



## **Standards Committee**

Date: Thursday, 17 June 2021

Time: 10.30 am

Venue: Council Chamber, Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

### **Access to the Council Chamber**

Public access to the Council Chamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension.

There is no public access from the Lloyd Street entrances of the Extension.

### **Face Masks / Track and Trace**

Anyone attending the meeting is encouraged to wear a face mask for the duration of your time in the building and to provide contact details for track and trace purposes.

## **Membership of the Standards Committee**

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**Councillors** - Andrews, Connolly, Evans, Lanchbury and A Simcock

Councillor O'Donovan (Ringway Parish Council)

**Independent Co-opted Members** - Nicolé Jackson (Chair), Mr G Linnell

**Independent Person** -

Ms S Beswick and Mr A Eastwood

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## Agenda

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- 1. Urgent Business**  
To consider any items which the Chair has agreed to have submitted as urgent.
- 2. Appeals**  
To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.
- 3. Interests**  
To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.
- 4. Minutes** 5 - 10  
To approve as a correct record the minutes of the meeting held on 18 March 2021.
- 5. Annual Governance Statement** 11 - 46  
The report of the Deputy Chief Executive and City Treasurer is enclosed.
- 6. Review of the Operation and Efficacy of the Arrangements for dealing with Code of Conduct complaints against Members** 47 - 60  
The report of the City Solicitor and Monitoring Officer is enclosed.
- 7. Review of the Operation and Efficacy of the Use of Resources Guidance for Members** 61 - 74  
The report of the City Solicitor is enclosed.
- 8. Membership of the Standards (Hearing) Sub-Committee** 75 - 80  
The report of the City Solicitor is enclosed.
- 9. Review of Procedure for the Hearing of Allegations of Breaches of the Council's Code of Conduct for Members** 81 - 98  
The report of the City Solicitor is enclosed.
- 10. Terms of Office of the Independent Members of the Standards Committee and the Independent Persons** 99 - 102  
The report of the City Solicitor and Monitoring Officer is enclosed.

**11. Standards Committee Work Programme**

103 - 108

The report of the Governance and Scrutiny Support Unit is enclosed.

## Information about the Committee

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The Standards Committee comprises five city councillors, one parish councillor and two independent members and is chaired by an independent member. The Committee deals with matters relating to the conduct of city and parish councillors and the promotion of ethical standards.

The Independent Persons are appointed by the Council to assist the Council in the consideration of any complaints made against councillors. They are not members of the Standards Committee but they are invited to attend the meeting if they wish to.

The Council aims to ensure that its meetings are as open as possible and confidential business is kept to the strict minimum. When confidential items are involved these are considered at the end of the meeting at which point members of the public are asked to leave.

Agenda, reports and minutes of all Council Committees can be found on the Council's website [www.manchester.gov.uk](http://www.manchester.gov.uk).

Smoking is not allowed in Council buildings.

Joanne Roney OBE  
Chief Executive  
Level 3, Town Hall Extension,  
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## Further Information

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For help, advice and information about this meeting please contact the Committee Officer:

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This agenda was issued on **Wednesday, 9 June 2021** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA

## **Standards Committee**

### **Minutes of the meeting held on 18 March 2021**

#### **Present**

Independent Co-opted Member: N Jackson – In the Chair

Councillors Andrews, Evans, Kilpatrick, Lanchbury and A. Simcock

Independent Co-opted Member: G Linnell

#### **ST/21/01 Minutes**

The minutes of the meeting held 16 January 2020 were submitted for approval.

#### **Decision**

To approve the minutes of the meeting held on 16 January 2020 as a correct record.

#### **ST/21/02 Standards Committee - Annual Report**

The Committee considered the report of the City Solicitor that provided an update to members of the Standards Committee on the matters within the remit of the Committee since the October 2019.

