



City of Westminster

Development Management Decision Making & Committee Review

City of Westminster Council

19th September 2018

Feedback Report

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1. Executive Summary

Review Purpose

- 1.1 The leadership of City of Westminster Council (Westminster) invited the Planning Advisory Service (PAS) to review the operation of Westminster's Development Management (DM) service. PAS has been asked to consider the effectiveness of the service, the role hospitality plays, the delivery of corporate objectives and outcomes, and the Planning Committee System and Decision Making.
- 1.2 The PAS review is part of Westminster's ongoing response to its former lead planning councillor being under scrutiny regarding the subject of hospitality from customers and stakeholders and his role in the planning process.

Hospitality

- 1.3 Westminster has a professional and operationally effective DM service, and the review found no impropriety or failure to follow guidelines and protocols regarding hospitality.
- 1.4 However, the practice of accepting hospitality from planning applicants, landowners and community groups seems to the review team to be significant and unnecessary. It has become 'normalised' in contrast to the practice of most regulatory planning services.
- 1.5 Good planning practice would be for staff and councillors to retain a distance from land owners, applicants, agents and community stakeholders other than at formally arranged visits and recorded meetings linked directly and specifically to the consideration of planning applications, pre applications, or the development of the local plan. This provides professional and service independence, and serves to maintain trust in a public and regulatory service.
- 1.6 In the context of our recommendations, the review team would like Westminster's Development Management service to be clear on what actions have been taken and what changes have been made to its procedures, protocols and codes of conduct regarding offers of hospitality extended to officers and councillors.

A Development Management Service for the Heart of a Global City

- 1.7 Westminster is a place of national significance; its place as a world city, royal borough and the seat of parliament, makes for a complex operating environment. Westminster is a place people want to visit and developers want to build in. The council has enjoyed a very good reputation for delivering innovative and high quality services and both staff and councillors are keen to ensure that the organisation doesn't 'rest on its laurels' and continues to look for ways to change, adapt and innovate.
- 1.8 For the planning service this includes finding the right balance between its role as a regulator, and the transparent promoter of development that will deliver the key outcomes for all of Westminster's communities.

- 1.9** The review team met very experienced, professional, creative and talented people across the Directorate including the Development Management service. The review saw a professionally competent DM service, with robust procedures checks and balances, a strong culture of reducing risk and promoting good design, and useful procedures to deal with 'simple' high volume case work. The review team spoke to professional and technical staff who valued the supportive leadership of Development Management, and felt the service provided a strong pre application process that helped reduce risk in decision making.
- 1.10** The review team would encourage the Development Management service to explore and develop innovative approaches to city centre management. Westminster's special position as the retail, cultural and governmental centre of one of the world's most significant global cities should be further capitalised on. This should include city management learning from other global centres, or perhaps taking a leading role in an aspect of "global city management". Learning about modern approaches of Development Management can also be found in many other UK Local Planning Authorities.

Staff Delegation and Development

- 1.11** Planning application assessment and sign-off procedures are rigorous in Westminster's Development Management service, but restricted to senior officers. This is understandable in a high profile Borough, where legal challenges to process and decisions are more common than in the rest of the country. Notwithstanding this rigour (which often drives consistency and high standards), PAS would advise the service to explore more delegation of decision making to support staff development, succession planning and opportunities for efficiency gains and cost savings. A 'command and control' approach is often established to reduce errors and omissions but can sometimes have the opposite effect, or offers no real benefit because checking and sign-off is 'someone else's job' and removes the responsibility from the frontline case officer. Strong leaders with forthright views on high standards of design and development, need to find ways to pass skills down the chain of command to enable more good decisions to be made, faster and efficiently.
- 1.12** The review team were told about "scheme and design review meetings" chaired by leadership team members. This is a good example of developing standards. In other planning authorities this "triage" process happens at all levels, supporting both strong decisions making and high levels of resource efficiency. Passing decision making to frontline officers could also encourage officers to work closely with ward members and align decision making wherever possible between the views of officers and those of elected members who have a democratic leadership responsibility for their locality.

