
**Manchester City Council
Report for Resolution**

Report to: Standards Committee - 3 November 2016
Council – 25 January 2017

Subject: Standards Committee – Annual Report

Report of: City Solicitor

Purpose of the Report

To present members of the Standards Committee with an Annual Report on the matters within the remit of the Committee.

Recommendations

1. To note the work done in the last year by this Committee and by the Council's Monitoring Officer this year to promote and maintain high standards of conduct by Councillors.
 2. To seek the views of the Committee regarding whether this report should be forwarded to full Council for assurance on standards issues.
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Wards Affected: All

Financial Consequences for Revenue and Capital Budgets

None directly.

Implications for:

Antipoverty	Equal Opportunities	Environment	Employment
No	No	No	No

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Background documents (available for public inspection):

None

1. Background

- 1.1 The purpose of this report is to summarise the work undertaken by the Council's Monitoring Officer and the Standards Committee in the last year in relation to the matters within the remit of the Committee.
- 2.2 The Committee is asked to consider whether to refer this report to full Council for consideration so that full Council can receive assurances as to how the Council's obligations to promote and maintain high standards of conduct by councillors and co-opted Members

2. The Roles of the standards Committee.

- The role and functions of the Standards Committee is set out in the Council's Constitution as follows:
- Promoting and maintaining high standards of conduct by Councillors, Co-opted Members and church and parent governor representatives;
- Assisting Councillors, Co-opted Members and church and parent governor representatives to observe the Council's Code of Conduct for Members;
- Advising the Council on the adoption, revision or replacement of the Council's Code of Conduct for Members and the Council's Arrangements for dealing with Complaints that Council Members and Co-opted voting members of the Health and Wellbeing Board have failed to comply with the Council's Code of Conduct for Members ("the Council's Arrangements");
- Monitoring the operation of the Council's Code of Conduct for Members and the Council's Arrangements;
- Advising, training or arranging to train Councillors and Co-opted Members and church and parent governor representatives on matters relating to the Council's Code of Conduct for Members and other issues relating to Standards and Conduct;
- To take decisions in respect of a Council Member who is found on a hearing held in accordance with the Council's Arrangements to have failed to comply with the Council's Code of Conduct for Members ("the Subject Member") following referral by the Monitoring Officer for a Hearing conducted by a sub committee of the Standards Committee.
- To grant dispensations from section 31(4) of the Localism Act 2011 (after consultation with one of the Council's Independent Persons) if having had regard to all relevant circumstances, the Standards Committee:-
 - considers that granting the dispensation is in the interests of persons living in the Council's area; or
 - Considers that it is otherwise appropriate to grant a dispensation.

- To determine appeals against the Monitoring Officer's decision on the grant of dispensations;
- To deal with any reports from the Monitoring Officer on any matter which is referred to it for determination;
- To deal with reports of the Monitoring Officer regarding breaches of the protocols/guidance to Members accompanying the Council's Code of Conduct for Members which do not in themselves constitute a breach of that Code;
- To report from time to time to Council on ethical governance within the City Council.
- To overview the Council's whistle blowing policy;
- To consider the Code of Corporate Governance and the Annual Governance Statement.

3. The Responsibilities of the Council's Monitoring Officer

3.1 The Monitoring Officer role is to support the Standards Committee, to handle complaints about Members and promote and maintain high standards of conduct. She has delegated authority under the Council's constitution:

- To act as the Council's Proper Officer to receive complaints that Council members have failed to comply with the Council's Code of Conduct for Members.
- To determine, after consultation with the Independent Person and in accordance with the Council's Arrangements for dealing with complaints that Council Members have failed to comply with the Council's Code of Conduct for Members ("the Council's Arrangements") whether to reject or informally resolve or investigate a complaint.
- To seek informal resolution of complaints that Council Members have failed to comply with the Council's Code of Conduct for Members wherever practicable.
- To refer decisions dealing with a complaint against a Council Member to the Standards Committee in exceptional circumstances.
- To arrange for the appointment of an Investigating Officer to investigate a complaint where the Monitoring Officer (in consultation with the Independent Person) determine that a complaint merits formal investigation.
- To issue guidance to be followed by an Investigating Officer on the investigation of complaints.

