

7

Committees

The system isn't working

232. Throughout my Review, the Corporation's Committee system has been a consistent target of strong and widespread criticism – so much so, in fact, that I was surprised that it has survived in its present form. It has become a means in itself rather than a means to an end.

233. In Part 4 I identified three particular problems of the Committee system: the number of Committees; the engagement of multiple committees with a single issue; and the sequencing of meetings of Committees involved, meaning that the convoy moves at the speed of the slowest ship. In this Part of my Report I identify some general issues relating to Committees, and then move on to propose a way in which the talent and expertise of Members could be put to better use, followed by proposals for a radical restructuring.

*General issues**Are Members non-executives?*

234. In the course of my Review I was often told that Members, especially in their Committee work, should be regarded as non-execs. I do not agree. In a normal corporate environment, non-executive members sit with executive members, sharing corporate responsibility. But (except in a few cases governed by local rules) the non-execs as a group do not take decisions on their own. In Corporation Committees, on the other hand, the Members do have to take decisions. The key issue is the level at which they engage.

235. There is a temptation to micro-manage; a temptation, moreover, which is too often not resisted. Committees should set policy in their areas; agree (or secure) overall resources; review delivery and risk; and hold Officers to account – but for overall delivery, not for day-to-day activities. **This, combined with the review of delegations which I recommend later in this Report, should rebalance the Member/Officer relationship to the general benefit (and should also allow Committees to do their work with significantly fewer meetings).**

Committee staffs

236. Earlier I identified the quality of staff as a Corporation strength.⁶¹ The Corporation's Committees are served by highly competent Officers, but I think that **the work of Committees might be better enabled if Committee staff felt empowered to be more pro-active**, guiding Committees to a greater degree, perhaps commissioning papers (with Chair approval) when necessary. If my recommendations on restructuring the system are accepted, they will also have a role in diplomatically assisting Committees to keep to their terms of reference.

237. I am encouraged in this view by having been at one stage responsible for the staffing of House of Commons Select Committees. In that system Clerks, while of course not supplanting the primary role of Members, feel that they have an important complementary (and self-starting) role in contributing to a Committee's effectiveness and success.

Committee reports

238. I have been impressed by the quality of the reports submitted to Committees. They are authoritative, comprehensive and well – even stylishly – written. But they are often discursive, no doubt with the best of intentions, and this can encourage Committees to lose focus on matters for decision, or indeed to request further reports. **There should be a move to much shorter reports, focused on the single issue at hand, with the matters for decision clearly identified.** If my recommendation that the Corporation should go paperless is accepted, then there will be much less need to provide background; live links to the portal will access the necessary papers, and the concept of a free-standing “for information” paper, of which – as I noted earlier – there were more than 2,000 on agendas in 2018/19, should disappear.

Committee and Court minutes

239. **There is also scope for streamlining minutes throughout the organisation.** If my recommendation for webcasting all meetings⁶² is accepted, there will be a permanent record. Minutes can then adopt the style of the Cabinet Office, focusing on *decisions*, and recording discussion as economically as possible: “in discussion the following main points were made...”

⁶¹ See paragraph 84.

⁶² Paragraph 174.

Cancel when necessary

240. I have been struck by the number of very lightly loaded Committee and Sub-Committee meetings. **When there is little substantive business, Chairs should cancel meetings** (and Committee Clerks should feel free to suggest it).

241. A subset might be a planned reduction in the frequency of meetings, with the use of urgency/Chairman's decision when necessary.⁶³

Keep to Terms of Reference

242. This should be obvious. However, terms of reference of committees have developed over time; they show some signs of political compromise; they are sometimes loosely phrased; and there are some overlaps. If my recommendations on restructuring are accepted, **there will need to be a careful revisiting of Committee terms of reference to improve clarity and minimise overlap.**

Limit Sub-Committees

243. Setting up a Sub-Committee has almost become a default setting. But if there is real discipline in Committee business, and a raising of the Member/Officer threshold, then **setting up a Sub-Committee should be very much the exception**, and the system should be greatly simplified thereby.

244. In order to achieve this, I recommend that **there should be no general Committee power to establish Sub-Committees, and that SO 27.1.a should be repealed.** Any genuinely necessary Sub-Committee should be provided for in the terms of reference of the parent Committee (as the Resource Allocation Sub-Committee is to the Policy and Resources Committee). **And there would be merit in sunsetting Sub-Committees so that explicit revival would be required if the Sub-Committee concerned were still needed.** I make further recommendations about terms of reference and Sub-Committees in paragraphs 281 and 282 below.

