



City of Westminster

# General Purposes Committee

<b>Date:</b>	<b>23 October 2024</b>
<b>Classification:</b>	<b>For General Release</b>
<b>Title:</b>	<b>Planning &amp; City Development Committee &amp; Sub-Committee Future Options &amp; Committee Proportionality</b>
<b>Wards Affected:</b>	<b>All</b>
<b>Financial Summary:</b>	<b>The financial implications of the options set out in the report are listed in section 6 of this report. All proposals are within agreed budgets.</b>
<b>Report of:</b>	<b>Executive Director of Corporate Services</b>

## 1. Executive Summary

- 1.1 Following feedback from Members over an extended period, there is a need to review the current structure of the Planning & City Development Committee (P&CD) and its Sub-Committees. Feedback has highlighted that the current structure has resulted in the P&CD Committee itself lacking purpose and focus and there being anomalies in its relationship with the sub-committees which determine applications, both of which require resolution. A number of options are therefore proposed, all of which would reshape the whole planning committee structure and provide more direction and purpose to the overall system of committees focused on planning matters.
- 1.2 In addition, on the 19 September 2024 there were by-elections in the West End and Harrow Road Wards, which resulted in the election of Councillor Regan Hook representing the Labour Party for Harrow Road and Councillor Tim Barnes representing the Conservative Party for West End. These results decreased the number of seats held by the Labour party by 1 and increased the number of seats held by the Conservative Party by 1. Therefore, this report also considers the impact of these results on the political balance of the Council and the number of committee seats allocated to each party.
- 1.3 The report considers these two items sequentially, handling the overall planning committee structure first, establishing a baseline of standing committees and total number of committee seats for the Council, before setting out options to achieve overall proportionality of the council in this context.

## **2. Recommendations**

- 2.1 That the General Purposes Committee recommends to Full Council for approval one of the Planning & City Development Committee & Sub-Committee Future options set out in the report at section 3, and the adoption of the corresponding terms of reference from Appendices A or B
- 2.2 That, should option 1 be chosen from section 3 with respect to recommendation 2.1, that the General Purposes Committee recommends to Full Council, the amendment of the Member Allowances scheme to make provision for an additional planning member.
- 2.3 That the General Purposes Committee recommends to Full Council for approval one of the options from the Proportionality options set out in the report at section 4.

## **3. Planning & City Development Committee & Sub-Committee Future Options**

### **Introduction**

- 3.1 Following feedback from officers and Members there is a clear need to review the structure of the Council's planning committees and sub-committees. This need has arisen due to a number of factors including:
  - General housekeeping requirements regarding terms of reference for existing committees which require greater clarity on the delegations made to determine applications;
  - Members and officers note a lack of focus and purpose for the Planning and City Development Committee. Multiple meetings have been cancelled for lack of business and agendas have often contained low impact items, some of which fall outside of the committee's terms of reference and may have been introduced to make agendas feel more substantial to draw together 14 Members; and
  - Inefficiencies in the underpinning committee make-up which no longer reflects the proportionality of the council, nor a fair balance of resourcing requirements between the political Groups.

### **Background & Current Planning Committee Structure**

- 3.2 Currently the Council has five committees which deal with planning matters: the Planning & City Development Committee, the Major Applications Sub-Committee and Sub-Committees 1, 2 and 3. At present, the Constitution establishes the non-application determining P&CD Committee as the parent body of the decision-making Planning (Major) Applications Sub-Committee and the three non-major Planning Applications Sub-Committees (1, 2 & 3). This is an historic arrangement

dating back over 15 years to when the P&CD Committee was itself a decision-making committee, when it regularly received items comprising large-scale planning applications, as well as items seeking comments on emerging policy, guidance and briefs.

