



Dispensations Sub (Standards) Committee

- Date:** TUESDAY, 13 MARCH 2018
- Time:** On the rising of the Assessments Sub (Standards) Committee meeting that commences at 2.30 pm
- Venue:** COMMITTEE ROOM 1, 2ND FLOOR, WEST WING, GUILDHALL
- Members:** Deputy Kevin Everett
Mark Greenburgh (Co-opted Member)
Deputy Jamie Ingham Clark
Deputy Edward Lord
- Enquiries:** Martin Newton
tel. no.: 020 7332 3154
martin.newton@cityoflondon.gov.uk

John Barradell
Town Clerk and Chief Executive

AGENDA

1. **ELECTION OF A CHAIRMAN**

For Decision

2. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE DISPENSATIONS
SUB COMMITTEE**

3. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

4. **DISPENSATION**

Reports of the Comptroller and City Solicitor on requests for dispensations.

For Decision

a) Dispensation Requests (Pages 1 - 28)

b) Dispensation Request (Pages 29 - 40)

Committee: Dispensations Sub (Standards) Committee	Date: 13 March 2018
Subject: Requests for a Dispensation under the Localism Act 2011	Public
Report of: Comptroller & City Solicitor	For Decision
Report author: Edward Wood, Chief Solicitor	

Summary

Three Members have requested a dispensation to speak and/or vote on specified matters where they would otherwise have a disclosable pecuniary interest by virtue of their ownership of property within the City.

Recommendation

Members are asked to determine the applications for a dispensation.

Main Report

Background

1. Three Members have submitted requests for a dispensation. Your Committee has requested that all such applications are accompanied by a covering report.

Disclosable pecuniary interests under the Localism Act 2011

2. Under the Localism Act 2011 and The Relevant Local Authorities (Disclosable Pecuniary Interests) Regulations 2012 there are a number of disclosable pecuniary interests that prevent a Member from participating in any discussion or vote on a connected item of business. The disclosable pecuniary interest that is engaged in this case is:
 - (a) any beneficial interest in land which is within the area of the relevant authority.
3. The Localism Act 2011 does not provide any additional guidance on judging whether a disclosable pecuniary interest is engaged or not. It

simply states that the prohibition on speaking or voting on a matter is engaged where a Member:

- (a) is present at a meeting;
 - (b) has a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting; and
 - (c) is aware that the condition in paragraph (b) is met.
4. It is up to individual Members to make a judgement whether they have a disclosable pecuniary interest in relation to any particular item of business. This will be the case where a decision would materially affect a Member's interest in land, for example by materially affecting the value of that land, the prospects of selling that land, or the use and enjoyment of that land.
5. A Member commits a criminal offence if, without reasonable excuse, they participate in any discussion or vote on any matter in which they have a disclosable pecuniary interest. For this reason we would always advise a Member to err on the side of caution. A Member who is found guilty of such an offence can be fined up to £5,000 and disqualified from holding office for up to five years. A prosecution may only be instigated by or on behalf of the Director of Public Prosecutions (DPP).

Granting dispensations under the Localism Act 2011

6. A relevant authority may, on a written request made to the proper officer of the authority by a Member of the authority, grant a dispensation relieving the Member from either or both of the restrictions on speaking or voting in cases described in the dispensation. A dispensation must specify the period for which it has effect, which may not exceed four years. The granting of such dispensations is a function of this Committee and its Dispensations Sub-Committee. A relevant authority may only grant a dispensation if, after having had regard to all relevant circumstances, the authority:
- (a) considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
 - (b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;*

- (c) considers that granting the dispensation is in the interests of persons living in the authority's area;
- (d) if it is an authority operating executive arrangements, considers that without the dispensation each Member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive;* or
- (e) considers that it is otherwise appropriate to grant a dispensation.

* Grounds (b) and (d) are not directly applicable to the City Corporation but are included for completeness and context.

Additional factors

7. Subject to the specific statutory grounds for granting a dispensation, Members may also wish to take into account the following (non-exhaustive) additional factors:
 - (i) whether the nature of the Member's interest is such that to allow them to participate would risk damage to public confidence in the conduct of the City Corporation's business;
 - (ii) whether the interest is common to the Member and a significant proportion of the general public;
 - (iii) whether the Member was elected on a platform that they would specifically address the item or items of business for which the dispensation is sought;
 - (iv) whether the participation of the Member in the business that the interest relates to is justified by their particular role or expertise;
 - (v) whether the request is for a dispensation to (a) speak at the meeting with the same rights as a member of the public; (b) participate fully in the debate as a Member of the decision-making body in question; or (c) participate fully in the debate as a Member of the decision-making body in question and vote on the business.
8. As previously stated, the onus is on individual Members to decide whether they have a disclosable pecuniary interest in any given matter. Therefore your Committee should assume for present purposes that any dispensation being sought is required in order to participate, and you should not refuse a request simply on the basis that a dispensation is not thought to be necessary. Any dispensation granted is entirely permissive in nature and does not impose any restrictions on speaking or voting where no such restrictions otherwise exist.

The applications and specific considerations

9. The requests for dispensations that have been received are listed below and the relevant application forms are appended. This report does not seek to duplicate the information that is contained in those application forms. However, where there is additional relevant information this is set out below.

Appendix 1 – Deputy David Bradshaw

10. A request for a dispensation from Deputy David Bradshaw is attached at Appendix 1. He is a Common Councilman for the Ward of Cripplegate and a Member of the Barbican Residential Committee. The specific meeting of the Barbican Residential Committee for which he is seeking a dispensation is on 19 March 2018. Deputy Bradshaw was granted a dispensation to speak on a car park charging report that went to the Barbican Residential Committee on 5 June 2017. That decision was taken by the Town Clerk under urgency arrangements, and the subsequent report to the Standards Committee dated 6 October 2017 is included for information at Appendix 1a. Members will recall that a report concerning potential conflicts of interest on the Barbican Residential Committee was received by the Standards Committee on 26 January 2018.

