



City of Westminster

PLANNING APPLICATIONS SUB-COMMITTEE PROCEDURE RULES

1.0 General

- 1.1 These procedure rules provide the means and guidance for the conduct of any meeting of the Council's Planning Applications Sub-Committee, which are held in a hybrid format that accords with the provisions set out in Schedule 12 of the Local Government Act 1972.
- 1.2 The hybrid format referred to in paragraph 1.1 comprises a publicly accessible physical meeting held at Westminster City Hall, 64 Victoria Street at which the core participants (members of the Sub-Committee and principal officers responsible for the management and operation of the meeting) are in attendance, with other participants (presenting officers, persons wishing to make representations to the Sub-Committee and those persons wishing to observe the meeting) able to do so either in person at the committee venue or remotely. **During periods when social distancing measures are in place to prevent the spread of Covid-19 you are requested to avoid in person attendance at Sub-Committee meetings where this can reasonably be avoided.**
- 1.3 These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.
- 1.4 The meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for 12 months. A copy of it will also be retained in accordance with the Council's data retention policy for a period of up to 6 years from the date of the committee meeting.

PROCEDURE PRIOR TO THE MEETING

2.0 Registration to Speak

- 2.1 Members of the public who wish to make representations (either in person or remotely) to the Sub-Committee must register to speak by 12 noon on the Friday (or two working days where the meeting is held on a different day) immediately prior to the meeting. This applies to those wishing to speak against the application, the applicant who may wish to speak in support of their application, other persons wishing to speak in support of the application, a representative of the local Recognised and Semi-Recognised Amenity Society⁽ⁱ⁾ and a representative of the local Neighbourhood Forum⁽ⁱⁱ⁾. Ward Councillors (representing the ward within which the application site is situated and/or those representing adjoining wards where those adjoining wards may be impacted by the proposed development) and/or Members of Parliament who wish to speak on an item are advised to adhere to the same deadline.
- 2.2 People wishing to address the Sub-Committee remotely (rather than in person in the committee room) must submit a script of their representation by noon on the day of the

committee meeting. This is to ensure that should there be a technical failure the view of participants will still be presented to the Sub-Committee. The maximum number of speakers on each item is limited to two speakers in support of the application (with one of these slots reserved for the applicant or their nominated spokesperson) and two opposed to the application. In addition, there be a separate slot(s) for the recognised and semi-recognised amenity society and the local Neighbourhood Forum and a further slot(s) for the relevant Ward Councillors should they wish to speak.

- 2.3 If the number of requests to speak either in support or against the application exceeds the number of public speaking slots outlined above, potential speakers will be encouraged to discuss in advance of the meeting whether they wish to either nominate a speaker who will make a verbal representation on their common behalf or to share the total time allocated to speakers making representations either for or against the application, as the case may be. Persons applying to speak will be asked when registering online whether or not they are happy for their contact details to be shared with like-minded speakers, in the event that the number of requests to speak exceeds the number of slots. This agreement is necessary in order to avoid concerns regarding data protection. The nomination of the spokesperson or clarification that the time will be shared between the speakers would need to be received by the Committee and Governance Services Team by the following Monday at 12 noon (i.e. the day immediately before the Sub-Committee meeting). Where agreement cannot be reached between the parties on a nominated spokesperson (for example where objectors have different concerns) or for the time to be shared; it is proposed that the Chairman, in conjunction with the Presiding Officer, may choose to agree to a random selection process (a ballot) to determine who will speak.
- 2.4 In the case of items which have previously been deferred by the Planning Applications Sub-Committee, speakers will be allowed to make further representations when the item is referred back to a subsequent Sub-Committee for further consideration. In such cases previous speakers who addressed the original Sub-Committee will be given priority, before any speaking slots (if available) being offered to new speakers.
- 2.5 The Council's Committee and Governance Services Team will notify those parties who are eligible to speak and notify other interested parties that they will not be permitted to speak however they can attend the meeting or observe the meeting remotely to hear the discussion. Interested parties may also wish to contact their Ward Councillors and request that they make representations on their behalf however if such requests by Ward Councillors are made after the Friday deadline they will need to be submitted directly to the Chairman for agreement. Committee and Governance Services will provide the final list of speakers to the Sub-Committee Chairman and presiding officer by close of business on Monday (the day immediately before the committee meeting).
- 2.6 The period for registration of interest in speaking will only commence after the application has been listed on a Committee agenda, which is published online 5 working days in advance of the meeting (i.e. any requests to speak included in a written representation on the application or direct contact with officers or Members will not override the formal registration process). The application will not be deferred to another committee date if an interested party is not available to speak at the committee meeting. However, they may ask a representative to speak on their behalf if appropriate.
- 2.7 The live stream of Sub-Committee meetings and recordings of previous Sub-Committee meetings will be available at the following link:

<https://www.westminster.gov.uk/about-council/democracy/stream-council-meetings#live-streaming-under-normal-circumstances>

Any member of the press and public will be able to use the above link to listen and observe proceedings but will not be able to participate. The link will provide access to the meeting papers published on the Council's website.

