



Dispensations Sub (Standards) Committee

Date: MONDAY, 18 NOVEMBER 2019

Time: 2.30pm

Venue: COMMITTEE ROOM 1 - 2ND FLOOR WEST WING, GUILDHALL

Members: Deputy Jamie Ingham Clark (Chairman)
Judith Barnes
Mary Durcan
Barbara Newman

Enquiries: Antoinette Duhaney, Committee & Member Services Officer
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NB: Part of this meeting could be the subject of audio or video recording.

Lunch will be served in the Guildhall Club at 1pm

**John Barradell
Town Clerk and Chief Executive**

AGENDA

1. **APOLOGIES**
For Decision
2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF
ITEMS ON THE AGENDA**
For Decision
3. **DISPENSATION REQUESTS**
Report of the Town Clerk
For Decision
(Pages 1 - 72)
4. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE SUB-
COMMITTEE**
For Decision
5. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**
For Decision

Agenda Item 3

Committee: Dispensations Sub (Standards) Committee	Date: 18 November 2019
Subject: Requests for a Dispensation under the Corporation's approved Dispensations Policy	Public
Report of: Report of Town Clerk	For Decision
Report authors: Gemma Stokley Antoinette Duhaney	

Summary

This report set out details of three Members (Mark Bostock, Susan Pearson, Brian Mooney) who have requested a dispensation to speak and or vote on any matter which affects their constituents and in which they may have a "pecuniary interest," except for matters which:

(a) affect them uniquely or more so than any of their 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;

It also provides details of a request from Adrian Bastow to speak and vote on matters relating to the proposed extension of the City of London School for Girls onto the Grade II listed areas of the Barbican Estate.

Recommendation

The Sub-Committee is asked to determine the applications for a dispensation as detailed below.

Main Report

Background

1. Four Members have submitted requests for a dispensation. The Standards Committee has requested that all such applications are accompanied by a covering report. These applications are submitted under the new dispensations policy that came into force on 1 March 2019 (appendix 1). The statutory grounds for granting a dispensation under the Localism Act 2011, and the factors that your Sub-Committee should take into account when considering these applications, are set out and explained in that document.

The applications

2. The full applications for dispensations are appended to this report. The applications from Mark Bostock (appendix 2), Susan Pearson (appendix 3), and Deputy Brian Mooney (appendix 4) were previously considered by the Dispensations Sub-Committee on 3 July 2019 and the minutes of the Sub-Committee are attached as appendix 5. However, the applicants listed above were dissatisfied with the Sub-Committee's decision and requested that their applications be reconsidered.
3. These applications were subsequently resubmitted to the Sub-Committee on 04.09.19 and at this meeting, it was agreed that these applications be deferred (minutes attached as appendix 6) pending the outcome of a review of the Dispensations Policy by the Standards Committee. (The minutes of the Standards Committee's meeting on 04.10.19 are attached as appendix 7). In the light of the Standards Committee's deliberations, these applications have been resubmitted on the revised dispensations application form
4. An application has also been submitted by Adrian Bastow (appendix 8)
5. This covering report does not seek to include all of the information included within the applications but provides a summary of the dispensation sought by each applicant.

Mark Bostock

6. In summary, Mark Bostock confirms that he has the following "disclosable pecuniary interests" for the purpose of the Localism Act 2011 and that these interests have been published in his register of interests:
 - (a) a long lease that he and his wife hold in a flat at 815 Frobisher Crescent in the Barbican Estate; and
7. Mark Bostock has confirmed that the dispensation request is to speak and vote for the remainder of his term of office (which ends in March 2021) on any matter which affects his constituents and in which he may have a "pecuniary interest", except for a matter which:
 - (a) affects him uniquely or more than any of his 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;
8. Mr Bostock makes this request on the grounds that the grant of this dispensation is in "the interest of persons living in the authority's area."

Specific considerations

9. Mark Bostock is a Common Councillor for Cripplegate Ward and a Member of a number of committees including the Markets Committee, the Planning and Transportation Committee, the Barbican Residential Committee and Hampstead Heath, Highgate Wood and Queen's Park Committee.
10. The Planning and Transportation Committee is a Ward Committee consisting of four Alderman nominated by the Court of Alderman and up to 31 Commoners representing each Ward (two representatives for the Wards with six or more Members regardless of whether the Ward has sides) or Side of Ward. There are two representatives for Cripplegate Ward. The quorum for that Committee is any nine Members.

Susan Pearson

11. In summary, Susan Pearson confirms that she has a "disclosable pecuniary interest" for the purpose of the Localism Act 2011 consisting of a long lease that she holds in a flat at 21 Hatfield House, Golden Lane Estate, London EC1Y 0ST and that this has been published in her register of interests:
12. Ms Pearson has confirmed that the dispensation request is to speak and vote for the remainder of her term of office (which ends in March 2021) on any matter which affects her constituents and in which she may have a "pecuniary interest", except for a matter which:
 - (a) affects her uniquely or more than any of her 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;
13. Ms Pearson makes this request on the grounds that the grant of this dispensation is in "the interest of persons living in the authority's area."

Specific considerations

14. Susan Pearson is a Common Councillor for Cripplegate Ward and a Member of a number of committees including the Planning and Transportation Committee, the Finance Committee, the Community and Children's Services Committee and the Barbican Residential Committee.
15. The Community and Children's Services Committee is a Ward Committee consisting of two Alderman nominated by the Court of Alderman and up to 33 Commoners representing each Ward (two representatives for the Wards with six or more Members regardless of whether the Ward has sides) or Side of Ward. Those Wards having 200 or more residents (based on the Ward List) are able to nominate a maximum of two representatives. There are also a limited number of Members co-opted by the Committee (e.g. the two parent governors required by law). There are two representatives for the Ward of Cripplegate. The quorum for that Committee is any nine Members [N.B. - the co-opted Members only count as part of the quorum for matters relating to Education Functions].

Deputy Brian Mooney

- 16 In summary, Brian Mooney confirms that he has a "disclosable pecuniary interest" for the purpose of the Localism Act 2011 consisting of two flats in Queen's Quay, Upper Thames Street, London EC4. This interest has been published in his register of interests.
- 17 Deputy Mooney has confirmed that the dispensation request is to speak and vote for the remainder of his term of office (which ends in March 2021) on any matter which affects his constituents and in which he may have a "pecuniary interest", except for a matter which:
- (a) affects him uniquely or more than any of his constituents; and
- 18 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;
- 19 Deputy Mooney makes this request on the grounds that the grant of this dispensation is in "the interest of persons living in the authority's area".

Specific considerations

- 20 Brian Mooney is Deputy Member of Queenhithe Ward and a Member of a number of committees including the Markets Committee, the Planning and Transportation Committee and the Port Health and Environmental Services Committee.

Adrian Bastow

- 21 In summary, Adrian Bastow confirms that he does not have a "disclosable pecuniary interest" for the purpose of the Localism Act 2011 as a lessee. Due to location of the property, the proposals are unlikely to affect his enjoyment of the property nor the Barbican Estate in general.
- 22 Mr Bastow has confirmed that the dispensation request is to speak and vote for the period up to any decisions being made by the Planning & Transportation Committee on matters relating to the proposed extension of the City of London School for Girls onto the Grade II listed areas of the Barbican Estate, at the request of resident electors.
- 23 Mr Bastow makes this request on the grounds that the grant of this dispensation is in "the interest of persons living in the authority's area." He states that residents have urged Ward Members to oppose the incursion onto the Grade II listed areas of the Barbican Estate. Given that existing and former members of the Board of Governors of the City of London School for Girls are permitted to speak and vote on this matter, Mr Bastow states that in the interests of good governance, there should be a level playing field for all members in respect of voting.

Specific considerations

- 24 Mr Bastow is a Member for Aldersgate Ward and a Member of a number of committees including Planning and Transportation and Port Health and Environmental Services Committees.

Conclusion

- 25 A summary of current dispensations awarded since May 2017 by the Standards Committee, Dispensations Sub (Standards) Committee and under Standing Orders 41(a) and (b) is attached as appendix 8.
- 26 The Sub-Committee is asked to determine these applications in accordance with the new policy on the granting of dispensations that came into force on 1 March 2019.

Appendices

1. Dispensation policy
2. Mark Bostock application
3. Susan Pearson application
4. Brian Mooney application
5. Minutes from 03.07.19 Dispensations Sub-Committee meeting
6. Minutes from 04.09.19 Dispensations Sub-Committee meeting
7. Minutes from 04.10.19 Standards Committee meeting
8. Adrian Bastow application
9. Current dispensations

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Standards Committee

Policy and guidance on the granting of dispensations under the Localism Act 2011 and the Members' Code of Conduct

Introduction

Purpose of this document

1. The purpose of this document is to explain:
 - (a) what a dispensation is, and when it might be necessary to apply for one in order to participate in an item of business;
 - (b) the process for applying for a dispensation;
 - (c) the statutory grounds for granting a dispensation;
 - (d) the agreed additional factors that will be taken into account in deciding whether one or more of the statutory grounds have been satisfied; and
 - (e) the general policy position on the granting of dispensations.
2. The aim is to provide as much guidance as possible to Members and Co-opted Members (referred to collectively here as "Members") about when it might be appropriate to apply for a dispensation, the information that should be provided in the application form in every case, and additional information that might usefully be provided in order to support a particular application. This document will also be used by the Standards Committee to ensure consistency in decision making.

Application

3. The Localism Act 2011 applies to the City Corporation in its capacity as a local authority or police authority. However, the City Corporation has chosen to apply the Members' Code of Conduct, including the rules on disclosable pecuniary interests, to all of its functions – not just its local authority and police authority functions. The Code of Conduct applies to any member of the City Corporation and any external or co-opted member of a committee of the City Corporation (collectively referred to as a "Member" in this document).

Statement of general policy

4. The default statutory position is that a Member who has a disclosable pecuniary interest in any matter being considered at a meeting cannot speak or vote on that matter. Members may apply for a dispensation from these restrictions on specified statutory grounds and all applications will be decided on their individual merits. The Standards Committee will exercise its discretionary power to grant dispensations subject to its general duty to promote high standards of conduct; in a way that is consistent with the Seven Principles of Public Life and helps to maintain public confidence in the conduct of the City Corporation's business. In considering

whether and how to exercise its discretion the Standards Committee will need to see good reasons why an application should succeed on one or more of the statutory grounds, with particular reference to the additional factors set out in this document. **The onus is on the Member making an application to demonstrate that a dispensation is justified in the circumstances.**

5. The Court of Common Council has requested that the Standards Committee "...adopt a position where Members would generally be granted a dispensation to speak (but not vote) on all matters concerning their Ward where they have an engaged disclosable pecuniary interest other than when that disclosable pecuniary interest would be directly and materially impacted by a matter to be determined at a meeting of the Court or one of its committees or sub-committees, subject of course to the proper exercise of the statutory discretion in each case." This is the guiding principle that underpins this policy.

Disclosable pecuniary interests

6. In order to consider dispensations it is first necessary to understand the rules around disclosable pecuniary interests – what they are, when they are engaged and their effect on participation. A summary of the position is therefore set out at Appendix 1. Members should also refer to the other guidance available on disclosable pecuniary interests and the Members' Code of Conduct, which can be accessed via the link in Appendix 1.

Granting dispensations

The process

7. 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. At the City Corporation the granting of such dispensations is a function of the Standards Committee and its Dispensations Sub-Committee (referred to collectively in this document as "the Standards Committee") although individual applications will normally be considered by the Dispensations Sub-Committee. The Standards Committee has decided to delegate authority to determine certain types of straightforward dispensation applications to the Town Clerk.
8. Dispensation applications, whether determined by the Standards Committee, or by the Town Clerk under delegated authority, are subject to the statutory rules on public access to information in the normal way. In most cases the public interest in disclosing this information will outweigh the public interest in maintaining any applicable exemption. This means that the detail of any application will normally be made public, even if it contains special category personal data, including information about a protected characteristic, that is relevant to the application.
9. As previously stated, the onus is on individual Members to decide whether they have a disclosable pecuniary interest in any given matter. Therefore the Standards Committee will generally assume that any dispensation being sought is required in

order to allow the Member concerned to participate in the relevant item of business and will not normally refuse a request simply on the basis that a dispensation is not thought to be necessary. The only exception to this is where the facts as disclosed in the application form could not possibly engage a disclosable pecuniary interest. **Any dispensation is entirely permissive in nature and does not impose any restrictions on speaking or voting where no such restrictions otherwise exist.**

10. The expectation is that the Town Clerk will read out any applicable dispensations at an appropriate point in the meeting, either under the agenda item on Members' declarations or at the start of the consideration of the item of business in question. However it is the responsibility of the Member concerned to make sure that the existence and nature of any dispensation being relied upon is made known at a meeting.
11. Any dispensation relates only to the disclosable pecuniary interest(s) cited in the application. If a Member has another engaged disclosable pecuniary interest, that was either omitted from the original application, or arose after the original application was made, then this will not be covered by the terms of the existing dispensation. A Member wishing to speak or vote on a relevant item of business in such circumstances would need to make a fresh application. The Standards Committee also reserves the right to review and revoke or amend any dispensation previously granted in appropriate circumstances.