The main points and themes within the report included: -

- Providing an introduction and describing the roles of the Standards Committee and the Council's Monitoring Officer;
- Update on matters within the remit of the Standards Committee since its last Annual Report;
- Operation of Codes and Guidance;
- Register of Interests and Gifts and Hospitality;
- Dispensations;
- Councillor training and awareness; and
- Complaints against Councillors.

Some of the key points that arose from the Committee's discussions were: -

- Noting the impact of Covid, how did the number of complaints against Councillors submitted compare to previous years;
- Noting the importance of reminders to Members to complete their Register of Interests in a timely manner;
- Whether officers were confident that the outstanding complaints which were the subject of investigation would be dealt with within the agreed timescales;
- When dealing with a complaint, who was responsible for determining which provision of the code a Member was alleged to have breached; and

- Clarification was sought regarding the reason for the 'Not Known' entry recorded against a 'Provision of the code alleged to have been breached' case.

The Head of Governance Legal Services responded to questions by advising that the number of complaints against Members received was comparable with previous years and she was confident that the current Investigating officer would deal with the complaints the subject of investigation within the agreed timescales. With regard to the identification of the specific provision of the code alleged to have been breached she advised that the complainant was encouraged to identify the specific element of the code they considered had been breached, adding that the 'Not Known Entry' was as a result of the complaint not being pursued by the complainant and the complaint had not reached the stage where the complainant had identified the provision in question.

She stated that reminders were sent to Members following the May election and then again about six months later, in addition to the information circulated routinely in the ethical guidance which was circulated twice each year.

### **Decisions**

1. To note the report; and
2. The Committee recommend that the Standards Committee - Annual Report should be forwarded to full Council for assurance on standards issues.

### **ST/21/03 Members' Update on Ethical Governance**

The Committee considered the report of the City Solicitor that sought the Committee's comments on and approval of the draft Members' Update on Ethical Governance for March 2021.

Some of the key points that arose from the Committee's discussions were: -

- Whether Independent Persons and all Co-opted Members would be offered appropriate and relevant training, similar to that which was offered to Councillors.

The Chair noted these comments and suggested this recommendation could inform consideration of the item 'Member Development and Training' that was listed on the agenda.

### **Decision**

To approve the content of the draft Members' Update on Ethical Governance set out in the Appendix for circulation to all members.

### **ST/21/04 Social Media Guidance for Members Update**

The Committee considered the report of the City Solicitor that updated the members of the Standards Committee on the operation and efficacy of the Social Media Guidance for Members ('the Guidance') as well as the provision of training for members on the Guidance.

Some of the key points that arose from the Committee's discussions were: -

- Welcoming the guidance, in particular in regard to the use of personal and official social media; and
- Recommending that this information be circulated to all Members, candidates and included in the agents' briefing packs in advance of the May election.

The Head of Governance Legal Services acknowledged the comments from the Committee and stated she would take the recommendation up with the elections team following the meeting.

### **Decisions**

1. To note the report.
2. The Committee recommend that the Social Media Guidance be shared with Members and candidates and be included in the briefing packs provided to candidates' agents in advance of the May election.

### **ST/21/05 Local Government Association (LGA) Model Code of Conduct for Members**

The Committee considered the report of the City Solicitor that updated the members of the Standards Committee on the publication of the LGA Model Code of Conduct for Members, noting that the City Solicitor was of the view that in general the new LGA Model code was well set out and relatively straightforward to follow.

Some of the key points that arose from the Committee's discussions were: -

- Requesting that all relevant information be shared with all political groups for consideration, following the May election so this could be considered and an opinion obtained in advance of the report being submitted to the November meeting; and
- A view was sought as to the appropriateness of the value set at which a gift had to be declared.

The Head of Governance Legal Services stated that it was for this Committee to consider and the Council to agree a figure for the value set at which a gift and hospitality had to be declared.

### **Decisions**

1. To note the report;

2. To support discussions by the Greater Manchester Chief Legal Officers on implementation of the LGA Model Code; and
3. Recommend that a further report be submitted to the November meeting of this Committee on the position, noting the comments above.

