



## Dispensations Sub (Standards) Committee

**Date:** FRIDAY, 18 SEPTEMBER 2020  
**Time:** 11.15 am  
**Venue:** VIRTUAL PUBLIC MEETING (ACCESSIBLE REMOTELY)

**\*Members:**

Caroline Addy (Chairman)	The Very Revd. Dr. David Ison (co-optee)
Henry Colthurst (Deputy Chairman)	Alderwoman Susan Langley
Deputy Jamie Ingham Clark (Deputy Chairman)	Dan Large (co-optee)
Randall Anderson	Vivienne Littlechild
Judith Barnes (co-optee)	Alderman & Sheriff Professor Michael Mainelli
Nick Cooke (co-optee)	Jeremy Simons
Mary Durcan	Elizabeth Walters (co-optee)
Helen Fentimen	

\*Note: Membership is drawn from the above pool of Members

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### Accessing the virtual public meeting

**Members of the public can observe this virtual public meeting at the below link:**

<https://youtu.be/hV-qQoaPcUA>

This meeting will be a virtual meeting and therefore will not take place in a physical location following regulations made under Section 78 of the Coronavirus Act 2020. A recording of the public meeting will be available via the above link following the end of the public meeting for up to one municipal year. Please note: Online meeting recordings do not constitute the formal minutes of the meeting; minutes are written and are available on the City of London Corporation's website. Recordings may be edited, at the discretion of the proper officer, to remove any inappropriate material.

**John Barradell**  
**Town Clerk and Chief Executive**

## **AGENDA**

1. **APOLOGIES**
2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**
3. **DISPENSATION REQUEST**  
Report of the Town Clerk  

**For Decision**  
(Pages 1 - 26)
4. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE SUB-COMMITTEE**
5. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

# Agenda Item 3

<b>Committee:</b> Dispensations Sub (Standards) Committee	<b>Date:</b> 18 September 2020
<b>Subject:</b> Requests for a Dispensation under the Corporation's approved Dispensations Policy	<b>Public</b>
<b>Report of:</b> Report of Town Clerk	<b>For Decision</b>
<b>Report authors:</b> Gemma Stokley Antoinette Duhaney	

## Summary

This report set out details of one Member (Deputy John Tomlinson) who has requested a dispensation until the Ward elections in 2021 to

- (a) speak and vote on the setting of council tax
- (b) speak as a member of the public on planning applications
- (c) speak as a member of the public on licensing applications
- (d) to speak on general housing matters

Deputy Tomlinson has also requested a dispensation until the Ward elections in 2021 to

Speak at meetings of Barbican Residential Committee on the following matters

1. car parking spaces and private storage spaces, relating to Barbican residential estate
2. Fire safety matters affecting the Barbican Estate post Grenfell, including those relating specifically to the Towers.

## Recommendation

The Sub-Committee is asked to determine the applications for a dispensation as detailed below.

## Main Report

### Background

1. One Member has submitted a request for a dispensation and the Standards Committee has requested that all such applications are accompanied by a covering report. This application is submitted in accordance with current dispensations policy (appendix 1). The statutory grounds for granting a dispensation under the Localism Act 2011, and the factors that your Sub-Committee should take into account when considering these applications, are set out and explained in that document.

### **The application**

2. The full application for a dispensation is appended to this report as appendix 2
3. This covering report does not seek to include all of the information included within the application but provides a summary of the dispensation sought.
4. In summary, Deputy Tomlinson confirms that he has the following "disclosable pecuniary interests" for the purpose of the Localism Act 2011 and that these interests have been published/will be published in his register of interests within 28 days:
  - (a) Joint long leaseholder of 133 Cromwell Tower, Barbican, EC2Y 8DD.
  - (b) Rental of 3 baggage stores in Cromwell Tower, Barbican, EC2Y 8DD

