



CITY OF WESTMINSTER

MINUTES

Environment Policy & Scrutiny Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Environment Policy & Scrutiny Committee** held on **Monday 13th April, 2015**, Rooms 5, 6 & 7 - 17th Floor, City Hall.

Members Present: Councillors Ian Adams (Chairman), Thomas Crockett, Jonathan Glanz, Louise Hyams, Vincenzo Rampulla, Karen Scarborough, Cameron Thomson and Jason Williams

Also Present: Councillor Robert Davis, Cabinet Member for the Built Environment.

1 MEMBERSHIP

- 1.1 There were no apologies for absence. All Members of the Committee were present at the meeting.

2 DECLARATIONS OF INTEREST

- 2.1 Three Members of the Committee made declarations in respect of item 5 on the agenda, Neighbourhood Planning in Westminster. Councillor Glanz declared he is a member of the Mayfair, Soho, Fitzrovia West and Marylebone Neighbourhood Forums. Councillor Scarborough declared that she is a member of Marylebone and Fitzrovia West Neighbourhood Forums. Councillor Williams declared that he is a member of Belgravia Neighbourhood Forum.

3 MINUTES

- 3.1 **RESOLVED:** That the minutes of the meeting held on Monday 2 March 2015 be signed by the Chairman as a correct record of proceedings.

4 UPDATE FROM CABINET MEMBERS

- 4.1 The Committee received written updates from the Cabinet Member for the Built Environment, the Cabinet Member for City Management and the Cabinet Member for Sustainability and Parking on significant matters within their portfolios.
- 4.2 The Chairman welcomed Councillor Davis, the Cabinet Member for the Built Environment, to the meeting. He asked him if there was anything that he

wished to highlight that was of particular significance to the Built Environment portfolio and that had not featured in the written update. The Cabinet Member informed the Committee that it was a difficult period for the Council as a raft of planning legislation had been introduced by the Government prior to the General Election, some of which was beneficial to the Council but some of which was not so helpful. The Council had been lobbying on the legislation and there was now a pause whilst the result of the General Election was awaited.

- 4.3 The Committee put questions to and received responses from Councillor Davis on the following matters that were relevant to the Built Environment portfolio:
- 4.4 The Chairman asked the Cabinet Member in response to his previous comments what his biggest concerns were in terms of measures that might be taken at Central Government level. Councillor Davis replied that his biggest concern was a view that Westminster as a local authority should have less planning powers. Permitted development rights were in vogue allowing certain types of development without the need for planning permission. The Government had recently published a new use class order, distinguishing what changes could be made within the same use class without the need for planning permission. This had created a number of substantial new changes. Many of these were conditioned, requiring the applicant to meet the criteria set out in a number of tests. It was a complicated process and was a burden on officers at a time of limited staff resources. Any applicants that were confused by the process would require clarification from officers. The Council would also seek to lobby the Government on fees to cover the costs of planning and adequate staff resources at one of the most active planning authorities in the country.
- 4.5 Crossrail – Councillor Hyams asked Councillor Davis about the public realm strategy for Hanover Square Gardens and whether this included the recreation of a vista connecting Hanover and Cavendish Squares. Those present heard that Councillor Davis had been introduced to Todd Longstaffe-Gowan, an eminent landscape architect by Councillor Hyams. Councillor Davis added that Mr Longstaffe-Gowan had written a book about the view between Hanover and Cavendish Squares. He was now involved with the public realm strategy and was a member of the Public Realm Review Panel which Councillor Davis chairs. The Great Portland Estate had commissioned the public realm consultancy Publica, whose founding director is Lucy Musgrave, a renowned strategic planning architect, to develop a public realm strategy for Hanover Square Gardens and the surrounding area. It was proposed to keep the current road system and have the west side of the Square closed in order that it could become a pedestrianised area for when the Crossrail station opened. The west side of Hanover Square was already closed as a result of Crossrail works. There were also plans to undertake major works to Cavendish Square. The linking of the Squares was a key priority. The Council was due to publish the public review work undertaken as part of the West End Partnership and the Squares would be a key part of that.

