

Governance Review: Member Engagement Sessions

Planning: Session 1

8 January 2021

Present

Sheriff Christopher Hayward (in the Chair)	Vivienne Littlechild
Munsur Ali	Natasha Lloyd-Owen
Rehana Ameer	Oliver Lodge
Randall Anderson	Deputy Edward Lord
Matthew Bell	Alderman & Sheriff Professor Michael Mainelli
Deputy John Bennett	Paul Martinelli
Peter Bennett	Alderman Bronek Masojada
Deputy Keith Bottomley	Jeremy Mayhew
Henry Colthurst	Deputy Brian Mooney
Karina Dostalova	Hugh Morris
Deputy David Bradshaw	Deputy Alastair Moss
Peter Dunphy	Graham Packham
Mary Durcan	Alderman Sir Andrew Parmley
Alderman Emma Edhem	Susan Pearson
John Edwards	Judith Pleasance
Deputy Kevin Everett	Deputy Henry Pollard
Anne Fairweather	Jason Pritchard
Helen Fentimen	Elizabeth Rogula
Sophie Fernandes	Ruby Sayed
Marianne Fredericks	John Scott
Alderman Alison Gowman	Jeremy Simons
Tracey Graham	Deputy Tom Sleigh
Graeme Harrower	Sir Michael Snyder
Deputy Tom Hoffman	Deputy James Thomson
Michael Hudson	James Tumbridge
Alderman Robert Hughes-Penney	Mark Wheatley
Deputy Jamie Ingham Clark	Alderman Sir David Wootton
Shravan Joshi	Dawn Wright

Introduction

Sheriff Hayward, in the Chair, opened the meeting and thanked Members for joining today's session. He then introduced the session, setting out the process for Member consultation on relevant aspects of the review, with documents to inform the consultation session having been circulated in advance. Sheriff Hayward then summarised the references and recommendations with Lord Lisvane's review regarding the Planning & Transportation Committee.

Prior to debating the recommendations set out by Lord Lisvane, a Member spoke to raise general observations on the recommendations and the Planning & Transportation Committee:

- The Member was attending in order to listen to Members' views, but advised of their broad agreement with the proposals within the Lisvane review, recognising that there were several issues relating to the Committee's governance and format which needed to be addressed.
- The Member added that they endorsed Lisvane's recognition of the important roles of the Local Plans and Streets & Walkways Sub Committees and recommendation that they remain as they are.

Recommendations: Members' Comments and Observations

Members then proceeded to debate the various recommendations.

Paragraphs 267 - 272: Size of Committees and Ward Committee Status

- Several Members registered their agreement with reducing the size of the Committee in general terms.
- Some Members commented that the size of Committees and whether Ward Committees were retained needed to be discussed at a general level before considering an appropriate size and arrangement for the Planning & Transportation Committee.
- A Member added further to this that they felt the size of the Court of Common Council should be reduced, as there were too many Common Councillors.
- It was observed that, in terms of numbers, the Committee was significantly bigger than the Planning Committees at other London Local Authorities; however, another Member responded that, when comparing the size of the Planning Committee to other authorities' Planning Committees as a proportion of the Council membership, the size of the City's Committee was in keeping with others.
- A number of Members spoke against reducing the size of the Committee or removing its Ward Committee status, arguing in support of retaining a larger Committee. They cited the benefits of a larger committee, such as better oversight, diversity of comment and perspective, protection against bias, more legitimate decisions, and more challenges during the decision-making process. It was also suggested that a larger committee provided a significant bulwark against corruption or the perception thereof, as it was more difficult to influence.
- A Member argued that the size of the Committee was not the root of the perceived inefficiencies in its operation and that the nature of reporting to the Committee and the division of labour between the Grand Committee and its Sub Committees should be given fundamental reconsideration.
- Several Members were open to the idea of reducing the size of the Committee in some way whilst retaining it as a Ward Committee; for instance, perhaps

through the Court of Aldermen relinquishing its appointment rights to the Committee, or by merging Ward representation.

- However, others also spoke against the removal of Aldermen from the Committee, arguing that Aldermen played an important role on the Committee and an integral role within their Wards; it was also a crucial learning opportunity for prospective Mayoral candidates.
- A Member argued that the Committee could be reduced to as little as 12 Members and still operate with a satisfactory level of Ward representation, with some imagination or creativity applied to shared representation.
- A Member stressed that Planning Committees elsewhere were also structured on a party-political basis, as well as by Wards. This affected proportions, allocations and the overall size.
- Several individuals advanced the view that, as the Planning & Transportation Committee affected all Wards, and had the greatest effect on residents, it must be retained as a Ward Committee; however, others commented that there was a fundamental problem with Ward arrangements, in that they gave Members the perception that they should only or primarily be representing their own Ward, when they should, in fact, be considering applications in accordance with planning principles.
- A Member who had past experience chairing Ward Committees reflected on the challenges in corralling Members to constructive debate. It was also observed that the current arrangements could be burdensome on smaller Wards, albeit this was to some degree a consequence of having small Wards in the first place.
- Several Members made comparisons to the Licensing Committee and arrangements for Licensing (Hearing) Sub Committees, arguing that these arrangements could be used in the Planning context. In particular, they noted that Members could not sit on Licensing (Hearing) Sub Committee panels where the licensing application related to a premises within that Member's Ward, which seemed a good basis by which to operate.
- It was also suggested that Members had ample opportunity to use their voice or represent their Ward by speaking on a planning application in their capacity as a Ward Member and not necessarily sitting on the relevant committee.
- Several Members spoke in support of the idea that Members should not be able to vote on applications relating to their own Ward. Some suggested that they could be allowed to speak on such items, but not vote.
- One Member cited the arrangements for Barbican Residential Committee in comparison, wherein Members of the Committee that were residents of the Barbican Estate could not vote on certain issues. This principle was well-adhered to, and resident Members were still allowed to speak on these issues.

