

Email from Ann Holmes, Chair of the Standards Committee 7 February

Dear Colleague

I'm delighted to say that we have agreed further liberalisation of our dispensations policy.

At the meeting of the Standards Committee, on 24 January, we considered the opinion of Philip Kolvin QC. The Committee voted nine in favour with one abstention, to accept his opinion that the approach suggested by Mr Harrower is unlawful.

We then continued to agree ways in which we are able to further liberalise our policy. Greater detail of our discussion can be found in the draft minutes of the meeting, which are now available on the website, as are the public committee papers, which include Mr Kolvin's opinion, previously circulated to all members.

Our Policy

Members have been advised to seek advice from the Comptroller as to whether or not their disclosable pecuniary interest (DPI) is engaged, if they are in any doubt as to their position in any given case. In accordance with the wishes of the Court, since March 2019, our policy on granting dispensations to speak to those who do have an engaged DPI has sought to be as liberal as possible.

Delegated Right to speak

Since that time, in addition to a dispensation to speak and vote on council tax, general dispensations to speak have been allowed for a member's entire term of office on general housing matters and, for those who are not members of those committees, to speak, as a member of the public, on planning and licensing matters. At our meeting on 24 January, we agreed to extend such dispensations to include storage and car parking within general housing matters, and also to allow members of the Planning and Transportation and Licensing Committees to speak as members of the public. Members can still apply for dispensations to speak as a member, and members of Planning and Transportation, of course, remain free to seek a dispensation to speak and/or vote as a member of that committee*. Such a right would be unlikely to come into force for members of licensing panels, as the committee's own rules do not allow members to sit on panels, which are dealing with applications in the ward they represent.

It was also agreed that, upon election, members will routinely be invited to make an application for these dispensations. Officers will put in place arrangements for this.

Specific applications to speak

Since March 2019, all specific applications to speak have been granted. Following the meeting in May, in order to make the process easier, the application form was significantly shortened.

Since the meeting of the Standards Committee in October, panels have been set up at bi monthly intervals - the first had to be cancelled as there were no applications to consider. We will continue to monitor and, if necessary, arrange these to take place at shorter intervals. Since March, members have been advised to seek dispensations as early as possible and not to wait for a matter to appear as an agenda item. If an application needs to be decided before an arranged panel is to meet, every attempt will be made to assemble one. Urgency arrangements will continue to be in place, to deal with situations where the unforeseeable occurs, and a dispensation is required at short notice.

Dispensations to vote

Those with an engaged DPI on housing matters will usually be resident in City owned properties. Section 618 of the 1985 Housing Act prohibits such members from voting on housing matters and

has no facility for dispensation. At its meeting, in October, the Standards Committee set in progress seeking the repeal of s 618.

Most other applications for dispensations to vote relate to planning matters and applications will continue to be considered on their merits.

At its meeting on 24 January, however, the committee decided that in these cases it would apply the tests recommended by Philip Kolvin QC, rather than state that such dispensations would only be granted in exceptional circumstances. It was further agreed that members applying should be directed to address these test matters in their application forms.

In Conclusion

There has been considerable liberalisation of our dispensations policy over the past eleven months. I hope that the Court will now feel confident that we are operating as liberal a dispensations policy as the law will allow.

Please feel free to pass on this email to anyone to whom you think it may be of interest.

Best
Ann

*However, a member with a financial interest in a planning matter or where there is otherwise 'a real possibility of bias' (objectively viewed in all the circumstances) will be precluded, by the rule against bias. We have no power to disapply this rule."