- 4.6 Councillor Glanz commented that at a recent meeting he had attended, TfL and a representative of the Mayor's Office had made the point that the potential demolition of the Curzon Cinema in Shaftesbury Avenue as part of the Crossrail 2 project was not set in stone. He asked whether officers were looking at possible options to the north of Oxford Street or to the east of Charing Cross Road in liaison with Camden Council. Councillor Davis responded that options were being investigated. There were concerns about the potential loss of the cinema. If the site in Shaftesbury Avenue was decided upon for Crossrail 2, the Council would push for a cinema or something of equal importance to be provided to the local community in the same way that The Astoria had been replaced following the development of Crossrail.
- 4.7 Councillor Crockett asked for an update on the Council's position regarding the developers' decision to demolish the Carlton Tavern pub in Carlton Vale. He stated that his understanding was that there had been no authorisation from the Council for this. He had personally observed that the demolition had taken place without health and safety aspects having been taken into account. There were clouds of dust whilst local residents were outside, including where children were playing. Local roads had remained open. Councillor Davis explained that the Council had refused a planning application for the premises. Historic England had decided to list the Carlton Tavern. The developers, having been advised of the fact that the building would be listed had demolished the pub. The Carlton Tavern was not in a conservation area and it had not as yet been listed, so in strict planning terms the developers had not appeared to breach any law as a result of their actions. However the developers were required under new provisions to notify the Council before demolishing the Carlton Tavern as it is a public house. The question now was what remedies were available to the Council as a result of the developers not complying with this requirement. Expert legal advice was being sought urgently. Councillor Davis made the point that the demolition taking place without health and safety measures being taken was of considerable concern. He had been advised that the Health and Safety Executive had more powers to deal with this issue and take appropriate action than the Council. The Council would therefore work with HSE regarding this matter. He was aware that the developers were currently appealing the Council's decision to refuse the planning application. This was not the first case of a premises being demolished immediately prior to it being listed. It would be necessary to lobby for any legislative change in terms of preventing such action being able to take place until listings come into effect.
- 4.8 Councillor Rampulla referred to the Carlton Tavern pub and also The Star in St John's Wood which had featured in The Evening Standard because it had been taken over by estate agents. He asked whether there might be more premises that were no longer being used as pubs which the Council might not know about. Councillor Davis commented that both the Labour and the Conservative governments had extended permitted development rights. This had resulted in conversions such as The Star pub to proceed without planning permission. With the Government recently announcing that protection for pubs in the form of secondary legislation at the earliest opportunity so that in England the listing of a pub as an asset of community value will trigger a

removal of the national permitted development rights for the change of use or demolition of those pubs that communities have identified as providing the most community benefit, there would be some control but it did not guarantee that pubs under threat would be preserved. Councillor Rampulla asked the Cabinet Member whether there were more developers now who were taking matters into their own hands. He replied that the overwhelming majority of developers were responsible and if they had a good reputation they would want to maintain it. However there would always be a small minority who would seek legal opinion to get round the system as had happened at The Carlton Tavern. Councillor Davis clarified in respect of the Carlton Tavern that the Planning Applications Committee had not had a specific issue regarding the pub being demolished providing it was replaced with an appropriate scheme. The application put before Members had not been suitable and had been refused. It was how the developers had decided to act, without notifying residents in advance and without advising anyone what they intended to replace The Carlton Tavern with that had justifiably upset local people.

