



Standards Committee

Date: FRIDAY, 25 JANUARY 2019
Time: 11.00 am
Venue: COMMITTEE ROOMS - COMMITTEE ROOMS

8. **DISPENSATIONS - DRAFT POLICY AND GUIDANCE**

Joint report of the Town Clerk and the Comptroller and City Solicitor.

For Decision
(Pages 1 - 28)

Item received too late for circulation in conjunction with the Agenda.

John Barradell
Town Clerk and Chief Executive

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Committee: Standards Committee	Date: 29 January 2019
Subject: Policy and Guidance, etc on Dispensations under the Localism Act 2011	Public
Report of: Joint Report of Town Clerk and Comptroller & City Solicitor	For Decision
Report author: Gemma Stokley	

Summary

In July 2018, the Town Clerk authorised the establishment of a Dispensations (Standards) Working Party under the urgency provisions of Standing Order No. 41(a). The Working Party has since met regularly to consider dispensation policy and associated issues.

This report sets out the final details of the Working Party's draft future policy and guidance on dispensations, and revisions to the dispensation request application form.

The aim of the Working Party has been to provide members with an enhanced level of requisite information about disclosable pecuniary interests, and a better understanding of the regulations around such interests and dispensations, and thereby increase clarity on the matter and confidence both for Members and the general public that the City of London Corporation is taking decisions on them in a consistent way.

Members are now asked to consider and comment on these matters and the documentation set out in this report and to approve the contents of the draft future policy and guidance on dispensations and revisions to the dispensation request application form, for formal adoption from February 2019.

Recommendation

It is recommended that Members approve the draft policy and guidance and the dispensation request application form, set out in appendices 1 and 2.

Main Report

Background

1. In July 2018, the Town Clerk authorised the establishment of a Dispensations (Standards) Working Party under the urgency provisions of Standing Order No. 41(a) and with the following membership drawn from the Standards Committee :- Oliver Lodge (Chairman of the Standards Committee), Ann Holmes (Deputy Chairman of the Standards Committee), Deputy Jamie Ingham Clark, Deputy Edward Lord and Mark Greenburgh (Co-opted Member of the Standards Committee).
2. The Working Party has since met regularly to consider dispensation policy and associated issues, with the original objective being to report its findings to the Standards Committee in October 2018.
3. The Standards Committee considered the findings and recommendations of the Working Party at its meeting in October 2018 as planned, in the form of a joint report of the Town Clerk and the Comptroller and City Solicitor setting out a draft future policy and guidance on dispensations under the Localism Act 2011, revisions to the dispensation request form and proposed alterations to the terms of reference of the Dispensations Sub (Standards) Committee.
4. Detailed discussion took place at this meeting on the draft policy and guidance and associated other documentation, during which there were a number of comments made by Committee members. It was agreed that these comments be referred to the Dispensations Working Party for its consideration as part of the finalisation of the draft documents.
5. Consideration, at this stage, also turned to how best to ensure that all Members had the opportunity to consider and comment on the draft documentation prior to implementation and, after discussion, it was agreed that a public meeting of the Standards Committee should be convened with all members of the Court invited to attend.
6. The all Member (including Co-opted Members) Standards Committee meeting took place in November 2018 and generated much debate – so much so, that the Chairman of the Standards Committee, as part of the process of fully understanding concerns, arranged a series of workshops for Members (including co-opted Members) throughout December 2018 to further discuss the documentation. These workshops were facilitated by members of the Standards Committee. The specific aims of the workshops were:
 - For the Committee to gain a better and more detailed understanding of concerns about specific aspects of the Policy and application form;

- To dispel any remaining misconceptions concerning the intentions and the process;
 - To identify areas in which the Policy can be enhanced/amended/clarified.
7. The draft documentation was then also the subject of two motions and much debate at the December 2018 Court of Common Council meeting. One of the motions was amended and carried with the substantive motion being a request from the Court that the Standards Committee “should, as part of the current review of its policy and guidance on dispensations, adopt a position where Members would 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 disclosable pecuniary interest would be directly and materially impacted by a matter to be determined at a meeting of the Court or one of its committees or sub-committees, subject of course to the proper exercise of the statutory discretion in each case”. The second motion was not carried.
 8. The Standards Committee has noted the points raised in all forms since their last meeting in October 2018 (by the Court of Common Council, via email and at the various workshops that took place towards the end of 2018) and a further meeting of the Dispensations (Standards) Working Party was convened on 9 January 2019 to take these into account in the finalising of the Policy and associated documents.

Proposals

9. A proposed policy and guidance has therefore been considered in great detail and this is attached as **appendix 1**. In summary, this document explains the general policy on the granting of dispensations, including when it might be necessary to apply for one, the process for this, statutory grounds for granting a dispensation, agreed additional factors to be taken into account in deciding whether one or more of the statutory grounds are satisfied, and other related matters.
10. Significant revisions have been made to the current dispensation request form, cross referencing with the policy and guidance document, and this is attached as **appendix 2**. The revisions aim to provide appropriate advice on matters that should be taken account of by the applicant and capture the relevant and necessary information that is required for a decision on the request to be made.

