



**City of Westminster**

## **Planning & City Development Committee**

**Date: 20 June 2019**

**Classification: General Release**

**Title: Update on the Planning Review**

**Report of: Executive Director of Growth Planning and Housing and 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 were endorsed by Cabinet on 25 October 2018. Cabinet approved the direction of travel 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. This includes making it easier for residents to engage with the planning system in Westminster.
- 1.2 Initial progress on the Planning Review was reported to the Planning and City Development Committee on 17 January 2019 (see Appendix 1). The initial stage in implementing measures to address the PAS report findings comprised the introduction of public speaking at the Planning Applications Sub-Committees. In January the Committee agreed with amendments the 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. To date the agreed procedures and protocols have been successful in facilitating public speaking. Notwithstanding this, a detailed 6-month review of public speaking will be carried out in August 2019 in accordance with the previous Committee resolution. The findings and recommendations of the 6-month review will be reported to the next Planning and City Development Committee.
- 1.3 To incorporate the changes outlined above and to meet the requirements to create a more transparent and robust Town Planning decisions function, attached at Appendix 1 is an updated document titled draft Guidance for members- Making Planning Decisions. This outlines best practice for Members of Planning Committees across a range of issues including standards of conduct, probity in decision making, conflicts of interest as well as support and guidance on the substance and parameters of taking planning decisions. Subject to the views of this Committee it is proposed that this draft

is submitted to the Standards Committee on 11 July 2019. Members are asked to approve the draft Guidance, note that the comments the Standards Committee will be sought and delegate to the Director, in consultation with the Chair, the approval and publication of a final version.

- 1.4 Since January 2019, officers have continued work to establish the scope of changes required to current processes and practices to deliver the service enhancements identified in the PAS report and sought by Cabinet. Following on from the engagement workshops held with Members and external stakeholders in late 2018, planning staff have undertaken visits to observe the planning services of the other local authorities that were identified in the PAS report (Camden, Wolverhampton and Cornwall). Following these visits staff took part in a departmental Away Day on 5 June to identify the strengths and weaknesses of existing processes and practices and identify the aspirations of officers for the future of the service.
- 1.5 Following the Away Day the scope of the changes to procedures and protocols to be taken forward as part of the Planning Review will be finalised. The preferred options for implementation of each aspect of the review will also be identified, including how pre-application community engagement and increased delegated decision making can be delivered. A timetable for implementation of the different aspects of the review will also be set. The preferred options and the finalised timetable will be reported to the next Planning and City Development Committee.

## **2. Recommendation**

- 2.1 Members are asked to consider the contents of this report and to note the ongoing work to implement measures to address the findings of the PAS report as part of the wider Planning Review programme.
- 2.2 The Committee is recommended to approve the draft Guidance for Members – Making Planning Decisions (at Appendix 1), subject to the incorporation of views and advice of the Standards Committee at their meeting on 11<sup>th</sup> July 2019, and to agree to delegate publication of the final version to the Director of Place Shaping and Town Planning, following consultation with the Director of Law and Chair of the Planning and City Development Committee.

## **3. Background**

- 3.1 A review of Westminster's planning service by the Planning Advisory Service and Local Government Association was undertaken in 2018 to look at all aspects of the decision-making process to ensure it is an independent and impartial process.
- 3.2 The findings of the review were reported to Cabinet on 25 October 2018. The review set out a number of key recommendations, which included introducing the opportunity for members of the public to make verbal representations at Planning Applications Sub-Committee. A process and protocol for the introduction of public speaking were endorsed by the Committee on 17 January 2019 and public speaking was subsequently introduced on 26 February 2019. The next phase of the Planning Review programme is focused on delivering changes to processes and practices to address the other PAS recommendations, which were:
  - Development of closer links between development management officers and officers in Planning Policy and the delivery and regeneration teams.
  - Establish appropriate distance between the regulatory planning service and applicants, agents, formal community organisations and the public.

- Review committee practices and procedures to focus resources on strategic development and involve Members earlier in the pre-application and application processes.
- Delegate decision making to a greater number of officers.
- Review roles of the Highways Planning team and the corporate highways function so that they are more closely aligned and share objectives and priorities.
- Continue to seek to improve recruitment and retention of planning officers.
- Review communication of planning decisions, including review of website content, communication of Planning Performance Agreements to ensure the service to be provided to customers is clearly communicated and review of the form of the service offered at pre-application and application stage.