### **Specific considerations**

5. Deputy Tomlinson is Ward Deputy for Cripplegate Without Ward and a Member of a number of committees including Barbican Residential Committee, Barbican Estate Residents Consultation Committee, West Ham Park Committee and Hampstead Heath, Highgate Wood & Queen's Park Committee.
6. Deputy Tomlinson was previously granted the following dispensations
  - (a) 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. (Expired 31st December 2019 or when current review is concluded whichever is the earlier)
  - (b) Dispensation to speak on general housing matters, as identified in dispensations policy, and also car parking spaces and private storage spaces, relating to Barbican residential estate insofar as those issues affect residents of the Barbican residential estate equally (expired 1<sup>st</sup> April 2020)
7. The Town Clerk is able to determine dispensations requests in respect of the matters referred to in paragraphs (a) – (d) set out in the summary above. However, the request in respect of fire safety matters must be determined by this Sub Committee so to avoid duplication, the entire application is presented to this Sub Committee
8. As Barbican Residential Committee does not meet until 21<sup>st</sup> September, there is adequate time for the Sub Committee to consider this application and advise Mr Tomlinson of the outcome.

### **Conclusion**

9. A summary of current dispensations awarded since May 2017 by the Standards Committee, Dispensations Sub (Standards) Committee and under Standing Orders 41(a) and (b) is attached as appendix 3.
10. The Sub-Committee is asked to determine this application in accordance with the existing policy on the granting of dispensations.

**Appendices**

1. Dispensation policy
2. Deputy John Tomlinson application
3. Current dispensations granted

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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, the information that should be provided in the application form in every case, and additional information that might usefully be provided in order to support a particular application. 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 – not just its local authority and police authority 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 discretionary power 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." This is the guiding principle that underpins 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 therefore set out at Appendix 1. Members should also refer to the other guidance available on disclosable pecuniary interests and the Members' Code of Conduct, which can be accessed via the link in Appendix 1.

### **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 engage a disclosable pecuniary interest. **Any dispensation 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.
11. Any dispensation relates only to the disclosable pecuniary interest(s) cited in the application. If a Member has another engaged disclosable pecuniary interest, that was either omitted from the original application, or arose after the original application was made, then this will not be covered by the terms of the existing dispensation. A Member wishing to speak or vote on a relevant item of business in such circumstances would need to make a fresh application. The Standards Committee also reserves the right to review and revoke or amend any dispensation previously granted in appropriate circumstances.

### **Timeliness of applications**

12. 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**

13. 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**

- 14. 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.**
- 15. 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.
- 16. 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**

- 17. 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, 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.

#### Speaking on general housing matters

- (c) The Standards Committee is of the view that Members should normally be permitted to speak on general housing matters<sup>1</sup> 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.

<sup>1</sup> 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.
- The provision of parking spaces, and private storage spaces separate from a dwelling.
- 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.

### **Factors to be taken into consideration by the Standards Committee**

18. 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**

19. 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**

20. 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.**
21. 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**

22. 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 clear 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 24 January 2020.

## **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 1/100<sup>th</sup> 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 normally be engaged. In the Standards Committee's view, no Member will have a disclosable pecuniary interest in general matters such as City-wide refuse collection, street cleaning or air quality, even if they do live and/or work

in the City (unless, for example, they are contractually involved in the delivery of the service).

