



Dispensations Sub-Panel of the Panel of Independent Persons

Date: MONDAY, 11 NOVEMBER 2024

Time: 11.00 am

Venue: HYBRID MEETING

Members: Robert Coyle, Independent Person
Amanda Orchard, Independent Person
Philip Thicknesse, Independent Person

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Ian Thomas CBE
Town Clerk and Chief Executive

AGENDA

1. **APOLOGIES**
2. **DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**
3. **APPOINTMENT OF A CHAIR**
For Decision
4. **POLICY AND GUIDANCE ON THE GRANTING OF DISPENSATIONS UNDER THE LOCALISM ACT 2011 AND THE MEMBERS' CODE OF CONDUCT**
For Information
(Pages 3 - 16)
5. **APPLICATION FOR A DISPENSATION**
For Decision
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6. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE SUB-PANEL**
7. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

In force from 19 January 2024.

City of London Corporation

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 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 to ensure consistency in decision making.

Application

3. The Localism Act 2011 applies to the City of London Corporation ("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 discretionary power to grant dispensations will be exercised subject to the 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 the discretion the decision maker 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 decision maker "...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.
8. The City Corporation has appointed a panel of Independent Persons ("the Independent Panel") to carry out various functions under the Localism Act 2011. The Independent Panel will consider requests for dispensations and in doing so will operate through a sub-panel ("the Dispensation Panel"). Each Dispensation Panel will consist of three Independent Persons, appointed by the Town Clerk in consultation with the Independent Panel. It may meet physically or virtually, or in a hybrid fashion. Each Dispensation Panel will elect a chair and make recommendations based on a simple majority vote. It will receive administrative support from the Town Clerk and legal advice from the Monitoring Officer. Whilst the Independent Persons cannot be formal decision-makers under the relevant legislation, the Town Clerk has delegated authority to implement the recommendations of the Dispensation Panel. If the Town Clerk disagrees with a recommendation of the Dispensation Panel then the matter must be referred to the Court of Common Council.

9. The Monitoring Officer also has delegated authority to determine urgent applications for a dispensation, in circumstances where a decision is required before a Dispensation Panel can be convened. In addition, the Town Clerk has delegated authority to determine certain types of straightforward dispensation applications without reference to the Dispensation Panel, as set out in this policy.
10. Dispensation applications 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.
11. As previously stated, the onus is on individual Members to decide whether they have a disclosable pecuniary interest in any given matter. Therefore the decision maker 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.**
12. 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.
13. 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 decision maker also retains the right to review and revoke or amend any dispensation previously granted in appropriate circumstances.

Timeliness of applications

14. Members should 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

15. 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

16. 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.**
17. 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.
18. 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 decision maker will consider whether not granting a dispensation would be to the disadvantage of that group. They will also take into account how many persons would be disadvantaged, and to what extent.

Dispensation decisions that are delegated solely to the Town Clerk

19. The Town Clerk has delegated authority to determine certain types of straightforward dispensation applications without reference to the Dispensation

Panel. Whilst one or more of the statutory grounds for granting a dispensation must still be satisfied in each case, 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 have their application considered by the Dispensation Panel, or in urgent cases by the Monitoring Officer. The matters delegated solely to the Town Clerk are as follows:

Council tax

- (a) The Ministry of Housing, 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 granting of a dispensation in these circumstances is considered 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) 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. 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) 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.

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 that covers their particular circumstances.

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.
- 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 decision maker

- 20. In deciding whether to grant a dispensation under one or more of the specific statutory grounds, the decision maker 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, they 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

21. Applications to participate in a particular item of business may be received from more than one Member of the same ward. It would be preferable 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.

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 solely by the Town Clerk under delegated authority. All other applications will be considered by the Dispensation Panel, or in urgent cases by the Monitoring Officer. They will need to be presented with a clear case and will be guided by the principles set out in this document in making their decision. Any Member applying for such a dispensation 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.