Conclusion

11. The proposed policy and guidance and associated documents seek to provide Members with an enhanced level of requisite information about disclosable pecuniary interests, and a better understanding of the

regulations around such interests and dispensations, and thereby increase clarity and confidence both for Members and the general public that the City of London Corporation is taking decisions on them in a consistent way. Members are now asked to approve the policy and guidance and application form.

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Standards Committee

Policy and guidance on the granting of dispensations under the Localism Act 2011 and the Members' Code of Conduct

Introduction

Purpose of this document

1. The purpose of this document is to explain:
 - (a) what a dispensation is, and when it might be necessary to apply for one in order to participate in an item of business;
 - (b) the process for applying for a dispensation;
 - (c) the statutory grounds for granting a dispensation;
 - (d) the agreed additional factors that will be taken into account in deciding whether one or more of the statutory grounds have been satisfied; and
 - (e) the general policy position on the granting of dispensations.
2. The aim is to provide as much guidance as possible to Members and Co-opted Members (referred to collectively here as "Members") about when it might be appropriate to apply for a dispensation and the information that should be provided in any application form. This document will also be used by the Standards Committee to ensure consistency in decision making.

Application

3. The Localism Act 2011 applies to the City Corporation in its capacity as a local authority or police authority. However, the City Corporation has chosen to apply the Members' Code of Conduct, including the rules on disclosable pecuniary interests, to all of its functions. The Code of Conduct applies to any member of the City Corporation and any external or co-opted member of a committee of the City Corporation (collectively referred to as a "Member" in this document).

Statement of general policy

4. The default statutory position is that a Member who has a disclosable pecuniary interest in any matter being considered at a meeting cannot speak or vote on that matter. Members may apply for a dispensation from these restrictions on specified statutory grounds and all applications will be decided on their individual merits. The Standards Committee will exercise its authority to grant dispensations subject to its general duty to promote high standards of conduct; in a way that is consistent with the Seven Principles of Public Life and helps to maintain public confidence in the conduct of the City Corporation's business. In considering whether and how to exercise its discretion the Standards Committee will need to see good reasons why

an application should succeed on one or more of the statutory grounds, with particular reference to the additional factors set out in this document. **The onus is on the Member making an application to demonstrate that a dispensation is justified in the circumstances.**

5. The Court of Common Council has requested that the Standards Committee "...adopt a position where Members would 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 disclosable pecuniary interest would be directly and materially impacted by a matter to be determined at a meeting of the Court or one of its committees or sub-committees, subject of course to the proper exercise of the statutory discretion in each case." The Standards Committee formally adopts this position, which should be construed as one with the other aspects of this policy.

Disclosable pecuniary interests

6. In order to consider dispensations it is first necessary to understand the rules around disclosable pecuniary interests – what they are, when they are engaged and their effect on participation. A summary of the position is set out at Appendix 1 and Members should also refer to the other guidance available on disclosable pecuniary interests and the Members' Code of Conduct.

Granting dispensations

The process

7. A relevant authority may, on a written request made to the proper officer of the authority by a Member of the authority, grant a dispensation relieving the Member from either or both of the restrictions on speaking or voting in cases described in the dispensation. A dispensation must specify the period for which it has effect, which may not exceed four years. At the City Corporation the granting of such dispensations is a function of the Standards Committee and its Dispensations Sub-Committee (referred to collectively in this document as "the Standards Committee") although individual applications will normally be considered by the Dispensations Sub-Committee. The Standards Committee has decided to delegate authority to determine certain types of straightforward dispensation applications to the Town Clerk.
8. Dispensation applications, whether determined by the Standards Committee, or by the Town Clerk under delegated authority, are subject to the statutory rules on public access to information in the normal way. In most cases the public interest in disclosing this information will outweigh the public interest in maintaining any applicable exemption. This means that the detail of any application will normally be made public, even if it contains special category personal data, including information about a protected characteristic, that is relevant to the application.
9. As previously stated, the onus is on individual Members to decide whether they have a disclosable pecuniary interest in any given matter. Therefore the Standards Committee will generally assume that any dispensation being sought is required in order to allow the Member concerned to participate in the relevant item of business

and will not normally refuse a request simply on the basis that a dispensation is not thought to be necessary. The only exception to this is where the facts as disclosed in the application form could not possibly amount to a disclosable pecuniary interest being engaged. **Any dispensation granted is entirely permissive in nature and does not impose any restrictions on speaking or voting where no such restrictions otherwise exist.**

10. The expectation is that the Town Clerk will read out any applicable dispensations at an appropriate point in the meeting, either under the agenda item on Members' declarations or at the start of the consideration of the item of business in question. However it is the responsibility of the Member concerned to make sure that the existence and nature of any dispensation being relied upon is made known at a meeting.

