



City of Westminster

Planning & City Development Committee

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Title: Update on the Planning Review

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 presents an update on the Planning Review programme of work to deliver improvements to the processes and practices of the planning service to address the findings of the review carried out by the Planning Advisory Service (PAS), which informed the recommendations that made to Cabinet on 25 October 2018, and which the Cabinet resolved to endorse. Progress on the implementation of the Planning Review programme was previously reported to the Planning and City Development Committee on 20 June 2019 (see Appendix 4).
- 1.2 This report provides a 6-month review of public speaking at Planning Applications Sub-Committees, advises on the imminent introduction of live streaming of Sub-Committee meetings and sets out the options currently being explored to facilitate early pre-application community and Member engagement.
- 1.3 The introduction of public speaking at Planning Applications Sub-Committees has been a success that has significantly enhanced the transparency and accessibility of the Sub-Committee process for planning application decision making. The review of the initial 8-month period of public speaking identifies an overwhelmingly positive overall satisfaction with the process from those speaking at Sub-Committee meetings with only isolated concerns expressed. Recommendations to make limited amendments to the current Planning Applications Sub-Committee Procedure Rules (January 2019), to enhance the overall operation of the public speaking process, are made in Section 4.
- 1.4 Live streaming of Sub-Committee meetings is to be introduced to further enhance the accessibility and transparency of planning decision making i. The equipment to facilitate live streaming of Planning Sub-Committee meetings, which will also be used for other public meetings in due course, was installed in early September 2019. The Council has procured the 'CIVICO' system, which provides a single online platform for the end to end process of recording, editing and web hosting the recorded content. The

system is now undergoing a period of testing prior to the commencement of live streaming.

- 1.5 To facilitate the involvement of residents and Ward Councillors at an earlier stage in the planning process, options are currently being explored to introduce an Early Engagement Forum (EEF), which would be facilitated and chaired by officers and would allow developers to present their schemes to local stakeholders and Ward Councillors in an independent setting, where all parties involved in the planning process would be engaged simultaneously. The forums would occur at the very earliest stage in the pre-application process. This would enhance pre-application community engagement on large and strategic scale schemes, which is currently wholly reliant on developer led pre-application engagement, which can misrepresent the views of local stakeholders and lack genuine engagement with communities.

2. Recommendation

- 2.1 Members are asked to agree the recommendations of the 6-month review of public speaking and note the ongoing work on Planning Review programme to implement measures pursuant to the recommendations endorsed by Cabinet in 2018 to make the planning service more proactive, transparent and focused on the delivery of shared strategic and corporate objectives.

3. Background

- 3.1 The Planning Review programme comprises a programme of work to deliver improvements to the processes and practices of the planning service to address the findings of the review carried out by 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 recommended changes to the planning service are designed to make the planning service more proactive, transparent and focused on the delivery of the Council's City for All vision and other corporate priorities. The recommendations include measures to make it easier for residents to engage with the planning process in Westminster.
- 3.2 In summary the recommendations endorsed by Cabinet in October 2018 that the Planning Review Programme is seeking to respond to and implement positive change in light of 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 This report provides a 6-month review of public speaking at Planning Applications Sub-Committees (3 above), advises on the imminent introduction of live streaming of Sub-Committee meetings (1 and 2 above) and sets out the options currently being explored to facilitate pre-application community and Member engagement (6 above).
- 3.4 In terms of the other recommendations endorsed by Cabinet, a new Place Shaping and Town Planning directorate was created in late 2018 (point 10) and the responsibility of officers and Members to retain distant from participants in the planning process and refrain from hospitality has been reiterated (points 8 and 9), with the expectations set by gifts and hospitality policy set out more clearly in an updated 'Guidance for Members Making Planning Decisions' document, which was agreed by the Standards Committee in July 2019 (see also a separate report on this updated guidance on this agenda). Work on points 4 and 5 above, to review online planning content and consider how planning policies and decisions are explained is ongoing. It should be noted that the introduction of the draft new City Plan in 2020 will simplify the development plan for Westminster, consolidating all local planning policies into a single document written less technical and more accessible language. Work to examine options to widen delegated powers among officers is ongoing pursuant to point 7.

