

Committee: Dispensations Sub (Standards) Committee	Date: 4 September 2019
Subject: Requests for a Dispensation under the Corporation's approved Dispensations Policy	Public
Report of: Report of Town Clerk	For Decision
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Summary

This report set out details of Members 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;

Recommendation

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

Main Report

Background

1. Five 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 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), Jason Pritchard (appendix 4) and Deputy Brian Mooney (appendix 5) were previously considered by the Dispensations Sub-Committee on 3 July 2019

and the minutes of the Sub-Committee is attached as appendix 6. However, all of the above applicants were dissatisfied with the Sub-Committee's decision and have therefore resubmitted the same application and requested that their applications be reconsidered in entirety.

3. All of the above four applicants have chosen not to submit their requests using the Dispensations Application Form produced by the Standards Committee, as all identically assert that the Act refers only to a "written request" being made and does not require it to be in any prescribed form. (a copy of the form is attached as appendix 7) They also suggest that, in their view, the form produced by the Standards Committee contains a fair amount of material that is not properly relevant to the consideration of their request.
4. An application has also been submitted by Deputy Joyce Nash (appendix 8) to speak and vote at meetings which discuss the proposed expansion of the City of London School for Girls.
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
 - (b) a lease of a store in the Barbican Estate.
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."
9. Mr Bostock originally asserted that there was some urgency about his request, as he was set to be attending meetings of the following committees at which matters will be decided in which, it may be argued, he had a "pecuniary interest":

- (a) the Barbican Residential Committee on Monday 17 June, at which a “charging policy for car parking and stores” will be decided; and
10. (b) the Planning and Transportation Committee on Tuesday 18 June, at which a planning application (18/00335/LBC) will be considered for the installation of replacement illuminated signs in the upper level walkway at Defoe Place (close to the residential flats at the western end of Frobisher Crescent; my flat is in the middle of the Crescent).

Specific considerations

11. The dispensation request was first received shortly before a meeting of the Barbican Residential Committee on 17 June. Given the timing of the request, it did not prove possible to convene a quorate meeting of the Dispensations Sub Committee in the five working days available before the 17 June and it was therefore decided that the most efficient way to proceed would be to separate out and consider the most pressing element of the application (namely the request to speak at the Barbican Residential Committee on Monday 17 June, at which a “charging policy for car parking and stores” will be decided) under the urgency provisions of Standing Order No. 41(a).
12. Mr Bostock was made aware that he already had a dispensation in place permitting him 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”. His application makes reference to the fact that he recognises that he may speak but in any event not vote at the 17 June BRC meeting, because of the restriction on voting in section 618 of the Housing Act 1985.
13. As noted above, Mr Bostock has lease of a store in the Barbican Estate. This is a recent acquisition and was not the case when the existing 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 was granted on 18 March 2019. For this reason, Mr Bostock clarified that he intended to seek re-confirmation that his dispensation in relation to this particular matter still stood.
14. The dispensation allowing Mr Bostock to continue to be able 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” was reconfirmed by the Town Clerk, in consultation with the Chairman and Deputy Chairman of the Standards Committee under urgency procedures on 14 June 2019.
15. Following receipt of the request it has come to light that the planning application referred to (18/00335/LBC) will not now be considered by the Planning and Transportation Committee until September 2019 at the earliest – there is therefore less urgency around this and we now therefore request

that this element be dealt with separately, alongside the overarching request by this Dispensations Sub Committee.

16. Mr Bostock has received advice from the Comptroller and City Solicitor which states that “having regard to the relative locations of the signs [which are the subject of the applications] and of Frobisher Crescent, they do not consider that he would have a DPI in either application.
17. Nevertheless, Mr Bostock has confirmed that he would like to repeat his request for a general dispensation to allow him to speak and vote on these planning applications.
18. 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.
19. 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

20. 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:
21. 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;
22. 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.”
23. Ms Pearson highlighted the need for timeliness as she would be attending a meeting of the Community and Children’s Services Committee on 12 July 2019. The agenda for that meeting was not yet known, but she emphasised that matters are frequently considered by this committee which affect her constituents and in which she may occasionally have a “pecuniary interest.”

Specific considerations

24. 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.
25. 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].

Jason Pritchard

26. In summary, Jason Pritchard confirms that he has a "disclosable pecuniary interest" for the purpose of the Localism Act 2011 consisting of a council tenancy that he holds. This interest has not been published in his register of interests because he asserts that it is a sensitive interest, the details of which he has requested be withheld under Section 32 of the Localism Act 2011.
27. Mr Pritchard 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;
28. Mr Pritchard makes this request on the grounds that the grant of this dispensation is in "the interest of persons living in the authority's area."
29. Mr Pritchard highlighted the need for timeliness as he would be attending a meeting of the Community and Children's Services Committee on 12 July 2019. The agenda for that meeting was not yet known, but he emphasised that matters are frequently considered by this committee which affect his constituents and in which he may occasionally have a "pecuniary interest."

Specific considerations

30. Jason Pritchard is a Common Councillor for Portsoken Ward and a Member of a number of committees including the Community and Children's Services Committee and the Port Health and Environmental Services Committee.
31. 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 Portsoken Ward. 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 the Education Function].

Deputy Brian Mooney

32. 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.
33. 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
 - (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;
34. 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

35. Brian Mooney is Deputy Queenhithe Ward of 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. As stated earlier, Mr Mooney's dispensation request was previously considered by the Sub-Committee on 3 July 219.
36. Details of the dispensations granted the Sub-Committee in respect of the applications submitted by Mr Bostock, Ms Pearson, Mr Pritchard and Deputy Mooney are set out in appendix 9. However these four Members were dissatisfied with the Sub-Committee's decision and have therefore resubmitted the same application and requested that they be reconsidered in entirety.

Deputy Joyce Nash

37. In summary, Joyce Nash confirms that she has a "disclosable pecuniary interest" for the purpose of the Localism Act 2011 as a tenant of 90 Defoe House, Barbican, EC2Y 8ND and this interest has been published in her register of interests.
38. Deputy Nash has confirmed that the dispensation request is to speak and vote until such time the final decisions are made by the Planning & Transportation Committee on any matter related to the proposed expansion of the City of London School for Girls.
39. Deputy Nash 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

40. Joyce Nash is Deputy for Aldersgate Ward and a Member of a number of committees including Markets, Policy & Resources and Port Health & Environmental Services Committees.

Conclusion

41. 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 9.
42. 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. Jason Pritchard application
5. Brian Mooney application
6. Minutes from 03.07.19 meeting
7. Dispensation form template
8. Joyce Nash application
9. Current dispensations

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