

## Dispensation Request

TEXT OF AN EMAIL OF 7 JUNE FROM MARK BOSTOCK TO THE STANDARDS COMMITTEE

### Introduction

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 my 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:

(a) the policy of the Standards Committee which is reflected in the form has actually damaged public confidence; and

(b) 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 their 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 gives 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 the following "disclosable pecuniary interests" for the purpose of the Act:

(a) a long lease that my wife and I hold in a flat at 815 Frobisher Crescent in the Barbican Estate; and

(b) a lease of a store in the Barbican Estate.

These interests have 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 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”.

#### Urgency

There is some urgency about this request, as I shall be attending meetings of the following committees at which matters will be decided in which, it may be argued, I have a “pecuniary interest”:

(a) the Barbican Residential Committee on Monday 17 June, at which a “charging policy for car parking and stores” will be decided (as noted above, I have a lease of a store in the Barbican Estate); and

(b) the Planning and Transportation Committee on Tuesday 18 June, at which a planning application (18/00335/LBC) will be considered for the installation of replacement illuminated signs in the upper level walkway at Defoe Place (close to the residential flats at the western end of Frobisher Crescent; my flat is in the middle of the Crescent).

Each of these matters falls squarely within the dispensation requested, as it affects a number of my constituents no less than myself. In the case of (a) above, I may speak but not vote, because of the restriction on voting in section 618 of the Housing Act 1985.

#### 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 any dispensation granted, 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.

With regards,

Mark Bostock