Aligning Development Management, Policy and Regeneration

- 1.13** Internal partners in other service departments describe the Development Management service as helpful, providing good policy guidance and specialist advice e.g. on urban design and one senior officer said it was one of the best planning services they had experienced.
- 1.14** Notwithstanding this, most senior officers the review team spoke to from across all built environment and regeneration services, said the planning service should be better aligned in order to deliver corporate projects and ambitions. And, there could be better alignment of corporate priorities, policy and decision making.

- 1.15** The review team saw a Development Management Service that is badged as a Planning Service. The current Director's role is limited to being the Head of Development Management. Development Management is only part of the role of Town Planning.
- 1.16** In Westminster Development Management is not structurally linked to Planning Policy and was perceived by most of the people we spoke to in the organisation to be removed from the objectives and priorities of the Council, serving its own 'Planning Interests'. The Review team cannot evidence these claims but recognise that Development Management services in general need to work with this tension and to find a critical and difficult balance between both the regulatory function of "development control" – including treating all applicants equally - and the "development management" role of supporting and delivering the objectives and vision of both the Local Plan and Corporate Plan.
- 1.17** This tension is normal in LPAs and illustrates that Development Management and its sister services are struggling with the right issues. The review team felt, however, that Development Management took a somewhat traditional approach to delivering a unique agenda. In order to help resolve some of the planning tensions picked up by the review team, Westminster may like to consider reviewing matters based on the following principles:
- The role of Town Planning should be at the heart of the organisation;
 - Planning Policy needs to be the spatial interpretation of the Council's vision, objectives and priorities – both planning and city management;
 - Planning Policy and Development Management, should actively plan for delivery against these objectives and be a proactive tool for achievement;
 - When this alignment works well, regulatory planning can act as a catalyst and facilitator for growth and change with development management, managing that change, mediating and enabling. In this way a balance can be found to deliver both the needs of a diverse residential community and the requirements of a progressive modern global city.
- 1.18** To achieve these principles, Westminster could examine a number of options; finding ways of achieving closer collaboration between existing services/Directorates; a more fundamental re-organising of the service; or the appointment of a strategic planning lead role to work at the leadership team level. Whichever route is taken, the critical ingredient of success is that the cultural leadership in all key services must be committed to joined-up, closer corporate working and delivery.

Planning Decision Making – committees

- 1.19** The review team found planning committees to be well chaired and overall there is a good quality of debate among the committee and presenting officers. However, the review team would question whether in their present form, they make best use of committee resources or represent an open and engaging experience for the public.
- 1.20** Reviewing the delegation and call-in procedures, empowering officers and councillors to resolve issues at a local level, and engaging committee members much earlier (including at pre-application) on significant major development proposals would all help to ensure that committee resources are focused on the right type/level of application. The knock-on effect

would be the freeing up of committee time which could smooth the way for the introduction of the commitment to “public speaking rights” thereby making the process more open and engaging for the public. The Peer Review Team also endorse Westminster’s own pledge for public speaking at planning committee, this has become common across many councils and removes a lot of frustration about engagement in this part of the process.

- 1.21** In the absence of any evidence found by the review team we would like Westminster’s Development Management service to be clear on what actions have been taken to date to establish speaking rights at planning committees. The review team would expect this to be led from within the Development Management service.

Opportunity for change

- 1.22** Westminster is currently reviewing its City Development Plan and there is an obvious and renewed commitment from the leadership of Westminster to making sure that all of its residents benefit from development through the Leader’s ‘City for All’ programme.
- 1.23** This represents a significant opportunity, alongside the findings of this review, for the planning service to positively challenge itself to be in the strongest position possible to deliver the City Plan objectives, and Westminster’s wider corporate objectives.

2. Key Recommendations

This section summarises the key recommendations. The full and more detailed findings can be found under each theme heading later in the report.

2.1 Development Management, Planning Policy, Delivery and Regeneration need to be more closely aligned. To achieve this “alignment” the Council could examine closer collaboration between existing services/Directorates; a service re organisation or the appointment of a strategic planning role, (with or without portfolio) to work at the leadership team level. The critical ingredient of success, whichever route is taken, is that the cultural leadership in all key services must be committed to joined-up, corporate planning and delivery. This would also help to “de risk” complicated corporate projects.

