



## St Quintin and Woodlands Neighbourhood Forum

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David Lunts  
Interim Chief Executive Officer  
OPDC  
City Hall,  
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SE1 2AA.

November 11th 2019

Dear Mr Lunts,

### **OPDC governance arrangements - lack of officer reports to the OPDC Board and Planning Committee**

I am writing to you with concerns on the governance arrangements for the next stages of the OPDC Draft Local Plan and the Corporation's 'delivery' activities. It has become increasingly unclear how decisions are being made by OPDC, and since the start of 2019 the process of formal decision-making has become opaque

At meetings of the OPDC Board and of the Planning Committee in recent months, there have been no reports from officers addressing the issues set out below. And there has been no meaningful discussion of these same issues at formal meetings of either body:

- the implications of the Inspector's interim findings on the viability of the Cargiant proposals (ID33) dated 10<sup>th</sup> September or of his interim findings on the Sustainability Appraisal (ID34) dated 23<sup>rd</sup> September
- the position on modifications to the Draft Local Plan which OPDC intend to introduce as a result of Regulation 19.2 consultation
- the further (and very major) modifications that OPDC intend to introduce as a result of the Inspector's interim findings
- the revised timetable for further consultation and finalisation of the Draft Local Plan
- the potential impact of the Oakervee review of HS2 and the representations that OPDC has made to this review (which apparently form part of an unpublished letter from the Mayor to Douglas Oakervee).
- the latest position taken by Cargiant in respect of their land at Old Oak North in response to proposals for compulsory purchase.
- the position on the £250m of HIF funding, the conditions attached by Government, and the length of time for which this funding offer will be available?
- The question of whether the OPDC should continue to spend public funds on delivery of 'Phase 1' at Old Oak North, including CPO preparations, before the above very major issues and challenges are resolved?

After the London Assembly Plenary session on July 4<sup>th</sup>, I wrote to Liz Peace with a number of questions one of which was *Will there be a stage when the OPDC Board as a whole makes a formal decision on whether to accept and deploy a further in-year allocation of public funds from the Mayor, and whether it is in the public interest for OPDC to proceed with its plans for Phases 1A and 1B at old Oak?*

The reply that I received from Liz Peace on 15<sup>th</sup> August gave this response below, which did not answer the question:

*Decisions relating to budgets and expenditure are made in accordance with the OPDC Scheme of Delegation, which outlines the delegations and approvals in place. Decisions regarding the deployment of additional in-year funding will be made in accordance with the terms set out in the relevant Mayoral Decision (MD2493)*

As a member of the public I attended the OPDC Board on 26<sup>th</sup> September, expecting to hear some discussion between Board members on the impact of the Inspector's interim findings on the Cargiant land, on the conditions attached to the HIF bid and on the HS2 review. There was none.

After attending this meeting, I sent you an email on 30<sup>th</sup> September expressing surprise that there had been no discussion at the meeting about the potential implications of the HS2 review (which had been announced over a month earlier on August 21<sup>st</sup>). I received no reply.

The Mayoral webcast of this OPDC Board meeting starts with 12 minutes of audio recording before the start of the formal meeting. Presumably microphones went live before the publicised meeting started and this material was not edited out of the webcast published on the GLA site.

It is evident from this recording that a private and informal session had been in progress, at which a press strategy for the Corporation was being discussed. It seems highly likely that several if not all of the issues listed above were aired at this informal meeting, while none were discussed at the formal Board session once the public were admitted to the meeting room.

If this type of private and informal session is being used to make major OPDC decisions, this is unsatisfactory in terms of transparency and (in my view) leaves the Corporation at serious risk of later legal challenge on contentious decisions – whether these be on planning or delivery issues.

### **OPDC Planning Committee deliberations**

In similar vein, are you able to explain the processes through which the appointed members of the OPDC Planning Committee

- have been informed of the Inspector's interim findings (which have huge consequences for the Draft Local Plan)?
- have been advised by officers on how key sections of the 19.2 Plan should be redrafted and modified?
- have had the opportunity to direct, steer or influence the modifications being drawn up prior to a further round of statutory public consultation?