- 4.9 Westminster's City Plan – Councillor Thomson requested clarification on the sentence in paragraph 2.4 of the Cabinet Member Update that ‘as part of the City Council’s new approach, our mixed use policy will be applied much more flexibly to allow exceptions to the requirement to provide commensurate residential floorspace’. Councillor Davis stated that the existing mixed use policy was predicated on the market not bringing forward enough housing provision but this did not apply to the current environment. The new approach encouraged the building of more offices. He gave an example where previously if a developer was applying to build two more storeys of offices, under the mixed use policy 50% of this or one storey would have to be residential floorspace or financial payment be provided for residential floorspace to be supplied off site. Now there could be an increase in office space of up to 30% without the developer having to provide additional residential floorspace. Councillor Davis clarified to Councillor Rampulla that any proposed increase in office space above 30% would have to be provided as further residential floorspace with existing rules applying regarding affordable housing.
- 4.10 Councillor Rampulla wished to know about the proposed changes to the timetable for the City Plan consultation. Councillor Davis advised him that he had announced policies that would be fast tracked, including basement development, mixed use and office to residential conversion and special policy areas revisions. The aim was to introduce them by the end of the year but potentially these could be brought in during mid-January as the Council was in the hands of the Planning Inspector in terms of when the Examination in Public was scheduled and a subsequent report produced.
- 4.11 Councillor Williams asked what steps were being taken to get a good cross section of responses to the City Plan consultation booklets. Councillor Davis informed him that the consultation process was the conclusion to a five year project of consultations with stakeholders. These included community meetings and workshops. The consultation booklet consultations were on the Council’s website. Impressive responses had been received from the likes of

amenity societies and the property industry. He acknowledged that members of the public would be a relatively small percentage of the responses. This was because those who did respond tended to have a personal interest in the topic to go through the booklets in detail. The Council did its best to advertise the consultation process.

- 4.12 Development of a Westminster Community Infrastructure Levy ('CIL') – Councillor Scarborough enquired when the CIL was likely to be adopted. The Cabinet Member replied that the Council had been out to consultation on the initial proposals. He was having discussions with officers and the wider community about what is fair and reasonable in terms of the charging schedule. The proposals for the CIL charging schedule were being finalised and it was hoped would be published within weeks. It was now necessary to put forward a robust case to justify the levy rates as there would be an Examination In Public in the early Autumn assessing the Westminster CIL. It was hoped the CIL would be adopted by the end of 2015 / beginning of 2016. In the meantime the Council had produced guidance for applicants.
- 4.13 Victoria Area Schemes – Councillor Scarborough asked whether there were proposals to replace the Coach Station in Victoria with an alternative site. Councillor Davis responded that it was early in the process but that there were some initial proposals to find a replacement site. The Council was not of the view that there should be one replacement site and was looking to persuade TfL to adopt a different approach. There should be a number of hubs in London and not one major hub elsewhere in Westminster.
- 4.14 Proposals for Introducing a Two-Way Operation to Baker Street – Councillor Scarborough asked for clarification on the statement in the report that the project would deliver 'wider, less cluttered pavements on Baker Street and Dorset Square'. She asked whether restaurants and bars would use up the space on the pavements if they were widened. The Cabinet Member replied that the de-cluttering referred to aspects such as signage. He was keen to encourage al-fresco dining as long as it was managed effectively as people eating table meals outside often changed the atmosphere for the better and reduced the potential for anti-social problems.
- 4.15 **RESOLVED:** That the contents of the Cabinet Member Updates be noted.

5 MATTERS ARISING

- 5.1 Martin Low, City Transport Advisor, provided the Committee with an update in relation to the recent cycling fatality near the junction of Horseferry Road and Millbank. The Council and Transport for London ('TfL') were very saddened by the tragic death of Moira Gemmell. The outcome of the coroner's inquest was awaited. The Council and TfL would be taking steps to ensure that the junction was made safer. TfL accepted that the current junction could be improved upon and had financial provision in its 'Better Junctions' programme, which focussed on those junctions where there were problems which needed to be tackled. Mr Low stated that it was particularly important

that the revised scheme that is implemented is developed in consultation with road users, including cyclists.