⁶³ Under SO 41.

Joint meetings

245. I am told that joint meetings of Committees have proved very useful on occasion, and such meetings may have merit in the restructured system.⁶⁴

Member briefing

246. If the leaner Committee structure which I propose is to realise its full potential, Members will need to have a really good understanding of their own Committee's business. I do not say that this does not happen already; but there are undoubted benefits to be had if all the Members of a Committee have a shared understanding of current developments in their area, and also an insight into the challenges with which Officers are dealing. **So regular briefings, in informal surroundings, not part of a Committee meeting, have a part to play.** This has occasionally happened with existing Committees, but should become a general practice.

247. My proposals will greatly reduce the number of Committee places available; but there will be merit in involving the wider membership of the Court nevertheless. One possibility might be **occasional briefings by individual Committees and their supporting Officers, whereby any Member of the Court can keep up with other Committees' current work and challenges.** This might also encourage the sense of collective effort which is lacking at the moment.

Chair training and appraisal

248. Some may see it as unnecessary or even demeaning, but a professional system requires the best possible approach to chairing, and **periodic training (even if only in the form of a mentoring discussion) should be routine.**
249. For the same reasons, **there should be a light-touch 360-degree appraisal of Chairs; and Chairs should be involved in the appraisal of senior Officers.**

Handling vacancies

250. At the moment vacancies on Committees are re-advertised, sometimes more than once. Vacant Committee places may be much rarer under my proposals, but in any event I recommend that **there should be no re-advertising of Committee vacancies.** A

⁶⁴ See SO 28, and my comments on the drafting of that SO in paragraph 158.

Committee should run with a vacant place which can be filled on a casual basis later if necessary. A Member can easily find out at any time which Committees have vacancies.

Green impact assessments

251. I recommend that a “green impact assessment” should accompany every policy or project proposal submitted to Committee. Other impact assessments are already used (and have been used for Brexit implications) but, given the headline commitment to environmental sustainability in the Corporation’s Corporate Plan, green impact assessments seem to me to be essential.

252. Even though environmental awareness should pervade the organisation, there is much to be said for assigning climate issues, and the Corporation’s response, to a lead Committee.⁶⁵

Committee not Ward

253. It is important that Members sitting on Committees should remember that as Committee Members their role is not to represent their Wards but to contribute in a dispassionate way to the Committee’s deliberations and decisions. I deal with Ward Committees in paragraphs 270 to 272 below.

Making best use of the talent

The challenge

254. There is a great deal of talent, skill and relevant experience among the Members of the Court of Common Council, but it is not effectively deployed on Committees.

255. This is partly because of the somewhat opaque method of appointment, and partly because of a culture that feels that new Members must serve an extended apprenticeship before getting Committee places that they may particularly want, or for which they are especially fitted or qualified.⁶⁶ This may also act as a deterrent to new Members who may have a lot to contribute to the Corporation.

⁶⁵ The Policy and Resources Committee has (Order of Appointment, paragraph 4(o)) sustainability issues as part of its portfolio, but this needs to be framed in rather more prescriptive terms.

⁶⁶ I acknowledge that the orders of appointment of certain committees provide that the membership should include a small number of Members with shorter periods of service on the Court; but these provisions as drafted have no link to skills and experience.

A Governance and Nominations Committee

256. I think the time has come for a wholly new approach. **I recommend the establishment of a Governance and Nominations Committee (G&NC), whose task would be to recommend Members for appointment to Committees on the basis of what they could contribute.**
257. As a first step in an appointment round, Members could put in for Committee places, setting out how they were qualified and what they could contribute.⁶⁷ The Committee would no doubt also take into account their attendance records at the Committees of which they had been members.
258. The Committee would make recommendations in respect of each Committee, to be decided upon by the Court. To provide a discretionary element, the Committee could recommend as appointable a number larger (by say 20%) than the number of places to be filled.
259. The same procedure could be followed with casual vacancies, or the Committee might be empowered to appoint in such cases without a Court decision.
260. As I observed in respect of the Competitiveness Committee, I am loath to recommend a new Committee while trying to simplify the structure but, as will be clear from later proposals, I have in mind that the Governance and Nominations Committee will absorb functions from elsewhere, so contributing to the overall reduction.
261. I do not make detailed recommendations about the membership of this Committee (although I think the Chief Commoner might be an appropriate *ex officio* member); but to give the Committee's nomination functions authority and credibility, **the membership should reflect the make-up of the Court of Common Council as a whole, rather than being limited to the "usual suspects"**. This does not mean, of course, that a modest number of "usual suspects" will not have a role to play in a total membership of about 15.