## **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.

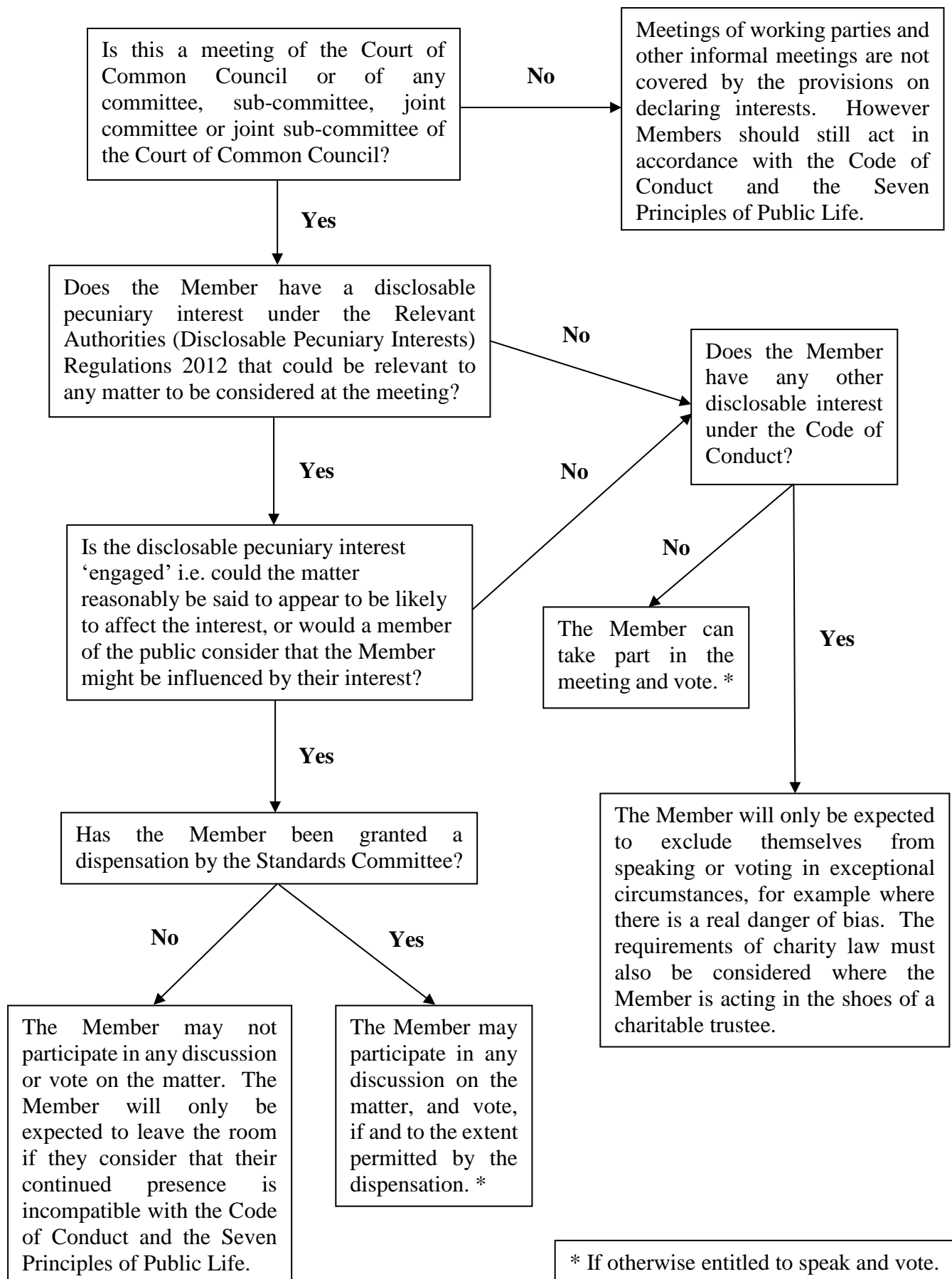
## **Further information**

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.