- To determine, after consultation with the Independent Person and in accordance with the Council's Arrangements, to confirm an Investigating Officer's finding of no failure to comply with the Council's Code of Conduct for Members.
- Where an Investigating Officer's report finds that the Subject Member has failed to comply with Council's Code of Conduct for Members, to determine, after consultation with the Independent Person and in accordance with the Council's Arrangements, either to seek a local resolution or to send a matter for local hearing.
- To make arrangements, to advertise a vacancy for the appointment of
 - (i) Independent Persons and
 - (ii) Co-Opted Independent Members.
 - And to make arrangements, in consultation with the Chair of the Council's Standards Committee for short-listing and interviewing candidates for appointment as Independent Persons and to make recommendations to Council for appointment.
- To prepare and maintain a Council Register of Member's Interests to comply with the requirements of the Localism Act 2011 and the Council's Code of Conduct for Members, and ensure that it is available for inspection and published on the Council's website as required by the Act.
- To prepare and maintain a register of Member's interests for Ringway Parish Council to comply with the Localism Act 2011 and the Code of Conduct adopted by Ringway Parish Council and ensure that it is available for inspection as required by the Act.
- To grant dispensations from Section 31(4) of the Localism Act 2011 if, having had regard to all relevant circumstances, the Monitoring Officer:-
 - (i) 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; or
 - (ii) 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;
 - (iii) 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.

4. Meetings and Membership of the Standards Committee

- 4.1 The Committee is scheduled to meet quarterly. Vacancies on the Committee were filled by the appointment of additional members and substitute members by full Council at its meeting on 21 September 2016.

5. Councillor Training and Awareness

- 5.1 All Councillors newly appointed in May 2016 have received induction training the content of which training was reviewed by the Member Development Working Group in 2015. The induction training included a session on the Council's member code of conduct, requirements in relation to registration of and declaration of interests and touched on Freedom of information and Data Protection issues of relevance to Councillors.
- 5.2 In addition special training is provided to new members of the Planning and Highways and Licensing Committees. New members of the Licensing Committee receive specialist training before they sit on a Licensing Panel. The training focuses on all relevant aspects of licensing law i.e. taxis, premises, sexual entertainment venues and gambling as well as fair hearings and the consideration of evidence. The training was most recently delivered on 2 June 2016. Special training was also provided to new members of the Planning and Highways Committees focusing on key concepts of the planning system and members' interests. This training was provided on 12th June 2016. A further, broader training session took place on 4th October 2016, to which all Members of the Council were invited dealing with the role of the planning committee, the decision-making process and the performance of the Local Planning Authority.
- 5.3 The new Independent Person and both new Independent Members attended an external workshop in relation to the Role of the Independent Person on 27 November 2015.
- 5.4 The Member Training Programme for 2015-6 was reviewed by this Committee at its meeting on 18 June 2015.
- 5.5 The Monitoring Officer has produced a draft Ethical Guidance update for Members for consideration by the Committee (please see item elsewhere on this Agenda).

6. The Register of Interests and Gifts and Hospitality

- 6.1 The Localism Act 2011 requires the Council to keep a register of interests of members and voting co-opted members. This requirement has been met during the year both in relation to Manchester City Council and Ringway Parish Council. The register includes entries regarding declared gifts and hospitality accepted by members.

7. Dispensations

- 7.1 If a Councillor wishes to apply for a dispensation to allow them to take part in a meeting where they have a Disclosable Pecuniary Interest or a Prejudicial Interest they may make application to the Monitoring Officer for a dispensation. As detailed above, the Monitoring Officer has delegated authority to give a dispensation in specified circumstances and to refer the matter to Standards Committee in other circumstances.
- 7.2 No applications for dispensations were received in the last 12 months.

8. Review of the Member Code Of Conduct and Arrangements for Dealing with Complaints about Members ('the Arrangements').

- 8.1 The Member Code of Conduct was re-adopted by full Council at its annual meeting on 18 May 2016 approving minor changes to reflect that the maximum penalty upon conviction for failure to take appropriate action in relation to a Disclosable Pecuniary Interest now includes an unlimited fine and to clarify that the Code applies to voting co-opted Members.
- 8.2 A new Hearing Procedure based largely on the former statutory procedure was adopted by this Committee at its meeting on 22 October 2015 (subject to delegated authority to the City Solicitor in consultation with the Chair of the Standards Committee to make minor amendments to the procedure) The Procedure has been put into practical use during the first such hearing held since the current standards regime was introduced and a report will be brought to a future meeting of this Committee suggesting changes to the procedure arising from lessons learnt.
- 8.3 The Council adopted the current Arrangements for dealing with Member Complaints in July 2012 following the abolition of the statutory standards regime by the Localism Act 2011. The Arrangements were based on the arrangements under the former statutory regime. The Monitoring Officer proposes reviewing the Arrangements in full including the Member complaints form in the light of experience and to simplify the Arrangements where possible. A report will be brought to a future meeting of this Committee on this matter.

