



City of Westminster

# Cabinet Member Report

<b>Decision Maker:</b>	Cabinet Member for Resident Participation, Consultation Reform and Leisure
<b>Date:</b>	25 September 2023
<b>Classification:</b>	General Release
<b>Title:</b>	Recognition of HyPER as an amenity society
<b>Wards Affected:</b>	Hyde Park
<b>Policy Context:</b>	This decision contributes to the Fairer Communities outcome within our Fairer Westminster Strategy that community and voluntary sector organisations are empowered to prosper in Westminster
<b>Key Decision:</b>	No
<b>Financial Summary:</b>	None
<b>Report of:</b>	Serena Simon (Director of Communities)

## 1. Executive Summary

- 1.1 Westminster City Council's recognised amenity societies make an invaluable contribution to the city, providing comments on several thousand planning applications every year on behalf of local communities. The Council has historically conducted a review of amenity societies roughly every 10 years, with the last such review undertaken in 2018.
- 1.2 There are currently 18 recognised and four semi-recognised amenity societies within Westminster. The main role of amenity societies is to actively participate and make contributions to their local neighbourhoods and particularly in council consultations and initiatives.
- 1.3 The council has a long-standing system of formally recognising amenity societies within areas. 'Recognised' amenity societies are able to demonstrate that:
- **Wide representation of residents across their area** – groups should be established and active in the area with substantial membership taking into account the location
  - **An effective structure and governance arrangements** - with evidence of good communication and regular meetings and AGMs
  - **Access to relevant expertise** for example in planning/ conservation/ architecture and membership with in-depth knowledge of the local area.
- 1.2 Previously there was no system in place for recognition of individual amenity societies outside of a review which took place every decade, with the last one being undertaken in 2018. On [DATE] an interim process was adopted– so that new applications could be assessed when they are first made to the council.
- 1.6 Officers have reviewed all outstanding applications made since 2018, and identified one outstanding application to be recognised as an amenity society: HyPER's (based in the Hyde Park ward).

## 2. Recommendations

That the Cabinet Member for Resident Participation, Consultation Reform and Leisure, in consultation with the Cabinet Member for Planning and Economic Development, agrees to formally recognise HyPER as an amenity society within the area of Hyde Park

## 3. Reasons for Decision

- 3.1 HyPER has demonstrated that it meets the council's criteria for recognising amenity societies.

**Wide representation of residents across their area**

HyPER has 274 members across the Hyde Park Estate, representing a wide range of interest. HyPER publishes details of its membership online: [HyPER Membership Statistics – HyPER – Hyde Park Estate Residents](#)

### **An effective structure and governance arrangements - with evidence of good communication and regular meetings and AGMs**

HyPER is able to demonstrate an effective structure and governance arrangements. It has elected chair and four committees:

- Planning Committee: the remit of this committee is to review planning applications submitted to Westminster Council, which relate to the Hyde Park Estate. The Committee discusses applications, consults with members and reports back to the HyPER Chairman who feeds decisions back to Westminster Council via the Council website
- Social Committee: the remit of this committee is to plan and organise HyPER's social and community outreach events
- Communications Committee: the remit of this committee is to coordinate all HyPER's communications and advocacy work with the membership and report back to the Chairman. The Chairperson of this committee also functions as the HyPER Spokesperson
- Projects Committee: the remit of this committee is to manage all HyPER projects and public works initiatives

HyPER's committees meet regularly (approximately every quarter), and a minute is taken of both committee meetings and the AGM.

### **Access to relevant expertise for example in planning/ conservation/ architecture and membership with in-depth knowledge of the local area.**

HyPER is able to draw on a range of expertise through its committees and membership. The specific expertise that committee members bring to HyPER are as follows:

- Urban design, public realm and spatial planning
- Professional design and town planning
- Electric vehicle technology and infrastructure

In addition, many members are long standing members of the community with excellent insight into local issues, including parents of children attending local schools.

- 3.2 It is noted that there is an existing amenity society within the area – the Hyde Park Estate Association – who will also continue to be recognised and consulted on planning applications and other consultations within this area.