- 5.2 The Chairman encouraged officers to consider the Committee as a potential resource to assist the public engagement process. This could include major junctions which impacted on road users being in the Work Programme, the Committee publicising and promoting the involvement of road users in the consultation process or re-opening the Cycling Strategy Task Group. Mr Low responded that he believed that it would be of benefit for such a task group to be formed.
- 5.3 Councillor Hyams asked Mr Low to provide an update on the Kingsway fire caused by electrical fault. He advised the Committee that a huge amount of work had been done by Camden and Westminster Councils at Member and officer level. The good news was that power and gas supplies had been restored. However, there were still some communication issues due to cables being destroyed by the fire. A number of businesses were still being adversely affected as a result. There was a forensic examination taking place to establish why the fire had occurred. All the utilities had a vested interest in the outcome of the investigation given the disruption to residents and businesses and the costs caused by the damage to the network. Depending on the outcome of the investigation, the matter could potentially be the subject of an item brought before the Committee at a future meeting or a task group should Members decide this was appropriate.

6 NEIGHBOURHOOD PLANNING IN WESTMINSTER

- 6.1 The report received by the Committee sought Members' views on the key aspects of the Council's approach to neighbourhood planning; namely, the approach to neighbourhood areas, neighbourhood forums and neighbourhood plan production. Tom Kimber, Principal Planning Officer, introduced the report. This had been a lengthy evolving process with The Localism Act (2011) and Neighbourhood Planning Regulations (2012) having formally enabled representative community groups to undertake neighbourhood planning. There had been a large degree of interest in neighbourhood planning in comparison with other London boroughs. The Council had now designated 21 neighbourhood areas and 8 neighbourhood forums with further applications for neighbourhood forums having been received. In addition the Queen's Park Community Council had been created from 1 April 2014 with the election of parish councillors taking place in May 2014.
- 6.2 Mr Kimber stated that Central Government's intention is for neighbourhood planning to be carried out by a representative body who reflect the wider community such as residents and those who work in the area and has the potential to consist of Members of the Council as well. There was an opportunity for the members of the representative body to produce a neighbourhood plan. There was a change in emphasis in terms of how the Council operated. Previously planning documents were produced and the community's views were sought as part of the consultation. For the first time,

the Council was facilitating and enabling communities to form their own planning policies.

- 6.3 The Committee heard evidence from witnesses Sara Duncan of the Church Street Neighbourhood Forum and Wendy Shillam of the Fitzrovia West Neighbourhood Forum. Ms Duncan informed those present that she is the recently elected Chairman of Church Street Neighbourhood Forum and is a local resident. The Forum had been designated in August 2014. It was run by a number of committed individuals who had been active in the community for a long time. The initial work for the neighbourhood plan had commenced with the inaugural meeting having taken place three weeks previously. Members of the Forum were in the process of establishing the evidence base and hoped to finish this in the next four to six weeks. All members of the forum were voluntary however and it depended on the access they were able to obtain to information and the communication they were able to have with each other. Ms Duncan thanked Mr Kimber for assisting the Forum in terms of understanding what was involved with neighbourhood planning, what could be achieved and managing expectations. The intended timetable for completing the neighbourhood plan was approximately 18 months. After establishing the evidence base, the next stage would be to put a business engagement strategy in place, including looking at different ways to engage with local residents in order that they help to contribute to the plan. Ms Duncan emphasised that technical support was required as members of the forum did not have previous experience of writing policies. She commented that it would be useful if the Council could take further steps to promote neighbourhood planning in the community throughout the borough or provide a database of key information. The neighbourhood areas were currently working together to share information.
- 6.4 Ms Shillam stated that she seconded the points made by Ms Duncan, including that Mr Kimber was particularly supportive. One aspect that was different in terms of the membership of the Fitzrovia West Neighbourhood Forum ('Fitz West') was that it was not formed from existing amenity societies or organisations. It had been established following opposition to Fitz West becoming part of Marylebone. The Forum had approximately 200 members with the Executive being voted for by the members of the Forum. The Forum had started consulting on the neighbourhood plan several months ago, prior to being formally designated. The inaugural meeting would be taking place tomorrow and would propose a list of priorities and issues that the community had requested were considered in order to create the momentum to begin the neighbourhood plan. Ms Shillam expressed the view that a key benefit of the neighbourhood forum concept is that it brings together residents, businesses and other organisations. She requested the Council see the Neighbourhood Forum as a force for good, including being consulted on planning applications at an early stage in the process and also on local policies and pilot schemes. Neighbourhood planning meant that the community was being educated on the planning process, including having a better understanding of applications.
- 6.5 The Committee asked a number of questions on this topic:

