

Committee:	Date:
Planning and Transportation Committee Policy and Resources Committee Court of Common Council	8 June 2021 8 July 2021 22 July 2021
Subject: Governance Review: Planning Panel Arrangements	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

Summary

Engagement sessions were held in respect of Section 7 of Lord Lisvane's Review, in relation to Planning, with the discussions from those sessions set out in a report to the 17 February 2021 meeting of the Resource Allocation Sub-Committee. The determinations of the Resource Allocation Sub-Committee were then presented to the Policy and Resources Committee at their meeting on 11 March 2021 for further consideration. At this point the Policy and Resources Committee agreed a number of principles, one of which was the formation of Planning Panels for the future consideration of Planning applications and requested that Officers reflect the decisions made in a future report. The Committee also requested that detailed proposals on the establishment of such Panels be drafted, outlining things such as quorum requirements, terms of reference and suggested revisions to the Planning Protocol ahead of submission to the Policy and Resources Committee and the Planning and Transportation Committee for approval, and with submission thereafter to the Court of Common Council. This report therefore sets out the consequential considerations that need to be borne in mind now that the principle of Planning Panels has been supported by the Policy and Resources Committee.

Since the in-principle decision of the Policy and Resources Committee was made on the establishment of Planning Panels, a petition against this move was submitted to the Court of Common Council meeting of 15 April 2021. The Court directed that the petition was to be referred to the relevant Committees for consideration (in this case Planning and Transportation and Policy and Resources) and Members are therefore also asked to consider the options set out within this report in context of the appended petition. The petition is attached at **Appendix 1**.

Recommendations

That Members consider the various proposals set out within the report in relation to the establishment of Planning Panels and consider a proposed way forward, for submission to the Court of Common Council.

Main Report

Background

1. The subject of some of the most recent informal Member engagement sessions has been Section 7 of the Governance Review, which looks at the City Corporation's structures and systems. Whilst this section touches on a variety of areas, one area of particular focus concerns the Planning and Transportation Committee, which is broadly addressed in paragraphs 306 to 317 of Lord Lisvane's Report (although it should be noted that there are related comments or proposals elsewhere in the report).
2. Following discussions in relation to the City Corporation's planning arrangements, the Policy and Resources Committee determined that this particular sub-section of the 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).
3. Engagement sessions were therefore held in respect of those elements of Section 7 of Lord Lisvane's Review in relation to Planning, with the discussions from those sessions subsequently set out in a report to the 17 February 2021 meeting of the Resource Allocation Sub-Committee.
4. The views of the Resource Allocation Sub-Committee were then presented to the Policy and Resources Committee at their meeting on 11 March 2021 for further consideration. At this point the Policy and Resources Committee agreed a number of principles, one of which was the formation of Planning Panels for the future consideration of Planning applications. For the sake of completeness, the full list of principles agreed is as follows:-
 - a) *That:-*
 - (i) *It be recommended to the Court that 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 in the report at paragraphs 23 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.*
 - b) *It be recommended to the Court that the detailed work currently delegated to the Local Plans Sub-Committee and Streets and Walkways Sub-Committee remain with those bodies.*

- c) *It be recommended to the Court 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).*
 - d) *It be recommended to the Court 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.*
 - e) *It be recommended to the Court 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.*
5. With particular reference to the proposals in respect of Panels, the Committee (as noted above) requested that Officers reflect the decisions in a future report alongside detailed proposals on the establishment of such Panels, outlining things such as quorum requirements, terms of reference and suggested revisions to the Planning Protocol ahead of submission to the Policy and Resources Committee and the Planning and Transportation Committee for approval, and with submission thereafter to the Court of Common Council.
6. The principles set by Policy & Resources to inform the report on proposals governing the Panels, for ease of reference, were set out in paragraph 23 (iv) (a)-(g) and are as follows:-
- (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** (Aldersgate, Bread Street, Castle Baynard, Farringdon Within, Farringdon Without, Queenhithe) considers applications for the East of the City.
 - **East Planning Panel** (Aldgate, Billingsgate, Langbourn, Lime Street, Portsoken, Tower) considers applications for the West of the City.
 - **North Planning Panel** (Bassishaw, Bishopsgate, Broad Street, Cheap, Coleman Street, Cripplegate) considers applications for the South of the City.
 - **South Planning Panel** (Bridge & Bridge Without, Candlewick, Cordwainer, Cornhill, Dowgate, Vintry, Walbrook) considers applications for the North of the City.
 - (d) *No Member shall sit on a panel to hear a planning application that affects their Ward (i.e the application is for a site within 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 re-elected each civic year.*

Petition

7. Following the Policy and Resources Committee's request for a report with further detail, a petition was submitted to the Court of Common Council at its meeting on 15 April 2021. This petition, which is appended at **Appendix 1**, was formally received by the relevant Committees at their May 2021 meetings. It is signed by 1248 people and expresses opposition to the introduction of a Panel system in relation to Planning applications.
8. The Court has referred this petition to the Policy and Resources and Planning and Transportation Committees, in order that they might take it into account when coming to a consideration as to the way forward.
9. Members are, therefore, invited to consider the below proposals in the context of this petition and determine a way forward.

