

TO: POLICY AND RESOURCES COMMITTEE

8 JULY 2021

FROM: PLANNING AND TRANSPORTATION COMMITTEE

8 JUNE 2021

4. GOVERNANCE REVIEW – PLANNING PANEL ARRANGEMENTS

The Committee considered a report of the Town Clerk concerning the Governance Review: Planning Panel Arrangements.

The Chair reminded the Committee of the context of this report which had emanated from the Lisvane recommendations which covered Panels and other matters in relation to Planning. The Chair highlighted that Planning was one area of work that had received advanced consideration over and above other matters raised by Lisvane and that this had been dealt with by the Resource Allocation Sub-Committee in February 2021 where the principle of Panels had been established and subsequently by the Policy and Resources Committee in March 2021 which had also endorsed this. Members were informed that the purpose of the paper before this Committee today was two-fold (to debate and decide upon the course of action in terms of Panels and secondly to consider the petition presented to the Court by Mr Bostock and referred to this and the Policy and Resources Committee). The Chair underlined that the views of this Committee would be fed into the Policy and Resources Committee in July 2021 when they were due to consider this same paper and eventually to the Court of Common Council in the same month. The Chair invited any contributions that members of the Committee might have on this matter and highlighted that, thereafter, he intended to ask the Committee to vote on each matter set out within paragraph 43 of the report utilising the electronic voting links issued to them by the Town Clerk prior to the meeting.

A Member spoke to underline that whilst he was named as the presenter of the petition, he was one of seven sponsors with others including the Barbican Association and the Golden Lane Residents' Association. The Member went on to note that the report before the Committee only dealt with the matter of Panels which was only one of three points addressed by the petition which also concerned the eligibility of Members who have professional associations with the property development industry to sit on the Planning Committee. The Member stated that he believed that reducing the number of Members participating in planning decisions would inevitably reduce democratic responsibility which he felt was already weak within the City Corporation due to its unique business voting system. He stated that the Panel proposal before the Committee today had been decisively rejected in principle by the signatories of the petition which included 14 Common Councillors and at least half of whom were City residents who he felt formed the only truly engaged sector of the City Corporation's electorate. Other signatories were those who had an interest in preserving the City's heritage and the Member reported that signatories now stood at 1,322 as of this morning. The Member went on to state that 97% of all planning applications were currently delegated for decision to Officers and that he could therefore not see that there was a convincing case for changing the current arrangements for considering the remaining 3% - all of which were either major or controversial applications.

Another Member spoke to state that he supported the formation of Panels which was a very clear recommendation of Lord Lisvane's Governance Review. He underlined that he believed that Panels would transform the way in which the system operated for the better – firstly it would mean that the grand Committee would not get bogged down in large planning applications and would therefore have more time to focus on important, strategic matters and issues (as had been articulated in the past). Secondly, the Member added that he felt that smaller Panels would allow Members to deep-dive in much greater detail at a much earlier stage than would ever be possible in a full, grand Committee setting. This would put

Members at the heart of the detail of planning applications. Thirdly, the Member highlighted that he was of the view that Panels were more democratic with Ward Members able to speak on an application within their Ward on a completely unfettered basis which he believed enhanced representation. The Member went on to recognise that, like any new policy, this would need to be proved. He noted that paragraph 38 of the report referred to an 18-month review period which he stated that he would fully support. However, any meaningful review would have to be underpinned by the criteria against which it will be assessed/the evidence. The Member stated that, in his view, one such criteria would be the ability to demonstrate that a wider group of Members, beyond the Chair and Deputy Chair of this Committee, had been involved with applications at a much earlier stage. The Member went on to note that paragraph 11 of the report set out the Policy and Resources Committee's reasons and anticipated outcomes for the Panel system which should also form the basis to evaluate whether outcomes had been met. In addition to this, the Member felt that the administrative side of a Panel system should also be included within the review. This would include highlighting if there had been issues around fixing dates for Panel meetings, with Panel meetings being quorate or with Panel meetings getting through the business on the agenda for example as well as any resulting impacts on the timeliness of planning decisions. The Member underlined that this was absolutely not about being more pro-developer or less democratic – vitally, he felt that the Panels must not be small cliques of Members and that they would not be if the Town Clerk were to select these Panels independently and vary these. The Member noted that the Policy and Resources Committee had already debated and voted on there being no outright ban on members sitting on both the Property Investment Board and the Capital Buildings Committee as well as the Planning and Transportation Committee as well as on members with professional connections or a background/expertise in property serving on this Committee. The Member stressed that it was the responsibility of all elected Members to manage their interest in accordance with the Code of Conduct and underlined that there was no history of any impropriety that he was aware of. He underlined that the recent changes introduced to the Planning Protocol also managed the separation of roles with regard to planning applications following the recent Holocaust Memorial judgement. He therefore felt that all Members could demonstrate to all stakeholders, particularly those who had signed the petition, that the Panel arrangements for consideration of planning applications proposed here could work and, moreover, were good for enhanced accountability. He also clarified that he had many engaged stakeholders within his own Ward, both businesses and residents. The Member concluded by stating that he would like to see this system working in practice and noted that the Chair had considerable experience of making this work elsewhere. He underlined that he supported an 18-month review to assess the effectiveness of the Panel system which he believed was the right decision to make.