- The Chairman asked Mr Kimber to respond to some of the points that Ms Duncan and Ms Shillam had made. He also raised the question as to how involved the Council should be in what was clearly a community driven initiative. Mr Kimber advised that in terms of technical support there was external assistance available including an organisation called Locality. The Council was able to provide documentation if requested but could not lead or control the direction of the neighbourhood forums. Key concepts were often relatively straight forward and it was important that forum members were not put off by the technical aspects of planning.
- The Chairman asked Mr Kimber what his view was on the established local consultative groups such as amenity societies co-existing with the emerging neighbourhood planning groups. Mr Kimber replied that the neighbourhood planning groups were not a replacement for existing amenity societies or business groups. Neighbourhood forums were an additional body created with the particular purpose of drafting a neighbourhood plan. Existing amenity societies and business groups were coming forward with the intention of becoming a neighbourhood forum. One of the strengths of neighbourhood planning was that it brought the various local groups together to work in partnership.
- Councillor Glanz referred to the fact that of the four neighbourhood forums he was a member of, all but Fitz West had been initially established by amenity societies or other existing groups. There were a number of challenges including that the borders for the neighbourhood areas were not the same as those of the amenity societies but many of the people involved were the same and they were therefore being consulted in parallel. There were limited resources available to the Council for consultation generally. He made the point that the Mayfair Neighbourhood Forum had a budget of £100k to produce their neighbourhood plan. They were strongly of the view that the plan needed to stand up to independent scrutiny and had employed a firm to assist in preparing it. He questioned how much resource the Forums could be expected to contribute. It was important to share best practice and there could potentially be value in having an equivalent of the Westminster Amenity Societies Forum in order to share information. Mr Kimber commented in response that delineating boundaries had been problematical as neighbourhood area applications had been received which overlapped each other and it was often difficult to pinpoint where one neighbourhood started and another finished. It had taken 18 months to 2 years to reach the stage reflected in the map highlighting the neighbourhood areas and forums in Westminster. Amenity society boundaries had been taken into account but not all applications had been received from amenity societies. There had been a large response from residents to the consultations which had been taken into account. In terms of financing the neighbourhood plan, Mr Kimber informed Members that the Mayfair funding was not representative. The average cost to produce the plan across the country was £11k to £12k. Neighbourhoods were able to apply for funds of at least £8k and a further £6k in some cases. These were likely to cover a substantial proportion of the costs incurred. Mr Kimber also made the point that there was plenty of information available and forums could look to utilise existing documentation.