### **ST/21/06 Member Development and Training**

The Committee considered the report of the City Solicitor that provided an update on the operation and efficacy of the Member Development Strategy and training delivered since May 2019.

The first section of the report reflected upon the Member Development and Training delivered between May 2019 and February 2020, in line with our Member Development Strategy. The second part reflected upon training held since the start of the Covid pandemic between February 2020 and January 2021 and reported the proposals for the induction programme for new Councillors for May 2021.

Some of the key points that arose from the Committee's discussions were: -

- Noting the benefits of being able to access events and meetings virtually this approach should continue post Covid;
- Consideration needed to be given to capturing and recording any relevant training obtained by Members and all Co-opted Members outside of the Council;
- Noting the importance of Members attending all training, especially the Carbon Literacy training;
- Recommending that relevant training should be made available to all Co-opted Members; and
- Consideration needed to be given to identifying courses that were mandatory for Members to attend and appropriate sanctions if these were not completed;

The Head of Business Support and Development stated that Member attendance at training courses was generally very good and the levels of attendance was monitored by the Member Development Group. He further advised that non-attendance was followed up and if this was a recurring issue the relevant Group Officer would be informed. He advised that the issue of Mandatory Courses would be an issue for the Member Development Group to determine. The Head of Governance Legal Services commented that the issue of sanctions for non-attendance at training courses had been discussed previously by the Committee and it had been felt that it was not appropriate to pursue at that time however if the Committee were minded this could be revisited if non attendance was identified as an issue.

### **Decisions**

1. To note the report.
2. To recommend that virtual training be continued to be part of the training offer post Covid;

3. To consider how the relevant training completed in other roles be recorded; and
4. To recommend that all relevant training be made available to all Co-opted Members.

### **ST/21/07 Standards Committee Work Programme**

The Committee considered the report of the Governance and Scrutiny Support Unit that invited the members of the Standards Committee to consider its work programme for future meetings and make any revisions.

In addition, a report titled 'The Use of Council Resources Guidance for Members' would be scheduled for the June meeting and the 'Standards Committee - Annual Report' would be scheduled for the March 2022 meeting.

The Head of Governance Legal Services stated that a report on Partnership Arrangements, including guidance on the role of dual hatted Members, would be scheduled for an appropriate meeting in consultation with the Chair.

### **Decision**

To note the report and agree the Work Programme subject to the above comments.

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**Manchester City Council  
Report for Information**

**Report to:** Standards Committee – 17 June 2021  
**Subject:** Draft Annual Governance Statement 2020/21  
**Report of:** Deputy Chief Executive and City Treasurer

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**Summary**

This report contains the draft 2020/21 Annual Governance Statement (AGS) which has been produced following completion of the annual review of the Council's governance arrangements and systems of internal control. The processes followed to produce the AGS are outlined in the report.

**Recommendations**

Standards Committee is requested to note and comment on the contents of the draft version of the Council's 2020/21 Annual Governance Statement (AGS).

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**Wards Affected: All**

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## 1. Introduction

- 1.1 Local authorities have a legal responsibility to conduct, at least annually, a review of the effectiveness of their governance framework including their system of internal control. Following the review an Annual Governance Statement (AGS) must be produced, approved and published.
- 1.2 Standards Committee are asked to note the findings of the 2020/21 AGS, which is attached as an appendix to this report.