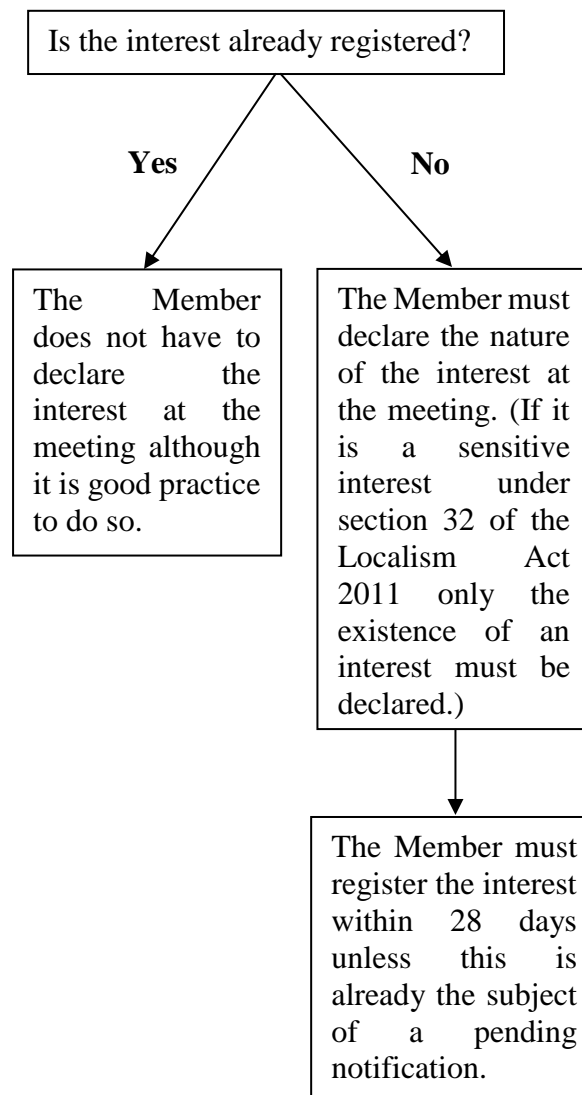


## **Appendix 2 – Interests at meetings**

### **Part I: Participation at meetings where an interest may be engaged**



## Part II: Declaring interests at meetings and subsequent registration



## **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. When asked to grant a dispensation to vote the Standards Committee will carefully consider all the relevant circumstances including but not limited to:
  - (i) the impact of the dispensation on public confidence in the City Corporation;
  - (ii) the impact on democratic debate and accountability of not granting the dispensation;
  - (iii) the impact of the decision on the Member's interest; and
  - (iv) whether the Member is simply one of a large number of people similarly affected by the decision or whether they are disproportionately affected by it.

### 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 17(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? Would the potential contribution 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 granting of dispensations is a function of the Standards Committee and its Dispensations Sub-Committee. Authority to grant some straightforward applications has also been delegated to the Town Clerk. You are advised to read the policy and guidance on the granting of dispensations before completing this form.

Please complete this form electronically and email it to [declarations@cityoflondon.gov.uk](mailto:declarations@cityoflondon.gov.uk). 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. Please submit your application as soon as possible after becoming aware that a dispensation is required.

Name: 

John Tomlinson
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Date: 

4 September 2020
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### **Dispensations available from the Town Clerk**

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
- ☒ to speak as a member of the public on licensing applications
- ☒ to speak on general housing matters

### **Please complete the rest of this form if you are applying for any other dispensation from the Standards Committee**

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

My wife Paula and I are joint long leaseholders of 133 Cromwell Tower, Barbican, EC2Y 8DD. We also rent 3 baggage stores in Cromwell Tower.
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☒ I confirm that the interest is already included in my register of interests in respect of being long leaseholders.

☒ I confirm that I will register the interest within 28 days in respect of baggage storage

I request a dispensation to enable me to:

☒ speak

☐ vote

on the following matter(s):

1. car parking spaces and private storage spaces, relating to Barbican residential estate
2. Fire safety matters affecting the Barbican Estate post Grenfell including those relating specifically to the Towers.

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

Barbican Residential Committee meetings

Until the Ward elections in March 2021

1. Renewal of current dispensation. I have just been nominated onto the BRC as one of the reduced number of resident representatives. I have been a member of the Working Party on this complex and difficult issue for a number of years. The next meeting of BRC is on 14 September and I would like to speak on the matter and offer myself to serve.
2. This matter is extremely likely to be discussed at the BRC of 14<sup>th</sup> September and future BRC meetings

1. have special knowledge as a member of the previous Working Parties on this difficult and complex topic. I am also a member of the Barbican Estate's electric vehicle parking Working Party.
2. I was nominated by the Chairman of the BRC last year as 'Resident's Champion' to help (with the Deputy Chairman) to help progress with officers the resolution of outstanding Fire safety problems.