A Member stated that he respected the views of those who had signed the petition but did not agree with what it said – in particular, he stated that he did not respond well to a petition which appeared to express the view that City residents form the only truly engaged sector of the Corporation's electorate. On the principle, the Member stated that he was in favour of the establishment of Panels in terms of clarity as he felt that it had been clear for some time that there had not been adequate clarity about the role of Members on this Committee. He added that Members had two roles in terms of the planning process – one was making planning decisions according to planning criteria and the second was representing local communities and that to perform these two roles Members did not have to be on this Committee, only an opportunity to express their views and those of the local communities that they directly represent. The Member stated that he was therefore in favour of the introduction of a Panel system which would help separate these two functions and allow Members representing Wards in which the applications were situated to speak and make representations in an entirely uninhibited way and, similarly, allow the decision makers to make the planning decisions in an uninhibited way. The Member went on to state that he felt that clarity was essential to the points made around democratic accountability and that he was of the view

that Panels would enhance representation and improve the quality of decisions and that this was not about the number of Members taking a decision but about the clarity of the roles of those taking them. With regard to the composition of the proposed Panels, dealt with at paragraphs 21 and 22 of the report, the Member stated that there were four Aldermen on this Committee, each with one vote, and that he would favour Aldermen being included within Panel numbers. Of the options set out within paragraph 22, he underlined that he would encourage Aldermen to be included within Panel numbers but obviously not in contradiction to the Panel system and not being asked to consider applications within their own Wards.

Another Member spoke and highlighted that she was one of the sponsors of the petition and was therefore not in favour of the introduction of Panels. She added that the comparison with other local authorities, particularly at paragraph 16 of the report, and the comments from Officers within the report around the number of planning applications that are delegated and that, generally, only major and key applications are considered by the full Committee. The Member commented that the current situation was therefore that most applications were actually decided by Officers and questioned whether there would therefore be a sufficient workload for four different Panels. She went on to remark that she felt it was important that major/controversial applications were currently considered by the full Committee. She added that she was also concerned by the assumption that Members would have greater advocacy under a Panel system as she was of the view that it was important for Members to be able to debate applications and to hear and understand that debate. Without being involved in the debate and only being permitted to speak for a set period of time Members would be unable to rebut and discuss things. Finally, with reference to the Lisvane Governance Review, the Member noted that Lord Lisvane had stated that the City Corporation already had too many Committees and that this proposal would introduce another four.

A Member spoke to state that she was conscious that Members would be asked to take a lot of decisions and vote on various different matters today. She added that she felt that, for reasons of transparency and democratic accountability, it was important that the votes taken on these various different aspects were somehow visible publicly in terms of how people had voted and the consequences of this thereafter. The Member went on to highlight that the premise for the advance consideration of Planning from within the Governance Review more generally, was about being responsive to the concerns of members of the public and particularly residents around planning process. However, it seemed to her that none of this rationale/impetus was referred to within this report and that the approach that had been adopted had not really engaged with this in any meaningful way. It appeared to her that there had been no proper opportunity (other than by the initiation of the petition) for there to be any engagement of consultation with City residents as to options and their views on this and she was of the view that this was regrettable given that residents were an important group of stakeholders. The Member went on to note that the recommendations within the report rejected the points raised on eligibility by the Transparency International report and, again, she felt that it was a real shame that there had been no efforts made to engage with them on this. With regard to the points already made around enhanced efficiency and set out within paragraph 11 of the report, the Member remarked that she was concerned that this could mean a lot more provisional decision making (or pre-disposal) at Panel stage or leading up to Panel by way of using more pre-Panel briefings, thereby making the process less transparent. The Member therefore felt that, if Panels were to be introduced, at the very least, the City Corporation should commit to recording these briefings and making them publicly available on the webpages alongside all other application documents. In relation to the issue of quorum, the Member added that she felt that one matter that had been overlooked was the timing of meetings and that evening meetings should be carefully considered to ensure maximum availability for working Members. In terms of Panel options, whilst the Member stressed that she was against both of these, the option set out within paragraph 6c and the suggestion of a minor size variation between Panels was not correct

