



Report of the Standards Committee

Dispensations – Policy and Guidance

To be presented on Thursday, 7th March 2019

*To the Right Honourable The Lord Mayor, Aldermen and Commons
of the City of London in Common Council assembled.*

Summary

In July 2018, the Town Clerk authorised the establishment of a Dispensations (Standards) Working Party under the urgency provisions of Standing Order No. 41(a). The Working Party has since met regularly to consider dispensation policy and associated issues. Feedback has been invited and facilitated in various ways from all Members and Co-opted Members throughout the very detailed drafting of this documentation.

This report sets out the final details of the future policy and guidance on dispensations, as well as the revised dispensation request application form, all of which come in to effect as of 1 March 2019.

The aim of the Working Party has been to provide members with an enhanced level of requisite information about disclosable pecuniary interests, of the regulations around such interests and dispensations. As a result there should be increased clarity on the matter and confidence both for Members and the general public about the ways in which the City of London Corporation is taking decisions in an appropriate and consistent way.

The documentation before Members today has been reviewed and restructured following Court resolution of December 2018 and other Member feedback. This, together with the additional category of Delegated Dispensations, the restructuring of the Policy and Application Form and the redesign of the guidance flowchart, has enhanced the policy. The Standards Committee, as well as the Working Party, has

been closely involved in consideration of the Policy Document and is grateful to everyone who has provided feedback throughout the consultation process.

Further measures, in addition to the articulation and publication of its dispensation policy, agreed by the Standards Committee to enhance consistency in decision-making in relation to dispensation requests are:

- That, wherever possible and subject to delegation for specified categories of dispensation, dispensation decisions be taken by the Dispensations Sub Committee;
- That Members be encouraged to make dispensation applications in sufficient time to allow the summoning of the Dispensation Sub Committee;
- That any meeting of the Dispensation Sub Committee be chaired by either the Chairman of the Dispensation Sub Committee or by one of its two Deputy Chairmen;
- That applicants be invited, and the Town Clerk be requested, to cite any related previous dispensation decisions.

Recommendation

We **recommend** that Members note the revised policy and guidance and the dispensation request application form as set out in appendices 1 and 2 which are now formally adopted as of 1 March 2019.

Main Report

1. In July 2018, the Town Clerk authorised the establishment of a Dispensations (Standards) Working Party under the urgency provisions of Standing Order No. 41(a) and with the following membership drawn from the Standards Committee :- Oliver Lodge (Chairman of the Standards Committee), Ann Holmes (Deputy Chairman of the Standards Committee), Deputy Jamie Ingham Clark, Deputy Edward Lord and Mark Greenburgh (Co-opted Member of the Standards Committee).
2. The Working Party has met regularly to consider dispensation policy and associated issues, with the intention of reporting its findings to the Standards Committee in October 2018.
3. The Standards Committee considered the findings and recommendations of the Working Party at its meeting in October 2018 as planned, in the form of a joint report of the Town Clerk and the Comptroller and City Solicitor setting out a draft policy and guidance on dispensations under the Localism Act 2011, revisions to the dispensation request form and proposed alterations to the terms of reference of the Dispensations Sub (Standards) Committee.
4. Detailed discussion took place at this meeting on the draft policy and guidance and other associated documentation, during which there were a number of comments made by Committee members. It was agreed that these comments be referred to the Dispensations Working Party for further consideration as part of the finalisation of the draft documents.

