

Committee(s):	Date:	
Standards Committee	8 <sup>th</sup> February 2013	
Subject: Requests for Dispensations		
Report of: Joint report of the Town Clerk and the Comptroller & City Solicitor		
<b>Summary</b>		
<p>The new Standards regime, under the provisions of the Localism Act 2011, does not replicate the former general exemptions which allowed Members to vote on a number of matters in which they would otherwise have had a prejudicial interest. However, the City of London Corporation may, following a written request, grant a dispensation for a Member to take part in any discussion and vote on a matter in which they have a disclosable pecuniary interest, in some circumstances.<sup>1</sup></p> <p>Following the introduction of the new Standards arrangements by the City of London Corporation in October 2012, it was anticipated that the only matters likely to require dispensations were those relating to the following, where a Member has a beneficial interest in land within the area of the City of London Corporation:-</p> <ul style="list-style-type: none"> <li>• Housing (where the Member holds a lease or tenancy from the City, as long as the matter does not relate to their particular lease or tenancy); and</li> <li>• The setting of council tax or a precept under the Local Government Finance Act 1992.</li> </ul> <p>Consequently, all Members were advised in writing on 8<sup>th</sup> November 2012 about the new arrangements in respect of declaring interests and invited to submit a written request for a dispensation from the Standards Committee to allow them to speak and vote on housing and council tax issues if they have a relevant interest in land within the City.</p> <p>This report provides details about the written requests that have been received to date and seeks approval from the Standards Committee for dispensations to be granted in each instance, where relevant, thus enabling the specific Member to speak and vote on Housing and Council tax issues.</p>		

<sup>1</sup> Section 33(2) Localism Act 2011 including if it is in the interests of persons living in the City, without the dispensation the proportion of Members unable to participate would be so great as to impede the transaction of business, or it is otherwise appropriate.

**Recommendation:**

Members are asked to consider and approve the written requests for dispensations in advance of the March meeting of the Court of Common Council when budget matters will be considered by the Court.

**Main Report****Background**

1. Section 33 of the Localism Act 2011 sets out the statutory provisions in relation to dispensations as follows:
  - (1) A relevant authority may, on a written request made to the proper officer of the authority by a member or co-opted member of the authority, grant a dispensation relieving the member or co-opted member from either or both of the restrictions [on speaking or voting] in cases described in the dispensation.
  - (2) A relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority—
    - (a) considers that without the dispensation the number of persons prohibited by section 31(4) 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) [n/a], or
    - (e) considers that it is otherwise appropriate to grant a dispensation.
  - (3) A dispensation under this section must specify the period for which it has effect, and the period specified may not exceed four years.
  - (4) [The restriction on speaking or voting where a member has a disclosable pecuniary interest] does not apply in relation to

anything done for the purpose of deciding whether to grant a dispensation under this section.

2. Following the introduction of the new Standards arrangements by the City of London Corporation in October 2012, it was anticipated that the only matters likely to require dispensations were those relating to the following, where a Member has a beneficial interest in land within the area of the City of London Corporation:-
  - Housing (where the Member holds a lease or tenancy from the City, as long as the matter does not relate to their particular lease or tenancy); and
  - The setting of council tax or a precept under the Local Government Finance Act 1992.
3. Consequently, all Members were advised in writing on 8<sup>th</sup> November 2012 about the new arrangements in respect of declaring interests and invited to submit a written request for a dispensation from the Standards Committee to allow them to speak and vote on housing and council tax issues if they have a relevant interest in land within the City. The form attached at Appendix 1 was circulated to all Members for ease of requesting a dispensation.
4. The deadline for receipt of requests was originally the 5<sup>th</sup> December 2012. However, a number of subsequent reminders were sent to Members in order to ensure that revised declarations of interest and written requests or dispensations were submitted ahead of the meeting of the Standards Committee.
5. In accordance with the legislative provisions, a dispensation will have effect for no more than four years. Following the Ward elections in March 2013, all new Members will be required to submit a Member Declaration and request, if relevant, a dispensation. All returning Members will be asked to update their declarations and request a dispensation if there has been a change in circumstances since original completion in late 2012/early 2013.