4. Considerations

Review of Public Speaking at Planning Applications Sub-Committees

- 4.1 In January the Committee resolved to agree the proposed procedures and protocols to allow for members of the public to make verbal representations at the Sub-Committee meetings. Public speaking was subsequently introduced at the Planning Applications Sub-Committee on 26 February 2019. The agreed procedures require speakers to register in advance on the Council's website if they wish to speak and the number of speakers for and against is limited at each committee meeting with each speaker limited to no more than 3 minutes (see 'Planning Applications Sub-Committee Procedure Rules (January 2019)' in Appendix 1). It was agreed at the Planning and City Development Committee in January 2019 that a 6-month review of public speaking would be undertaken, which would include recommendations for improvements to the process for public speaking at Planning Applications Sub-Committee meetings. The following paragraphs set out the 6-month review of public speaking.
- 4.2 Table 1 below set out the usage of public speaking by supporters, objectors and other interested parties since the introduction of the right to speak in February 2019. The data in Table 1 covers the period up to and including the Planning (Major) Applications Sub-Committee on 24 September 2019. In that period 26 Sub-Committee meetings have been held.

Table 1 – Numbers of Public Speakers between 25 February and 24 September 2019.

	No. of Applications on Agendas	No. of Applications with Registered Speakers	No. of Speakers Supporting	No. of Speakers Objecting	No. of Amenity Societies	No. of Ward Councillors	Total No. of Speakers
Totals	130	105	80	46	7	13	128
Average	5.00	4.04	3.08	1.77	0.27	0.50	4.92

- 4.3 Table 1 demonstrates that the opportunity to address Planning Applications Sub-Committees has been widely embraced by both supporters and objectors alike, affirming that introducing public speaking, which has afforded greater and transparency to the planning decision making process, was a positive one. There is typically at least one speaker for each application included on a Sub-Committee agenda.
- 4.4 All those registering to speak have been asked to provide feedback on their experience of the registration process and of speaking at the Sub-Committee meeting itself. To date 19 responses have been received. 89% of respondents agreed or strongly agreed that registering to speak at the Planning Applications Sub-Committee was easy to do. Shortly after the introduction of public speaking it was identified that it was possible for those wishing to address the Sub-Committee could inadvertently register to address the Sub-Committee on the wrong date. This issue was resolved by amendment of the information included in the online form and there have been no similar issues with the registration process since. The results of the survey indicate that those engaging in public speaking have overwhelmingly found the registration process to be easy to engage with. As such, no further amendment of the registration process is recommended.
- 4.5 The most common issue arising prior to Sub-Committee meeting is complaints arising where individuals have not taken action to register themselves in time despite the advice provided in letters/ emails sent out advising of the impending Sub-Committee meeting (all public speakers must register by midday on the Friday prior to the Sub-Committee meeting). The procedures do though already allow for the Chairman to exercise discretion where an individual is late registering. This discretion has been used in limited circumstances to date, where the delay in registering has been demonstrated to be for legitimate reasons. It is recommended that this continues to be used only in the most exceptional circumstances to ensure the fair and equitable administration of the Sub-Committee meetings. Accordingly, no amendments are recommended to the time by which they must be registered.
- 4.6 To date there has not been a need for a ballot to decide upon the speakers for a particular item. Typically, residents and other objectors organise themselves into representative groups when opposing developments and this has ensured that where there have been high volumes of objection to a scheme, there have always been less than the maximum permitted number of speakers. Given this aspect of the public speaking procedures has yet to be utilised, it is recommended that it is kept under review at the present time. However, it is clear that for the vast majority of development proposals coming before the Sub-Committees, the current maximum quantum of speakers is set at an appropriate number. However, it is recommended that the Planning Applications Sub-Committee Procedure Rules are amended to afford the Chairman discretion in rare cases where the development before the Sub-Committee is of such strategic importance and of exceptionally high public interest value that a higher number of public speakers would be appropriate to maintain the fairness of access to the Sub-Committee meeting for objectors and supporters alike. No concerns

have been expressed regarding the order of public speakers and it is recommended that the current order of public speakers is therefore maintained.