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 normally be engaged. 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

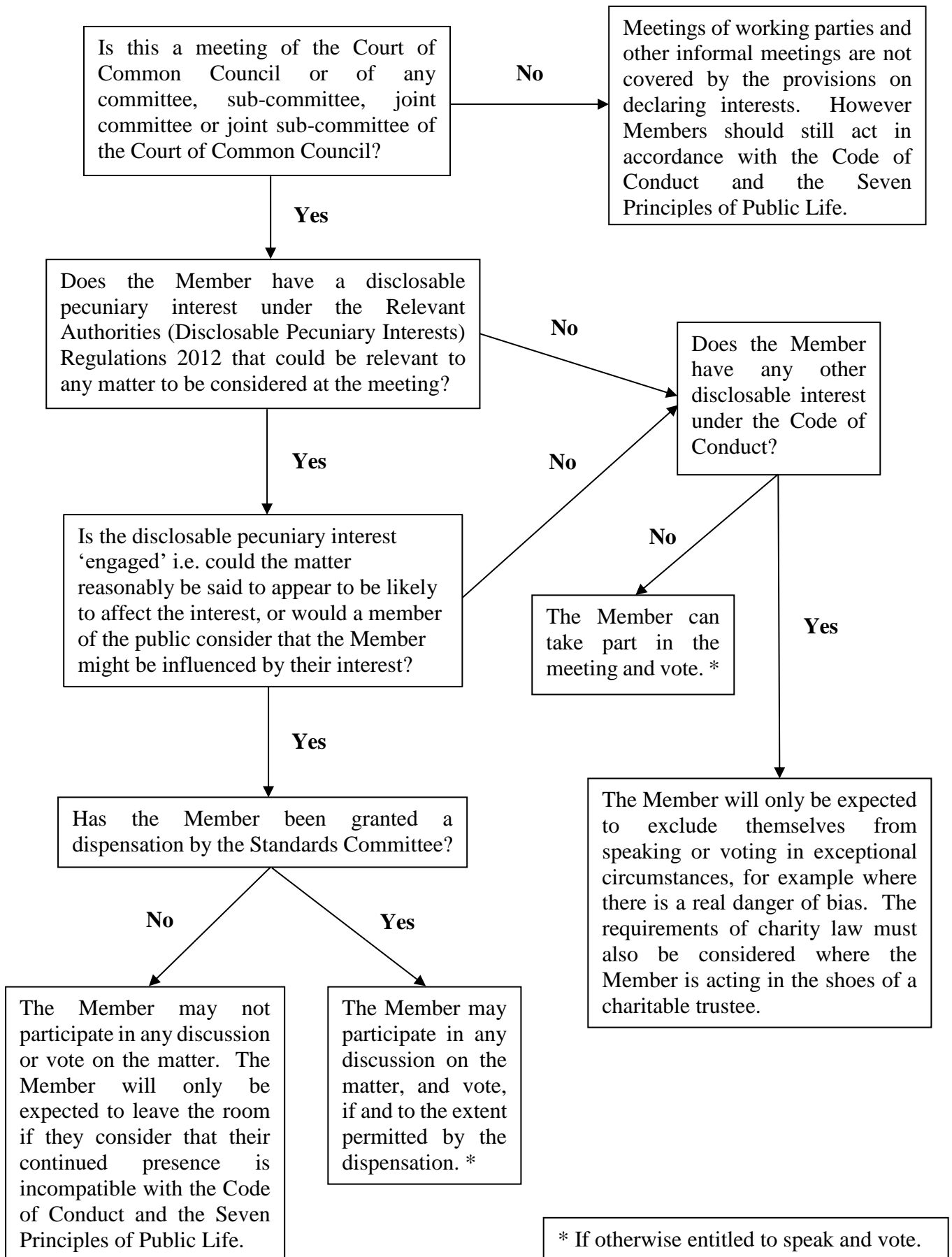
8. A Member who is present at a meeting of the City Corporation, and who has a disclosable pecuniary interest relating to any business being considered, must not participate in any discussion of the business at the meeting, or participate in any vote taken on the matter at the meeting. If a Member becomes 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