as the difference between 10 members on one Panel and six on another was almost double. She added that the best option of a bad bunch would therefore, in her opinion, be to achieve as close to parity as possible in terms of Panel memberships. With regard to residents, whilst it was true that they were not the only stakeholders, looking at other authorities, Members all had significant numbers of residents within their Wards who made up their electorate. Looking at the South Panel proposed here, it appeared that this would be made up of Wards with extremely few, if any, residents. With regard to major applications, the Member highlighted that she felt that it would be absolutely necessary to introduce trigger levels to refer applications to the grand Committee. However, as already highlighted by a previous speaker, the applications currently dealt with by the grand Committee were considered major. The Member commented that it was a shame that the report did not set out trigger levels in other local authorities. The Member noted that paragraph 28 specifically stated that a higher quorum ensured robust decision making. The Member concluded by summarising that she felt that this was a real missed opportunity in terms of wider engagement and that she did not think that what was being proposed was correct, particularly given that Lord Lisvane did not recommend the formation of constant Panels.

A Member spoke to say that he thought that the petition regarding Panels was contaminated with multiple assertions, including criticisms of previous planning decisions as well as implied predetermination of future decisions. As a member of this Committee he was therefore very keen to distance himself from this. With regard to the proposal of Panels itself, the Member stated that his view, as voiced during the informal engagement sessions with Members, was that this was a very complex way of addressing a problem which he did not believe existed. He underlined that he was of the view that it was perfectly possible for Members to vote on an application within their own Ward and not necessarily be swayed by the views of their own constituents as had been proved by various Members over the past 12 months. He added that he felt that if this Committee's volume of work was to be reduced by 75% which was what was being implied here, they would become less efficient as he was of the view that the more often Members considered these major applications, the better they got at them and understanding the wider picture/London Plan. He clarified that he therefore felt that the introduction of Panels would lead to less efficiency in terms of scrutiny.

Another Member spoke to say that he was one of few Members who had supported the idea of Panels when it was first discussed several years ago and stated that he was still of the view that Panels could work for many of the reasons already articulated. However, he felt that the way that this paper proposed assembling these Panels made no sense and that, if forced to vote first on the principle of Panels before looking at how these would be constituted, he would therefore have to vote against the introduction of Panels. He suggested that he would prefer the Committee to be able to vote on the composition of Panels as a starting point. He went on to state that, fundamentally, it seemed to him that this paper did not address the concerns that the petitioners had expressed and that the proposal around geographic Panels simply made matters much worse. He went on to highlight that, under the proposed structure, he would form part of the Panel considering applications within the Eastern Cluster and he suspected that he and other Panel members may therefore become very popular with developers in the Eastern Cluster as a result. Alternatively, dependent on any trigger level introduced, this Panel may see very little work. Overall, he felt that having a much smaller group of people that applicants may seek to influence, was not the way to address the very reasonable concerns of petitioners. The Member went on to state that he also had an issue with geographical Panels because it created a fixed Panel structure that could and very likely would, cause differences in the interpretations of the City's policies to become fixed with, for example, one Panel believing that loss of office space should always be opposed and another finding it entirely reasonable to permit this. He added that, as an alternative, the obvious solution would be for Panels to be drawn up by rotas – a system which he felt would have a variety of advantages and would substantially address the concerns raised, avoid a divergence of the application of

policies and also permit those appointed by rota to consider any engaged disclosable pecuniary interests that they might have and exclude themselves where necessary, allowing another Member to be appointed in their place and ensure that a quorum was achieved. A rota system would also address the appointment of Aldermen to Panels as they would be on the rota in the same way as all other Committee members. The Member commented that he would like the opportunity to move this as an amendment at the appropriate point in the discussion today. The Member also highlighted that rota systems were widely used in the Courts and not difficult to manage. The Member questioned whether the Chair would consider addressing the matter of Panel structure first, ahead of any vote on the principle of Panels.