- 4.7 The current procedures allow recognised or semi recognised amenity societies their own speaking ‘slot’ on each item. In practice this right is rarely used with only 7 persons addressing Sub-Committees on behalf of an amenity society since 26 February, during which time 130 applications have been considered. However, it is recommended that this right to speak in a separate ‘slot’ to other objectors or supporters is extended to registered Neighbourhood Forums, which often represent significant numbers of residents and businesses in the areas of the City that they cover.
- 4.8 The survey data collected from public speakers (see Table 2) demonstrates that to date public speakers have overwhelmingly found the Sub-Committees to be highly competent, clear and transparent decision making panels. 90% respondents agreed or strongly agreed that they had been made to feel welcome by the Sub-Committee. The same significant majority agreed or strongly agreed that they were satisfied with the quality of the Sub-Committee chairman. 74% of respondents agreed or strongly agreed that they felt their views had been taken seriously, whilst 79% of respondents agreed or strongly agreed that the Sub-Committee process was clear and transparent. The lowest approval rating was in answer to whether public speakers felt that they had been part of the decision making process, to which 63% agreed or strongly agreed. Measures such as affording speakers (supporters, objectors, Ward Councillors and others) more time to speak or allowing speakers to be questioned could be considered in order that they may feel more engaged as part of the decision making process. However, such measures would need to be balanced against the need to avoid Sub-Committee meetings becoming overly long or allowing disproportionate weight being attributed to speakers that have been given longer to address the Sub-Committee. Having regard to these considerations it is recommended that the length of time given to public speakers and the format within which they speak (i.e. without questions being asked of them) should remain as set out in the current procedure rules.

Table 2 – Public Speakers views on the Planning Applications Sub-Committees.

	Strongly Agree	Agree	Neither Agree or Disagree	Disagree	Strongly Disagree	Response Total
I felt welcome at the planning committee meeting	42.1% (8)	47.4% (9)	0.0% (0)	5.3% (1)	5.3% (1)	19
I felt satisfied with the quality of the Chair	42.1% (8)	47.4% (9)	5.3% (1)	0.0% (0)	5.3% (1)	19
I felt that my views were taken seriously	26.3% (5)	47.4% (9)	15.8% (3)	5.3% (1)	5.3% (1)	19
I felt part of the decision making process	21.1% (4)	42.1% (8)	21.1% (4)	5.3% (1)	10.5% (2)	19
The planning committee process was clear and transparent	26.3% (5)	52.6% (10)	10.5% (2)	5.3% (1)	5.3% (1)	19

- 4.9 The survey of public speakers includes the opportunity for respondents to provide additional comments. 12 of the 19 respondents provided comments, many of which relate to the specific circumstance of the application on which they were speaking. However, of the 12 respondents four commented that a visible clock or timer should be provided to enable speakers to gauge the time remaining for them to speak. Currently only a 30 second verbal warning is provided by the Committee Clerk. Given the consistency of this feedback across the survey responses it is recommended that a visible timer is introduced to assist public speakers.

- 4.10 Paragraph 1.2 of the current procedure rules specifies that *'In the case of items which have previously been deferred by the Planning Applications Sub-Committee and where no new evidence is to be tabled, speakers will not be allowed to make further representations at Committee'*. The current procedure is intended to avoid duplication of presentations to the Sub-Committee. However, there are circumstances that fall outside of the scope of the current wording where it may be reasonable, to ensure the decision making process is fully open and transparent, to allow supporters, objectors and other interested parties to speak again at the subsequent Sub-Committee meeting. For example, this could be the case where applications are deferred for a Sub-Committee site visit or when an application is reported back to a Sub-Committee meeting after an unusually long period of time since the original deferral. In such circumstances, whilst no new evidence or material considerations will necessarily have been presented, it would be advantageous to the Sub-Committee, in terms of its understanding of the views of supporters and objectors, to hear their views again. It is therefore recommended that paragraph 1.2 of the procedure rules are amended to allow public speaking on applications that have previously been deferred, with previous speakers given priority in such circumstances before speaking slots are offered to new speakers.
- 4.11 In summary, the procedure rules agreed at Planning and City Development Committee in January 2019 have operated efficiently and the evidence from the survey of public speakers demonstrates that the overwhelming majority of respondents found public speaking a positive experience, which enhanced their view of planning application decision making in Westminster and contributed to their perception that it is an open and transparent process. Despite this, the 6-month review identifies a small number of minor amendments to the procedure rules which would further enhance the overall public speaking process. These recommendations are:
1. The Chairman should be given discretion in exceptional circumstances to allow a greater number of speakers to speak in relation to applications which are both of strategic importance and exceptionally high public interest value.
 2. Public speaking should be permitted on all previously deferred applications with previous speakers who have addressed the Sub-Committee on the same application given priority, prior to speaking slots being offered to new speakers.
 3. Neighbourhood Forums should be included with Amenity Societies as bodies that may receive a separate public speaking 'slot' on each item.
 4. A timer visibly displaying the remaining time for public speakers should be provided to assist those addressing the Sub-Committee.