9. Complaints Against Councillors

- 9.1. There are 3 potential stages through which a complaint may proceed:

Stage 1 -Initial Assessment stage where the Monitoring Officer, in consultation with the Council's Independent Person, will decide whether to reject the complaint, seek informal resolution of the matter or refer the complaint for formal Investigation.

Stage 2 - Where a complaint is referred for Investigation, the Monitoring Officer will appoint an Investigating Officer to investigate the matter.

Stage 3 - If the Investigating Officer's final report concludes that there is sufficient evidence of a failure by the Member to comply with the Code, the Monitoring Officer will consult with the Independent Person before either seeking a local resolution to the matter or sending the allegation before the Hearing Panel for determination.

As at the date of writing this report the Monitoring Officer has received 11 complaints about Manchester City Council Councillors since January 2016. All of these complaints were made by members of the public. 7 of these have been concluded. Four are in the course of investigation. There seems to be a trend of complaints relating to use of social media. A brief reminder of the Social Media Guidance went out to all members in August 2016 with a link to the full version of the guidance.

Complaints Summary: Decisions on Complaints made October 2015 – October 2016

Complaint No	Nature of Complaint	Outcome
2016/1A	Bullying/ being abusive - postings on social media	Rejected at stage 1 - Complaint out of scope of Code of conduct – not acting in official capacity
2016/1B	Bullying/ being abusive - postings on social media	Rejected at stage 1 - Complaint out of scope of Code of conduct- not acting in official capacity
2016/1C	Bullying/ being abusive - postings on social media	Rejected at stage 1 - Complaint out of scope of Code of conduct- not acting in official capacity
2016/2	Bullying/ being abusive / bringing the office or the Council into disrepute	Rejected at stage 1 - not in the public interest to expend further resources on investigation
2016 /5	Bringing the office or the Council into disrepute - offensive / inappropriate posting on social media	Rejected at preliminary stage - Complaint out of scope of Code of conduct - not acting in official capacity
2016/5A	Bringing the office or the Council into disrepute - offensive / inappropriate posting on social media	Rejected at preliminary stage - Complaint out of scope of Code of conduct- not acting in official capacity
2016/5B	Bringing the office or the Council into disrepute- offensive / inappropriate posting on social media	Rejected at preliminary stage - Complaint out of scope of Code of conduct - not acting in official capacity

NOTE the letters A, B, C denote a complaint by the same complainant about more than one councillor.

9.2 One complaint which commenced prior to this year was dealt with by the Standards sub Committee (Hearing Panel) this year. The Committee is referred to the sub committee minutes elsewhere on this Agenda for the outcome of this Hearing. As indicated above this was the first complaint to reach hearing stage since the current standards regime was introduced in 2012.

9.3 As the Committee will be aware complaints about failure to register a DPI are subject to criminal sanction. The Monitoring Officer is not aware of any action having been taken by the Police in relation to DPI requirements.

10. Independent Persons and Independent Members of the Standards Committee

10.1 As the Committee will be aware 2 new Independent Members of this Committee were appointed by full Council at its meeting in November 2015. A new Independent Person was also appointed by full Council at that meeting. The recruitment to these roles followed public advertisement, carried out in accordance with statutory procedures and will be effective until October 2019. The term of office of the existing Independent Person was extended till October 2019 by decision of full Council.

11. Corporate Considerations

11.1 The Standards Committee have provided oversight and feedback in relation to the following policies and protocols:

- Use of Council Resources for Members - reviewed in March 2015
- Social Media Guidance for Members - reviewed in March 2015
- Whistleblowing Policy - reviewed in October 2015

11.2 The Committee has also received reports and provided feedback in June 2016 in relation to the Council's Annual Governance Statement. It considered the refreshed Code of Corporate Governance at its meeting in March 2015.

11.3 Full Council has approved minor changes to the Gifts and Hospitality Guidance for Members (Part 6 Section D) so that references to the Bribery Act reflect more closely the wording in the Act.

12. Recommendations

1. To note the work done in the last year by this Committee and by the Council's Monitoring Officer to promote and maintain high standards of conduct by Councillors.
2. To seek the views of the Committee regarding whether this report should be forwarded to full Council for assurance on standards issues.