

Committee(s)	Dated:
Planning and Transportation Committee	24 February 2021
Subject: Anonymisation of Members in Minutes	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	N/A
Does this proposal require extra revenue and/or capital spending?	No
If so, how much?	£N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain's Department?	N/A
Report of: Town Clerk and Chief Executive	For Decision
Report author: Gemma Stokley, Senior Committee and Member Services Officer	

Summary

At their meeting held virtually on 15 December 2020 and, again, on 5 January 2021, Members of the Planning and Transportation Committee asked that a report on the naming of Members in minutes of this Committee be brought to them for their consideration with a view to potentially taking a recommendation, that minutes of meetings clearly identify which Member has spoken (and potentially how they have voted) on a particular item, to the Policy and Resources Committee.

Recommendation

That, taking into account the existing house style in respect of the production of minutes and the ongoing work around the Governance Review and the recommendation therein with regard to the minutes of Court of Common Council and Committee meetings of the City Corporation, Members are recommended to maintain the status quo and the anonymisation of Member contributions and votes in the minutes of this Committee.

Main Report

Background

1. In 2010/11, the City of London Corporation undertook a comprehensive Governance Review. The outcomes of this Review were put to the Policy and Resources Committee and, subsequently, the Court of Common Council in March 2011 where, with regard to the minuting of meetings, it was resolved that "*Committee reports, minutes and papers shall be concise and to the point*". The Working Party tasked with bringing forward recommendations on the Governance Review also considered, specifically, the matter of "*recording in the minutes of a meeting the names or initials of Members who raised an issue*" but decided against adopting this approach.

2. At the Planning and Transportation Committee meeting held virtually on 15 December 2020, a Member proposed that, for reasons of transparency, the contributions of, and votes taken by Members at meetings of the Planning and Transportation Committee, should no longer be anonymised within the minutes of the Committee's meetings.
3. Following debate, the Committee decided that the Town Clerk should be asked to prepare a report on this matter so as to allow proper consideration of the relevant matters, noting the outcomes of the Governance Review in 2010/11 and current house-style
4. At the Planning and Transportation Committee meeting held virtually on 5 January 2021, Members again debated this issue where it was suggested that a decision ought to be taken without awaiting the previously requested Officer report. At this point, the Committee were advised that this decision could not be taken unilaterally as the matter potentially had wider governance implications and therefore sat within the terms of reference of the Policy and Resources Committee. The terms of reference of the Policy and Resources Committee state that it is responsible for the "*review and co-ordination of the governance of the City of London Corporation including its Committees, Standing Orders and Outside Bodies Scheme, reporting as necessary to the Court of Common Council, together with the City Corporation's overall organisation and administration*".
5. Upon receiving this advice, a Member proposed a motion suggesting that, for the sake of transparency, a recommendation should be immediately put to the Policy and Resources Committee requesting that the practice of anonymising Members' contributions and votes in the minutes of meetings of the Planning and Transportation Committee cease. The Motion was seconded, voted upon, but not carried with the majority of the Committee still wishing to consider an Officer's report on the matter before proceeding.
6. To that end, this report, outlining the current position, practice elsewhere and future options has been produced for Members' consideration.

Current Position

7. It is current practice across all City of London Corporation committees and sub-committees (currently in excess of 135) that Members' contributions, with the exception of the Chair and Deputy Chair, are anonymised within the minutes of meetings. This is in accordance with a decision taken by the Policy and Resources Committee and, subsequently, the Court of Common Council in March 2011.
8. Corporately, it is felt that the naming of individual Members in minutes would go against the organisation's ethos of consensual decision making. The purpose of minutes is essentially to record the decisions taken and not to provide a verbatim record of all contributions that are made at a meeting. It is generally acknowledged that minutes should be precise, concise and brief. In the majority of Committees, discussions are therefore summarised or presented in bullet point form. On some occasions, such as where an officer

recommendation on a planning application is not agreed, it is, however, generally accepted that Planning and Transportation Committee minutes ought to be sufficiently detailed, , to ensure that the reasons for decisions on planning applications is met. (Where the recommendation is followed case law has established that the decision-maker can generally be taken to have adopted the reasoning in the report). .

9. There is provision under Standing Order 38 for a Member to request that their contribution be attributed to them by name if dissenting from a majority decision. However, this Standing Order recognises that decisions are intended to represent the view of the majority of those Members present and eligible to vote.

10. With regard to transparency, at present all City Corporation meetings are held virtually and are livestreamed via the City Corporation's You Tube channel with the recorded livestream retained for up to one year in accordance with the current retention policy. The livestreaming and recording of meetings means that the contributions of all are visible both in real-time and thereafter and that the way in which individual Members vote on applications is fully transparent in the same way that it always has been to any external parties/the general public wishing to physically attend public meetings. This activity is set out as a clear operational change in the Corporate and Members Services element of the Town Clerk's business plan which was considered and approved by both the Policy & Resources and the Establishment Committee at their January meetings. For reasons of transparency and inclusion it is something that we have already accepted will be retained and the Key Performance Indicator relating to this going forward is to enhance transparency even further by increasing the public viewing numbers at committees.