5. Consideration, at this stage, also turned to how best to ensure that all Members had the opportunity to consider and comment on the draft documentation prior to implementation and, after discussion, it was agreed that a public meeting of the Standards Committee should be convened with all members of the Court and Co-opted Members invited to attend and participate.
6. The all Member (including Co-opted Members) Standards Committee meeting took place on 15 November 2018 and generated useful input, which was supplemented by a series of workshops for Members (including co-opted Members) throughout December 2018 to further discuss the documentation. These workshops were facilitated by members of the Standards Committee.
7. The draft documentation was also the subject of two motions at the December 2018 Court of Common Council meeting. One of the motions was amended and carried with the substantive motion being a request from the Court that the Standards Committee “should, as part of the current review of its policy and guidance on dispensations, adopt a position where Members would generally be granted a dispensation to speak (but not vote) on all matters concerning their Ward where they have an engaged disclosable pecuniary interest other than when that disclosable pecuniary interest would be directly and materially impacted by a matter to be determined at a meeting of the Court or one of its committees or sub-committees, subject of course to the proper exercise of the statutory discretion in each case”. This wording is now included within the Dispensation Policy. The second motion was not carried.
8. The Standards Committee has noted the points raised in all forms since their last meeting in October 2018 (by the Court of Common Council, via email and at the various workshops that took place towards the end of 2018). A further meeting of the Dispensations (Standards) Working Party was convened on 9 January 2019 to take these into account in the finalising of the Policy and associated documents ahead of their presentation to the Standards Committee on 25 January 2019.
9. All feedback received has been noted and considered as part of the extensive consideration given to the documentation. While many points have been incorporated into the Policy and applied to the Application Form, it has not been possible to include those suggestions that are incompatible with the relevant legislation. Efforts have also been made around making the documents more user friendly, with some material now moved to the appendices. There is now also a clearer distinction between the format for applications for dispensations under delegated authority and other applications.
10. The new policy and guidance, which comes in to effect on 1 March 2019, is attached as **appendix 1**. In summary, this document explains the general policy on the granting of dispensations, including when it might be necessary to apply for one, the process for this, statutory grounds for granting a dispensation, factors to be taken into account in deciding whether one or more of the statutory grounds are satisfied, and other related matters.

11. The objective of the publication of our Dispensation Policy remains that of greater transparency and as a means of enhancing consistency in the process of consideration of applications for dispensations.
12. Significant revisions have been made to the draft dispensation request form, cross referencing with the policy and guidance document, and this is attached as **appendix 2**. The revisions aim to provide appropriate advice on matters that should be taken account of by the applicant and to capture the relevant and necessary information that is required to make an informed decision on the request.
13. Key revisions to the consultation draft that was issued at the time of the All Member meeting of the Standards Committee on 15 November 2018 include:
 - the insertion of the Court request of December 2018;
 - the restructuring of the Policy document to enhance accessibility;
 - the restructuring of the Application Form to reduce the necessary information required for delegated-decision applications;
 - the inclusion of an additional form of dispensation, relating to housing matters, that is available under the delegated decision process;
 - the removal of a consideration factor (relating to alternative means of ward representation).
14. The Standards Committee intend to monitor the new system and to carry out a post implementation review of this after a year.
15. Further measures, in addition to the articulation and publication of its dispensation policy, agreed by the Standards Committee to enhance consistency in decision-making in relation to dispensation requests are:
 - That, wherever possible and subject to delegation for specified categories of dispensation, dispensation decisions be taken by the Dispensations Sub Committee;
 - That Members be encouraged to make dispensation applications in sufficient time to allow the summoning of the Dispensation Sub Committee;
 - That any meeting of the Dispensation Sub Committee be chaired by either the Chairman of the Dispensation Sub Committee or by one of its two Deputy Chairmen;
 - That applicants be invited, and the Town Clerk be requested, to cite any related previous dispensation decisions.

Conclusion

16. The policy and guidance and associated documents have been further reviewed in the light of the feedback received. The documents seek to provide Members with an enhanced level of requisite information about disclosable pecuniary interests, and of the regulations around such interests and dispensations, and thereby , and through the further measures adopted, increase clarity and confidence both for Members and the general public that the City of London Corporation is taking decisions on them in an appropriate and consistent way. Members are now asked to **note** the revised policy and guidance and application form as appended.

All of which we submit to the judgement of this Honourable Court.

DATED this 21 February 2019.

SIGNED on behalf of the Committee.

Oliver Arthur Wynlayne Lodge,
Chairman of the Standards Committee