The Estate is well constructed and historically has been very safe. However, the Grenfell Tower tragedy indicated the need for some areas of concern to be urgently investigated. Several serious problems have now come to light which are being pursued. Given the risk to life it is essential that as much experience as is available be brought to bear until solutions are agreed and implemented.

Although some issues are common to all the Estate the Towers have special problems eg relating to their height, construction and subsequent modification which 3 years after Grenfell still require urgent resolution. As a resident since 1992 and Chairman of the Cromwell Tower House Group (RTA) for over 15 years I was especially well placed to deal with this.

Post Grenfell, as Cromwell Chairman, I attended the only full rehearsal of the Fire Brigade to deal with a Barbican Tower Block Fire.

This revealed that the only escape route for all 111 flats on 39 floors, a single staircase, was completely blocked by the Brigade meaning individual escape was not possible. After arrival in sufficient numbers to start their work (15 to 20 minutes) it took the Brigade over 20 minutes to reach the eighth floor. By which time most of their oxygen had run out.

Last year, having read almost every page of the Grenfell report, I attended a senior meeting with the London Fire Brigade arranged by Andrew Carter. This enabled me to raise issues with them and gain an understanding of their perspective and capabilities.

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Please provide any relevant information in support of your application, including a consideration of the statutory grounds for granting a dispensation (paragraph 13) and the additional factors (Appendix 3) set out in the policy:

N.B. If you are applying for a dispensation to vote please comment specifically on Appendix 3, paragraph (b), points (i)-(iv).

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### Standards Committee Dispensations Granted from May 2017 onwards (updated 02.03.20)

NB. These dispensations are entirely permissive in nature and do not impose any restrictions on speaking or voting where no such restrictions otherwise exist.

Name	Dispensation sought	Granted/partially granted	Decision date	Comment
Randall Anderson		Partially granted (Speaking rights only) (Standards Committee)	19/05/17	A dispensation be granted until the ward Elections in 2021 to speak at meetings where matters relating to charging policy for car parking and stores are under consideration but the request for a dispensation to vote on such matters, should he have a disclosable pecuniary interest, be refused.  Expires in March 2021
Adrian Bastow	To speak and vote for the period up to the final decisions being taken by the Planning and Transportation Committee on the extension of the City of London School for Girls on to Grade II listed areas of the Barbican Estate, at the request of resident electors.	Dispensations Sub (Standards) Committee.	18.11.19	A dispensation was granted to speak and vote on matters relating to the expansion of the City of London School for Girls for the period until final decisions are made by the Planning & Transportation Committee or for the remainder of the current term of office ending in March 2021, whichever is sooner
Mark Bostock	Following acquisition of the lease of a store in the Barbican Estate, re confirmation of dispensation to "speak on general housing matters, as identified in dispensations policy, and also car parking spaces and private storage spaces, relating to Barbican residential estate until April 2020 insofar as those issues affect residents of the Barbican residential estate equally	Granted under urgency (SO 41(a)) (Dispensations Sub-Committee)	14/06/19	Reconfirmation of a Dispensation to speak on general housing matters, as identified in dispensations policy, and also car parking spaces and private storage spaces, relating to Barbican residential estate until April 2020 insofar as those issues affect residents of the Barbican residential estate equally  Expires after March 2021

