

**Manchester City Council
Report for Information**

Report to: Standards Committee – 14 June 2018

Subject: Standards Committee - Annual Report

Report of: Interim City Solicitor

Summary

The purpose of this report is 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

Manchester Strategy outcomes	Summary of the contribution to the strategy
A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	Not directly applicable
A highly skilled city: world class and home grown talent sustaining the city's economic success	- Not directly applicable

A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	This annual report provides an overview of the work undertaken by the Standards Committee from November 2016 – March 2018. This contributes towards promoting and maintaining high standards of conduct among members. The report sets out the procedure for complaints against members and lists the complaints received over the above time period. This contributes towards promoting fairness by members in their conduct towards members of the public and other Members. This also contribute fairness, transparency and accountability when allegations are made that a member’s behaviour has fallen below the expected standard.
A liveable and low carbon city: a destination of choice to live, visit, work	- Not directly applicable
A connected city: world class infrastructure and connectivity to drive growth	- Not directly applicable

Full details are in the body of the report, along with any implications for

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None directly.

Financial Consequences – Capital

None directly.

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Background documents (available for public inspection):

None.

1.0 Introduction

- 1.1 The purpose of this report is to summarise the work undertaken by the Council's Monitoring Officer and the Standards Committee since November 2016 in relation to the matters within the remit of the Committee.
- 1.2 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

2.0 The Roles of the Standards Committee and the Council's Monitoring Officer

- 2.1 The role and functions of the Standards Committee and the Council's Monitoring Officer are set out in the Council's Constitution and reproduced for ease of reference in Appendix 1 to this Report

3.0 Matters considered by the Standards Committee since its last Annual Report

- 3.1 The Committee agreed at its March 2016 meeting to move the scheduled date of its annual report from November 2017 to March 2018 to better inform the Council's Annual Governance Statement (AGS) by collating at the most appropriate time the assurances provided by the Committee based on its work during the municipal year. For this reason the date of the Standards Committee Annual report was moved from November 2017 to March 2018.
- 3.2 The role of the Standards Committee under the AGS is to promote high standards of ethical conduct, advising on the revision of the codes of corporate governance and conduct for members.
- 3.3 The matters dealt with by the Standards Committee since its meeting in November 2016 are set out in Appendix 2 to this report. In summary, the Standards Committee has during this period provided comments and oversight in relation to revision of 11 codes and/or guidance documents, including the suite of documents relating to member code of conduct issues. The Code itself is reviewed every year as part of the annual review of the Constitution and minor updates were made to the Code in 2016 and 2017. As previously reported, the same code has been adopted across all Greater Manchester Councils. Greater Manchester Chief Legal Officers share views and best practice in how the respective codes operate.
- 3.4 The Standards Committee has overseen provision of an Ethical Guidance update for members and considered reports relating to Member training, procedures relating to Members' Interests' Registers as well as providing views on a consultation paper relating to Member Disqualification criteria and considering the Annual Report of the Committee on Standards in Public Life.

- 3.5 Following the report to Standards Committee on the Members Register of Interests in June 2017 all members updated their register of interests including the gifts and hospitality register in June 2017. In terms of efficacy of Member related guidance and protocols, as the Committee will be aware, assurances regarding the effectiveness of the Planning Protocol were considered by the Committee in November 2017. In respect of other protocols and guidance for Members, namely the Use of Resources Guidance, The Member Officer Protocol and the Gifts and Hospitality Guidance for Members the view of the Monitoring Officer is that these are generally well understood by Members. Where considered appropriate, the Monitoring officer has during the course of the year issued informal supplementary guidance to Members. Information regarding alleged breaches of the Code of Conduct is set out below. The Monitoring Officer is not aware of any queries or issues that have not been quickly addressed through existing procedures.
- 3.6 Information regarding alleged breaches of the Code of Conduct is set out below.

4. Complaints against Councillors

- 4.1. 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.

- 4.2 The Monitoring Officer has received 21 complaints about Manchester City Council Councillors between November 2016 to March 2018. 1 complaint was received that did not relate to Member.
- 4.3 18 complaints against members have been concluded. 2 complaints were withdrawn, 3 were rejected due to receiving no response from the complainant, and 11 were rejected at stage 1 / preliminary stage as set out below. 2 complaints were dealt with at stage 2 and 3 complaints are in the course of investigation.
- 4.4 There seems to be a theme since the last annual report of complaints relating to alleged bullying behaviour. This theme has been noted and it is proposed to address this within the scope of the Members Training Programme. Access is available to members to a new e-learning portal which has many useful courses including on topics such as the softer skills such as effective communication,

challenging behaviours, handling difficult conversations.

- 4.5 There also seems to be a theme relating to complaints of breaches of the citing the Equality Act 2010 although the code only relates to knowingly causing the Council to breach the Equality Act. These complaints were rejected by the Monitoring officer at stage 1. This theme has been also been noted and consideration will be given to addressing Equality issues within the scope of the Members Training Programme including e-learning training on equalities which the Council has developed.