3.3 The purpose of this report is to update the Planning and City Development Committee on progress since January 2019 on the work carried out as part of the Planning Review programme to deliver service enhancements and changes to processes and practices that will enable the recommendations of the PAS report to be realised.

## **4. Considerations**

### **Overview of the Planning Review**

- 4.1 The Planning Review Team has adopted a programme structure designed to enable a collaborative approach to the delivery of the changes required to deliver the PAS report recommendations, which will draw upon the expertise of staff within Place Shaping and Town Planning. The structure comprises three 'Clusters', each with a specific officer lead under which eight 'Workstreams' have been identified. The Workstreams will have a lead officer and a working group comprised of officers from Place Shaping and Town Planning, who will be tasked with developing the necessary changes to existing processes and procedures in tandem with officers from the Planning Review Team. The structure is designed to ensure appropriate oversight of the workstreams, with regular upward reporting of progress on each workstream to the management group within Place Shaping and Town Planning, the Planning Review Board and the Cabinet Member for Place Shaping and Planning.
- 4.2 Appendix 1 contains a document titled draft Guidance for Members- Making Planning Decisions. This document outlines essential and crucial information and guidance across the broad range of issues that will ensure the outcomes of the planning review are met. This draft updated guidance is designed to ensure that decisions are taken in a robust, transparent way to provide high levels of integrity to the process. It therefore outlines clear advice on the standards of conduct of members in respect of their role on planning committees, including gifts and hospitality, site inspections, dealing with development proposals impacting Councillors, their families or close associates. This is set within general principles such as making decisions with an open mind, absence of predisposition and focusing on material planning matters. Procedural issues are also laid out as well as guidance on how they will be advised at Committees and in reports presented. This guidance should be read in conjunction with extant protocols and procedures for Member involvement at pre-application stage governing requests for meetings with developers (April 2019) and the ongoing member training opportunities. All of this guidance is kept under review and with other changes in prospect as indicated in this report, it is likely that further updates on this will be brought forward. This is to ensure that Members are always fully equipped to continue to make robust, transparent and effective decisions.

- 4.3 Since the previous Planning and City Development Committee in January 2019 officers have undertaken visits to observe the planning services of the local authorities that were identified in the PAS report as examples of innovative and good practice (Camden, Wolverhampton and Cornwall). The visits have allowed officers to more clearly understand how the recommendations made in the PAS report may be realised in practice and enabled the processes and procedures used in these authorities to be understood, whilst also offering insight into the differing scales of these example planning authorities and the varying physical, social and political environments in which they operate. This has enhanced officers understanding of the breadth of options for delivering a successful planning service and has been of significant assistance in undertaking the ongoing scoping and options analysis exercise, which will identify the changes to current processes and procedures that will be taken forward as part of the Planning Review programme.
- 4.4 An Away Day for all officers in Place Shaping and Town Planning was held on 5<sup>th</sup> June to enable all staff within the department, as expert practitioners in their fields, to provide their views and ideas on how the recommendations of the PAS report can most effectively be realised. The Away Day was a significant opportunity to reinforce the cultural change that has occurred within the department to date, particularly following the integration of the Place Shaping Team, and to involve all officers in the formation of a departmental vision, which will define the new culture of the department following the completion of the Planning Review programme.
- 4.5 As well as discussion of a departmental vision, the Away Day focused the potential for reform of the pre-application service to increase transparency and Member and community involvement, the introduction of Design Review Panels, extension of delegated powers to more junior officers, improvement of working relationships with other Council departments and teams and achieving greater digital inclusion through website improvements and best use of software, systems and technology. The ideas and suggestions offered by staff at the Away Day have been collated and reviewed by the Planning Review Team and are being used to inform the scoping and options analysis exercise described in paragraph 4.2.
- 4.6 The scoping and options analysis exercise will result in a paper that will set out the preferred options for delivering the recommendations of the PAS report. A timetable will also be produced to identify the timescales for delivery of the changes to current processes and practice that will collectively deliver a new operating model for the department. The changes that would deliver on the key recommendations of the PAS report will be prioritised within the delivery timetable where possible.
- 4.7 The following sections of the report set out a short update on the key recommendations identified in the PAS report.