The Planning Committee did not meet in September. At the Planning Committee on 14<sup>th</sup> October, there were reports on a revised Statement of Community Involvement, Local Heritage Listings Adoption, and Consultation on a Draft Local Enforcement Plan along with the regular Development Management Update. There were no reports, nor discussion at the formal session of the committee on October 14th, on any of the key issues to be addressed in progressing the OPDC Draft Local Plan in light of the Inspector's findings.

On the webcast of this meeting, the Chair Will McKee deals with apologies for absence and is heard saying 'Khetan (Cllr Khetan Sheth) has said he will be arriving for the public meeting'. This strongly suggests that a private session was held before the public were admitted at the start of the formal meeting. It has been noted previously that officers presenting reports to the Planning Committee have referred to 'what I was saying earlier' when they have not yet spoken at the formal session of the committee of which the public have been given notice and which is being webcast.

I accept that it is not unusual for local authority decision-making bodies to hold 'briefings' for members at a time separate from formal meetings open to the public. What has become unusual in the case of the OPDC is for the most important decisions to be discussed and taken outside formal Board and committee sessions, either at pre-meetings or through other channels. This gives the public no opportunity to hear or understand the rationale behind these decisions. The debate at the formal meetings becomes something of a charade.

### **Scheme of Delegation**

The OPDC Scheme of Delegation (revised 2018) focuses mainly on delegation of financial decisions but also includes a table which *sets out how the functions of the Old Oak and Park Royal Development Corporation are delegated to staff, or reserved to the Board, to committees, or to particular tiers of management.* The

potential extent of delegation to officers is very substantial with a 'general delegation' clause that reads *The Board delegates, to any Director and equivalent, all of the functions of the OPDC (other than those functions within the delegations to the Planning Committee) that are within the scope of that officer's job description (with certain specified exclusions).*

This level of delegation to officers, within an public body which operates under similar terms to a local authority, begs questions if it becomes overused and operated as a norm on major and contentious decisions.

The Delegation Scheme also provides for 'urgent action' to be taken by committee chairs, using email consultation with other committee members.

The 'general delegation' to officers remains *subject to the recording of their decisions and all considerations relevant to those decisions in a manner consistent with the procedures approved from time to time by the Chief Executive Officer.* Can you please point me to a copy of these 'procedures'?

The 'urgent action' delegation is similarly subject to the proviso that *Any Chairman's or Chief Executive Officer's action using this provision must be recorded in writing along with the Members consulted and their views (if any) and reported to the next ordinary meeting of the Board.*

Looking back through Board agendas, I do not see any regular report on 'urgent actions' taken between committees. And I have yet to find a part of the OPDC website where decisions made under the 'general delegation' provision (and their reasoning) are being 'recorded'? If there is such a register of decisions, can this be made available?

There is also a separate scheme of Planning Delegations which deals mainly with decisions on planning applications and other statutory planning functions. This also includes a clause reserving to the Board any *decision to approve the text of the proposed local plan and any alterations to it for the purposes of statutory consultation.*

At the OPDC Community Conversation held at the Nadi Centre on 25<sup>th</sup> October, Tom Cardis explained that officers are preparing a set of all modifications to the Local Plan, as proposed in response to consultation on the Regulation 19.2 Draft Plan and to the Inspector's interim findings. He said that the necessary further round of public consultation might start before Christmas, in which case an 8 week period would be allowed over the Christmas/New Year break.

Given that the Planning Committee has as yet had no discussion on the Inspector's findings or on the major changes now needed to the Draft Plan (and has received neither of the Inspector's two reports) it is hard to see how the Planning Committee can be playing any meaningful role in steering the next stages of the Local Plan? The same applies to the Board. There is a scheduled meeting of the Board on 21st November and of the Planning Committee on 11th December. It is at the latter body where one would expect some serious discussion on options and considerations on the Local Plan, prior to redrafting for a further round of consultation and not after this work has already been completed.

