

**MANCHESTER CITY COUNCIL
REPORT FOR RESOLUTION**

COMMITTEE: Standards Committee
DATE: 7 September 2009
SUBJECT: Granting of Dispensations
REPORT OF: The City Solicitor

PURPOSE OF REPORT:

To consider dispensation applications from members of the Executive, so as to allow them to participate in consideration of and decisions in relation to the Cooperative Complex regeneration proposals.

RECOMMENDATIONS:

1. That the Standards Committee considers whether or not to grant a dispensation to those members of the Executive who have applied for one, to enable them to speak and vote in respect of any issues arising in meetings of the Executive regarding the Cooperative Complex regeneration proposals.
2. To request that the City Solicitor ensure that the existence, duration and nature of any dispensations are recorded in writing and this record is kept with the Register of interests established and maintained under section 81(1) of the Local Government Act 2000.

FINANCIAL CONSEQUENCES FOR REVENUE BUDGET:

None

FINANCIAL CONSEQUENCES FOR CAPITAL BUDGET:

None

WARDS AFFECTED:

All

IMPLICATIONS FOR:

Antipoverty	Equal Opportunities	Environment	Employment
No	No	No	No

BACKGROUND DOCUMENTS:

Applications from Executive members for dispensation.
The Standards Committee (Further Provisions) (England) Regulations 2009.

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Background

1. When the Executive has met recently to consider matters relating to the development of the Cooperative Complex, the majority of members of the Executive have declared some involvement in the Cooperative movement. Those members have, as a precautionary measure and for the avoidance of doubt, on advice treated such involvement as being a personal and potentially prejudicial personal interest and withdrawn from meetings of the Executive where the Cooperative Complex regeneration proposals have been considered.
2. The City Solicitor has now received a number of applications for dispensations from members of the Executive wishing to participate fully in consideration of the Cooperative Complex regeneration proposals at meetings of the Executive. A list of those applying for dispensation and copies of their application forms will be provided at the meeting of the Committee.

Granting of Dispensations

3. In accordance with the Code of Conduct for Members a member with a personal and prejudicial interest in a matter may only speak on the issue where an ordinary member of the public is entitled to attend and speak on the matter. Where this is the case, after having made representations, given evidence or answered questions, the member must leave the meeting before any debate of the matter and cannot vote at the meeting on that matter.
4. The Standards Committee (Further Provisions) (England) Regulations 2009 provide an exception to the above rule. Under these regulations the Standards Committee may grant dispensations to members if half of the members entitled or required to participate at the relevant meeting would not otherwise be able to participate, or if the political balance of the meeting would be so upset by members being unable to participate that its outcome would be prejudiced.
5. Dispensations must not be granted as a matter of course, the Standards Committee must be satisfied in the light of all the circumstances of the case that it is appropriate to grant a dispensation.

The Present Applications for Dispensation

6. It is to be noted that, given the precautionary approach of treating involvement in the cooperative movement as being potentially prejudicial, more than half of the members otherwise entitled to participate in consideration of the Cooperative Complex regeneration proposals at the Executive would not be able to do so. The circumstances are therefore such that the Standards Committee may, under the 2009 Regulations, grant dispensations to those members so affected.
7. The Cooperative Complex regeneration proposals involve a major development, covering an extensive area, and the project is expected to be ongoing for a number of years. There will therefore, during that period, be a number of reports on the development and associated financial issues made to the Executive. In view of the number of Executive members who, on a precautionary basis, have declared a personal and prejudicial interest it is recommended that, to ensure the meetings of the Executive are quorate at the appropriate times, dispensations be granted to the affected members allowing them to speak and vote at the Executive in respect of any issues relating to the Cooperative Complex regeneration proposals. Given the likely duration of the regeneration project it is further advised that any dispensation should be granted for the period of four years (the maximum).
8. The Standards Committee is also asked to request that the City Solicitor ensure that the existence, duration and nature of the dispensation is recorded in writing and kept in the Register of Interests established and maintained under Section 81(1) of the Local Government Act 2000.