

Committee:	Date:
Resource Allocation Sub-Committee	17 February 2021
Subject: Governance Review: Planning	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	4, 9, 10, 12
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain's Department?	N/A
Report of: Town Clerk	For Decision
Report author: Greg Moore, Town Clerk's	

Summary

In September 2019, the Policy and Resources Committee, proposed the undertaking of a comprehensive Governance Review of the City Corporation. The Committee was conscious that some potentially contentious issues needed to be addressed and that some radical changes may need to be considered. It was, therefore, agreed that the review should be undertaken independently and Robert Rodgers, The Lord Lisvane, was appointed to conduct the Review.

Following the Review's submission, it was determined that the many proposals therein should be considered in a structured and methodical way in the coming period, with Members afforded sufficient time to read and consider the content and implications. It was noted that the recommendations were extensive, and it would be for Members to consider how far they were appropriate, and which should be taken forward. It was also agreed that it would be of the utmost importance to ensure that the process provided for all Members of the Court to continue to have the opportunity to input and comment on the Review.

To that end, a series of informal Member engagement sessions were arranged to afford all Members opportunities to express their views on the various aspects of the Review as they were considered. These would then be fed back to the Resource Allocation Sub-Committee to help inform its initial consideration of specific items.

Engagement sessions have now been held in respect of Section 7 of the Lisvane Review, in relation to Planning. The discussions from those sessions are set out in the appendices to this report. Whilst all Members' views have been anonymised in accordance with normal practice, any endorsements of comments made by others are only recorded once in order to avoid repetition.

Members are now asked to consider the various proposals relating to Section 7 of the Lisvane Review, in the context of Members' observations and reflections at the various informal sessions.

Recommendations

That Members:-

- Consider the proposals in relation to Planning made by Lord Lisvane in Section 7 of his Review (Appendix 1).
- Note the feedback provided by Members through the informal engagement process (Appendix 2).
- Consider the various proposals, as set out in this report arising from Lord Lisvane's Review and the subsequent Member Engagement sessions and make recommendation on a way forward.

Main Report

Background

1. In September 2019, the Policy and Resources Committee, proposed the undertaking of a comprehensive Governance Review of the City Corporation. The Committee was conscious that some potentially contentious issues needed to be addressed and that some radical changes may need to be considered. It was, therefore, agreed that the review should be undertaken independently and Robert Rodgers, The Lord Lisvane, was appointed to conduct the Review.
2. The Committee received Lord Lisvane's Review in September 2020 and determined that the many proposals therein should be considered in a structured and methodical way in the coming period, with Members afforded sufficient time to read and consider the content and implications. It was noted that the recommendations were far-reaching and wide-ranging, and it would be for Members to consider how far they were appropriate, and which should be taken forward. It was also agreed that it would be of the utmost importance to ensure that the process provided for all Members of the Court to continue to have the opportunity to input and comment on the Review.
3. The Governance Review will affect all aspects of the City Corporation's governance and all Members as a consequence. It is, therefore, imperative that any implementation reflects the view of the Court, and it is likely that all Members will have views on particular elements. Their continued input remains integral and incorporating all Members' views within the next steps of the process will be vital in ensuring that the recommendations which are ultimately put to the Court are viable.
4. To that end, a series of informal Member engagement sessions were arranged to afford all Members opportunities to express their views on the various aspects of the Review as they are considered. These would then be fed back to the Resource Allocation Sub-Committee to help inform its initial consideration of specific items.
5. The subject of the most recent engagement sessions has been Section 7 of the Governance Review, which looks at the City Corporation's Committee structures and systems. It touches on a variety of areas, including making recommendations on general themes on composition, reporting, minute style, etc., as well as the question of which Committees should exist in a new structure, and where methods of operation should be altered.
6. One of the areas of particular focus for this section concerns the Planning and Transportation Committee, which is broadly addressed in paragraphs 306 to 317 of Lisvane (although it should be noted that there are related comments or proposals elsewhere in Lisvane's report).
7. Following recent discussions in relation to the City Corporation's planning arrangements, the Policy & Resources Committee has determined that this particular sub-section of the Lisvane Review should be brought forward for discussion as a discrete item, with specific engagement sessions (rather than

part of the sessions on the committee structure more generally, as had been originally intended).

8. Views are now sought as to the various proposals put forward by Lisvane in relation to this Committee, their implications, and how they might be taken forward.