- 2.8 Members of the public registered to speak at the meeting and to address the Sub-Committee remotely will be sent a link to the meeting and guidance for participants in advance of the meeting. Members of the public addressing the Sub-Committee meeting remotely will also be live streamed and recorded.

3.0 Documents & Written Representations

- 3.1 Written representations received prior to the completion of the committee report will be referred to within the report. Representations received after the report is published will be reported verbally to the Planning Applications Sub-Committee, with copies of the representations sent to the Committee Members at close of business on the Thursday immediately prior to the committee meeting where received by the planning case officer by 2pm that day and copies of any further representations received by the planning case officer after this time but in advance of the meeting will be presented to the Sub-Committee Members at the meeting.
- 3.2 Registered speakers (including the applicant), the Recognised and Semi-Recognised Amenity Society, the local Neighbourhood Forum and Ward Councillors may only make verbal representations. No further written representations may be presented at the meeting and it will not be possible to use visual presentations to show photographs, drawings or other materials.

PROCEDURE DURING THE MEETING

4.0 Chairman's introduction

- 4.1 The Chairman will introduce the officers and Sub-Committee Members. The meeting shall only take place if it is quorate ⁽ⁱⁱⁱ⁾.

5.0 Agenda Order

- 5.1 Agenda items will be heard in accordance with the order advertised on the agenda, however the Chairman will normally request that the agenda order be altered where interested persons/organisations have registered to make verbal representations on an application.

6.0 Apologies

- 6.1 The Chairman will report any apologies received or substitutions made to the Sub-Committee membership ^(iv).

7.0 Declarations

- 7.1 The Chairman will ask the Sub-Committee Members and any Ward Councillors attending the meeting in person or remotely whether they have any interests to declare in accordance with the Code of Conduct. Members will state clearly the nature of any interest and whether the interest is 'non-pecuniary' or a 'pecuniary interest'. Sub-Committee Members with a disclosable pecuniary interest or an interest which may give rise to the perception of a conflict of interest will be required to leave the room for the duration of the relevant item, though they may make representations to the Sub-Committee before leaving the room. The Members departure will be confirmed by the Committee and Governance Services Officer. The Sub-Committee Member will only be permitted to re-join the meeting once voting on the item has been completed. The Chairman will also ask Council officers present whether they have any interests to declare in accordance with the Council's Code of Conduct.

8.0 Minutes

- 8.1 The Chairman will ask the Sub-Committee whether the minutes of the previous meeting can be signed as a correct record of proceedings (v).

9.0 Officer's Presentation

- 9.1 At the beginning of each substantive item, the planning officer will provide a brief introduction to the case, which may include the use of drawings, photographs and other documentation as may be necessary, summarise the key issues for consideration and refer the Sub-Committee to any late amendments to the report.

10.0 Representations

- 10.1 The Chairman will invite those registered to make representations to the Sub-Committee to speak. Where the registered speaker is addressing the Sub-Committee remotely the additional rules set out in Section 11 apply. The speaker will unmute their microphone and proceed to make their verbal representations to the Sub-Committee. Once the speaker has completed their representations or the allocated time has expired (please see paragraph 10.2), the microphone will be muted and no further representations will be able to be made. Those speaking in support of the application (namely the applicant followed by any other supporters) will be heard first, followed by those speaking against the application. The local recognised or semi-recognised Amenity Society will be asked to speak next, followed by the local Neighbourhood Forum and interested local Ward Councillors or Members of Parliament will be heard last.

- 10.2 Each speaker will be allowed three minutes to make representations (except where the number of requests to speak either for or against the application exceeds the designated number of speaking slots and parties have agreed to share the maximum time allowed for speakers for or against the application), after which time they must then re-take their seat in the gallery where they are in attendance in person at the meeting or mute their microphone where they are addressing the Sub-Committee remotely. For those addressing the Sub-Committee in person a timer will be displayed within the committee room so that it is visible to the speaker. In the case of Ward Councillors, they may sit adjacent to the Sub-Committee (except in circumstances where social distancing measures may require them to sit elsewhere within the committee room). Representations must relate to material planning considerations; they must pertain to the item before the Sub-Committee and in general no new issues beyond those raised in the written submissions already made in respect of the planning application should be raised.

11.0 Additional Rules for Representations by Remote Speakers

- 11.1 Where speakers are addressing the Sub-Committee remotely, they must join the Sub-Committee meeting at least 15 minutes before the advertised start time. After the advertised start time has passed no registered parties will be allowed to join, except in exceptional circumstances, when permitted by the Chairman.
- 11.2 Speakers must only address the meeting when invited to do so by the Chairman. Any registered remote speakers must, once the meeting is 'live', mute their microphone until invited by the Chairman to participate. The speaker should also ensure their video and mute button is off at all times until invited to speak by the Chairman.
- 11.3 Speakers are expected, prior to making their representations, to introduce themselves for the benefit of those who may not recognise who is speaking at any given time. Any questions should be addressed to the Chairman.
- 11.4 The Committee and Governance Services Officer or meeting facilitator will be able to mute the member of the public once they have spoken.