Live Streaming of Sub-Committee Meetings

- 4.12 To further enhance the accessibility and transparency of the planning decision making process, live streaming of Sub-Committee meetings will be introduced. The equipment to facilitate live streaming was identified through market analysis and a procurement process as part of the Planning Review programme. The system provided by 'CIVICO' has been selected as it provides the most suitable functionality enabling the delivery of live streaming of Planning Applications Sub-Committee meetings, as well the streaming of other public Council meetings in future. CIVICO provide the same live streaming functionality to a significant number of other Council's, including Birmingham City

Council and the London Borough of Croydon. The CIVICO system provides a single online platform for the end to end process of recording, editing and web hosting the recorded content. The video will be provided via the Council's website via a webpage hosted by CIVICO but branded so that it appears as a seamless extension of the Council's existing website. The webpage on which the live stream and previous recordings will be available will include links to all relevant Sub-Committee agenda papers, reports and minutes.

- 4.13 The system has now been procured and the visual and audio equipment required to facilitate live streaming of Planning Sub-Committee meetings was installed in Rooms 1, 2 and 3 on the 18th Floor of 64 Victoria Street in early September 2019. Six cameras have been installed in the committee room, along with new microphones that are compatible with the live streaming technology.
- 4.14 The system is now undergoing a period of testing, with Planning Applications Sub-Committees being recorded, but not live streamed, from 3 September onwards to allow the room set up and camera positioning to be optimised, whilst also allowing Members and officers to become familiar with the technology and additional roles and responsibilities they have during the meeting.
- 4.15 The test recordings were reviewed at the Customer Digital Standards Board on 9 September. The board recognised the impressive underlying performance and functionality of the technology but made recommendations that the appearance of the committee room be improved with branding material being placed within the image frame so that it is recognisably a Westminster meeting. Adjustments to the layout of the room have been made to respond to the Board's recommendations and a large banner will be introduced behind the committee panel to alleviate views of windows and clutter in the background and introduce Westminster branding.
- 4.16 Legal Services are currently finalising a guidance note and protocol that will restate the basis on which there is an existing expectation for officers, Members and third parties participating in public meetings to appear in any recordings being made. In this context, it should be noted that currently Planning Applications Sub-Committee meetings can be, and are regularly, filmed by persons in the public gallery. Any person present already has the right to record proceeding in this way under the Openness of Local Government Bodies Regulations 2014. The protocol being developed by Legal Services will include steps to be taken should Sub-Committee recordings be misused or misrepresented by third parties, particularly through online use on social media, so that the safety and/ or reputation of officers, Members or third parties is not harmed. The CIVICO system will allow users to share clips of Sub-Committee meetings on social media; however, this functionality ensures that the video continues to be hosted by the Council's live streaming provider (CIVICO) and therefore this content could be removed across all social media platforms should it be misused or misrepresented by a particular third party. This functionality ensures the Council will have ultimate control over the use of the video content it publishes.
- 4.17 Testing of the system is ongoing with live streaming to commence during the first quarter of 2020.. This will enable officers to become fully proficient at managing the additional back office processes that are required to manage the recording equipment before, during and after the Sub-Committee meetings. This lead in period will also ensure that measures to enhance the appearance of the committee room and finalise a protocol for persons appearing on the live stream will be in place prior to the 'go live' date. The recordings of Planning Applications Sub-Committee meetings made during the testing phase may be published on the website following the 'go live' date to provide full public access to those meetings that have been recorded.