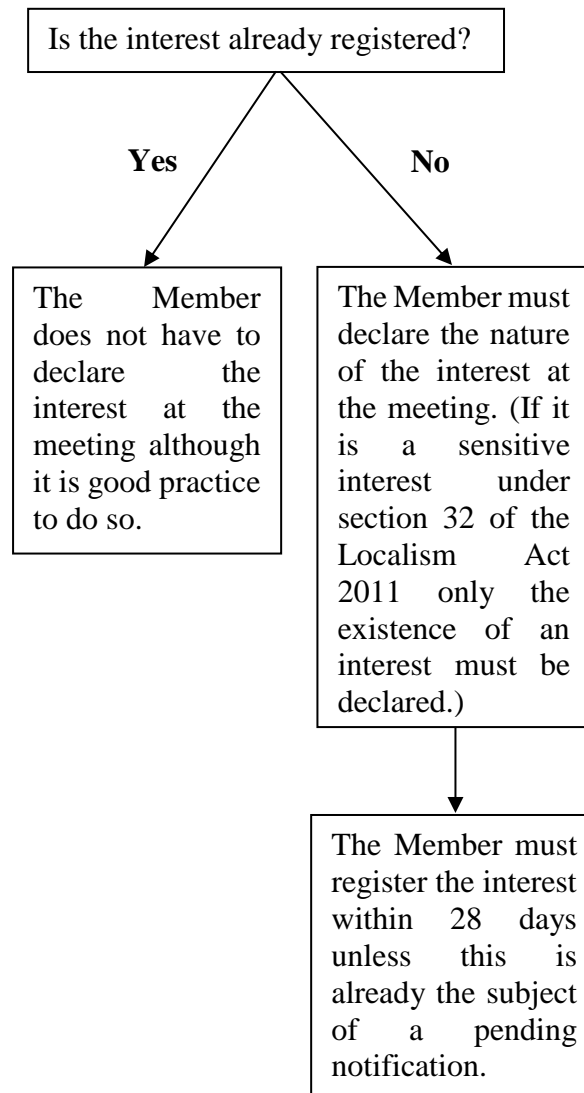
11. The full text of the Members' Code of Conduct and additional guidance can be found at the following link: <https://www.cityoflondon.gov.uk/about-us/plans-policies/corporate-governance>. Members are advised to seek advice from the Monitoring Officer or the Town Clerk if they are unsure about whether 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 decision maker

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 decision maker 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, 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 19(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, a dispensation will only be granted 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 decision maker 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 decision maker cannot fetter their 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 decision maker will therefore have due regard to previous decisions, always acknowledging that the consensus can change over time.

City of London Corporation Committee Report

Committee(s): Dispensations Sub-Panel of the Panel of Independent Persons	Dated: 11 th November 2024
Subject: Request for a Dispensation under the Corporation's approved Dispensations Policy	Public report: For Decision
This proposal: This application must be considered in accordance with policy and guidance on the granting of dispensations under the Members' Code of Conduct.	
Does this proposal require extra revenue and/or capital spending?	No
If so, how much?	N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain's Department?	N/A
Report of:	Town Clerk
Report author:	Kate Doidge, Governance Officer

Summary

This report sets out details of a Member who has requested a dispensation as detailed below and in the dispensation application form received.

Recommendation(s)

The Sub-Panel is asked to consider the application for a dispensation submitted as summarised below and appended and make recommendations thereon to the Town Clerk.

Main Report

Background

1. A Member has submitted an application for a dispensation. The application is submitted in accordance with the current dispensations policy. The statutory grounds for granting a dispensation under the Localism Act 2011, and the factors that your Sub-Panel should take into account when considering these applications, are set out and explained in this policy.