- 11.5 In the event of disorderly conduct affecting the proper proceedings of the meeting the remote speaker may be removed from the meeting on the instruction of the Chairman.
- 11.6 A speaker in remote attendance will be deemed to have left the meeting where at any point in time during the meeting the speaker cannot be heard by members of the Sub-Committee and those participating in the meeting. In such circumstance the Chairman may as he or she deems appropriate:
- adjourn the meeting for a short period to permit the conditions for remote attendance to be re-established;
 - suspend consideration of the item of business in relation to the speaker's attendance until such time as a following item of business on the agenda has been transacted and the conditions for the speaker's remote attendance has been re-established or on confirmation that this cannot be done before the end of the meeting (whichever is the earliest); or
 - continue to transact the remaining business of the meeting in the absence of the speaker in remote attendance.

12.0 Officer's Response

- 12.1 When the Sub-Committee has heard from all of the speakers on an item, the planning officer or presiding officer will respond to any new issues raised by the speakers. Sub-Committee Members may put questions to the planning officer (and other Council officers present in person or remotely present) in relation to the details of the case, the issues raised by the speakers and the officer's recommendation. The planning officer may provide further clarification relating to the application, planning policies, procedures and legislation, where necessary.

13.0 Views and Voting

- 13.1 When no further questions are to be put to officers, the Chairman will then ask Sub-Committee Members to discuss their views on the application.
- 13.2 If a Sub-Committee Member proposes a decision be taken which is contrary to that recommended by the planning officer; proposes additional conditions or informatives be attached to a decision; or proposes deferral of an item, the Sub-Committee Member must state clearly the reason for this proposal.
- 13.3 Once any conflicting views have been heard, and in advance of the main (substantive) vote, the Chairman may propose that the Sub-Committee vote on the addition of conditions, informatives or reasons for a decision, where necessary.
- 13.4 The Chairman will then propose that a substantive vote is taken. All decisions are reached by a majority vote. In the event of a tie the Chairman will have a casting vote.
- 13.5 Once the substantive vote has taken place, the Chairman will verbally summarise the decision, which will be minuted by the Committee and Governance Services Officer.

14.0 Disturbance to the Sub-Committee Meeting

- 14.1 During the meeting, members of the public will not be permitted to make representations from the public gallery and notes must not be passed from the public gallery to the Sub-Committee table. Members of the public or Councillors may be asked to leave the room if they cause disturbance to the process of the Sub-Committee. Similarly, in the event of disorderly conduct from remote speakers which affects the proper proceedings of the meeting the speaker may be removed from the meeting on the instruction of the Chairman.

15.0 Conclusion of the Sub-Committee Meeting

- 15.1 Once the final item of business has been concluded and the decision announced by the Chairman, the Chairman will indicate that he/she is bringing the meeting to a close and the time at which this occurs.
- 15.2 For persons viewing or participating in the meeting remotely the Committee and Governance Services Officer will end the meeting by ending the remote meeting, but all participants, (including any registered speakers still on the line) may still be able to speak to and hear each other unless they have left the online portal they have been provided with to access the meeting.

OTHER MATTERS

16.0 Public Access to Meeting Documentation Following the Meeting

- 16.1 Members of the public may access minutes, decisions, relevant documents and a recording of the live streamed meeting through the Council's website.

17.0 Application of Procedure Rules

- 17.1 These rules should be read in conjunction with the Council's Constitution and the Council's Planning Applications Sub-Committee live streaming notice.
- 17.2 The above procedure rules will be reviewed from time to time and may be varied at the discretion of the Chairman in the case of extraordinary circumstances.

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- (i) List of Recognised and Semi-Recognised Amenity Societies:
https://www.westminster.gov.uk/sites/default/files/list_of_amenity_societies_in_westminster2018.pdf
- (ii) List of local Neighbourhood Forums: <https://www.westminster.gov.uk/neighbourhood-forums>
- (iii) In order to be quorate, a minimum of three members must be present at the beginning of the meeting for the Planning (Major) Applications Sub-Committee and a minimum of two members must be present at the beginning of the meeting for Planning Applications Sub-Committees 1, 2 and 3.
- (iv) Members of the Sub-Committee who are unable to attend the meeting may send a substitute if they have notified Committee and Governance Services prior to the meeting.
- (v) In the case of factual errors, any proposed amendments to the minutes must be seconded and carried by a majority vote to become effective. The minutes are summary of the proceedings of the meeting and not a verbatim transcript.