Timeliness of applications

12. The Standards Committee requests that Members lodge any applications as soon as possible after becoming aware that a dispensation is required in order to participate in a particular item of business. A Member does not have to wait until they know the precise date of the meeting at which a matter will be considered before applying for a dispensation. If applications are submitted at short notice it may not be possible to consider them in time for the meeting in question.

The statutory grounds for granting a dispensation

13. The legislation provides that a relevant authority (which includes the City Corporation) 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.

Comments on the statutory grounds

- 14. The default position is that a Member with a disclosable pecuniary interest in any matter may not speak or vote on that matter. **The onus is on the Member making an application to demonstrate that at least one of the statutory grounds for granting a dispensation is satisfied.**
- 15. One obvious example of where it may be appropriate to grant a dispensation under statutory ground (a) is where the decision-making body would otherwise be inquorate.
- 16. In the Standards Committee's view the reference in statutory ground (c) to "persons living in the authority's area" is a reference to residents. A dispensation may also be granted where it is in the interests of other persons accessing the City, its facilities and services – such as City workers – but this would properly come under statutory ground (e). In both cases, the Standards Committee will consider whether not granting a dispensation would be to the disadvantage of that group. The Standards Committee will also take into account how many persons would be disadvantaged, and to what extent.

Dispensation decisions that are delegated to the Town Clerk

- 17. The Standards Committee has decided to delegate authority to determine certain types of straightforward dispensation applications to the Town Clerk. Whilst one or more of the statutory grounds for granting a dispensation must still be satisfied in each case, the Standards Committee considers that it will normally be possible to establish this in relation to the three types of application set out below. The Town Clerk may grant such dispensations for a term ending on or before the date of the next ordinary Common Council elections. Any Member who requires a dispensation that goes beyond these delegated arrangements must apply to the Standards Committee in the normal way. The matters delegated to the Town Clerk are as follows:

Council tax

- (a) The Department for Communities and Local Government guide for councillors entitled 'Openness and transparency on personal interests' states that, "...being a council tax payer does not mean that you need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support." Whilst this guidance will no doubt provide comfort to Members, it is not intended to be a definitive

statement of the legal position. Although the prosecution of a Member who participated in such circumstances is highly unlikely, this cannot be absolutely guaranteed. Members are therefore entitled to apply for a dispensation to speak and vote on the setting of council tax should they wish to have greater assurance on this point. As the Standards Committee considers the granting of a dispensation in these circumstances to be uncontroversial, authority has been delegated to the Town Clerk to determine applications for dispensations relating to council tax.

Speaking on planning and licensing applications

- (b) The Standards Committee is of the view that, subject to certain safeguards, Members should generally be permitted to speak with the same rights as a member of the public on planning and licensing applications. However, where a Member has a relevant disclosable pecuniary interest, the Localism Act 2011 prohibits this unless a dispensation is applied for and granted for the purpose. The Standards Committee considers that granting a dispensation in these circumstances will normally be in the interests of persons living in the City and/or will be otherwise appropriate. Therefore, authority has been delegated to the Town Clerk to grant dispensations in appropriate circumstances, to Members who are not members of the Committee in question, for the purpose of making oral representations, answering questions, or giving evidence, relating to planning and licensing applications where the public are also allowed to attend the meeting for the same purpose. This is dependent on the Member in question having submitted written representations on a particular application, or otherwise having satisfied the criteria to speak as a member of the public in the normal way. Any Member relying on such a dispensation should then be treated as a member of the public when making oral representations on that matter. These dispensations are not available to Members of the Planning Committee or the Licensing Committee in relation to the business of their own Committee, and any dispensation granted under delegated powers for this purpose will lapse if a Member is subsequently appointed to the Committee in question. Members of the Planning Committee and the Licensing Committee may still apply for a dispensation to participate in relation to the business of their own Committee, where they have a relevant disclosable pecuniary interest, but must do so on a case by case basis to the Standards Committee.

Speaking on general housing matters

- (c) The Standards Committee is of the view that Members should normally be permitted to speak on general housing matters¹ even where they have one or more of the following types of disclosable pecuniary interest relating to a residential property in the City:
- (i) A lease or tenancy from the City Corporation.
 - (ii) A licence from the City Corporation to occupy land for a month or longer.
 - (iii) A corporate tenancy from the City Corporation, where the tenant is a company in which the Member has a beneficial interest.

N.B. Under the Localism Act 2011 this includes any disclosable pecuniary interest belonging to a spouse, civil partner, or person with whom the Member is living as husband or wife, or as if they were civil partners.

The Standards Committee considers that granting a dispensation in these circumstances will generally be in the interests of persons living in the City. Therefore, authority has been delegated to the Town Clerk to grant such dispensations, so long as the item of business does not relate particularly to the Member's own disclosable pecuniary interest. What this means in practice is that a Member with such a dispensation will be able to speak on housing matters that affect all of the City Corporation's tenants or leaseholders on a particular estate equally. This would include, for example, speaking on the appropriate level of service charge. However, such a dispensation will not permit a Member to speak on an item of business that relates solely or particularly to their own lease or tenancy. This would include, for example, rent arrears or repairs relating to the Member's own property. If a Member is unsure whether an item of business relates particularly to their own disclosable pecuniary interest, they are encouraged to seek advice from the Monitoring Officer or the Town Clerk, or apply for a specific dispensation from the Standards Committee.

¹ For these purposes "general housing matters" means the exercise of the City Corporation's functions as a housing authority in relation to:-

- Housing governance i.e. decision making, scrutiny and consultation arrangements together with any proposals for stock transfer.
- General housing management i.e. arrangements for the proper management of the City Corporation's housing stock and housing estates including management of common parts, estate amenities and community facilities, and commercial properties which are an integral part of housing estates, together with the procurement of services to carry out such activities.
- General repairs and maintenance including arrangements for procuring repairs and maintenance.
- General rent and service charge setting.
- Strategic housing policy including allocations, homelessness and the provision of new homes.

For these purposes "general housing matters" does not include:

- The provision of parking spaces, and private storage spaces separate from a dwelling.

Factors to be taken into consideration by the Standards Committee

18. In deciding whether to grant a dispensation under one or more of the specific statutory grounds, the Standards Committee will take into account the (non-exhaustive) list of factors set out in Appendix 3, as well as any other relevant circumstances, as appropriate. However, the Standards Committee will look at the

merits of each application in the round, and simply addressing one or more of the factors in Appendix 3 does **not** mean that a dispensation will be granted.

Other related matters

Multiple applications from a particular ward

19. Applications to participate in a particular item of business may be received from more than one Member of the same ward. The Standards Committee would prefer to consider the respective merits of all applications from a single ward on a particular item of business at the same time, rather than on a 'first come, first served' basis. To assist with this process, Members are reminded of the request to lodge any applications as soon as possible after becoming aware that a dispensation is required. The Members of each ward are encouraged to work together in deciding whether an application for a dispensation should be made and, if so, in considering which Member or Members would be in the strongest position to apply. This could potentially be organised through the ward deputy.

Section 618 of the Housing Act 1985

20. Under section 618 of the Housing Act 1985, a Member of the City Corporation may not vote on a resolution or question which is proposed or arises in pursuance of the Housing Act 1985 or the Housing Associations Act 1985 (concerning various housing management issues) and relates to land in which they are beneficially interested. This restriction is separate from, and runs parallel to, the relevant provisions of the Localism Act 2011. **It is not possible to grant a dispensation from the restriction on voting contained in this section.**
21. What this means in practice is that if a housing matter is being considered at a meeting that relates to land in which a Member has a beneficial interest, that Member may not vote, by virtue of section 618 of the Housing Act 1985. Even were the Standards Committee to grant a dispensation to vote under the provisions of the Localism Act 2011, that Member would still be prohibited from voting under section 618 of the Housing Act 1985. In addition, they may only speak on the matter if they have obtained a dispensation to do so under the Localism Act 2011.

Conclusion

22. Requests for dispensations will be determined on their own merits and any dispensation granted must be justified on one or more of the statutory grounds. Dispensations to speak and vote on council tax, to speak on general housing matters, and to speak on planning and licensing applications as a member of the public, may be granted by the Town Clerk under delegated authority. All other applications will be considered by the Standards Committee, which will need to be presented with a clear case and will be guided by the principles set out in this document in making its decision. Any Member applying for a dispensation to the Standards Committee should thoroughly address the factors set out at Appendix 3. Applications should be submitted in good time where possible and Members are requested to liaise with the other Members of their ward where appropriate.

Approved by the Standards Committee and in force from 1 March 2019.

Appendix 1 – Disclosable pecuniary interests

What is a disclosable pecuniary interest?

1. 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 under the following headings:

- (a) Employment;

Any employment, office, trade, profession or vocation carried on for profit or gain.

- (b) Sponsorship;

Any payment, etc. towards the election expenses of a Member, or the expenses incurred in carrying out their official duties (other than from the City Corporation). This would include any payment from a trade union.

- (c) Contracts;

Any contract with the City Corporation for goods, services or works. This will include any Member with one or more children at any of the City Corporation's independent schools.

- (d) Land;

Any beneficial interest in land which is within the City. This includes any freehold or leasehold interest in land, as well as any tenancy.

- (e) Licences;

Any licence to occupy land in the City for a month or longer.

- (f) Corporate tenancies;

Any tenancy where the City Corporation is the landlord and the tenant is a company or other body in which the Member or another relevant person has a beneficial interest.

- (g) Securities.

Any shares, debentures, debenture stock, loan stock, bonds, unit trusts and similar investments in a body that has a place of business or land in the City and the total nominal value exceeds £25,000 or 1/100th of the total issued share capital.

2. The disclosable pecuniary interest that is most commonly engaged in relation to planning, licensing and housing matters is (d) Land.

When is a disclosable pecuniary interest engaged?

3. The Localism Act 2011 does not provide any additional guidance on judging whether a disclosable pecuniary interest should impact on a Member's participation in a particular item of business or not. It simply states that the prohibition on speaking or voting on a matter applies 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.

It is not possible to simply substitute the different descriptions of a disclosable pecuniary interest, such as 'land' or 'employment', into (b) above. Therefore some additional form of wording has to be read into this provision, whether that refers to a disclosable pecuniary interest being 'engaged' in any matter, or 'relating to' any matter, or being 'affected by' any matter. There isn't a definitive test – whether a Member has a disclosable pecuniary interest in a particular item of business is a matter of fact and degree to be determined in each individual case.

4. It is therefore up to individual Members to make a judgement as to whether any disclosable pecuniary interest that they possess relates to a particular item of business, drawing on their experience and taking any advice as appropriate. As a starting point, a Member should consider:
 - (a) whether the matter before the meeting could reasonably be said to appear to be likely to affect their disclosable pecuniary interest; or
 - (b) whether a member of the public would consider that the Member might be influenced by their disclosable pecuniary interest.

If the answer to either of these questions is in the affirmative, then the Member is likely to have a disclosable pecuniary interest in the matter being considered. This will be the case, for example, where a decision would materially affect a Member's interest in land, either by affecting the value of that land, the prospects of selling that land, or the use and enjoyment of that land. It should be apparent from the above examples that there does not have to be a financial impact on a Member in order for that Member to be prohibited from participating in a particular item of business.

5. Speaking in general terms, a Member is highly likely to have an engaged disclosable pecuniary interest in a planning or licensing application for a property adjacent to their home. A Member is less likely to have a disclosable pecuniary interest in a planning or licensing application for a property several streets away from their home. However, any decision on whether a Member does have a disclosable pecuniary interest in a particular matter will always depend on the particular circumstances.
6. It may be helpful to give some specific examples of scenarios where a disclosable pecuniary interest will not normally be engaged. In the Standards Committee's view, no Member will have a disclosable pecuniary interest in general matters such as City-wide refuse collection, street cleaning or air quality, even if they do live and/or work

in the City (unless, for example, they are contractually involved in the delivery of the service).