Appendix 2 – Deputy John Tomlinson

11. A request for a dispensation from Deputy John Tomlinson is attached at Appendix 2. He is a Common Councilman for the Ward of Cripplegate and a Member of the Barbican Residential Committee. Deputy Tomlinson was refused a dispensation by the Standards Committee on 19 May 2017 because they felt that further information was required and that the application was too wide reaching by requesting to speak and/or vote on any matter at the Barbican Residential Committee and the Community & Children's Services Committee. The minutes of that meeting are included for information at Appendix 2a. Members will recall that a report concerning potential conflicts of interest on the Barbican Residential Committee was received by the Standards Committee on 26 January 2018.

Appendix 3 – Susan Pearson

12. A request for a dispensation from Susan Pearson is attached at Appendix 3. Susan Pearson is a Common Councilman for the Ward of Cripplegate. She was refused a dispensation by the Standards Committee on 19 May 2017 because they felt that further information was required (particularly in terms of which criteria the Member considered had been met where no explanation was provided) and that

the application was too wide reaching by requesting to speak and/or vote on any housing and other matters to do with the Golden Lane Estate. The minutes of that meeting have already been included for information at Appendix 2a. The Planning Protocol can be viewed on the City Corporation website and copies will also be available at the meeting if requested.

Conclusion

13. Your Committee is asked to determine these applications in accordance with the criteria set out under the Localism Act 2011.

Contacts:

Edward Wood
Chief Solicitor
020 7332 1834
edward.wood@cityoflondon.gov.uk

Michael Cogher
Comptroller & City Solicitor
020 7332 1660
michael.cogher@cityoflondon.gov.uk

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**REQUEST FOR DISPENSATION –
DISPENSATIONS FOR MEMBERS TO SPEAK AND VOTE WHERE THEY
HAVE CERTAIN DISCLOSABLE PECUNIARY INTERESTS**

The new Standards regime does not replicate the former statutory exemptions which allowed Members to vote on a number of matters in which they would otherwise have had a prejudicial interest. However, the City of London Corporation may, following a written request, grant a dispensation for a Member or a Co-opted Member to take part in any discussion and vote on a matter in which they have a disclosable pecuniary interest, in some circumstances.

It is anticipated that the principal matters likely to require dispensations are those relating to the following, where a Member has a beneficial interest in land within the City:-

- Housing (where the Member holds a lease or tenancy from the City, as long as the matter does not relate to their particular lease or tenancy).

However, dispensation may be granted in relation to any matter so long as a relevant criterion is met. The criteria that are relevant to the City of London Corporation are as follows:

- Without the dispensation the proportion of Members and Co-opted Members prohibited from participating in any particular business would be so great as to impede the transaction of the business; or
- Granting the dispensation is in the interests of persons living in the City; or
- It is otherwise appropriate to grant a dispensation.

Please provide the following information if you wish to request a dispensation to allow you to speak and/or vote on a specific matter or matters, either on a specific occasion or at any point until the next Ward elections in 2021.

The following information will be considered by the Standards Committee or its Dispensations Sub Committee.

Name: Deputy David Bradshaw C.C.-----28 February 2018-----
----- Date: -----

Signed: -DJBradshaw-----

I request a dispensation to enable me to speak and/or vote* on the following matter(s):

Concrete repairs to the Barbican Estate - SPEAK

Lease enforcement dealing with breaches - SPEAK

Annual rent review – SPEAK & VOTE

(Please delete as applicable)*

Please describe the nature of the disclosable pecuniary interest(s) that would otherwise prohibit you from speaking and/or voting on the above matter(s):

Leasehold interest in a Barbican apartment

Please explain which of the criteria for granting a dispensation you consider to be met, and why:

Dispensation required in order to be able to represent my constituents' concerns/questions

I require the dispensation for:

(i) a time limited period from/to:

(ii) for a specific meeting of:
...B.R.C.....

On:19 M
2018.....

(ii) Until the Ward elections in 2021

If your request is urgent, please specify why:

Meeting to be held in 20 days time

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Request considered by the Standards Committee / Dispensations Sub Committee:

Date:----- Decision taken:

Committee: Standards Committee	Date: 6 October 2017
Subject: Report of Action Taken Between Meetings	Public
Report of: Town Clerk	For Information
Report Author: Gemma Stokley, Committee and Member Services Officer	

Summary

In accordance with Standing Order 41(b), this report provides Members with the details of a decision taken by the Town Clerk, in consultation with the Chairman and Deputy Chairman of the Standards Committee, since the Committee's last meeting on 15th May 2015.

Recommendation: -

That the contents of the report be noted.

Main Report

Background

1. Standing Order no. 41(a) provides a mechanism for decisions to be taken between scheduled meetings of the Standards Committee, where in the opinion of the Town Clerk, it is urgently necessary for a decision to be made. Standing Order No. 41(b) provides a mechanism for decisions to be taken between scheduled meetings of the Standards Committee, where the Committee has delegated power to the Town Clerk, in consultation with the Chairman and Deputy Chairman, to make a decision.

Decisions Taken Between Meetings (Urgency)

2. In accordance with Standing Order 41(a), a decision has been taken in respect of the following matter since the last meeting of the Standards Committee on 19th May 2017:- Request for a dispensation – Deputy David Bradshaw.

3. At its meeting on 19th May 2017, the Standards Committee considered a number of requests for dispensations to speak and/or vote in relation to a car park charging report which was scheduled to be considered at a forthcoming meeting of the Barbican Residential committee on 5th June 2017. Those requesting dispensations applied on the grounds that as they are Barbican residents, they may have a conflict of interest (pecuniary) and would not therefore be able to speak/vote on the item. The Standards Committee granted a number of requests to speak on the matter – but not vote – but stressed that the dispensation was entirely permissive in nature and did not impose any restrictions on speaking or voting where no such restrictions otherwise exist.
4. Ahead of the meeting on 19th May, Mr Bradshaw applied for a dispensation to speak/vote on any matter which impacts on Barbican or Golden Lane residents. The Standards committee considered this request to be too wide-ranging and therefore initially rejected the application.
5. Mr Bradshaw subsequently submitted a further application to speak at the next meeting on the grounds that “as an elected member of the Ward of Cripplegate, I would be failing in my duty and responsibility to speak on behalf of my constituents if I was not granted dispensation to speak on this occasion. This dispensation request has been made in the interest of residents living in the City of London.”
6. Mr Bradshaw acknowledged that he had a pecuniary interest in the matter and could not vote on the car park charging report. The request was consistent with the other applications that were considered and approved on 19th May 2017.