- 3.3 During the intervening period the function of the parent P&CD Committee has been adapted to its current non-application determining role. Whilst the current arrangement is sufficient to bestow the decision-making planning sub-committees with the relevant powers to determine planning applications, it is deemed necessary to update the Constitution to more clearly articulate the flow of power to determine applications from Full Council to parent committee to sub-committee. In undertaking this tidying up exercise, it is the right moment to consider the function of the committee as a whole.
- 3.4 The current functions of the P&CD Committee are to:
- To consider proposed local plan policies (including SPDs etc.) at appropriate stages of the statutory process and make recommendations to the Cabinet Member;
  - To oversee practice and procedures of planning sub-committees and make recommendations for changes required; and
  - To oversee training for planning members.
- 3.5 In practice, these functions produce relatively little substantial business over the course of a year, especially at times where the City Plan, as the Council's statutory Local Plan, is not under substantial review. Meetings have therefore often been postponed due to lack of business or the committee has strayed into other areas, such as the performance of the Town Planning service, which fall outside of its terms of reference.
- 3.5 At the same time, there have been dissatisfaction expressed by Members and Officers for a number of years, across the current and previous administration, regarding the purpose of the P&CD Committee, given the evolution described above into a deliberative body with relatively narrow formal scope.
- 3.6 The P&CD committee set up is unusual in local government insofar as its size and lack of application-determining powers are concerned. Its purpose has become unclear and lost over the years due to other changes and furthermore, it often overlaps scrutiny functions such as policy review. The existing functions need to be reconsidered, refocused and rehomed in the appropriate place.

### **Future options and analysis**

- 3.7 Two options are presented below which seek to address the issues outlined in this paper. All of the options presented below offer the opportunity for an informal Planning Members Forum to be established, something which officers consider

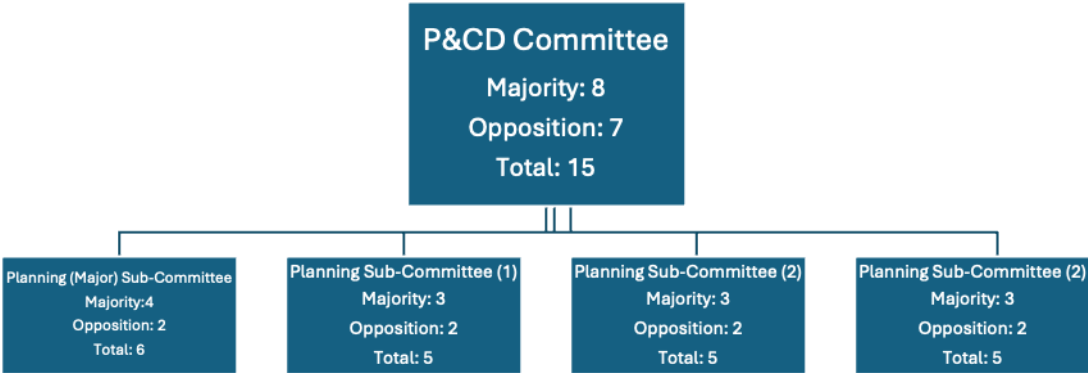
would offer significant benefit. Such an approach is considered beneficial given the current significant level of change and added complexity within the planning system as well as the unique constraints on development within Westminster. Such a forum would be used to hold detailed member training and briefing on planning related matters including policy and legislative changes which it is not possible nor appropriate to undertake in a formal committee setting. This would however, be an informal arrangement and is thus not the subject of a recommendation in this report.

3.8 In this context, set out below are the proposed two main options in addition to no change:

**Planning Option 1**

3.9 Retain P&CD in its current format, with slightly amended terms of reference to provide greater clarity regarding onwards delegation of powers to determine applications while retaining the current core functions of the committees. In such a circumstance, consideration would have to be given as to how often the committee may need to meet given possible lack of business. Under this option, it is proposed to increase the size of the committee adding a single additional Conservative Member to the P&CD membership to improve overall balance in the wider context of Council proportionality

3.10 Retaining this option would keep the current four sub-committees and if this option is chosen it is proposed to increase the size of the sub-committees to the same size and balance, again to better reflect overall balance between both Groups.