### **Public Speaking at Planning Applications Sub-Committees**

- 4.8 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 Appendix 1 for full details of the public speaking process and protocol). Up to 7 May 2019 there have been 41 requests to speak publicly at 11 Planning Applications Sub-Committee meetings. Of these, 27 speakers were in

support of schemes and 13 speakers were objecting to schemes. One representation was made by a local amenity society.

- 4.9 To date the agreed procedures and protocols have been successful in facilitating and managing public speaking at Planning Applications Sub-Committee meetings. Notwithstanding this, a detailed 6 month review of public speaking will be carried out in August 2019 pursuant to the requirements of the January 2019 Committee resolution. The review will include consultation with all participants and stakeholders, including members sitting on the three Sub-Committees. The findings and recommendations of the 6 month review will be reported to the next Planning and City Development Committee.
- 4.10 Work is currently on going to source, procure and introduce software and technology that will allow live recording and streaming of planning committee meetings, with the expectation that this service will be commenced in autumn 2019. This will allow applicants and stakeholders to watch the meeting live or view previously recorded committees and encourage wider participation and transparency in the planning process. Once installed, the system will be available for use by other committees held in the same room, such as Licensing.
- 4.11 In tandem with the introduction of recording and live streaming of committee meetings a regular programme of training will be arranged for the Members of the three Sub-Committees. It is intended that training will be provided for Members on a quarterly basis with the dates to coincide with Planning and City Development Committee meetings. The training to be offered as part of this programme will be confirmed in due course but will include media training, as well as topic based training on planning policy and legislation.

### **Pre-application Community and Member Engagement**

- 4.12 The PAS report recommends that the Council develops a new approach to the early involvement of communities in shaping development proposals, which is proportionate to their scale. The report to the Planning and City Development Committee in January 2019 set out how this recommendation could be realised through planning officers playing a greater role in co-ordinating pre-application engagement on major schemes. This will enable more transparent consultation with the local community and enable the involvement of ward councillors, who will be able to play a stronger role in influencing and guiding developments in their ward at an earlier stage in the planning process.
- 4.13 Following feedback from stakeholders in late 2018 and in light of the visits to Camden, Wolverhampton and Cornwall, and the Away Day sessions with Place Shaping and Town Planning officers, the Planning Review Team are currently considering the options for how this more transparent and engaging pre-application process can be delivered. The design of this service will draw on the examples of good practice that have been observed, albeit with the service designed specifically for the particular needs and constraints of Westminster. It is expected that formal recommendations and more detailed proposals will be reported to the next Planning and City Development Committee.

### **Delegated Authority**

- 4.14 The PAS report recommends that Planning Applications Sub-Committee meetings should focus on major and contentious applications rather than small-scale applications which raise local issues and that such applications should be delegated to officers. The current scheme of delegation to officers allows for most applications to be delegated to

officers with officers using their discretion to report applications to a Sub-Committee depending on the nature of objections received. At the time of the Planning and City Development Committee in January 2019, 97% of planning decisions were being taken under delegated authority by planning officers.

- 4.15 It has been observed that since the publication of the PAS report and the Cabinet decision to endorse it, there has been a cultural shift in terms of officers exercising their delegated authority to determine smaller scale applications; albeit working within the parameters of the terms of the existing schedule of delegation. This has already resulted in a downward trend in terms of the numbers of applications being reported to the Planning Applications Sub-Committees. As a result, it was possible for the Annual Council Meeting to resolve on 15 May 2019 to reduce the number of Planning Applications Sub-Committee's from 4 to 3. This reduction will deliver some limited departmental cost savings and reduce the time spent by officers on the time consuming committee processes.