2.2 The DM service should publicly promote and deliver ‘distance’ between the regulatory service and applicants, agents, formal community organisations and the public. Attendance at hospitality events is not needed to deliver a good and professional service. The PAS team recommend that councillors and planning service officers only attend formally arranged visits and recorded meetings linked directly and specifically to the consideration of planning applications, pre applications, or the development of policy. The absence of familiarity drives trust in regulatory services.

2.3 Committee practices and procedures need to be reviewed to focus resources on the right types of development and creating a platform for a more open and engaging experience for the public. Planning committee is the shop window for planning decisions and place shaping. A review should include:

- Revising call-in powers and the scheme of delegation to ensure committee is focused on the discussion of significant schemes;
- Presentation of pre application schemes to committee and possibly formal pre application public meetings in advance of committee;
- Public design panel hearings;
- Public reviews of appeal results and more reports on place shaping.

This could facilitate the introduction of measures to broaden the opportunities for public engagement with planning committees including the Leader’s pledge on introducing “public speaking rights”.

2.4 Delegate decision making among a greater number of staff. This will create capacity, a more consistent and efficient service for customers, support career development, increase staff confidence and autonomy and encourage more aligned local decision making. This would also have the associated benefit of identifying potential efficiency gains and cost savings.

2.5 The service needs to review the roles of its highways planning team and the corporate Highways function. The highways planning team are embedded within the Development Management service. The review team are of the opinion that the highways planning team and

corporate highways function would benefit from more closely aligned agendas and understanding of each other's objectives and priorities. One option to achieve this could be to give highways planning officers a clear responsibility to both Development Management and Corporate highways, and making it the clear responsibility of this team to align the interests of both services. This issue is certainly not unique to Westminster and PAS can help link Westminster to other councils who have managed a solution to this situation.

2.6 Continue to use all available measures to address recruitment and retention issues. The review team was told that despite Westminster's reputation and draw for young and talented planners, recruitment and retention is difficult. The review team recommends utilising all existing measures to the full and also developing a range of initiatives to support the growth of succession planning. This could include a strong graduate programme and reviewing pay scale and progression rules.

2.7 Review communications on Planning Performance Agreements (PPAs). The Review team heard that customers aren't clear what benefit they get from planning performance agreements (PPAs). This ranged from those not able to differentiate it from the pre-application advice, to those that 'just see it as part of getting a development through'. There is an opportunity for Westminster to articulate and be clear about the value/service customers can expect (e.g. levels of dedicated officer time/the right level of engagement across the council with highways/housing/regeneration/legal, earlier engagement with key councillors etc.).

3 Background and scope of the review

- 3.1 Westminster council's planning service is currently under the spotlight following an investigation into concerns about hospitality. The Chief Executive of Westminster Council has used this as an opportunity to invite the Planning Advisory Service (PAS) carry out a short focused review of its Development Management processes and committee system.
- 3.2 The PAS review is carried out by fellow local government planning professionals, not consultants, inspectors or lawyers.
- 3.3 The review focused on 4 key areas as they relate to the Development Management service:
 - 3.3.1 **Theme 1: Effectiveness of the service**
 - 3.3.2 **Theme 2: The role hospitality plays**
 - 3.3.3 **Theme 3: Delivering corporate objectives and outcomes**
 - 3.3.4 **Theme 4: The Planning Committee System and Decision**
- 3.4 It is important to stress that this review is not an inspection; it is improvement focussed and designed to complement and add value to a council's own performance and improvement plans. The review is not designed to provide an in-depth or technical assessment but for the peer team to use their experience and knowledge to reflect on the information presented to them by people they met, things they saw and material that they read.
- 3.5 This report is a summary of the peer team's findings. By its nature, the review represents a snapshot in time. We appreciate that some of the feedback in this report may be about things that Westminster is already addressing and progressing.
- 3.6 As commissioner of the review, the PAS review team has presented a verbal summary of this report and recommendations to the Chief Executive of Westminster. PAS would, at the instruction of the Chief Executive, welcome the opportunity to present this draft report to other audiences within/outside the council and involve them in any final recommendations.
- 3.7 The PAS review team would like to thank councillors, staff, people who use services, and partners for their open and constructive responses during the review process. All information collected was on a non-attributable basis. The team was made to feel very welcome and would especially like to mention the invaluable assistance and excellent onsite support to the team in planning and undertaking this review.