Relationship between the Localism Act 2011 and the Members' Code of Conduct

7. The provisions of the Localism Act 2011 in relation to disclosable pecuniary interests are reflected in the Members' Code of Conduct. Paragraph 13 provides that, "Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State". **The Members' Code of Conduct applies to all of the City Corporation's functions, not just local authority and police authority functions.**

Effect on participation and possible sanctions

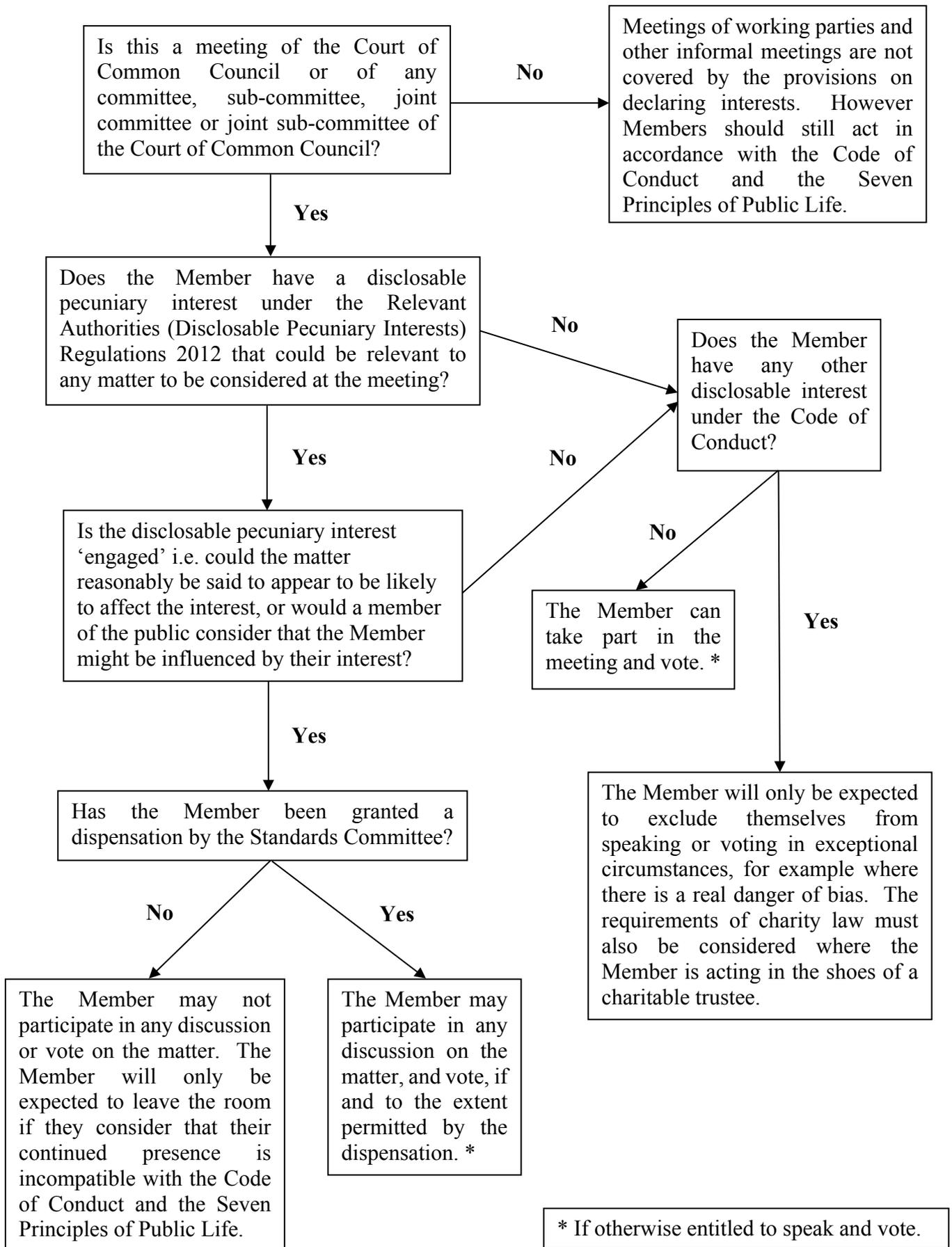
8. A Member who is present at a meeting of the City Corporation, and who has a disclosable pecuniary interest relating to any business being considered, must not participate in any discussion of the business at the meeting, or participate in any vote taken on the matter at the meeting. If a Member becomes aware of their disclosable pecuniary interest during the meeting, they should not participate further from that point. **The prohibition on speaking includes speaking as a member of the public.** In certain circumstances, Members can request a dispensation from these prohibitions. The City Corporation's standing orders do not require a Member with a disclosable pecuniary interest in an item of business to automatically leave the room. The Member should however leave the room if they consider that their continued presence is incompatible with the Members' Code of Conduct or the Seven Principles of Public Life. A flowchart illustrating these principles is attached at Appendix 2.
9. A Member commits a criminal offence if, without reasonable excuse, they participate in any discussion or vote on any City Fund matter (e.g. a local authority or police authority matter) in which they have a disclosable pecuniary interest. For this reason Members are advised 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). In all cases, whether an item of business falls under the City Fund or not, a Member who participates in any discussion or vote despite having a disclosable pecuniary interest will be committing a breach of the Members' Code of Conduct. A breach of the Code of Conduct may also occur whether a Member is aware that they have a disclosable pecuniary interest or not.
10. Where a Member has an engaged disclosable pecuniary interest, there are other mechanisms through which the views of their constituents can be communicated, without the need for a dispensation. The Member could for example submit written representations, or brief another Member to speak on their behalf.

Further information

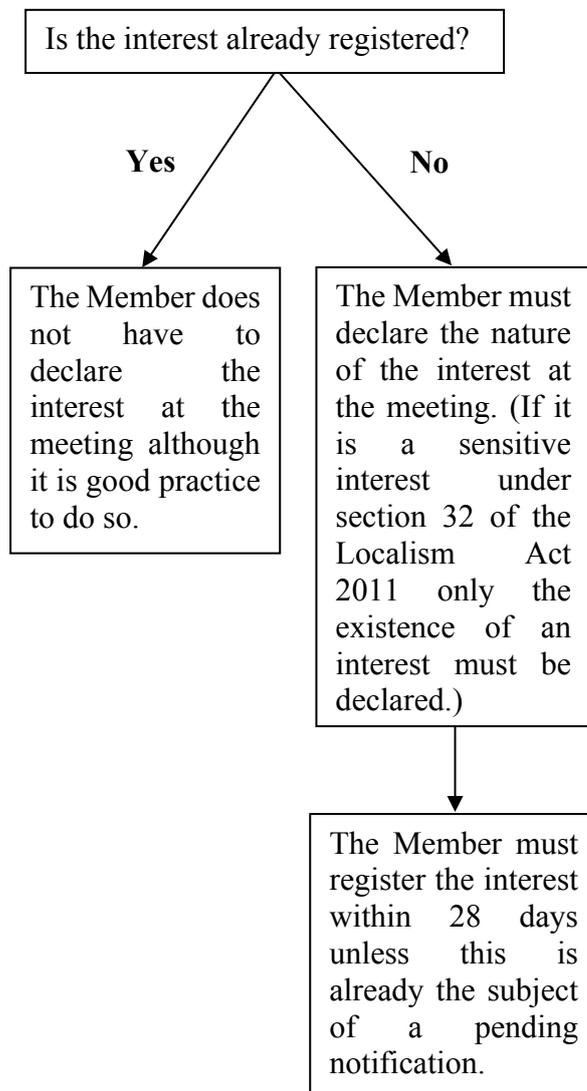
11. The full text of the Members' Code of Conduct and additional guidance can be found at the following link: <https://www.cityoflondon.gov.uk/about-the-city/how-we-make-decisions/Pages/corporate-governance.aspx>. Members are advised to seek advice from the Monitoring Officer or the Town Clerk if they are unsure about whether they have a disclosable pecuniary interest in a particular matter.

Appendix 2 – Interests at meetings

Part I: Participation at meetings where an interest may be engaged



Part II: Declaring interests at meetings and subsequent registration



Appendix 3 – Factors to be taken into consideration by the Standards Committee

Maintaining public confidence

- (a) Is the nature of the Member's interest such that allowing them to participate would risk damage to public confidence in the conduct of the City Corporation's business?

Applications to vote

- (b) Granting a dispensation to vote has a more direct influence over the decision-making process than a dispensation to speak, goes beyond simply representing the views of constituents and carries more risk of damaging public confidence. **Therefore, a dispensation to vote will only be granted in exceptional circumstances.**

Equivalent public rights

- (c) The default position under the Localism Act 2011 is that a Member with a disclosable pecuniary interest in a matter being considered at a meeting loses any right to speak that they would otherwise have had – **even as a member of the public**. However, in the Standards Committee's view the existence of such public speaking rights are a relevant consideration. Therefore, a dispensation to speak is more likely to be granted for the purpose of making representations, answering questions or giving evidence relating to the business where the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or some other reasonable expectation. This is most likely to arise in relation to planning and licensing matters (see paragraph 17(b) of the main document) but may arise in other areas. Any Member granted a dispensation to speak in such circumstances should then be treated as a member of the public when making oral representations on that matter. The onus though is still on the Member concerned to demonstrate that it is appropriate to grant a dispensation.

Expectation of ward representation

- (d) Is there a reasonable expectation that the Member's ward will be directly represented? For example, is the item of business to be considered at a ward committee? Does the item of business directly affect the Member's ward?

Widely held interests

- (e) Is the interest common to the Member and a significant proportion of the general public? If so, a Member may be less likely to be influenced by that interest, and granting a dispensation may carry less risk of damaging public confidence. An obvious example would be the setting of council tax.

Directly impacted interests

- (f) How directly or materially impacted is the disclosable pecuniary interest? For example, whilst arrangements have been put in place for allowing a Member with a lease or tenancy from the City Corporation to participate in general housing discussions, the Standards Committee will only grant a dispensation to a Member to participate in business relating to their particular lease or tenancy in very exceptional circumstances.

Personal knowledge, etc.

- (g) Is the participation of the Member in the business that the interest relates to justified by their particular knowledge, role or expertise? Would the potential contribution be of especial value to the decision making process and provide a perspective that would not otherwise be available? Should the knowledge or expertise in question be provided by a Member or by a disinterested official adviser? Would the Member's participation assist or potentially distort the debate?

Diversity and inclusion

- (h) Does the Member have a particular viewpoint that might not otherwise be represented and might assist the debate in relation to that particular matter – whether this relates to age, race, disability, gender, sexual orientation, religion or belief, or any other protected characteristic?

Manifesto promises

- (i) Was the Member elected on a public platform that they would specifically address the item or items of business for which the dispensation is sought? Did this appear as a commitment in their election material?

Scope and duration

- (j) Some requests for dispensations that are received are general in nature and for a lengthy time period. Others are much more specific in relation to a particular matter at a particular meeting. **A focussed application is more likely to be successful** as this enables the Standards Committee to consider a specific set of circumstances. However, to avoid unnecessary bureaucracy arising from delays and adjournments, it is generally acceptable to apply for a dispensation in relation to a specific matter at a specific meeting, and/or such later meetings of that committee during the municipal year at which the matter may be considered.

Previous dispensation decisions

- (k) The Standards Committee cannot fetter its own discretion and must consider each application on its own merits. However, it is beneficial for all concerned for there to be a consistent approach to applications made in similar circumstances, and the Standards Committee will therefore have due regard to its own previous decisions, always acknowledging that the consensus can change over time.



REQUEST FOR A DISPENSATION TO SPEAK AND/OR VOTE WHERE A MEMBER / CO-OPTED MEMBER HAS A DISCLOSABLE PECUNIARY INTEREST

The granting of dispensations is a function of the Standards Committee and its Dispensations Sub-Committee. Authority to grant some straightforward applications has also been delegated to the Town Clerk. You are advised to read the policy and guidance on the granting of dispensations before completing this form.

Please complete this form electronically and email it to declarations@cityoflondon.gov.uk. Alternatively, paper forms can be submitted to the Committee and Member Services Team in the Town Clerk's Department, but typed forms should be provided if at all possible. Please submit your application as soon as possible after becoming aware that a dispensation is required.

Name:

Date:

Dispensations available from the Town Clerk

I request a dispensation until the Ward elections in 2021 to enable me:

- to speak and vote on the setting of council tax
- to speak as a member of the public on planning applications
- to speak as a member of the public on licensing applications
- to speak on general housing matters

NOTE I already have these dispensations

Please complete the rest of this form if you are applying for any other dispensation from the Standards Committee

Please describe the nature of the disclosable pecuniary interest that would otherwise prohibit you from speaking and/or voting:

- I confirm that this interest is already included in my register of interests, or
- I confirm that I will register this interest within 28 days

I request a dispensation to enable me to:

speak

vote

on the following matter(s):

on any matter which affects my constituents and in which I may have a pecuniary interest except for a matter which:

(a) affects me uniquely or more than any of my constituents; or

(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

for a specific committee meeting or meetings, or for a specific period, as follows:

Until my term of office ends in March 2021

Please provide any relevant information in support of your application, including a consideration of the statutory grounds for granting a dispensation (paragraph 13) and the additional factors (Appendix 3) set out in the policy:

The dispensation is not an "unlimited" dispensation. It excludes matters in which I have a greater interest than any of my constituents, because in that case the statutory ground of being "in the interests of persons living in the authority's area" is not satisfied.

The dispensation covers matters in which I have no greater interest than any of my constituents, because in that case the statutory ground is satisfied.

The purpose of the law providing for dispensations to be granted is to enable me to speak or vote for others, notwithstanding my own conflict of interest, in the interest of democracy.

