

Committee:	Date:
Policy and Resource Committee	11 March 2021
Subject: Governance Review: Planning	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	4, 9, 10, 12
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain's Department?	N/A
Report of: Town Clerk	For Decision
Report author: Lorraine Brook, Town Clerk's	

Summary

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

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

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

Engagement sessions have now been held in respect of Section 7 of Lord Lisvane's Review, in relation to Planning. The discussions from those sessions are set out in **appendix 2** of this report. Whilst all Members' views have been anonymised in accordance with normal practice, any endorsements of comments made by others are only recorded once in order to avoid repetition.

Members of the Resource Allocation Sub-Committee subsequently considered the various proposals relating to Section 7 (planning regime considerations) of Lord Lisvane's Review, in the context of Members' observations and reflections at the various informal sessions, at their meeting on 17 February 2021. *(NB - The minutes of that meeting are set out at Item 3(C) on today's agenda and the recording of the meeting is available at the following link: <https://www.youtube.com/watch?v=yS7uE5apzk>).*

Their determinations are now presented to the Policy and Resources Committee for further consideration, prior to any formal submission to the Court (intended for April 2021).

Recommendations

That Members:-

- (i) consider the proposals in relation to Planning made by Lord Lisvane in Section 7 of his Review (**Appendix 1**);
- (ii) note the feedback provided by Members through the informal engagement process (**Appendix 2**);
- (iii) consider the items in respect of the various proposals, as set out in this report and Lord Lisvane's Review, together with the recommendations from the Resource Allocation Sub-Committee (see paragraph 23), as to a way forward; and
- (iv) agree that officers be requested to draft detailed proposals on the establishment of Planning Panels, outlining quorum requirements, terms of reference and suggested revisions to the Planning Protocol etc. ahead of submission to the Policy and Resources Committee in April 2021 for consideration, and with submission thereafter to the Court of Common Council in May 2021.

Main Report

Background

1. In September 2019, the Policy and Resources Committee, proposed the undertaking of a comprehensive Governance Review of the City Corporation. The Committee was conscious that some potentially contentious issues needed to be addressed and that some radical changes may need to be considered. It was, therefore, agreed that the review should be undertaken independently and Robert Rodgers, The Lord Lisvane, was appointed to conduct the Review.
2. The Committee received Lord Lisvane's Review in September 2020 and determined that the many proposals therein should be considered in a structured and methodical way in the coming period, with Members afforded sufficient time to read and consider the content and implications. It was noted that the recommendations were far reaching and wide-ranging and it would be for

Members to consider how far they were appropriate, and which should be taken forward. It was also agreed that it would be of the utmost importance to ensure that the process provided for all Members of the Court to continue to have the opportunity to input and comment on the Review.

3. The Governance Review will affect all aspects of the City Corporation's governance and, consequently, all Members. It is, therefore, imperative that any implementation reflects the view of the Court, and it is likely that all Members will have views on particular elements. Their continued input remains integral and incorporating all Members' views within the next steps of the process will be vital in ensuring that the recommendations which are ultimately put to the Court are viable.
4. To that end, a series of informal Member engagement sessions were arranged to afford all Members opportunities to express their views on the various aspects of the Review as they are considered. These would then be fed back to the Resource Allocation Sub-Committee to help inform its initial consideration of specific items.
5. The subject of the most recent engagement sessions has been Section 7 of the Governance Review, which looks at the City Corporation's structures and systems. It touches on a variety of areas, including making recommendations on general themes on composition, reporting, minute style, etc., as well as the question of which Committees should exist in a new structure, and where methods of operation should be altered.
6. One of the areas of particular focus for this section concerns the Planning and Transportation Committee, which is broadly addressed in **paragraphs 306 to 317** of Lisvane (although it should be noted that there are related comments or proposals elsewhere in Lisvane's report).
7. Following recent discussions in relation to the City Corporation's planning arrangements, the Policy & Resources Committee has determined that this particular sub-section of the Lisvane Review should be brought forward for discussion as a discrete item, with specific engagement sessions (rather than part of the sessions on the committee structure more generally, as had been originally intended).
8. Views are now sought as to the various proposals put forward by Lisvane in relation to this Committee, their implications, and how they might be taken forward.

