City of Westminster

Planning & City Development Committee

Date:	**7 November 2019**
Classification:	**For General Release**
Title:	**Establishment of Planning Applications Sub-Committee (3)**
Wards Affected:	**N/A**
Financial Summary:	**There are no financial implications**
Report of:	**Head of Committee and Governance Services**

1. Executive Summary

1.1 This report seeks approval from the Committee to establish a further Planning Applications Sub-Committee - Planning Applications Sub-Committee (3) from 1 January 2020. The terms of reference for the new Sub-Committee are set out in Section 24 of the Constitution and are attached to this report as Appendix A.

2. Recommendations

2.1 That the Planning & City Development Committee be recommended to agree the establishment of a Planning Application Sub-Committee (3) from 1 January 2020.

2.2 That the Terms of Reference for the existing Planning Applications Sub-Committees (as attached) be applied to Planning Application Sub-Committee (3). Subject to agreement of 2.1 above, the terms of reference in the constitution will be updated to reflect the additional sub-committee.

3. Reason for Decision

3.1 The additional Planning Applications Sub-Committee will ensure a greater degree of flexibility in the planning decision making process. It will ensure that the current significant workload for the existing Sub-Committees will be reduced. This will allow the Sub-Committees to consider less items but, in more detail, when making decisions.

3.2 The establishment of the additional Sub-Committee is also intended to minimise occurrences where Sub-Committee Members deliberate on items located in their

wards. The effect of this is to reduce the risk of Members impartiality being seen to be compromised when making a decision.

3.3 The Planning (Major) Applications Sub-Committee will comprise of each minor Sub Committee Chairman and therefore it would be appropriate to have three Sub-Committees instead of two.

4. Proportionality

4.1 Seats on committees and sub-committees must be allocated in accordance with the four principles of proportionality contained in sections 15, 16 and 17 of the Local Government and Housing Act 1989. When making appointments, committees (in appointing sub-committees) have a duty to give effect to the following principles, as far as is reasonably practicable:

(i) That not all the seats on a committee or sub-committee are allocated to the same political group.

(ii) That the majority group must have the majority of seats on each committee or sub-committee.

(iii) Subject to (i) and (ii) above, it must be ensured that the proportion of each political group's seats of the total number of seats on 'ordinary committees' reflects as closely as possible their proportion of seats on full council.

(iv) Subject to (i) to (iii) above, the proportion of each political group's seats on each committee and sub-committee reflects as closely as possible their proportion of seats on full council.

Note: This rule applies to all committees, sub-committees and joint committees, except for licensing committee and community councils.

5 Role and Membership of the Sub-Committee

5.1 The committee is invited to note the roles and functions of the Planning Sub-committees as set out in Appendix 1. The Planning Applications Sub-Committees 1 and 2 were established with a size of 4 seats and a composition of 3 Majority Members and 1 Minority Member. It is recommended that the same arrangements are established for the proposed Sub-Committee 3. The Sub-Committee will be invited to appoint a Chair at its first meeting.

5.2 All members who are appointed to sit on the Planning Applications Sub-Committees are given a position on the Planning & City Development Committee. Therefore, if the recommendations are agreed the membership of the Planning & City Development Committee will increase from 14 to 15 members.

6. Financial Implication

6.1 The 2019-2020 Members' Allowances Scheme was budgeted on the basis of paying Special Responsibility Allowances (SRAs) to members of four Planning Application Sub-Committees (Major and 1, 2 & 3), each with their own memberships. Therefore, the establishment of Planning Applications Sub-Committee (3) and the payment of SRAs to these members will not have an adverse impact on the budgeted scheme.

7 Legal Implications

7.1 There are no legal implications arising from this report.

8. Consultation

8.1 The Party Whips have been consulted and are content with the proposals to establish a Planning Application Sub-Committee (3).

If you have any queries about this Report or wish to inspect any of the Background Papers please contact Reuben Segal : 7641 3160

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BACKGROUND PAPERS

- None

Appendix A

PLANNING APPLICATIONS SUB-COMMITTEE (X 3)

The Planning (Major Applications) Sub-Committee consists of 6 members of the Council (4 Majority Party Members and 2 Minority Party Members).

Planning Sub Committees 1-2 consist of 4 Members of the Council (3 Majority Party Members and 1 Minority Party Member)

The Committee is responsible, if asked, for advising the Cabinet or the Cabinet Member for Place Shaping and Planning on planning policy matters which are the domain of the executive.

TERMS OF REFERENCE

(1) The making and issuing within the policy context determined by the Council, of decisions on applications for permission, notices and deposit of plans under the Planning Acts, the Building Act 1984, the London Building Acts, the London Squares Preservation Act 1931 and any Local Act requiring decisions relating to planning and building control functions, to the extent that these are Non-Executive functions.

(2) To review planning briefs and recommend any changes to the Cabinet Member for Place Shaping and Planning for consideration.

(3) Authorisation of

(a) agreements and undertakings under Section 106 and 299A of the Town and Country Planning Act 1990, Section 16 of the Greater London Council (General Powers) Act 1974, Section 33 of the Local Government (Miscellaneous Provisions) Act 1972 and where required in connection with planning applications, Section 278 of the Highways Act 1980, and the release of such obligations;

(b) notices, orders (including the confirmation of) Tree Preservation Orders, Directions Certificates and Grants under the Planning Acts;

(c) rights of entry under the Planning Acts, the Building Act 1984, the London Building Acts and any such rights conferred by other legislation where incidental to functions under these Acts;

(d) the carrying out of works and the recovery of costs in default of compliance with Notices issued or served under the Planning Acts London Building Acts and Building Act 1984;

(4) Within the policy context determined by the Council and the Cabinet Member for Place Shaping and Planning, to exercise the functions of the Council under the Town and Country Planning (Control of Advertisements) Regulations.

(5) To approve highway works, highway amenities, Highways matters relating to approved development, the dedication of land for highway purposes and the stopping up or diversion of highways and any necessary traffic orders in connection with planning applications or the implementation of permissions resulting from such applications subject to the whole of any cost involved being payable by developers and secured by Agreement.

(6) To determine matters referred by officers under Part 8 (High Hedges) of the Anti-Social Behaviour Act 2003.