Consideration and Proposals

10. Following Member consideration to date, there was widespread agreement that the current decision-making arrangement meant that most of the Planning and Transportation Committee's time is 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 proposal of the use of a "panel" system to consider applications, excluding any Member whose ward is affected by the proposed application, was therefore supported by Policy & Resources as an alternative, as set out in the preceding paragraphs of this report.
11. The following reasons/anticipated outcomes were considered to support the introduction of Planning Panels 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 both at Panel and leading up to it;
 - (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) the introduction of panels should reduce the amount of work the grand committee, and its membership, is currently expected to manage.

Suggested form/structure of, and arrangements for Planning Panels:

12. Members were generally supportive of future Planning applications being 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.
13. It was felt that this geographical formation would ensure that there is clarity, consistency and transparency in terms of the composition of each Panel from the outset, thus removing the potential risk of the composition of ad hoc Planning Panels becoming contentious. It was also considered helpful in terms of freeing up allowing for early and enhanced Member engagement and allowing for Members to advocate for their constituents, just as happens on current licensing panel hearings.
14. Members were of the view that 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 an application) 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. (It should be noted, however, that if all Ward Members were to exercise their right to speak this could take anything from 20 to 100 minutes depending on the size of the Ward affected).
15. The Policy and Resources Committee were of the view that the formation of the Panels should be as follows:-
 - a **West Planning Panel** (i.e. the Wards of Aldersgate, Bread Street, Castle Baynard, Farringdon Within, Farringdon Without, and Queenhithe), to consider applications for the East of the City.
 - an **East Planning Panel**, (i.e. the Wards of Aldgate, Billingsgate, Langbourn, Lime Street, Portsoken, and Tower) to consider applications for the West of the City.
 - a **North Planning Panel**, (i.e. the Wards of Bassishaw, Bishopsgate, Broad Street, Cheap, Coleman Street, and Cripplegate) to consider applications for the South of the City.
 - a **South Planning Panel**, (i.e. the Wards of Bridge & Bridge Without, Candlewick, Cordwainer, Cornhill, Dowgate, Vintry, Walbrook) to consider applications for the North of the City.
16. It should be noted that similar arrangements are in place at other local authorities; however, a number of those also expressly reserve the right to refer any 'major' applications to the grand Committee for consideration. Different local authorities operate a range of different trigger points around this and Members may, therefore, also wish to consider whether this is something that they would also like to clarify/establish at this stage, although it is noted that a large percent of applications are dealt with as delegated decisions of Officers and arguably therefore most applications coming to Committee are 'major' in nature.

17. It should also be noted that, owing to the current geographical make-up of the Planning and Transportation Committee, where some Wards have the ability to appoint more Members than others, the composition of each Panel would differ in size, in a manner that is not entirely consistent with Policy & Resources' proposed sizing of 8-10 Members for each Panel.
18. Assuming that all Members of the grand Committee are always Panel members, then the West Planning Panel, as proposed through the arrangements put forward by RA Sub, would consist of ten Members, the East Panel of six Members, the South Panel of seven Members and the North of eight Members.
19. It should also be noted that, should some Wards choose not to appoint to the Grand Committee in any given year and the vacancy is thereby opened up to the full Court, this could further skew Panel numbers.
20. If Members are happy to proceed with a geographic approach to Panels notwithstanding this minor size differentiation, the quorum for each Panel would also differ as a consequence. The pragmatic and logical approach would be to set the quorum in each instance as an appropriate percentage of the size of each Panel.
21. It should also be noted that the numbers used in the above arrangements exclude the Aldermanic appointments to the Committee. Four Aldermen are appointed to the committee each year and thus there is the potential for a significant degree of variability in respect of which Ward / Geographic Panel Area they would represent, depending on which Aldermen are nominated by that Court.
22. Members may, therefore, wish to:
 - Confirm whether Aldermen should be included within the geographic panels, noting the additional variation to numbers this might cause.
 - Consider requiring the Court of Aldermen to appoint from its number in such a way as to assist with consistency of Panel size (for instance, one from each geographic area).
 - Consider whether Aldermen should be eligible for appointment to any of the three Panels outside their own geographic area, to help balance numbers, with the Town Clerk given delegated authority to appoint in accordance with this arrangement.
 - Whether an alternative arrangement should be considered.
23. Alternatively, Members could conclude that they are content with slightly smaller sized Panels, say, of six, being formed each time and that, for those Panels where there was a larger pool of Members to draw from (South, West and North), six Members would be appointed on rotation each time with any Member not appointed on a specific occasion being held in reserve to ensure that a quorum was always achievable.
24. Another option would be to reconsider which Wards fall under the remit of a specific Panel, given the close proximity of boundaries. A relatively simple

realignment, such as moving Bread Street, for example, (which could reasonably move from West to East Panel, sitting as it does on the boundary of the two areas), would bring the “West” Panel down to 9 Members and the “East” Panel up to 7 Members, which may be considered desirable in obtaining closer parity in numbers.

