

DISPENSATIONS SUB (STANDARDS) COMMITTEE

Monday, 10 September 2018

Minutes of the meeting of the Dispensations Sub (Standards) Committee held at the Guildhall EC2 at 10.33 am

Present

Members:

Mark Greenburgh

Deputy Jamie Ingham Clark

Oliver Lodge

Deputy Edward Lord

Officers:

Martin Newton

Edward Wood

- Town Clerk's Department

- Comptroller and City Solicitor's Department

1. ELECTION OF A CHAIRMAN

It was moved by Deputy Lord, duly seconded and

RESOLVED – That Mark Greenburgh be elected Chairman for the meeting.

2. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

There were no matters relating to the work of the Committee.

3. DISPENSATION REQUESTS

The Sub Committee had before them the report by the Town Clerk on dispensation requests, along with 2 tabled late further applications received from Susan Pearson and Vivienne Littlechild. It was noted that the vast majority of the applications related to the Corporation's housing governance review.

The Sub Committee proceeded to discuss the applications, taking account of advice from the Comptroller and City Solicitor and also noting representations received from the Chairman of the Barbican Residential Committee and the Chairmen of the Barbican Association and Residents' Consultation Committee.

Members were mindful of the legal prohibition on any participation by members in matters where there is a conflict of interests and the member has a DPI. In those circumstances Parliament has provided that members must not participate unless one of the statutory grounds are met. The public perception of participation is a very relevant matter to be born in mind.

The Sub Committee also considered carefully the legitimate expectations of the relevant electorates in electing representatives to the Corporation and the ability of those representatives, who may share common interests with their electors, to nevertheless, make the electors voices heard. Members reminded themselves that the prohibition would not, for example, apply to a member

writing to a committee with a constituent's views, on any matter. It was also open to members to nominate another ward colleague or indeed any member of the Court of Common Council to speak on behalf of electors in circumstances where a DPI would preclude participation in any matter.

The Sub Committee considered whether to allow any application to vote in any matter before them. Members concluded, that the very high threshold of allowing a member to vote even though they had a DPI, was not met in any of the cases before them. The Sub Committee also noted that it was not possible for affected Members to vote on housing matters in any event by virtue of section 618 of the Housing Act 1985.

Having taken account of all relevant matters, the Sub Committee concluded that it was a legitimate expectation for members representing the Barbican who have a DPI because they live in the Barbican, that they should nevertheless be permitted to speak at the Barbican Residential Committee in relation to the housing governance review. The BRC constitution and terms of reference provided for resident member representation and the requirement for 'local democracy to be seen to be being done' weighed heavily. The Sub Committee were also persuaded by the representations from the Chairman of the Barbican Residential Committee, and also by the fact that the decisions on the outcome of the review itself would not rest with that Committee. This dispensation would be granted until 31 December 2019 or the conclusion of the current housing governance review, whichever is the earlier.

Members were not persuaded that requests to speak at other committees or sub committees on the housing governance review was made out, even for Chairmen of Committees concerned. Those applications were rejected.

In the case of application (k) below, the Sub Committee was of the view that the applicant had a significant interest as a leaseholder and occupier of a property affected by the matters in relation to which a dispensation had been requested and that it would therefore be inappropriate to grant a dispensation. It was again noted that opportunity would exist for the Member in question to communicate their constituent's views on a matter in writing or ask an alternate Member to speak.

Arising from the Sub Committee's detailed consideration of the applications it was

RESOLVED –

(a) Randall Anderson

Request to speak / and or vote on the housing governance review until the next ward elections in 2021 at the Community & Children's Services Committee, Barbican Residential Committee and other relevant meetings.

Decision:

Dispensation to **speak only** on housing governance review at Barbican Residential Committee until 31 December 2019 or current review is concluded whichever is the earlier.

(b) Alderman Ian Luder

Request to (i) speak on the housing governance review and to (ii) speak and vote on relevant aspects of housing fire safety and residents' safety post Grenfell at the Audit and Risk Management Committee, both until the next ward elections in 2021.

Decision:

Dispensation to **speak only** on relevant aspects of housing fire safety and residents' safety post Grenfell until next ward elections in 2021.

(c) Deputy Joyce Nash

Request to speak on the housing governance review until the next ward elections in 2021 at the Community & Children's Services Committee, Barbican Residential Committee and Policy & Resources Committee.

Decision:

Dispensation to **speak only** on housing governance review at Barbican Residential Committee until 31 December 2019 or current review is concluded whichever is the earlier.

(d) Alderman Alison Gowman

Request to speak and / or vote on the housing governance review until the next ward elections in 2021 at the Property Investment Board.

Decision:

Request rejected.

(e) Deputy David Bradshaw

Request to speak and vote on the housing governance review at the Barbican Residential Committee meeting on 17 September 2018.

Decision:

Dispensation to **speak only** on housing governance review at Barbican Residential Committee until 31 December 2019 or current review is concluded whichever is the earlier.

(f) Mary Durcan

Request to speak on (i) the housing governance review, (ii) Barbican Service Charge account and (iii) any other issues of importance on the agenda affecting constituency residents/electors where the disclosable pecuniary interest would otherwise prevent participation at the Barbican Residential Committee meeting on 17 September 2018.

Decision:

Dispensation to **speak only** on housing governance review at Barbican Residential Committee until 31 December 2019 or current review is concluded whichever is the earlier.

(g) Deputy Catherine McGuinness

Request to speak on the housing governance review at committees on which she serves, including Policy and Resources Committee (although she would not chair).

Decision:

Request rejected.

(h) Deputy John Tomlinson

Request to speak on the future and composition of the Barbican Residential Committee as part of the housing governance review at Barbican Residential Committee and other relevant committees until the next ward elections in 2021.

Decision:

Dispensation to **speak only** on housing governance review at Barbican Residential Committee until 31 December 2019 or current review is concluded whichever is the earlier.

(i) Mark Bostock

Request to speak and vote on the future and composition of the Barbican Residential Committee and the housing governance review at the Barbican Residential Committee and other relevant meetings until the next ward elections in 2021, or otherwise the Barbican Residential Committee on 17 September.

Decision:

Dispensation to **speak only** on housing governance review at Barbican Residential Committee until 31 December 2019 or current review is concluded whichever is the earlier.

(j) William Pimlott

Request to speak and vote on all Barbican matters that are considered until the next ward elections in 2021. No specific committees are identified.

Decision:

Dispensation to **speak only** on housing governance review at Barbican Residential Committee until 31 December 2019 or current review is concluded whichever is the earlier.

(k) Susan Pearson

Request to speak at Community and Children's Services Committee and Housing Management and Almshouses Sub-Committee on (i) matters regarding the primary school and social housing to be built on the Richard Cloudesley School site adjacent to Golden Lane; (ii) management and charges of Golden Lane Estate; (iii) renovation of housing blocks on Golden Lane Estate.

Decision:

Request rejected.

(l) Vivienne Littlechild

Request to speak on the future and composition of the Barbican Residential Committee at Barbican Residential Committee and other relevant committees until the next ward elections in 2021.

Decision:

Dispensation to **speak only** on housing governance review at Barbican Residential Committee until 31 December 2019 or current review is concluded whichever is the earlier.

4. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**
There was no further urgent business.

The meeting closed at 11.45 am

Chairman

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