



City of Westminster

Cabinet Member Report

Meeting or Decision Maker:

Cabinet Member for Planning &
Economic Development

Date:

20 June 2023

Classification:

General Release

Title:

Fee Schedule for Westminster Design
Review Panel

Wards Affected:

All

Policy Context:

Design Review is a requirement in both the National Planning Policy Framework and the London Plan. The Design Review Panel (DRP) will also support the delivery of a fairer Westminster, by ensuring the highest standards of design quality in new development which will allow us to meet our ambitious targets to be a net zero City by 2040, providing greener and more genuinely affordable housing and delivering growth and benefits for all residents today and in the future.

Key Decision:

No

Financial Summary:

The costs of the panel are to be met through fee income received by the authority. The DRP will be administered through existing staff resources in the Town Planning service.

Report of:

Director of Town Planning and Building
Control

1. Executive Summary

- 1.1 This report seeks agreement to the charging arrangements for the Design Review Panel for Westminster.

2. Recommendations

- 2.1 That the Cabinet Member agrees to the proposed fees for the Design Review Panel as set out in the report below.

3. Reasons for Decision

- 3.1 The fees set will ensure cost recovery for provision of the Westminster Design Review service.

4. Background, including Policy Context

- 4.1 Officers are currently working to establish the Westminster Design Review Panel (DRP). This will provide an expert, independent voice on design which will support internal decision makers to promote exemplary, sustainable design standards and negotiate design improvements.
- 4.2 The DRP will offer advice and review during the pre-application process and by commenting on planning applications which should support planning officers, planning committee and the community in securing high quality development. For applicants, early engagement with the Design Review Panel should reduce the risk of delay at application stage, by providing access to a wide range of expertise, ensuring the full range of considerations has been addressed and that designs reach an acceptable standard. This will help applicants to prepare and submit high quality applications which can be supported without the need for amendment.
- 4.3 Following a recruitment process, Terms of Reference for the panel have now been prepared and will be published on the website, including details of panel members once appointed. This report seeks agreement to the fee and charging arrangements which are also to be included within the Terms of Reference Document.

5. Fees and Payment

- 5.1 The Westminster Design Review Panel will be a pay-to-use service with a charging schedule that fully recovers its costs.

It is envisaged that we will provide three types of review with different rates as follows:

- a full design review with a site visit (£4,852 fee +VAT);

- a subsequent design review without a site visit but with full panel (£4,852 fee +VAT); and
- a desktop chair's review (£2,730 fee +VAT).

5.2 It should be noted that the above is a stand-alone fee for the design review service which is not linked to but is in addition to any pre-application or planning performance agreement fees. This will allow flexibility to decide when it is appropriate for schemes to go to design review.

5.3 In recognition of the discretionary nature of the service, and to encourage users to engage with the service, in exceptional cases, where agreed by the Director of Town Planning and Building Control, the fees may be reduced by up to 50% where the service wants to support particular community or charitable organisations.

5.4 For schemes which are particularly complex and/or require a bespoke review format (such as specialist sub panel) the fees outlined may be increased to cover additional administration costs.

5.5 The setting of discretionary charges is covered by the Local Government Act and such charges cannot be levied to deliver a profit for the provider. The recommended fees are based on an analysis of officer time and workload required to deliver the service, including hours spent organising the review, preparing briefing notes, getting information ready, attending the review, writing it up and subsequent monitoring of outcomes. This also includes costs of catering and remuneration for the Chair and Panel members as well as incorporating the cost of setting up the panel. Fees have been benchmarked through analysis of the arrangements for charging and panel member remuneration in other London Boroughs.

6. Next Steps

6.1 If agreed the fees will be incorporated within the panel terms of reference and published on our website. The charging scheme will be reviewed 6 months and 12 months after the launch of the panel. Feedback from stakeholders and data on the demand for and costs of running the service will be analysed to ensure this is cost neutral and attractive to applicants.

6.2 The quality of the service will also be monitored through recording the impact of reviews on the planning process and through surveys of stakeholders. This information will be collated in a monitoring report and will help to inform how the panel evolves and address any issues raised.