## 2. Format and sections of the document

- 2.1 The content and style of the AGS is reviewed each year to ensure that it remains compliant with the Chartered Institute of Public Finance and Accountancy (CIPFA) guidelines, and that improvements are made where possible. There is a focus in the document on effective public communication, plain and clear language, partnership working, and ensuring transparency and clarity over what the Council's governance challenges are, alongside what is being done to address them.
- 2.2 For 2020/21, a desktop review of the AGS process was carried out to identify improvements and efficiencies. A review of good practice was undertaken, including comparison with peer authorities. The improvements identified have been implemented for the draft AGS, with a more concise document template now being used. In particular, the governance challenge update section now has a clearer focus on a high-level summary of the strategic oversight of improvements, avoiding the reproduction of detailed updates which are available in other existing Committee reports. This will reduce duplication, bring efficiencies in resource expended, and aims to improve the accessibility of the document.
- 2.3 In 2016, the Council fully reviewed and updated its Code of Corporate Governance (the Code) to reflect the seven new principles detailed in CIPFA's "*Delivering Good Governance in Local Government: Framework (2016)*". Alongside the CIPFA principles, the vision and values of the organisation – the Our Manchester principles - are at the heart of the Council's approach to governance. Our Manchester was therefore also integral to the way the standards in the Code were defined when it was reviewed. The Code was subsequently updated again in 2019, to ensure that the contents remained accurate, up to date, and that they reflected all applicable relevant legislation.
- 2.4 A key element of compiling the AGS is an assessment of the extent to which the Council has adhered to the governance standards set out in its Code, and providing a robust evidence base for this, set out in a clear way. This can be seen in Section 4, The Governance Framework.
- 2.5 The AGS includes the following sections:
  - 1 – Introduction** This section provides a clear, plain language explanation for the lay reader as to what the purpose of the document is. The reader is also

signposted to the Council's Annual Report as a companion document to the AGS, where the reader can access information about the Council's expenditure, policies and performance.

**2 and 3 - The scope of responsibility and the purpose of the governance framework;** these sections outline the legal requirements for an AGS and its links to the Council's Code of Corporate Governance.

**4 – The Governance Framework;** this describes how the Council has complied with the principles in its Code of Corporate Governance, and includes links to online documents where the reader can access more detailed information.

**5 – Annual review of effectiveness of the governance framework;** this section explains the mechanisms by which the Council assesses its governance arrangements, and what conclusions have been drawn.

**6 – Strategic oversight of actions to address the Council's governance challenges in 2020/21;** This section provides a concise high-level summary of strategic actions taken to address the Council's governance challenges for the 2020/21 financial year, as identified in the Action Plan in the previous AGS (2019/20).

**7 – Action Plan: Governance Challenges for 2021/22 Onwards;** this section will set out the key areas which the Council will focus on in 2021/22, to address challenges identified and changing circumstances.

### **3. Process followed to produce the AGS 2020/21**

3.1 To identify significant governance challenges to be addressed during 2021/22 a number of evidence sources were considered including;

- Analysis of responses from Heads of Services to the online annual governance questionnaires which provide a self-assessment of compliance with the Code of Corporate Governance.
- Significant governance challenges in Partnerships as identified by the Council's Register of Significant Partnerships assessment process.
- A meeting of key Senior Officers with responsibility for Governance, to identify and discuss emerging governance issues
- Consideration of risks identified in the Corporate Risk Register
- Emergent challenges identified by the work of Internal Audit during 2020/21
- Where appropriate carrying forward elements of action points from 2020/21 if substantial further challenges and monitoring is required.
- Annual Report of the Standards Committee - The Council is committed to promoting the highest standards of conduct by members and has adopted a Code of Conduct for all members as part of its constitution. The Annual Report of the Standards Committee is one of the Council's sources of governance assurance.

3.3 These processes, described in more detail in section 5 of the AGS itself, led to the identified governance challenges described in section seven. This sets out an Action Plan, which looks ahead to the main challenges where the Council will need to focus attention in 2021/22.

#### 4. Communication of Governance Arrangements

4.1 The Council is committed to improving the transparency of its governance arrangements, and ensuring it publishes clear and concise explanations of these arrangements in a format easily accessible to the public.

4.2 **The Council's Code of Corporate Governance** – The Council's Code is written in plain and clear language and is easily accessible on the Council website. CIPFA has highlighted the Council's Code as an example of good practice.