- Councillor Glanz queried what would happen if a neighbourhood forum and an amenity society were in conflict. How would the Council assess the input from the neighbourhood forum against that of the amenity society? Mr Kimber stated he recognised that there would be challenges for the Council in the event of a conflict of opinions but offered the view that it was not so different from some current scenarios such as Business Improvement Districts and amenity societies. There would also be a sharing of opinions between neighbourhood forums and amenity societies in a number of cases due to the same individuals being involved.
- Councillor Scarborough said it was her understanding that the neighbourhood plan had to add value and not contradict the City Plan. She questioned how much influence the forums would be able to have on the City Plan. Mr Kimber responded that the neighbourhood plan had to in general conform with the Council's strategic planning policies and that the Government's objective was that neighbourhood plans did not head in a totally different direction from these. The neighbourhood plans also had to have regard to the national planning policy framework. They also had to contribute to the achievement of sustainable development and not be incompatible with planning obligations. The Council could provide advice on this. He believed there was scope to provide input at local level. Ms Shillam added the comment that Fitz West was fortunate to have town planners on the Executive. The neighbourhood plan would be renewed every four years, it would take time to work and it would need to be reviewed. She expressed the view that it would be a shame if all the neighbourhood areas chose to use professional firms in writing the plans. This was an opportunity to look at local planning with a new set of eyes and identify different solutions. She was confident that knowing the direction to head in and having the appropriate support would turn aspiration into functioning policies. Ms Duncan agreed that there was some scope to provide input at local level as the membership of the forum were discussing matters in Church Street which were not necessarily addressed in the City Plan or certainly not in the detail that they were explored at local level. Particular local matters being discussed included the Futures Plan.
- Councillor Rampulla paid tribute to the extensive work being put in by the volunteers of the neighbourhood forums, including in his own ward of Church Street, in order to make their plans a success. There were some difficulties in trying to engage with the wider community in the City Plan consultation. He asked the representatives of the neighbourhood forums whether the Council recognised that this was not just about a neighbourhood plan but also a forum with longevity beyond its obvious remit. Also, what could the Council do to encourage more engagement across the neighbourhood area bearing in mind how difficult it was for volunteers to get all elements of the community involved? Ms Shillam made the point that this was an opportunity to use the forums as a consultative body because the membership wanted to be involved with planning policies and applications. When there was a public meeting Fitz West volunteers did notify residents and businesses with leaflets and e-mails. It was difficult for all residents to be notified of Council consultations that were taking place. Information was better spread by word of mouth. It would be useful to have a database where the forums

would have access to information. Ms Duncan added that it would be useful for the Council to recognise all the different characteristics of the neighbourhood areas. In Church Street there were not many major landowners unlike Marylebone. The Neighbourhood Forum in Church Street was very keen to get groups involved who did not normally respond to consultations. This could be achieved for example by communicating in different languages or by recruiting youngsters, including with social media. This would transcend the planning process. There had been a launch event in a community centre November 2014 to promote the Forum and 200 people had attended which had shown there was an appetite to be involved.

- The Chairman asked Mr Kimber whether it was envisaged that the forums could outlive the production of the neighbourhood plans. Mr Kimber advised that from a legislative point of view the plans had a five year lifespan. The Government had had in mind that if there was a non-performing forum there would be a recognised time when it would be brought to its natural conclusion. He expressed the view that it was likely that neighbourhood forums would continue past the five year period. The plans were meant to look ten to twenty years ahead and be revised over time.
- Councillor Williams enquired what support was available to the forums in terms of officer time and funds in order to draft the neighbourhood plans and what was the Council's role in raising the profile of the forums? Mr Kimber replied that the vast majority of his own role at the Council was being a neighbourhood planning officer. The legislation set out that the Council had a duty to support the forums although it did not set out what form this would take. There was the question as to how, in the event of there being 21 neighbourhood forums, the Council would adequately support all of them although some might need more support at the outset and some might need more support overall than others. The website was being used to raise the profile of the forums and approaches such as social media were being trialled to encourage wider community group participation. In terms of funds, it was his understanding that there were not any funds directly available from the Council to the forums. Any funding came from Central Government. However, there was the option for Members to choose to spend money from their ward budget on neighbourhood planning should they so wish. Ms Shillam stated that she hoped the recognition of the forums would lead to greater communication with authorities outside planning. These could include housing issues, transportation matters such as Crossrail and discussions with bodies such as GLA.
- Councillor Thomson asked the representatives of the neighbourhood forums what type of matters were likely to be contained in their plans and how these would add value to the planning process. Ms Duncan stated that it was too early to be able to advise what would be included in the Church Street neighbourhood plan. It would add value in focussing on local detail which was not included in the strategic planning documents. Ms Shillam informed Councillor Thomson that Fitz West had identified four priority areas at this early stage. The first was a 'liveable neighbourhood' which was relevant not only to residents but also a pleasant area to work in and to visit. The second related to the environment and addressing