Current Position

2. The full application for dispensation is appended to this report as Appendix 1 and this covering report provides a summary of the dispensation sought.

Proposals

3. **Robert Howard** is an Alderman representing the Ward of Cornhill. He has requested a dispensation for the duration of his term as Chair and governor of City of London School for Girls (CLSG) to speak (but not vote) on City Junior School (CJS) matters that appear on the CLSG agenda. The maximum term of office for Chairs of the Board of Governors of the City Schools is six years.
4. For clarification, as per paragraph 7 of the dispensations policy, a dispensation must specify the period for which it has effect, which may not exceed four years.
5. Alderman Howard makes this request as his daughter is now a pupil at the City Junior School. The Board of Governors of the City Junior School is constituted as a joint Sub-Committee of the Board of Governors of the City of London School and the City of London School for Girls. As the Board of Governors for the City of London School for Girls is the parent Committee of the aforementioned joint Sub-Committee, Alderman Howard makes this request as City Junior School items will appear on the agenda of the Board of Governors for the City of London School for Girls.
6. Alderman Howard is currently the Chair of the Board of Governors of the City of London School for Girls, with his term commencing in June 2023. He holds ex-officio positions on the Board of Governors for the City Junior School, City of London Freedmen's School, and City of London School. He is also a member of the Court of Aldermen and the Education Board, amongst others. His application is attached in full at Appendix 1.
7. At its meeting on 4th July 2019, the Policy and Resources Committee considered a report concerning the management of the City Corporation's three independent schools at that time and the extent to which Members who were the parents of current pupils could and should be able to serve as Governors. One suggested option was to clarify that a Member in that situation was not eligible to serve. Another option was to explore how more general parental representation on the various Boards of Governors could best be achieved. In the event it was resolved that the parents or guardians of any child currently studying at the City of London School, the City of London School for Girls or the City of London Freeman's School should continue to be eligible to sit on the Board of Governors for that School, subject to the provisions of the Code of Conduct.
8. The report may be found at this link: [Agenda item - The City of London Corporation's Independent Schools and Parent Governors - Modern Council](#)
9. The application falls outside the parameters under which the Town Clerk is able to solely determine dispensations and must therefore be considered by this Sub-Panel in accordance with the existing policy on the granting of dispensations, with recommendations thereon made to the Town Clerk.

Corporate & Strategic Implications –

Strategic implications – None in the context of this report.

Financial implications – None in the context of this report.

Resource implications – None in the context of this report.

Legal implications – Set out in the policy and guidance on the granting of dispensations.

Risk implications – None in the context of this report.

Equalities implications – None in the context of this report.

Climate implications - None in the context of this report.

Security implications – None in the context of this report.

Conclusion

10. The Sub-Panel are asked to consider the application for a dispensation summarised above and appended and make recommendations thereon to the Town Clerk.

Appendices

- Appendix 1 – Application – Alderman Robert Howard

Background Papers

Policy & Resources Committee, 4th July 2019 - [Agenda item - The City of London Corporation's Independent Schools and Parent Governors - Modern Council](#)

Kate Doidge

Governance Officer

E: kate.doidge@cityoflondon.gov.uk

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

Requests for dispensations are considered by a Panel of Independent Persons, or by the Monitoring Officer in urgent cases. 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 gemma.stokley@cityoflondon.gov.uk. Alternatively, paper forms can be submitted to the Governance 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:

Date:

Dispensations available from the Town Clerk without reference to the Panel

I request a dispensation until the Ward elections in 2025 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 only complete the rest of this form if you are applying for any other dispensation

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

I am a governor (and Chair of the Board of Governors) at City of London School for Girls (CLSG). My daughter has just started at City Junior School (CJS). The CJS Board of Governors is constituted as a joint sub-committee of the Boards of Governors of City of London School and CLSG, although CJS is a separate school with its own Head. I am not a governor of CJS, but as the Board of CLSG is one of its parent committees, CJS-related items will appear on the agenda of CLSG Board meetings.