4 Planning Advisory Service (PAS)

4.1 PAS is a Local Government Association (LGA) programme which is funded primarily by a grant from the Ministry of Housing Communities and Local Government (MHCLG).

4.2 It is our principal mission to ensure that local planning authorities (LPAs) are continuously improving in their execution and delivery of planning services.

4.3 To achieve this, the PAS work programme focuses on:

- a) Helping local government officers and councillors to stay effective and up to date by guiding them on the implementation of the latest reforms to planning.
- b) Promoting a 'sector-led' improvement programme that encourages and facilitates local authorities to help each other through peer support and the sharing of best practice.
- c) Providing consultancy and peer support, designing and delivering training and learning events, and publishing a range of resources online.
- d) Facilitating organisational change, improvement and capacity building programmes - promoting, sharing and helping implement the very latest and best ways of delivering the planning service.

4.4 PAS also delivers some of its services on a commercial basis including change and improvement programmes for individual and groups of planning authorities in England, Scotland, Wales and Northern Ireland. PAS' commercial work includes traditional planning peer challenges and more focused pieces of review work of the type carried out at City of Westminster council.

5 The review team

4.1 The peer team is made up of serving council officers, and a PAS review manager:

- **Phil Mason**, Director of Planning & Sustainable Development, Cornwall Council
- **Marc Dorfman**, PAS Associate and Special Planning Advisor South Somerset District Council
- **Martin Hutchings**, Review Manager, Planning Advisory Service

6

Theme 1: An Effective and professional Development Management Service

- 6.1** The review team found a professional, and operationally effective Development Management service. There are strong, established relationships with developers who report positively about working with Westminster, find its planners to be professional and committed and feel that the development agendas on both sides are understood.
- 6.2** The review team spoke to professional and technical Development Management staff who valued the supportive leadership of the service, and felt the service provided a strong pre application process that helped reduce risk in decision making.
- 6.3** Staff in Westminster’s Development Management team are committed to their work and good customer service. At all levels staff have a strong performance ethos and a strong commitment to delivering policy compliant Development Management decisions in a pressurised environment.
- 6.4** Performance is currently very good against national indicators and there some good processes in place for dealing with high volume - low complexity schemes. Statutory targets for major planning applications are currently being well met by the service for all of the Government’s main performance targets.
- 6.5** The pre-application offer is clear and its purpose is clearly understood by officers to be the provision of better-designed and more policy compliant schemes for formal assessment. Developers report that the pre-application process works well and that they find the process collaborative and that it adds value.
- 6.6** There are good processes in place to ensure wherever possible that officer continuity is achieved after pre-application is completed and the application is submitted. Pre-application meeting notes are filed and linked to subsequent planning applications, and some cases develop into programmed Planning Performance Agreements.
- 6.7** Planning Application assessment and case sign-off procedures are rigorous. There is strong direction from senior staff in how decisions are made. This is understandable for certain types of application (Westminster operates in a high profile environment, where risk can be high and legal challenges common). Experimenting with more delegation may further support career development and help to combat the general view that “Westminster trains planners and then they leave because there are few development opportunities”. In addition high levels of checking is costly – so experimentation with more staff delegation could be valuable.
- 6.8** Customers also feel that the service would benefit from a more devolved decision-making powers – some expressed a concern that some of the early strategic discussions that take place on schemes with senior management do not always filter down to those processing the application which can result in inconsistencies or delays when issues thought to have been resolved have to be referred back to senior management.