3.11 The disadvantage of this option is that it does not address the problem that the P&CD Committee has a lack of focus, and the option would maintain it as a somewhat constitutional anomaly with it only meeting periodically causing a potential lack of cohesion or purpose to the committee.

- 3.12 This option would require a slight increase in the number of allowances payable to Members as the total number of Members sitting on planning would increase – further detail on this is set out in the financial implications section of this report. Accordingly, were this option to be chosen, a revised Member Allowances scheme would be required to provide for an additional planning member.
- 3.13 Unless further additional Members were introduced to sit on P&CD or paid an allowance for sitting on sub-committees without sitting on P&CD, this option would also require both Groups to have at least one Member who sits on multiple sub-committees while only receiving a single allowance, and doubling their workload. It is not considered necessary or reasonable to further expand the size of P&CD and require even more members to be involved in the planning system, especially when demands on Member time in their wider roles are already substantial. If Members were to seek a further expansion of P&CD enabling additional individual members to be available to sit on planning sub-committees, this would require additional Member Allowances to be made available on top of those noted at 3.12

### **Planning Option 2**

- 3.14 Amalgamate the P&CD and Major Planning Applications Committee to form a new, smaller parent 'Strategic Planning Committee' committee, combining and refining the functions currently set out in the Terms of Reference for the PCD Committee with the additional power to determine applications, focused on the most complex applications in the city.
- 3.15 With this option it is proposed to slim down the size of the current Major Applications sub-committee to five members, 3 Majority Party Members and two Opposition Party Members
- 3.16 Underneath this parent committee, would sit two sub-committees, made up of three Majority Members and two Opposition handling other applications which require determination at member-level as is currently the case. The two Chairs of the Sub-Committees would sit on the Strategic Planning Committee alongside the Chair of that Committee and two Opposition Members.



- 3.17 In practice, while it is recommended to retain the ability to consider proposed planning policies, this needs to be undertaken in a manner which balances and does not overlap with the policy review role of the Policy and Scrutiny Committees. The Overview and Scrutiny Committee is responsible for the scrutiny of planning policy and the role of the Strategic Planning Committee should be to review proposed policies from the perspective of members involved in the handling of applications.
- 3.18 The advantages of this option are, by creating a new parent committee with a primary role to determine applications and additional strategic functions akin to some of the listed functions fulfilled previously by the P&CD Committee, this option offers a balanced approach. It offers robust governance, balancing the role of planning committees with others e.g. Policy and Scrutiny and it retains a space for public discussion of certain strategic matters in planning which do not relate directly to the determination of an application.
- 3.19 Following consultation with the Opposition Group concern was raised that by limiting the policy review function, to only five 'senior' planning members on the Strategic Planning Committee, all other planning members are losing their ability to perform this function from the current position. Those members would still be able to feed into the Planning Members Forum noted above however. Furthermore, the option must be considered in the context of the current position whereby, in practice, for many years now there has been relatively little policy review undertaken or required by the Committee in line with the terms of reference and therefore a more streamlined, flexible approach may produce better outcomes. Additional comments received included a concern that if there are only two sub-committees as opposed to the current three, all Members sitting on planning would be forced to sit more often which is an added commitment, and that this would decrease the overall resilience of the planning system as fewer members would be trained in and regularly involved in determining planning applications. While both points are accurate, neither represent a fundamental challenge to the effectiveness of the planning committee system when weighed against the case for change. With respect to the concern

regarding resilience, this option would see 13 members involved in the planning system as opposed to the current 14, and 15 in option 1.

- 3.20 This option would require fewer Member Allowances to be available. A revised Member Allowances scheme is not however required to enable this option as the existing scheme would enable all roles to be paid and the scheme may be formally updated at the next annual review early in 2025.

