

**MANCHESTER CITY COUNCIL
REPORT FOR RESOLUTION**

COMMITTEE: Standards Committee

DATE: 20 November 2006

SUBJECT: Monitoring Report

REPORT OF: The City Solicitor

PURPOSE OF REPORT:

To inform members of the number and outcome of allegations that members of the Council had breached the Council's Code of Conduct ("the Code") reported to the Standards Board for England ("SBE") since the Code came into force in April 2002 until October 2006.

RECOMMENDATIONS:

To note the SBE's findings and to seek members comments on the format and presentation of future monitoring reports.

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

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BACKGROUND DOCUMENTS:

None.

1. Background

On 12 September 2006 the Standards Committee considered a report on the development of the Council's ethical governance framework including proposals that the Council review its arrangements to ensure that an understanding of ethical issues, standards and the role of the Standards Committee and Monitoring Officer are widespread in the Council. A detailed report updating Standards Committee on these proposals and suggesting what arrangements the Standards Committee might put in place to promote its activities will be brought back to a future meeting.

However, as part of the above review it is intended to bring regular monitoring reports to the Standards Committee on those matters referred to the SBE and the outcome of those referrals. This first monitoring report covers the period from the inception of the Code until October 2006. Comments from Standards Committee on the format and presentation of future monitoring reports are invited.

When the SBE receives an allegation that a member of the Council has breached the Code, the SBE's Referral Unit conducts an initial assessment of the case and decides whether to refer the complaint for investigation or to dismiss it. The Council's Monitoring Officer is then notified by the SBE of the complaint and their decision.

In those cases where it is decided to investigate, the matter is passed to an Ethical Standards Officer ("ESO") who may decide to investigate the matter themselves or refer the matter back to the Council's Monitoring Officer for a 'local' investigation.

2. SBE Complaints Received

Since the Code came into force in April 2002 up until October 2006 the Council has received notification of 19 complaints made to the SBE regarding members of the Council. Of these complaints 16 were dismissed as they were not considered by the SBE to merit any action and were consequently not referred for investigation. The remaining 3 complaints were referred to an ESO. On two occasions the ESO investigated the matter themselves and in one instance they referred the matter back to the Council's Monitoring Officer for a local investigation.

3. Complaint referred to the Monitoring Officer for Local Investigation

The Monitoring Officer appointed an Investigating Officer to conduct the investigation into this complaint. The allegations were that a member of the Council had committed a number of breaches of the Code including failing to promote equality and treat others with respect; bringing the member's office and/or the Council into disrepute; and using the member's official capacity to confer an advantage.

The Investigating Officer found that there was no breach of the Code and referred the matter to Standards Committee, in accordance with the Council's Determination Procedure, for the Committee to consider and decide whether it agreed with the Investigating Officer's findings. Standards Committee considered the report and agreed with the Investigating Officer that the circumstances of the complaint did not represent a breach of the Code. This decision was then reported to the ESO, the member and the complainant.

4. Complaints investigated by an ESO

The first complaint investigated by an ESO was that members of the Council had allegedly committed a number of breaches of the Code including disclosure of confidential information; misuse of Council resources; failure to disclose a personal and prejudicial interest and participating in a meeting whilst having a prejudicial interest in the matter being considered.

The ESO found that there was no evidence of any failure to comply with the Code in relation to these matters. This decision was reported to the members concerned, the complainant, the Monitoring Officer and a copy of the case summary was published on the SBE's website.

The second complaint investigated by an ESO resulted in a finding that the member had brought their office or the Council into disrepute and conferred a disadvantage on others, however the ESO found that, in the circumstances of the case, no action needed to be taken.

On the 17 October 2006 the Monitoring Officer received notification from the SBE that it would shortly publish on its web site a summary of this case, however at the time of writing no case summary is posted.