⁶⁷ This principle is recognised to a very limited extent in the current arrangements, as for example in the membership of the Capital Buildings Committee of two Court of Common Council Members "with appropriate experience, skills or knowledge", but the principle should operate across the whole system.

262. It may be thought that a Committee of this sort could become unduly influential; but, if applications were open, so also would be the degree to which the Committee discharged its functions objectively and impartially.

263. In paragraph 377 I list responsibilities which should go to the G&NC from Committees which I recommend should be re-organised or abolished.

Restructuring

Principles

264. I have proceeded on the basis that Committees need to align fairly closely to the activities needed to deliver the Corporate Plan. However, I do not think it wise to allow the elements of the Corporate Plan to dictate the Committee structure. Changes in the Plan should not then require changes in Committees.

265. I have rejected the possibility of each Committee having “its own” Chief Officer. Although individual Chief Officers will naturally work more closely with one Committee than with others, to formalise that relationship would be a recipe for creating silos at a time when the priority must be to break down silos and foster a corporate approach.

“Grand” and “Service” Committees

266. I do not see much point in the distinction between Grand Committees and Service Committees, and **I recommend that it is discontinued.** Committees should be simply Committees.

Size of Committees

267. Almost all Committees are much too big. The Committees/Boards listed below are in the order in which they appear in the *Appointment of Committees* document. The numbers of Members of some Committees cannot be definitive, as the orders of appointment contain provisions such “at least” and “not fewer than”.

- | | |
|------------------------|----|
| • Policy and Resources | 38 |
| • Finance | 39 |
| • Capital Buildings | 18 |

• Investment	27
• Audit and Risk Management	16
• Planning and Transportation	35
• Port Health and Environmental Services	33
• Markets	33
• Police Authority Board	13
• Crime and Disorder Scrutiny	8
• Culture, Heritage and Libraries	35
• Governing Bodies: City of London School	21
City of London Girls' School	21
City of London Freemen's School	22
• Guildhall School of Music and Drama	21
• Education Board	18
• Community and Children's Services	37
• Gresham (City Side)	12
• Establishment	17
• Open Spaces and City Gardens	12
• West Ham Park	15
• Epping Forest and Commons	16
• Hampstead Heath, Highgate Wood and Queen's Park	18
• Freedom Applications	10
• Barbican Residential	21
• Barbican Centre Board	20
• City Bridge Trust	17
• Standards	19
• Standards Appeals	12
• Licensing	15
• Health and Wellbeing Board	13
• Health and Social Care Scrutiny	7
• Local Government Pensions Board	7

268. Committees of 30 Members or more are not really Committees; they are in effect sub-plenaries: debating bodies, not fora for taking decisions. Even the smaller Committees in the list above are unwieldy; and the three Boards of Governors, together with the Boards of the Guildhall School of Music and Drama and of the Barbican Centre, are well above the recommended size for such bodies. I return to this latter point in Part 9 of this Report.

269. **I recommend that Committees should have no more than 15 Members, with an optimum size of between 12 and 15.** It may be that Planning and Transportation may need to be slightly larger in order to cope with the need to provide non-overlapping panels to consider applications.

Ward Committees

270. I can see no argument for the retention of Ward Committees. I have been told that they are desirable because they give new Members a chance to serve on Committees. I suggest that that clearly indicates that Ward Committees are there to provide a role, not to do a job, and I am not convinced.
271. **I therefore recommend the abolition of all the Ward Committees as Ward Committees: Finance; Planning and Transportation; Port Health and Environmental Services; Markets; Culture, Heritage and Libraries; and Community and Children's Services;** Where their role survives into the new structure, they should be reconstituted as subject Committees of between 12 and 15 Members.
272. This means that **SO 23 should be repealed and SO 24 amended.**

Multiple membership

273. SO 22 sets a maximum number of Committees on which Member may serve at eight. Moreover, the limit does not apply to additional, *ex officio*, membership of Committees; and it also allows membership of a Committee on which a Member is filling a twice-advertised vacancy to be added above the limit. I find this extraordinary. It also suggests that a Committee's work is not sufficiently valued. Full participation in a Committee's work, taking into account time needed for preparation and for events outside a Committee's formal sittings, should be demanding and will be time-consuming.
274. Setting *ex officio* memberships outside the limit is illogical. Such memberships will usually be because the Member concerned chairs another, relevant, Committee. That should mean more work, not less, if the liaison role is to be carried out effectively.