A Member began by raising the comments set out within paragraph 10 of the report which she suggested were untrue. Comments suggesting that the grand Committee did not have adequate time to do a deep dive and properly scrutinise planning applications was simply not true. The Member underlined that she had sent an email to the full Court having researched six years of Planning Committee data which demonstrated that just 3% of planning applications were actually dealt with by the Committee with less than 11 applications being considered in some years. The time spent in Committee deciding upon planning applications was therefore a tiny fraction of the Committee's work. The Member commented that no one had responded to or questioned the data which she had notified Members of in February 2021. The Member commented that the remainder of the Committee's work was strategic policy and transport and that she had suggested in the past that, if timing were an issue, separate meetings could be scheduled solely for the consideration of planning applications, in the evening for example when some may find it easier to attend. The Member went on to highlight that, in paragraph 16 of the report, the Planning Officer made it clear that the City Corporation was already in step with other local authorities where full Committees dealt with major planning applications. She reiterated that this Planning Committee only dealt with 3% of major planning applications at present and that the current system enabled all 35 members of the Committee the opportunity to attend scheduled meetings where they were able to do so which she believed allowed for better debate and scrutiny. Speaking further on debate, the Member added that she had been extremely concerned in recent months by some Members demanding that this be curtailed and that 'the question now be put' which she felt had no place in a Planning Committee where planning applications were being scrutinised. She added that it was the responsibility of the Chair to ensure that all Members had an equal, free and unfettered opportunity to contribute and make their points without being bullied or intimidated. The Member went on to state that the current proposal set out within the paper today and put forward by Policy and Resources was based upon false information as the Committee did not currently spend hours considering planning applications. The Member conceded that the present system was by no means perfect particularly given that there were members of this Committee who also served on the Property Investment Board which had not been the case prior to the 2014 review of the Protocol. The Member stated that, with 125 Common Councillors, it should be possible to fill both the Property Investment Board and the Planning and Transportation Committee with no crossover and felt that those with property expertise and working in the property industry closely alongside developers would perhaps be best suited to the Property Investment Board. She stressed that she felt that having members serve on both of these bodies created huge unease in terms of public perception and exuberated the reputational risk for the City Corporation particularly when considering multi-million-pound developments. The Member continued to underline that, in the past, Ward members were able to speak at Planning Committee meetings and this was still set out within Standing Orders which outlined that any Members was able to attend any Committee meeting and, with the permission of the Chair, speak. This could be easily encouraged and promoted by amending the protocol and the Member felt that these proposals were therefore not offering Members anything, rather they were having things taken away whilst also exuberating reputational risks for the City Corporation. The Member went on to say that she was concerned to see

that the new Panel system could potentially be introduced in the autumn when she was aware that there were some large planning applications due to come forward at this time, particularly in the Eastern side of the City. She added that she had never felt conflicted when considering a planning application as a Ward member because she followed the City's policies, the London Plan and national Planning Policy when reaching any decision. In this respect, the Member stressed that she did not believe that Ward members considering applications for within their own Wards were conflicted. She did, however, believe that there were conflicts for Members who did work in the development world/profession and noted that the Chair himself had had to exclude himself from a number of meetings when he had become aware of a potential professional conflict fairly late in the day. Finally, the Member stated that the suggestion that a small Panel could get involved at the very beginning of a planning application and become involved with the design of a building was wrong as it was the role of Planning Officers to provide pre-application advice and not Members as this would run the risk of leading to serious conflict. The Member stated that the composition of Panels would also inevitably change as Members came and went and that if a false sense of hope or indication were to be given to a developer that their plans were acceptable and the Panel membership were to change and Members were to decide differently on the day there could be huge upset, disappointment and reputational damage. The Member concluded that she believed that applications should continue to be put to the full Committee alongside an Officers report and recommendations and that decisions should be based on policy. She added that she felt that organising Panels would be a bureaucratic nightmare and would lead to decisions taking longer and, inevitably, more applications being called in by the full Court.