Lisvane's recommendations

9. The first substantive references in Lisvane to the Planning and Transportation Committee relate to its size (paragraph 269) and its status as a Ward Committee (paragraphs 270-272).
10. The former suggests that committees in general need to be reduced in terms of membership to between 12 and 15 Members, although in the particular case of Planning it is suggested that a slightly larger number may be needed in order to

cope with the need to provide non-overlapping panels to consider applications. More detail / rationale on this, relating to the panel proposal, is provided at paragraph 309.

11. The latter recommendation, concerning Ward Committees, recommends the general abolition of Ward Committees as presently structured (i.e. a move away from committees with specific representation from each Ward).
12. The substantive recommendations relating to the Committee are set out at paragraphs 306-317. In summary, they propose a more strategic / policy framework-based approach, with greater consideration of applications by officers and thereby greater time afforded to the Committee to consider strategic, substantive or contentious issues. Lisvane also proposes a panel system to determine proposals, together with various other measures intended to mitigate against the perception of bias.

Lisvane's Recommendations: Planning & Transportation Committee

13. Beginning at paragraph 306, Lisvane first alludes to the statutory functions of the Planning and Transportation Committee, which are set out at Appendix G of Lisvane (pages 157-158 in the full document). He suggests that these responsibilities should be retained, but with a reduced membership for the committee.
14. Paragraphs 307-308 propose a greater focus on strategy and policy frameworks, enabling officers to determine more applications within these confines and thus affording Members greater opportunity to focus on controversial or strategic matters. They also note the role of the Committee in coming to a dispassionate view based on agreed policy.
15. Paragraphs 309-310 propose the use of a "panel" system to consider applications, with membership drawn on an ad hoc basis from the full committee and excluding any Member whose ward is affected by the proposed application.
16. Paragraphs 311-316 deal with the perception of conflicts, whether that be in relation to the City Corporation's role or the role of individual Members.
17. Paragraph 312 notes the requirements of Regulation 10 of the Town and Country Planning General Regulations 1992, which governs arrangements for taking decisions on planning applications.
18. Paragraphs 313-315 note the additional position set out by the Planning Protocol in relation to service on other City Corporation committees associated with planning applications. Firstly, Lisvane suggests that the current arrangement in relation to declaring service on other committees involved in applications is too lax and the non-requirement to make such a declaration should be amended / removed. He also adds that the current prohibition on affected Members voting should be extended to participation in debate. Members should be aware that this has since been addressed by changes to the Planning Protocol agreed in November 2020.

19. At paragraph 316 Lisvane suggests that any Member serving on the proposed Property Committee (should Members determine to establish one) should not be eligible to serve on the Planning and Transportation Committee.
20. Finally, paragraph 317 recommends no change to the existing two sub-committees of the Planning and Transportation Committee.

Consideration and Proposals

21. Three Member engagement sessions were held in respect of this section of the report, the summary notes of which are appended to this report (**Appendix 2**). Also included within those notes are anonymised comments sent by email following the meetings.
22. Members of the Resource Allocation Sub-Committee were asked at their 17 February 2021 meeting to give consideration to the various recommendations in the context of those discussions and the views expressed by Members of the Court. The minute of the Sub-Committee's discussions is set out at Item 3(C) on the agenda for today's meeting and summarised below.
23. Arising from the Member Engagement session on 8 January 2021 it was evident that there was a divergence of views in respect of potential changes to the existing form, function and structure of the Planning and Transportation Committee and the future decision-making processes in respect of planning matters. Those issues were debated fully by the Resource Allocation Sub-Committee on 17 February 2021 and the following position was determined:

(i) ***Should the Planning & Transportation Committee continue to be a Ward Committee?***

The views expressed at the Member consultation sessions were split between those who felt that the Planning and Transportation Committee should continue be a Ward committee, and others who felt it should not. There was widespread support for the retention of the Planning and Transportation Committee as a Ward committee with a focus on matters of policy and strategy rather than consideration of individual planning applications (see (iii)). Members acknowledged the leading work that the Committee was undertaking around the Recovery Task Force and the Climate Action Strategy, as well as the development of flagship strategies such as the Local Plan and the Transport Strategy which demonstrated that the City of London was a "leading authority".

Recommendation (a): That the Planning and Transportation Committee be retained as a Ward Committee, noting the comments made in paragraph 23(ii) and 23(iii).