### **The current position**

6. To date, 115 Member Declaration forms have been submitted and 40 written requests for a dispensation have been received, as follows:-

MEMBERS	Y/N Request for dispensation
John David Absalom	Y
Nicholas Anstee (Alderman)	Y
Kenneth Edwin Ayers MBE Deputy	Y

John Alfred Barker OBE Deputy	Y
David John Bradshaw	Y
Michael John Cassidy CBE Deputy	Y
Stephanie Ella Maureen Currie MBE Deputy	Y
Martin James Day BA MSc LLM	Y
Alexander John Cameron Deane	Y
Robert William Duffield BA M.litt (Oxon)	Y
John William Fletcher BSc	Y
Marianne Bernadette Fredericks	Y
Stanley Ginsburg JP Deputy	Y
Alison Gowman (Alderman)	Y
David Andrew Graves (Alderman)	Y
Benjamin Robert Hadley Hall (Alderman)	Y
Alastair John Naisbitt King MSc Deputy	Y
Peter Leck	Y
Vivienne Littlechild JP	Y
Oliver Arthur Wynlayne Lodge TD BSc	Y
Charles Edward Lord OBE JP Deputy	Y
Ian David Luder JP BSc (Econ) (Alderman)	Y
Julian Henry Malins QC	Y
Jeremy Paul Mayhew MA MBA	Y
Catherine McGuinness MA Deputy	Y
Brian Desmond Francis Mooney MA	Y
Gareth Wynford Moore	Y
Joyce Caruthers Nash OBE Deputy	Y
Barbara Patricia Newman CBE	Y
Chris Punter	Y
Stephen Douglas Quilter BSc (Hons)	Y
Richard David Regan Deputy	Y
Delis Regis	Y
Matthew Richardson (Alderman)	Y
Ian Christopher Norman Seaton	Y
Jeremy Lewis Simons MSc	Y
Sir Michael Snyder Deputy	Y
Sir John Stuttard MA (Alderman)	Y
John Tomlinson BA MSc	Y
David Hugh Wootton (Alderman)	Y

7. A detailed analysis of all returned Member Declarations and written requests for a dispensation has been undertaken by the Town Clerk's Department in collaboration with the Comptroller & City Solicitor.

8. To date, Member Declaration forms have not been received from the following Members, although in some instances a written request for a dispensation has been submitted and is detailed above:
- Mr John Leslie Bird OBE
  - Raymond Michael Catt
  - Simon D'Olier Duckworth DL
  - Henry Llewellyn Michael Jones Deputy
  - Barbara Patricia Newman CBE
  - Ann Marjorie Francesca Pembroke
  - Angela May Starling
  - Mark Twogood
9. The Committee is asked to consider and approve the requests for a dispensation as set out at paragraph 6. Should any further requests for a dispensation be received in due course, these will be submitted to the next available meeting of the Standards Committee for consideration.

### **Conclusion**

10. This Committee is asked to consider and approve the requests for a dispensation, as received from those Members detailed at paragraph 6 of this report.

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

The new Standards regime does not replicate the former statutory exemptions which allowed Members to vote on a number of matters in which they would otherwise have had a prejudicial interest. However, the City of London Corporation may, following a written request, grant a dispensation for a Member to take part in any discussion and vote on a matter in which they have a disclosable pecuniary interest, in some circumstances<sup>2</sup>.

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

- Housing (where the Member holds a lease or tenancy from the City, as long as the matter does not relate to their particular lease or tenancy); and
- The setting of council tax or a precept under the Local Government Finance Act 1992.

If you have a beneficial interest in land within the area of the City of London Corporation please indicate below if you wish to request a dispensation from the Standards Committee to allow you to speak and vote on the relevant housing and council tax issues.

I request a dispensation to enable me to speak and vote on the relevant Housing and Council tax issues.

Signed: .....

Name: ..... Date: .....

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<sup>2</sup> Section 33(2) Localism Act 2011 including if it is in the interests of persons living in the City, without the dispensation the proportion of Members unable to participate would be so great as to impede the transaction of business, or it is otherwise appropriate.

***Dispensation approved by the Standards Committee: Date: -----***