#### **4. Proportionality Options**

- 4.1 Following the West End Ward by-election which resulted in the election of Councillor Tim Barnes representing the Conservative Party, the Labour and Conservative Groups now hold, respectively, 30 and 24 of the total of 54 Council seats. This changes the proportion by which seats on Committees should be allocated to 55.6% to the Majority Group and 44.4% for the Opposition Group. Therefore, a review of the representation of the political groups on their Committees and Sub-Committees is required to ensure a political balance.
- 4.2 The following principles apply to the allocation of seats in sequential order:
- (a) That not all the seats on the body to which appointments are being made are allocated to the same political group;
  - (b) That the majority of seats on each Committee are allocated to a particular group if the number of persons belonging to that group is a majority of the authority's membership;
  - (c) That, subject to (a) and (b), when allocating seats to a political group, the total number of their seats across all the ordinary committees of the Council must reflect their proportion of the authority's membership; and
  - (d) Subject to (a) to (c), that the number of seats on each committee is, as far as possible, in proportion to the group's membership of the authority.
- 4.3 While these principles often come into conflict with one another, there is a clear hierarchy, with (c) and (d) being subject to (a) and (b) being achieved in the first instance. This means that where conflict does arise between principles, it is more important that the majority group on the council retains a majority on individual committees (as per (b)) than it is for the total number of seats across ordinary committees to reflect balance between the groups (as per (c)).
- 4.4 Sub-Committees are individually governed by the political balance rules, but it is not necessary to add up all the Sub-Committee seats and then allocate them in proportion. As far as this is practicable, the allocation of seats on each individual Sub-Committee should reflect the proportional representation of the political groups on the Council.

- 4.5 The current allocation of committee seats is composed of 81 seats. Following the principles set out at 4.2, the only way to ensure a majority of seats on each Committee were allocated to the Majority Group before the by-election was to allocate 48 seats to the Majority Group and 33 to the Opposition Group, creating a variance of one seat in favour of the Majority party. The Chief Executive and the Executive Director of Corporate Services (Monitoring Officer) confirmed that this proposed allocation was in accordance with the proportionality rules.
- 4.6 Following the by-election a new political balance calculation has been carried out and under the current scenario this shifts the variance to 3 seats as set out in the table below. Therefore, it is considered that some remediation is required to ensure adequate political balance across the committees.

Committee	Members		
	Total	Labour	Conservative
Audit and Performance Committee	4	3	1
General Purposes Committee	4	3	1
Overview and Scrutiny Committee	7	4	3
Climate Action, Environment and Highways P&S	7	4	3
Housing and Regeneration P&S	7	4	3
Vulnerable Adults, Health and Communities P&S	7	4	3
Young People, Learning and Employment P&S	7	4	3
Standards Committee	5	3	2
Pension Fund Committee	4	3	1
Planning & City Development Committee	14	8	6
Licensing Committee	15	8	7
<b>Total</b>	<b>81</b>	<b>48</b>	<b>33</b>
<b>Target number (and variance)</b>		<b>45 (+3)</b>	<b>36 (-3)</b>

- 4.7 Depending on which planning option from those listed earlier in the report is chosen, this will alter how this remediation work is undertaken. As such, the following options listed below regarding proportionality also reflect the different planning structure options available. During evaluation of the options available it was considered to remove one Labour Councillor from a number of committees but that would still produce a greater variance than the options set out below making it less favourable as an option. Other options available are limited and trying to reduce the variance by making a number of committees significantly larger in size would not be a proportionate response to the problem as it would present other challenges and likely result in oversized, unwieldy committees for the subject matter at hand.



### **Proportionality Option 1 – retaining PCD**

- 4.8 This option assumes option 1 above is chosen with respect to the planning committee structure. It would see a single additional Opposition Member added to each of P&CD, General Purposes, Audit and Performance and the Pension Fund Committees from the current position. Expanding these committees by a total of four seats will increase the number of overall seats to 85. The Majority Party would receive 48 seats and the Opposition Party 37 seat, resulting in a variance of 1.
- 4.9 The addition of an additional member to the Audit and Performance, General Purpose and Pension Fund Committees is considered a measured and reasonable remedy as the function of these committees would not be negatively affected by an increase of one member.
- 4.10 Under this option the proportional division of seats is set out below:

<b>Committee</b>	<b>Members</b>		
	<b>Total</b>	<b>Labour</b>	<b>Conservative</b>
Audit and Performance Committee	5	3	2
General Purposes Committee	5	3	2
Overview and Scrutiny Committee	7	4	3
Climate Action, Environment and Highways P&S	7	4	3
Housing and Regeneration P&S	7	4	3
Vulnerable Adults, Health and Communities P&S	7	4	3
Young People, Learning and Employment P&S	7	4	3
Standards Committee	5	3	2
Pension Fund Committee	5	3	2
Planning & City Development Committee	15	8	7
Licensing Committee	15	8	7
<b>Total</b>	<b>85</b>	<b>48</b>	<b>37</b>
<b>Target number (and variance)</b>		<b>47 (+1)</b>	<b>38 (-1)</b>

### **Proportionality Option 2 – New Strategic Planning Committee**

- 4.11 As detailed above the Opposition Party would receive an extra seat on General Purposes, Audit and Performance and the Pension Fund Committees, totalling an additional three seats. Under this option the creation of a Strategic Planning Committee with five Members sitting on it would reduce the overall number of seats to 75 as only seats on Standing Committees and not Sub-Committees

count towards the overall total of seats. This would result in 43 seats being allocated towards the Majority Party and 32 for the Opposition Party, a variance of 1 seat in favour of the Majority Party.

Committee	Members		
	Total	Labour	Conservative
Audit and Performance Committee	5	3	2
General Purposes Committee	5	3	2
Overview and Scrutiny Committee	7	4	3
Climate Action, Environment and Highways P&S	7	4	3
Housing and Regeneration P&S	7	4	3
Vulnerable Adults, Health and Communities P&S	7	4	3
Young People, Learning and Employment P&S	7	4	3
Standards Committee	5	3	2
Pension Fund Committee	5	3	2
Strategic Planning Committee	5	3	2
Licensing Committee	15	8	7
<b>Total</b>	<b>75</b>	<b>43</b>	<b>32</b>
<b>Target number (and variance)</b>		<b>42 (+1)</b>	<b>33 (-1)</b>

## 5. Legal Implications

### Planning

- 5.1 Under executive arrangements there are a range of executive duties that are the responsibility of the executive alone. The executive powers are not “delegated” to the executive by the Council, but they are conferred directly by legislation. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 sets out where certain decisions are the responsibility of the executive, the responsibility of Full Council, or a matter of local choice. The constitution is framed around this legislation (and other local government regulations/directions/the Local Government Act), and this allows decision-making within a democratically elected body to be consistent, accountable and transparent.
- 5.2 The Local Government Act 2000 (Constitutions) (England) Direction 2000 sets out what a constitution should include and how all power is conferred by law onto Full Council, which decides how then to delegate that power to various Council Committees. The composition of these service committees is required to be

proportionate to the relative sizes of political parties at the authority. The Standing Orders in the constitution already set out for example, amongst many other things:

- (a) the usual format of agendas and meetings for Council/committee meetings
- (b) rules relating to the keeping of order in the meeting
- (c) rules about the operation of a guillotine to adjourn the meeting after a certain period even if business has not concluded
- (d) responsibilities of the Cabinet alongside a description of the portfolios of individual Cabinet members
- (e) on scrutiny set out the powers of the function pursuant to legislation, its role in the authority, its approach to work programming and other matters covered in the 2019 “Statutory Guidance on Overview and Scrutiny in Local Authorities”
- (f) description of the roles of any committees or sub-committees appointed by the authority in accordance with section 101 of the Local Government Act 1972 (c.70) including:
  - i. the membership, terms of reference and functions of such committees or subcommittees; and
  - ii. any rules governing the conduct and proceedings of meetings of those committees or sub-committees
- (g) a description of the rules and procedures for the management of its financial, contractual and legal affairs.

5.3 As to (f) above with regards to planning committees, appropriate work needs to be undertaken to make the constitutional amendments to update and clearly reflect a path of delegation and decision making from the Full Council to the planning committee and then (if deemed appropriate or necessary) the appropriate onward delegation to sub-committees.