(ii) ***Should the size of the Planning & Transportation Committee be reduced?***

Regarding the size of the Committee it was felt that the current membership of 35 Members is too large and that Aldermen should retain appointment

rights. Both aspects shall however have to be further considered in the context of the Member consultation process on Ward Committees. This aspect is relevant to the proposed establishment of Planning Panel as there will need to be enough members on the Planning and Transportation Committee to fill places on the panels (assuming that the panels will be sub-committees of the Planning and Transportation committee).

(iii) ***Should panels be established for consideration of planning applications?***

As at (i), the view of Members in respect of the future role of a Planning and Transportation Committee in determining planning applications was split. However, there was widespread agreement that the current decision-making arrangement meant most Committee time was spent on planning applications leaving insufficient time for the formation and oversight of policy and strategy and the detailed exploration and consideration of other strategic planning, highways and transportation matters.

The following reasons/anticipated outcomes were considered to support the introduction of Planning Panel to consider planning applications:-

- (a) to avoid the exploration of minute detail, lengthy debate and complex representations regarding applications at meetings of the grand committee;
- (b) to enhance the efficiency of decision-making by creating an environment where matters of detail in respect of planning applications can be appropriately explored, debated and finessed;
- (c) to allow better advocacy for Ward Members. For those Members not serving on a panel they would be free to undertake their democratic tasks of representing their wards (unfettered); they would have greater opportunity to shape and refine matters at an early stage; and applicants would be able work closely with Ward Members;
- (d) subject to the form and structure of future panels, residents would be reassured if residential Wards were always represented on a panel; and
- (e) the introduction of panels should reduce the amount of work the grand committee, and its membership, is currently expected to manage.

(iv) ***Suggested form/structure of, and arrangements for Planning Panels:***

- (a) Planning applications shall be considered by geographically defined Planning Panels (as sub-committees of the Planning and Transportation Committee), comprising the grand committee's Members from the Wards in those areas, dealing with those applications in the 'mirror' area.
- (b) The geographical formation would ensure that there is clarity in terms of composition, thus removing the potential risk of the composition of ad hoc Planning Panels becoming contentious, and also removing any conflicts from Members hearing applications in their own Wards, but freeing them up to advocate for their constituents, just as happens on licensing panels.

(c) Suggested format:-

- **West Planning Panel** considers applications for the East of the City (Aldersgate, Bread Street, Castle Baynard, Farringdon Within, Farringdon Without, Queenhithe).
 - **East Planning Panel** considers applications for the West of the City (Aldgate, Billingsgate, Langbourn, Lime Street, Portsoken, Tower).
 - **North Planning Panel** considers applications for the South of the City (Bassishaw, Bishopsgate, Broad Street, Cheap, Coleman Street, Cripplegate).
 - **South Planning Panel** considers applications for the North of the City (Bridge & Bridge Without, Candlewick, Cordwainer, Cornhill, Dowgate, Vintry, Walbrook).
- (d) No Member shall sit on a panel to hear a planning application that affects their Ward.
- (e) The size of the panel should comprise of 8-10 Members, each with an appropriate quorum.
- (f) The amount of time allocated to a Ward Member to make oral representations to a Planning Panel on behalf of stakeholders (either for or against) should be up to a maximum of 10 minutes per Ward Member and with no requirement to “share time” with any other individual seeking to make representation.
- (g) The Chairs of the Planning Panels should be elected via the Grand Committee and shall be rotated in a fair and appropriate manner.

Recommendation (b): That –

- (i) Planning Panels (as sub-committees of the Planning and Transportation Committee), comprising the grand committee’s Members from the Wards in those areas, dealing with those applications in the ‘mirror’ area be established; and
- (ii) Noting the points raised at iv (a-g), officers be requested to draft detailed proposals on the establishment of Planning Panels, outlining quorum requirements, terms of reference and suggested revisions to the Planning Protocol etc. ahead of submission to the Policy and Resources Committee and the Planning and Transportation Committee in April 2021 for approval, and with submission thereafter to the Court of Common Council.

(iii) If so, how should Members be selected for such panels?

As set out above.

(iv) Should the two existing sub-committees continue as they are currently?

Recommendation (c): That the detailed work currently delegated to the Local Plans Sub-Committee and Streets and Walkways Sub-Committee remain with those bodies.

(v) Should Members be able to discuss and/or vote on items relating to their Wards?

Recommendation (d): That no Member shall sit on a Planning Panel to hear a planning application that affects their Ward (but should be free to make representations to a Panel).