Conclusion

7. In accordance with Standing Order 41(a), Members are asked to note the decision taken by the Town Clerk in consultation with the Chairman and Deputy Chairman of the Standards Committee to approve this request for a dispensation since the Committee’s last meeting on 19th May 2017.

Background Papers:

- Minutes of the meeting of the Standards Committee on 19th May 2017.

Gemma Stokley

Committee and Member Services Officer

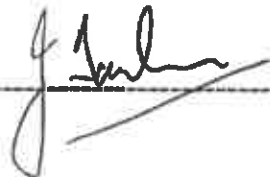
T: 020 7332 1407

E: gemma.stokley@cityoflondon.gov.uk

APPENDIX 2

The following information will be considered by the Standards Committee or its
Dispensations Sub Committee.

Name: JOHN TOMLINSON Date: 1/3/2018

Signed: 

I request a dispensation to enable me to speak and/or vote* on the
following matter(s):

1. CONCRETE REPAIRS
2. LEASE ENFORCEMENT
3. ANY DISCUSSION WHICH MAY ARISE ON A POSSIBLE
REVIEW OF THE CURRENT COMPOSITION AND TERMS
OF REFERENCE OF THE BRC

(* Please delete as applicable)

Please describe the nature of the disclosable pecuniary interest(s) that
would otherwise prohibit you from speaking and/or voting on the above
matter(s):

I AM A LEASEHOLDER IN THE BARBICAN ESTATE

Please explain which of the criteria for granting a dispensation you consider to be met, and why:

I BELIEVE IT IS IN THE INTERESTS OF RESIDENTS OF THE WARD OF CRIPPLEGATE FOR ME TO BE ABLE TO SPEAK &/OR VOTE

I require the dispensation for:

(i) a time limited period from/to: ☐

(ii) for a specific meeting of: BRC

On: 19 MARCH 2018 ☐

(ii) Until the Ward elections in 2021 ☐

If your request is urgent, please specify why:

NOT MUCH TIME. FULL AGENDA NOT YET AVAILABLE. DRAFT MINUTES OF INQUORATE STANDARDS COMMITTEE MEETING ON 26 JANUARY JUST RECEIVED.

Request considered by the Standards Committee / Dispensations Sub Committee:

Date: Decision taken:

STANDARDS COMMITTEE
Friday, 19 May 2017

Minutes of the meeting of the Standards Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Friday, 19 May 2017 at 11.30 am

Present

Members:

Chris Boden
Deputy Kevin Everett (in the Chair)
Mark Greenburgh
Ann Holmes
Deputy Jamie Ingham Clark
Oliver Lodge
Deputy Edward Lord

In Attendance:

Neil Asten – Independent Person
Nigel Challis – former Common Councilman and Member of the Standards Committee
Emma Edhem – Common Councilman and Chairman of the City of London Corporation's Standards Regime Review Working Party

Officers:

Gemma Stokley	-	Town Clerk's Department
Edward Wood	-	Comptroller and City Solicitor's Department

1. APOLOGIES

Apologies for absence were received from Judith Barnes, Alderman David Graves, Christopher Hayward, Dan Large, Anju Sanahi (Independent Person) and Chris Taylor (Independent Person).

2. MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA

Ann Holmes declared a non-pecuniary interest in relation to agenda Item 10 stating that she was currently the serving Chairman of the Barbican Residential Committee.

Oliver Lodge declared a non-pecuniary interest in relation to agenda Item 6 (Minutes of the Previous Meeting), stating that he was currently the Chairman of Guildhall Lodge.

Deputy Ingham Clark and Deputy Kevin Everett also declared non-pecuniary interests in relation to agenda Item 3 (Minutes of the Previous Meeting), stating that they were also members of the Guildhall Lodge.

Deputy Edward Lord declared a non-pecuniary interest in relation to agenda Item 3 stating that he was a member of the City of London Lodge of Installed Masters.

Mark Greenburgh declared a non-pecuniary interest in relation to the same agenda item, stating that he was a Freemason.

3. **ORDER OF THE COURT OF COMMON COUNCIL**

The Order of the Court of Common Council of 27th April 2017, appointing the Committee and approving its terms of reference, was received.

RECEIVED.

4. **ELECTION OF CHAIRMAN**

The Committee proceeded to elect a Chairman in accordance with Standing Order No.29.

The Town Clerk read a list of Members eligible to stand and Oliver Lodge, being the only Member expressing his willingness to serve, was duly elected as Chairman of the Committee for the ensuing year.

Mr Lodge thanked the Committee for their continued support and went on to welcome the newly appointed Members of the Committee – Alderman David Graves, Chris Boden, Deputy Kevin Everett and Ann Holmes.

Mr Lodge went on to thank, on behalf of the Committee, Alderman Yarrow, Tom Sleigh and Virginia Rounding who had now stepped down from the Committee.

5. **ELECTION OF DEPUTY CHAIRMAN**

The Committee proceeded to elect a Deputy Chairman in accordance with Standing Order No.30.

The Town Clerk read a list of Members eligible to stand and Christopher Hayward, being the only Member expressing his willingness to serve (by way of a statement previously circulated to all Members of the Committee via email) was duly elected as Chairman of the Committee for the ensuing year.

6. **MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting held on 3 February 2017 were considered and approved as a correct record.

MATTERS ARISING

Freemasonry (page 4) – A Member, who had also been present at the Hospitality Working Meeting at which this matter was discussed, reported that there had been detailed discussion around this with over half of the Members present declaring a non-pecuniary interest by virtue of the fact that they were Freemasons. These Members were invited by the Chief Commoner to contribute to the discussions and provide any background information but refrained from voting on any outcomes.