6.3 Any changes to charges would be considered as part of the annual review of service-wide charges.

7. Financial Implications

- 7.1 As noted above, the design review panel will be a discretionary service. Costs will be borne by applicants, with the fee income received by the authority covering costs to ensure the panel is cost neutral. Administering the panel is at this stage is to be met through existing staff resources in the Place Shaping & Town Planning service.
- 7.2 An analysis of the costs associated with administering the panel and projected income has been carried out. Fees are also expected to cover the cost of setting up the panel, evaluation and production of monitoring reports, including independent evaluation if required and training for panel members, planners and elected members.
- 7.3 Financial risk is limited because panel members are paid per review and therefore the overheads are reduced if the panel carries out fewer reviews.
- 7.4 It is estimated two part-time roles required to administer the service – which equate to 0.25 FTE Principal Design Conservation and Sustainability Officer and 0.25 FTE Administrative Support.

8. Legal Implications

- 8.1 Local authorities have the power under Section 93 of the Local Government Act 2003 to impose charges for discretionary services, the provision of pre-application advice on development proposals is a discretionary service and is encouraged by Central Government as it recognises that it leads to enhanced planning outcomes.
- 8.2 The National Planning Policy Framework (NPPF) and the London Plan emphasise the importance of sustainable development. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Local authorities are encouraged to ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development including design review arrangements. Further, the London Plan requires all boroughs to have design review arrangements in place and to demonstrate that referable applications have been through a design review process.

9. Carbon Impact

- 9.1 A key purpose in establishing the panel is to promote exemplary standards of sustainability as an integral part of good design. In recruiting members of the Design Review Panel we are prioritising sustainability expertise within the panel, which will have a positive impact in helping to deliver on our target to be a net zero City by 2040.

10. Equalities Implications

- 10.1 Under the Equalities Act 2010 the Council has a “public sector equality duty”. This means that in taking decisions and carrying out its functions it must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act;
- to advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it; and to
 - foster good relations between persons who share a relevant protected characteristic and those who do not share it.
- 10.2 Council is also required to have due regard to the need to take steps to take account of disabled persons’ disabilities even where that involves more favourable treatment; to promote more positive attitudes toward disabled persons; and to encourage participation by disabled persons in public life. The 2010 Act states that “having due regard” to the need to promote equality of opportunity involves in particular having regard to:
- the need to remove or minimise disadvantages suffered by persons sharing a protected characteristic;
 - take steps to meet the needs of persons sharing a protected characteristic that are connected with it;
 - take steps to meet the needs of persons who share a protected characteristic that are different from those who do not; and
 - encourage persons with a protected characteristic to participate in public life or any other activity in which participation by such persons is disproportionately low.
- 10.3 The courts have held that “due regard” in this context requires an analysis of the issue under consideration with the specific requirements set out above in mind. It does not require that considerations raised in the analysis should be decisive; it is for the decision-maker to decide what weight should be given to.
- 10.4 The Council has had due regard to the Public Sector Equality Duty in establishing the panel. Through the recruitment process, we are seeking to ensure diverse representation amongst panel members including through targeted advertising of the opportunity and introducing mentee panel members into the process to assist a wider range of people who may not feel they have a requisite experience or qualifications to gain experience and training by working with more experienced panel members.

**If you have any queries about this Report or wish to inspect any
of the Background Papers, please contact:**

jhamilton@westminster.gov.uk

BACKGROUND PAPERS

None

For completion by the **Cabinet Member for Planning & Economic Development**

Declaration of Interest

I have no interest to declare in respect of this report

Signed:  Date: 20 June 2023

NAME: **Cllr Geoff Barraclough**

State nature of interest if any:

(N.B: If you have an interest, you should seek advice as to whether it is appropriate to make a decision in relation to this matter)

For the reasons set out above, I agree the recommendation(s) in the report entitled **Establishment of a Westminster Design Review Panel** and reject any alternative options which are referred to but not recommended.

Signed: 

Cabinet Member for Planning & Economic Development

Date: 20 June 2023

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:

If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Director of Law, City Treasurer and, if there are resources implications, the Director of People Services (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.