4.3 **Accessibility of the AGS** – The AGS has been written in such a way as to make it as accessible as possible for the lay reader, for example by focusing on making the governance challenge updates as plain, clear and concise as possible. As well as being included as part of the Council's Annual Accounts, it is also easily accessible separately on the Council's website.

#### 5. Next Steps and AGS Timeline

5.1 The following table shows the key reporting dates for the 2018/19 AGS;

| Date         | Milestone                                      |
|--------------|--|
| 17 July 2021 | Draft AGS included with draft Council Accounts |
| 27 July 2021 | Draft Accounts to Audit Committee              |

5.2 Currently the AGS is reported to both Audit Committee and Standards Committee. In addition, the Annual Report of Standards Committee already informs the AGS as a source of assurance. Therefore, it is proposed that for 2021/22 and subsequent years that instead of the AGS itself being brought to Standards Committee and Audit Committee, that it is instead in future taken to Audit Committee only. This will improve the efficiency of the process. Due to the timing of the usual Committee schedule, this will allow the draft version of the AGS to be in a more complete year-end position when reported to Committee, therefore reducing officer resources required to update and produce the document.

5.4 Standards Committee is requested to note and comment on the contents of the draft version of the Council's 2020/21 Annual Governance Statement (AGS). Any amendments to the statement requested by Committee will be included in the draft version included with the Accounts and passed to External Audit prior to Audit Committee on 27 July 2021.



# Annual Governance Statement 2020/21

## 1. Introduction

- 1.1 This statement provides an overview of how the Council's governance arrangements operate, including how they are reviewed annually to ensure they remain effective. A summary of significant governance challenges which the Council faces is also given, alongside an explanation of what actions have been taken to bring about required improvements, and what work is still to be done. This provides transparency, and gives assurance that the Council is committed to continuously improve the way in which it functions. More detail on particular topics can be accessed by clicking on the hyperlinks, which are highlighted and underlined throughout the document.
- 1.2 The Council operates in a complex and constantly evolving financial, policy and legislative environment. The role, responsibilities and funding models of local government continue to be in a period of rapid transition. The city continues to progress the delivery of its ambitious Our Manchester strategy, with staff, residents and stakeholders across the city engaged in working towards the realisation of the vision set out in the strategy. The Council's Corporate Plan sets out its priority actions for delivering the strategy for the city.
- 1.2 The national and international public health emergency caused by the COVID-19 pandemic have led to substantial impacts for the city and the Council over the last year. These have included implications for provision of services, our workforce and our financial position. Effective leadership and governance of the response and recovery have been critical. Plans are being delivered which now focus on the city's longer-term recovery, including its economy, residents and communities, for example the Economic Recovery and Investment Plan.
- 1.2 Looking forwards, significant national policy announcements from Government include NHS reforms that, from April 2022, will abolish Clinical Commissioning Groups (CCGs) and create Integrated Care Systems (ICS), to drive the next phase of health and social care integration. Delivery of this next phase for Manchester's health and social care integration will be key to enabling further progress towards achievement of the ambitions set out in the Our Healthier Manchester Locality Plan. These ambitions are for the city to significantly improve health outcomes, tackle health inequalities and develop a financially and clinically sustainable system.
- 1.3 The changes taking place present both opportunities and challenges. Therefore, the Council must continue to engage in a broad programme of innovation and reform work so that it can maintain services for residents which are efficient, effective and deliver value for money using available resources. This document explains the governance mechanisms in place to ensure appropriate oversight of this work.

## 2. Scope of Responsibility

- 2.1 Manchester City Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards. It is also responsible for ensuring that public money is safeguarded, properly accounted for and used economically, efficiently and effectively. The Council also has a duty under the [Local Government Act 1999](#) to make arrangements to secure continuous improvement in the way in which its functions are exercised.

