

DISPENSATIONS SUB (STANDARDS) COMMITTEE

Monday, 11 June 2018

Minutes of the meeting of the Dispensations Sub (Standards) Committee held at the Guildhall EC2 at 4.15 pm

Present

Members:

Caroline Addy
Mark Greenburgh

Deputy Jamie Ingham Clark
Deputy Edward Lord (Chairman)

Officers:

Michael Cogher	-	Comptroller and City Solicitor
Edward Wood	-	Comptroller and City Solicitor's Department
Martin Newton	-	Town Clerk's Department

1. ELECTION OF A CHAIRMAN

It was proposed, duly seconded and

RESOLVED – That Deputy Edward Lord be elected as Chairman for the duration of the meeting.

2. QUESTIONS ON MATTER RELATING TO THE WORK OF THE COMMITTEE

The Sub Committee noted that there are a number of disclosable pecuniary interests that prevent a Member from participating in any discussion or vote on a connected item of business. The disclosable pecuniary interest that is engaged in these cases is:

- (a) any beneficial interest in land which is within the area of the relevant authority.

Members also noted that the Localism Act 2011 does not provide any additional guidance on judging whether a disclosable pecuniary interest is engaged or not and states that the prohibition on speaking or voting on a matter is engaged where a Member:

- (a) is present at a meeting;
- (b) has a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting; and
- (c) is aware that the condition in paragraph (b) is met.

A relevant authority may, on a written request made to the proper officer of the authority by a Member of the authority, grant a dispensation relieving the Member from either or both of the restrictions on speaking or voting in cases

described in the dispensation. A dispensation must specify the period for which it has effect, which may not exceed four years. The relevant criteria for a City of London dispensation are:-

- (a) 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) that granting the dispensation is in the interests of persons living in the authority's area;
- (c) that it is otherwise appropriate to grant a dispensation.

It was further noted that subject to the specific statutory grounds for granting a dispensation, Members may also wish to take into account the following (non-exhaustive) additional factors:

- (i) whether the nature of the Member's interest is such that to allow them to participate would risk damage to public confidence in the conduct of the City Corporation's business;
- (ii) whether the interest is common to the Member and a significant proportion of the general public;
- (iii) whether the Member was elected on a platform that they would specifically address the item or items of business for which the dispensation is sought;
- (iv) whether the participation of the Member in the business that the interest relates to is justified by their particular role or expertise;
- (v) whether the request is for a dispensation to (a) speak at the meeting with the same rights as a member of the public; (b) participate fully in the debate as a Member of the decision-making body in question; or (c) participate fully in the debate as a Member of the decision-making body in question and vote on the business.

During discussion, a Co-opted Member again put forward the view expressed at the recent Standards Committee that some additional relevant information would be of assistance for committee members when assessing dispensation requests, such as committee composition, quorum, number of conflicted members, the situation regarding other ward members, etc if that information was known. He asked that these details be added to the usual dispensations report 'template' going forward. The Town Clerk apologised for the absence of this requested information.

3. **DISPENSATIONS**

The Sub Committee then proceeded to consider each request including, with the agreement of the Chairman, 3 requests received after the agenda papers had been published. The Sub Committee asked that it be recorded that previous dispensations requests granted should not be considered 'as precedent' going forward. The Sub Committee emphasised that the default position was that a Member with a disclosable pecuniary interest in a matter could not speak or vote, and that the onus was on the Member concerned to satisfy the Sub Committee that one of the relevant grounds for granting a dispensation had been met. All requests would be considered on merit based on the information provided and with due regard to all relevant circumstances.

The Sub Committee noted that in this case all of the requests for dispensations related to the same item of business to be heard by the Barbican Residential Committee, on the charging policy for car parking and stores. The Sub Committee considered that a distinction should be made between those resident Members who actually had a car parking space or storage space at present and those that did not – with the latter being allowed to speak, but not the former. The Sub Committee also considered that, where a Member was being refused a dispensation, another Ward Member on the Barbican Residential Committee who did not have a disclosable pecuniary interest, or did have a dispensation to speak, could effectively represent the views of constituents.

Arising from the Sub Committee's detailed consideration of the dispensation requests, and with Members having only taken account of all relevant issues in their determination including committee composition and details of the individual disclosable pecuniary interest and any comments of the Comptroller and City Solicitor, it was

RESOLVED – That the Sub Committee's decisions on each request for a dispensation be as follows:-

Mark Bostock

Partially granted (speaking rights only) - a dispensation be granted to speak only at Barbican Residential Committee on 21 June 2018 on charging policy for car parking and stores, Barbican Estate

Deputy David Bradshaw

Rejected - request refused for a dispensation to speak on car parking and baggage stores costs at Barbican Residential Committee on 21 June 2018

Deputy Joyce Nash

Rejected - request refused for a dispensation to vote on car park charges and store room charges at Barbican Residential Committee until ward elections in 2021

Deputy John Tomlinson

Rejected - request refused for a dispensation to speak and vote on car park charges and store room charges at Barbican Residential Committee on 21 June 2018

Mary Durcan

Rejected - request refused for a dispensation to speak and vote on car park charges and store room charges at Barbican Residential Committee on 21 June 2018

William Pimlott

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.

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.

4. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**
There was no other urgent business.

The meeting closed at 5.00 pm

Chairman

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