- I confirm that this interest is already included in my register of interests, or
- I confirm that I will register this interest within 28 days

I request a dispensation to enable me to:

speak

vote

on the following matter(s):

I request a dispensation to speak (but not vote) on CJS matters that appear on CLSG Board agendas, where there is not a direct pecuniary interest.

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

For the duration of my term as Chair/governor of CLSG.

Please provide any relevant information in support of your application, including a consideration of the statutory grounds for granting a dispensation (paragraph 15) 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).

I am not seeking a dispensation to speak or vote at a CLSG Board meeting on a matter that engages my pecuniary interest in relation to CJS, for example the setting of CJS school fees. In such instances, I would neither speak nor vote.

My proposal is to recuse myself from voting on all CJS-related items on the CLSG agenda, regardless of whether or not there is an obvious pecuniary interest in the item. Where there is a clear pecuniary interest (e.g. setting CJS fees), I would not speak either.

However, from time to time CJS items may appear on CLSG Board meeting agendas, where a pecuniary link is less obvious, but where it could be argued that Governor decisions may nonetheless impact indirectly on school fees (e.g. as the parent Committee, CLSG agreeing CJS capital works programs). For these, it may prove difficult not to be able to speak at all, for example where for reasons of coordinating policy between schools a CJS item may overlap with or mirror CLSG specific issues.

As such, as a precautionary measure I seek dispensation at CLSG meetings to be able to speak (but not vote) on CJS-related items where there is no clear pecuniary interest.

It should be noted that CJS matters make up only a small proportion of CLSG agenda items.

Please see the accompanying Agenda pages for the most recent meetings of CLSG. CLSG Agendas ordinarily include between fifteen and twenty items, with a maximum of two of these relating to CJS. There is usually an update on CJS, in the form of the minutes of its most recent meeting with a report from its Head, and financial updates on CJS. The update is usually presented for information and the Board receives a recommendation from the CJS Board where any decisions are made on its Budget. CJS matters are usually discussed for a maximum of ten minutes and often fewer. No items were presented on CJS at the most recent meeting of the CLSG Board.

The Boards of Governors of the City of London School and of CLSG appoint three members respectively to the Board of CJS, with the Chairs or Deputy Chairs holding an ex officio role.

This permits scrutiny by the Boards of both schools without the business of CJS requiring a significant amount of time at the meetings of the Boards of CLS and CLSG. I have not taken my ex officio place at CJS (as Chair of the Board of CLSG) since my daughter enrolled as a pupil at CJS.

AGENDA

1. **APOLOGIES**

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

3. **MINUTES**

To agree the minutes of the meeting held on 1 December 2023 and to receive the notes of the Strategy Meeting held on 1 December 2023.

For Decision
(Pages 5 - 30)

4. **OUTSTANDING ACTIONS**

Report of the Town Clerk.

For Information
(Pages 31 - 32)

5. **GOVERNOR WORK PROGRAMME**

Report of the Town Clerk.

For Information
(Pages 33 - 34)

6. **COMMITTEE MINUTES**

For Information

- a) Education Working Party (To Follow)
To receive the minutes of the meeting held on 28 February 2024.
- b) Governance Committee (To Follow)
To receive the draft minutes of the meeting held on 28 February 2024.
- c) Finance and Estates Committee meeting (To Follow)
To receive the draft minutes of the meeting of the Finance and Estates Committee held on 22 February 2024.
- d) Bursary Committee (Pages 35 - 38)
To receive the draft minutes of the meeting held on 12 December 2023.

7. **REPORT OF THE HEADMISTRESS**

To consider the report of the Headmistress, City of London School for Girls.

For Decision
(Pages 39 - 70)

8. **REPORT OF ACTION TAKEN BETWEEN MEETINGS.**

Report of the Town Clerk.