Timeliness of applications

11. The Standards Committee requests that Members lodge any applications as soon as possible after becoming aware that a dispensation is required in order to participate in a particular item of business. A Member does not have to wait until they know the precise date of the meeting at which a matter will be considered before applying for a dispensation. If applications are submitted at short notice it may not be possible to consider them in time for the meeting in question.

The statutory grounds for granting a dispensation

12. The legislation provides that a relevant authority (which includes the City Corporation) may only grant a dispensation if, after having had regard to all relevant circumstances, the authority:
 - (a) considers that without the dispensation the number of persons prohibited 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) if it is an authority operating executive arrangements, considers that without the dispensation each Member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive;* or
 - (e) considers that it is otherwise appropriate to grant a dispensation.

* Grounds (b) and (d) are not directly applicable to the City Corporation but are included for completeness and context.

Comments on the statutory grounds

13. The default position is that a Member with a disclosable pecuniary interest in any matter may not speak or vote on that matter. **The onus is on the Member making an application to demonstrate that at least one of the statutory grounds for granting a dispensation is satisfied.**
14. One obvious example of where it may be appropriate to grant a dispensation under statutory ground (a) is where the decision-making body would otherwise be inquorate.
15. In the Standards Committee's view the reference in statutory ground (c) to "persons living in the authority's area" is a reference to residents. A dispensation may also be granted where it is in the interests of other persons accessing the City, its facilities and services – such as City workers – but this would properly come under statutory ground (e). In both cases, the Standards Committee will consider whether not granting a dispensation would be to the disadvantage of that group. The Standards Committee will also take into account how many persons would be disadvantaged, and to what extent.

Dispensation decisions that are delegated to the Town Clerk

16. The Standards Committee has decided to delegate authority to determine certain types of straightforward dispensation applications to the Town Clerk. Whilst one or more of the statutory grounds for granting a dispensation must still be satisfied in each case, the Standards Committee considers that it will normally be possible to establish this in relation to the three types of application set out below. The Town Clerk may grant such dispensations for a term ending on or before the date of the next ordinary Common Council elections. Any Member who requires a dispensation that goes beyond these delegated arrangements must apply to the Standards Committee in the normal way. The matters delegated to the Town Clerk are as follows:

Council tax

- (a) The Department for Communities and Local Government guide for councillors entitled 'Openness and transparency on personal interests' states that, "...being a council tax payer does not mean that you need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support." Whilst this guidance will no doubt provide comfort to Members, it is not intended to be a definitive statement of the legal position. Although the prosecution of a Member who participated in such circumstances is highly unlikely, this cannot be absolutely guaranteed. Members are therefore entitled to apply for a dispensation to speak and vote on the setting of council tax should they wish to have greater assurance on this point. As the Standards Committee considers the granting of a dispensation in these circumstances to be uncontroversial, authority has been delegated to the Town Clerk to determine applications for dispensations relating to council tax.

Speaking on planning and licensing applications

- (b) The Standards Committee is of the view that, subject to certain safeguards, Members should generally be permitted to speak with the same rights as a member of the public on planning and licensing applications. However, where a Member has a relevant disclosable pecuniary interest, the Localism Act 2011 prohibits this unless a dispensation is applied for and granted for the purpose. The Standards Committee considers that granting a dispensation in these circumstances will normally be in the interests of persons living in the City and/or will be otherwise appropriate. Therefore, authority has been delegated to the Town Clerk to grant dispensations in appropriate circumstances, to Members who are not members of the Committee in question, for the purpose of making oral representations, answering questions, or giving evidence, relating to planning and licensing applications where the public are also allowed to attend the meeting for the same purpose. This is dependent on the Member in question having submitted written representations on a particular application, or otherwise having satisfied the criteria to speak as a member of the public in the normal way. Any Member relying on such a dispensation should then be treated as a member of the public when making oral representations on that matter. These dispensations are not available to Members of the Planning Committee or the Licensing Committee in relation to the business of their own Committee, and any dispensation granted under delegated powers for this purpose will lapse if a Member is subsequently appointed to the Committee in question. Members of the Planning Committee and the Licensing Committee may still apply for a dispensation to participate in relation to the business of their own Committee, where they have a relevant disclosable pecuniary interest, but must do so on a case by case basis to the Standards Committee.

Speaking on general housing matters

- (c) The Standards Committee is of the view that Members should normally be permitted to speak on general housing matters¹ even where they have one or more of the following types of disclosable pecuniary interest relating to a residential property in the City:
- (i) A lease or tenancy from the City Corporation.
 - (ii) A licence from the City Corporation to occupy land for a month or longer.
 - (iii) A corporate tenancy from the City Corporation, where the tenant is a company in which the Member has a beneficial interest.

N.B. Under the Localism Act 2011 this includes any disclosable pecuniary interest belonging to a spouse, civil partner, or person with whom the Member is living as husband or wife, or as if they were civil partners.

