).

Period	No. of Meetings in Period	Total No. of Applications Reported	Ave No. of Items	Ave Length of Committee (Hrs)	Ave Items Per Hour
Half Year Period 2 - 2017	25	190	7.60	1.87	4.30
Half Year Period 1 - 2018	23	120	7.83	1.96	4.26
Half Year Period 2 - 2018	25	137	5.48	1.55	4.01
Half Year Period 1 - 2019	24	105	4.38	1.64	3.16
Half Year Period 2 - 2019	17	100	5.71	2.15	3.11

- 3.19 Building upon this cultural shift since the formation of the PSTP department, a project has been set up to identify how delegated powers can be extended to more junior officers (officers at Bands 3 and 4) to empower them to determine many of the simpler applications currently determined solely by Area Team Leaders (officers at Band 5). The project team has identified a preferred two

stage approach for extending delegated powers and is in the process of beginning the implementation, commencing with procedural changes, such as amendment of the existing schedules of delegation.

- 3.20 The extension of delegated powers to Band 4 officers relates more simply to the existing structure and processes of the Town Planning function, within which Band 4 officers already perform a 'pre check' of officer recommendations and reports prior to determination of applications under delegated powers by the Team Leaders. Consequently, extending certain delegated powers to these officers requires more limited training and process change and therefore extension of delegated powers to Band 4 officer is to be introduced as a first stage earlier in 2020.
- 3.21 Extension of delegated powers for certain types of small-scale application to Band 3 officers is more complex, due to the degree of change required to existing processes and the greater extent to which officers at this more junior level will require training and ongoing support to ensure that, following the extension of delegated powers, decisions made continue to be consistent and robust. For these reasons the extension of delegated authority to Band 3 officers has been identified as a second stage of this project and it is expected that this will be implemented later in 2020.
- 3.22 It is expected that ongoing training and mentoring needs for Band 3 officers will be incorporated into a new 'career grade' system for Band 3 officers. This will enable them to demonstrate the necessary decision making competencies prior to them being able to exercise delegated authority.

Recommendations 8 and 9:

To restate to officers and Members their responsibilities in terms of the Council's gifts and hospitality policies, and 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.

- 3.23 Officers were reminded in late 2018, and continue to be regularly reminded, that it is their responsibility to record gifts and hospitality, even where it is not accepted, and more rigorous recording of gifts and hospitality is now in place within the service. The relationship of officers with land owners, applicants, agents and community stakeholders has also been recalibrated to ensure that there is an appropriate distance at all times between officers and these stakeholders in the planning process.
- 3.24 The responsibilities for Members involved in the planning process have been reinforced through the revised and updated 'Guidance for Members Making Planning Decisions' document. The guidance document significantly enhances advice regarding 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.

- 3.25 The updated Members guidance document was reported to the Standards Committee on 11 July 2019. The final version, incorporating the recommendations of the Standards Committee, has subsequently been agreed by the Cabinet Member for Place Shaping and Planning and endorsed by the PCDC on 7 November 2019. The updated guidance is provided at Appendix 3.

Recommendation 10:

Create a new Place Shaping and Town Planning directorate.

- 3.26 Following the Cabinet decision in October 2018 and the appointment of a new Director of Place Shaping and Town Planning in late 2018, a new Place Shaping and Town Planning department has been created combining work of the former Place Shaping and Development Planning functions. Allied to the creation of this new directorate, Highways Planning and Trees officers have moved to City Highways within the CMC directorate to ensure that the advice they provide on planning applications is now more closely aligned with the Council's Highways function.
- 3.27 The combining of the Place Shaping function with Town Planning has enabled planning decisions to become more strategically aligned with the Council's place shaping projects and also enabled officers within Place Shaping to understand more clearly to potential opportunities and constraints of emerging development proposals. In combination the two functions are more dynamic in response to emerging development proposals and capable of being more pro-active in meeting the needs of new development and existing communities that are impacted by development.
- 3.28 The shared goals and behaviours of the new department have been captured in a new departmental Vision and Core Values, which was developed collaboratively with officers from across the new service area.
- 3.29 Consultation with the Place Shaping and Town Planning Team regarding the next phase of the review, looking at the structure of the new department, is to commence in early 2020 and is aimed at making it more efficient and more capable of working collaboratively, both within PSTP and across the wider Council.
- 3.30 The new department has also reviewed its fees for all non-statutory planning services to ensure it moves closer to full cost recovery where possible. Pre-application and Planning Performance Agreement (PPA) fees were increased by 15% in January 2020 under the existing fees structure. Further enhancement of the pre-application service, to diversify the services offered and provide customer choice is likely to be introduced later in 2020, with associated amendments to pre-application fees.

Programme Future and Completion of Delivery

- 3.31 The Planning Review Programme has been operational for 15 months, during which time it has delivered significant service enhancements in response to the majority of the Cabinet recommendations from October 2018. It has also

overseen a significant shift in culture within the new PSTP department resulting in greater ownership of decision making and resolution of complex planning issues, with reduced need for committee referral. Throughout this period the new department has also become more collaborative and better aligned to corporate objectives through closer working with officers from other departments and directorates.

- 3.32 In light of these achievements, consideration is now being given to the future of the Planning Review Programme with conclusion of the programme at the end of Q1 2020 being considered so that the remaining projects within the programme can be taken forward and delivered more simply and efficiently by officers within PSTP, given that strategic decisions on what options to pursue will have already been taken.
- 3.33 Where projects within the programme remain active, these are all either entering or are already in their delivery phase, having identified a preferred option for implementation, or are aligned to other corporate programmes/ projects. The early engagement and delegated authority projects are both closely related to the day to day internal processes undertaken by officers within the department and as such, the detailed roll out and implementation of these projects can be more effectively undertaken as individual projects led by the management team within the Town Planning function.
- 3.34 As noted earlier in this report, the enhancements to the accessibility and content of the website are linked to other corporate programmes/ projects relating to the functionality of the website and as such works to improve the planning section of the website can be taken forward as part of these wider corporate initiatives without the need to continue to operate a specific project as part of the Planning Review programme.
- 3.35 The programme is therefore coming to a close and regular reporting will not now continue unless the Committee decides otherwise.

If you have any queries about this report or wish to inspect any of the Background Papers, please contact Oliver Gibson 07971026919
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APPENDICES:

1. Report to Chief Executive's report to Cabinet dated 25 October 2018, including minutes and appended PAS Report.
2. Report to the Planning and City Development Committee dated 7 November 2019 and minutes (containing 6-month review of Public Speaking).
3. Updated Guidance for Members Making Planning Decisions dated 30 October 2019.

BACKGROUND PAPERS

N/A