- A Member commented that a former Policy & Resources Committee Chairman had previously proposed that the Committee cease to be a Ward Committee, and that a Panel system be introduced, but these proposals had been decided against.
- However, a number of Members spoke in favour of Ward Committee arrangements, whether that be in general or specific to the Planning & Transportation Committee, or with some reform to the existing arrangements.
- A Member advised that they agreed with the recommendations of the Lisvane review, apart from his points on Ward Committees, and advised that they had misgivings about the abolition of Ward Committees generally.
- A Member argued that issues that arose with constituents in most if not all Wards were usually related to Planning & Transportation Committee matters, and constituents wanted to know what was going on, and what Members intended to do about it. Consequently, if Members were not able to have a direct influence, it would be problematic.
- Another Member responded that it was right to say Planning matters were a top concern for voters but that they disagreed with the conclusions drawn, as Ward Members were specifically and deliberately not involved with applications in their own Ward at other local authorities, and thus did not have a direct influence as a matter of course.
- A Member suggested that the Wards be bundled together in categories, such as Residential or Business, to allow for allocation or appointment and a smaller committee (or to select panels).
- A Member commented that they were open to greater use of the Sub Committees and Panels, but if this were the case then the Grand Committee should remain as a Ward Committee.
- Another Member advised that they would support keeping a large Grand Committee, with Ward Committee arrangements, but suggested small reforms such as pairing some Wards together, and having fewer two-seat Wards, in order to reduce the size of the Committee.
- A Member commented that Lord Lisvane's proposal for a Governance & Nominations Committee and stricter Committee limits would rectify a number of issues on the Planning & Transportation and other Committees, but added their doubt that these measures would be implemented.

Paragraphs 306 - 317: Planning & Transportation Committee

General Observations

- It was recognised that perceived problems with the existing arrangements were split between views that the issue was the format and running of Committee meetings, and those who felt it was a question of constitution and structural arrangements.
- A number of Members raised concerns about the current format of meetings and gave their views as to the reasons for this and suggestions to improve in this area.
- There were also concerns regarding the cumulative effect of small changes, with Members stressing that any reforms had to be targeted, congruous and well-evidenced. A Member commented that they felt there was an issue with silo working which would be exacerbated if matters were not considered in the round.
- Members observed that recent meetings were running well over time, as Members felt obliged to contribute, and that there was often a ‘concertina’ effect on the consideration of items as time went on during a meeting, with items receiving progressively less attention.
- It was suggested that there was a distinct division within meetings wherein there was a group of Members determined to refuse all applications, and a group of Members determined to approve all applications.
- A Member remarked that the Committee was currently the subject of much concern, particularly amongst residents. Whilst this might be unfair or unjustified it was, nevertheless, the case; therefore, reforms should be seen through that prism.
- A Member commented that the current workload for Committee Members was an issue for working Members, and that site visits or non-Committee meetings were difficult to attend. The Member added that they thought it was incorrect to suggest Members were obliged to take on a certain level of workload when joining the Committee and reflected on their democratic right to represent their constituents to the best of their ability.
- However, Members also spoke in defence of the Committee’s existing arrangements. Members noted that Lord Lisvane had less to say about the Planning & Transportation Committee than a number of other Committees. A Member also commented that they did not feel the Lisvane proposals revealed significant issues with the Committee or provided strong reasons for abandoning the existing arrangements.
- Whilst it was broadly recognised that there were some issues with the running of the Committee, several Members argued that these often arose from the depth of understanding, scrutiny and engagement of committed Members.
- A Member added that they feared losing oversight and governance on detailed applications, which should be detailed, with good discussion and scrutiny.

- Further comments were made suggest keeping detail and for information reports, and that more of the heavy lifting could be pushed onto the Sub Committees.
- It was commented that Members needed to avoid pitting people against each other and find common ground, as the shared goal was a thriving City of London.
- In addition to this, it was suggested that the balance of demand was likely to change going forward and Members were urged not to be restrictive in their reforms. A Member added that the Local Plan was a tool of the City's own making and should be adaptable and changed as circumstances required.
- Another Member stressed the importance of considering residents more, arguing that Ward Members should be involved more and at an earlier stage of the planning application process.
- Another Member suggested that applications particularly relevant to residents could be considered at specially convened afternoon meetings.
- Several Members cited a recent report by Transparency International, suggesting that the report could be used in guiding reforms, or that the Committee move to become fully compliant with its recommendations.
- A Member proposed that the City of London Corporation should extend its publishing of records of meetings to include officer-level meetings and non-Committee meetings.
- It was observed that criticism of Local Authority Planning Committees was fairly widespread, and that a number of common criticisms applied to the City of London Corporation, so should be addressed.
- A Member commented that the Committee should consider separating out consideration of applications from other business.
- A Member advised that they felt the overall manner of recommendations could lead to further centralisation of power amongst a core of certain Members, which needed to be prevented.
- As a general comment, a Member proposed that an outgoing Chairman should drop off the Committee for a period following their term.
- It was also commented that the Planning & Transportation Committee might also benefit from more connection with the Port Health & Environmental Services Committee.