#### Proportionality

5.4 The Local Government (Committee and Political Groups) Regulations 1990, Part IV, Section 17, requires the Council to carry out a review of the representation of different political groups in a range of circumstances. This includes where a Member states in writing that they wish to join a new political Group. Following the 19 September by-elections, such a notice has been received from the newly elected Councillors and, this has resulted in the Conservative Group growing by one member and the Labour Group reducing by one member. The review carried out has led to the recommendations regarding political proportionality in in this report.

## **6. Financial Implications**

6.1 The current total of special responsibility allowances for planning Members is £54,324.

- 6.2 The financial implications of the planning restructure options set in the report are set out below:

Option 1 – The increase in the size of the P&CD Committee from 14 Members to 15 Members will result in the total overall special responsibility allowances for planning increasing to £57,207.

Option 2 – The implementation of the new Strategic Planning Committee structure will result in the total overall special responsibility allowances for planning to be £49,338, resulting from the removal of a sub-committee Chair from the structure.

- 6.3 The additional proposed proportionality changes also set out in the report include providing three additional seats on three Committees. Aside from the Chairs, membership of the General Purposes Committee and Audit and Performance Committee does not include any special responsibility allowances. The additional seat on the Pension Fund Committee however will require an additional special responsibility allowance to be paid of £2,251 per annum.
- 6.4 The overall Member Allowances Budget is £1,085,700 and all of the options contained in this report can be covered within the existing budget.

## 7. Consultation

- 7.1 Both Groups have been consulted on the proposals in this report and the feedback has been noted in the body of the report.

**If you have any queries about this Report or wish to inspect any of the Background Papers please contact Tristan Fieldsend: 07812 760 335**

**Email: [tfieldsend@westminster.gov.uk](mailto:tfieldsend@westminster.gov.uk)**

## APPENDICES

### Appendix A - Revised terms of reference for option 1, planning

## BACKGROUND PAPERS

- None

## **APPENDIX A – Revised terms of reference for option 1, planning**

# **PLANNING AND CITY DEVELOPMENT COMMITTEE**

## **CONSTITUTION**

15 members of the Council (8 Majority party members and 7 Opposition party members). Such members to be members of the Planning Applications Sub-Committees.

## **TERMS OF REFERENCE**

- (1) To consider proposed local plan policies (and supplementary planning documents) at appropriate stages of the statutory process for their preparation and adoption and make recommendations to the relevant Cabinet Member.
- (2) To have oversight of the practices and procedures of the Planning Applications Sub-Committees (but not to consider individual planning applications) making recommendations where necessary to officers, Planning Applications Sub-Committees and/or the Cabinet for Planning and Public Realm.
- (3) To consider and recommend a training programme for members of the Planning Applications Sub-Committees.

## **APPENDIX B – Revised terms of reference for option 2, planning**

# **STRATEGIC PLANNING COMMITTEE**

## **CONSTITUTION**

5 members of the Council (3 Majority party members and 2 Opposition party members).

## **TERMS OF REFERENCE**

- (1) To consider proposed local plan policies (and supplementary planning documents) at appropriate stages of the statutory process for their preparation and adoption and make recommendations to the relevant Cabinet Member.
- (2) To have oversight of the practices and procedures of the Planning Sub-Committees making recommendations where necessary to officers, Planning Sub-Committees and/or the Cabinet Member responsible for Planning.
- (3) To consider and recommend a training programme for members of the Strategic Planning Committee and Planning Sub-Committees.
- (4) 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.
- (5) To review planning briefs and recommend any changes to the Cabinet Member responsible for planning for consideration.
- (6) 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;
- (7) Within the policy context determined by the Council and the Cabinet Member responsible for planning, to exercise the functions of the Council under the Town and Country Planning (Control of Advertisements) Regulations.
- (8) 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.
- (9) To determine matters referred by officers under Part 8 (High Hedges) of the Anti-Social Behaviour Act 2003.