

## Report – Planning and Transportation Committee, Policy and Resources Committee

### Barbican Podium Works – Governance Arrangements

*To be presented on Thursday, 21<sup>st</sup> April 2022*

*To the Right Honourable The Lord Mayor, Aldermen and Commons  
of the City of London in Common Council assembled.*

#### **SUMMARY**

The Planning Protocol, which governs the operation of the Planning and Transportation Committee, advises that persons acting in the planning authority functions (both officers and Members) should not be involved in promoting an application for planning permission that comes before them.

This raises an issue where the planning application concerns land under the management of the Planning and Transportation Committee (e.g., City Walkway). Projects requiring committee authority are normally promoted through the committee responsible for the land where the project is located, since that committee normally has within its remit responsibility for authorising such projects. However, if the Planning and Transportation Committee were to promote a project located on City Walkway (or other land it manages) it would be unable then to determine a planning application for the project in accordance with the Planning Protocol advice.

A project has recently commenced for the carrying out of the Barbican Podium Works – a project of essential maintenance works including drainage and refurbishment, as well as improvements to the wider public realm in that area. The officers involved in promoting the project are not involved in undertaking the City's planning functions in relation to that project. However, if the Planning and Transportation Committee acts as the decision-maker for the purposes of promoting the project, it will not be able to consider any planning application which comes forward for the project (in accordance with the Planning Protocol).

Therefore, your Planning and Transportation Committee and Policy and Resources Committee, having considered the future arrangements relating to the promotion of the Barbican Podium Works project, have concluded that, in order to address the 'separation of functions' issue to enable the project to progress, as well as to ensure that any planning application for the project (outside officers' delegated authority) can be decided by the Planning and Transportation Committee (or a Sub-Committee constituted by it), the promotion function should be delegated to the Policy and Resources Committee for the duration of the of Barbican Podium Works project.

#### **RECOMMENDATION**

It is **recommended** that this Court agrees to:

- The functions of Planning and Transportation Committee, as walkway authority and under Part II of the City of London (Various Powers) Act 1967 in connection with the promotion of the Barbican Podium Works (but not the diversion, alteration, revocation or declaration of any City Walkway), be delegated to Policy and Resources Committee for the duration of the Barbican Podium Works project; and,
- The Terms of Reference of both the Planning and Transportation Committee and the Policy and Resources Committee being amended to reflect this transfer of function.

## **MAIN REPORT**

### **Background**

1. The Planning Protocol adopted by the Planning and Transportation Committee advises that persons acting or assisting in the planning authority functions (both officers and Members) should not be involved in promoting or assisting in the promotion of the application for planning permission. This raises an issue where the planning application concerns land under the management of Planning and Transportation Committee.
2. City Walkway is a species of statutory public access right (similar to highway rights) designated under Part II of the City of London (Various Powers) Act 1967 in respect of which the city is the walkway authority. The walkway authority's powers and duties are to pave, repair, drain, cleanse and light the City Walkway. Under the Terms of Reference of Planning and Transportation Committee Court of Common Council has delegated to that Committee the City's functions as walkway authority and responsibilities for walkways under the 1967 Act.
3. Projects requiring committee authority are normally promoted through the committee responsible for the land where the project is located, since that is normally the committee which has within its remit responsibility for authorising such projects. However, if the Planning and Transportation Committee promotes a project located on City Walkway (or other land it manages) it is unable to determine a planning application for the project in accordance with the Planning Protocol advice.

### **Issue and Proposal**

4. A project has commenced for the carrying out of the Barbican Podium Works. This is a major project to undertake significant repairs and maintenance to the Barbican Podium. If the Planning and Transportation Committee acts as the decision-maker for the purposes of promoting the project, it will not be able to consider any planning application which comes forward for the project (in accordance with the Planning Protocol). It is therefore proposed that the walkway authority functions in connection with the promotion of the Barbican Podium Works be delegated to Policy and Resources Committee for the duration of the project.

5. The range of functions for which the Policy and Resources Committee is responsible makes it well-qualified to consider and weigh up all of the considerations and interests relevant to the promotion of the proposals.
6. To put the proposal into effect the Terms of Reference of the Planning and Transportation Committee and the Policy and Resources Committee would require amendment as set out in Appendices A and B to this report.
7. It is not proposed that any regulatory walkway authority functions for diversion, alteration, revocation or declaration of City Walkway be moved to the Policy and Resources Committee. No regulatory changes are proposed and if they were, it is considered that this regulatory function should remain with Planning and Transportation Committee.
8. If the Policy and Resources Committee were to promote the proposals, the Planning Protocol restriction would prevent any Member of Planning and Transportation Committee who was also a Member of the Policy and Resources Committee from participating in any planning decision.
9. It is proposed that the promotion of the new Barbican Podium Works be undertaken by Policy and Resources Committee for the following reasons:
  - i) If the Planning and Transportation Committee were to promote the project, it would not be able to decide a planning application for the project.
  - ii) An increase in scope of the project has introduced requirements for greening and for repairs to the wider structure involving overlap between the walkway authority and the owner's responsibilities.
  - iii) The Policy and Resources Committee is experienced in the co-ordination of organisational change and administration matters and in taking responsibility for general matters not otherwise dealt with by other committees.
  - iv) The range of functions for which Policy and Resources Committee is responsible makes it well-qualified to consider and weigh up all of the considerations and interests relevant to promotion of the proposals.

### **Conclusion**

10. It is, therefore, proposed that the Barbican Podium project be promoted by the Policy and Resources Committee in place of the Planning and Transportation Committee in order to address the separation of functions issue outlined in this report.
11. If the Court of Common Council agrees to amend the Terms of Reference of the Committees in order to implement the recommended arrangements, a Gateway 4C report regarding the proposed expanded scope of the project would be reported to the Policy and Resources Committee as soon as is practicable in order to progress the project. Any future planning (and listed building) applications not within officers' delegated authority to determine would be

reported to the Planning and Transportation Committee or a special sub-committee constituted by it.

**Appendices\***

- Appendix A – Terms of Reference Planning and Transportation Committee – suggested amendments
- Appendix B - Terms of Reference Policy and Resources Committee – suggested amendments

*\*(NB – the proposed amendments are set out in the appendices on versions of the Terms of Reference which were extant prior to the Court's consideration of Item 9 this day. Depending on the determinations made at that item, the proposed amendments outlined in this report will be added / removed from the latest versions of the Terms of Reference approved at Item 9).*

All of which we submit to the judgement of this Honourable Court.

DATED this 17<sup>th</sup> day of March 2022.

SIGNED on behalf of the Committees.

**Deputy Alastair Moss**

Chair, Planning and Transportation Committee

**Deputy Catherine McGuinness**

Chair, Policy & Resources Committee