noise pollution and rubbish in the West End. It was hoped that the CIL when it was established would assist in improving services. The third related to greening and environment issues. There was one triangle of shrubbery in Fitzrovia. There had been some tree planting. The area suffered from the 'urban heat island' effect and there was a further need for green space and greening of roofs and courtyards. The fourth was support of independent businesses. They added to the character and prosperity of the area. It was felt that there were planning policies which could be better used to support them. Mr Kimber added the topics were areas covered in the strategic plan but these did not necessarily focus in detail at the local level. It was possible for a forum to set out at a very local level the developments where they would like to see greening. Councillor Thomson asked a follow-up question. If a building was proposed which could have a green roof but was not included in the application and a neighbourhood forum made a representation that a green roof was sought as it would conform with the neighbourhood plan, what would happen if a planning committee decided that it was not appropriate? Mr Kimber replied that this was similar to the existing way of working. The neighbourhood plan formed part of the development plan. The planning committee was within its rights to make a decision which was not strictly in line with the policies.

- Councillor Crockett asked for those areas which benefited from CIL receipts significantly, was there any control mechanism should interest in any of the neighbourhood forums wane and only a small number of special interests end up driving it? Mr Kimber explained that the control mechanism was that the Council controlled the CIL receipts and would still be the spending authority. The proportion of the receipts that could be used in the area was 15% which could be increased to 25% if there was a neighbourhood plan in place.
- Councillor Hyams expressed concerns that there would be areas with huge developments and a disproportionate amount of CIL money. She asked how this would be spread across the borough. Mr Kimber replied that the Government had stipulated the 15% and 25% proportions. Beyond this the proposals for the development of a Westminster CIL were currently being worked on. Ms Shillam commented that there was fairness in an area that sees a lot of development which creates a pressure for existing residents and businesses, getting its fair share of improvements. Ms Duncan made the point that Westminster is a 'City for all'. The Council should look to supplement those areas where there is less development otherwise the borough would continue to develop with inequality.

6.6 The Chairman congratulated the witnesses on the amount of time and effort that they and other local volunteers had contributed to neighbourhood planning thus far in readiness for the neighbourhood forums. Neighbourhood planning was at a relatively early stage but Members considered, having heard the evidence at the meeting, that there was strength in a 'bottom up' community led approach rather than the Council taking a corporate, interventionist approach. The policy of providing facilitative support when requested that Mr Kimber was offering to the neighbourhood areas was an appropriate one. There was a value in the Committee scrutinising this topic in

approximately a year's time, potentially with Ms Duncan and Ms Shillam in attendance to update Members on their experiences of neighbourhood planning.

- 6.7 **RESOLVED:** That neighbourhood planning be included as a topic on the Committee's Work Programme to be scheduled for a meeting in approximately twelve months' time.

7 WATER PRESSURES

7.1 David Wickersham, Technical Adviser, Technical Services, CityWest Homes, introduced the report. This had, as the Chairman stated, been produced swiftly in response to concerns raised by Members at the previous meeting in March. Mr Wickersham explained that there had been issues with water supply failures before the Millennium but these had largely been as a result of burst pipes. However, in 2003 Thames Water had declared their intention to reduce water pressures across London. They were adamant that they were entitled to do so. This was the backdrop to a lot of the problems with the housing stock over the last dozen years. Currently there was a continuing issue where a resident of Tollgate House was suffering considerably from a lack of water in her flat. This included not being able to flush the toilet which was intolerable.