Members were informed that the Hospitality Working Party had concluded that both the Guildhall Lodge and Londinium Lodge should continue to have free use of the Guildhall on the same basis as any other Member/staff club was. It was felt that it was no longer appropriate for the City of London Lodge of Installed Masters (who were currently charged the Members' private hire rate of 10% of the commercial rate) to be entitled to this level of discount and that, going forward, they should now be charged a higher, 'City Connection' rate which was currently offered to all Livery Companies, Ward Clubs etc.

In response to a question regarding entitlement to free use of Guildhall as opposed to a 90% discount, a Member explained that free use was granted solely to 'internal users' for clubs/societies that were for the benefit of elected Members or members of staff. Individual Members were also entitled to a 90% discount for personal occasions/celebrations.

The Chairman requested that a formal minute/resolution of the Hospitality Working Party on this matter be circulated to the Standards Committee ahead of their next meeting.

7. STANDARDS REGIME REVIEW WORKING PARTY

The Chairman introduced Emma Edhem, the Chairman of the Standards Regime Review Working Party and thanked her for her attendance. The Chairman explained that Ms Edhem had been invited to today's meeting to brief the Standards Committee on the work of the Working Party in general. He added that the Committee's general views on Mr Bourne's recommendations were well documented in the minutes of the last meeting.

Ms Edhem provided the Committee with an overview of the Working Party's constitution and work to date as well as their work-plan going forward. She explained that, as well as the formal meetings of the Working Party, a lot of work and research was being carried out between meetings. Ms Edhem's presentation went on to cover the following points:

- The Working Party had already come across some recommendations within the report that they were not in agreement with;
- The Working Party had begun by scrutinising all 36 of the recommendations within Mr Bourne's report and identifying those that were obvious/'quick wins' in terms of implementation;
- The Working Party had then identified six clear 'blocks' that would require further clarification/investigation and these were - Assessment of Complaints, Investigation of Complaints, Complaints Hearings, Sanctions, Appeals against Complaints and the Role of the Independent Person. These would be covered over five meetings, two of which had already taken place to date;
- The Standards Committee's three Independent Persons had been invited to address the Working Party informally earlier this month ahead of their formal consideration of those recommendations relating to the role of the Independent Person going forward;
- It was hoped that the Working Party would be in a position to present their full recommendations to the Standards Committee by October as opposed to a piecemeal approach. The Working Party were very keen to

engage the Standards Committee as it was recognised that this was the body who would be tasked with ultimately implementing the various recommendations put forward.

A Co-opted Member encouraged the Chairman of the Working Party to remember an external perspective on this and the City of London's Standards Culture as a whole. He added that Mr Bourne's report was very much from a legal perspective and that Co-opted Members of the Standards Committee tended to have wider experience of Local Authority in general and were therefore more able to challenge the existing culture.

The Chairman of the Working Party reiterated that they were very aware of this. She added that it was also, however, important to maintain the independence of the Standards Committee's Independent Persons who played a very different role to its Co-opted Members – something that needed to be very clearly defined going forward.

The Chairman of the Working Party concluded that it was the expectation that the group would be in a position to inform the Standards Committee of their full, draft recommendations by mid-October 2017. She undertook to notify the Standards Committee of any 'slip' in this proposed timetable. The Chairman of the Standards Committee underlined that his Committee were very keen to expedite the process and went on to question whether the Working Party had also considered wider consultation such as with the Chairman of the Policy and Resources Committee. The Chairman of the Working Party underlined that she was very keen not to rush this important process. She questioned the merit in consulting the Chairman of the Policy and Resources Committee specifically and reported that this was not currently considered necessary.

The Chairman of the Standards Committee referred to an Informal Members Meeting at which Mr Bourne had presented his initial findings to all ahead of the submission of his formal Court report. He questioned whether the Working Party might consider a similar informal meeting of Members allowing them to comment and express any strong views ahead of presenting their final report to the Court of Common Council. The Chairman of the Working Party welcomed this suggestion and stated that she saw no reason why the group could not consult more widely once they had a final draft of their recommendations in place.

A Member commented that he was delighted to hear that the Working Party had sought the views of the Independent Persons in this process. He went on to suggest that they might also do similar with the Standards Committee's Co-opted Members who would also be a very useful resource in terms of providing an external perspective.

Finally, a Member suggested that it might be useful for the Committee to receive the minutes of the Working Party in order to follow the work that was being undertaken. The Chairman of the Working Party stated that the only caveat she would add here was that certain 'decisions' made at each meeting might well be revisited as the process progressed. The Town Clerk undertook

to ascertain eligibility in terms of access to the minutes of the Working Party going forward.

8. CODE OF CONDUCT/PROTOCOL TRAINING

The Committee received a report of the Comptroller and City Solicitor summarising the attendance of members at recent training sessions offered on the Code of Conduct.

The Comptroller and City Solicitor reminded the Committee that they had requested this report at their last meeting. He reported that, since writing this report, one further training session had taken place and that this had been attended by two elected Members. He commented that attendance amongst newly elected Common Councilmen at these sessions was fairly disappointing.

A Member, who also currently sat on the City's Member Development Steering Group, commented that the attendance at the July and September Code of Conduct Sessions was actually comparatively high compared with many other sessions that had been offered. She did, however agree that the new Member level of attendance at these sessions was disappointing. She suggested that, if any training could be made mandatory, it should be this given its increasing importance to those who were publically elected.

The Town Clerk confirmed that all 26 newly elected Members had completed and submitted their Register of Interest and Non-Pecuniary Interest forms within the statutory deadline and that all details had been published on the public facing website.

The Committee suggested that the Chairman write to all newly elected members who were yet to attend a Code of Conduct training session underlining its importance and centrality to their role. It was suggested that he should also ask Ward Deputies to encourage new Member attendance at future sessions.

RECEIVED.

9. DRAFT ANNUAL REPORT OF THE STANDARDS COMMITTEE

The Committee considered a report of the Town Clerk setting out its Draft Annual Report for submission to the Court of Common Council.

It was suggested that paragraph 16 referring to the recent recruitment campaign for a Co-opted Member be amended to read that 'it had not been possible to make an appointment at this stage'.