For Information
(Pages 71 - 74)

9. **SATELLITE SPACE STRATEGY FOR CLSG SIXTH FORM**
Report of the Headmistress, City of London School for Girls.
For Decision
(Pages 75 - 120)
10. **CITY OF LONDON SCHOOL FOR GIRLS - CATERING AND DINING UPGRADE PROJECT**
Joint report of the City Surveyor and of the Headmistress, City of London School for Girls.
For Decision
(Pages 121 - 142)
11. **CLSG SUMMER WORKS 2024-27**
Joint Report of the City Surveyor and of the Headmistress, City of London School for Girls.
For Decision
(Pages 143 - 150)
12. **PROPOSED 2024/25 REVENUE BUDGET**
Report of the Chief Operating Officer, City Schools.
For Decision
(Pages 151 - 172)
13. **FINANCIAL UPDATES SPRING 2024**
Report of the Chief Operating Officer, City Schools.
For Information
(Pages 173 - 178)
14. **RISK REGISTER UPDATE**
Report of the Headmistress, CLSG.
For Information
(Pages 179 - 198)
15. **POLICIES FOR APPROVAL**
Report of the Headmistress.
For Decision
(Pages 199 - 280)
16. **CITY JUNIOR SCHOOL: MINUTES AND HEAD'S REPORT, BOARD OF GOVERNORS' MEETING, 1 MARCH 2024**
Minutes of the meeting of the Board of Governors of City Junior School held on 1 March 2024, with report of the Head appended.
For Information
(Pages 281 - 298)
17. **CITY JUNIOR SCHOOL: PROPOSED 2024/25 REVENUE BUDGET**
Report of the Chief Operating Officer, City Schools.
For Decision
(Pages 299 - 316)

18. **ANNUAL REVIEW OF BOARD OF GOVERNORS' TERMS OF REFERENCE**
Report of the Town Clerk.

For Decision
(Pages 317 - 320)

19. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE BOARD**

20. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

Confidential Agenda - Circulated Separately

21. **NOTES OF BOARD OF GOVERNORS' STRATEGY MORNING**
Confidential Notes of Strategy Morning held on 1 December 2023.

For Information

22. **REPORT OF ACTION TAKEN BETWEEN MEETINGS**
Report of the Town Clerk.

For Information

23. **VAT ON SCHOOL FEES**
Joint report of the Headmistress, CLSG and the Head, CLS.

For Discussion

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AGENDA

1. **APOLOGIES**
2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**
3. **ORDER OF THE COURT OF COMMON COUNCIL**
Order of the Court of Common Council, 25 April 2024, appointing the Board and setting its Terms of Reference.
For Information
(Pages 5 - 6)
4. **ELECTION OF CHAIRMAN**
To elect a Chairman in accordance with Standing Order No. 29.
For Decision
5. **ELECTION OF DEPUTY CHAIR**
To elect a Deputy Chair in accordance with Standing Order No. 30.
For Decision
6. **MINUTES**
To agree the minutes of the meeting held on 19 March 2024.
For Decision
(Pages 7 - 22)
7. **OUTSTANDING ACTIONS**
Report of the Town Clerk.
For Information
(Pages 23 - 24)
8. **COMMITTEE AND WORKING PARTY MINUTES**
Minutes to be circulated as supplementary agenda.
For Information
(To Follow)
 - a) Governance Committee
Draft minutes of the meeting held on 7 June 2024.
 - b) Bursary Committee
Draft minutes of meeting held on 6 June 2024 and approved minutes of meeting held on 12 March 2024.
 - c) Finance and Estates Committee
Draft Minutes of the meeting held on 23 May 2024.

- d) Education Working Party
Draft Minutes of meeting held on 22 May 2024.