Complaints Summary: Decisions on Complaints made between November 2016 to March 2018

Complaint No	Provision of the code alleged to have been breached	Outcome
CCM2016/09	Bringing office into disrepute – posting on social media	Rejected at stage 1 - Complaint out of scope of Code of conduct- not acting in official capacity Tweet and retweet was from a personal account and the member had made a very full and public apology for inadvertent offence by their actions.
CCM2016/9A	Bringing office into disrepute – posting on social media	Complainant withdrew complaint.
CCM2016/9B	Bringing office into disrepute – posting on social media	Complainant withdrew complaint.
CCM2016/10	Bullying, aggressive conduct.	Rejected at preliminary stage – No response from complainant
CCM2016/11A	Race and sex discrimination, Victimisation – Knowingly causing the Council to breach the Equality Act 2010	Rejected at stage 1 – The complaint related largely to a 3 rd party and difficult to see how it related to the Cllr. No evidence of discrimination or improper conduct by the member. Not in the public interest to expend further resources on investigation
CCM2016/11B	Race and sex discrimination, Victimisation – Knowingly causing the Council to breach the Equality Act 2010	Rejected at stage 1 -The complaint related largely to a 3 rd party and difficult to see how it related to the Cllr. No evidence of discrimination or improper conduct by the member. Not in the public interest to expend further resources on investigation
CCM2016/11C	Race and sex discrimination, Victimisation – Knowingly causing the Council to breach the Equality Act 2010	Rejected at stage 1 – The complaint related largely to a 3 rd party and difficult to see how it related to the Cllr. No evidence of discrimination or improper

		conduct by the member. Not in the public interest to expend further resources on investigation
CCM2016/12	Bringing office into disrepute and using position to confer advantage or disadvantage	Rejected at stage 1 – no evidence member acted improperly; MO view is that member had acted properly in representing their constituents. Not in the public interest to expend further resources on investigation.
CCM2017/01	Knowingly causing the Council to breach the Equality Act, preventing person gaining access to information, bringing office into disrepute	Rejected at stage 1. The complaint related to events in 2015 and related to matters outside of the Council's remit. The Member stated he had suggested the complainant's MP might be more able to assist. Contact details for the MP and ward councillors were available from the Council's website and other sources. As the complaint related to an incident some time ago issues were unlikely to be recalled clearly if the matter were to proceed to investigation. - Not in the public interest to expend further resources on investigation.
CCM2017/02	Knowingly causing the Council to breach the Equality Act by not making allowances/being insensitive to physical disability	Rejected at preliminary stage – No response from complainant. This complaint does not relate to a member.
CCM2017/03	Bullying/aggressive conduct and bringing office into disrepute	Referred for investigation. The investigation involved interviews with seven witnesses present at time of the alleged behaviour. Investigating officer's report completed 19 th February 2018. Outcome was that officer did not find sufficient evidence to conclude that the Member's behaviour clearly breached the Code of Conduct by constituting bullying or abusive behaviour or by bringing the office into disrepute. Investigating officer found that the member was not in breach. Monitoring officer satisfied with findings made and conclusion reached. Councillor and complainant informed of

		outcome on 19 th February 2018.
CCM2017/04	Intimidation, compromising impartiality, disclosing confidential information, bringing office into disrepute, failing to give reasons for decision	Rejected at stage 1 – The complaint did not relate to a matter within the Council’s remit and there was little the member could have done. They did however make enquiries of the organisation concerned and were informed the complaint had been investigated by an external body which had concluded no further action was required. There was no expectation of confidentiality and the actions of the member did not amount to intimidation. The reasons for the member’s decision was in line with statutory requirements. Not in the public interest to expend further resources on investigation
CCM2017/05	Bullying/abusive and bringing office into disrepute	Referred for investigation. The investigation involved interviews with three witnesses in addition to the complainant and relevant Member. Investigating officer’s report completed concluded on 12 th February 2018. Outcome was that the investigating officer did not find that there was a failing to comply with the Code. Monitoring officer was satisfied with findings made and conclusion reached. Councillor and complainant informed of outcome on 12th February 2018.
CCM2017/06A	Bullying/abusive behaviour	Rejected at preliminary stage – No response from complainant
CCM2017/06B	Bullying/abusive behaviour	Rejected at preliminary stage – No response from complainant
CCM2017/07	Bullying behaviour and bringing office into disrepute	Rejected at stage 1 - . The MO noted that the member categorically denied treating the complainant disrespectfully and that they had contacted the complainant to explain the matter (housing disrepair) had been taken up by another member and that the complainant’s landlords