275. I recommend that

- **no Member should be a member of more than two Committees;**
- **that membership of *one* of the governing bodies of the independent schools and of the Guildhall School of Music and Drama; of the Barbican Centre Board; and of the Police Authority Board should not count against this limit (I later recommend that these Boards should be taken out of the committee structure);**
- ***ex officio* membership of a Committee or Committees should raise the limit to four. It may occasionally be that a single Chair carries with it more than four *ex officio* memberships. In such cases the limit should not apply; and**
- **SO 22 is amended accordingly.**

Service on outside bodies

276. SO 43 provides that a Member may not serve as a representative of the City Corporation on more than six outside bodies at a time. This does not include *ex officio* appointments. This limit seems high, but on the basis that such membership may not be unduly demanding **I do not recommend a change.**

Chair terms

277. SO 29 specifies the terms⁶⁸ for which a Chair may be held: Policy and Resources, five years; Finance, five years; the Police Authority Board, four years; and other Committees, three years. These seem reasonable, but for consistency **there is a case for making all Chair terms four years.**

Deputy Chairs

278. Under SO 30.3.a, an immediate past Chair becomes Deputy Chair for the first year of the new Chair. I do not think that this is a good idea, and is certainly not in accordance with current best practice. The new occupant of the Chair needs to start a term afresh

⁶⁸ Expressed in years consecutively.

without the possibly brooding presence of his or her predecessor. Any guidance from experience that may be needed can be drawn upon informally. **I therefore recommend that a Chair ending a term of office should not be eligible to rejoin that Committee during the successor's term of office. The SO will need amendment accordingly.**

Chairs-in-waiting

279. There is a current practice whereby the Member who is to take the Chair is identified and becomes a Chair-in-waiting for two years. This seems an unnecessarily long time. A year should be long enough.

Member terms

280. There will be a degree of “institutional churn” as a result of elections, personal preferences and other factors. However, there are examples of Members remaining on Committees for a very long time. **I therefore recommend that the maximum period of service on a Committee should be eight years, with four years to pass before rejoining. *Ex officio* memberships should be excluded from this rule. SO 24 will need to be amended accordingly.**

Committee terms of reference

281. Under SO 21 Committees are “reconstituted” each year at the first regular meeting of the Court in April. The terms of reference of each Committee are included in the *Appointment of Committees* document. The opportunity is frequently taken by individual Committees to seek amendment of their terms of reference, and such requests are routinely approved. **This seems to me to be a recipe for mission creep and overlap.**

282. **I therefore recommend that:**

- **following the restructuring of the Committee system, the terms of reference of each Committee should be in its own Standing Order;⁶⁹ and that**
- **amendment of any set of terms of reference (including a request to establish a Sub-Committee) should be considered by the Court only following a recommendation by the Governance and Nominations Committee.**

⁶⁹ And so not combined with the Order of Appointment.

Aldermanic seats

283. Even though they have their own Court of Aldermen, Aldermen sit as Members of the Court of Common Council, and, depending upon the terms of reference of individual Committees, have seats reserved for them.
284. In order to draw fully upon the resource represented by the Aldermen, **I recommend that there should be no bar, formal or by convention, to an Alderman being Chair of any Committee.**
285. If Aldermen were to be represented *pro rata* in the new Committee structure, they would account for one seat in every five. However, I do not recommend reserved places, which may well vary from Committee to Committee; this will be something for the new Governance and Nominations Committee to consider in making their recommendations.

“Rapporteurs”

286. In the leaner Committee structure, taking into account the considerable workload that will continue to fall upon Chairs of Committees, there may be a role for *rapporteurs*, in the Continental usage: Members taking the lead on particular subjects within a Committee’s area. This happens to some extent already, but in the context of smaller Committees it may be worth using more extensively.

The new Committee structure

287. I deal with the current Committees in the order in which they appear in the *Appointment of Committees* document. New Committees appear in the place of a Committee I propose that they should absorb. An annotated list of Committees, reflecting my recommendations, is at Appendix F.