The Standards Committee considers that granting a dispensation in these circumstances will generally be in the interests of persons living in the City. Therefore, authority has been delegated to the Town Clerk to grant such dispensations, so long as the item of business does not relate particularly to

the Member's own disclosable pecuniary interest. What this means in practice is that a Member with such a dispensation will be able to speak on housing matters that affect all of the City Corporation's tenants or leaseholders on a particular estate equally. This would include, for example, speaking on the appropriate level of service charge. However, such a dispensation will not permit a Member to speak on an item of business that relates solely or particularly to their own lease or tenancy. This would include, for example, rent arrears or repairs relating to the Member's own property. If a Member is unsure whether an item of business relates particularly to their own disclosable pecuniary interest, they are encouraged to seek advice from the Monitoring Officer or the Town Clerk, or apply for a specific dispensation from the Standards Committee.

¹ For these purposes "general housing matters" means the exercise of the City Corporation's functions as a housing authority in relation to:-

- Housing governance i.e. decision making, scrutiny and consultation arrangements together with any proposals for stock transfer.
- General housing management i.e. arrangements for the proper management of the City Corporation's housing stock and housing estates including management of common parts, estate amenities and community facilities, and commercial properties which are an integral part of housing estates, together with the procurement of services to carry out such activities.
- General repairs and maintenance including arrangements for procuring repairs and maintenance.
- General rent and service charge setting.
- Strategic housing policy including allocations, homelessness and the provision of new homes.

For these purposes "general housing matters" does not include:

- The provision of parking spaces, and private storage spaces separate from a dwelling.

Factors to be taken into consideration by the Standards Committee

17. In deciding whether to grant a dispensation under one or more of the specific statutory grounds, the Standards Committee will take into account the (non-exhaustive) list of factors set out in Appendix 3, as well as any other relevant circumstances, as appropriate. However, the Standards Committee will look at the merits of each application in the round, and simply addressing one or more of the factors in Appendix 3 does **not** mean that a dispensation will be granted.

Other related matters

Multiple applications from a particular ward

18. Applications to participate in a particular item of business may be received from more than one Member of the same ward. The Standards Committee would prefer to consider the respective merits of all applications from a single ward on a

particular item of business at the same time, rather than on a 'first come, first served' basis. To assist with this process, Members are reminded of the request to lodge any applications as soon as possible after becoming aware that a dispensation is required. The Members of each ward are encouraged to work together in deciding whether an application for a dispensation should be made and, if so, in considering which Member or Members would be in the strongest position to apply. This could potentially be organised through the ward deputy.

Section 618 of the Housing Act 1985

19. Under section 618 of the Housing Act 1985, a Member of the City Corporation may not vote on a resolution or question which is proposed or arises in pursuance of the Housing Act 1985 or the Housing Associations Act 1985 (concerning various housing management issues) and relates to land in which they are beneficially interested. This restriction is separate from, and runs parallel to, the relevant provisions of the Localism Act 2011. **It is not possible to grant a dispensation from the restriction on voting contained in this section.**
20. What this means in practice is that if a housing matter is being considered at a meeting that relates to land in which a Member has a beneficial interest, that Member may not vote, by virtue of section 618 of the Housing Act 1985. Even were the Standards Committee to grant a dispensation to vote under the provisions of the Localism Act 2011, that Member would still be prohibited from voting under section 618 of the Housing Act 1985. In addition, they may only speak on the matter if they have obtained a dispensation to do so under the Localism Act 2011.

Conclusion

21. Requests for dispensations will be determined on their own merits and any dispensation granted must be justified on one or more of the statutory grounds. Dispensations to speak and vote on council tax, to speak on general housing matters, and to speak on planning and licensing applications as a member of the public, may be granted by the Town Clerk under delegated authority. All other applications will be considered by the Standards Committee, which will need to be presented with a strong case and will be guided by the principles set out in this document in making its decision. Any Member applying for a dispensation to the Standards Committee should thoroughly address the factors set out at Appendix 3. Applications should be submitted in good time where possible and Members are requested to liaise with the other Members of their ward where appropriate.

Approved by the Standards Committee on XXX.

Appendix 1 – Disclosable pecuniary interests

What is a disclosable pecuniary interest?

1. Under the Localism Act 2011 and The Relevant Local Authorities (Disclosable Pecuniary Interests) Regulations 2012 there are a number of disclosable pecuniary interests that prevent a Member from participating in any discussion or vote on a connected item of business under the following headings:

- (a) Employment;

Any employment, office, trade, profession or vocation carried on for profit or gain.

- (b) Sponsorship;

Any payment, etc. towards the election expenses of a Member, or the expenses incurred in carrying out their official duties (other than from the City Corporation). This would include any payment from a trade union.

- (c) Contracts;

Any contract with the City Corporation for goods, services or works. This will include any Member with one or more children at any of the City Corporation's independent schools.

- (d) Land;

Any beneficial interest in land which is within the City. This includes any freehold or leasehold interest in land, as well as any tenancy.

- (e) Licences;

Any licence to occupy land in the City for a month or longer.