The current opacity of OPDC decision-making contrasts with the prominent commitment on the OPDC website (under a heading *Being Transparent*) which reads *We're committed to operating in an open and transparent way that will enable local people to see and access information that covers the following areas:*

*How money is spent*

*Use of assets*

*Decision making*

*Issues important to local people*

The OPDC position on the HS2 review, OPDC decisions on its HIF bid and the conditions attached, its current controversial 'delivery' activity, and the next stages of the OPDC Local Plan are very much issues *important to local people.* Yet the Corporation now appears to be making most decisions informally, through

processes designed to avoid public scrutiny. Either that, or the membership of the OPDC Board and its Planning Committee are not being sufficiently informed and advised on key issues, nor given the opportunity to steer and decide on next steps in a complex and challenging planning context.

As I and others have commented before, the Corporation's governance arrangements have always had little public accountability, as a result of places on the Board and the Planning Committee being limited to a minority of members who have any level of democratic link back to their own Borough.

Given the very confined public record of Board and Planning Committee decisions in recent months, as documented through agendas and minutes, there is a growing risk that a finalised Local Plan may be open to legal challenge from any party who chooses to question the lack of an evidenced rationale for decisions leading to the finished version and no record of members of the responsible planning authority being actively involved. The big issues appear as having been completely ignored and excluded from the agendas of both bodies.

There is little or no documented account (in the public domain) that the OPDC Planning Committee has applied its mind to the next stages of Local Plan preparation, or to the series of highly relevant considerations that have affected the Draft Plan since early 2019. If relevant decisions have been made on the basis of exempt/confidential reports not available to the public, this opens up one set of questions. If they have been made on the basis of informal briefings and private pre-meetings, this opens up another.

Cargiant asked in February 2019 for *A full inquiry into the spending and strategy of the OPDC*. As the months pass, the Corporation is adding to the weight of public demand for this request, by the opacity of its own governance arrangements. The Assembly's Budget and Performance Committee has intervened over the HIF funding, but has now cancelled its meetings for the remainder of this calendar year and so has closed off this avenue of scrutiny for the time being.

The OPDC Planning Committee meeting tomorrow (November 12<sup>th</sup>) could have been an occasion when officers reported on all the major issues listed at the start of this letter. Residents in West London would then have felt better informed and also reassured that sound decisions are being made by the Corporation on its delivery strategy and on the Draft Local Plan.

As it is, the agenda for this meeting tomorrow included one item only – a S73 application to vary the planning permission granted by OPDC in July 2017 for a development at Mitre Yard. A late addendum report deferring the decision on this application has been published 24 hours before the meeting, in response to the Grand Union Alliance flagging up with OPDC officers a recent Appeal Court case on the legitimate scope of S73. As a result, this committee meeting will assemble solely to discuss and agree the minutes of its previous meeting, when it could have productively discussed the significant planning challenges which the OPDC now faces.

You may question what business is it of an individual resident to continue to query the Corporation's governance arrangements? All I can say is that at recent open meetings of the Old Oak Neighbourhood Forum/Grand Union Alliance and of the St Quintin and Woodlands Neighbourhood Forum, many local people have come together to discuss what scraps of information that we have been able to glean from various sources as to recent OPDC decisions and activities. It should not have to be like this, were OPDC to meet its own commitments to openness and transparency.

I am copying this to Assembly Members on the Budget and Performance Committee and to other AMs who have been taking an interest in the OPDC in recent months, to Andrew Slaughter MP, and to Steve Cowan and Wesley Harcourt at Hammersmith & Fulham Council as well as to Liz Peace, Will McKee and to Tom Cardis.

Henry Peterson  
Chair, St Quintin and Woodlands Neighbourhood Forum

Copies to:

Andrew Slaughter MP

Assembly Members Gareth Bacon, Navin Shah, Caroline Pidgeon, Sian Berry, Oscar Sahota

Cllr Steve Cowan, Leader LBHF

Cllr Wesley Harcourt LBHF

Mark Walker, Chair Old Oak Neighbourhood Forum

Robin Brown, Grand Union Alliance

Liz Peace CBE, OPDC Chair

Will McKee, Chair of OPDC Planning Committee

Tom Cardis, OPDC Interim Director of Planning