Mark Bostock	<p>request for a dispensation for the remainder of my term of office (which ends in March 2021) to speak and vote on any matter which affects my constituents and in which I may have a "pecuniary interest", except for a matter which:</p> <p>(a) affects me uniquely or more than any of my constituents; and</p> <p>(b) insofar as regards a dispensation to vote only, falls within the restriction imposed by section 618 of the Housing Act 1985 for as long as that provision remains on the statute book; on the grounds that the grant of this dispensation is in "the interest of persons living in the authority's area"</p>	Dispensations Sub (Standards) Committee	03/07/19	<p>(1) To speak on general housing matters, as identified in the dispensations policy, and also car parking spaces and private storage spaces relating to the Barbican residential estate, insofar as those issues affect residents of the Barbican residential estate equally; and</p> <p>(2) To speak and vote on planning application (18/00335/LBC) at the Planning and Transportation Committee on 30 July 2019 and any subsequent meeting at which that application is considered; and</p> <p>(3) To speak and vote on the setting of council tax; and</p> <p>(4) To speak on licensing applications with the same rights as a member of the public, in accordance with the dispensations policy.</p> <p>Expires March 2021</p>
Helen Fentimen	<ul style="list-style-type: none"> <li>• speak and vote on the setting of Council Tax</li> <li>• speak as a member of the public on planning applications</li> <li>• speak as a member of the public on licensing applications</li> <li>• speak on general housing matters</li> </ul>	Granted (Town Clerk's delegated authority - par. 17 of Dispensations Policy)	25/02/20	<p>A dispensation be granted until the ward elections in 2021 to</p> <ul style="list-style-type: none"> <li>• speak and vote on the setting of Council Tax</li> <li>• speak as a member of the public on planning applications</li> <li>• speak as a member of the public on licensing applications</li> <li>• speak on general housing matters</li> </ul>

Ann Holmes	<p>Until ward elections in 2021 to</p> <ul style="list-style-type: none"> <li>a) speak and vote on the setting of council tax;</li> <li>b) speak as a member of the public on planning applications; and</li> <li>c) speak as a member of the public on licensing applications.</li> </ul> <p>Expires after ward elections 2021</p>	Granted (Town Clerk's delegated authority - par. 17 of Dispensations Policy)	04/06/19	<p>Dispensation until the ward elections in 2021 to –</p> <ul style="list-style-type: none"> <li>• speak and vote on the setting of council tax;</li> <li>• speak as a member of the public on planning applications; and</li> <li>• speak as a member of the public on licensing applications.</li> </ul> <p>Expires after ward elections 2021</p>
Gregory Lawrence		Partially granted (Speaking rights only) (Standards Committee)	19/05/17	<p>A dispensation be granted until the ward Elections in 2021 to speak on all matters concerning the London Central Markets, other than those in which he has a direct pecuniary interest as a shareholder or director of any company which holds a tenancy in the market, and which would affect only him personally or his business interests as opposed to the generality of the tenants within the market. The request for a dispensation to vote on such matters be refused.</p> <p>Expires in March 2021</p>
Deputy Edward Lord		Granted (Standards Committee under delegated authority procedures (SO 41(b)))	10/10/17	<p>A dispensation be granted under Section 33 (2) of the Localism Act 2011 to enable Deputy Edward Lord, as a City resident, to speak and vote on matters concerning the setting of council tax</p> <p>Expires in March 2021</p>
Alderman Ian Luder		Partially granted (Standards Committee under delegated authority (SO 41(b)))	04/06/18	<p>A dispensation be granted to speak only at Police Committee and Court on security of entrances to the Barbican complex and various walkways until next ward elections in 2021.</p> <p>Expires in March 2021</p>