It is more important for me to have a dispensation to vote than to speak, so I can represent my constituents in the making of the decision. Otherwise, the way would be open for members with no local knowledge, interest or mandate to make the decision.

In a case where I can rely on a dispensation, but only a few constituents are equally affected, I should be trusted to use my judgment (or "common sense") as to whether I do so, or whether I do not speak or vote.

A system of specific dispensations applied for individually has proved to be unworkable, because I usually receive only a week's notice of the agenda, and dispensations sub-committee meetings cannot be convened within that time.

The public has signalled its wish for members to have "general" dispensations. A public authority cannot ignore the public.



REQUEST FOR A DISPENSATION TO SPEAK AND/OR VOTE WHERE A MEMBER / CO-OPTED MEMBER HAS A DISCLOSABLE PECUNIARY INTEREST

The granting of dispensations is a function of the Standards Committee and its Dispensations Sub-Committee. Authority to grant some straightforward applications has also been delegated to the Town Clerk. You are advised to read the policy and guidance on the granting of dispensations before completing this form.

Please complete this form electronically and email it to declarations@cityoflondon.gov.uk. Alternatively, paper forms can be submitted to the Committee and Member Services Team in the Town Clerk's Department, but typed forms should be provided if at all possible. Please submit your application as soon as possible after becoming aware that a dispensation is required.

Name:

Sue Pearson

Date:

1 November 2019

Dispensations available from the Town Clerk

I request a dispensation until the Ward elections in 2021 to enable me:

- to speak and vote on the setting of council tax
- to speak as a member of the public on planning applications
- to speak as a member of the public on licensing applications
- to speak on general housing matters

NOTE I already have these dispensations

Please complete the rest of this form if you are applying for any other dispensation from the Standards Committee

Please describe the nature of the disclosable pecuniary interest that would otherwise prohibit you from speaking and/or voting:

Leasehold property 21 Hatfield House, Golden Lane Estate EC1Y 0ST

I confirm that this interest is already included in my register of interests, or

I confirm that I will register this interest within 28 days

I request a dispensation to enable me to:

speak

vote

on the following matter(s):

on any matter which affects my constituents and in which I may have a pecuniary interest except for a matter which:

(a) affects me uniquely or more than any of my constituents; or

(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.

for a specific committee meeting or meetings, or for a specific period, as follows:

Until my term of office ends in March 2021

Please provide any relevant information in support of your application, including a consideration of the statutory grounds for granting a dispensation (paragraph 13) and the additional factors (Appendix 3) set out in the policy:

The dispensation is not an "unlimited" dispensation. It excludes matters in which I have a greater interest than any of my constituents, because in that case the statutory ground of being "in the interests of persons living in the authority's area" is not satisfied.

The dispensation covers matters in which I have no greater interest than any of my constituents, because in that case the statutory ground is satisfied.

The purpose of the law providing for dispensations to be granted is to enable me to speak or vote for others, notwithstanding my own conflict of interest, in the interest of democracy.

It is more important for me to have a dispensation to vote than to speak, so I can represent my constituents in the making of the decision. Otherwise, the way would be open for members with no local knowledge, interest or mandate to make the decision.

In a case where I can rely on a dispensation, but only a few constituents are equally affected, I should be trusted to use my judgment (or "common sense") as to whether I do so, or whether I do not speak or vote.

A system of specific dispensations applied for individually has proved to be unworkable, because I usually receive only a week's notice of the agenda, and dispensations sub-committee meetings cannot be convened within that time.

The public has signaled its wish for members to have "general" dispensations. A public authority cannot ignore the public.



REQUEST FOR A DISPENSATION TO SPEAK AND/OR VOTE WHERE A MEMBER / CO-OPTED MEMBER HAS A DISCLOSABLE PECUNIARY INTEREST

The granting of dispensations is a function of the Standards Committee and its Dispensations Sub-Committee. Authority to grant some straightforward applications has also been delegated to the Town Clerk. You are advised to read the policy and guidance on the granting of dispensations before completing this form.

Please complete this form electronically and email it to declarations@cityoflondon.gov.uk. Alternatively, paper forms can be submitted to the Committee and Member Services Team in the Town Clerk's Department, but typed forms should be provided if at all possible. Please submit your application as soon as possible after becoming aware that a dispensation is required.

Name:

Brian Mooney

Date:

25 October 2019

Dispensations available from the Town Clerk

I request a dispensation until the Ward elections in 2021 to enable me:

- to speak and vote on the setting of council tax
- to speak as a member of the public on planning applications
- to speak as a member of the public on licensing applications
- to speak on general housing matters

I understand that I already have these dispensations

Please complete the rest of this form if you are applying for any other dispensation from the Standards Committee

Please describe the nature of the disclosable pecuniary interest that would otherwise prohibit you from speaking and/or voting:

Leasehold property 308/309 Queens Quay, EC4V 3EH.

I confirm that this interest is already included in my register of interests, or

I confirm that I will register this interest within 28 days

I request a dispensation to enable me to:

speak

vote

on the following matter(s):

any matter which affects my constituents and in which I may have a pecuniary interest except for a matter which:

(a) affects me uniquely or more than any of my constituents; or

(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.

for a specific committee meeting or meetings, or for a specific period, as follows:

Until my current term of office ends in March 2021

Please provide any relevant information in support of your application, including a consideration of the statutory grounds for granting a dispensation (paragraph 13) and the additional factors (Appendix 3) set out in the policy:

The dispensation is not an "unlimited" dispensation. It excludes matters in which I have a greater interest than any of my constituents, because in that case the statutory ground of being "in the interests of persons living in the authority's area" is not satisfied.

The dispensation covers matters in which I have no greater interest than any of my constituents, because in that case the statutory ground is satisfied.

The purpose of the law providing for dispensations to be granted is to enable me to speak or vote for others, notwithstanding my own conflict of interest, in the interest of democracy.

It is more important for me to have a dispensation to vote than to speak, so I can represent my constituents in the making of the decision. Otherwise, the way would be open for members with no local knowledge, interest or mandate to make the decision.

In a case where I can rely on a dispensation, but only a few constituents are equally affected, I should be trusted to use my judgment (or "common sense") as to whether I do so, or whether I do not speak or vote.

A system of specific dispensations applied for individually has proved to be unworkable, because I usually receive only a week's notice of the agenda, and dispensations sub-committee meetings cannot be convened within that time.

The public has signalled its wish for members to have "general" dispensations. A public authority should not ignore its public without good reason.

DISPENSATIONS SUB (STANDARDS) COMMITTEE

Wednesday 3 July 2019

Minutes of the meeting of the Dispensations Sub (Standards) Committee held at the Guildhall EC2 at 3.30pm.

Present

Members:

Caroline Addy (Chairman)
Mary Durcan

Jeremy Simons

Officers:

Michael Cogher - Comptroller and City Solicitor
Edward Wood - Comptroller and City Solicitor's Department
Antoinette Duhaney - Town Clerk's Department

1. APOLOGIES

Apologies for absence were received from Judith Barnes (Co-optee).

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

There were no declarations of interest.

3. DISPENSATION REQUESTS

The Sub-Committee proceeded to consider the dispensation requests submitted by Mark Bostock, Susan Pearson, Jason Pritchard and Brian Mooney.

Mark Bostock

The Sub-Committee considered your application for a dispensation relating to a long lease of a flat and lease of a store in the Barbican residential estate.

Details of dispensation sought

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

(a) affects you uniquely or more than any of your 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.

Details of dispensations granted

The following dispensations were granted for the remainder of your current term of office (until March 2021):

- (1) To speak on general housing matters, as identified in the dispensations policy, and also car parking spaces and private storage spaces relating to the Barbican residential estate, insofar as those issues affect residents of the Barbican residential estate equally; and
- (2) To speak and vote on planning application (18/00335/LBC) at the Planning and Transportation Committee on 30 July 2019 and any subsequent meeting at which that application is considered; and
- (3) To speak and vote on the setting of council tax; and
- (4) To speak on licensing applications with the same rights as a member of the public, in accordance with the dispensations policy.

Reasons

Under the Localism Act 2011 the Sub-Committee may grant a dispensation only if, after having had regard to all relevant circumstances, it considers that one of the statutory grounds is satisfied. 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.

The Sub-Committee noted the guiding principle in paragraph 5 of the dispensations policy, that Members should generally be granted a dispensation to speak (but not vote) on all matters concerning their Ward where they have an engaged disclosable pecuniary interest, other than when that interest would be directly and materially impacted.

However, the Sub-Committee also noted that this must be subject to the proper exercise of the statutory discretion in each case. The Sub-Committee considered 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.

This reflects Appendix 3 paragraph (j) of the dispensations policy, which states that a focussed application is more likely to be successful, as this enables the Sub-Committee to consider a specific set of circumstances. You are entitled to submit a revised application. It should be noted that, whilst use of the approved application form is not currently obligatory, it has been designed to assist applicants in including all relevant information.

The Sub-Committee were however satisfied that granting some specific elements of your application would be in the interests of persons living in the City. In relation to (1), the Sub-Committee were informed that you had previously been granted a dispensation until April 2020 in similar terms.

The Sub-Committee noted your change of circumstances, in that at the time of your original application you did not actually hold a lease of a store in the Barbican residential estate. The Sub-Committee also noted that, due to the timescales involved, the Town Clerk had already reconfirmed your existing dispensation under urgency procedures, with an extended expiry date of March 2021. For the avoidance of doubt the Sub-Committee were happy to endorse that decision.

The Sub-Committee considered whether you should additionally be allowed to vote on those matters. In reaching its decision the Sub-Committee had due regard to the dispensations policy, and in particular Appendix 3 paragraph (b), which provides that a dispensation to vote will only be granted in exceptional circumstances. The Sub-Committee did not consider that any exceptional circumstances had been successfully argued in your application and therefore the request to vote was refused.

In relation to (2), the Sub-Committee noted that planning application (18/00335/LBC) would not now be considered until 30 July 2019 at the earliest. The Sub-Committee also noted that since submitting your application you had been advised by the Monitoring Officer that you would not have a disclosable pecuniary interest in the planning application in question.

The Sub-Committee agreed with the Monitoring Officer's assessment but understood your desire for further reassurance on this point. They were also mindful of paragraph 9 of the dispensations policy, which states that an application will not normally be refused simply on the basis that a dispensation is not thought to be necessary. The Sub-Committee considered that this did constitute exceptional circumstances and therefore they were prepared to grant you a dispensation to speak and vote on that planning application.

In relation to (3) and (4) the Sub-Committee were willing to provide you with the other dispensations that the Town Clerk is able to grant under delegated authority and for which you are eligible. It should be noted that a dispensation to speak on all planning applications as a member of the public until the Ward elections in 2021 is not available to you as you are a Member of the Planning and Transportation Committee.

Susan Pearson

The Sub-Committee considered your application for a dispensation relating to your long lease of a flat in the Golden Lane Estate.

Details of dispensation sought

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

- (a) affects you uniquely or more than any of your 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.

Details of dispensations granted

The following dispensations were granted for the remainder of your current term of office (until March 2021):

- (1) To speak and vote on the setting of council tax; and
- (2) To speak on licensing applications with the same rights as a member of the public, in accordance with the dispensations policy; and
- (3) To speak on general housing matters, as identified in the dispensations policy, insofar as those issues affect residents of the Golden Lane estate equally.

Reasons

Under the Localism Act 2011 the Sub-Committee may grant a dispensation only if, after having had regard to all relevant circumstances, it considers that one of the statutory grounds is satisfied. 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.

Although you specifically mentioned a meeting of the Community and Children's Services Committee on 12 July 2019 in your application, you were only able to say that matters are frequently considered by this committee which affect your constituents and in which you may occasionally have a disclosable pecuniary interest.

The Sub-Committee noted the guiding principle in paragraph 5 of the dispensations policy, that Members should generally be granted a dispensation to speak (but not vote) on all matters concerning their Ward where they have an engaged disclosable pecuniary interest, other than when that interest would be directly and materially impacted.

However, the Sub-Committee also noted that this must be subject to the proper exercise of the statutory discretion in each case. The Sub-Committee considered 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.

This reflects Appendix 3 paragraph (j) of the dispensations policy, which states that a focussed application is more likely to be successful, as this enables the Sub-Committee to consider a specific set of circumstances. You are entitled to submit a revised application. It should be noted that, whilst use of the approved

application form is not currently obligatory, it has been designed to assist applicants in including all relevant information.

The Sub-Committee were however satisfied that it would be in the interests of persons living in the City to provide you with the dispensations that the Town Clerk is able to grant under delegated authority and for which you are eligible. It should be noted that a dispensation to speak on all planning applications as a member of the public until the Ward elections in 2021 is not available to you as you are a Member of the Planning and Transportation Committee.

Jason Pritchard

The Sub-Committee considered your application for a dispensation relating to your tenancy of a flat from the City Corporation.

Details of dispensation sought

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

- (a) affects you uniquely or more than any of your 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.