- (f) Corporate tenancies;

Any tenancy where the City Corporation is the landlord and the tenant is a company or other body in which the Member or another relevant person has a beneficial interest.

- (g) Securities.

Any shares, debentures, debenture stock, loan stock, bonds, unit trusts and similar investments in a body that has a place of business or land in the City and the total nominal value exceeds £25,000 or 1/100th of the total issued share capital.

2. The disclosable pecuniary interest that is most commonly engaged in relation to planning, licensing and housing matters is (d) Land.

When is a disclosable pecuniary interest engaged?

3. The Localism Act 2011 does not provide any additional guidance on judging whether a disclosable pecuniary interest should impact on a Member's participation in a particular item of business or not. It simply states that the prohibition on speaking or voting on a matter applies where a Member:
 - (a) is present at a meeting;
 - (b) has a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting; and
 - (c) is aware that the condition in paragraph (b) is met.

It is not possible to simply substitute the different descriptions of a disclosable pecuniary interest, such as 'land' or 'employment', into (b) above. Therefore some additional form of wording has to be read into this provision, whether that refers to a disclosable pecuniary interest being 'engaged' in any matter, or 'relating to' any matter, or being 'affected by' any matter. There isn't a definitive test – whether a Member has a disclosable pecuniary interest in a particular item of business is a matter of fact and degree to be determined in each individual case.

4. It is therefore up to individual Members to make a judgement as to whether any disclosable pecuniary interest that they possess relates to a particular item of business, drawing on their experience and taking any advice as appropriate. As a starting point, a Member should consider:
 - (a) whether the matter before the meeting could reasonably be said to appear to be likely to affect their disclosable pecuniary interest; or
 - (b) whether a member of the public would consider that the Member might be influenced by their disclosable pecuniary interest.

If the answer to either of these questions is in the affirmative, then the Member is likely to have a disclosable pecuniary interest in the matter being considered. This will be the case, for example, where a decision would materially affect a Member's interest in land, either by affecting the value of that land, the prospects of selling that land, or the use and enjoyment of that land. It should be apparent from the above examples that there does not have to be a financial impact on a Member in order for that Member to be prohibited from participating in a particular item of business.

5. Speaking in general terms, a Member is highly likely to have an engaged disclosable pecuniary interest in a planning or licensing application for a property adjacent to their home. A Member is less likely to have a disclosable pecuniary interest in a planning or licensing application for a property several streets away from their home. However, any decision on whether a Member does have a disclosable pecuniary interest in a particular matter will always depend on the particular circumstances.

6. It may be helpful to give some specific examples of scenarios where a disclosable pecuniary interest will not be engaged. In the Standards Committee's view, no Member will have a disclosable pecuniary interest in general matters such as refuse collection, street cleaning or air quality, even if they do live and/or work in the City.

Relationship between the Localism Act 2011 and the Members' Code of Conduct

7. The provisions of the Localism Act 2011 in relation to disclosable pecuniary interests are reflected in the Members' Code of Conduct. Paragraph 13 provides that, "Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State". **The Members' Code of Conduct applies to all of the City Corporation's functions, not just local authority and police authority functions.**