**Table 1 – Numbers of Applications Reported to the Planning Applications Sub-Committees.**

Period	No. of Meetings	No. of Apps Reported	No. of Items	Length of Committee (Hrs)	Items Per Hour
2017/18					
Half Year 1 - 1 May 17 to 10 Oct 17	24	192	7.67	1.92	4.30
Half Year 2 - 17 Oct 17 to 24 April 18	24	184	8.00	2.05	4.46
YR TOTALS	48	376	7.83	1.98	4.38
2018/19					
Half Year 1 - 1 May 18 to 23 Oct 18	24	160	6.67	1.74	4.26
Half Year 2 - 30 Oct 18 to 23 April 19	22	103	4.68	1.67	3.37
YR TOTALS	46	263	5.98	1.78	4.01

- 4.16 In light of paragraphs 4.14 and 4.15, it is not envisaged that significant change to the current schedule of delegation from Members to officers will be required in respect of the reporting of applications to a planning committee, although limited amendments could be made to afford officers greater delegated powers in the case of minor applications where only a small number of objections on valid planning grounds have been received. As reported in January 2019, it is expected at this stage that Ward Councillors will retain their right to call in all planning applications to Committee and will be required to attend the Committee meeting to discuss any concerns about an application in their ward if they have called the application in. However, all of these options are currently being scoped by the Planning Review Team as part of the options analysis process.
- 4.17 As reported in January 2019, the Planning Review Team is in the process of exploring options for increased delegation to a wider number of planning officers and to delegate the hierarchy of decision making which is currently highly concentrated at a senior officer level. It is proposed that planning officers engage more with Ward Councillors at the pre-application stage to solve issues, thereby avoiding the need for an application to be reported to a Planning Applications Sub-Committee at the end of the process. Appropriate checks and balances would remain in place with peer review of proposed decisions and escalation controls in the event of certain thresholds being reached with different applications. This will require a comprehensive shift in culture as

well as a training and development programme for officers, planning for which has already commenced.

- 4.18 These proposals, for which options are currently being modelled and analysed, will be considered as part of the review of the operating model of the directorate, which forms part of the wider changes envisaged as part of the Planning Review programme.

### **Achieving Closer Alignment and Developing Relationships with Other Services and Directorates**

- 4.19 The PAS report encourages closer alignment between development management officers and officers in other departments and teams, including planning policy and the delivery and regeneration teams. It also suggests review of the relationship and linkages of the Highways Planning team with the Council's corporate highways function so that the two are more closely aligned and share objectives and priorities.
- 4.20 Initial discussions have been held between Place Shaping and Town Planning officers and officers in Planning Policy and the Economy Team, with the aim of building more positive and collaborative relationships to improve the delivery of the Council's corporate objectives through planning decision making. Further discussions to formalise the future relationships and linkages with these teams will be required and separate discussions will also be required with the delivery and regeneration teams. Progress towards adoption of the new City Plan will assist this process as the new suite of policies this will deliver will be more closely aligned with the Council's current priorities, aims and objectives than those contained within the current 2007 UDP and 2016 version of the City Plan.
- 4.21 In response to the findings of the PAS Review the Highways Planning and Trees teams are in the process of being moved to within City Management and Communities so that they are more closely aligned with the corporate highways function in terms of line management. However, these teams will remain in their current form and will continue to provide the same service to Place Shaping and Town Planning in terms of their observations on development proposals and tree works applications.
- 4.22 The Planning Review project will investigate whether there are opportunities for linkages between Place Shaping and Town Planning on an operational level, such as through the shared use of technology with other departments including Licensing.

### **Enhancing Transparency and Maintaining Probity**

- 4.23 The PAS report recommends that appropriate distance between the regulatory planning service and applicants, agents, formal community organisations and the public is established. The report to Cabinet enabled the Chief Executive to restate to both officers and Members their responsibilities in terms of the Council's gifts and hospitality policies. Cabinet's endorsement of the cabinet report and the findings set out in the PAS report therefore marked a point of change in terms of the relationship that officers have with applicants, agents, formal community organisations and the public in future. Subsequently training has been undertaken by all officers to ensure that they are aware of the requirements of the anti-bribery policy.
- 4.24 As outlined above in paragraph 4.2, the 'Guidance for Members Making Planning Decisions' document has been updated to reflect changes in Town and Country Planning legislation, regulations, and Council policies and procedures. The updated Guide includes a section on gifts and hospitality, the value of high standards of probity to the integrity of the decision making system, conflicts of interest. underlining the

strong relationship between this high standard of decision making and creating good places as it gives confidence for sustainable investment from residents and businesses.