It was also suggested that reference to the Committee's Independent Persons and their attendance/contributions at Standards Committee meetings throughout the year should be reflected at paragraph 13.

Some further, minor amendments were suggested to paragraphs 5, 10, 16 and 17.

RESOLVED – That:

- (a) Subject to the proposed amendments made at the meeting, the annual report be approved; and
- (b) In accordance with the Committee's terms of reference, the annual report be referred to the Court of Common Council for information.

10. REQUESTS FOR DISPENSATION

The Committee considered a total of twelve written requests for dispensations from the following Members:

- Randall Anderson (Common Councilman for the Ward of Aldersgate);
- Deputy David Bradshaw (Common Councilman for the Ward of Cripplegate);
- Mary Durcan (Common Councilman for the Ward of Cripplegate);
- Gregory Lawrence (Common Councilman for the Ward of Farringdon Without) ;
- Deputy Edward Lord (Common Councilman for the Ward of Farringdon Without) (TABLED);
- Deputy Joyce Nash (Common Councilman for the Ward of Aldersgate);
- Barbara Newman (Common Councilman for the Ward of Aldersgate);
- Susan Pearson (Common Councilman for the Ward of Cripplegate);
- William Pimlott (Common Councilman for the Ward of Cripplegate) ;
- Stephen Quilter (Common Councilman for the Ward of Cripplegate) (TABLED);
- Oliver Sells QC (Common Councilman for the Ward of Farringdon Without);
- Deputy John Tomlinson (Common Councilman for the Ward of Cripplegate)

It was noted that the majority of the requests were in relation to forthcoming discussions relating to the charging policy for car parking and stores at the Barbican Residential Committee. The Chairman therefore suggested that these requests be dealt with first.

The Comptroller and City Solicitor reiterated the relevant criteria against which dispensations might be granted. He added that the composition of the Barbican Residential Committee (BRC) anticipates that resident Members would form part of the Committee. He reported that, under the previous Standards Regime, this was specifically recognised as something that was not a prejudicial interest and so, in the past, dispensations had always been approved on this basis.

A Member, who was also the current Chairman of the BRC, reported that the quorum for these Committee meetings was defined as any four non-resident Members and that this was a deliberate attempt to anticipate these types of issues. The Comptroller and City Solicitor agreed that this meant that the criteria for granting a dispensation which stated that 'without the dispensation the proportion of Members and Co-opted Members prohibited from participating

in any particular business would be so great as to impede the transaction of the business' would not be met in this case.

Members commented that this kind of context was extremely useful when considering these requests and suggested that, in future, covering reports from the Comptroller and City Solicitor setting out the relevant criteria and context on a case by case basis would be useful. The Comptroller and City Solicitor agreed to provide such guidance in writing going forward.

Members were generally of the view that there should be a clear distinction in terms of speaking and voting on matters where Members had clear, disclosable pecuniary interests as was the case with car parking.

In response to questions regarding car parking spaces for Barbican Residents, a Member (also the serving Chairman of the BRC) reported that, if spaces were available, all leaseholders of residential units in the Barbican were entitled to one. This was not, however, mentioned in their lease. There were now proposals to convert underused spaces to storage.

Members were of the view that each request should now be viewed on its individual merit and that the Committee should also be very aware of public perception and pay due regard to the Principles of Public Life here.

In response to final questions, the Comptroller and City Solicitor clarified that dispensations were entirely permissive in nature and did not impose any restrictions on speaking or voting where no such restrictions otherwise exist.

Members requested that the Comptroller and City Solicitor produce a report for their next meeting on the general exemptions around elected Members speaking/voting on residency/council tax matters.

The Committee were of the view that Delegated Authority should be granted to the Town Clerk, in consultation with the Chairman and Deputy Chairman of the Standards Committee, to take decisions on any subsequent applications for dispensations received ahead of the next Standards Committee meeting.

RESOLVED: That the following decisions be communicated to Members:

- **Randall Anderson – Partially Granted** - A dispensation be granted until the ward Elections in 2021 to speak at meetings where the charging policy for Car Parking and Stores in the Barbican were under consideration but the request for a dispensation to vote on such matters, should he have a disclosable pecuniary interest, be refused;
- **Deputy David Bradshaw – Rejected** – The Committee felt that further information was required and that the application was too wide reaching by requesting to speak and/or vote on any matter impacting on either Barbican or Golden Lane residents;

- **Deputy Joyce Nash – Partially Granted** - A dispensation be granted until the ward Elections in 2021 to speak at meetings where the charging policy for Car Parking and Stores in the Barbican were under consideration but the request for a dispensation to vote on such matters, should she have a disclosable pecuniary interest be refused;
- **Mary Durcan – Partially Granted** - A dispensation be granted for a specific meeting of the Barbican Residential Committee on 5th June 2017 only to speak on the charging policy for Barbican car parking and storage spaces charging but the request for a dispensation to vote on such matters be refused (N.B. The limited duration of the dispensation reflects the application);
- **Barbara Newman – Partially Granted** - A dispensation be granted from 16/5/17 to 1/8/17 to speak at meetings where Car Parking charges were under consideration but the request for a dispensation to vote on such matters, should she have a disclosable pecuniary interest, be refused(N.B. The limited duration of the dispensation reflects the application) ;
- **William Pimlott – Partially Granted** - A dispensation be granted until the ward Elections in 2021 to speak at meetings where Parking for Barbican Residents was under consideration but the request for a dispensation to vote on such matters, be refused;
- **John Tomlinson - Rejected** - The Committee felt that further information was required and that the application was too wide reaching and lacking information about why the criteria were met.;
- **Stephen Quilter (tabled) – Partially Granted** - A dispensation be granted until the ward Elections in 2021 to speak on Car Parking and Baggage Stores in the Barbican at meetings of the Barbican Residential but the request for a dispensation to vote on such matters be refused;
- **Susan Pearson – Rejected** - The Committee felt that further information was required (particularly in terms of which criteria the Member considered had been meant where no explanation was provided) and that the application was too wide reaching by requesting to speak and/or vote on any matter Housing Matters to do with Golden Lane Estate;
- **Gregory Lawrence – Partially Granted** - A dispensation be granted until the ward Elections in 2021 to speak on all matters concerning the London Central Markets, other than those in which he has a disclosable pecuniary interest as a shareholder or director of any company which holds a tenancy in the market, and which would affect only him personally or his business interests as opposed to the generality of the tenants within the market. The request for a dispensation to vote on such matters be refused;

- **Oliver Sells QC – Rejected** - The Committee felt that further information was required and that the application was too wide reaching by requesting to speak and/or vote on any matter relating to his residency in the City of London and membership of the Inner Temple;
- **Deputy Edward Lord – APPLICATION WITHDRAWN BY DEPUTY EDWARD LORD.**

11. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

There were no questions.

12. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

There were no additional, urgent items of business for consideration.

13. EXCLUSION OF THE PUBLIC

RESOLVED - That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act.

Item No(s).	Paragraph No(s).
14	2 & 3

14. NON PUBLIC MINUTES

The non-public minutes of the previous meeting held on 3 February 2017 were considered and approved as a correct record.

15. NON PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

There were no questions raised in the non-public session.

16. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE BOARD AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED

There were no additional, urgent items of business for consideration in the non-public session.

The meeting ended at 1.32 pm

Chairman

Contact Officer: Gemma Stokley
tel.no.: 020 7332 1407
gemma.stokley@cityoflondon.gov.uk

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**REQUEST FOR DISPENSATION –
DISPENSATIONS FOR MEMBERS TO SPEAK AND VOTE WHERE THEY
HAVE CERTAIN DISCLOSABLE PECUNIARY INTERESTS**

The new Standards regime does not replicate the former statutory exemptions which allowed Members to vote on a number of matters in which they would otherwise have had a prejudicial interest. However, the City of London Corporation may, following a written request, grant a dispensation for a Member or a Co-opted Member to take part in any discussion and vote on a matter in which they have a disclosable pecuniary interest, in some circumstances.

It is anticipated that the principal matters likely to require dispensations are those relating to the following, where a Member has a beneficial interest in land within the City:-

- Housing (where the Member holds a lease or tenancy from the City, as long as the matter does not relate to their particular lease or tenancy).

However, dispensation may be granted in relation to any matter so long as a relevant criterion is met. The criteria that are relevant to the City of London Corporation are as follows:

- Without the dispensation the proportion of Members and Co-opted Members prohibited from participating in any particular business would be so great as to impede the transaction of the business; or
- Granting the dispensation is in the interests of persons living in the City; or
- It is otherwise appropriate to grant a dispensation.

Please provide the following information if you wish to request a dispensation to allow you to speak and/or vote on a specific matter or matters, either on a specific occasion or at any point until the next Ward elections in 2021.

The following information will be considered by the Standards Committee or its Dispensations Sub Committee.

Name: Susan Pearson

Date: 6 March 2018

Signed:



I request a dispensation to enable me to speak and/or vote on the following matter(s):

Planning Application 17/00770/FULL

Demolition of the former Richard Cloudesley School, City of London Community Education Centre; garages and substation; erection of a 3 storey building with rooftop play area (Class D1) (2300.5 SQM GEA) and a single storey school sports hall (Class D1) (431 sqm GEA) to provide a two form entry primary school; erection of a 14 storey building (plus basement) building to provide 66 social rented units (Class C3) (6135 sqm GEA), and affordable workspace (Class B1a) (244sqm GEA), landscaping and associated works. (zthe **"Planning Application"**)

(Please delete as applicable)*

Please describe the nature of the disclosable pecuniary interest(s) that would otherwise prohibit you from speaking and/or voting on the above matter(s):

I own the leasehold of Flat 21 Hatfield House, Golden Lane Estate, which is adjacent to the site that is the subject of the Planning Application.

Please explain which of the criteria for granting a dispensation you consider to be met, and why:

Granting the dispensation is in the interest of persons living in the City of London.

I am the only member of the Planning and Transportation Committee who lives on the Golden Lane Estate, which adjoins the site of the Planning Application. The debate among the members on the Planning Application will therefore be informed by my first hand knowledge of the area affected.

The debate among the members on the Planning Application will also be informed by the knowledge of Christopher Hayward CC as a Trustee and Director of the City of London Academies Trust, which co-sponsors this development.

My being able to speak at the meeting will therefore ensure an appropriate balance in the debate.

The same logic does not extend to my voting on the matter, so I am applying only for a dispensation to speak.

I require the dispensation for:

(i) a time limited period from/to: ☐

(ii) for a specific meeting of: The Planning and Transportation Committee

On: 26th March 2018 or subsequent meeting when the Planning Application is discussed

☒

(ii) Until the Ward elections in 2021

☐

If your request is urgent, please specify why:

The dispensation requested is required by the earliest date on which the Planning Application will be considered by the Planning and Transportation Committee, which is March 26th 2018

Request considered by the Standards Committee / Dispensations Sub Committee:

Date:----- Decision taken:

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Committee: Dispensations Sub Standards Committee	Date: 13 March 2018
Subject: Request for a Dispensation under the Localism Act 2011	Public
Report of: Comptroller & City Solicitor Report author: Edward Wood, Chief Solicitor	For Decision

Summary

A Member requests a dispensation to speak on planning and licensing matters where she would otherwise have a disclosable pecuniary interest by virtue of her ownership of a flat within her Ward. This request was originally included on the agenda for the inquorate meeting of the Standards Committee on 26 January 2018 and is now resubmitted to the Dispensations Sub Standards Committee for decision.

Recommendation

Members are asked to determine the application for a dispensation.

Main Report

Background

1. Ann Holmes, a Common Councilman for the Ward of Farringdon Within, has submitted a request for a dispensation. Your Committee has requested that all such applications are accompanied by a covering report.

Disclosable pecuniary interests under the Localism Act 2011

2. Under the Localism Act 2011 and The Relevant Local Authorities (Disclosable Pecuniary Interests) Regulations 2012 there are a number of disclosable pecuniary interests that prevent a Member from participating in any discussion or vote on a connected item of business. The disclosable pecuniary interest that is engaged in this case is:
 - (a) any beneficial interest in land which is within the area of the relevant authority.