Panel System and changes to Ward arrangements at Committee

- Several Members spoke in support of Lord Lisvane's recommendation on the introduction of small Panels. A Member commented that this was common practice at other local authorities for the consideration of applications.

- Members observed that the Licensing Committee provided a good model for Panel working and could be used to solve the issues of Ward Members and affected Wards. Members could also get involved at an earlier stage.
- A Member commented that Panels could be utilised to undertake more detailed work, freeing up the Grand Committee for more strategic and policy work. The Member added that the introduction of a Panel system could be revisited after other governance changes had been implemented.
- There were also reservations expressed about Panels, with Members cognisant of the limitations or potential issues of a Panel system. Several Members highlighted the process of Panel selection as potentially problematic, and that this would need to be carefully thought through, and clear on appointments and constraints that would be represented on panels.
- Another Member commented that the arguments for the introduction of a Panel system were largely based on efficiency, but the extent of their efficiency was dependent on implementation, adding that there were many ways to implement a Panel system.
- A Member felt that a flawed implementation of a Panel system for City of London planning applications would carry a significant risk of reputational damage. The Member added that it was likely to lead to more appeals in any case.
- A Member cautioned that it would be easier to sway decisions on small Panels, and decisions would be more predictable based on which Members were on a given Panel.
- It was observed that a Panel system bestowed significant power on the person selecting the Panel and their selection would effectively make the decision in some cases. This would be more open to corruption.
- A Member commented that there might also be issues with randomly selected or pre-selected Panels, as they may not be appropriate for the items which they are due to consider. The Member added that there would therefore need to be mechanisms to change Panels as required.
- A Member argued that a majority of the current Committee represented Business Wards and, consequently, they felt that some Members saw their role as supporting office developments. The Member added that they felt this kind of unfair decision would continue under a Panel system, but without the same level of scrutiny.
- As a general comment on a Panel system, a Member commented that they felt Panels of four Members would be too small, and Panels of sixteen would be too big.
- It was observed that Licensing Members must be fully trained before they can sit on Licensing (Hearing) Sub Committee Panels. This was beneficial in the

Licensing context and should be applied to Planning & Transportation Committee Panels.

Conflicts of Interest / Committee Cross-over

- Members discussed several connected issues relating to the constitution of the Committee: Members that had professional connections to the property or planning industries, Members who were also Members of the Property Investment Board, or other/future property-based Committees, and requirements relating to knowledge or expertise.
- It was noted the City of London Corporation was subject to Regulation 10 of the Town and Country Planning General Regulations 1992, paragraph 312-313, which prohibited decisions 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.
- It was also noted that Lord Lisvane had made a strong recommendation regarding the establishment of a Governance and Nominations Committee, which would be charged with mitigating against these issues.
- Several Members spoke in favour of prohibiting Members from serving on both the Planning & Transportation Committee and the Property Investment Board, or a prospective Property Committee.
- A Member commented that they were open to such a rule, but stressed that it needed to be carefully considered, questioning the amount of conflict there actually was between the respective bodies.
- Further to this, another Member advised that it was very rarely that the Property Investment Board considered matters directly relevant to City Planning applications; therefore, a blanket ban would be clumsy.
- Some Members were of the view that there was value in having Members on both committees given expertise and cross-over of knowledge.
- Further to this point, a Member argued that the biggest issue for electors was the involvement of Members with any development interests serving on the Planning & Transportation Committee, adding that this was a more significant issue of conflict than the Property Investment Board. The Member posited that if one's livelihood depended on developments taking place then it naturally invited questions as to their independence, whether this was justified or not.
- A Member added that there was a perception of partiality within the planning industry and they felt it was unlikely that property professionals would not have vested interests. However, the Member felt that Lord Lisvane's recommendations would increase the involvement of property professionals in the Committee's work.

- Some Members expressed reluctance to exclude property professionals but were clear that any perception of conflict or other issues should require individuals to recuse themselves, adding that existing arrangements could be strengthened in order to improve perception in this regard.
- A number of Members spoke in support of those Members with professional connections or a background or expertise serving on the Committee, on the basis that this was a valuable strength and should not be considered an issue. It was observed that many Members of the Court had backgrounds, knowledge and experience in property, and this should be used rather than actively excluded.
- Members commented that there was no history of improper behaviour and that there was a Standards regime in place to act should there ever be. Members with property expertise had always been observed as acting appropriately, and as long as appropriate safeguards against bribery or corruption were in place, disqualifications on the basis of expertise should not be necessary.
- A Member reported that the Planning system was inherently vulnerable to corruption, but they had never observed any hint of corruption during their time on the Court.
- Other Members registered their reluctance to introduce bars to Committee membership in a blanket way, as relevant issues could be dealt with via other mechanisms, like not allowing particular Members to vote on particular items. A Member added that disqualifications on the basis of interests were already covered well under the existing arrangements.
- A Member reported their concern about Lord Lisvane's suggestions in respect of qualifications or credentials, as the perspective of a layman Member was equally valuable in discharging the Committee's functions. The Member added that a Members' ability to ask questions was more important than expertise.

