

<b>REQUEST FOR DISPENSATION FOR ALL MEMBERS OF FULL COUNCIL</b>	
<b>STANDARDS COMMITTEE</b> <b>27 JANUARY 2016</b>	<b>Classification</b> <b>Open</b>
<b>Ward(s) affected</b> <b>All Wards</b>	
<b>CORPORATE DIRECTOR</b> Gifty Edila, Corporate Director of Legal, HR and Regulatory Services	

## **1 SUMMARY**

- 1.1 The Government has introduced the Housing and Planning Bill 2015 into Parliament and it is currently going through the Parliamentary stages for passing legislation.
- 1.2 The Bill, if passed, will have ramifications for housing in the country which could affect a large number of people.
- 1.3 Some of the key proposals in the Bill are:
  - Extending the right to buy their property to Housing Association tenants
  - Sale of Council homes
  - Building of starter homes by Councils
  - Planning policy reforms to increase private house building
  - Introduction of rules to facilitate easier compulsory purchase of properties for house building
  - Tenants in Council housing earning over £40k in London will experience gradual increase in their rents to private sector rent levels
  - Aim is to improve the condition of private sector properties by taking actions such as imposing fines on landlords if they leave properties in poor conditions
  - Assisting landlords to repossess 'abandoned' properties quickly
  - Create a database of landlords
  - Strengthen rent repayments for tenants such as clawing back rents when enduring poor conditions in their rented property.

1.4 There is a motion on the Council meeting Agenda for 27 January 2016 on the Bill.

## **2. RECOMMENDATIONS**

2.1 Standards Committee is asked to consider whether in view of the wide ranging proposals in the Bill, Members of the Council should be granted a dispensation to speak on the motion, under one of the two grounds in paragraph 5.2 of the report.

## **3. REASONS OFR THE DECISION**

3.1 There is a Motion proposed to be debated at the Council meeting on 27 January 2016 on the Housing and Planning Bill.

3.2 A number of Members have already declared on their declaration of interests form that they are Council tenants or leaseholders.

3.3 There are Members who are also Housing Association tenants, private sector tenants or landlords. They will all be affected by this Bill if it is passed.

3.4 The Relevant Authorities (Disclosure Pecuniary Interests) Regulations 2012 requires all Members to complete a declaration of interests form on their election to office. It is therefore a statutory requirement to declare any 'trade' being carried on by a Member for profit. This therefore means landlords are caught by this. The regulations also require Members to declare 'any land where the landlord is the Authority and the Member or an organisation in which they have a beneficial interest' is the tenant. This therefore applies to Members who are Council tenants or leaseholders.

3.5 The above rules also applies to Members' partners and spouses.

3.6 Once a Member has declared any of the interests above, they cannot participate in the discussions on the matter. The Council's Constitution further provides that Members must leave the meeting room when that item is discussed.

3.7 The consequences of Members failing to adhere to the Regulation can be severe. The regulations however allows dispensations to be granted.

3.8 As at this stage it is simply a Bill that is being considered by Parliament, Standards Committee may consider it appropriate to grant a dispensation to allow Members to express a view as they are not the ultimate decision makers on passing of the legislation.

3.9 The Bill also has relevance to Housing Association and private sector tenants.

## **4. COMMENTS OF THE CORPORATE DIRECTOR OF FINANCE AND RESOURCES**

4.1 There are no financial implications arising from the recommendations in this report.

## **5. COMMENTS OF THE CORPORATE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES**

5.1 The relevant statutory provisions concerning this report have been addressed in paragraph 3 above. There are no further comments to make.

5.2 Standards Committee may grant a dispensation on one of two grounds:

- that granting dispensation is in the interests of residents

- that it is otherwise appropriate to grant a dispensation for some other reason.

5.3 If the second reason is given for granting dispensation Members would need to clarify what those reasons are.

**Gifty Edila**

**Corporate Director of Legal, HR and Regulatory Services**

<b>Report Originator:</b>	<b>Gifty Edila</b>	<b>Tel: 020 8356 3265</b>
<b>Legal Comments:</b>	<b>Gifty Edila</b>	<b>Tel: 020 8356 3265</b>
<b>Finance Comments:</b>	<b>Jackie Moylan</b>	<b>Tel: 020 8356 3032</b>

**Background Papers:**

The Members' Code of Conduct