3. The Localism Act 2011 does not provide any additional guidance on judging whether a disclosable pecuniary interest is engaged or not. It simply states that the prohibition on speaking or voting on a matter is engaged where a Member:
 - (a) is present at a meeting;
 - (b) has a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting; and
 - (c) is aware that the condition in paragraph (b) is met.
4. It is up to individual Members to make a judgement whether they have a disclosable pecuniary interest in relation to any particular item of business. This will be the case where a decision would materially affect a Member's interest in land, for example by materially affecting the value of that land, the prospects of selling that land, or the use and enjoyment of that land.
5. A Member commits a criminal offence if, without reasonable excuse, they participate in any discussion or vote on any matter in which they have a disclosable pecuniary interest. For this reason we would always advise a Member to err on the side of caution. A Member who is found guilty of such an offence can be fined up to £5,000 and disqualified from holding office for up to five years. A prosecution may only be instigated by or on behalf of the Director of Public Prosecutions (DPP).

Granting dispensations under the Localism Act 2011

6. A relevant authority may, on a written request made to the proper officer of the authority by a Member of the authority, grant a dispensation relieving the Member from either or both of the restrictions on speaking or voting in cases described in the dispensation. A dispensation must specify the period for which it has effect, which may not exceed four years. The granting of such dispensations is a function of this Committee and its Dispensations Sub-Committee. A relevant authority may only grant a dispensation if, after having had regard to all relevant circumstances, the authority:
 - (a) considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
 - (b) considers that without the dispensation the representation of different political groups on the body transacting any particular

business would be so upset as to alter the likely outcome of any vote relating to the business;*

- (c) considers that granting the dispensation is in the interests of persons living in the authority's area;
- (d) if it is an authority operating executive arrangements, considers that without the dispensation each Member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive;* or
- (e) considers that it is otherwise appropriate to grant a dispensation.

* Grounds (b) and (d) are not directly applicable to the City Corporation but are included for completeness and context.

Additional factors

7. Subject to the specific statutory grounds for granting a dispensation, Members may also wish to take into account the following (non-exhaustive) additional factors:
 - (i) whether the nature of the Member's interest is such that to allow them to participate would risk damage to public confidence in the conduct of the City Corporation's business;
 - (ii) whether the interest is common to the Member and a significant proportion of the general public;
 - (iii) whether the Member was elected on a platform that they would specifically address the item or items of business for which the dispensation is sought;
 - (iv) whether the participation of the Member in the business that the interest relates to is justified by their particular role or expertise;
 - (v) whether the request is for a dispensation to (a) speak at the meeting with the same rights as a member of the public; (b) participate fully in the debate as a Member of the decision-making body in question; or (c) participate fully in the debate as a Member of the decision-making body in question and vote on the business.
8. As previously stated, the onus is on individual Members to decide whether they have a disclosable pecuniary interest in any given matter. Therefore your Committee should assume for present purposes that any dispensation being sought is required in order to participate, and you should not refuse a request simply on the basis that a dispensation is not thought to be necessary. Any dispensation granted is entirely permissive

in nature and does not impose any restrictions on speaking or voting where no such restrictions otherwise exist.

The application and specific considerations

9. The request for a dispensation is attached at Appendix 1. Ann Holmes is requesting a dispensation to speak (but not vote) on planning and licensing matters where she would otherwise have a disclosable pecuniary interest by virtue of her joint ownership of a flat within her Ward. As justification she cites the ability to represent her constituents by speaking on their behalf at the Planning & Transportation Committee and Licensing (Hearing) Sub-Committee. A dispensation is sought until the Ward elections in 2021.
10. On 23 September 2014 your Dispensations Sub-Committee granted Ann Holmes a dispensation to speak at meetings of the Planning & Transportation Committee concerning planning developments within her Ward, in accordance with the Planning Protocol and the rules of the Planning & Transportation Committee. The minutes recording the reasoning of the Sub-Committee on that occasion are included for information at Appendix 2. That dispensation was in force until the Ward elections in 2017.
11. At the time of writing this report Ann Holmes is not a Member of the Planning & Transportation Committee or the Licensing Committee. The Planning Protocol and the Licensing Protocol can be viewed on the City Corporation website and copies will also be available at the meeting if requested.

Conclusion

12. The request for a dispensation is similar to a request that was granted to the Member concerned during the previous electoral cycle. Nevertheless your Committee is asked to determine this new application afresh in accordance with the criteria set out under the Localism Act 2011.

Contacts:

Edward Wood
Chief Solicitor
020 7332 1834
edward.wood@cityoflondon.gov.uk

Michael Cogher
Comptroller & City Solicitor
020 7332 1660
michael.cogher@cityoflondon.gov.uk



**REQUEST FOR DISPENSATION –
DISPENSATIONS FOR MEMBERS TO SPEAK AND VOTE WHERE THEY
HAVE CERTAIN DISCLOSABLE PECUNIARY INTERESTS**

The new Standards regime does not replicate the former statutory exemptions which allowed Members to vote on a number of matters in which they would otherwise have had a prejudicial interest. However, the City of London Corporation may, following a written request, grant a dispensation for a Member or a Co-opted Member to take part in any discussion and vote on a matter in which they have a disclosable pecuniary interest, in some circumstances.

It is anticipated that the principal matters likely to require dispensations are those relating to the following, where a Member has a beneficial interest in land within the City:-

- Housing (where the Member holds a lease or tenancy from the City, as long as the matter does not relate to their particular lease or tenancy).

However, dispensation may be granted in relation to any matter so long as a relevant criterion is met. The criteria that are relevant to the City of London Corporation are as follows:

- Without the dispensation the proportion of Members and Co-opted Members prohibited from participating in any particular business would be so great as to impede the transaction of the business; or
- Granting the dispensation is in the interests of persons living in the City; or
- It is otherwise appropriate to grant a dispensation.

Please provide the following information if you wish to request a dispensation to allow you to speak and/or vote on a specific matter or matters, either on a specific occasion or at any point until the next Ward elections in 2021.