A Member spoke to state that he was of the view that the real reason for the proposal that Panels be introduced was that the Corporation's leadership were keen to tighten their grip on the planning process. He stressed that he felt that the leadership evidently regarded the promotion of the Corporation's interests, and those of office developers, as articles of faith and wanted to treat this Committee as a rubber stamp for pursuing these. The Member commented that the criticism that this Committee had received internally and increasingly externally had seemingly concerned the leadership enough to propose the introduction of Panels in order to lessen this unwelcome scrutiny and the embarrassment caused by it. The Member went on to expand upon the comments of the initial speaker in this debate by highlighting that Panels were just one of three points raised by petitioners – the other two concerned the eligibility of members to sit on the Planning Committee whilst also sitting on the Corporation's property committees or they had professional associations with the development industry. The Member went on to state that it was obvious to almost everyone that Members responsible for the Corporation's extensive property portfolio within the Square Mile should not participate in planning decisions. Indeed, as already reported by the previous speaker, prior to 2014, Members of the Corporation's property committees were not eligible to sit on the Planning Committee. He noted that the Planning Protocol was amended last autumn to provide that Members involved in sponsoring an application for one of the Corporation's own properties could not then be involved in the planning decision and an elaborate process was devised to give effect to this including the creation of a special purpose Sub-Committee. He remarked that this change had been made under the pretext of complying with a recent change in the law consistent with the judgement in the Holocaust Memorial case, although no legal commentator seemed to feel that this judgement had changed the law in any significant way. He went on to suggest that this amendment to the Protocol had not gone far enough because members of the Property Investment Board still could and did participate in planning decisions on developments where the Corporation was not the applicant but had an ownership interest in the property. He highlighted that this had happened last November in the case of 150 Aldersgate. Even where the Corporation was neither the applicant nor has an ownership interest in the property, it was still possible for a conflict to arise given that the Property Investment Board was a founding sponsor of the Eastern City Partnership whose other members were property developers. In spite of this,

members of that Board could and did participate in planning decisions on the development put forward by these other members of the Eastern City Partnership as happened earlier this year in the case of the two controversial office developments at 55 and 70 Gracechurch Street. The Member remarked that the simple solution to these problems which had triggered a petition signed by over 1,330 people declaring no confidence in the City Corporation's planning process was to reintroduce the restriction that had existed up until 2014, preventing members of the Corporation's property committees from sitting on the Planning Committee. Finally, the Member dealt briefly with the third point raised in the petition and remarked that Transparency International (already referenced by a previous speaker) had criticised the City Corporation for allowing Members with professional associations with the property development industry to sit on its Planning Committee. Those who supported this claimed that adopting Transparency International's recommendations would deprive the Planning Committee of these Members' expertise. However, the member commented that only two members of the Committee had expertise that was genuinely relevant to planning – one as a retired architect and the other a planning barrister. Neither of these members fell within Transparency International's definition of 'professional association' which was aimed at those who were paid to promote developments. He added that it was disingenuous of those Members who were paid by developers to claim that public confidence could still be maintained in the City's planning process if they participate in decisions as long as they recuse themselves in cases where they have actually been involved in promoting a development. He questioned which of their potential clients would be keen to hire them if they were to have a record of voting against developments, however well-founded any vote against might be.

Another Member spoke to state that he did not find it acceptable or beneficial to either his electorate or to the Corporation for him to not be able to debate or vote upon applications within his own immediate area. He underlined that he represented a residential Ward and that residents within his Ward were not against development but were keen to ensure that any developments were the right ones. He emphasised that it was residents who knew better than anybody else, the effects that a new development would have on the ground. The Member recalled a number of times during his previous membership of this Committee where he was able to debate applications and highlight ways in which they could be improved upon before a decision was taken either by way of deferral or the addition of certain conditions. He underlined that he felt that it was absolutely essential that Members living in or representing an area where it was proposed that a development take place could take part in the debate around this so as to ensure that all of the subtleties and nuances that they were aware of could be taken into account. He was of the view that this led to better quality decision making for all parties.

A Member remarked that the recommendations before the Committee today flowed from the Governance Review informal engagement sessions to which all Members of the Court were able to contribute. These had then been put to the Resource Allocation Sub-Committee and subsequently the Policy and Resources Committee and therefore reflected the majority view of what should happen going forwards. He felt that this Committee opposing these recommendations at this stage and preserving the ability of the grand Committee to decide upon all major applications could be perceived as members being self-interested and self-preserving. He highlighted that a Panel system operated very successfully for licensing applications. He rebuked the idea that these Panels would be additional Committees, stating that they would be ad-hoc groups that could come together and take decisions on behalf of the grand Committee as needed. The Member stated that this Committee had struggled with the number of meetings necessary to deal with these planning decisions. He was of the view that a Panel system would therefore be more time efficient and that continuing to call together 35 Members every three weeks to take these decisions, as happened at present, seemed non-sensical. Panels would, in his view, also allow the grand Committee to focus in more on strategy and its wider Planning and Transportation remit.