The Policy and Resources Committee

288. I am aware of a feeling amongst Members that the P&RC has become in effect a Cabinet, even though the formal power to apply “executive arrangements” under Chapter 2 of the Local Government Act 2000 does not apply to the Corporation.

289. Nevertheless, the Corporation needs a co-ordinating Committee to take the lead in pursuing its corporate aims; and that Committee needs to draw together, through the membership of certain Chairs of other Committees, the Corporation's work as a whole. P&RC will need to be much smaller in order to operate effectively and provide a dynamic at the centre of the organisation.
290. I suggest that **the remodelled P&RC should have as *ex officio* members the Chairs of Governance and Nominations (new Committee), Finance, Property (new Committee), Planning and Transportation, Port Health and Environmental Services, the Police Authority Board, Community and Children's Services, and Culture, Heritage and Libraries (to be renamed "Culture");** a total of eight seats out of an ideal of 15.
291. **The Deputy Chairs of Finance and of Investment (which latter Committee in any event I recommend abolishing) should not have seats;** but the Deputy Chair of Finance could deputise for the Chair if necessary.
292. The Lord Mayor should remain as an *ex officio* member, reflecting the importance of drawing Guildhall and Mansion House more closely together, even though the demands of office mean that the incumbent may often not be able to attend.
293. The Chief Commoner has an important role to play in the Corporation more generally, but I do not see that post as a strong contender for *ex officio* membership of the Committee, although the Chief Commoner would be an appropriate *ex officio* member of the Governance and Nominations Committee.
294. **There should not be seats for any Members who have seats in Parliament. This is an historical survival, which should end.**
295. **Residential representation on the Committee should end; it is not an appropriate element for the issues with which P&RC has to deal.** It also institutionalises the confusion between Committee responsibilities and Ward representation.⁷⁰

⁷⁰ See paragraph 253.

296. The system of having three Deputy Chairs of this Committee does not seem to have worked well; it has led to a degree of confusion of roles, and should be discontinued. **One designated Deputy Chair is enough.**

Sub-Committees of P&RC

297. **The Resource Allocation Sub-Committee should continue.**
Of the other Sub-Committees:

- **Courts:** this was set up in 2016 and is due to be sunsetted in 2021. **It should be abolished now**, in view of the fact that the General Purposes Committee of the Court of Aldermen is equipped to deal with Courts issues;
- **Hospitality (working party):** as I suggested in paragraph 191, hospitality issues will need to be co-ordinated with the broader competitiveness agenda, and **so should fall to the Competitiveness Committee**, not needing a separate Sub-Committee;
- **Members' Privileges:** this rarely meets, and will naturally **fall to the Governance and Nominations Committee (GNC)**, which should not need a separate Sub-Committee to deal with any business under this head;
- **Outside Bodies:** does not appear to have met since January 2018. It is in any event very lightly loaded and **any residual functions should be transferred to the Governance and Nominations Committee (GNC)**, which should not need to set up a Sub-Committee to discharge them;
- **Projects:** **to be taken on by the new Property Committee;** and
- **Public Relations and Economic Development:** with the establishment of the Competitiveness Committee, **this is unnecessary and should be abolished;**

Finance Committee

298. I see no need for a separate Investment Committee, especially as this is a Committee which seems to have had a tendency to follow

its own, rather than a corporate line. **Accordingly I recommend folding the Investment Committee into the Finance Committee**, which is perfectly capable of discharging this function (some functions may fall to the Property Committee I recommend below). Of the existing Sub-Committees of the Finance Committee:

- **Corporate Assets:** the business of this Sub-Committee includes some relatively low-level items which might be dealt with under revised delegations to Officers. In any event, its business seems appropriate to be dealt with by the new Property Committee which I recommend. **It need not be retained.**
- **Digital Services:** digital services as a responsibility of a finance committee is a frequent survival in many organisations, but has been overtaken in the modern context. If digital services are not to be the task of a separate Committee (and there are arguments in favour of that solution) **then it should be the responsibility of the G&NC, and will need to be a Sub-Committee of that Committee.**
- **Efficiency and Performance:** I think that this Sub-Committee should struggle to survive, given its very light loading. **It should be absorbed into the Audit and Risk Management Committee;**
- **Finance and Grants Oversight:** I do not think that the level of business warrants the existence of this Sub-Committee, nor its being under the wing of the Finance Committee. **The new Bridge House Estates Committee can fulfil this function;**
- **Procurement:** this Sub-Committee **has a continuing role to play, even though its scrutiny thresholds are much too low.**

299. **The Social Investment Board, at present reporting to the Investment Committee, should be abolished** as its functions will be absorbed by the new Bridge House Estates Committee (see paragraph 369 below).

