

From: [Mooney CC, Brian](#)
To: [Declarations Of Interest and Gifts](#)
Cc: [Holmes, Ann](#)
Subject: Fwd:
Date: 27 June 2019 12:42:01

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I am writing to request a dispensation, under section 33 of the Localism Act 2011 (the "Act"), to speak and vote on the matters in which I may have a "pecuniary interest" as described below.

I have chosen not to use the 10 page form produced by the Standards Committee for this purpose, as the Act refers only to a "written request" being made and does not require it to be in any prescribed form. The form produced by the Standards Committee, in my view, contains a fair amount of material that is not properly relevant to the consideration of this request.

For example, section A of the form asks for an explanation as to how granting a dispensation "would not risk damaging public confidence in the conduct of the City Corporation's business." Since the form was produced, it has been demonstrated through a well supported residents' petition and representations made by the City's two largest residential associations that:

- the policy of the Standards Committee which is reflected in the form has actually damaged public confidence; and
- the public expects their elected representatives to be free to speak and vote on their behalf, within the framework of the law.

I am advised that the law provides for a dispensation to be granted to speak and vote equally. It does not provide for a dispensation to vote to be granted "only in exceptional circumstances", as the Standards Committee's policy specifies in section B of its form. The law provides very broad grounds for a dispensation to be granted, including "the interest of persons living in the authority's area" (section 33(2)(c)). A dispensation need only be granted to speak and vote on a matter in which a member has a "pecuniary interest". The law, it seems, thus give primacy to democratic representation over a member's "pecuniary interest". It is only when a member is not representing others, but is acting solely in his or her own interests, that the ground mentioned above for granting a dispensation would not apply, and a dispensation, therefore, should not be granted.

Disclosable pecuniary interest

I have a "disclosable pecuniary interest" for the purpose of the Act consisting of two flats in Queen's Quay, Upper Thames Street, London EC4.

This interest has been published in my register of interests.

Request for a dispensation

I hereby request 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:

(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”.

Comments

In addition to the general comments made in the “Introduction” above, I wish to add the following:-

I am advised that the law provides that a dispensation may be granted for up to 4 years (the length of a councillor’s term of office). I am therefore requesting a dispensation for the remainder of my current term (21 months). This will achieve parity with many other local authorities.

If a matter arises in which I have a “pecuniary interest” and which is covered by a dispensation granted in response to this request, it does not necessarily follow that I will actually speak or vote on it. In any particular case, I would use my judgment as a member as to what would be appropriate. Neither I, nor any other member, need to be directed by a small number of fellow members on the Standards Committee as to how to act as a councillor. A majority of our members are elected in predominantly business wards. This may have caused the previous Standards Committee to have so misjudged “public perception” on which it claimed to have based most of the current policy. That committee seemed to think that the public would favour a heavily restrictive approach, whereas the opposite has now been proved to be true.

Kind Regards

Brian