A Member spoke to state that he had looked at this matter in some detail and genuinely believed that a move to Panels would increase accountability for all as well as allowing for Member engagement and efficiency. He emphasised that what was being proposed was a trial and that he was of the view that he felt that this should be given a fair opportunity so that evidence could be gathered as to how effective the new system was before this debate was re-engaged with at the appropriate point. The Member underlined that all Common Councillors were democratically accountable to the totality of their electorate and that he did not subscribe to the fact that the electorate were divisible with any one group more important than another. He added that he was also absolutely clear on the requirement of all Members to consider their conflicts of interest robustly and effectively, especially in the light of the review of the Corporation's Standards regime. The Member reiterated the words of the previous speaker in highlighting that the Policy and Resources Committee had already considered recommendations on the Planning process and that he was happy to support their views on this which took into account the wider needs/views of the City Corporation as a whole.

Another Member stated that, whilst it was correct to state that residents were not the only stakeholders in the City, they were major stakeholders in the City and Members would therefore endanger their relationship with them at their peril. The Member went on to report that he had been a member of this Committee for 22 years now and that all that had been achieved in the City, in terms of development, over these 22 years had emanated from the grand, Ward-based Committee in its current configuration. He was therefore of the view that this current format should not be tampered with and that the currently configured Committee should be very proud of all that it had achieved.

A Member stated that he too was concerned that today's paper did not fully address the concerns of the petition and that, whilst he was not intuitively against panels, he was also of the view that if something was not broke, why fix it. He went on to say that the proposals around geographic panels did not make sense to him and underlined that he did not have any problems considering applications within his own Ward which he considered on their merits whilst also bearing in mind the interests of constituents in his Ward in the round. In terms of potential or perceived conflicts for those sitting on City property Committees and those with professional associations with the property development industry, the Member suggested that some formal independent advice may be needed on this in order for Members to reach the right conclusion on this and e on much firmer ground.

Another Member recognised that there was no perfect solution here and that what was being proposed was an experimental way forward. He stressed that he could see both positives and negatives in terms of a Panel system. The Member stated that he felt that setting up fixed Panels would leave 6-8 exposed to lobbying from a particular industry and that he found the idea of Panels drawn up by rota a much stronger proposal, particularly if they also included the Alderman on the grand Committee. He added that there could still be a geographical element to rotas so that, for example, applications for the North of the City would be considered by members drawn from those Wards representing the East, West and South. This would mean that Panels were not immediately fixed and that any advance briefings on applications could be attended by all. The Member went on to say that he felt that there had been too many issues with Members being involved with applications from an early point in the past and that a more suitable way forward would be for the Chair and Deputy Chair to give an early steer on these - as was the case at present. The Member reflected on previous major/controversial applications considered by this Committee and questioned what the view of his constituents would have been if he had told them that he was able to appear before a meeting and speak to the application but not form part of the debate or vote on its outcome. With this in mind, the Member argued that it was important to

introduce a 'trigger' that would still allow for full Committee consideration of certain applications.

A Member underlined that this was a Planning and Transportation Committee and that it was therefore their role to consider planning applications. It had already been clarified that 97% of applications were delegated to Officers and she stressed that, in her view, this Committee should therefore deal with the remainder. The Member added that she could recall a time when major applications had been debated by the full Court and that she would not necessarily be against this happening in the future. The Member also stated that comparisons with other local authorities was unhelpful given their very different make up in terms of voters/residents and the very different types of applications that they had to consider.

Another Member spoke to state that, in principle, he had absolutely no objection to the formation of Sub-Committees if the main Committee was being unduly taxed by lots of detailed discussions about planning applications. However, as a new Member of this Committee, he noted that there seemed to be some disagreement as to whether this was actually the case. From reviewing the minutes of the last meeting, he did, however, feel that things could perhaps be dealt with more efficiently. He went on to state that four Panels seemed, to him, to be overly engineered and could be quite difficult from an administrative point of view. In this respect, the Member stated that he would favour just one Panel drawn up on a rota basis. The Member added that he would also be in favour of setting a materiality threshold in terms of what applications ought to be considered by the full Committee - The Tulip being the most extreme example of this. The Member went on to state that he did not feel that the distinction between those who were able to decide and those merely able to represent was a valid one. He added that if he were to have a 15% equity stake in a property development company, he would and should recuse himself from taking a decision but he did not feel that he should be precluded from the decision making process merely because an application affected his Ward.

