

Committee(s):	Date:	
Standards Committee	14 th June 2013	
Subject: Requests for Dispensations		
Report of: Joint report of the Town Clerk and the Comptroller & City Solicitor		
Summary		
<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.¹</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"> • 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. <p>At the February meeting of this Committee, a number of requests for a dispensation from elected Members were approved. Following the Ward Elections in March 2013, all new Members were advised in writing 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 since the March 2013 elections and the subsequent Aldermanic elections that took place in May 2013 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>		

¹ 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.

Recommendations:

It is recommended that: -

- (i) Members consider and approve the written requests for dispensations, as set out in the report, relating to housing and council tax issues, for a period of four years; and
- (ii) Members approve that a letter be sent to all returning Members of the Court of Common Council, by no later than the end of June 2013, to ensure that, where there has been a change of circumstances, all relevant dispensations have been considered by the Standards Committee and any amendments to Members' Declaration Forms have been made.

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 8th 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 5th 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 on 8th February 2013.
5. In accordance with the legislative provisions, a dispensation will have effect for no more than four years.

The current position

6. Following the Ward elections in March 2013, all new Members were asked to complete a Members' Declaration Form and to request a dispensation, where necessary. Of those new Members and the two newly elected Aldermen for the Wards of Lime Street and Bassishaw respectively (following aldermanic elections in May 2013), twelve written requests for a dispensation have been received, as follows:-

MEMBERS	Date requested
Randall Keith Anderson	27/03/13
Robert James Ingham Clark	25/03/13
Karina Dostalova	03/04/13
Chris Hayward	29/03/13
Ann Holmes	16/04/13
John Lumley	16/04/13
Alistair Moss	04/04/13
Graham Packham	04/04/13
Dhruv Patel	14/04/13
Judith Lindsay Pleasance	27/03/13
Patrick Thomas Streeter	27/03/13
Mark Wheatley	30/03/13

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. 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.
9. It is proposed that, following the recent changes to the composition of the Court of Common Council as a result of the March elections and the subsequent Aldermanic elections, in May 2013, all returning Members be contacted in writing before the end of June 2013 and asked to request a dispensation if there has been a change of circumstances since late 2012. Those Members will also be invited to update their Members' Declaration Form, if necessary.

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.
11. The Committee is also asked to approve that a letter be sent to all returning Members of the Court of Common Council by no later than the end of June 2013 to ensure that, where there has been a change of circumstances, all relevant dispensations have been considered by the Standards Committee and, where necessary, Members' Declaration Forms updated.

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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 circumstances².

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:

Dispensation approved by the Standards Committee: Date:

² 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.