Details of dispensations granted

The following dispensations were granted for the remainder of your current term of office (until March 2021):

- (1) To speak and vote on the setting of council tax; and
- (2) To speak on planning and licensing applications with the same rights as a member of the public, in accordance with the dispensations policy; and
- (3) To speak on general housing matters, as identified in the dispensations policy, insofar as those issues affect all of the City Corporation's tenants or leaseholders on your estate equally.

Reasons

Under the Localism Act 2011 the Sub-Committee may grant a dispensation only if, after having had regard to all relevant circumstances, it considers that one of the statutory grounds is satisfied. 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.

Although you specifically mentioned a meeting of the Community and Children's Services Committee on 12 July 2019 in your application, you were only able to say that matters are frequently considered by this committee which affect your constituents and in which you may occasionally have a disclosable pecuniary interest.

The Sub-Committee noted the guiding principle in paragraph 5 of the dispensations policy, that Members should generally be granted a dispensation to speak (but not vote) on all matters concerning their Ward where they have an engaged disclosable pecuniary interest, other than when that interest would be directly and materially impacted.

However, the Sub-Committee also noted that this must be subject to the proper exercise of the statutory discretion in each case. The Sub-Committee considered 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.

This reflects Appendix 3 paragraph (j) of the dispensations policy, which states that a focussed application is more likely to be successful, as this enables the Sub-Committee to consider a specific set of circumstances. You are entitled to submit a revised application. It should be noted that, whilst use of the approved application form is not currently obligatory, it has been designed to assist applicants in including all relevant information.

The Sub-Committee were however satisfied that it would be in the interests of persons living in the City to provide you with the dispensations that the Town Clerk is able to grant under delegated authority.

Brian Mooney

The Sub-Committee considered your application for a dispensation relating to your ownership of two flats at Queen's Quay.

Details of dispensation sought

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

- (a) affects you uniquely or more than any of your 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.

Details of dispensations granted

The following dispensations were granted for the remainder of your current term of office (until March 2021):

- (1) To speak and vote on the setting of council tax; and
- (2) To speak on licensing applications with the same rights as a member of the public, in accordance with the dispensations policy.

Reasons

Under the Localism Act 2011 the Sub-Committee may grant a dispensation only if, after having had regard to all relevant circumstances, it considers that one of the statutory grounds is satisfied. 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.

The Sub-Committee noted the guiding principle in paragraph 5 of the dispensations policy, that Members should generally be granted a dispensation to speak (but not vote) on all matters concerning their Ward where they have an engaged disclosable pecuniary interest, other than when that interest would be directly and materially impacted.

However, the Sub-Committee also noted that this must be subject to the proper exercise of the statutory discretion in each case. The Sub-Committee considered 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.

This reflects Appendix 3 paragraph (j) of the dispensations policy, which states that a focussed application is more likely to be successful, as this enables the Sub-Committee to consider a specific set of circumstances. You are entitled to submit a revised application. It should be noted that, whilst use of the approved application form is not currently obligatory, it has been designed to assist applicants in including all relevant information.

The Sub-Committee were however satisfied that it would be in the interests of persons living in the City to provide you with the dispensations that the Town Clerk is able to grant under delegated authority and for which you are eligible. It should be noted that a dispensation to speak on all planning applications as a member of the public until the Ward elections in 2021 is not available to you as you are a Member of the Planning and Transportation Committee.

4. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE SUB-COMMITTEE**

There were no further matters raised.

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

There was no urgent business raised.

The meeting closed at 4.55 pm

Chairman

**Contact Officer: Antoinette Duhaney, 020 7332 1408,
antoinette.duhaney@cityoflondon.gov.uk**

DISPENSATIONS SUB (STANDARDS) COMMITTEE

Wednesday, 4 September 2019

Minutes of the meeting of the Dispensations Sub (Standards) Committee held at the Guildhall EC2 at 2.30 pm

Present

Members:

Caroline Addy (Chairman)
Judith Barnes (Co-opted)

Mary Durcan
Vivienne Littlechild

Officers:

Edward Wood - Comptroller and City Solicitor's Department
Michael Cogher - Comptroller and City Solicitor
Antoinette Duhaney - Town Clerk's Department

1. APOLOGIES

No apologies for absence were received.

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

There were no declarations of interest.

3. DISPENSATION REQUESTS

The Sub Committee proceeded to consider the dispensation requests submitted by Mark Bostock, Susan Pearson, Jason Pritchard, Brian Mooney and Joyce Nash. The Chairman drew the Sub-Committee's attention to the agenda supplement which included the correct version of Mark Bostock's dispensation request. The Sub-Committee also noted that with the exception of Joyce Nash, all of the above requests were previously considered by the Sub-Committee on 03.07.19. However, all four applicants had resubmitted their requests.

The Sub-Committee considered the merits of each application in turn and in respect of the applications from Mark Bostock, Susan Pearson, Jason Pritchard and Brian Mooney, the Sub-Committee considered the reasons given by the Sub-Committee when these four applications were previously considered on 03.07.19 Appendix 6 (pages 35-41). The Sub-Committee referred to the statutory grounds for granting a dispensation (pages 11-12) and also had due regard to Appendix 3 (pages 21-22) of the dispensations policy - Factors to be taken into consideration.

Mark Bostock, Susan Pearson, Jason Pritchard, Brian Mooney

Members had mixed views on whether the Sub-Committee's earlier decision in respect of the above four applicants should be followed. However, given the current review of the dispensations policy, Members were unanimous in their view that these applications should be deferred pending the outcome of the

review and decisions taken by the Standards Committee at its meeting on 4th October 2019.

RESOLVED – That the applications from Mark Bostock, Susan Pearson, Jason Pritchard and Brian Mooney be deferred pending the outcome of the current review and decisions taken by the Standards Committee on 4th October 2019. A meeting of the Sub-committee will then be convened at the earliest opportunity thereafter to consider these applications.

Joyce Nash

Details of dispensation sought

To speak and vote on matters relating to the expansion of the City of London School for Girls onto the Grade II listed areas of the Barbican Estate at the request of resident electors for the period up to the final decisions made by the Planning & Transportation Committee (as discussion could take place on some of the Committees of which Ms Nash is a Member).

Details of dispensation granted

A dispensation was granted to speak and vote on matters relating to the expansion of the City of London School for Girls for the period until final decisions are made by the Planning & Transportation Committee or for the remainder of the current term of office ending in March 2021, whichever is sooner.

Reasons

Under the Localism Act 2011 the Sub-Committee may grant a dispensation only if, after having had regard to all relevant circumstances, it considers that one of the statutory grounds is satisfied. Members were of the unanimous view that statutory ground (c) (that granting the dispensation is in the interests of persons living in the authority's area) and statutory ground (e) (that it is otherwise appropriate to grant a dispensation) were satisfied in this case.

The Sub-Committee noted the guiding principle in paragraph 5 of the dispensations policy, that Members should generally be granted a dispensation to speak (but not vote) on all matters concerning their Ward where they have an engaged disclosable pecuniary interest (DPI), other than when that interest would be directly and materially impacted.

Members were satisfied that Ms Nash should be allowed to speak as she had a widely held interest which was common to a significant number of Barbican residents and that she was less affected than many other Barbican residents who lived closer to the City of London School for Girls.

The Sub-Committee then went on to consider whether, in accordance with Appendix 3 of the dispensations policy, there were exceptional circumstances that would justify the granting of a dispensation to vote in this instance, and decided that there were. Members accepted that this was a major project and that any potential impact on the Barbican Estate was of wider public interest. It was also relevant that the City of London Corporation was acting as both applicant and local planning authority in this matter, and that Members who sat

on the Board of Governors of the City of London School for Girls would not have a DPI arising from their role and would not be prohibited from speaking or voting on matters relating to the proposed expansion.

In relation to other factors to be taken into account under Appendix 3 of the dispensations policy, it was accepted that the application from Ms Nash was appropriately focussed, which enabled the Sub-Committee to properly exercise its statutory discretion. In addition, it was noted that she had considerable personal knowledge of the issues, which would assist the decision making process. There were not considered to be any previous dispensation decisions that had been made in equivalent circumstances.

It was also noted that Ms Nash was a tenant of the City of London Corporation rather than the owner of her property and that she was not a serving Member of the Planning & Transportation Committee, Barbican Residential Committee or the Board of Governors of the City of London School for Girls.

The Sub-Committee acknowledged that a dispensation may not be granted for more than four years and that therefore a time restriction must be placed on the dispensation so that it was not open ended; it was felt that a dispensation for the period until final decisions are made by the Planning & Transportation Committee, or for the remainder of the current term of office ending in March 2021, whichever is sooner, was appropriate.

4. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE SUB-COMMITTEE**
There were no further matters raised.
5. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**
There was no urgent business.

The meeting closed at 3.48 pm

Chairman

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STANDARDS COMMITTEE
Friday, 4 October 2019

Minutes of the meeting of the Standards Committee held at Committee Room - 2nd
Floor West Wing, Guildhall on Friday, 4 October 2019 at 11.00 am

Present

Members:

Ann Holmes (Chair)
Caroline Addy (Deputy Chairman)
Randall Anderson
Judith Barnes
Henry Colthurst
Nick Cooke
Mary Durcan
Deputy Jamie Ingham Clark
Vivienne Littlechild
Deputy Edward Lord
Alderman & Sheriff Professor Michael Mainelli
Barbara Newman
Jeremy Simons

Officers:

Gemma Stokley	- Town Clerk's Department
Lorraine Brook	- Town Clerk's Department
Antoinette Duhaney	- Town Clerk's Department
Michael Cogher	- Comptroller and City Solicitor
Edward Wood	- Comptroller and City Solicitor's Department
Kristina Drake	- Media Officer

The Chair welcomed to the meeting Members and members of the public. In view of the large number of members of the public in attendance she also asked that committee members and officers introduce themselves.

1. APOLOGIES

Apologies for absence were received from Alderwoman Susan Langley and Dan Large (Co-opted).

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

There were no declarations.

3. MINUTES OF THE PREVIOUS MEETING

The public minutes of the meeting held on 3 May 2019 were considered and approved as a correct record.

MATTERS ARISING

Review of Local Government Ethical Standards by the Committee on Standards in Public Life (page 11) – A Co-opted Member questioned when further reports relating to various recommendations could be expected by the Committee. The Chair clarified that work on these matters was already underway and that the first such report would be brought to the Committee in early 2020.

4. MINUTES OF DISPENSATIONS SUB COMMITTEES

The Committee received the minutes of the Dispensations Sub (Standards) Committee meeting held on 3 July 2019 and the draft minutes of the Dispensations Sub (Standards) Committee held on 4 September 2019.

RECEIVED.

5. REVIEW OF DISPENSATIONS POLICY

The Committee considered a report of the Comptroller and City Solicitor relative to a formal review of the Dispensations Policy.

The Chair introduced the item by stating that the Committee had looked at the experience of the first six months of the policy which was introduced in March 2019. The petition submitted in relation to this, Wardmote resolutions, comments from the Barbican and Golden Lane Residents Associations and points made at the informal meeting of this Committee last month had also been taken into account.

The Chair intimated that she intended to hold discussion today on dispensations to speak, dispensations to vote, Section 618 and procedural matters in turn, in that order. She added that, for dispensations to speak and procedural matters, her note at Item 5A. may prove useful and that for all of the issues, the basic information was contained within the Comptroller's report.

The Chair went on to highlight that the Localism Act was clear in that anyone with an engaged DPI may neither speak nor vote without a dispensation and that, to obtain a dispensation, at least one of the statutory grounds must be met.

She concluded her introduction by clarifying that the Committee's concern today was rooted in finding the best balance between representing constituents and avoiding conflicts of interest. The policy had to meet the requirements of the Law and the organisation's own Code of Conduct and protect individual Members and the Corporation from challenge.

Dispensations to speak

The Chair clarified that dispensations to speak for up to four years on council tax and general housing matters, and to speak as a member of the public on planning and licensing matters, were currently delegated to the Town Clerk. Today, she would like to seek the Committee's views on whether and, if so, how far, it wished to extend these arrangements.

At the Chair's request, the Comptroller and City Solicitor highlighted that the legal obligations were set out within the report and that the Committee had a wide but not unlimited discretion with regard to the granting of dispensations. They couldn't seek to ignore or evade the statutory scheme. They were required to exercise discretion properly, having regard to all relevant circumstances. He clarified that the Committee were not prevented from granting dispensations for Members terms of office (4 years) or from granting more general dispensations – both of which had already been done in practice. However, the Committee had a duty to inform themselves of the relevant facts in each case (the Tameside duty). The Comptroller went on to state that the granting of dispensations could be delegated to Officers or to individual Committees but not to individual Members, either expressly or by implication. Any policy that had the effect of always or never granting a dispensation would be unlawful. He echoed the Chair's earlier point that this was therefore a balancing act between democratic representation and the general (not just local) public interest. He concluded by highlighting that other legal constraints also needed to be borne in mind such as Section 618 of the Housing Act 1985 and the rule against actual or apparent bias.