(vi) Should Members be prohibited from serving on both the Planning & Transportation Committee and Property Investment Board?

It is recognised that, as a leading authority with diverse interests, this can give rise to challenges for the City Corporation and its elected Members. Some Members have expressed concerns about the issue of transparency and perceived transparency, particularly for those Members of the Planning and Transportation Committee who also sit on the Capital Buildings Committee or Property Investment Board or who may have related professional interests. However, the consensus amongst Members is that the City Corporation's clear rules about disclosable interests and Member's Code of Conduct are sufficient to ensure that Members' roles and responsibilities, when serving on different bodies as decision-makers, are appropriate and transparent. The recent amendments to the Planning Protocol also restrict participation in planning decisions where the Member is also a Member of the Committee responsible for promoting the proposals. Members are of the view that a blanket ban is neither necessary nor appropriate given the value of relevant professional expertise that Members bring to their decision-making roles across all committees. Consequently, the declaration of conflict of interests under the Members' Code of Conduct should continue to be utilised wherever necessary.

Recommendation (e): That there shall not be an outright ban on Members sitting on both the Property Investment Board and the Planning and Transportation Committee or the Capital Buildings Committee and the Planning and Transportation Committee.

(vii) Should Members with professional connections or a background or expertise in property serve on the Committee?

Recommendation (f): That there shall not be an outright ban on Members with professional connections or a background or expertise in property serving on the Planning and Transportation Committee as good governance dictates that those Members with the right skills should be encouraged to participate in the governance structures.

(viii) Should training be mandatory for Members of the committee?

Recommendation (g): That training for all Members of the Planning and Transportation Committee should be mandatory.

Conclusion

24. Various proposals have been made by Lord Lisvane in relation to Planning and Transportation Committee and the decision-making process in respect of planning matters, in Section 7 of his Review.
25. Members of the Resource Allocation Sub-Committee have considered his proposals and the attendant implications of any decisions, paying mind to the views of all Members, made through the informal engagement process and set out in the appendices to this report. The Policy and Resources Committee is now asked to consider those proposals.
26. It is intended that any recommendations, subject to points of qualification or clarification, are put to the Court of Common Council at its April 2021 meeting, to facilitate the finalisation and implementation of any new arrangements.
27. In noting that the City Corporation's planning system is an exemplar, it is hoped that the proposed recommendations shall seek to enhance this aspect of the City Corporation's work.
28. It is therefore recommended that:-
 - (i) the recommendations from Lord Lisvane's Governance Review, the feedback from the Members' Consultation Sessions and the summary consensus reached by the Resource Allocation Sub-Committee on 17 February 2021 be noted; and
 - (ii) officers be requested to draft detailed proposals on the establishment of Planning Panels, outlining quorum requirements, terms of reference and suggested revisions to the Planning Protocol etc. ahead of submission to the Policy and Resources Committee in April 2021 for consideration, and with submission thereafter to the Court of Common Council in May 2021; and
 - (iii) the detailed proposals should reflect the following:-
 - a. the Planning and Transportation Committee shall remain a Ward committee which is to be focussed on policy and strategic matters (with existing terms of reference to be revised as necessary);
 - b. the Court of Aldermen shall retain existing appointment rights to the Planning and Transportation Committee (noting the on-going consultation exercise in respect of Ward committees within the context of Lord Lisvane's Review);
 - c. the Planning Panels, comprised on the basis of geographic location be established with effect from May 2021;

- d. the existing Streets and Walkways Sub-Committee and Local Plans Sub-Committee to continue based on their existing terms of reference;
- e. Members shall be able to speak on planning proposals, but those that are conflicted shall not be permitted to vote;
- f. there shall not be an outright ban on Members sitting on both the Property Investment Board and the Planning and Transportation Committee or the Capital Buildings Committee and the Planning and Transportation Committee;
- g. Members with property expertise should not be prohibited from sitting on the Planning and Transportation Committee and on the relevant Planning Panels (noting the usual application of the requirements relating to disclosable pecuniary interests and the Member Code of Conduct); and
- h. training for Members of the Planning and Transportation Committee (and those serving on the Planning Panels) shall be mandatory.

Appendices:

- **Appendix 1:** Extract - Governance Review Section 7, Planning
- **Appendix 2:** Notes from relevant Member Engagement Sessions