Practice Elsewhere

11. A survey was conducted by the Town Clerk following the meeting of the Planning and Transportation Committee on 15 December 2020 to establish what practices are in operation across London authorities. Of the 32 London Boroughs surveyed, 22 of these currently adopt the same approach as the City of London and anonymise the comments made by elected Members (councillors) in the minutes of their Planning Committees or their equivalent. Amongst those boroughs researched there was further discrepancy in terms of whether minutes and/or votes were anonymised – for example, there were some that anonymised minutes but not the way in which Members (councillors) had voted and also some who named Councillors within the body of their minutes but then anonymised votes cast. Some boroughs only specify how Members (councillors) have voted if they vote contrary to the Officer recommendations. That being said, the majority of other London boroughs do currently anonymise both the contributions and the votes of their Members (councillors). This is certainly true of six of the City's neighbouring boroughs (Camden, Islington, Lambeth, Southwark, Tower Hamlets and Westminster). Our seventh neighbouring borough, Hackney, anonymise Member (councillor) contributions but do record names against voting.

Making the case for the Planning and Transportation Committee

12. Whilst some Members have argued that a case may be made for distinguishing the minutes of this Committee on the basis that it is quasi-judicial advice previously received from the Comptroller and City Solicitor has stated that this is not the case. The requirements applicable to minutes of planning decisions are included in paragraph 8, above, and are not such as to require detailed minutes or recorded votes.

13. With regards to other quasi-judicial bodies, minutes of the City Corporation's Licensing Committee and Licensing Sub-Committee (Hearings) are also anonymised at present as are minutes of the Standards Committee and its various sub-committees (Dispensations, Assessment and Hearing).

Governance Review Recommendations

14. The thoughts offered with regard to Court of Common Council and committee minutes in the recently undertaken Governance Review are that there is scope for streamlining minutes throughout the organisation. It notes that, should all meetings continue to be webcasted/recorded then the recommendation is that minutes should adopt "*the style of the Cabinet Office, focusing on decisions and recording discussion as economically as possible*". If comments are to be attributed to individual Members then minutes will, by definition, get longer and there will inevitably be elements of repetition which would clearly contradict this recommendation.

15. As Members will be aware, this and other aspects of the Governance Review are yet to be formally considered by the Court of Common Council but, should it be the view of this Committee that a special case ought to be made for no longer anonymising the minutes of the Planning and Transportation Committee or indeed any other committees, then the most appropriate place to do so would be through this process and via the informal sessions being hosted by the Deputy Chairman of the Policy and Resources Committee. This would avoid the risk of duplication or inconsistency

Options

16. Members are asked to consider the following two options:
 - (i) That this committee make representations at this stage to the relevant committee that the minutes no longer anonymise all verbal contributions and votes of Members. The terms of reference of the Policy and Resources Committee set out that it is responsible for the "*review and co-ordination of the governance of the City of London Corporation including its Committees, Standing Orders and Outside Bodies Scheme, reporting as necessary to the Court of Common Council, together with the City Corporation's overall organisation and administration*". With this in mind, and the fact that any decision taken with regard to the minutes of this Committee would have a wider impact in terms of governance/administration and the practice adopted by other Corporation bodies, the matter would need to be considered by the Policy and Resources Committee. Should this Committee therefore feel that it is appropriate now to no longer anonymise the contributions and/or votes of Members in the minutes of their meetings for reasons of transparency, a

recommendation setting out the rationale for such a change be submitted to a future meeting of the Policy and Resources Committee for consideration and/or a collective representation of this Committee be made to the Resource Allocation Sub Committee which, having considered the views expressed by individual Members at the consultation sessions and the recommendations of the Governance Review, is tasked with taking the formal recommendation forward for consideration by its Grand Committee (again, the Policy and Resources Committee).

(ii) That this Committee takes the view that the status quo in terms of house-style (i.e. the current anonymisation of minutes/votes by Members) ought to be maintained for now by this Committee as on balance there is no immediate imperative to change this process and in any event this matter is best considered more fully and in its proper context by the wider membership as part of the ongoing Governance Review.

Conclusion

17. The anonymisation of Member contributions and votes within committee and sub-committee minutes is the adopted and long-standing practice within the City Corporation. Research carried out by the Town Clerk's department suggest that this same approach is currently adopted by the majority of other London Boroughs with regard to their Planning Committees or equivalent.
18. Given this, and taking into account the Governance Review recommendation concerning the production of minutes of meetings of the Court of Common Council and its Committees which is yet to be considered by the wider Court, it is recommended that the status quo in terms of minute production and the anonymisation of Member contributions/votes at meetings be maintained for the Planning and Transportation Committee for the time being.

Gemma Stokley

Senior Committee and Member Services Officer, Town Clerk's Department

E: gemma.stokley@cityoflondon.gov.uk

T: 020 7332 3414