The following information will be considered by the Standards Committee or its Dispensations Sub Committee.

Name: ANN HOLMES Date: 18/1/18

Signed: P. A. Holmes

I request a dispensation to enable me to speak and/or ~~vote~~ on the following matter(s):

planning
licensing

(* Please delete as applicable)

Please describe the nature of the disclosable pecuniary interest(s) that would otherwise prohibit you from speaking and/or ~~voting~~ on the above matter(s):

joint ownership of a flat in
Bartholomew Close, which
falls within Farringdon
within, for which I am
a member

Please explain which of the criteria for granting a dispensation you consider to be met, and why:

The ability to represent my constituents by speaking on their behalf at Planning Committee, or Housing Hearings. It is possible that my joint ownership of a leasehold flat might, on occasion, be viewed as a pecuniary or non pecuniary interest

I require the dispensation for:

(i) a time limited period from/to: ☐

(ii) for a specific meeting of: ☐

On: ☐

(ii) Until the Ward elections in 2021



If your request is urgent, please specify why:

Request considered by the Standards Committee / Dispensations Sub Committee:

Date: 18/11/20 ^{PLH} Decision taken:

Tuesday, 23 September 2014

**Minutes of the meeting of the Dispensations Sub (Standards) Committee held
at the Guildhall EC2 at 8.45am**

Present

Members:

Judith Barnes (Co-opted Member)
Nigel Challis

Michael Hudson
Deputy Alastair King

Officers:

Michael Cogher
Lorraine Brook
Gregory Moore

Comptroller and City Solicitor
Town Clerk's Department
Town Clerk's Department

1. APOLOGIES

There were none.

**2. MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN
RESPECT OF ITEMS ON THE AGENDA**

There were none.

3. ELECTION OF A CHAIRMAN

The Committee proceeded to elect a Chairman for the meeting in accordance with Standing Order No. 29. Nigel Challis, being the only Member expressing a willingness to serve, was duly elected and took the Chair.

RESOLVED: That Nigel Challis be elected as Chairman for the meeting of the Dispensations Sub Committee.

4. REQUEST FOR A DISPENSATION

The Sub Committee considered a written request for a dispensation from Ms Ann Holmes, a Common Councilman for the Ward of Farringdon Within.

It was noted that the request for a dispensation under Section 33 (2) of the Localism Act 2011 concerned Ms Holmes' disclosable pecuniary interest as the owner of a property within the Ward which was affected by the ongoing Bart's Square property development. Ms Holmes' request to the Sub Committee, to participate in any discussion and vote on matters relating the Bart's Square development and any other planning developments taking place within the Ward of Farringdon Within, was based on the following grounds:-

(i) that the dispensation was in the interests of persons living (or in the City's case, living or working) in the authority's area; and/or

(ii) that it is otherwise appropriate to grant a dispensation.

It was noted that Ms Holmes had submitted the request with a particular view to speaking at a meeting of the Planning & Transportation Committee taking place on 23 September 2014. However, she was also seeking a more general dispensation to cover the period up to the next Ward elections in 2017, to cover both speaking and voting at relevant meetings.

Following confirmation from the Comptroller & City Solicitor regarding the grounds on which a dispensation could be granted, the Sub Committee considered the request. The Sub Committee felt that the various elements of the request would be best considered separately, first considering the request to speak at meetings of the Planning & Transportation Committee as a non-voting attendee, rather than as an elected Member of the Committee.

Members noted that Ms Holmes had campaigned for election partly on the basis of representing the residents of her Ward on local planning issues, particularly the Bart's Square development. It was clarified that the Bart's Square development was substantial and affected a large section of the Ward, and that planning permission had already been granted for the project. Given the scale of the development and the fact that the Planning & Transportation Committee had a clear Protocol with which she would be obliged to comply, Members felt comfortable in granting a dispensation on this basis. It was noted that any member of the public would have such a right, and therefore to prohibit Ms Holmes from speaking would inappropriately disadvantage her. Further, given the robustness of the Planning Protocol in providing guidance on such issues, the Sub Committee was comfortable in extending the dispensation to cover all planning developments within Farringdon Within, provided she declared her interest before speaking on each occasion and remained at all times compliant with the rules governing the Planning & Transportation Committee.

The Sub Committee noted that on occasion planning matters were discussed at other Committees, for instance Property Investment Board, Policy & Resources Committee and The Court of Common Council. As such, it was agreed that any dispensation would be confined to the Planning & Transportation Committee.

Second, the Sub Committee turned to the matter of Ms Holmes being able to vote and speak should she become a Member of the Planning & Transportation Committee in due course. Given the nature of the Committee it was clear that to permit voting rights would not be acceptable; the Planning & Transportation Committee's own Protocol also made clear that Members of the Committee with such interests were able to speak on such matters, but were obliged to leave the room after making their statement so as not to influence debate. Therefore, whilst Ms Holmes would be permitted to speak on such matters as a Member of the Committee, and in line with that Committee's Protocol, she would not be entitled to vote and a dispensation could not be granted to her on that basis.

It was therefore agreed that a dispensation be granted to Ms Holmes to speak at Planning & Transportation Committee meetings on planning matters affecting

the Ward of Farringdon Within, including the Bart's Square development, subject to the Planning Protocol and the rules of the Planning & Transportation Committee which they might impose.

RESOLVED: That the request of Ms Ann Holmes for a dispensation under Section 33 (2) of the Localism Act 2011 in relation to her disclosable pecuniary interest be approved on the following terms:

- A dispensation be granted until the Ward Elections of 2017 for permission to speak at meetings of the Planning & Transportation Committee concerning planning developments in the Ward of Farringdon Within, in accordance with the Planning Protocol and the rules of the Planning & Transportation Committee; and
 - The request for a dispensation to vote on such matters, should she be elected as a Member of the Planning & Transportation Committee, be refused.
-
- **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**
There were no urgent items.

The meeting closed at 9.15 am

Chairman

Contact Officer:
Gregory Moore
Tel: 0207 332 1399
E-mail: gregory.moore@cityoflondon.gov.uk

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