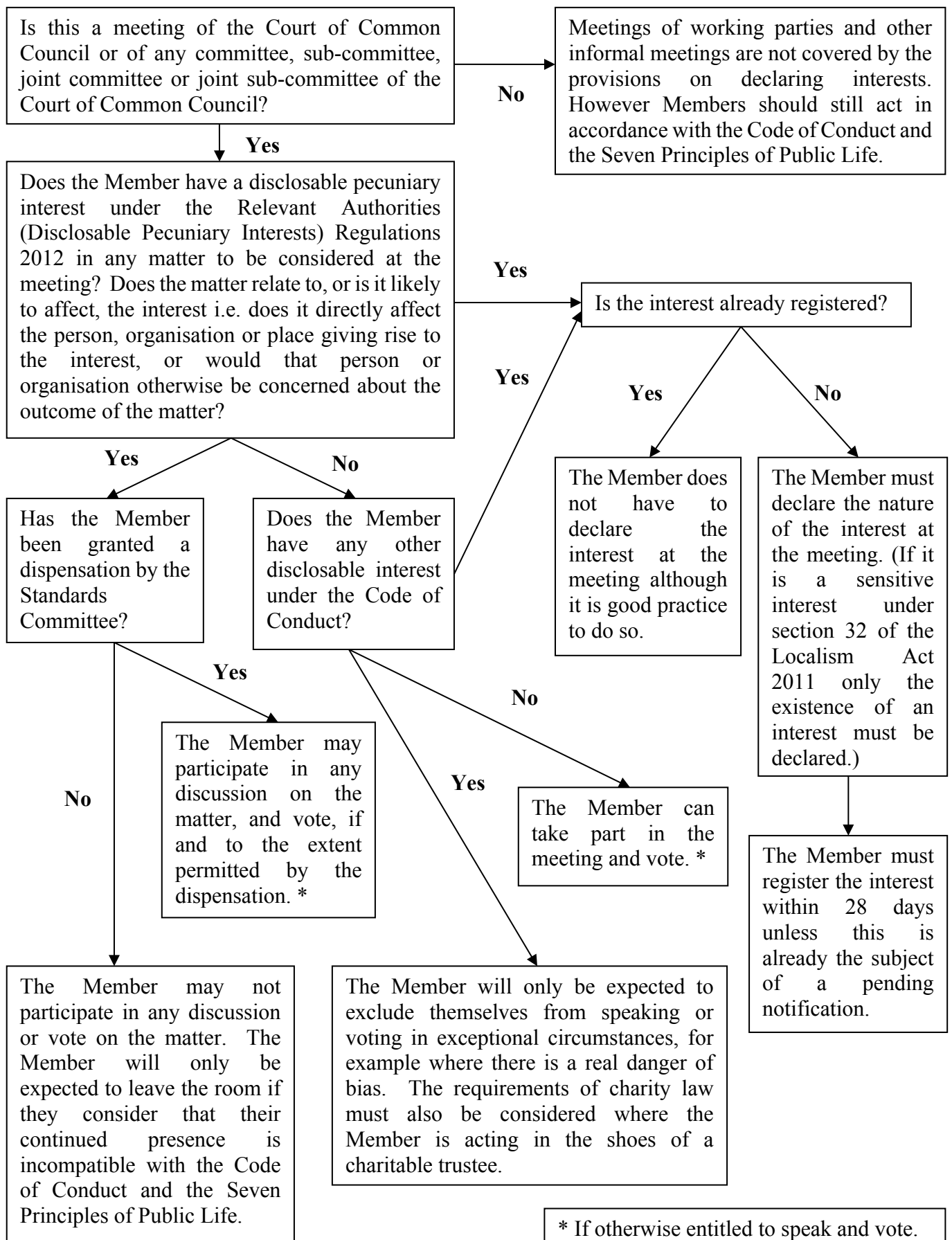
Effect on participation and possible sanctions

8. A Member who is present at a meeting of the City Corporation, and who has a disclosable pecuniary interest relating to any business being considered, must not participate in any discussion of the business at the meeting, or participate in any vote taken on the matter at the meeting. If a Member becomes aware of their disclosable pecuniary interest during the meeting, they should not participate further from that point. **The prohibition on speaking includes speaking as a member of the public.** In certain circumstances, Members can request a dispensation from these prohibitions. The City Corporation's standing orders do not require a Member with a disclosable pecuniary interest in an item of business to automatically leave the room. The Member should however leave the room if they consider that their continued presence is incompatible with the Members' Code of Conduct or the Seven Principles of Public Life. A flowchart illustrating these principles is attached at Appendix 2.
9. A Member commits a criminal offence if, without reasonable excuse, they participate in any discussion or vote on any City Fund matter (e.g. a local authority or police authority matter) in which they have a disclosable pecuniary interest. For this reason Members are advised to err on the side of caution. A Member who is found guilty of such an offence can be fined up to £5,000 and disqualified from holding office for up to five years. A prosecution may only be instigated by or on behalf of the Director of Public Prosecutions (DPP). In all cases, whether an item of business falls under the City Fund or not, a Member who participates in any discussion or vote despite having a disclosable pecuniary interest will be committing a breach of the Members' Code of Conduct. A breach of the Code of Conduct may also occur whether a Member is aware that they have a disclosable pecuniary interest or not.
10. Where a Member has an engaged disclosable pecuniary interest, there are other mechanisms through which the views of their constituents can be communicated, without the need for a dispensation. The Member could for example submit written representations, or brief another Member to speak on their behalf.

Further information

11. The full text of the Members' Code of Conduct and additional guidance can be found at the following link: <https://www.cityoflondon.gov.uk/about-the-city/how-we-make-decisions/Pages/corporate-governance.aspx>. Members are advised to seek advice from the Monitoring Officer or the Town Clerk if they are unsure about whether they have a disclosable pecuniary interest in a particular matter.

APPENDIX 2 – DECLARING INTERESTS AT MEETINGS



Appendix 3 – Factors to be taken into consideration by the Standards Committee

Maintaining public confidence

- (a) Is the nature of the Member's interest such that allowing them to participate would risk damage to public confidence in the conduct of the City Corporation's business?

Applications to vote

- (b) Granting a dispensation to vote has a more direct influence over the decision-making process than a dispensation to speak, goes beyond simply representing the views of constituents and carries more risk of damaging public confidence. **Therefore, a dispensation to vote will only be granted in exceptional circumstances.**

Equivalent public rights

- (c) The default position under the Localism Act 2011 is that a Member with a disclosable pecuniary interest in a matter being considered at a meeting loses any right to speak that they would otherwise have had – **even as a member of the public**. However, in the Standards Committee's view the existence of such public speaking rights are a relevant consideration. Therefore, a dispensation to speak is more likely to be granted for the purpose of making representations, answering questions or giving evidence relating to the business where the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or some other reasonable expectation. This is most likely to arise in relation to planning and licensing matters (see paragraph 16(b) of the main document) but may arise in other areas. Any Member granted a dispensation to speak in such circumstances should then be treated as a member of the public when making oral representations on that matter. The onus though is still on the Member concerned to demonstrate that it is appropriate to grant a dispensation.