The Chair highlighted that Item 5A contained a range of extensions to the current delegated dispensations to speak that Members may wish to make. She opened the matter of dispensations to speak up to debate.

A Member stated that she still found it difficult to grasp why speaking for hundreds of others as opposed to simply speaking for herself was an issue here and asked the Comptroller and City Solicitor if he could expand on this. The Comptroller explained that if a Member has an engaged DPI then there isn't a difference, in relation to the prohibition on participation in the Localism Act – that's why provision is made for dispensations. The Comptroller also referred to the R (Richardson) v North Yorkshire CC case in which it was held that a Member could not separate out their official and private capacities. He added that, if a Member were one of many affected by a proposal, this would be a relevant factor in deciding whether to grant a dispensation as had been the case with a recent dispensation granted to Deputy Joyce Nash to both speak and vote in relation to plans to extend the City of London School for Girls. A Member stated that another Councillor in the same position would also be applying for similar rights and questioned whether the same outcome was therefore likely. The Comptroller and City Solicitor declined to comment and stated that this would be a decision for the Dispensations Sub Committee in due course. A Co-opted Member added that each application was considered on its own merits but that common sense would suggest that, if all circumstances were equal, outcomes were also likely to be the same. Another Member queried whether that Councillor was in exactly the same position.

A Member stated that he felt that there was an overriding need for all elected Members to have the ability to speak on all matters and that this should therefore be the Committee's starting point. He clarified that, ideally, he would be keen to see a blanket dispensation to speak introduced for all. He went on to state that the main issues here were around Housing, Planning and Licensing matters and suggested that at the start of each Members' term of office,

specific dispensations to speak should be provided in relation to these. He agreed that the matter of voting was a thornier issue.

Another Member urged caution here, adding that every application was required to be considered on its merits. He added that granting too wide a dispensation would create a potentially invidious situation and highlighted that part of the test was whether a Member applying for a dispensation was one of many or one of few and that levels of detail were therefore important.

A Member asked the Comptroller and City Solicitor to comment on whether, in his view, the proposal put forward by a Member regarding blanket dispensations for all to speak on any matter would be legal. The Comptroller and City Solicitor responded by, once again, highlighting that dispensations to speak on general housing matters were already in existence. He questioned what it was that Members wished to see added to this. He agreed with the point made that Housing, Planning and Licensing matters tended to be the most significant here and added that policies were already in place around granting rights to speak on all of these.

A Member commented that she had left the informal meeting of this Committee last month in no doubt that the general feeling was that blanket dispensations to speak should be granted to all. She referred also to the petition received on the Dispensations Policy indicating that the public felt disenfranchised by the current scheme. She added that curtailing Members rights to speak on behalf of their electors effectively meant that standing for election was pointless.

The Deputy Chairman stated that it was very important to bear in mind all the different interests in play. She recognised the pressure to grant dispensations to speak but added that there was, nevertheless, the need to act legally.

A Member questioned whether there was any distinction made, legally, between seeking a dispensation to speak and one to vote. The Comptroller and City Solicitor explained that the statute made no distinction in terms of the test applied but did separate out applications in terms of those seeking to speak and/or vote. Conceptually, there clearly was a difference which the Committee was entitled to take into account.

A Member commented that the Policy's current definition of 'general housing matters' did not include car parking and storage and therefore that was one example of how it could be more widely drafted. He went on to state that he struggled with how this matter had been made so complex given that the Committee had broad, legal authority under the Localism Act to grant dispensations and should seek to use that authority properly, to treat elected Members as if they had common sense and to allow them to effectively represent those who had elected them. He too referred to the petition received as well as the two Wardmote resolutions put in the same terms – all indicating that residents in the City felt that the current policy prevented them from being fully represented. He agreed with the point made earlier regarding the many and the few and felt that those seeking to act on behalf of the few should not be granted a general dispensation. That aside, he stated that he was firmly of the

view that a policy that permits all to speak and vote should be in place with a 'break line' indicating that crossing this was at the personal risk of individual Members.

A Co-opted Member stated that she could see that general dispensations on some matters affecting all equally would be helpful. She argued that this, however, already existed in the form of general housing matters, and car parking and storage where this had been applied for.

The Deputy Chairman agreed that such eventualities were already covered in the existing policies. She added that applications for dispensations relating to specific topics, which were general in that they persisted in time, were easier to process and satisfy the test. Applications with no specific topic were extremely difficult to process.

A Member stated that he would be in favour of extending the dispensations delegated to the Town Clerk to include speaking on any matters affecting ward constituents.

Another Member agreed with this approach. She added that the current regime seemed to take away the ability of elected Members to demonstrate integrity and the ability to make good judgements. For this reason and, on the grounds of good governance, she would also support the introduction of blanket dispensations for resident Members to at least speak on all matters.

A Co-opted Member interjected to state that it was also important to consider the views of the wider public and third-party interests, particularly in relation to Planning and Licensing applications. He added that the granting of blanket dispensations could open the City Corporation up to litigation and questioned why Members would find the need to apply for a dispensation on a case by case basis so cumbersome. It could cause problems if there was a lack of clarity over the interests that Members had.

Two Members made the point that elected Members' publicly available registers of interests covered their pecuniary interests and also that there was an Item on every Committee agenda prompting Members to declare these in relation to items of business to be considered.

A Co-opted Member cautioned that, legally speaking, the process of granting such wide dispensations could be challenged in that it could demonstrate that relevant information was not available and that the process was therefore flawed or unfair. Areas such as Planning and Licensing could rapidly decline in credibility with third parties with such an approach. He concluded by pointing out the financial value of developments in the City which inevitably meant that the City Corporation was subject to a high degree of scrutiny.

A Member disagreed that this would be the case and suggested that this wrongly conflated a number of different issues such as personal liability and the rule against bias which in his view the dispensations regime should not properly be dealing with.

The Deputy Chairman expressed a concern that blanket dispensations could lead to Members not focussing enough on their own individual circumstances in relation to a particular item of business.

The Chair took the opportunity to summarise at this point stating that there were clearly two points of view. There were Members who were in favour of granting a blanket dispensation to speak on any matter affecting ward constituents (with whatever caveats needed attaching to it) for a four-year term of office, and other Members who had concerns about such an approach.

The Chair requested, at this stage, an indicative show of hands to determine who would be in favour of granting such blanket dispensations. Five Members indicated that they would favour this approach and seven Members (including the two Co-optees present) indicated that they would not.

A Member who had indicated his opposition to the proposal stated that the key issue here was around parameters to general dispensations. He added that he felt that there were some circumstances where such an approach would work well but that he was yet to hear these articulated or receive enough information on which to reach a firm decision.

In light of this, and the clear divergence of views amongst the Committee, it was agreed that a report should come back to this Committee seeking to simplify the process around applying for dispensations to speak and examining how the existing delegations to the Town Clerk could be applied as broadly as possible whilst avoiding the risk of a successful legal challenge against individual Members or the City Corporation.

Dispensations to Vote

The Chair underlined that dispensations to vote were currently only granted in exceptional circumstances. There was a suggestion that the wording within the current policy should be amended to state that they would only be granted in certain circumstances, with good reason. She invited the Comptroller and City Solicitor to comment on this position. The Comptroller and City Solicitor stated that voting was certainly more influential than speaking in terms of outcomes. He referred again to the caselaw around actual and apparent bias, particularly in relation to matters such as Planning and Licensing, where third party rights were engaged.

A Member stated that the issues referred to (specifically around bias and Judicial Review) could not be dispensated against. He reiterated that his concern was therefore that these were very separate issues not stemming from the Localism Act and could be dealt with at the appropriate time. The Comptroller and City Solicitor said that it was debatable whether the dispensations regime could be entirely separated out from these other related issues but in his view, it would not be wise to do so.

In response to a Member stating that some Members with engaged DPIs in development matters spoke and voted at meetings of the Planning and

Transportation Committee, the Chair advised that Members should be reporting such instances if this was the case.

The Deputy Chair highlighted that dispensations may not be granted unless certain criteria were met and that, if the dispensations regime worked properly, matters such as potential bias should be considered at that stage. She added that blanket dispensations were therefore difficult to grant and could not be entirely separated from the issue of bias.

A Co-opted Member stated that the Localism Act and dispensations regime were intended to work as 'gatekeepers' to prevent issues such as bias arising in the first place.

The Chair asked elected Members to formally vote as to whether or not they would like to see the current policy on dispensations to vote (whereby these were only granted with good reason) changed.

Votes were cast as follows:

FOR: 5 votes

AGAINST: 5 votes

The Chair exercised her casting vote on the matter and the vote was therefore lost.

Section 618 of the Housing Act 1985

The Chair clarified that the general consensus of those present at the informal meeting of this Committee last month seemed to be that Members should seek the removal of this section. She stressed that it was not within the gift of the Committee to act alone on this but asked that Members indicate their willingness to invite the Policy and Resources Committee, Community and Children's Services Committee and Barbican Residential Committee to consider, with the advice of the Remembrancer, taking steps to seek this from government.

Members were unanimously supportive of this proposal. A Member highlighted that a Housing Act was likely to be announced at the next Queen's Speech and that this would be an obvious opportunity to make the repeal.

Procedure

The Chair highlighted that there were some suggested changes detailed within her note at Item 5A for consideration. She added that this was not intended as an exhaustive list but may prove useful in terms of initiating discussion.

Firstly, Members discussed the suggestion that Members might be required to take advice as to the engagement of a disclosable pecuniary interest (DPI) from the Monitoring Officer or relevant committee lawyer, prior to applying for dispensation. Members were in favour of the principle but felt that Members should be strongly encouraged as opposed to required to adopt this approach.

A Member stressed that it was important to ensure that advice was only sought from those suitably qualified.

It was also agreed that the assessment criteria should be altered so that complaints in relation to speaking and voting will not be investigated, provided that the Member has obtained advice in good faith and with full disclosure from the Monitoring Officers or relevant committee lawyer that a DPI is not engaged. The Deputy Chair commented that this should be premised on the fact that Members had then acted in accordance with the advice received.

Members were also in favour of setting deadlines for applications for dispensations. Notwithstanding this, it was noted that the urgency procedures already in place would be retained where necessary, such as in the case of late items of business being submitted to Committees. Guidance should also be produced on what constitutes an urgent application.

The Committee were also unanimously of the view that the requirement that a member may not consider an application for dispensation for a committee on which they themselves sit should be removed.

Members were unsupportive of the suggestion that pre-meetings of individual Committees to decide applications for dispensations to vote should be pursued.

Finally, it was felt useful that meetings of the Dispensations Sub Committee should be fixed in advance at regular intervals for the following year, whilst retaining means of dealing with urgent applications.

Forms

A Member commented that the shortening and simplifying of the application form seemed to him a positive change. He added that he felt that it also served as a useful reminder to Members in terms of their obligations and that he could easily imagine a situation arising in terms of his own business interests or Livery connections for example where such focus would be helpful.

The Member went on to suggest that the Dispensations regime should be covered extensively at all future Member Induction sessions and that forms should be provided to all at election or re-election every four years or as appropriate with adequate explanation.

A Member suggested that for reasons of transparency, the revised form might also usefully refer to the need to add any interest to a Members register. Another Member added that the form should also encourage Members to apply for dispensations as early as possible.

The Chair went on to focus on the suggestion that the use of the now simplified and shortened form should be made mandatory. She suggested that this made the role of the Dispensations Sub Committee easier in terms of process and comparability. Members were supportive of this and clarified that, aside from exceptional circumstances, applications submitted not using the revised form would not be considered.

A Member suggested that hard copies of the form be made available in the Members Reading Room alongside other stationary for ease of access.

The Chair referred to the four applications for general dispensations that had previously been deferred pending discussions today and requested that the Town Clerk now contact those Members and request that their applications be resubmitted on the revised forms for consideration at a Dispensations Sub Committee to be convened as soon as possible following their receipt. In response to a question, it was clarified that those who had sat on the Dispensations Sub Committee that had originally considered these applications would not be precluded from determining them once they had been re-submitted.

Finally, the Committee discussed the possibility of introducing a minimum period between the submission of identical applications. A Member stated that he was nervous about this and felt it was setting the wrong tone in that Members should be trusted to act sensibly. The Chair clarified that this suggestion had arisen from recent monitoring of the regime but concurred with the majority view that this should not be pursued at present.

The Deputy Chair suggested that it would be useful to have a document detailing all recent decisions around dispensations made readily available to Members. The Town Clerk responded that this could be made available both online and in hard copy in the Members Reading Room going forward.

RESOLVED – That:

- (i) After considering the report, discussion paper, the previous minutes, Chairman's notes, petition and Wardmote resolutions, the Committee instruct Officers to bring back to them a report examining how the process around applying for dispensations to speak might be simplified and how the existing delegations to the Town Clerk could be applied as broadly as possible whilst avoiding the risk of a successful legal challenge against individual Members or the City Corporation.
- (ii) The Committee invite the Policy and Resources Committee, Community and Children's Services Committee and Barbican Residential Committee to consider, with the advice of the City Remembrancer, taking steps to seek the repeal of s.618 of the Housing Act 1985.