A Member spoke again to offer some clarity to members of the public viewing in terms of the informal engagement sessions held on the governance review proposals around planning. She stressed that these were sessions chaired by a Deputy Chair of Policy and Resources which all Members were invited to attend and the reason that planning had been expedited was because she had called for this on the basis of wanting to look more closely at conflicts for those members who sat on this and the Property Investment Board and those members with professional associations with the property development industry. The Member went on to state that, if a Members' job entailed working closely with developers and supporting them with applications, it was not a very good advert for their services to be seen to be refusing things and she therefore felt that these members should be excluded from sitting on the Committee in order to avoid them feeling conflicted. Returning again to the informal engagement sessions with Members, the Member reported that the Deputy Chair of Policy and Resources had made it very clear from the outset of every session that Members could share their views and that these would be listened to although not necessarily incorporated. She added that it was the Resource Allocation Sub-Committee that had taken the decision to implement Panels and that this had emanated from one of the first engagement sessions and the views of the Chair and Deputy Chair of this Committee. The Member stated that she believed that this was because virtual meetings were taking longer and that many Members were therefore dropping out at lunch time, making it crucially important for decisions to be taken before a quorum was lost. The Member emphasised that this could be resolved by holding a separate meeting of the grand Committee solely for the consideration of applications. With regard to comparisons between Planning and Licensing applications, the Member stressed that licensing was a very different regime. Both applicants and objectors were able to appeal licensing decisions via the magistrate's court, no time limits were

allocated to those addressing meetings and it therefore amounted to a rather informal discussion to try and bring two sides together.

MOTION - Another Member spoke again on the composition of the Panels which, after listening carefully to the debate today, he stated was clearly a very central question. He therefore moved that the Town Clerk be asked to select Panel members on a rota basis in consultation with the Chairs of the Panels themselves, favouring a more randomised approach and a means of addressing the concerns of a number of members of this Committee. Following a question from the Chair, the Member clarified that he would propose this system within the confines recommended by Lord Lisvane which prevented any member from considering a planning application from within their own Ward. The Motion was seconded.

The Chair spoke to remind Members that there were a number of points which required decision today as set out at paragraph 43 of the report – the first of these being whether the Committee wished to proceed with Panels and all subsequent points flowing from this. The second point then posed the question whether Members wanted to proceed on the basis of geographical panels or otherwise, as proposed by the previous speaker.

In response to questions, the Town Clerk reminded Members that this was an informal meeting and that any votes taken were therefore indicative only. That being said, some Members had already queried how the way in which they voted could be made transparent. The Town Clerk clarified that it was possible to record voting numbers within the minutes as currently happened with planning applications and that it was also possible to record the name of any Member dissenting from a majority view within the minutes in accordance with Standing Orders. Alternatively, and for absolute transparency in terms of who has voted which way, a roll call vote could be taken on each of the points set out within the report. The Chair went on to propose that, for those points that were binary, the Town Clerk undertake to record the names of those voting against within the minutes. He sought the Committee's views on this.

A Member suggested that the best way to proceed would be for the fundamental question regarding the principle of Panels to be undertaken by rollcall with any subsidiary points to be contacted by electronic vote via email. The Chair agreed with this way forward.

Another Member questioned whether electronic voting was anonymised or whether details of who had voted for what could subsequently be recorded in the minutes. The Town Clerk it was not common practice to record names of Members within the minutes but confirmed that it was possible for those Officers issuing the electronic voting forms to ascertain who had voted which way.

A Member underlined that the substance of this paper was concerned with the formation of geographic panels and that, given that it now appeared that many Members were in favour of the introduction of Panels appointed by rota instead, it would be helpful to have a further report dealing with the detail of this. She also suggested that it would be helpful for the petitioners to have an opportunity to attend a meeting, should they wish to, ahead of a future paper returning to Committee to raise any points that they may have on Panels drawn by rota.

The Chair underlined that it was important to note that the petition itself rejected the idea of Panels entirely. In response to questions, the Town Clerk highlighted that this report had was not intended to address the other points raised within the petition. This report had been called for by the Policy and Resources Committee who had already worked through the various recommendations of Lord Lisvane pertaining to planning and had considered the points raised at the various Member engagements sessions before setting the parameters.