Close

Sheriff Hayward, in the Chair, then thanked Members for their attendance and contributions, and advised that two further sessions had been scheduled, which Members present could also attend if they wished to contribute more. Members were also encouraged to make further representations via email.

Additional Comments Received

During the session, the following additional comments / points of clarification were made using the chat bar, as follows:

- A Member observed a contradiction between the desire for more transparency and many of the other recommendations made, i.e. a move to a non-Ward Committee and greater delegation. They also expressed concern about treatment of City heritage generally in the planning context.

- It was suggested that it was normal in every other planning authority for the majority of Wards to not be represented on the Planning Committee, arguing that Members represented their Ward by checking applications as they arise and making representations, as with licensing applications.
- A proposal was made to bundle wards into groupings of not less than six councillors on the “local authority” committees and then allow Wards to nominate substitute Members. Such a mechanism could provide for a committee of 12 Members and with a resultant but modest increase in overall bias towards residential wards (which tended to have more Members), excluding Aldermen, Members of property-related committees, and giving no vote to a Member on any application in their merged Ward area.
- It was commented that all Ward Members should be advised of planning inquiries and applications submitted at the earliest stage so they were fully aware of developments in their area.
- Echoing comments in relation to a large committee combatting the possibility of corruption, a Member suggested that similar arguments held in respect of bias, with the best way to dilute bias being to have a large committee/panel. The greater the number on the panel the greater the dilution for bias.
- A Member commented to counter a suggestion that some Members either opposed or supported every application that came before them, noting that opposition to several recent applications had been based on breach of planning policies.
- In support of a panel system to consider applications, a Member suggested panel membership be drawn on an ad hoc basis from the full committee. Such a panel should include any Member whose Ward was affected by the proposed application as observers, providing them an opportunity to share their views but not have voting rights. The Panel should not be fixed, but instead should have Members included on a rotational basis to ensure transparency and better representation. Finally, they argued that officers could provide technical expertise so there was no need to rely on Members with property experience, commenting that the important thing was to evaluate the application as per the national policy, the relevant local plan, and other supplementary planning documents. The role of the panel was to ensure that full scrutiny has been done in evaluating and deciding an application.

Governance Review: Member Engagement Sessions

Planning: Session 2

18 January 2021

Notes of Discussion

Present

Sheriff Christopher Hayward (in the Chair)	Deputy Edward Lord
Mark Bostock	Alderman Ian Luder
Deputy Keith Bottomley	Andy Mayer
Deputy David Bradshaw	Deputy Catherine McGuinness
Deputy Roger Chadwick	Deputy Brian Mooney
Karina Dostalova	Deputy Alastair Moss
Mary Durcan	Barbara Newman
Alderman Emma Edhem	Susan Pearson
John Edwards	Judith Pleasance
Helen Fentimen	William Pimlott
Marianne Fredericks	Deputy Elizabeth Rogula
Alderman Sir Roger Gifford	Oliver Sells
Alderman David Graves	Deputy Tom Sleigh
Graeme Harrower	Deputy John Tomlinson
Ann Holmes	Mark Wheatley
Natasha Lloyd-Owen	Deputy Philip Woodhouse

Introduction

Sheriff Hayward, in the Chair, opened the meeting and thanked Members for joining today's session. He then introduced the session, setting out the process for Member consultation on relevant aspects of the review, with documents to inform the consultation session having been circulated in advance. Sheriff Hayward then summarised the references and recommendations with Lord Lisvane's review regarding the Planning & Transportation Committee.

Prior to debating the recommendations set out by Lord Lisvane, a Member made reference to an email circulated to all Members earlier that day, in which they suggested there were legal flaws in the basis of the proposal that the Planning Committee should cease to be a Ward Committee (ref: Lisvane para. 309), whilst also observing in relation to the Planning Protocol (ref: Lisvane paras 315-316). They encouraged Members to read the passage quoted in that email from the Nolan report, together with the Transparency International report referred to.

Another Member also spoke to raise general observations on the recommendations and the Planning & Transportation Committee, suggesting that any new approach needed to be responsive to the needs of all those who used the system (whether they be applicants, objectors, or others), agile and able to take decisions quickly

where necessary, and that its decisions must have the necessary democratic legitimacy.

Recommendations: Members' Comments and Observations

Members then proceeded to debate the various recommendations.