6. INSURANCE AND INDEMNITIES FOR INDEPENDENT PERSONS

The Committee considered a joint report of the Comptroller and City Solicitor and the Chamberlain setting out the position in relation to the potential personal liability of the Corporation's Independent Persons appointed under the Localism Act 2011 when carrying out their duties and the recommendations of the Committee on Standards in Public Life that local authorities provide indemnities

to their Independent Persons in relation to their comments during the discharge of their duties.

RESOLVED – That Members approve the proposal in the report for onward approval by the Court of Common Council to indemnify and/or insure Independent Persons (through the extension of the Corporation’s Defamation Cover) against awards of damages or expenses incurred arising out of the disclosure of any comments made in good faith during the exercise of their statutory functions as Independent Persons.

7. ANNUAL UPDATE TO MEMBER DECLARATIONS

The Committee considered a report of the Town Clerk providing Members with an overview of the annual update to the Members’ Declarations which commenced in July 2019.

In response to questions, the Town Clerk clarified that there was no statutory requirement for an annual update to take place. The Code of Conduct requires Members to maintain an up to date register and the guidance provides for an annual reminder to be sent for this purpose. The Town Clerk also highlighted the disappointing response rate from both elected and relevant Co-opted Members to date.

With this in mind, it was recognised that the amount of time currently dedicated by Officers to undertaking this piece of work was not sustainable given the response rates. It was therefore proposed that, whilst a completely hands-off approach would not be desirable, the Town Clerk should be instructed to simply issue an annual reminder to all Members and Co-optees to check and update forms where necessary. The onus would therefore be on individual Members/Co-optees to manage their own entries. Current arrangements around the chasing and logging of such updates would cease.

RESOLVED – That Members note the report and instruct the Town Clerk to move to a system whereby Members were simply reminded, on an annual basis, to take responsibility for checking and updating their entries.

8. THE CITY OF LONDON CORPORATION'S INDEPENDENT SCHOOLS AND PARENT GOVERNORS

The Committee received a joint report of the Town Clerk and the Comptroller and City Solicitor, alongside an excerpt from the Policy and Resources Committee meeting held on 4 July 2019, concerning the management of the City Corporation’s three independent schools and the extent to which the parents of current pupils can and should be able to serve as Governors.

RECEIVED.

9. LORD MAYOR AND SHRIEVAL GIFTS AND HOSPITALITY

The Committee considered a report of the Executive Director, Mansion House and Central Criminal Court, updating Members on the Lord Mayor and Shrieval declarations of gifts and hospitality for the year 2018/19.

Members questioned whether was necessary for the Committee to continue to receive this level of information. The Executive Director confirmed that it was a requirement under the Code of Conduct for this information to be kept and published online regardless.

The Committee thanked the Executive Director for his time but were unanimously of the view that the report needn't be submitted to this Committee in future years.

RESOLVED – That Members note the report.

10. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

There were no questions.

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

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

The Chair thanked members of the public for their attendance.

12. **EXCLUSION OF THE PUBLIC**

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

13. **NON-PUBLIC MINUTES OF THE PREVIOUS MEETING**

The Committee considered and approved the non-public minutes of the meeting held on 3 May 2019.

14. **NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

A Member questioned the outcome of the discussion around the proposal for granting blanket dispensations to speak to be given to Members for the duration of their terms of office that had taken place in public session under Item 5.

15. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

The Committee considered and approved a late, separately circulated report of the Town Clerk relative to Co-opted Member Appointment(s).

The meeting ended at 1.00 pm

Chairman

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REQUEST FOR A DISPENSATION TO SPEAK AND/OR VOTE WHERE A MEMBER / CO-OPTED MEMBER HAS A DISCLOSABLE PECUNIARY INTEREST

The City of London Corporation may, following a written request, grant a dispensation for a Member (including 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. The granting of dispensations is a function of the Standards Committee and its Dispensations Sub-Committee (referred to collectively in this form as "the Standards Committee"). You are strongly advised to read the accompanying 'Policy and guidance on the granting of dispensations' ("the Policy") issued by the Standards Committee before completing this form and particular paragraphs of that document are cross-referenced at appropriate points below.

The information you provide in this form will be considered by the Standards Committee in reaching a decision. **The onus is on you to justify your application and the omission of any relevant information may affect the outcome.** You are requested to complete this form electronically and email it to declarations@cityoflondon.gov.uk. Electronic applications will only be accepted from your official City of London Corporation email address. Alternatively, paper forms can be submitted to the Committee and Member Services Team in the Town Clerk's Department, but typed forms should be provided if at all possible.

Name:

Date:

I confirm that I am the person named above and that I have personally completed this form or reviewed its contents. The details provided in this form are true and accurate and all material facts have been disclosed.

If submitting a paper form, please also sign in the box below.

Signature:

Relevant disclosable pecuniary interests (Appendix 1 of the Policy)

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

Details of dispensation sought (paragraphs 7-12 of the Policy)

A. Complete this section if you are applying for a dispensation from the Town Clerk under delegated authority (paragraph 17 of the Policy)

I request a dispensation until the Ward elections in 2021 to enable me:

- to speak and vote on the setting of council tax
- to speak as a member of the public on planning applications
(I confirm that I am not a member of the Planning Committee)
- to speak as a member of the public on licensing applications
(I confirm that I am not a member of the Licensing Committee)
- where I have a lease or tenancy, corporate tenancy or licence to occupy a residential property from the City of London Corporation, to speak on general housing matters, so long as the item of business does not relate particularly to my own disclosable pecuniary interest
(This includes any lease or tenancy, corporate tenancy or licence belonging to a spouse, civil partner, or person with whom I am living as husband or wife, or as if we were civil partners)

B. Complete this section if you are applying for a dispensation from the Standards Committee (paragraphs (b), (c) and (j) in Appendix 3 of the Policy)

I request a dispensation to enable me to:

- speak as a member of the public
- speak as a Member
- vote

on the following matter(s):

Extension of the CLS & on to Grade II listed areas of the Barbican Estate, at the request of resident electors.

for a specific committee meeting or meetings, or for a specific period, as follows:

For the period up to the final decisions being made by the Planning & Transport Committee.

If your request is urgent or at short notice please explain why the application is being made now:

Petitions from residents could arise before the plans go to Planning & Transport committee.

Statutory grounds (paragraphs 13-16 of the Policy)

A dispensation may only be granted where one of the statutory grounds is met. The grounds that are relevant to the City of London Corporation are set out below. Please tick the statutory ground(s) that you consider to be met in this instance and then explain in more detail why you believe this to be the case in the relevant text box.

- 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

- Granting the dispensation is in the interests of persons living in the City

Many resident electors have contacted me, asking for their views to be conveyed by their ward members.

- It is otherwise appropriate to grant a dispensation

Please note that if you are only applying for one or more of the dispensations that the Town Clerk is able to grant under delegated authority then you do not need to fill in or submit the remaining sections of this form. The remainder of this form only needs to be completed if you are applying for a dispensation to the Standards Committee.

Factors to be taken into consideration by the Standards Committee

In deciding whether or not to grant a dispensation under one or more of the specific statutory grounds, the Standards Committee will take into account the following list of factors, as well as any other relevant circumstances as appropriate. Please address as many of these factors as you can by providing the requested information where applicable in the relevant text box.

A. Maintaining public confidence (paragraph (a) in Appendix 3 of the Policy)

If you believe that granting a dispensation in this case would not risk damaging public confidence in the conduct of the City Corporation's business then please explain why in the box below.

B. Applications to vote (paragraph (b) in Appendix 3 of the Policy)

Dispensations to vote will only be granted in exceptional circumstances. If you are seeking such a dispensation then please explain in the box below why such exceptional circumstances apply in this case.

Following a public meeting attended by 300 residents, Ward members were asked to support their opposition to the incursion on to Grade II areas of the Barbican Estate by voting against the plans. Also, members and ex-members of the School Board are allowed to speak and vote on this matter, and therefore it is in the interests of residents and good governance that there be a level playing field for all members in terms of voting.

C. Equivalent public rights (paragraph (c) in Appendix 3 of the Policy)

If you expect that members of the public will be allowed to speak at the meeting in question, whether under a statutory right or some other reasonable expectation, then please provide details in the box below. Where such speaking rights arise from the submission of a written representation please confirm whether you have submitted such a representation. Please also confirm whether you are willing to be treated as a member of the public when making oral representations on this matter.

D. Expectation of ward representation (paragraph (d) in Appendix 3 of the Policy)

If you believe that there is a reasonable expectation that your ward should be directly represented in relation to this item of business then please explain why in the box below.

E. Widely held interests (paragraph (e) in Appendix 3 of the Policy)

If you consider that you share the disclosable pecuniary interest in question with a significant proportion of the general public then please provide details in the box below.

F. Directly impacted interests (paragraph (f) in Appendix 3 of the Policy)

If the item of business for which you are seeking a dispensation relates specifically to your disclosable pecuniary interest (e.g. your particular lease or tenancy) then please provide details in the box below. By contrast, if you consider that you have a disclosable pecuniary interest in this matter but that any potential advantage arising is minor or remote then please also provide details below.

G. Personal knowledge, etc. (paragraph (g) in Appendix 3 of the Policy)

If you consider that your particular knowledge, role or expertise would be of especial value to the decision making process and provide a perspective that would not otherwise be available then please provide details in the box below.

H. Diversity and inclusion (paragraph (h) in Appendix 3 of the Policy)

If you have a particular viewpoint arising from a protected characteristic that might not otherwise be represented and might assist the debate in relation to the particular item of business in question then please provide details in the box below.

I. Manifesto promises (paragraph (i) in Appendix 3 of the Policy)

If you were elected on a public platform that you would specifically address the item or items of business for which the dispensation is sought then please provide details in the box below. If this appeared as a commitment in your election material then please quote the relevant text.

J. Scope and duration (paragraph (j) in Appendix 3 of the Policy)

A focussed dispensation request that relates to a specific matter and is of short duration is more likely to be successful as this enables the Standards Committee to consider a particular set of circumstances. However there will be occasions when a more general dispensation for a longer term may be appropriate. If you are applying for such a dispensation then please explain your reasons in the box below.

K. Previous dispensation decisions (paragraph (k) in Appendix 3 of the Policy)

Each application will be considered on its own merits. However for the sake of consistency the Standards Committee will have due regard to its own previous decisions. If there is a recent decision that you wish to draw to the attention of the Standards Committee then please provide details in the box below.

L. Other relevant considerations

If you consider that there are any other circumstances relating to your particular application that support your request for a dispensation on one or more of the statutory grounds or that should otherwise be disclosed to the Standards Committee then please provide details in the box below.

Standards Committee Dispensations Granted from May 2017 onwards (updated 11.09.19)

NB. These dispensations are entirely permissive in nature and do not impose any restrictions on speaking or voting where no such restrictions otherwise exist.