- 2.2 In discharging these responsibilities, the Council must put in place proper arrangements for the governance of its affairs and effective exercise of its functions, which includes arrangements for the management of risk. The Council first adopted a Code of Corporate Governance in June 2008. This Code is included in the [Council's Constitution](#) (part 6 section G). It sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose.
- 2.3 The Code of Corporate Governance and the Council's Constitution are reviewed annually to ensure they remain consistent with the principles of the Chartered Institute of Public Finance and Accountancy and the Society of Local Authority Chief Executives and Senior Managers (CIPFA/SOLACE) joint framework for delivering good governance in local government. CIPFA issued an update to the Framework in 2016, which has informed the preparation of the Annual Governance Statement (AGS) from 2016/17 onwards.
- 2.4 This AGS explains how the Council has complied with the Code of Corporate Governance. The AGS also meets the requirements of the [Accounts and Audit \(England\) Regulations 2015](#) regulation 6(1) which requires all relevant bodies to prepare an Annual Governance Statement (AGS).

### 3. The Purpose of the Governance Framework

- 3.1 The governance framework comprises the systems and processes, culture and values by which the Council is directed and controlled, and through which it is accountable to, engages with and leads the community. It enables the Council to monitor the achievement of the city's strategic objectives as set out in the [Our Manchester Strategy](#), and to consider whether those objectives have led to the delivery of appropriate, cost effective services. The Council's Corporate Plan sets out the Council's contribution to the Our Manchester vision. The objectives in Our Manchester and Our Corporate Plan are underpinned by the four Our Manchester principles;
- **Better lives** – it's about people
  - **Listening** – we listen, learn and respond
  - **Recognising strengths of individuals and communities** – we start from strengths
  - **Working together** – we build relationships and create conversations
- 3.2 The system of internal control is a significant part of the framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve the Council's aims and objectives, and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control identifies and prioritises risks; evaluates the likelihood of those risks being realised and the impact should they be realised; and aims to manage them efficiently, effectively and economically.

## 4. The Governance Framework

Corporate governance is a phrase used to describe how organisations direct and control what they do. The Council operates to a [Code of Corporate Governance](#), which forms part of the Constitution. The Code is updated when appropriate, to ensure it reflects the Council's current governance arrangements. The table below includes key examples of how the Council has adhered to its governance commitments set out in the Code and includes hyperlinks to sources of further information, which include more detail about how the Council has implemented its commitments. The Council has a broad range of strategies and policies in place, and therefore this is not intended to be an exhaustive list. More detail about particular areas of interest can be found on the Council's website [manchester.gov.uk](http://manchester.gov.uk).

| A. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law. |   |  |
|--|---|--|
| The Council's Commitment to Good Governance  | How the Council meets these principles  | Where you can see Governance in action             |
| <b>Behaving with Integrity</b>   | <ul style="list-style-type: none"> <li>• The Council's Our Manchester approach includes four central principles that underpin everything the Council does, including how it works with partners, how it makes decisions and how it serves local communities;                             <ul style="list-style-type: none"> <li>○ Better lives – it's about people</li> <li>○ Listening – we listen, learn and respond</li> <li>○ Recognising strengths of individuals and communities – we start from strengths</li> <li>○ Working together – we build relationships and create conversations</li> </ul> </li> </ul> | <a href="#">People Strategy - Our People</a>       |
| <b>Demonstrating Strong Commitment to Ethical Values</b>   | <ul style="list-style-type: none"> <li>• The Standards Committee champion high standards of ethical governance from elected members and the Council as a whole. A summary of its work is included in its Annual Report to Council.</li> </ul>   | <a href="#">Standards Committee</a>                |
| <b>Respecting the Rule of Law</b>  | <ul style="list-style-type: none"> <li>• The Council's City Solicitor undertakes the role of Monitoring Officer. The Monitoring Officer ensures that Council decisions are taken in a lawful and fair</li> </ul>  | <a href="#">Our Constitution (article 12.3(b))</a> |