Ward Committee status (paragraphs 269-272)

- Members articulated a wide range of opinions in respect of the continued benefits or disbenefits of Planning & Transportation remaining a Ward Committee.
- Some Members commented on the ineffective nature of such a large committee, reflecting on the significant instances of repetition and the inefficient nature of debate and decision-making as a consequence. The effective use of smaller decision-making panels as utilised across the country by other local authorities would allow for more responsive, focused, and detailed consideration of proposals, whilst also freeing up time at the grand committee level for more thoughtful scrutiny in relation to key strategic and policy items.
- Others argued that the retention of the Ward Committee format was of vital importance in ensuring the ability of elected Members to represent adequately the concerns of their constituents. The fundamentally different nature of the City as opposed to other local authority areas was highlighted, with Members observing that Ward representatives were familiar with the prospective local impacts of planning proposals in a way that Members from other parts of the City would not be.
- In relation to comments around the size of the committee necessitated by the Ward arrangements, the suggestion was made that short meetings were not necessarily desirable or a mark of efficiency, as they might curtail legitimate democratic debate; equally, it was posited that lengthy meetings were not indicative of democratic process being followed, as they might exclude many Members with less available time. A suggestion was made that more effective agenda management could be employed, with it also commented that time at meetings was often taken up with debate about process or other matters, rather than the substance of applications or strategic matters.
- Several individuals highlighted the benefits of the Ward Committee system in allowing Members to serve on committees close to voters' concerns and in taking into account the non-party political make-up of the Court. It was also suggested that a smaller non-Ward committee could make it very difficult for some Members to be elected to committees where their voters wished to be represented and that such a step could, therefore, be considered undemocratic.
- Concerns about the current size of the committee were also disputed by a Member, with it suggested that average attendance was around 25 which,

given the peculiar context and circumstances of the City, represented a reasonable number of participants.

- An argument was also advanced that it would be better to consider first the general principle of whether Ward Committees should exist at all and the criteria by which their use should be determined. Following this, individual decisions as to whether specific committees, including Planning, should be Ward or non-Ward Committees could be taken.

Strategic / Policy Framework Focus, Delegation (paragraphs 307-308)

- Several Members agreed with the proposal that there was a need for the grand committee to focus more on key questions of policy and strategy observing that, at present, most of the meeting time was taken up by consideration of applications, which meant there was little time to consider the bigger picture items which were crucial in setting the framework by which applications were considered and the future of the City was determined.
- The suggestion was made that the retention of Ward Committee status would be helpful for such a committee which was focused more on macro-level strategic issues, noting that there was a clear interest for all Wards in these items.
- A Member commented that consideration of increased delegation to officers was also sensible, to allow for the committee to focus more effectively on strategic matters.

Panel System (paragraphs 309-310)

- Several Members spoke in favour of the introduction of a panel system being introduced, particularly underneath a grand committee focused on the strategic and policy matters. They reflected on their successful use at the majority of other local authorities and the additional focus to applications they could provide, as well as being structured in such a way as to ensure their memberships could be free of any prospective conflict of interest.
- The suggestion was also made that major applications above a certain threshold could also be reserved for the grand committee.
- Other Members were firmly opposed to the establishment of panels, arguing that such an arrangement risked disenfranchising residential members. In particular, there were significant concerns that any geographically-based approach would mean local Members, who knew and understood the impact of proposed developments, were left without a voice. It was urged that such an approach not be adopted and, if it were, that site visits be mandated at a minimum.
- Advocates of the panel approach commented that this system would not preclude ward Members from representing their electorate, as they would still be able to make representations to ensure constituents' voices were

heard and, at the grand committee level, residents' views could also be fed into strategic aspect of the process. However, it was argued that it was inappropriate for Members from affected Wards to serve on panels deciding on applications, given the clear conflict of interest. The example of the Licensing Committee was suggested as a useful model to consider, with it ventured that the establishment of panels with no obvious interest or stake went to heart of questions of transparency and integrity.

- Other Members disputed the suggestion that they should not be able to participate in processes relating to matters that were of key importance to residents in their Ward, arguing that this was undemocratic and risked residents losing all faith in the planning process representing their interests fairly.
- A Member also observed that there was a difference between representing a Ward and living in it when it came to questions of potential conflict and this should be considered carefully. The differing nature of the City in relation to the types of application considered was also highlighted in this context, with it observed that there was a difference between a panel considering a series of homogeneous applications to do with minor local extensions or buildings, and the building of an extremely large office development.
- It was also observed that some Members from “business” Wards lived in “residential” Wards in the City, complicating the picture. The varying size and geography of Wards was an added complication, as in some cases it would seem unwise to prevent someone who lived at one extreme of a particular Ward from participating in debate on an application in the far end, yet not on applications in adjacent Wards which were closer geographically in reality.
- An argument was made that, if panels were to be adopted, then careful consideration must be given to their composition and how they were selected. The suggestion was made that there should be certain contingent factors to reflect the makeup of grand committee, perhaps utilising a sort of rota system to ensure a minimum number of residential members and to ensure everyone had a fair chance to serve. It was observed that, in every other local authority, councillors were all residential ward representatives; the business / residential distinction was a creation of the City itself and thus direct comparators with others needed to be made in that context.
- It was also commented that, should there be any move to a panel system, it would extremely important to ensure resident Members were provided with additional time to speak at the application stage, or were involved at an earlier stage in the process, with it noted that there must be a way permitted to allow local representatives to contribute. The fundamental democratic importance of allowing Members to represent their constituents was emphasised.