- 6.9** There is a delicate balance to be found – strategic control usually means service consistency, but more delegation down through the hierarchy would spread responsibility and ability. This in turn would promote succession candidates. Devolving responsibility would support better remuneration through the ranks and allow flexibility and change at management levels.
- 6.10** Councillor involvement in pre application discussions is not routinely offered but can be requested by the customer under a strict protocol. There isn't a formal system of presenting significant pre applications to Committee. This can result in councillor involvement coming late or in an un-coordinated way into the process meaning that key local knowledge/intelligence is not considered early enough and can result in the council appearing inconsistent / not joined up, or lead to deferrals at committee as witnessed by the review team. A more routine/formalised approach to involving councillors early on all major and strategic developments would be beneficial.
- 6.11** Some customers aren't clear what benefit they get from planning performance agreements (PPAs). This ranged from those not able to differentiate it from the pre-application advice, to those that 'just see it as part of getting a development through'. There is no evidence that PPAs are ineffective, but perhaps there is an opportunity for Westminster to articulate the value/service customers can expect (e.g. levels of dedicated officer time/the right level of engagement across the council with highways/housing/regeneration/legal, earlier engagement with key councillors etc.).

7 Theme 2: Hospitality

- 7.1** The review team found no evidence of impropriety or failure to follow guidelines and protocols regarding hospitality. However, the practice of accepting hospitality from planning applicants, landowners and community groups seems to the review team to be significant and unnecessary. It has become 'normalised' in contrast to the practice of most regulatory planning services.
- 7.2** While the leadership of the service has no need (technically), to defend the service's reputation during a period of speculation about impropriety, it does need to make sure that it has done enough to strongly address the perception of inappropriate hospitality. The PAS team feel that more may need to be done in this respect; the service should consider whether it has gone far enough in addressing public concerns, and whether it should make a more formal and public response regarding the action it has taken and the procedures that it has reviewed or changed.
- 7.3** The professional view of the PAS review team is that such meetings do not need to be attended by representatives of the planning service who are acting in an objective regulatory capacity. Attendance is not needed to deliver a good and professional service.
- 7.4** Good planning practice would be to retain a distance from land owners, applicants, agents and community stakeholders other than at formerly arranged visits and at recorded meetings linked to the consideration of planning applications, pre applications, or the development of the local plan. This provides professional and service independence, and serves to maintain trust in a public and regulatory service.
- 7.5** The council needs to fundamentally re-think its stance on hospitality and then make sure that all guidance for staff and members is consistent and up to date. A cultural shift is required that goes beyond advising what is and isn't acceptable and places more emphasis on questioning up front what value accepting offers of hospitality or attending events will add to the decision making processes. This will allow staff and councillors to remain confidently objective and transparent as they seek to deliver the best outcomes from development for all residents of Westminster.

8 Theme 3: Committees

- 8.1** The review team attended one area committee and one strategic development committee. Both were very well chaired; agenda items and time were well managed and overall there was a good quality of debate among the committee and officers. The committee process is also excellently supported by the committee services officers.
- 8.2** Planning officers at committee are calm, informed, polite and professional and do a good job of presenting balanced, policy-based assessments and recommendations, and responding competently to questions.
- 8.3** The number of members of the Committees is appropriate for effective debate and decision making.
- 8.4** Due to the layout and arrangement of the current committee room, the attendees and general public at committee felt isolated from the committee members. Large individual screens blocked the ability to see the committee members and there is a lack of basic guidance and information makes the committee process difficult to understand as an attendee.
- 8.5** Most of the committee members are clearly experienced and this adds to the value of their role as the decision makers. However, at times 'reminiscences' about other cases, previous experiences, questions about matters that were not linked to planning and repetition of points already made, did not add to the quality of the debate and slowed down the decision making process. The debate should focus on the case in hand and questions/points arising from the reports/officers presentation.
- 8.6** The process for voting should be revised so that each committee member's opinion is heard and then the vote taken. At the moment committee members summarise their views and then declare the way they will vote one-by-one.
- 8.7** Delegation and call-in procedures are too loosely defined and this results in cases appearing on committee agendas that the review team felt could have been dealt with elsewhere e.g. a policy interpretation for the discharge of a condition; a case that had no objections and was recommended for approval; issues and questions on one of the council's own major regeneration schemes that really should have been dealt with before getting this far to committee. There were also several other cases including a mansard roof development and basement developments that could have been resolved outside of committee with some flexibility, creativity and little less risk-averse application of policy. This is deflecting the committee from being able to concentrate efforts on the important strategic decisions for Westminster.
- 8.8** It is right that there is a process that allows items that are of legitimate concern to councillors, communities and officers to be assessed by committee. However, it is the opinion of the review team that the current committee structure and delegation procedures potentially discourage local issue-solving, encourage a risk-averse approach and can result in policy being applied too narrowly to control rather than facilitate development. Tightening up the delegation and call-in procedures could also be supported by the introduction of more devolved powers to solve issues

at a local level and by involving committee at the earliest stage possible in the development process e.g. pre-application presentations to committee on major applications.