9. **REPORT OF ACTION TAKEN BETWEEN MEETINGS**
Report of the Town Clerk.
For Information
(Pages 25 - 28)
10. **APPOINTMENT OF COMMITTEES AND WORKING PARTIES, AGBIS REPRESENTATIVE AND GOVERNOR DESIGNATED ROLES**
Report of the Town Clerk.
For Decision
(Pages 29 - 46)
11. **REPORT OF THE HEADMISTRESS**
Report of the Headmistress of the City of London School for Girls.
For Discussion
(Pages 47 - 86)
12. **VAT ON SCHOOL FEES - PARENTAL CONSIDERATIONS**
Joint report of the Headmistress, City of London School for Girls and of the Head, City of London School.
For Discussion
(Pages 87 - 142)
13. **CLSG FINANCIAL UPDATE**
Report of the COO of the City Schools' Shared Services.
For Decision
(Pages 143 - 154)
14. **CITY JUNIOR SCHOOL FINANCIAL UPDATE**
Report of the Chief Operating Officer – City Schools Shared Services.
For Decision
(Pages 155 - 160)
15. **CITY JUNIOR SCHOOL UPDATE**
Minutes of the meeting held on 7 June 2024 (Report of the Head appended).
For Information
(Pages 161 - 184)
16. **REVIEW OF THE BURSARY GUIDELINES**
Joint report of the Headmistress, City of London School for Girls and of the Head, City of London School.
For Decision
(Pages 185 - 190)
17. **ALIDA JENNIFER STEINFELD TRUST**
Report of the Headmistress.
For Decision
(Pages 191 - 206)

18. **POLICIES FOR APPROVAL**
Report of the Headmistress.

For Decision
(Pages 207 - 282)

19. **RISK REGISTER UPDATE**
Report of the Headmistress.

For Information
(Pages 283 - 306)

20. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE BOARD**

21. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

Confidential Agenda - Circulated Separately

22. **CONFIDENTIAL MINUTES**
To agree the confidential minutes of the meeting held on 18 March 2024.

For Decision

23. **ALTERNATIVE DCS SET-UP**
Joint report of the Heads of the City of London Independent Schools.

For Decision

24. **ANY OTHER CONFIDENTIAL BUSINESS THE CHAIRMAN CONSIDERS URGENT**

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AGENDA

1. **APOLOGIES**
2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**
3. **MINUTES**
To agree the minutes of the meeting held on 19 June 2024.
For Decision
(Pages 5 - 22)
4. **VAT AUTUMN UPDATE**
To consider the report of the Headmistress, City of London School for Girls.
For Decision
(Pages 23 - 38)
5. **UPDATED BURSARY GUIDELINES FOR THE CITY SCHOOLS**
Report of the Chief Operating Officer, City Schools.
For Decision
(Pages 39 - 76)
6. **PROJECT UPDATE REPORT**
Report of the City Surveyor.
For Information
(Verbal Report)
7. **ESTATES MATTERS**
Report of the Chief Operating Officer, City Schools.
For Information
(Verbal Report)
8. **UNIVERSITY OUTCOMES**
Report of the Headmistress, City of London School for Girls.
For Information
(Pages 77 - 86)
9. **CHARITIES REVIEW RECOMMENDATIONS FOR CITY OF LONDON SCHOOL FOR GIRLS SCHOLARSHIPS AND PRIZES FUND (276251-1) AND CITY OF LONDON SCHOOL FOR GIRLS BURSARY FUND (276251)**
Report of the Acting Managing Director, City Bridge Foundation.
For Decision
(Pages 87 - 114)
10. **FINANCE UPDATES INCLUDING REQUEST TO REVIEW HARDSHIP BURSARY AWARD FOR CLSG-HARDSHIP-12**
For Decision

(Pages 115 - 164)

11. **GOVERNOR DESIGNATED ROLES 2024/25**

For Decision
(Pages 165 - 168)

12. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE BOARD**

13. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

Confidential Agenda - Circulated Separately

14. **CONFIDENTIAL MINUTES**

To agree the confidential minutes of the meeting held on 19 June 2024.

For Decision