Name	Dispensation sought	Granted/partially granted	Decision date	Comment
Randall Anderson		Partially granted (Speaking rights only) (Standards Committee)	19/05/17	A dispensation be granted until the ward Elections in 2021 to speak at meetings where matters relating to charging policy for car parking and stores are under consideration but the request for a dispensation to vote on such matters, should he have a disclosable pecuniary interest, be refused. Expires in March 2021
Randall Anderson		Partially granted (Dispensations Sub (Standards) Committee)	10/09/18	Dispensation to speak only on housing governance review at Barbican Residential Committee until 31 December 2019 or current review is concluded whichever is the earlier. Expires on 31 December 2019 or when current review is concluded whichever is the earlier
Randall Anderson	To speak as a member on all matters relating to the Barbican residential estate except any matter relating exclusively to Breton House (and not generally to the whole estate). Until April 2020	Partially granted - (Dispensations Sub (Standards))	01/04/19	Dispensation to speak on general housing matters, as identified in dispensations policy, and also car parking spaces and private storage spaces, relating to Barbican residential estate until April 2020 insofar as those issues affect residents of the Barbican residential estate equally Expires after April 2020
Alderman Nicholas Anstee		Partially granted (Standards Committee under urgency procedures (SO 41(a))	17/09/18	Dispensation to speak only on housing governance review at Barbican Residential Committee until 31

				December 2019 or current review is concluded whichever is the earlier. Expires on 31 December 2019 or when current review is concluded whichever is the earlier
Adrian Bastow	To speak as a member on all matters relating to the Barbican residential estate except any matter relating exclusively to Flats 1 to 58 (inclusive) Defoe House (and not generally to the whole estate). Until April 2020	Partially granted - (Dispensations Sub (Standards)	01/04/19	Dispensation to speak on general housing matters, as identified in dispensations policy, and also car parking spaces and private storage spaces, relating to Barbican residential estate until April 2020 insofar as those issues affect residents of the Barbican residential estate equally Expires after April 2020
Mark Bostock		Partially granted (Dispensations Sub (Standards) Committee	10/09/18	Dispensation to speak only on housing governance review at Barbican Residential Committee until 31 December 2019 or current review is concluded whichever is the earlier. Expires on 31 December 2019 or when current review is concluded whichever is the earlier
Mark Bostock	To speak as a member and vote on all matters relating to the Barbican residential estate except any matter relating exclusively to Frobisher Crescent (and not generally to the whole estate). Until April 2020	Partially granted - (Dispensations Sub (Standards)	01/04/19	Dispensation to speak on general housing matters, as identified in dispensations policy, and also car parking spaces and private storage spaces, relating to Barbican residential estate until April 2020 insofar as those issues affect residents of the Barbican residential estate equally Expires after April 2020
Mark Bostock	Following acquisition of the lease of a store in the Barbican Estate,	Granted under urgency (SO 41(a)) (Dispensations Sub-Committee)	14/06/19	Reconfirmation of a Dispensation to speak on general housing matters, as identified in dispensations policy, and

	re confirmation of dispensation to “speak on general housing matters, as identified in dispensations policy, and also car parking spaces and private storage spaces, relating to Barbican residential estate until April 2020 insofar as those issues affect residents of the Barbican residential estate equally			also car parking spaces and private storage spaces, relating to Barbican residential estate until April 2020 insofar as those issues affect residents of the Barbican residential estate equally Expires after March 2021
Mark Bostock	request for a dispensation for the remainder of my term of office (which ends in March 2021) to speak and vote on any matter which affects my constituents and in which I may have a “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 in the authority’s area	Dispensations Sub (Standards) Committee	03/07/19	(1) To speak on general housing matters, as identified in the dispensations policy, and also car parking spaces and private storage spaces relating to the Barbican residential estate, insofar as those issues affect residents of the Barbican residential estate equally; and (2) To speak and vote on planning application (18/00335/LBC) at the Planning and Transportation Committee on 30 July 2019 and any subsequent meeting at which that application is considered; and (3) To speak and vote on the setting of council tax; and (4) To speak on licensing applications with the same rights as a member of the public, in accordance with the dispensations policy. Expires
Deputy David Bradshaw		Partially granted (Dispensations Sub (Standards) Committee	10/09/18	Dispensation to speak only on housing governance review at Barbican Residential Committee until 31

				December 2019 or current review is concluded whichever is the earlier. Expires on 31 December 2019 or when current review is concluded whichever is the earlier
Deputy Bradshaw	David	To speak as a member on all matters relating to the Barbican residential estate except any matter relating exclusively to Cromwell Tower (and not generally to the whole estate). Until April 2020	Partially granted - (Dispensations Sub (Standards))	01/04/19 Dispensation to speak on general housing matters, as identified in dispensations policy, and also car parking spaces and private storage spaces, relating to Barbican residential estate until April 2020 insofar as those issues affect residents of the Barbican residential estate equally Expires after April 2020
Mary Durcan			Partially granted (Dispensations Sub (Standards) Committee)	10/09/18 Dispensation to speak only on housing governance review at Barbican Residential Committee until 31 December 2019 or current review is concluded whichever is the earlier. Expires on 31 December 2019 or when current review is concluded whichever is the earlier
Mary Durcan		To speak as a member on all matters relating to the Barbican residential estate except any matter relating exclusively to Mountjoy House (and not generally to the whole estate). Until April 2020	Partially granted - (Dispensations Sub (Standards))	01/04/19 Dispensation to speak on general housing matters, as identified in dispensations policy, and also car parking spaces and private storage spaces, relating to Barbican residential estate until April 2020 insofar as those issues affect residents of the Barbican residential estate equally Expires after April 2020
Ann Holmes		Until ward elections in 2021 to	Granted (Town Clerk's delegated authority - par. 17 of Dispensations Policy)	04/06/19 Dispensation until the ward elections in 2021 to –

	<p>a) speak and vote on the setting of council tax;</p> <p>b) speak as a member of the public on planning applications; and</p> <p>c) speak as a member of the public on licensing applications.</p> <p>Expires after ward elections 2021</p>			<p>d) speak and vote on the setting of council tax;</p> <p>e) speak as a member of the public on planning applications; and</p> <p>f) speak as a member of the public on licensing applications.</p> <p>Expires after ward elections 2021</p>
Gregory Lawrence		Partially granted (Speaking rights only) (Standards Committee)	19/05/17	<p>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 direct 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.</p> <p>Expires in March 2021</p>
Vivienne Littlechild		Partially granted (Dispensations Sub (Standards) Committee)	10/09/18	<p>Dispensation to speak only on housing governance review at Barbican Residential Committee until 31 December 2019 or current review is concluded whichever is the earlier.</p> <p>Expires on 31 December 2019 or when current review is concluded whichever is the earlier</p>
Deputy Edward Lord		Granted (Standards Committee under delegated authority procedures (SO 41(b)))	10/10/17	<p>A dispensation be granted under Section 33 (2) of the Localism Act 2011 to enable Deputy Edward Lord, as a City resident, to speak and vote on matters concerning the setting of council tax</p> <p>Expires in March 2021</p>

Alderman Ian Luder		Partially granted (Standards Committee under delegated authority (SO 41(b)))	04/06/18	A dispensation be granted to speak only at Police Committee and Court on security of entrances to the Barbican complex and various walkways until next ward elections in 2021. Expires in March 2021
Alderman Ian Luder		Granted (Standards Committee under delegated authority (SO 41(b)))	04/06/18	A dispensation be granted under Section 33 (2) of the Localism Act 2011 to enable Alderman Ian Luder, as a City resident, to speak and vote on matters concerning the Corporation's budget and setting of council tax. Expires in March 2021
Alderman Ian Luder		Partially granted (Dispensations Sub (Standards) Committee)	10/09/18	Dispensation to speak only on relevant aspects of housing fire safety and residents' safety post Grenfell until next ward elections in 2021. Expires in March 2021
Brian Mooney	to speak and vote on any matter which affects my constituents and in which I may have a "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 with the restriction imposed by section 618 of the Housing Act 1985 for as long as that provision remains on the statute book; on the ground that the grant of this dispensation is in "the interest of persons living in the authority's area"	Dispensations Sub (Standards) Committee	03/07/19	(1) To speak and vote on the setting of council tax; and (2) To speak on licensing applications with the same rights as a member of the public, in accordance with the dispensations policy. Expires
Deputy Joyce Nash		Partially granted (Speaking rights only) (Standards Committee)	19/05/17	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 are under consideration but the request for a dispensation to vote on such matters, should she have a disclosable pecuniary interest be refused. Expires in March 2021
Deputy Joyce Nash		Partially granted (Dispensations Sub (Standards) Committee	10/09/18	Dispensation to speak only on housing governance review at Barbican Residential Committee until 31 December 2019 or current review is concluded whichever is the earlier. Expires on 31 December 2019 or when current review is concluded whichever is the earlier
Deputy Joyce Nash	Request to speak and vote on behalf of residents at any meetings which discuss the extension of CLSG onto Grade II listed areas of the Barbican.	Granted	04.09.19	Dispensation granted to speak and vote on matters relating to the expansion of the City of London School for Girls for the period until final decisions are made by the Planning & Transportation Committee or for the remainder of the current term of office ending in March 2021, whichever is sooner.
Barbara Newman		Partially granted (Standards Committee under urgency procedures (SO 41(a))	17/09/18	Dispensation to speak only on housing governance review at Barbican Residential Committee until 31 December 2019 or current review is concluded whichever is the earlier. Expires on 31 December 2019 or when current review is concluded whichever is the earlier
Barbara Newman	To speak as a member on all matters relating to the Barbican residential estate except any matter relating exclusively to Mountjoy House (and not generally to the whole estate).	Partially granted - (Dispensations Sub (Standards)	01/04/19	Dispensation to speak on general housing matters, as identified in dispensations policy, and also car parking spaces and private storage spaces, relating to Barbican residential

	Until April 2020			estate until April 2020 insofar as those issues affect residents of the Barbican residential estate equally Expires after April 2020
Susan Pearson	for the remainder of my term of office (which ends in March 2021) to speak and vote on any matter which affects my constituents and in which I may have a “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 with the restriction imposed by section 618 of the Housing Act 1985 for as long as that provision remains on the statute book; on the ground that the grant of this dispensation is in “the interest of persons living in the authority’s area	Dispensations Sub (Standards) Committee	03/07/19	(1) To speak and vote on the setting of council tax; and (2) To speak on licensing applications with the same rights as a member of the public, in accordance with the dispensations policy; and (3) To speak on general housing matters, as identified in the dispensations policy, insofar as those issues affect residents of the Golden Lane estate equally. Expires
Jason Pritchard	for the remainder of my term of office (which ends in March 2021) to speak and vote on any matter which affects my constituents and in which I may have a “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 with the restriction imposed by section 618 of the Housing Act 1985 for as long as that provision remains on the statute book; on the ground that the grant of this dispensation is in “the interest of persons living in the authority’s area	Dispensations Sub (Standards) Committee	03/07/19	(1) To speak and vote on the setting of council tax; and (2) To speak on planning and licensing applications with the same rights as a member of the public, in accordance with the dispensations policy; and (3) To speak on general housing matters, as identified in the dispensations policy, insofar as those issues affect all of the City Corporation’s tenants or leaseholders on your estate equally.

				Expires March 2021
Stephen Quilter		Partially granted (Speaking rights only) (Standards Committee)	19/05/17	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. Expires in March 2021
Deputy Tomlinson	John	Partially granted (Dispensations Sub (Standards) Committee)	10/09/18	Dispensation to speak only on housing governance review at Barbican Residential Committee until 31 December 2019 or current review is concluded whichever is the earlier. Expires on 31 December 2019 or when current review is concluded whichever is the earlier.
Deputy Tomlinson	John	To speak as a member on all matters relating to the Barbican residential estate except any matter relating exclusively to Cromwell Tower (and not generally to the whole estate). Until April 2020	Partially granted - (Dispensations Sub (Standards))	01/04/19 Dispensation to speak on general housing matters, as identified in dispensations policy, and also car parking spaces and private storage spaces, relating to Barbican residential estate until April 2020 insofar as those issues affect residents of the Barbican residential estate equally Expires after April 2020
William Pimlott		Partially granted (Speaking rights only) (Standards Committee)	19/05/17	A dispensation be granted until the ward Elections in 2021 to speak at meetings where Parking for Barbican Residents is under consideration but the request for a dispensation to vote on such matters, be refused Expires in March 2021

William Pimlott		Dispensations Sub Committee	11/06/18	<p>On facts described by Mr Pimlott in his application, the Committee's view is that he could not have a disclosable pecuniary interest, and therefore it would not be appropriate to grant him a dispensation.</p> <p>However, the Committee's guidance is that, in its view, it would not be a breach of paragraph 14 of the Code for him to speak only (but not vote) on the matters in question</p>
William Pimlott		Partially granted (Dispensations Sub (Standards) Committee	10/09/18	<p>Dispensation to speak only on housing governance review at Barbican Residential Committee until 31 December 2019 or current review is concluded whichever is the earlier.</p> <p>Expires on 31 December 2019 or when current review is concluded whichever is the earlier.</p>
Outstanding				
Mark Bostock	Request to speak and vote Until April 2021 on any matter which affects my constituents and in which I may have a "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 in the authority's area."		04.09.19 deferred	

Susan Pearson	<p>for the remainder of my term of office (which ends in March 2021) to speak and vote on any matter which affects my constituents and in which I may have a “pecuniary interest”, except for a matter which:</p> <p>(a) affects me uniquely or more than any of my constituents; and</p> <p>(b) insofar as regards a dispensation to vote only, falls with the restriction imposed by section 618 of the Housing Act 1985 for as long as that provision remains on the statute book; on the ground that the grant of this dispensation is in “the interest of persons living in the authority’s area”</p>		04.09.19 deferred	
Jason Pritchard	<p>for the remainder of my term of office (which ends in March 2021) to speak and vote on any matter which affects my constituents and in which I may have a “pecuniary interest”, except for a matter which:</p> <p>(a) affects me uniquely or more than any of my constituents; and</p> <p>(b) insofar as regards a dispensation to vote only, falls with the restriction imposed by section 618 of the Housing Act 1985 for as long as that provision remains on the statute book; on the ground that the grant of this dispensation is in “the interest of persons living in the authority’s area”</p>		04.09.19 deferred	

Brian Mooney	to speak and vote on any matter which affects my constituents and in which I may have a “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 with the restriction imposed by section 618 of the Housing Act 1985 for as long as that provision remains on the statute book; on the ground that the grant of this dispensation is in “the interest of persons living in the authority’s area”		04.09.19 deferred	
Alderman Ian Luder	Request to speak to Policy & Resources Committee on review of housing governance/Barbican Residential Committee		tbc	Awaiting submission of housing governance review paper to p&r