## **4. Background, including Policy Context**

- 4.1 This decision will have no impact on the existing 'Recognised' amenity group, Hyde Park Estate Association (HPEA), which is also based within the Hyde Park ward.

- 4.2 A strategic goal set out in the council's Fairer Westminster strategy is to build a more inclusive city that celebrates its diverse communities, and where residents are at the heart of decision making. Recognising HyPER, who has demonstrated it meets the criteria for being recognised as an amenity society, will contribute to this.

## **5. Financial Implications**

- 5.1 There are no financial implications resulting from this paper.

## **6. Legal Implications**

- 6.1 The Cabinet Member for Resident Participation, Consultation Reform and Leisure has the authority under Chapter 3, Item 15 of the Council's Constitution to set policy and strategic direction for Amenity Societies and the Cabinet Member for Planning and Economic Development has the authority to set policy and strategic direction for the Council's Planning function.
- 6.2 Planning legislation places certain responsibilities on Local Planning Authorities with regards to how they inform communities and other interested parties about planning applications. Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out minimum statutory requirements for publicity and notification of adjoining occupiers and Article 18 sets out other statutory consultation requirements.
- 6.3 In addition to minimum requirements set out in legislation, the National Planning Policy Framework and relevant planning practice guidance suggests local planning authorities should consult more widely and recommends that councils produce and publish a locally-specific list of non-statutory consultees. The Council have a Westminster's Policy Framework consultation database which contains contact details for non-statutory consultees including, recognised amenity societies.
- 6.4 The Council also maintains a Statement of Community Involvement, prepared under section 18 of the Planning and Compulsory Purchase Act 2004 which sets out how the Council consults recognised amenity societies for planning policy matters and planning applications.
- 6.5 An amenity society recognised under the interim application process will formally become a non-statutory consultee of the Council for planning matters and included in the Westminster's Policy Framework consultation database.

## **7. Carbon Impact**

- 7.1 No carbon impact identified.

## **8. Equalities Implications**

- 8.1 Under the Equality 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.
- 8.2 The 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.
- 8.3 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.
- 8.4 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 the equality’s implications of the decision.
- 8.5 Westminster is one of the most diverse cities in the world. A strategic goal set out in the council’s Fairer Westminster strategy is to build a more inclusive city that celebrates its diverse communities, and where residents are at the heart of decision making. Recognising new amenity societies who meet the council’s criteria aligns with our council commitment to more effectively include the resident voice in decision making.
- 8.6 An Equalities Impact Assessment of the proposal has been undertaken and on the available evidence the proposal complies with section 149 of the Equality Act 2010 and due regard has been made to the need to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations.

## **9. Consultation**

- 9.1. Ward members have been consulted on the application.

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

Serena Simon, [ssimon@westminster.gov.uk](mailto:ssimon@westminster.gov.uk)

For completion by the **Cabinet Member for Resident Participation, Consultation Reform and Leisure**

**Declaration of Interest**

I have no interest to declare in respect of this report

Signed: Cara Sanquest Date: 25 September 2023

NAME: Councillor Cara Sanquest

State nature of interest if any:

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For the reasons set out above, I agree the recommendation(s) in the report entitled **Recognition of HyPER as an amenity society** and reject any alternative options which are referred to but not recommended.

Signed: Cara Sanquest

Cabinet Member for Resident Participation, Consultation Reform and Leisure

Date: 25 September 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:

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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.

**Other Implications**

- 1. Resources Implications**
- 2. Business Plan Implications**
- 3. Risk Management Implications**
- 4. Health and Wellbeing Impact Assessment including Health and Safety Implications**
- 5. Crime and Disorder Implications**
- 6. Impact on the Environment**
- 7. Equalities Implications – See section 13**
- 8. Staffing Implications – See section 13**
- 9. Human Rights Implications**
- 10. Energy Measure Implications**
- 11. Communications Implications**
- 12. Counter Terrorism and Security Implications – See section 13**

Note to report authors: If there are particularly significant implications in any of the above categories these should be