

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.

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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

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- (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.

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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

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