

**Manchester City Council
Report for Resolution**

Report to: Standards Committee – 14 March 2024
Subject: Consideration of Request for Granting of a Dispensation
Report of: City Solicitor

Summary

The purpose of this report is to allow the Committee to consider a request made by a member of the Council for the granting of a dispensation.

Recommendations

That the Committee determines whether to grant a dispensation to Councillor Sam Wheeler, so as to allow him to ask a question at the 20 March 2024 meeting of the Council on a matter in respect of which he has a Disclosable Pecuniary Interest (as further detailed in this report).

Wards Affected - All

Financial Consequences – Revenue None

Financial Consequences – Capital None

Contact Officers:

Name: Fiona Ledden
Position: City Solicitor
Telephone: 0161 234 3087
E-mail: fiona.ledden@manchester.gov.uk

Name: Poornima Karkera
Position: Assistant Director of Legal Services: Governance
Telephone: 0161 234 3719
E-mail: poornima.karkera@manchester.gov.uk

Background documents (available for public inspection):

None

1.0 Background

- 1.1 The Council's Code of Conduct for Members provides that where a member of the Council is present at a meeting and has a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at the meeting:
- a) The member must not participate in any discussion of the matter at the meeting.
 - b) The member must not participate in any vote taken on the matter at the meeting.
 - c) If the interest is not registered, the member must disclose the interest to the meeting.
 - d) If the interest is registered, the member is also required by Council Procedure Rule 29.3 and Executive Procedure Rule 3 to disclose it to the meeting.
 - e) If the interest is not registered and is not the subject of a pending notification, the member must notify the Monitoring Officer of the interest within 28 days.
 - f) The member is also required by Council Procedure Rule 30 and Executive Procedure Rule 4 to withdraw from the room of the meeting whilst the matter is being considered.
- Points a), b), c) and e) above are statutory requirements under the Localism Act 2011. Points d) and f) are additional requirements imposed by the Council's rules of procedure.
- 1.2 It is a criminal offence for a member to participate in any discussion of, or vote on, a matter at a meeting where the member has a DPI in that matter, unless the Council has granted the member a dispensation from Section 31(4) of the Localism Act 2011 thereby enabling the member to participate in discussion of and/or vote on the matter.
- 1.3 The Council's Constitution provides that dispensations may be granted by the Monitoring Officer if, having had regard to all relevant circumstances, the Monitoring Officer:
- a) considers that without the dispensation the number of persons prohibited by Section 31(4) of the Localism Act from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
 - b) considers that without the dispensation each member of the Council's Executive would be prohibited by Section 31(4) of the Localism Act from participating in any particular business to be transacted by the

Council's Executive; or

- c) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.

1.4 The Council's Constitution further provides that dispensations may be granted by the Standards Committee (after consultation with one of the Council's Independent Persons) if, having had regard to all relevant circumstances, the Standards Committee:

- a) considers that granting the dispensation is in the interests of persons living in the Council's area; or
- b) considers that it is otherwise appropriate to grant a dispensation.

2.0 Request for Dispensation

2.1 Councillor Sam Wheeler wishes to ask a question of the relevant member of the Executive (under Council Procedure Rule 23) at the 20 March 2024 meeting of the Council concerning the delivery of Employment Rights and Responsibilities Training by Unite the Union to apprentices on the Our Town Hall Project. However, Councillor Wheeler has been in receipt of sponsorship from the Unite the Union, and this has been declared as a DPI in his entry in the Register of Members' Interests.

2.2. Councillor Wheeler seeks a dispensation, to enable him to ask his question, on the following grounds: "the granting of the dispensation is in the interests of people living in the council's or authority's area." Councillor Wheeler submits that this is because "it is in the interests of the apprentices who live in Manchester to receive training on their rights at work".

2.3 It is for the Standards Committee to consider requests for dispensations that are requested on the above grounds. Consequently, Councillor Wheeler's request to be granted a dispensation is brought to the Committee for consideration.

3.0 View of the Independent Person

3.1 The opinion of William Goh, one of the Council's Independent Persons, has been sought on the granting of this dispensation. The views of the Independent Person are as follows:

1. *Councillor Wheeler's request for dispensation seems to contain a question (i.e. concerning the delivering of Employment Rights and Responsibilities Training to apprentices on the Our Town Hall Project) which is relevant to the Standards Committee's consideration of whether to grant the dispensation on the basis that it is in the interest of persons living in the Council's area. Indeed, Councillor Wheeler's request for dispensation states that in their view it is;*

2. *The Standards Committee should have regard to "all relevant circumstances" for example, it is unclear to me whether Councillor's Wheeler requested input at the 20th March 2024 meeting of the Council is necessary to transact or will alter the likely outcome of any vote relating to this agenda item; and*
3. *The granting of a dispensation is discretionary and there is no obligation on the Standards Committee to grant one. If granted, in accordance with the Councillor's request, my view is that the dispensation should only be valid for a minimum period to comply with the Councillor's request for dispensation.*

4.0 View of the Monitoring Officer

- 4.1 The Monitoring Officer considers that, on balance, enabling the subject matter concerned to be aired by Cllr Wheeler asking his question at Council could be argued to be in the interests of persons living in the Council's area. However, it is ultimately a matter for the Committee to make a determination on this, as the Council has specifically decided to delegate the granting of dispensations on such grounds to the Committee rather than to the Monitoring Officer. This probably was on the basis that judgments as to the best interests of the people of Manchester within this context are considered to be more appropriately made by members than by officers.

5.0 Recommendation

- 5.1 The recommendation is set out at the beginning of this report.