8.9 Planning committees are the 'shop window' for councils and are one of the key ways that residents can have their voices heard. It is the review team's opinion that too many gaps and disconnections in the process are preventing it from being as effective as it could be in terms of engagement and being representative. The relative ease with which councillors can call-in applications does give the outward appearance of the process being 'resident-focused' but only goes so far in terms of public engagement as there are presently no public speaking rights.

8.10 The review team endorses the introduction of public speaking rights, an election pledge by the Leader, and is unclear how much progress has been made towards delivering it. The review team would like to have seen more evidence of the service exploring 'how to' introduce public speaking rights.

8.11 Westminster would be mistaken however were it to introduce public speaking rights alone without the other changes recommended above in terms of introducing processes for more local problem solving and earlier engagement of committee members on major development. The only 'legitimate' concern that the review team picked up regarding the introduction of public speaking at committee was one of the time it would add to meetings. Tightening up the delegation and call-in procedures to reduce the numbers of items on committee alone would free up enough time to address these concerns.

9 Theme 4: Delivering Corporate Outcomes & Strategic Management

- 9.1** Internal partners in other service departments describe the Development Management service as helpful, providing good policy guidance and specialist advice e.g. on urban design, and the service was described by one senior officer as one of the best they had ever experienced.
- 9.2** Notwithstanding this, most senior officers the review team spoke to, from across all built environment and regeneration services, (Development Management, planning policy, housing, regeneration and highways), said the planning service should be better aligned in order to deliver corporate projects and ambitions. And, there could be better alignment of corporate priorities, policy and decision making.
- 9.3** The review team saw a Development Management Service that is badged as a Planning Service. The current Director's role is limited to being the Head of Development Management. Development Management is only part of the role of Town Planning. In Westminster it is not structurally linked to Planning Policy and was perceived by most of the people we spoke to in the organisation to be removed from the objectives and priorities of the Council.
- 9.4** The review team believe that the role of Town Planning should be at the heart of the organisation. Planning Policy should be the spatial interpretation of the Council's vision, objectives and priorities. The emerging City Plan must, therefore, be closely aligned to expressing the vision and objectives of Westminster, it must promote and actively plan for delivery against these objectives and be a proactive tool for achievement. When this alignment works well, regulatory planning can act as a catalyst and facilitator for growth and change with development management, managing that change, mediating and enabling.
- 9.5** To achieve this alignment the Council could examine closer collaboration between existing services/Directorates; a service re organisation or the appointment of a strategic planning role, (with or without portfolio) to work at the leadership team level. The critical ingredient of success, which ever route is taken, is that the cultural leadership in all key services must be committed to joined-up, corporate planning and delivery.
- 9.6** The Leadership of Westminster has an excellent opportunity to change the narrative about planning and with it the philosophy and role of planning. Westminster does not have to go out and seek development and this could have contributed to the balance at Westminster being tilted more towards reacting to and regulating development than proactively managing and delivering a vision. The 'City for All' strategy and emerging local plan should be the driving forces that communicate to the community and developers a clear vision for Westminster, how it wants to develop and its priorities. Planning should be placed at the front and centre of how that vision is achieved.
- 9.7** Westminster is home to around a quarter of a million residents, and has a careful balance to achieve in terms of delivering the world class schemes it attracts and the relationship/influence that has on what it is able to deliver in terms of public amenity and affordable housing.
- 9.8** The planning service must continue to extend its community engagement expertise to ensure that it is reaching all sections of the community. The planning service has very strong links with the main resident and amenity groups across Westminster and it must examine these

relationships and be confident that the views of established and well-organised community groups are balanced by understanding the views of all residents and an understanding of all resident's needs, particularly the needs of those people who are often not heard.

10 Implementation, next steps and further support

10.1 To be discussed with Westminster.

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We are grateful for the support of everyone that contributed to this review.



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