Alderman Ian Luder		Granted (Standards Committee under delegated authority (SO 41(b)))	04/06/18	A dispensation be granted under Section 33 (2) of the Localism Act 2011 to enable Alderman Ian Luder, as a City resident, to speak and vote on matters concerning the Corporation's budget and setting of council tax.  Expires in March 2021
Alderman Ian Luder		Partially granted (Dispensations Sub (Standards) Committee)	10/09/18	Dispensation to speak only on relevant aspects of housing fire safety and residents' safety post Grenfell until next ward elections in 2021.  Expires in March 2021
Brian Mooney	to speak and vote on any matter which affects my constituents and in which I may have a "pecuniary interest", except for a matter which: (a) affects me uniquely or more than any of my constituents; and (b) insofar as regards a dispensation to vote only, falls with the restriction imposed by section 618 of the Housing Act 1985 for as long as that provision remains on the statute book; on the ground that the grant of this dispensation is in "the interest of persons living in the authority's area"	Dispensations Sub (Standards) Committee	03/07/19	(1) To speak and vote on the setting of council tax; and  (2) To speak on licensing applications with the same rights as a member of the public, in accordance with the dispensations policy.  Expires March 2021
Deputy Joyce Nash		Partially granted (Speaking rights only) (Standards Committee)	19/05/17	A dispensation be granted until the ward Elections in 2021 to speak at meetings where the charging policy for Car Parking and Stores in the Barbican are under consideration but the request for a dispensation to vote on such matters, should she have a disclosable pecuniary interest be refused.  Expires in March 2021

Deputy Joyce Nash	Request to speak and vote on behalf of residents at any meetings which discuss the extension of CLSG onto Grade II listed areas of the Barbican.	Granted	04.09.19	Dispensation granted to speak and vote on matters relating to the expansion of the City of London School for Girls for the period until final decisions are made by the Planning & Transportation Committee or for the remainder of the current term of office ending in March 2021, whichever is sooner.
Susan Pearson	for the remainder of my term of office (which ends in March 2021) to speak and vote on any matter which affects my constituents and in which I may have a "pecuniary interest", except for a matter which: (a) affects me uniquely or more than any of my constituents; and (b) insofar as regards a dispensation to vote only, falls with the restriction imposed by section 618 of the Housing Act 1985 for as long as that provision remains on the statute book; on the ground that the grant of this dispensation is in "the interest of persons living in the authority's area	Dispensations Sub (Standards) Committee	03/07/19	(1) To speak and vote on the setting of council tax; and  (2) To speak on licensing applications with the same rights as a member of the public, in accordance with the dispensations policy; and  (3) To speak on general housing matters, as identified in the dispensations policy, insofar as those issues affect residents of the Golden Lane estate equally.  Expires March 2021
William Pimlott		Partially granted (Speaking rights only) (Standards Committee)	19/05/17	A dispensation be granted until the ward Elections in 2021 to speak at meetings where Parking for Barbican Residents is under consideration but the request for a dispensation to vote on such matters, be refused  Expires in March 2021

Jason Pritchard	for the remainder of my term of office (which ends in March 2021) to speak and vote on any matter which affects my constituents and in which I may have a “pecuniary interest”, except for a matter which: (a) affects me uniquely or more than any of my constituents; and (b) insofar as regards a dispensation to vote only, falls with the restriction imposed by section 618 of the Housing Act 1985 for as long as that provision remains on the statute book; on the ground that the grant of this dispensation is in “the interest of persons living in the authority’s area	Dispensations Sub (Standards) Committee	03/07/19	<p>(1) To speak and vote on the setting of council tax; and</p> <p>(2) To speak on planning and licensing applications with the same rights as a member of the public, in accordance with the dispensations policy; and</p> <p>(3) To speak on general housing matters, as identified in the dispensations policy, insofar as those issues affect all of the City Corporation’s tenants or leaseholders on your estate equally.</p> <p>Expires March 2021</p>
Stephen Quilter		Partially granted (Speaking rights only) (Standards Committee)	19/05/17	<p>A dispensation be granted until the ward Elections in 2021 to speak on Car Parking and Baggage Stores in the Barbican at meetings of the Barbican Residential but the request for a dispensation to vote on such matters be refused.</p> <p>Expires in March 2021</p>
<b>Outstanding</b>				
Alderman Ian Luder	Request to speak to Policy & Resources Committee on review of housing governance/Barbican Residential Committee		tbc	Awaiting submission of housing governance review paper to P & R