Pre-application Community and Ward Member Engagement

- 4.18 The Planning Review programme team are in the final stages of options analysis looking at the ways in which earlier engagement with local community stakeholders and Ward Members can be achieved. The preferred operating model is to introduce an Early Engagement Forum (EEF). An EEF would be arranged at the very earliest stage of the pre-application process, typically following first receipt of a major or strategic scale pre-application request of appropriate scale. Officers would advise the pre-applicant of the requirement to undertake this procedure to ensure local community and Ward Councillor engagement and the cost of running the EEF would be obtained from the pre-applicant via an additional fee that will be included in an updated pre-application fees schedule.
- 4.19 An EEF would comprise a forum event facilitated and chaired by officers and would allow developers to present their schemes to local stakeholders and Ward Councillors in an independent setting. The feedback from local stakeholders and Ward Councillors and the questions asked of the developer would be minuted by the officer chairing the meeting and displayed on the City Council's website. Additionally, the written feedback of officers to the developer would include a section discussing the views expressed during the EEF. By ensuring the forums occur at the very earliest stage in the pre-application process it would help to alleviate the problems typically encountered with current developer led pre-application engagement, which can often result in misrepresentation of views expressed by local stakeholders, and which 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. Holding EEFs at the earliest stage of the pre-application process will also enable officers to better understand local stakeholder concerns and aspirations and enable them to incorporate these into their own written advice where they amount to material planning considerations.
- 4.20 Schemes suitable for the use of an EEF would need to be limited to larger major or strategic developments due to the resource implications they would entail. Work is ongoing to establish suitable thresholds for referring applications to an EEF using pre-application data from previous years, with the aspiration to provide this service for up to circa 18-20 applications per year. It is likely though that the threshold that is chosen would need to be caveated to allow officer discretion to refer other major developments to an EEF where they are either known to be of significant local interest or are otherwise sites that have a high profile (e.g. sports stadia, transport interchanges, community buildings/ facilities etc.).
- 4.21 The prospective invitees to EEFs are still to be finalised; however, local residents in the immediate vicinity of the site and Ward Councillors would be invited. A representative of the local amenity society and/ or forum would also be invited. Where a site is adjacent to a ward boundary Ward Councillors from the adjoining ward would be included.
- 4.22 Currently pre-application discussions between developers and the City Council are confidential and pre-application engagement beyond discussions with officers are limited to discussion of schemes of strategic scale with the Cabinet Member and the Chairman of Planning. The intention would be to maintain this format for strategic member engagement and supplement it with the EEF procedure to introduce greater transparency and balance within the pre-application process in accordance with the October 2018 Cabinet recommendation.

- 4.23 The introduction of EEFs will necessitate a change in approach to community engagement for many developers, moving to a more genuinely collaborative and engaged approach to scheme development at pre-application stage. However, national policy in the NPPF supports this approach and notes that: *“Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community”* (paragraph 39). Examples of where similar early engagement procedures have been introduced, such as the LB Camden, LB Haringey and Epping Forest DC, indicate that developers of large major and strategic scale schemes are willing to engage with the suggested approach and understand the benefits that an EEF process can deliver in terms of understanding and addressing local concerns and aspirations at the earliest stage of scheme development so that delays can be avoided later in the planning application process. A detailed guidance note on EEFs will be provided on the Council’s website when EEFs are introduced so that developers are aware of both the process to be followed and the benefits that can be achieved for all parties.
- 4.24 The recommended EEF approach to facilitating early engagement with local communities and Ward Members will be reported to the Cabinet Member for Place Shaping and Planning for approval before officers proceed with the implementation phase of EEFs. Assuming Cabinet Member approval, EEFs are expected to be introduced by April 2020.

5. Financial Implications

- 5.1 The implications will be managed within existing resources.

6. Legal Implications

- 6.1 None.

7. Conclusion

- 7.1 Feedback on the initial period of public speaking at the Planning Applications Sub-Committees demonstrates that the implementation of this enhancement of the Sub-Committee process has been successful. Only minor recommendations are made to finesse the originally agreed public speaking protocol, as set out in paragraph 4.11 and the Committee is asked to support these recommendations.
- 7.2 Work on Planning Review programme to implement measures pursuant to the recommendations endorsed by Cabinet in 2018 continue to be ongoing, but work has now been completed or is at an advanced stage on the majority of work streams that comprise the overall programme. The Committee is asked to note the progress that has been made to date on the Planning Review programme to enhance the planning service so that it may become more proactive, transparent and focused on the delivery of shared strategic and corporate objectives.

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. Planning Applications Sub-Committee Procedure Rules dated January 2019 (https://www.westminster.gov.uk/sites/default/files/planning_applications_sub_committee_procedure_rules.pdf),
2. Report to the Planning and City Development Committee dated 17 January 2019 (<https://committees.westminster.gov.uk/documents/s30523/PCD%20Committee%2017%20January%202019.pdf>).
3. Minutes of Planning and City Development Committee dated 17 January 2019 (<https://committees.westminster.gov.uk/documents/s32912/Minutes%20-%2017%20January%202019.pdf>).
4. Report to the Planning and City Development Committee dated 20 June 2019 (<https://committees.westminster.gov.uk/ieListDocuments.aspx?CId=368&MId=4989&Ver=4>)