| A. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law. |   |   |
|--|---|---|
| The Council's Commitment to Good Governance  | How the Council meets these principles  | Where you can see Governance in action                    |
|  | <p>way, correct procedures are followed, and that all applicable laws and regulations are complied with.</p> <ul style="list-style-type: none"> <li>• The Chief Finance Officer (Deputy Chief Executive and City Treasurer) has statutory reporting duties in respect of unlawful and financially imprudent decision making.</li> <li>• The Council ensures that it complies with CIPFA's Statement on the Role of the Chief Finance Officer in Local Government (2016).</li> </ul> | <p><a href="#">Our Constitution (article 12.4(a))</a></p> |

| B. Ensuring openness and comprehensive stakeholder engagement |   |   |
|---|---|---|
| The Council's Commitment to Good Governance                   | How the Council meets these principles  | Where you can see Governance in action  |
| <b>Ensuring Openness</b>                                      | <ul style="list-style-type: none"> <li>• The Council's website is set out in a clear and easily accessible way, using infographics and plain language. The information which residents use most, such as about Council Tax, and Waste and Recycling can be accessed quickly and easily from the main page.</li> <li>• All Council and Committee meetings are held in public (other than in limited circumstances where consideration of confidential or exempt information means that the public are excluded), with agenda and reports available on the Council's website. Live-streamed webcasts of Council, Executive and Scrutiny committee meetings are available online, as well as in an archive which can be accessed on-demand.</li> </ul> | <p><a href="http://manchester.gov.uk">manchester.gov.uk</a><br/><a href="#">website</a></p> <p><a href="#">Council Meeting Agendas and Reports</a></p> <p><a href="#">Online Videos of Council Meetings</a></p> |

| <b>B. Ensuring openness and comprehensive stakeholder engagement</b>   |   |   |
|--|---|---|
| <b>The Council's Commitment to Good Governance</b>                     | <b>The Council's Commitment to Good Governance</b>  | <b>The Council's Commitment to Good Governance</b>  |
| <b>Engaging Comprehensively with Institutional Stakeholders</b>        | <ul style="list-style-type: none"> <li>The Our Manchester Forum supports development of effective relationships across leaders of the city's key private, public and voluntary sector organisations. The Forum benefits the city by driving forward the priorities set out in the Our Manchester Strategy.</li> <li>The Council maintains a list of major partnerships in a Register of Significant Partnerships. This contains an assessment of the level of assurance for the governance arrangements of each partnership, shining a light on areas where improvements may be required - so that these can then be addressed.</li> </ul>  | <p><a href="#">Our Manchester Forum</a></p> <p><a href="#">Register of Significant Partnerships</a></p>   |
| <b>Engaging with Individual Citizens and Service Users Effectively</b> | <ul style="list-style-type: none"> <li>A reset of the city's Our Manchester Strategy 2016 - 2025 has been carried out as part of the Council's COVID-19 recovery planning. Engagement activity was undertaken based on the Our Manchester approach with residents, businesses, organisations and partners to develop a qualitative evidence base, which was then analysed to establish key priority themes. Approximately 3,800 people were directly engaged with and had their views captured between August and September 2020.</li> <li>To promote transparency and wider engagement with Council decisions, residents can sign up for email e-bulletins and use social media to interact with the Council.</li> <li>The Council has taken steps to seek to improve how we undertake consultations and community engagement. Part of this involves a commitment to ensuring that our workforce have the skills to take an Our Manchester engagement approach to working with residents and communities, which forms part of the programme for the new Campaigning Engagement Framework (CEF).</li> </ul> | <p><a href="#">Our Manchester Strategy – Forward to 2025</a></p> <p><a href="#">E-bulletins and Social Media</a></p> <p><a href="#">Our Manchester Campaigning Engagement Framework</a></p> |