Perceptions of Conflicts / Transparency (paragraph 311-316)

- A Member highlighted recent discontent in respect of a particular planning application in respect of the City's interests. They observed that the question of potential conflict when the City Corporation was owner or developer as well as planning authority was a hugely important issue and needed to be addressed.
- A number of individuals commented on the growing lack of faith in the City's planning processes amongst residents, emphasising the importance of addressing this.
- Support was expressed for the recommendations at paragraph 316 in respect of those sitting on property committees not being eligible to serve on Planning, as well as the principle that those who served on any service committee which was the originator of a planning application also being prohibited from participation in consideration of that application.
- Several Members urged that colleagues read the Transparency International report which made a series of recommendations in relation to planning decisions and managing the perception of bias, including through prohibiting those with professional background in the property sector serving on the Planning Committee. Some Members expressed concerns around the potential loss of expertise this might risk, as well as the practical complexities in distinguishing the type of involvement with the sector or to what degree this would need to be to reach the threshold where service was barred.
- The importance of training for Members on the committee was stressed, with it argued this should be mandatory as it was in certain other authorities. It was also suggested that training would be a way of ensuring any individual Member had the requisite skills and knowledge, thereby mitigating concerns against a lack of expertise elsewhere; equally, officers' expertise should be relied upon if needed.
- Several Members stressed that the system needed to be, and be seen to be, fair, open and transparent for all participants. Robust protocols and policies would be important to this end. A Member added that this was particularly true given that there was no recourse for appeal, unlike with the licensing process where one could appeal to a magistrate.

Close

Sheriff Hayward thanked Members for their many contributions, adding that any additional points Members wished to make by email following the meeting would be welcomed.

Additional Comments received after the Engagement Session meetings

Following the meeting, the following additional comments / points of clarification were submitted by Members who had either been in attendance and wished to make additional points, or who had not been able to attend due to personal circumstances and wished for their views to be recorded:

- Several Members wrote to express their strong support for Planning remaining a Ward Committee and opposed any move away from this. In particular, they commented on the value of Ward Committees in ensuring all Members participate in committees and that all views and parts of the City were reflected in the Corporation's work, including planning.
- One Member also expressed their opposition to the introduction of any sort of panel system, while another indicated that they would not be opposed to such an arrangement provided that the parent committee was retained as a Ward Committee.
- It was argued that the Ward Committee system was an important safeguard for the delivery of planning decisions, ensuring views were heard from across the range of activities and interests in the Square Mile, whilst at the same time reflecting the national importance of its business constituents, so that there was an appropriate balance between business and residential views in decision-making. Whilst accepting there was room within the present Ward-based Planning committee to improve efficiency, and that Panels could be a part of that, any move to replace the former with the latter was unjustified and would jeopardise the existing safeguards for the business City essential to its success.
- In relation to the size of the committee, a Member cautioned against comparing directly with other authorities, observing that they were able to maintain smaller committees due to their party-political arrangements. The Corporation's independent arrangements across 25 Wards meant that this would not be practicable in the City and a reduction in size would result in a substantial disconnect from residents and their concerns.
- One Member stressed the importance in any new arrangement of consulting with residents about applications which might affect them and allowing the relevant Ward Members to be involved and to make representations. They suggested that the involvement of Members could be facilitated by allowing them to speak at a Planning meeting to make representations, as was common in the City and elsewhere, and supported the overall principle that Members should not have an interest in a decision being made.
- A Member suggested that the Licensing Committee provided a good model for a reformed Planning Committee and commented that they were unaware of any other Local Authority not having a panel system for applications, with the main committee dealing with policy and other matters. They were, therefore, minded that a panel system for applications with a grand committee for policy / strategy was the right way to proceed.
- Another Member agreed that having separate panels for planning applications addressed most of the problems currently faced by the Planning Committee,

with it observed that the Committee had significant additional business in addition to considering applications and the time currently spent on applications meant that insufficient attention and scrutiny was devoted to other important matters.

- It was felt that retaining a fairly large Planning Committee would have benefits as it would ease the creation of panels and widen participation and input into other business.
- Some concerns were expressed regarding the designation of “residential”, with it observed that many Wards did not have this designation but still had significant resident populations. Members who served in such Wards well understood resident priorities, particularly where they were also City residents themselves, and so if some committee or panel places were to be reserved for resident members, I think these should be for City resident members and not exclusively for members who represent designated 'residential wards'.
- One Member commented on the volume of paperwork at Planning meetings and recommended the mandatory use of the “mod.gov” app by Members, so as to move to a paperless arrangement. They articulated the various benefits of the app, including accessibility and easy location of particular elements of reports, and also argued against the compression of reports into a shortened or overly summarised format, arguing that any such approach would inevitably reflect the bias of the author / editor.
- With reference to concerns expressed by some around those with expertise and engagement in the property sector serving, one Member argued that such individuals’ participation should be considered a strength rather than a weakness. They observed that the City benefited from the expertise of Members that other authorities did not enjoy and advocated for transparency and recusal where there is conflict being the best system, suggesting that one should not be precluded from participation based on professional connections.
- Another Member expressed similar views, echoing the belief that individual Members should not be precluded from planning committee membership because of any professional or business involvement or involvement with other committees. They suggested that, if there was a conflict of interest, the individual should be responsible for declaring it and absenting themselves, with no further involvement in the decision-making process. In the case of a panel decision, they suggested that the application being within the Member’s Ward should preclude participation.
- Other Members queried the logic of preventing experienced Members serving on Planning when there was, throughout Lisvane, an overarching commentary around the need to use Members’ skills and experience to maximum effect. It was observed that there were several talented and experienced Members whose service to both Planning and Property committees was essential to their effective functioning; there had never been a case of improper behaviour by any Member in this regard so far as they were aware and they, therefore, opposed proposals to limit cross-membership of these committees.