Property Committee (new Committee)

300. At the moment there is insufficient co-ordination and oversight, and there is a dilution of decision-making and

accountability across several committees. **I recommend the establishment of a new Property Committee to bring together all the City's property functions**, including the Property Investment Board; the Markets Committee (so far as this needs to be a Committee responsibility in its current form); the Capital Buildings Committee; the Projects Sub-Committee of P&RC; and any residual functions of the Barbican Residential Committee (which I recommend should be abolished).

301. Through subordinate but empowered Project Boards, this Committee should be in a position to ensure tight programme co-ordination and oversight, with the members of those bodies developing a real understanding and knowledge of the projects they are overseeing.

302. There might be an argument for putting the Open Spaces Committee into this new Committee, but I think it is better kept separate, not least as a way of folding in the various Open Spaces and Parks Committees.

Capital Buildings Committee

303. See the new Property Committee.

Investment Committee

304. See the Finance Committee.

Audit and Risk Management Committee

305. There are good governance reasons for having a separate Audit Committee, with which Risk Management normally sits comfortably. **The Committee should take on the responsibilities of the Efficiency and Performance Sub-Committee of the Finance Committee (but without setting up a Sub-Committee to do so).**

Planning and Transportation Committee

306. **This should continue with its present responsibilities (but with a sharply reduced membership).** The statutory functions of the Committee are set out in Appendix G.

307. The planning process will be effective and resilient if the Committee majors on setting a strategic and policy framework.

Applications are then more easily dealt with by Officers⁷¹, leaving the Committee to deal with substantial or strategic cases, potential breaches of policy, or contentious issues.

308. It is important to emphasise that the purpose of examining planning proposals is to provide dispassionate assessment and compliance with agreed policies, not to debate on behalf of electors.

309. **Where Member consideration of proposals is required, this should be through small panels. No Member should sit on a panel considering an application in his or her Ward, or which might affect his or her Ward.** It has been suggested to me that there should be standing geographical panels, but I do not agree; there is a risk that such an arrangement can become cosy. The panels should be assembled afresh as required.

310. I am aware of concern that it is harder to maintain absolute propriety in the case of a small planning committee by comparison with a large one. This may possibly be the case; but *ad hoc* panels, with visibility by the Committee, should minimise this risk.

311. I have been asked to consider the possibility of conflict when the Corporation is both the developer and the planning authority, and this may be a convenient place to deal with the issue. I have helpfully been provided with papers for four contentious applications which help expose the issues.

312. Regulation 10 of the Town and Country Planning General Regulations 1992⁷² governs arrangements for taking decisions on planning applications. It prohibits the decision being taken by a committee, sub-committee or officer if any of them has any responsibility for the management of any land or building to which the application relates. The Corporation is subject to this requirement.

313. The issue is also covered by the Corporation's Planning Protocol, which forms part of the Code of Governance, and which says: "A Member of the Planning and Transportation Committee who is, at the same time, a member of a City of London Corporation committee responsible for a site or building that is the subject of an

⁷¹ As 97% of cases are at the moment.

⁷² S.I., 1992, No. 1492.

application does not, by that fact, have an interest that is disclosable under the Code of Conduct.”⁷³

314. This is in my view too lax. **It does not meet the accepted conduct standard of something which may be *perceived* to give rise to bias, and should be amended or removed.**

315. The Planning Protocol also says that if a Member of the Planning and Transportation Committee is a member of another Committee which is the applicant or which has taken a view on the application, he or she should not participate in the decision on the application.⁷⁴ **This should be amplified to include participation in consideration or debate, not merely decision.**

316. The restructuring of Committees is an opportunity to distance the planning function from the proprietorial; **I recommend that no member of the new Property Committee should be eligible for appointment to the Planning and Transportation Committee.** This will not of course entirely remove the possibility of conflict, which may arise in respect of other functions, including Open Spaces, the Schools, the Guildhall School of Music and Drama, the Barbican Centre and the Police Authority Board; but it reduces the possibility of institutionalised conflict.

317. The Committee has two Sub-Committees at the moment: Local Plans and Streets and Walkways. Local Plans is lightly loaded but I do not see a pressing case for its absorption into the main Committee. Streets and Walkways has a useful portfolio of its own.