Expectation of ward representation

- (d) Is there a reasonable expectation that the Member's ward will be directly represented? For example, is the item of business to be considered at a ward committee? Does the item of business directly affect the Member's ward?

Widely held interests

- (e) Is the interest common to the Member and a significant proportion of the general public? If so, a Member may be less likely to be influenced by that interest, and granting a dispensation may carry less risk of damaging public confidence. An obvious example would be the setting of council tax.

Directly impacted interests

- (f) How directly or materially impacted is the disclosable pecuniary interest? For example, whilst arrangements have been put in place for allowing a Member with a lease or tenancy from the City Corporation to participate in general housing

discussions, the Standards Committee will only grant a dispensation to a Member to participate in business relating to their particular lease or tenancy in very exceptional circumstances.

Personal knowledge, etc.

- (g) Is the participation of the Member in the business that the interest relates to justified by their particular knowledge, role or expertise? The potential contribution would have to be of especial value to the decision making process and provide a perspective that would not otherwise be available. Should the knowledge or expertise in question be provided by a Member or by a disinterested official adviser? Would the Member's participation assist or potentially distort the debate?

Diversity and inclusion

- (h) Does the Member have a particular viewpoint that might not otherwise be represented and might assist the debate in relation to that particular matter – whether this relates to age, race, disability, gender, sexual orientation, religion or belief, or any other protected characteristic?

Manifesto promises

- (i) Was the Member elected on a public platform that they would specifically address the item or items of business for which the dispensation is sought? Did this appear as a commitment in their election material?

Scope and duration

- (j) Some requests for dispensations that are received are general in nature and for a lengthy time period. Others are much more specific in relation to a particular matter at a particular meeting. **A focussed application is more likely to be successful** as this enables the Standards Committee to consider a specific set of circumstances. However, to avoid unnecessary bureaucracy arising from delays and adjournments, it is generally acceptable to apply for a dispensation in relation to a specific matter at a specific meeting, and/or such later meetings of that committee during the municipal year at which the matter may be considered.

Previous dispensation decisions

- (k) The Standards Committee cannot fetter its own discretion and must consider each application on its own merits. However, it is beneficial for all concerned for there to be a consistent approach to applications made in similar circumstances, and the Standards Committee will therefore have due regard to its own previous decisions, always acknowledging that the consensus can change over time.



REQUEST FOR A DISPENSATION TO SPEAK AND/OR VOTE WHERE A MEMBER / CO-OPTED MEMBER HAS A DISCLOSABLE PECUNIARY INTEREST

The City of London Corporation may, following a written request, grant a dispensation for a Member (including a Co-opted Member) to take part in any discussion and vote on a matter in which they have a disclosable pecuniary interest, in some circumstances. The granting of dispensations is a function of the Standards Committee and its Dispensations Sub-Committee (referred to collectively in this form as “the Standards Committee”). You are strongly advised to read the accompanying ‘Policy and guidance on the granting of dispensations’ (“the Policy”) issued by the Standards Committee before completing this form and particular paragraphs of that document are cross-referenced at appropriate points below.

The information you provide in this form will be considered by the Standards Committee in reaching a decision. **The onus is on you to justify your application and the omission of any relevant information may affect the outcome.** You are requested to complete this form electronically and email it to declarations@cityoflondon.gov.uk. Electronic applications will only be accepted from your official City of London Corporation email address. Alternatively, paper forms can be submitted to the Committee and Member Services Team in the Town Clerk’s Department, but typed forms should be provided if at all possible.

Name:

Date:

☐ I confirm that I am the person named above and that I have personally completed this form or reviewed its contents. The details provided in this form are true and accurate and all material facts have been disclosed.

If submitting a paper form, please also sign in the box below.

Signature:

Relevant disclosable pecuniary interests (Appendix 1 of the Policy)

Please describe the nature of the disclosable pecuniary interest(s) that would otherwise prohibit you from speaking and/or voting:

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Details of dispensation sought (paragraphs 7-11 of the Policy)

A. Complete this section if you are applying for a dispensation from the Town Clerk under delegated authority (paragraph 16 of the Policy)

I request a dispensation until the Ward elections in 2021 to enable me:

- ☐ **to speak and vote on the setting of council tax**
- ☐ **to speak as a member of the public on planning applications
(I confirm that I am not a member of the Planning Committee)**
- ☐ **to speak as a member of the public on licensing applications
(I confirm that I am not a member of the Licensing Committee)**
- ☐ **where I have a lease or tenancy, corporate tenancy or licence to occupy a residential property from the City of London Corporation, to speak on general housing matters, so long as the item of business does not relate particularly to my own disclosable pecuniary interest
(This includes any lease or tenancy, corporate tenancy or licence belonging to a spouse, civil partner, or person with whom I am living as husband or wife, or as if we were civil partners)**

