

## **An email exchange with chair of Standards Committee about Aldersgate election**

**30 October 2019**

From: chairba@btinternet.com <chairba@btinternet.com>  
Sent: Wednesday, October 30, 2019 8:15 am  
To: Holmes, Ann  
Cc: Aldersgate and Cripplegate councillors, Town Clerk

**Subject: Disenfranchisement again**

Dear Ann

As you may know, there is an election in Aldersgate ward for a common councillor.

I have just received a flyer from one of the 5 candidates arguing that they are only one of the candidates who can freely represent Barbican residents: "Although I live in the ward of Aldersgate , I do not live in the Barbican....That means that I am free from restrictions applied by the Standards Committee that limit common councillors who live in the Barbican from speaking and voting on certain matters relating to the Barbican Estate."

So, because of the regime established by your committee, our fears about disenfranchisement are now being played out in an election - with the firm message that there is no point in electing people who live among us. That cannot be right.

Best wishes  
Jane

Jane Smith  
Chair, Barbican Association

**31 October 2019**

From: "Holmes, Ann" <Ann.Holmes@cityoflondon.gov.uk>  
To: "Smith, Jane" <chairba@btinternet.com>  
Cc: Cripplegate and Aldersgate Councillor, Town Clerk  
Sent: Thursday, 31 Oct, 2019 At 08:29

**Subject: Re: Disenfranchisement again**

Dear Jane

Thank you for your email.

As a member of the dispensations working party I argued tirelessly, as I have since, that we need to be mindful of not disadvantaging resident members with DPLs. I am, of course, such a member myself.

We have to do so, however, within the policy we decide best balances our need to represent our constituents, with our legal obligations, and our own code of conduct.

That policy is to usually allow members with an engaged DPI to speak, but not to vote. Quite often a resident's DPI will not be engaged and, therefore, they will be entirely free to speak and vote. Sometimes, even where it is engaged, a dispensation to vote will be granted, as it was recently to a Barbican resident in relation to the proposed CLSG extension. It's also the case that a resident living close to the Barbican could well have an engaged DPI, on a matter affecting Barbican residents.

My own view remains that the experience resident members are able to draw on, in speaking to persuade fellow committee members, is of at least as much value to their voters, as a non resident member's ability to vote. In addition, as I wrote in my note to the 6 September meeting of the Standards Committee, many of the ways in which we represent our constituents are unaffected by having an engaged DPI.

Best

Ann

**3 November 2019**

From: chairba@btinternet.com  
Sent: 03 November 2019 18:52  
To: Holmes, Ann  
Cc: Cripplegate and Aldersgate Councillors, Town Clerk

**Subject: Re: Disenfranchisement again**

Dear Ann

Thank you for your prompt email, and for your statement of intent of not disadvantaging residential members.

Our argument is, of course, that there is a way of not disadvantaging residential members that conforms to the legislation (ie granting dispensations) – but that is currently restricted by the City's own Standards policy.

(As an aside, a restrictive policy by the City might at least be understandable if there had been a history of residential councillors using their office to gain personal advantage. I am not aware of such a history and no one in this debate has produced any such evidence. In the absence of that, we residents simply cannot understand why the Standards Committee remains so unwilling to unbend on this issue – in the face of a clear steer from the Court of Common Council last December.)

There is nothing in the law that prevents dispensations to vote being granted in the same circumstances as dispensations to speak. The Localism Act refers to dispensations to speak and vote equally. The City Solicitor has acknowledged this. The committee need only be satisfied that a statutory ground exists to grant dispensations to vote. That exists in the "interests of persons living in the authority's area". A dispensation to vote should therefore be available to resident members in all matters except those that affect a member uniquely or more than any of their constituents (because in the latter cases they would be voting in the interest of themselves, and not of "persons living in the authority's area").

The example you give of the willingness of the Dispensations Sub-Committee to grant a dispensation to vote (in exceptional circumstances) isn't a good one, because the subcommittee considered that the member didn't have a DPI anyway, so a dispensation wasn't necessary.

Of course, councillors can represent their constituents in ways other than speaking and voting, but as they are members of a decision making authority, speaking and voting are core to a councillor's job, and any restriction on those functions disadvantages their constituents.

We disagree that the ability to speak is of as much value as the ability to vote – other councillors may remain unpersuaded even by good arguments. And the Standards Committee itself doesn't believe that speaking is of the same value as voting – or they wouldn't be imposing more restrictions on voting than on speaking!

We will watch future developments and decisions of your committee with interest and in the hope that a reasonable regime of dispensations may be restored.

Best wishes  
Jane

Jane Smith  
Chair, Barbican Association