

# GREATER **LONDON** AUTHORITY

## REQUEST FOR MAYORAL DECISION – MD1580

### **Title: Approval and publication of revised Procedure for Representation Hearings**

#### **Executive Summary:**

To agree, for publication, the revised Procedure for Representation Hearings ("the Procedure"). The Greater London Authority Act 2007 ("the Act") introduced a legal requirement to publish a document (the Procedure) which sets out the arrangements for Representational Hearings ("hearings"). The Mayor is required to hold such hearings before he determines a strategic planning application that he has taken over. The Procedure has been revised in light of experience of recent hearings and to reflect legislative changes.

#### **Decision:**

To agree, for publication, the Procedure for Representation Hearings (attached as Appendix A).

#### **Mayor of London**

I confirm that I do not have any disclosable pecuniary interests in the proposed decision, and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

**Signature:**



**Date:**

10.2.2016

## **PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR**

### **Decision required – supporting report**

#### **1. Introduction and background**

1.1 Section 35 of the Act inserted section 2F into the Town and Country Planning Act 1990, for applications that the Mayor takes over, a requirement that the Mayor must give the applicant and the local planning authority the opportunity to make oral representations at a hearing. The Act also requires the Mayor to publish a document setting out:

- Who may make oral representations
- The procedures to be followed at the hearing
- Arrangements for identifying information which must be agreed by persons making representations

1.2 The original Procedure was approved on 21 May 2009 (MD360) and reviewed after the first six hearings. A revised Hearing Document was approved on 25 May 2013 (MD1164) and subsequently published as an appendix to the London Planning Statement (Supplementary Planning Guidance) in May 2014. A further review has been carried out in light of recent hearings and to reflect changes in legislation. The proposed updated Procedure is attached as Appendix A. The key changes, and their reasons, are set out below:

- now refers to staff with delegated authority able to hold hearings and determine applications, to reflect legislative change;
- clarifies that GLA staff will put up the site notice of the hearing and updates notification requirements so as to reflect common practice among the boroughs regarding notification of planning committees;
- updates weblinks regarding access to City Hall and removes reference to hearings usually being held in the Chamber in the evening which is considered unnecessarily restrictive;
- updates guidance regarding site visits, in particular limiting the council and applicant representation to two each in light of experience of the practicalities of managing the visit and in the interests of fairness and probity;
- removes the restriction on filming of hearings to reflect legislative change;
- adds new guidance regarding the potential to adjourn the hearing, in light of the experience of two hearings where this has proved necessary;
- amends the guidance regarding which staff may accompany the Mayor when he retires before making his decision;
- removes the requirement to notify all previous consultees and respondents of the Mayor's decision which has proven to be an unnecessary administrative expense.

#### **2. Objectives and expected outcomes**

2.1 The objective of the review of the Procedure is to reflect changes in legislation, improve the hearings process in light of experience to date, to provide greater clarity for those taking part and to deliver cost savings to the Authority by removing unnecessary administrative work.

#### **3. Equality comments**

3.1 The Procedure provides details of and weblinks to accessibility information for City Hall (where hearings are held) and offers to make reasonable endeavours to meet any additional requirement (such as a signer). The Procedure also requires speakers to ensure that any comments they make do not conflict with the GLA's Equal Life Chances for All policy statement.

## **4. Other considerations**

### **4.1 Risk**

As well as discharging the statutory requirement, the Procedure provides information and clarity on the hearings process. The key risk lies in the possibility for procedural error or unfairness (and thereby potential for judicial review). With this in mind and in light of experience of recent hearings, the Procedure has been reviewed and modified as set out above.

### **4.2 Links to strategies and Corporate Plan**

Publication of the Procedure forms part of the statutory provisions that enable the Mayor to take over strategic applications in certain circumstances. The extent to which a proposal is of such a nature or scale that it would have a significant impact on the implementation of the London Plan is one of tests that the Mayor must consider to be met if he is to take over an application. Thus this document supports the implementation of the London Plan

### **4.3 Impact assessments and Consultation**

There is no statutory requirement to consult on the Procedure before it is published.

The Procedure addresses equalities issues in a number of ways. The hearings will be held at City Hall, therefore the document highlights that the venue is fully accessible and provides a weblink to further details of disabled access. The document also states that the GLA will make reasonable endeavours to meet requests for particular access requirements (such as a signer). The Procedure highlights the need for speakers to ensure that any comments they make do not conflict with the GLA's equality and diversity policy statement and provides a weblink to this.

## **5. Financial comments**

5.1 The costs associated with organising the hearings are largely limited to officer time.

5.2 Hearings will be held at City Hall and therefore there are no accommodation costs, however, there will be additional costs for:

- Hire of specialist accessibility equipment/person (if required).
- Hire of stenographer to take verbatim record of hearing.
- Recording/webcasting the meeting.
- Notification of the hearing,, to date this has been carried out by the relevant council(s) on behalf of the GLA and costs re-charged. The costs depend on the scale of the application and therefore the extent of the neighbour notification and level of objections;
- Security - if it is a very controversial application there may be a need for additional security.

5.3 The above costs can be met from the planning budget.

## **6. Legal comments**

6.1 Section 35 of the Act introduced a legal requirement to publish a document i.e. the Procedure covering the arrangements for oral representations at a hearing for strategic planning applications that the Mayor has taken over for his own determination under powers contained within section 2A of the Town and Country Planning Act 1990. The Procedure has been revised in light of experience of recent hearings and to reflect legislative changes.

## **7. Investment & Performance Board**

- 7.1 Given the nature of the Procedure the decision does not fall within the remit of the Investment and Performance.

## **8. Planned delivery approach and next steps**

- 8.1 The Procedure will become operative as soon as the MD is signed and the Procedure has been published. It will apply to all subsequent Hearings but will be kept under review.

<b>Activity</b>	<b>Timeline</b>
Procurement of contract [for externally delivered projects]	n/a
Announcement [if applicable]	n/a
Delivery Start Date [for project proposals]	n/a
Final evaluation start and finish (self/external) [delete as applicable]:	n/a
Delivery End Date [for project proposals]	n/a
Project Closure: [for project proposals]	n/a

### **Appendices and supporting papers:**

Revised Procedure

**Public access to information**

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after approval or on the defer date.

**Part 1 Deferral:**

**Is the publication of Part 1 of this approval to be deferred? NO**

If YES, for what reason:

Until what date: (a date is required if deferring)

**Part 2 Confidentiality:** Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

**Is there a part 2 form – YES**

**ORIGINATING OFFICER DECLARATION:**

Drafting officer to confirm the following (✓)

**Drafting officer:**

Justin Carr has drafted this report in accordance with GLA procedures and confirms the following have been consulted on the final decision.

✓

**Assistant Director/Head of Service:**

Stewart Murray has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

**Sponsoring Director:**

Fiona Fletcher-Smith has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

**Mayoral Adviser:**

Sir Edward Lister has been consulted about the proposal and agrees the recommendations.

✓

**Advice:**

The Finance and Legal teams have commented on this proposal.

✓

**EXECUTIVE DIRECTOR, RESOURCES:**

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

**Signature**



**Date**

8-2-16

**CHIEF OF STAFF:**

I am satisfied that this is an appropriate request to be submitted to the Mayor

**Signature**



**Date**

9:02:16