B. Complete this section if you are applying for a dispensation from the Standards Committee (paragraphs (b), (c) and (j) in Appendix 3 of the Policy)

I request a dispensation to enable me to:

- ☐ **speak as a member of the public**
- ☐ **speak as a Member**
- ☐ **vote**

on the following matter(s):

for a specific committee meeting or meetings, or for a specific period, as follows:

If your request is urgent or at short notice please explain why the application is being made now:

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Statutory grounds (paragraphs 12-15 of the Policy)

A dispensation may only be granted where one of the statutory grounds is met. The grounds that are relevant to the City of London Corporation are set out below. Please tick the statutory ground(s) that you consider to be met in this instance and then explain in more detail why you believe this to be the case in the relevant text box.

- ☐ **Without the dispensation the proportion of Members and Co-opted Members prohibited from participating in any particular business would be so great as to impede the transaction of the business**

- ☐ **Granting the dispensation is in the interests of persons living in the City**

- ☐ **It is otherwise appropriate to grant a dispensation**

Please note that if you are only applying for one or more of the dispensations that the Town Clerk is able to grant under delegated authority then you do not need to fill in or submit the remaining sections of this form. The remainder of this form only needs to be completed if you are applying for a dispensation to the Standards Committee.

Factors to be taken into consideration by the Standards Committee

In deciding whether or not to grant a dispensation under one or more of the specific statutory grounds, the Standards Committee will take into account the following list of factors, as well as any other relevant circumstances as appropriate. Please address as many of these factors as you can by providing the requested information where applicable in the relevant text box.

A. Maintaining public confidence (paragraph (a) in Appendix 3 of the Policy)

If you believe that granting a dispensation in this case would not risk damaging public confidence in the conduct of the City Corporation's business then please explain why in the box below.

B. Applications to vote (paragraph (b) in Appendix 3 of the Policy)

Dispensations to vote will only be granted in exceptional circumstances. If you are seeking such a dispensation then please explain in the box below why such exceptional circumstances apply in this case.

C. Equivalent public rights (paragraph (c) in Appendix 3 of the Policy)

If you expect that members of the public will be allowed to speak at the meeting in question, whether under a statutory right or some other reasonable expectation, then please provide details in the box below. Where such speaking rights arise from the submission of a written representation please confirm whether you have submitted such a representation. Please also confirm whether you are willing to be treated as a member of the public when making oral representations on this matter.

D. Expectation of ward representation (paragraph (d) in Appendix 3 of the Policy)

If you believe that there is a reasonable expectation that your ward should be directly represented in relation to this item of business then please explain why in the box below.

E. Widely held interests (paragraph (e) in Appendix 3 of the Policy)

If you consider that you share the disclosable pecuniary interest in question with a significant proportion of the general public then please provide details in the box below.

F. Directly impacted interests (paragraph (f) in Appendix 3 of the Policy)

If the item of business for which you are seeking a dispensation relates specifically to your disclosable pecuniary interest (e.g. your particular lease or tenancy) then please provide details in the box below. By contrast, if you consider that you have a disclosable pecuniary interest in this matter but that any potential advantage arising is minor or remote then please also provide details below.

G. Personal knowledge, etc. (paragraph (g) in Appendix 3 of the Policy)

If you consider that your particular knowledge, role or expertise would be of especial value to the decision making process and provide a perspective that would not otherwise be available then please provide details in the box below.

H. Diversity and inclusion (paragraph (h) in Appendix 3 of the Policy)

If you have a particular viewpoint arising from a protected characteristic that might not otherwise be represented and might assist the debate in relation to the particular item of business in question then please provide details in the box below.

I. Manifesto promises (paragraph (i) in Appendix 3 of the Policy)

If you were elected on a public platform that you would specifically address the item or items of business for which the dispensation is sought then please provide details in the box below. If this appeared as a commitment in your election material then please quote the relevant text.

J. Scope and duration (paragraph (j) in Appendix 3 of the Policy)

A focussed dispensation request that relates to a specific matter and is of short duration is more likely to be successful as this enables the Standards Committee to consider a particular set of circumstances. However there will be occasions when a more general dispensation for a longer term may be appropriate. If you are applying for such a dispensation then please explain your reasons in the box below.

K. Previous dispensation decisions (paragraph (k) in Appendix 3 of the Policy)

Each application will be considered on its own merits. However for the sake of consistency the Standards Committee will have due regard to its own previous decisions. If there is a recent decision that you wish to draw to the attention of the Standards Committee then please provide details in the box below.

L. Other relevant considerations

If you consider that there are any other circumstances relating to your particular application that support your request for a dispensation on one or more of the statutory grounds or that should otherwise be disclosed to the Standards Committee then please provide details in the box below.