25. If Members would desire as close to parity as possible in respect of geographic splits, then (with 31 Commoners) this would equate to pools of 8, 8, 8, and 7. An example of such a breakdown is as follows:-

- **West Panel:** Farringdon Without (2), Farringdon Within (2), Castle Baynard (2), Aldersgate (2) = Pool of 8
- **South Panel:** Queenhithe (1), Vintry (1), Dowgate (1), Cordwainer (1), Bread Street (1), Candlewick (1), Bridge (1), Walbrook (1) = Panel of 8
- **East Panel:** Billingsgate (1), Tower (1), Portsoken (1), Aldgate (1), Langbourn (1), Lime Street (1), Bishopsgate (2) = Panel of 8
- **North Panel:** Cripplegate (2), Bassishaw (1), Coleman Street (1), Broad Street (1), Cheap (1), Cornhill (1) = Panel of 7

NB – the number in brackets indicates the number of appointments to the Grand Committee the Ward is entitled to make.

26. Adding in the Aldermanic appointments will further increase the size of each Panel. Options such as mandating the Court of Aldermen to appoint from each specific geographic area would allow for maintaining consistency in numbers (giving three Panels of 9 and one of 8).

Panel Quorum Requirements

27. As set out above in paragraph 21, an appropriate quorum would depend upon the size of the Panel. If Members wish to proceed as originally set out, this would be anywhere between six and ten Members.

28. It is considered advisable for the quorum for Planning Panels to be set at a higher threshold than might be the case for a general committee or sub-committee, so as to ensure as robust a decision as possible each time.

29. Working to the assumption that general parity amongst geographic areas is preferable (resulting in Panels of 8 or 9), then a minimum quorum of 6 for the Panel of 8 or 7 for the Panels of 9 might be considered. This would allow for a modest degree of flexibility meaning that business was not unduly delayed in the event of, say, unavoidable illness to one Member, whilst also ensuring that at least 75% of the Panel’s Membership was always present and making determinations.

30. Alternatively, if Members were to decide that each Panel should always consist of six Members, Officers would suggest that the quorum should always be set as six in order to ensure as robust a decision as possible each time. It should be noted that, in the case of the proposed smaller East Planning Panel, this would

require that Members of all six Wards concerned (or six of the seven, should Bread Street be realigned) were always present to consider an application and also that they could remain for the entirety of the meeting in order for a quorum to be achieved and maintained throughout.

31. An additional option to further enhance robustness could be to allow for substitute Members to be appointed to Panels (other than Panels considering applications in their own Wards). In the event of apologies being received provision could be made, for example, for the Town Clerk to appoint substitute Members from the pool of Grand Committee Members as necessary to ensure a quorum, the appointments being made randomly. Alternatively, or additionally, provision could be made for applications to be referred to another Panel (other than a Panel consisting of Ward Members for the application site) in the event of the usual Panel being inquorate. The intention will be for Panels to be aware of the applications before them ideally several months in advance, not only allowing greater engagement but also less likelihood of apologies other than in the case of emergency.

Chairmanship of Planning Panels

32. There are several options in terms of appointing Chairmen of Planning Panels, which are set out below for further consideration:-
 - i) The suggestion put to the Policy and Resources Committee previously was that a set number of Chairs of the Planning Panels should be elected via the Grand Committee annually at their first meeting of each new municipal year and that the Chairs shall be rotated in a fair and appropriate manner thereafter for the ensuing year. The Committee/Court would need to determine a set number of Chairs for this purpose with Members putting themselves forward for election each year via the Grand Committee.
 - ii) All Members of the Grand Committee are eligible to Chair the Panels (subject to having undertaken the necessary, mandatory training) and Chairs are drawn on a rota.
 - iii) Each Panel elects its own Chair from amongst their number as the first item of business on the agenda each time they meet – a practice previously undertaken by the Assessment and Hearing Sub-Committees of the Standards Committee.
 - iv) The Chair of the Grand Committee selects a Chairman of the Panel each time a meeting is required.
33. Members may wish to consider whether those appointed as Chair and Deputy Chair of the Grand Committee should also automatically be appointed as two of the possible Chairs of Planning Panels for the ensuing year in the same way that they both automatically gain places on the two existing Sub-Committees of the Planning and Transportation Committee (Streets and Walkways and Local Plans) at present.

