



Dispensations Sub (Standards) Committee Agenda Supplement

Date: WEDNESDAY, 4 SEPTEMBER 2019

Time: 2.30 pm

Venue: COMMITTEE ROOM - 2ND FLOOR WEST WING, GUILDHALL

3. DISPENSATION REQUESTS

For Decision
(Pages 1 - 4)

Corrected Appendix 2 attached (replacing pages 23-24 of the agenda pack)

Item received too late for circulation in conjunction with the Agenda.

John Barradell
Town Clerk and Chief Executive

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Mark Bostock - Corrected dispensation request

APPENDIX 2

I received a copy of the Agenda pack for the meeting of the 4 September Dispensations Sub-Committee earlier this week (27 August) for which many thanks.

I noticed, with great concern, that my email of 12 July has not been taken into account. It was here that I resubmitted my request for a "general" dispensation. My original 7 June request for a "general" dispensation listed reasons for urgency that are now irrelevant.

So my re-submitted request excluded the "Urgency" paragraphs. This means that paragraphs 11 to 19 of the Agenda Pack are not relevant to my request for a "general" dispensation and should be totally ignored by the Sub-Committee in their deliberations.

To correct this omission, I paste below my email of 12 July together with my original application with the "Urgency" paragraphs deleted (also attached), and ask the Sub-Committee to:

1. consider the request made in this email rather than in my original one of 7 June, i.e. without the now irrelevant reasons for urgency as attached; and
2. address the reasons for my resubmitting the request, as are set out in the email of 12 July.

In her statement to the Court on 18 July, the Standards Chair made some derogatory and unjustified comments about me and the other three members who had submitted "general" dispensation requests.

I understand that the City Solicitor has advised the Dispensations Sub-Committee that it was not bound by current policy to consider my request. However the Sub-Committee appears to have ignored all the points made by me and the other three members in our requests to be granted "general dispensations".

I ask that at its meeting on 4 September the Sub-Committee gives full consideration to my request for a "general" dispensation and the reasons for it.

With regards,

Mark Bostock

From: Bostock, Mark <Mark.Bostock@cityoflondon.gov.uk>

Sent: Friday, July 12, 2019 10:04 am

To: Holmes, Ann

Cc: Addy, Caroline; Anderson, Randall; Barnes, Judith; Colthurst, Henry; Cooke, Nick; Durcan, Mary; Ingham Clark, Jamie; Langley, Susan (Alderman); Littlechild JP, Vivienne; Lord, Edward (Deputy); Mainelli, Michael (Alderman); Newman CBE CC, Barbara; Simons CC, Jeremy; Barradell, John; Cogher, Michael; Stokley, Gemma; Duhaney, Antoinette; Wood, Edward; Pearson, Susan; Mooney CC, Brian; Pritchard, Jason

Subject: Dispensation Request

Dear Standards Chair

I have received the 10 July 'Decision of the Dispensations Sub (Standards) Committee'.

I am very disappointed to read that the Sub-Committee appears to have ignored my request:

'To speak and vote for the remainder of my term of office (until March 2021) on any matter which affects my constituents and in which I may have a disclosable pecuniary interest, except for a matter which:

- a. affects me uniquely or more than any of my constituents; and
- b. insofar as regards a dispensation to vote only, falls within the restriction imposed by section 618 of the Housing Act 1985 for as long as that provision remains on the statute book;

on the grounds that the grant of this dispensation is in "the interest of persons living on the authority's area".'

The context for my dispensation is very clearly stated in my 7 June e-mail, which I repeat here:

'I am advised that the law provides for a dispensation to be granted to speak and vote equally. It does not provide for a dispensation to vote to be granted "only in exceptional circumstances", as the Standards Committee's policy specifies in section B of their form. The law provides very broad grounds for a dispensation to be granted, including "the interest of

persons living in the authority's area" (section 33(2)(c)). A dispensation need only be granted to speak and vote on a matter in which a member has a "pecuniary interest". The law, it seems, thus gives primacy to democratic representation over a member's "pecuniary interest". It is only when a member is not representing others, but is acting solely in his or her own interests, that the ground mentioned above for granting a dispensation would not apply, and a dispensation, therefore, should not be granted'.

The Decision e-mail says 'The Sub-Committee considered that the terms of the dispensation sought were too widely drafted and lacked supporting information to enable it to reach such a conclusion'. It further states 'The Sub-Committee consider that without a more detailed application it was impossible for them to carry out the assessment of the statutory grounds that the Localism Act requires, or to determine when an interest would be directly and materially impacted in line with the dispensations policy'. The fourth paragraph dealing with my application 'states that a focused application is more likely to be successful, as this enables the Sub-Committee to consider a specific set of circumstances' and recommends that I use the approved ten page application form as apparently it has been designed to assist applicants 'in including all relevant information'.

All the comments made in the Decision email quoted above about the need for more detail, focus, information, etc - which might be relevant to a request for a specific dispensation - are, by definition, irrelevant to a request for a general dispensation. The considerations that are relevant to a request for a general dispensation are its terms and context, as quoted above. It seems that they were not considered by the Sub-Committee, either properly or at all.

It is no excuse for the Sub-Committee to claim that it was only applying the dispensations policy as it stood. At the beginning of its meeting, I am told the City Solicitor advised it that "policy is a relevant matter, but you can depart from it". Unfortunately, the Sub-Committee appears to have had no inclination to consider a departure from the current policy.

The Sub-Committee seems not to have noticed that I was not applying for dispensations for the BRC and planning matters specified under "Urgency" in my application. I was applying solely for a general dispensation on the terms specified, and the BRC and planning matters were mentioned only in relation to the time by which this general application was to be considered.

The Decision email provides a few dispensations on specific matters that I had not sought, and are likely to be of little use to me. They do not mask the fact that the dispensation I sought was refused without proper consideration.

It also states that "You are entitled to submit a revised application". I hereby resubmit my original application for a general dispensation, on the same terms, but with the omission of the section headed "Urgency", as its content is no longer applicable. The use of the prescribed form is inappropriate for the reasons mentioned at the beginning of my original application, which were also ignored by the Sub-Committee.

Nearly a month elapsed between my making the original application on 7 June and the Sub-Committee meeting on 3 July. This month was largely wasted, as the application was not properly considered. In the light of this, and of the fact that there are another three weeks before the August break, I ask that my resubmitted application be considered before that break. If this cannot be achieved, I believe it will prove that the current dispensations policy is practically inoperable (as well as conceptually flawed). Its insistence on dealing only with very specific dispensations means the the Sub-Committee will normally only have one week to do so, that being the typical amount of notice that members receive of matters to be considered at committee. If the Sub-Committee cannot consider an application in three weeks, how will it cope with dealing with an application in one week?

With Regards

Mark Bostock