Officers had therefore been tasked with progressing work around the principle of geographic Panels for the consideration of future planning applications, looking at the detail of this and presenting Members with a range of options therein. Subsequent to this, the petition had been received and this was therefore appended to and referenced within the report so that if Members now wished to rethink the proposed way forward in light of this, they were able to do so and send a resolution back to the Policy and Resources Committee to this effect.

Another Member agreed that, if what this Committee were now going to favour was Panels set up on a randomised, rota basis, then subsequent points on quorum and composition would need to be reconsidered as, at present, the options presented were predicated on geographical Panels.

A Member sought further clarity on the petition, noting that this was received by the Court before being referred on to this and the Policy and Resources Committee to consider. With this in mind, the Member stated that she had been expecting a report to this meeting addressing the petition but felt this report did not do this. The Member called for an initial vote as to whether or not this Committee supported the principle of Panels to be taken. She added that she felt that Members were being pressurised to take decisions on this matter and change the system and cautioned against making policy on the hoof. The Member added that, if there were to be any subsequent reports to the Committee on this matter, then it ought to also address the other points raised within the petition in terms of members who also serve on the Property Investment Board and those with professional associations with the development world sitting on this Committee.

The Chair highlighted that the report did set out the thinking of the Policy and Resources Committee on the wider points raised by the petition and noted that several members had also spoke at length on these matters today. He went on to suggest that the Town Clerk now conduct a rollcall vote on the principle of a Panel system before moving to a separate rollcall vote on the motion proposed and seconded with regard to Panels being drawn on a rota basis.

The Committee then proceeded to vote on whether or not they were in favour of proceeding with Panel arrangements for the consideration of future planning applications. The vote was conducted by rollcall led by the Town Clerk.

Votes were cast as follows: IN FAVOUR – 14 Votes
OPPOSED – 10 Votes*

There was one abstention.

**In accordance with Standing Order No. 38, those Members who had voted against the recommendation asked that their names be recorded in the minutes – they were Randall Anderson, Mark Bostock, John Edwards, John Fletcher, Marianne Fredericks, Graeme Harrower, Natasha Lloyd-Owen, Deputy Brian Mooney (Chief Commoner), Deputy Barbara Newman and Susan Pearson.*

The Chair now requested that the Committee vote on the motion proposed and seconded and the concept of Panels being appointed by rota from the body of the grand Committee (including Aldermen), excluding Members from considering applications for their own Ward.

A Member expressed concern at this as it seemed to be an attempt to make policy on the hoof. She reiterated that the detail of Panels drawn by rota would need to come back to this Committee should Members support this concept. Another Member endorsed this point and called for a future paper on this now that the principle of Panels had been supported.

The Town Clerk noted that the majority of the Committee had supported the principle of planning Panels. She added that this report was predicated on the option of geographic Panels, as directed by the Policy and Resources Committee. However, it was becoming increasingly apparent that this Committee disagreed with this way forward with an alternative proposal now put forward and seconded calling for Panels to be drawn by rota. The Town Clerk suggested that this proposal should now be formally voted on and, if supported by the Committee, this would be fed back to the Policy and Resources Committee. It would then be for the Policy and Resources Committee to look again at this and, if necessary, call for a future paper from Officers looking at options around things such as quorum and how members were to be selected for Panels and by whom. With regard to timescales for progression, the Town Clerk underlined that this was entirely in the hands of Members.

Members raised concerns around the motion as currently proposed which suggested that rotas might be selected by the Chairs of Panels and therefore negated the randomisation of this. The Chair agreed with this point. The motion was therefore withdrawn with the mover proposing that the Committee now simply vote to make it clear as to whether or not they supported Panels being geographically based to provide a clear steer on this to Officers and the Policy and Resources Committee. This was supported by other Members, noting that, should this Committee oppose geographic Panels, it would then be for Officers to provide alternative options and further details/implications of these. A Member asked if a future paper could consider representative panels which always included resident members, albeit not Members who were resident in the Ward concerned each time.

The Committee then proceeded to vote on whether or not they were content to proceed with Panels drawn on a geographical basis. The vote was conducted by rollcall led by the Town Clerk.

Votes were cast as follows: IN FAVOUR – 0 Votes
 OPPOSED – 20 Votes

There were five abstentions.

RESOLVED – That the Planning and Transportation Committee:

- Support proceeding with Panel arrangements for the consideration of future planning applications;
- Oppose Panels being drawn on a geographical basis and ask the Policy and Resources Committee to reconsider their proposal on this with Officers asked to present a future paper on alternative options for the creation of Panels and how these might work.