

**Tuesday, 23 September 2014**

**Minutes of the meeting of the Dispensations Sub (Standards) Committee held at the Guildhall EC2 at 8.45am**

**Present**

**Members:**

Judith Barnes (Co-opted Member)  
Nigel Challis

Michael Hudson  
Deputy Alastair King

**Officers:**

Michael Cogher  
Lorraine Brook  
Gregory Moore

Comptroller and City Solicitor  
Town Clerk's Department  
Town Clerk's Department

**1. APOLOGIES**

There were none.

**2. MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**

There were none.

**3. ELECTION OF A CHAIRMAN**

The Committee proceeded to elect a Chairman for the meeting in accordance with Standing Order No. 29. Nigel Challis, being the only Member expressing a willingness to serve, was duly elected and took the Chair.

RESOLVED: That Nigel Challis be elected as Chairman for the meeting of the Dispensations Sub Committee.

**4. REQUEST FOR A DISPENSATION**

The Sub Committee considered a written request for a dispensation from Ms Ann Holmes, a Common Councilman for the Ward of Farringdon Within.

It was noted that the request for a dispensation under Section 33 (2) of the Localism Act 2011 concerned Ms Holmes' disclosable pecuniary interest as the owner of a property within the Ward which was affected by the ongoing Bart's Square property development. Ms Holmes' request to the Sub Committee, to participate in any discussion and vote on matters relating the Bart's Square development and any other planning developments taking place within the Ward of Farringdon Within, was based on the following grounds:-

(i) that the dispensation was in the interests of persons living (or in the City's case, living or working) in the authority's area; and/or

(ii) that it is otherwise appropriate to grant a dispensation.

It was noted that Ms Holmes had submitted the request with a particular view to speaking at a meeting of the Planning & Transportation Committee taking place on 23 September 2014. However, she was also seeking a more general dispensation to cover the period up to the next Ward elections in 2017, to cover both speaking and voting at relevant meetings.

Following confirmation from the Comptroller & City Solicitor regarding the grounds on which a dispensation could be granted, the Sub Committee considered the request. The Sub Committee felt that the various elements of the request would be best considered separately, first considering the request to speak at meetings of the Planning & Transportation Committee as a non-voting attendee, rather than as an elected Member of the Committee.

Members noted that Ms Holmes had campaigned for election partly on the basis of representing the residents of her Ward on local planning issues, particularly the Bart's Square development. It was clarified that the Bart's Square development was substantial and affected a large section of the Ward, and that planning permission had already been granted for the project. Given the scale of the development and the fact that the Planning & Transportation Committee had a clear Protocol with which she would be obliged to comply, Members felt comfortable in granting a dispensation on this basis. It was noted that any member of the public would have such a right, and therefore to prohibit Ms Holmes from speaking would inappropriately disadvantage her. Further, given the robustness of the Planning Protocol in providing guidance on such issues, the Sub Committee was comfortable in extending the dispensation to cover all planning developments within Farringdon Within, provided she declared her interest before speaking on each occasion and remained at all times compliant with the rules governing the Planning & Transportation Committee.

The Sub Committee noted that on occasion planning matters were discussed at other Committees, for instance Property Investment Board, Policy & Resources Committee and The Court of Common Council. As such, it was agreed that any dispensation would be confined to the Planning & Transportation Committee.

Second, the Sub Committee turned to the matter of Ms Holmes being able to vote and speak should she become a Member of the Planning & Transportation Committee in due course. Given the nature of the Committee it was clear that to permit voting rights would not be acceptable; the Planning & Transportation Committee's own Protocol also made clear that Members of the Committee with such interests were able to speak on such matters, but were obliged to leave the room after making their statement so as not to influence debate. Therefore, whilst Ms Holmes would be permitted to speak on such matters as a Member of the Committee, and in line with that Committee's Protocol, she would not be entitled to vote and a dispensation could not be granted to her on that basis.

It was therefore agreed that a dispensation be granted to Ms Holmes to speak at Planning & Transportation Committee meetings on planning matters affecting

the Ward of Farringdon Within, including the Bart's Square development, subject to the Planning Protocol and the rules of the Planning & Transportation Committee which they might impose.

RESOLVED: That the request of Ms Ann Holmes for a dispensation under Section 33 (2) of the Localism Act 2011 in relation to her disclosable pecuniary interest be approved on the following terms:

- A dispensation be granted until the Ward Elections of 2017 for permission to speak at meetings of the Planning & Transportation Committee concerning planning developments in the Ward of Farringdon Within, in accordance with the Planning Protocol and the rules of the Planning & Transportation Committee; and
  - The request for a dispensation to vote on such matters, should she be elected as a Member of the Planning & Transportation Committee, be refused.
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- **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**  
There were no urgent items.

**The meeting closed at 9.15 am**

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Chairman

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