- A Member stressed the need to recognise the City was of national and international importance as a financial and business centre. To maintain its pre-eminence, the City must be able to evolve and evolution required change in business terms and in the physical environment. Planning decisions and Transportation policies were key deliverables by the City Corporation, fundamental to business' ability to change. The City business vote was unique in the UK and was both a reflection of the importance of City trade and a critical factor in its growth and success; decisions taken which impacted on the business City must be seen in this national context and not constrained by parochial concerns.

Governance Review: Member Engagement Sessions
Planning: Session 3
28 January 2021

Notes of Discussion

Present

Sheriff Christopher Hayward (in the Chair)	Jeremy Mayhew
Randall Anderson	Deputy Alastair Moss
Adrian Bastow	Benjamin Murphy
Mark Bostock	Barbara Newman
Deputy David Bradshaw	Susan Pearson
Deputy Roger Chadwick	Judith Pleasance
Mary Durcan	Henry Pollard
John Edwards	James de Sausmarez
Marianne Fredericks	Oliver Sells
Graeme Harrower	Deputy Tom Sleigh
Ann Holmes	Sir Michael Snyder
Wendy Hyde	Deputy John Tomlinson
Jamie Ingham Clark	Deputy Philip Woodhouse
Natasha Lloyd-Owen	Alderman Sir David Wootton

Introduction

Sheriff Hayward, in the Chair, opened the meeting and thanked Members for joining today's session. He then introduced the discussion, setting out the process for Member consultation on relevant aspects of the review, with documents to inform the consultation session having been circulated in advance. Sheriff Hayward then summarised the references and recommendations with Lord Lisvane's review regarding the Planning & Transportation Committee.

Recommendations: Members' Comments and Observations

- A wide range of opinions in relation to the advantages and disadvantages of Planning & Transportation remaining a Ward Committee were articulated. Several Members agreed with the recommendation of the Lisvane report that the current size of the committee was much too large. The view was put forward that Ward Committees were not an efficient way of taking decisions and that smaller panels should take decisions and report directly to an overall Grand Committee. In this way, transparency and democratic legitimacy would be preserved. Members made reference to significant recent instances of repetition of views during debate at meetings, rendering such debate ineffective and hampering decision-making in consequence. Subject to effective deployment, smaller decision-making panels would allow for a more responsive and focused consideration of proposals. In turn the grand committee would be

provided the opportunity for detailed and thorough scrutiny in relation to key strategic and policy items.

- It was proposed that certain key factors should be employed in order to inform the makeup of a grand committee: the use of a rota system to ensure no positions remained permanent, a minimum number of residential members to be maintained and ensuring that all Members had an appropriate opportunity to serve on the committee.
- One Member observed that this issue had become a dominant part of the consultation process, particularly with regard to the manner in which any prospective smaller panels may be selected, given that the recommendation in the Lisvane advised against geographical selection or permanent membership. Another Member noted, however, that geographical selection could be valuable and posited that the City could be divided into three areas from which to select Members for panels, with no Member determining an application in their own area.
- Another Member proposed that a panel of five Members should be drawn from a grand committee in order to consider applications, with two of the five Members being Ward Members. The nature of the City as being fundamentally different to other local authorities was emphasised – appointments in other local authorities were political, whilst the City's appointments were not – with Members observing that Ward representatives were familiar with the intricacies involved in the applications in their wards and the prospective local impacts of planning proposals in a way that Members from other parts of the City were not.
- Other Members however argued in favour of the retention of the Ward Committee format, without panels, with the view expressed that this was of vital importance in ensuring the ability of elected Members to represent the concerns of residents appropriately. The argument was put forward that any restriction on Members' ability to carry out this function lacked democratic legitimacy and risked residents losing faith in the planning process representing their interests fairly.
- Another Member underlined that the ultimate responsibility of the City, as a key global business and financial centre, was to businesses operating in the Square Mile. In response, comment was made that the Local Plan existed in order to ensure, amongst other issues, both residents and businesses were represented adequately and that this should be the basis upon which preparation work relied.
- Another Member voiced their agreement for the 'panels' approach and emphasised that the size and shape of the current, large committee was not tenable. Several Members agreed that the debate tended to be dominated by a small number of vocal members which had the effect of making other members feel excluded. Additionally, other important agenda items were then subject to less scrutiny than warranted due to time pressure. As a result, therefore, the scheduling of a greater number of meetings would lead to no greater efficiency in terms of the decision-making process. A further Member

spoke in agreement with this view, noting that most Members who were in paid employment during the day were unable to commit one half day per fortnight to Planning meetings.