7.2 Mr Wickersham stated that CityWest Homes and Westminster City Council maintained a robust view, having received advice from legal officers and counsel opinion, that Thames Water are under an absolute obligation under the Water Industry Act 1991 to supply water to the premises that was supplied at the date of privatisation. The Government had clearly put an anchor in the legislation that where domestic premises were supplied with water since before privatisation the private companies would be bound to maintain those domestic supplies. Mr Wickersham added that Thames Water had to date reached a very different conclusion with the view that it had no obligation to supply water at any pressure higher than one bar. This would only supply water to taps up to the third floor of a building. When a resident above the third floor does suffer water supply failure through low pressure, Thames Water often advised the resident that it was the landlord's fault for not fitting a water pump. The anomaly was that in certain locations such as Kemp House Thames Water had offered to finance the installation of water pumps. Leaseholders would then be taking on the responsibility to maintain those pumps with the electricity running costs.

7.3 The Chairman stated that officers had requested a steer from Members on the potential options available in respect of this issue. These options were set out in the appendices containing exempt information in agenda item 11. Mr Low drew Members' attention to the suggestion that Council seeks the agreement of Thames Water to a protocol requiring that, in the event of supply failure, Thames Water investigates the problem. If attributable to insufficiency of mains pressure Thames Water either reinstates sufficient pressure or installs pumps, retaining responsibility for maintenance,

replacement and running costs. The Committee decided to discuss the commercially sensitive documents in private session.

- 7.4 **RESOLVED:** That under Section 100 (A)(4) and Part 1 of Schedule 12A to the Local Government Act 1972 (as amended), the public and press be excluded from the meeting for the following items of business because they involve the likely disclosure of exempt information on the grounds shown below and it is considered that, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information:

<u>Item Nos.</u>	<u>Grounds</u>	<u>Para. of Part 1 of Schedule 12A of the Act</u>
Part of agenda item 6	Information relating to financial or business affairs of any particular person (including the authority holding that information).	3

- 7.5 **RESOLVED:** That the contents of the report and appendices be noted.

8 **PRESS RELEASES**

- 8.1 The remainder of the meeting was held in public session. The Committee decided not to produce a press release in relation to the items on the agenda at this time.

9 **WORK PROGRAMME AND ACTION TRACKER**

- 9.1 Mark Ewbank, Scrutiny Manager, introduced the item. He advised Members that the Work Programme was a working draft. Their comments on the items set out for 2015/16 were sought. Some of the topics in the Work Programme were scheduled to specifically coincide with developments such as Transport for London's proposed implementation of the twenty four hour service on the London underground at weekends which would be discussed at the September meeting. Others resulted from actions at previous meetings of the Committee including a review of broadband coverage in Westminster at the February 2016 meeting, one year after this had been scrutinised by the Committee.
- 9.2 The Chairman suggested that the 22 June meeting be held in another part of the borough away from City Hall. He had encouraged meeting out in the community for previous policy and scrutiny meetings that he had chaired. The two way flows item particularly lent itself to Members, prior to the meeting,

walking along part of the route of the Baker Street scheme in North Marylebone with officers to consider the impact of the proposals first hand.

- 9.3 Councillor Williams proposed a follow-up item on air quality to add to the Work Programme. Councillor Rampulla referred to the fact that the procurement strategy for the waste disposal contract had been discussed at the January meeting and that it had been envisaged that the item could be brought before the Committee to be scrutinised when the implications of the tenders, including in terms of what the market was offering, were understood. It was agreed that officers would be consulted regarding when it would be most appropriate for this item to be scheduled. The Chairman made the point that the Work Programme was a working, evolving document and any ideas relating to it should be forwarded to Mr Ewbank.
- 9.4 **ACTION:** That officers be consulted regarding when it would be most appropriate for a waste disposal contract item to be scheduled (**Mark Ewbank, Scrutiny Manager, Mark Banks, Group Manager (Waste and Parks) and Phil Robson, Waste and Recycling Manager**).
- 9.5 **RESOLVED:** That any views of Committee Members on potential items for the Work Programme be forwarded to Mark Ewbank, Scrutiny Manager.

10 ANY OTHER BUSINESS THE CHAIRMAN CONSIDERS URGENT

- 10.1 There was no additional business for the Committee to consider.

The Meeting ended at 9.32 pm

CHAIRMAN: _____

DATE _____