Port Health and Environmental Services Committee

318. Apart from reducing its size to the new 12-15 Member norm, I have no other recommendation to make. The Committee’s statutory obligations are set out in Appendix G.

Markets Committee

319. I acknowledge the strong sense of connection that many members of this Committee feel with the markets and their development; but it is a lightly loaded Committee which meets every two months. Much of the routine business can be left to Officers and

⁷³ Paragraph 7(5).

⁷⁴ Paragraph 10.

the consolidation project will fall to the new Property Committee. **I recommend that it should be abolished.**

Police Authority Board

320. I deal with the Police Authority Board in Part 9.

Crime and Disorder Scrutiny Committee

321. The Police and Justice Act 2006 requires relevant authorities (which includes the Corporation) to have a “crime and disorder committee” to “review or scrutinise decisions made, or other action taken....in discharge...of crime and disorder functions” and “to make reports or recommendations to the local authority with respect to the discharge of those functions”.⁷⁵

322. The Act allows the Common Council itself to act as the Crime and Disorder Scrutiny Committee, but this would not be a practical arrangement, and it has never done so. However, the Committee appointed by the Corporation to comply with its duties under the Act has met only once, on 7th July 2016, some ten years after the statutory duty was imposed; and it has not met since.

323. **As it is a statutory requirement to have such a Committee I can hardly recommend its abolition, but this situation perhaps calls for some re-examination.**

Culture, Heritage and Libraries Committee

324. **I suggest that the somewhat tautologous title is simplified to “Culture Committee”.**

325. The Committee has only one Sub-Committee: the rather niche Benefices Sub-Committee. **I see no reason to change its status.**

326. I have been urged to put the Barbican Centre Board under the wing of the Culture Committee, but I make a different recommendation in Part 9.

327. **The Keats House Consultative Committee should be treated in the same way as the bodies covered by the Open Spaces Committee (see paragraphs 341 to 348) and the separate existence of the Consultative Committee ended.**

⁷⁵ Section 19.

362. I was glad to find that a Corporate Charities Review is in progress.⁸¹ It seems to be focused in exactly the right way, and I therefore make no further comment on the broader issue, but now turn to the specifics of the City Bridge Trust Committee and Bridge House Estates.

The Committee and Bridge House Estates

363. The Committee is charged with administering the Bridge House Estates charity.⁸² The charity's primary purpose is to maintain five bridges across the Thames; surplus income may be used for more general purposes within Greater London – the “ancillary object”.
364. This charity is a so-called *cy-près* scheme; that is, one which allows the wishes of a donor or donors to a charity to be carried out even if the original purpose of the gift has failed. The Charity Commission has the power to apply the *cy-près* doctrine as appropriate.
365. The Bridge House Estates (BHE) charity is a very large one – in terms of asset valuation, the seventh largest in the UK, and its governing documents are complex, originating over a period of more than seven centuries.
366. Unfortunately its governance exhibits all the weaknesses of charity governance referred to in paragraphs 359 and 360 above, and represents serious legal and reputational risks. No fewer than 19 Corporation Committees and other bodies impinge upon the charity in some way.
367. I have been presented with a proposal that would address these weaknesses. It would create a Bridge House Estates Committee (BHEC) replacing the City Bridge Trust Committee, and exercising management and control of BHE. The Corporation would remain the charity Trustee with overall responsibility, and certain high-level decisions would be taken by the Court of Common Council.

⁸¹ The charities within scope of Phase One of the review, generally where the Trustee is the Corporation acting through the Court of Common Council, are listed in Appendix H.

⁸² Charity No. 1035628, in accordance with a Scheme made by the Charity Commissioners on 9th February 1995 (as amended) and brought into effect by the Charities (The Bridge House Estates) Order 1995.