- Alternatively, another Member suggested that short meetings were not necessarily evidence of efficiency and could have the undesirable effect of curtailing legitimate democratic debate. Some Members felt, given the average attendance at Planning meetings was approximately 25 Members, that this represented a reasonable number of participants given the unique circumstances of the City.
- An argument was made that it would be better to consider first the general principle of whether Ward Committees should exist at a macro level. Several Members agreed that decision-making was less effective when conducted by Members who had been in a meeting lasting several hours. Comment was made that the two-hour time limit for meetings designated under Standing Orders was ineffective and failed to regulate impracticably long meetings as intended.
- The argument for separate Committees for strategic and policy items, and separate panels for planning applications, was reiterated. The suggestion was also made that major applications above a certain threshold could also be reserved for the grand committee.
- A Member voiced opposition to these comments and expressed the view that the length of Planning meetings altered naturally over time, with meetings being scheduled in order to meet demand. The same Member commented that the idea of 'calling-in' applications would generate too many problems and reiterated that that transparency and fairness must remain central to the process.

Close

Sheriff Hayward thanked Members for their many contributions, adding that any additional points Members wished to make by email following the meeting would be welcomed.

Additional Comments received after the Engagement Session meetings

Following the meeting, the following additional comments / points of clarification were submitted by Members who had either been in attendance and wished to make additional points, or who had not been able to attend due to personal circumstances and wished for their views to be recorded:

- Several Members wrote to express their strong support for Planning remaining a Ward Committee and opposed any move away from this. In particular, they commented on the value of Ward Committees in ensuring the process was deemed fair by applicants, objectors and members of the public.

- Regarding size, a Member added that the current number was not problematic but that Wards which do not contribute a Member should not be substituted by others to make up numbers.
- Several Members wrote to strongly oppose the introduction of panels, with some stating their reason as panel Members being difficult to select without perception of bias or considerable ongoing effort in individual panel selection. One Member however did express that the suggestion of panels may become a viable option with further consideration as to its practicality. If this were to occur, they felt that panels should not be composed of any Members with connections to the professional planning or development community due to perceived bias.
- A Member referenced others' views that a similar approach to that of the Licensing Committee would be beneficial and argued that in their experience this did not address concerns over excessive duration of meetings. They also argued that the content was variable in nature to that of Licensing and therefore this approach would not be appropriate for Planning.
- A Member felt that, due to the Corporation's organisation being non-party political, comparison with other London Boroughs and their organisation was irrelevant. This was supported by another Member who felt that the Corporation's differences should be celebrated and not compared. They went on to add that, as councillor numbers in other London Boroughs were lower than those of the City, the Planning Committee was not disproportionately large if comparing to others.
- It was expressed by some Members that while the current organisation of the committee was best, substantive and contentious applications should be considered in specifically convened meetings. It was added by one Member that this would also help address any concerns over workload burdens of serving on the committee as Members would be able to give apologies if they had nothing to add to the discussion on that particular application.
- Several Members agreed that transparency was a critical issue and stressed that this needed to be addressed. A Member added that they felt the current system lacked democratic legitimacy and that reform must focus on empowering residents and workers, and not further limiting scrutiny. Another Member felt that in particular there was a lack of confidence amongst residents as to the impartiality of the current system.
- One Member suggested this should be achieved by requiring Members to declare any interests for planning applications subject to decision. Several Members agreed with the recommendations to restrict participation in Planning committee for those who sat on committees responsible for City Corporation properties and those who had City professional property interests.
- One Member highlighted that perceived and actual bias were different and as such should be treated differently. They argued that perceived bias was most at risk of becoming actual bias in smaller panels.
- One Member circulated a letter sent to the Lord Mayor, Policy Chair and Town Clerk about the extent to which the City Corporation's planning process complies with good practice by Transparency International. They highlighted

that while the letter advised the City of London was meeting good practice, it suggested more improvement was needed in some areas. They argued that previous decisions of Members not to address this had resulted in reputational risk for the Corporation and they advised that this be considered alongside the Lisvane Review. They highlighted that Lisvane's recommendations to restrict Members of property committees from sitting on the Planning committee aligned with Transparency International's recommendations, while the introduction of panels or reducing the size of the Planning committee did not.

- A Member commented that Lisvane had an undue focus on efficiency at the expense of democracy. Given the independent structure of the Court and the particular importance attached by many voters to planning issues it was, in their view, essential to retain the Ward structure. It was also considered to be the best way of resolving the linked issues of perception of bias/increased potential for corruption.
- With regard to the efficiency of the Committee, it was suggested that this could be improved by holding shorter meetings which were dedicated to applications from specific areas e.g. City East and City West, an approach recently adopted by the Police. Other meetings could then be devoted to general issues or specific applications of huge importance. It was noted however that these changes might lead to more pressure on the Chairman - already a testing and critical role. Consequently, it was suggested that a second Deputy post could be created, with the added benefit of serving as a useful training ground for a future Chairman.
- A Member commented that in general, residents and workers had common interests and therefore they strongly opposed attempts to create a division. They noted however that there needed to be far more sensitivity to planning applications particularly close to significant clusters of residents e.g. Barbican, Golden Lane and Middlesex Street. It was suggested that, in these areas particularly, tensions were exacerbated by consistent raising of heights and increased massing. Many residents felt that the City Corporation's approach to planning matters did not reflect a commitment to residents. To reduce anguish, it was suggested that there should be restrictions on developments bordering cluster areas.