		had acted in accordance with the law. Not in the public interest to expend further resources on investigation
CCM2017/08	Ignoring constituents, abusive behaviour	Rejected at stage 1 - complaint did not demonstrate any prima facie breach of the Code. Monitoring Officer considered that it was not in the public interest to expend further resources on investigation
CCM2017/09	Bullying/abusive behaviour - posting on social media, and bringing office into disrepute	Stage 1 decision made by Monitoring Officer on 5 th December 2017 to refer to an investigation. Investigating officer appointed on 3 rd January 2018. Investigation is currently ongoing.
CCM2017/10	Bringing office into disrepute and conferring an advantage or disadvantage	Rejected at stage 1 - The MO noted the member categorically refuted they had been rude or that they had shown bias in any way and that they had provided detailed and credible arguments in support of this stance, They had offered to meet the complainant if the complainant desired to discuss concerns. Not in the public interest to expend further resources on investigation
CCM2017/11	Alleged failure to disclose employment on member register of interests	Anonymous complainant. Member completed required disclosure on 3 rd January 2018. Meeting arranged between Member and Monitoring Officer. The Monitoring Officer has concluded that no further action was required.
CCM2018/01	Bullying/abusive and bringing office into disrepute	Ongoing. Complaint received 3 rd January 2018. Decision notice to be issued shortly
CCM2018/02	Bullying/abusive and using position improperly	Ongoing. Consultations taking place with Independent Person. .

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

- 4.5 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.

5. Key Policies and Considerations

(a) Equal Opportunities

5.1 Dealt with in the body of this report.

(b) Risk Management

5.2 Dealt with in the body of this report.

(c) Legal Considerations

5.3 Dealt with in the body of this report.

6. 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.

APPENDIX 1

The role of the Standards Committee

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 subcommittee 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.

The Responsibilities of the Council's Monitoring Officer

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;

- 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:-
 - 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
 - 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.
 - 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.

APPENDIX 2

Work of the Standards Committee November 2016 – March 2018.

<u>Meeting date</u>	<u>Activity / assurance</u>	<u>Outcome</u>	<u>Comments</u>
15 December 2016	Review of Draft Code of corporate Governance	Reviewed	None
	Requested circulation of Gifts and Hospitality Guidance for Members to all Council Members	Circulated on 16 th December 2016.	
16 March 2017	Review of : 1. Gifts and Hospitality Guidance for Members 2. Use of Resources Guidance for Members 3. Member Officer Relations Protocol.	Approved subject to amendments provided by the Committee.	Reviewed annually as part of Annual review of the Council's Constitution
	Review of revised Social Media Guidance for Members	Approved subject to amendments provided by the Committee.	
	Revision of Member Code of Conduct arrangements	Approved subject to amendments provided by the Committee.	
	Review of Revised of Procedure for Hearings of Allegations of Breaches of Member Code of Conduct	Approved subject to amendments provided by the Committee.	
15 June 2017	Review of twice yearly Ethical Governance update for Members	Approved	

	<p>Consideration of Member Training and Development Report</p>	<p>Noted. Suggestions made to Member working group regarding robust approach to nonattendance by members to failure to attend training and investigating most convenient times for training.</p>	<p>Report regarding training including induction is elsewhere on the Committee's Agenda</p>
	<p>Consideration of a Report regarding grant of Disclosable Pecuniary Interests dispensations under the Localism Act 2011</p>	<p>The Committee noted the report.</p> <p>The Committee agreed to be minded to grant dispensations to allow any Member who has a DPI to make representations at a meeting where members of the public have the same entitlement (e.g. to allow a Council Member who is making an application for planning permission to attend and make representations at a meeting of the Council's Planning Committee which is to hear the matter in the same way as a member of the public).</p> <p>The Committee noted that the number of dispensations was stable and not rising.</p>	

	Consideration of a report regarding the procedures for updating registers in respect of interests and gifts and Hospitality	Noted and requested further guidance on when a gift is a city gift or a personal gift	<p>A reminder to all members to update their Registers was sent out in</p> <p>The Gifts and Hospitality Guidance for Members is proposed to be updated to provide advice on this .The Lord Mayor’s Handbook will be similarly reviewed.</p>
	Review of Draft AGS 2016/7	Noted.	
2 November 2017	Review of revised Planning Protocol	<p>Approved subject to suggestions</p> <p>The Committee noted that it was important that all members of the committees dealing with planning matters received ongoing training on the planning protocol and any subsequent changes made. The Committee recommended that the Planning Protocol be amended to require Planning and Highways Committee and Wythenshawe Area Committee members to attend ongoing training on planning matters.</p>	
	Review of revised Whistleblowing Policy	Proposed changes endorsed and requested that officers involved with Procurement arrangements ensure that the Council’s Ethical Procurement Policy includes a requirement for all third party contractors to have a whistleblowing policy and arrangements put in place to monitor complaints received against third party service providers.	

	Views sought in respect of DCLG Consultation on updating Disqualification Criteria for Local Authority Members	Responses given	
	Consideration of the Annual Report and Forward Plan of the Committee on standards in public Life	Noted.	