368. Crucially, this arrangement would remove the complex involvement of multiple Committees entirely, and leave the management of the charity in the hands of the BHEC.
369. The proposal envisages the BHEC being supported by five Sub-Committees: Bridge Management; Grants;⁸³ Finance; Investment; and Audit and Risk. This is more than ideally I would like to see, and it might be that the finance function could be discharged by the main Committee. The responsibilities of the Social Investment Board, which I earlier recommended should be abolished,⁸⁴ would be vested in one of the Sub-Committees, probably Grants.
370. A key element of the new arrangements will be the opportunity to have a properly constituted and empowered (and accountable) charity board. Best practice suggests that such a board should have no more than 12 members. Those who are Members of the Court of Common Council should be nominated by the Governance and Nominations Committee, taking into account the mix of skills required by the Board. Given the risk of re-introducing the conflict problem, it would be best to have no *ex officio* places.
371. The remaining members of the Committee would be external co-opted members, recruited by due process, again to contribute to the appropriate mix of skills.
372. **I recommend that this proposal should be urgently pursued, to lead to the creation of a Bridge House Estates Committee; and that the City Bridge Trust Committee should be abolished.**

The Standards Committee and the Standards Appeals Committee

373. In the next Part of the Report I consider the standards regime, and conclude that the Standards Committee (and with it the Standards Appeals Committee) should be abolished and replaced with a new system.

Licensing Committee

374. This is a statutory Committee, responsible for the Corporation's licensing functions under a number of legislative

⁸³ Termed the Trust Sub-Committee in the proposal.

⁸⁴ See paragraph 299.

which Committees should of course be fully involved) and more detailed matters which are more appropriately left to Officers.

383. One good example is SO 52 relating to write-offs, where decisions are for Committees to take, and where the limits are set extraordinarily low, any write-off of more than £10,000 having to be approved by the Finance Committee. A limit of £3,500 per term for the writing-off of school fees seems very low; but if my recommendations are implemented, such decisions will be for Boards of Governors to take.
384. There will in any need to be a different approach to the institutions whose freeing from the Committee structure I recommend. There the approach will have to be to set financial envelopes and broad principles for the purchase of services, but with the processes determined locally.
385. **Any review of delegations should be repeated at regular intervals, both as to financial limits, but also to ensure that delegations remain appropriate in the light of the changing operations of the Corporation and its Committees.**

APPENDIX G

CITY OF LONDON COMMITTEES: STATUTORY REQUIREMENTS

[As at February 2020]

Board of Governors of the Guildhall School of Music and Drama

- Operates under a separate Instrument and Articles of Government in accordance with section 29 of the Further and Higher Education Act 1992.

Police Authority Board

Statutory functions:

- Responsible for any powers and duties vested in the Court of Common Council as police authority for the City of London by virtue of the City of London Police Act 1839, and other relevant legislation (save the appointment of the Commissioner of Police, which by virtue of Section 3 of the City of London Police Act 1839 remains the responsibility of the Common Council).

Planning and Transportation Committee

Statutory functions:

- Responsible for all functions of the City as local planning authority.
- All functions of the Common Council as local highway, traffic, walkway and parking authority (other than in respect of powers expressly delegated to another committee) and the improvement of other open land under S.4 of the City of London (Various Powers) Act 1952.
- All functions under part II of the City of London (Various Powers) Act 1967 including declaration, alteration and discontinuance of City Walkway.
- All functions relating to the construction, maintenance and repair of sewers in the City, including public sewers (on behalf of Thames Water under an agency arrangement).
- All functions of Common Council as Lead Local Flood Authority in relation to the Flood and Water Management Act 2010.

- All functions relating to street naming and numbering under the London Building Acts (Amendment) Act 1939.
- All functions relating to building control under the Building Act 1984, Building Regulations 2000-10 and London Building Acts 1930-82.
- The setting of building control charges under the Building (Local Authority Charges) Regulations 2010.
- Response to and resolution of dangerous structures under the London Building Acts (Amendment) Act 1939.
- All functions relating to the Local Land Charges Act 1975.

Port Health and Environmental Services Committee

Statutory functions:

- Responsible for all the City of London Corporation's environmental health, port health, animal health, consumer protection, licensing (with the exception of those which are in the province of another Committee), public conveniences, street cleansing, refuse collection and disposal, the street trading enforcement functions in the London Local Authorities Act 1990 including any decision as to whether the s.101 arrangements should be discontinued, and cemetery and crematorium functions.
- The implementation of those sections of any Acts of Parliament and/or European legislation which direct that the local authority take action in respect of those duties listed at above.

Culture, Heritage and Libraries Committee

Statutory functions:

- the management of the City's libraries and archives, including its functions as a library authority in accordance with the Public Libraries and Museums Act 1964 and all other powers and provisions relating thereto by providing an effective and efficient library service.

Community and Children's Services Committee

Membership:

- Two to five elected parent governor representatives required by law (can only vote in relation to education functions).