Lisvane's recommendations

9. The first substantive references in Lisvane to the Planning and Transportation Committee relate to its size (paragraph 269) and its status as a Ward Committee (paragraphs 270-272).
10. The former suggests that committees in general need to be reduced in terms of membership to between 12 and 15 Members, although in the particular case of Planning it is suggested that a slightly larger number may be needed in order to cope with the need to provide non-overlapping panels to consider applications. More detail / rationale on this, relating to the panel proposal, is provided at paragraph 309.
11. The latter recommendation, concerning Ward Committees, recommends the general abolition of Ward Committees as presently structured (i.e. a move away from committees with specific representation from each Ward).
12. The substantive recommendations relating to the Committee are set out at paragraphs 306-317. In summary, they propose a more strategic / policy framework-based approach, with greater consideration of applications by officers and thereby greater time afforded to the Committee to consider strategic, substantive or contentious issues. Lisvane also proposes a panel system to determine proposals, together with various other measures intended to mitigate against the perception of bias.

Lisvane Recommendations – Planning & Transportation Committee

13. Beginning at paragraph 306, Lisvane first alludes to the statutory functions of the Planning and Transportation Committee, which are set out at Appendix G of Lisvane (pages 157-158 in the full document). He suggests that these responsibilities should be retained, but with a reduced membership for the committee.
14. Paragraphs 307-308 propose a greater focus on strategy and policy frameworks, enabling officers to determine more applications within these confines and thus affording Members greater opportunity to focus on controversial or strategic matters. They also note the role of the Committee in coming to a dispassionate view based on agreed policy.
15. Paragraphs 309-310 propose the use of a “panel” system to consider applications, with membership drawn on an ad hoc basis from the full committee and excluding any Member whose ward is affected by the proposed application.

16. Paragraphs 311-316 deal with the perception of conflicts, whether that be in relation to the City Corporation's role or the role of individual Members.
17. Paragraph 312 notes the requirements of Regulation 10 of the Town and Country Planning General Regulations 1992, which governs arrangements for taking decisions on planning applications.
18. Paragraphs 313-315 note the additional position set out by the Planning Protocol in relation to service on other City Corporation committees associated with planning applications. Firstly, Lisvane suggests that the current arrangement in relation to declaring service on other committees involved in applications is too lax and the non-requirement to make such a declaration should be amended / removed. He also adds that the current prohibition on affected Members voting should be extended to participation in debate.
19. At paragraph 316 Lisvane suggests that any Member serving on the proposed Property Committee (should Members determine to establish one) should not be eligible to serve on the Planning and Transportation Committee.
20. Finally, paragraph 317 recommends no change to the existing two sub-committees of the Planning and Transportation Committee.

Consideration

21. Three Member engagement sessions have been held in respect of this section of the report, the summary notes of which are appended to this report.
22. Members are now asked to give consideration to the various recommendations in the context of those discussions and the views expressed by Members of the Court. Pertinent considerations to work through include:
 - (i) ***Should the Planning & Transportation Committee continue to be a Ward Committee?***
 - (ii) ***Should the size of the Planning & Transportation Committee be reduced?***
 - (iii) ***Should the grand committee focus more on policy and strategy with the introduction of panels for consideration of applications?***
 - (iv) ***If so, how should Members be selected for such panels?***
 - (v) ***Should the two existing sub-committees continue as they are currently?***
 - (vi) ***Should Members be able to discuss and/or vote on items relating to their wards?***
 - (vii) ***Should Aldermen have appointment to the committee?***

- (viii) ***Should Members be prohibited from serving on both the Planning & Transportation Committee and Property Investment Board?***
- (ix) ***Should Members with professional connections or a background or expertise in property serve on the Committee?***
- (x) ***Should training be mandatory for Members of the committee?***
- (xi) ***What more can be done to increase the perception of transparency and mitigate against potential conflicts?***

Conclusion

- 23. Various proposals have been made by Lord Lisvane in relation to Planning, in Section 7 of his Review. Members are now required to consider his proposals and the attendant implications of any decisions, summarised above and set out in the Review. Consideration should be given to the views of all Members, made through the informal engagement process and set out in the appendices to this report, when reaching a position.
- 24. It is intended that any recommendations, subject to points of qualification or clarification, are put to the Policy & Resources Committee for further consideration. Thereafter, proposals are to be submitted to the Court of Common Council at its April 2021 meeting, to facilitate the finalisation and implementation of any new arrangements.

Appendices:

- **Appendix 1:** Extract - Governance Review Section 7, Planning.
- **Appendix 2:** Notes from Member Engagement Sessions.
- **Appendix 3:** Comments from the Chair of the Barbican Association.