### **Recruitment and Retention**

- 4.23 The PAS report acknowledges that there are and have been ongoing efforts made to seek to improve the recruitment and retention of officers within the planning service. When carrying out the Planning Review programme the options for changing and evolving the service will have regard to all opportunities they also provide in terms of improving the career development of officers and to empower officers to take greater ownership of their work. In these regards the potential changes being considered in respect of delegated authority offer a significant opportunity to enhance the role of officers in the planning decision making process. There will though need to be appropriate training put in place to ensure that officers are suitably equipped to exercise greater delegated authority and have the skills necessary to work more autonomously.

### **Setting and Communicating Service Provision and Decisions**

- 4.24 The Planning Review project will review the form that the pre-application processes take in the new operating model to ensure that it includes community and Member involvement as set out in paragraphs 4.12 and 4.13. As part of this process officers will review the way in which the benefits of pre-application advice and Planning Performance Agreements are communicated to applicants and their professional representatives. The introduction of more formalised processes to ensure community and Member involvement at pre-application stage will assist in developing a framework that provides a clear demonstration to applicants of the benefits of seeking pre-application advice. Pre-application advice is currently offered on the basis of a 'sliding scale' with only written advice provided for small scale development with meetings and written responses provided only for larger scale developments, with the fee amount increased set accordingly. The review of the pre-application processes will consider whether this model remains appropriate or whether a more customer focused model should be adopted with the pre-applicant determining the level of service they wish to pay for.
- 4.25 Likewise the service offered to applicants entering into a PPA will also be reviewed to make the service that is offered more tangible and structured so that the value that is derived from PPAs is apparent to applicants. The review of PPAs is likely to consider the model wording for PPAs and at what stage in the planning process they are entered into. At present they are typically entered into at the point at which an application is submitted, but they could be used to better effect for both parties if entered into earlier in the planning process, for example at pre-application stage.
- 4.26 In tandem with the review of the pre-application advice service and the PPA service the opportunity will be taken to ensure that the fees charged for these services are reflective of the full cost of providing these services.
- 4.27 The Planning Review project includes a dedicated workstream focused on enhancing digital inclusion. This will review options to enhance the content of the planning section of the Council's website, as well as considering how the planning process and planning decisions can be better communicated to stakeholders.
- 4.28 Initial measures to better communicate the planning process to applicants and stakeholders digitally were previously implemented with the introduction in October 2017 of e-notifications to applicants of significant planning application milestones (e.g.

validation of application, end of consultation period etc.). Since the PAS Review this has been supplemented by the introduction in January 2019 on a trial basis of an e-notification service to allow stakeholders who choose to create an account on the Council’s website to receive notification of all future applications on a specified site or within a geographical area that they specify. The initial take-up of this service, which has not received significant publicity due to it being introduced on a trial basis, is set out in the table below. Following the end of the initial 6-month trial period, it is expected that the Planning Review programme will seek to ensure that the availability of this service is more clearly advertised as part of the Council’s digital ‘offer’. For example, the service could be actively promoted to residents and businesses as part of other online processes and interactions (e.g. at the end of online payment for parking permits etc.).

<b>Month</b>	<b>Number of Subscriptions/Accounts</b>	<b>Total</b>
January	10	10
February	23	33
March	17	50
April	33	83
May	13	96

**5. Financial Implications**

5.1 The implications will be managed within existing resources.

**6. Legal Implications**

6.1 None.

**7. Conclusion**

7.1 From the above update, it will be noted that considerable work has already been undertaken to enable the delivery of 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), as endorsed by Cabinet on 25 October 2018. Members are also asked to note the ongoing work on the Planning Review project to deliver further positive change and enhancements to the current processes and practices of the planning service, including facilitating improved pre-application engagement with the community and Members and review of the delegation arrangements for planning decisions.

**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)**

**Appendices:**

1. Draft version of updated 'Guidance for Members – Making Planning Decisions' guidance document.
2. Report to the Planning and City Development Committee dated 17 January 2019 and minutes.
3. Report to Cabinet on Planning Review dated 25 October 2018 and associated resolution and appendix.