Terms of Reference

34. As Sub-Committees of the Planning and Transportation Committee, the Planning Panels terms of reference would need to be considered and reviewed by the

grand Committee on an annual basis alongside those of the Streets and Walkways and Local Plans Sub-Committees.

35. Members are asked to consider the proposed Terms of Reference for the Planning Panels as set out below:

“The Planning Panels are responsible for:

All functions of the City as local planning authority [relating to the determination of planning applications and applications for Listed Building Consent (to the extent that such functions are not delegated under the Scheme of Delegations to Officers), including all related functions required to give effect to such determinations including in respect of Section 106 Agreements and the provision of reasoned conclusions. **Training**

36. It is recommended, in line with Lord Lisvane’s view, that training on planning matters should be made mandatory, and without which no Member should be eligible to be appointed to the Planning Committee. Consideration should also be given as to whether Members wish to stipulate that those appointed to Chair Planning Panels should be required to undertake further, planning application specific and/or Chairing skills training. The current Planning Protocol currently sets out that training is recommended for all Members of the grand Committee and this could be amended in line with any decision taken by Members to set out whether there ought to be further training requirements/recommendations attached to those chairing Panels.

Changes to the Planning Protocol

37. The adoption of Planning Panels would necessitate further changes to the existing Planning Protocol. The changes that would be necessary to implement an area-based Panel system in the form proposed to be recommended by Policy and Resources Committee (see paragraph 4 above) are suggested within the attached, tracked changes version of the document at **Appendix 2** which is also for Members approval subject to the outcome of your Committee’s considerations.

Review Period

38. If approved, it is envisaged that the new Planning Panel system of considering applications would commence in Autumn 2021, following the Summer recess. Members may wish to consider reviewing and, if necessary, further refining these arrangements after a period of 18 months in April 2023 which would also coincide with a new municipal year.

Conclusion

39. Various proposals have been made by Lord Lisvane in relation to the Planning and Transportation Committee and the decision-making process in respect of planning matters, in Section 7 of his Review.
40. Members of the Resource Allocation Sub-Committee, and subsequently the Policy and Resources 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. One change that was generally

supported was the establishment of Planning Panels for the consideration of planning applications.

41. It is therefore recommended that Members now consider the detailed proposals on the establishment of such Panels as set out within this report and determine an appropriate way forward.
42. It is intended that any recommendations are now put to the Court of Common Council, to facilitate the finalisation and implementation of any new arrangements for Planning Panels.
43. In particular, the Committee is asked to give consideration to the various questions or options set out above, as follows:-
 - Do Members wish to proceed with Panel arrangements for the consideration of planning applications?
 - If so, are Members content to proceed on the basis of geographic Panels?
 - If using geographic Panels:
 - are Members content with the Panel sizes as proposed by Resource Allocation Sub-Committee (i.e. 10 for West, 6 for East, 8 for North and 7 for South)? (*paragraph 18*)
 - would Members prefer to use smaller Panels drawn from the wider membership eligible for a Panel area (e.g. a Panel size of six), notwithstanding the previously expressed desire for larger Panels? (*paragraph 23*)
 - or would Members prefer to make tweaks to the geographic areas previously suggested by Resource Allocation Sub-Committee, so as to rebalance the Panels to being of a more uniform size? (*paragraphs 24– 25*)
 - How should the Aldermanic appointments to the Grand Committee be factored into the Panels? (*paragraphs 22 & 26*)
 - Should a “trigger” level for referral of applications to the Grand Committee be considered? (*paragraph 16*)
 - What should the quorum arrangements be? (*paragraphs 27-31*)
 - Do Members wish to make additional provision for substitute Members and/or alternative Panels to minimise risks of quorum issues? If so which arrangements are preferred? (*paragraph 31*).
 - Which of the options in respect of Panel Chairmanship would Members wish to pursue? (*paragraph 32-33*)
 - Are Members content with the proposed Terms of Reference? (*paragraph 34-35*)
 - Do Members wish to stipulate that training is mandatory for anyone wishing to sit on the Planning Committee/Panels and, further, do they wish to introduce further planning specific/Chairmanship training for those who will Chair Panels? (*paragraph 36*)

- Are Members content to approve the changes that would be required to the Planning Protocol? (*paragraph 37*)
- Would Members like to set a period of review/refinement for the new Panel arrangements? (*paragraph 38*)

Appendices:

- **Appendix 1 – Petition presented by Mark Bostock re: the City of London Corporation’s current planning process**
- **Appendix 2 – Planning Protocol – suggested amendments (tracked changes)**