| C. Defining outcomes in terms of sustainable economic, social, and environmental benefits |  |   |
|---|--|---|
| The Council's Commitment to Good Governance   | How the Council meets these principles   | Where you can see Governance in action                    |
| <b>Defining Outcomes</b>  | <ul style="list-style-type: none"> <li>• An extensive consultation in 2015 led to a 10-year strategy for the city – the Our Manchester Strategy 2016-2025 – which included a new approach to working across the whole organisation and with residents, partners and other key stakeholders. Further engagement was carried out in August and September 2020 to update the strategy to reflect the current context as the city recovers from the impact of COVID-19. Our vision remains for Manchester to be in the top-flight of world class cities by 2025, when the city will: <ul style="list-style-type: none"> <li>○ Have a competitive, dynamic, sustainable and fair economy that draws on our distinctive strengths in science, advance manufacturing, and culture, creative and digital businesses – cultivating and encouraging new ideas</li> <li>○ Possess highly skilled, enterprising and industrious people</li> <li>○ Be connected, internationally and within the UK</li> <li>○ Play its full part in limiting the impacts of climate change</li> <li>○ Be a place where residents from all backgrounds feel safe, can aspire, succeed and live well</li> <li>○ Be clean, attractive, culturally rich, outward-looking and welcoming</li> </ul> </li> <li>• Our Corporate Plan sets out the Council's contribution to the Our Manchester vision. These priorities have been refreshed for 2021/22 to align with the reset of the Our Manchester Strategy and to further strengthen the Council and city-wide focus on the importance of Equality, Diversity and Inclusion. The priorities are; <ul style="list-style-type: none"> <li>○ Zero carbon Manchester</li> <li>○ Growth that benefits everyone</li> <li>○ Young People</li> <li>○ Healthy, Cared for people</li> </ul> </li> </ul> | <a href="#">Our Manchester Strategy – Forward to 2025</a> |

| C. Defining outcomes in terms of sustainable economic, social, and environmental benefits |   |   |
|---|---|---|
| The Council's Commitment to Good Governance   | How the Council meets these principles  | Where you can see Governance in action  |
|   | <ul style="list-style-type: none"> <li>○ Housing</li> <li>○ Neighbourhoods</li> <li>○ Connections</li> <li>○ Equality</li> <li>○ Well-managed Council</li> </ul>  |   |
| <b>Sustainable Economic, Social and Environmental Benefits</b>                            | <ul style="list-style-type: none"> <li>• The Council declared a Climate Emergency in July 2019 and developed a Climate Change Action Plan which was approved by Executive in March 2020. A report in February 2021 provided an update on the significant progress that has been made in delivering the Plan despite the challenges posed by the COVID-19 pandemic.</li> <li>• Powering Recovery: Manchester's Recovery and Investment Plan was published in November 2020, and this sets out how the city will emerge reinvigorated from the COVID-19 pandemic and rise to other challenges. This was developed by the Council with the support of city business leaders and is a statement of confidence in the future of the city's economy. It shows a resilient city with a diverse economy and strengths in key growth sectors, as well as strong existing partnerships and a track record of delivery.</li> <li>• Our Manchester Industrial Strategy sets out Manchester's vision for developing a more inclusive economy that all residents can participate in and benefit from, which will support the delivery of the Our Manchester Strategy, and the Greater Manchester Local Industrial Strategy.</li> <li>• The Council's has reviewed its approach to Social Value to reflect the impact that COVID-19 has had on the city, and the role that social value can play in supporting the economic recovery.</li> </ul> | <p><a href="#">Climate Change Action Plan 2020-25</a></p> <p><a href="#">Climate Change Action Plan – progress report</a></p> <p><a href="#">Powering Recovery: Manchester's Recovery and Investment Plan</a></p> <p><a href="#">Developing a More Inclusive Economy - Our Manchester Industrial Strategy</a></p> <p><a href="#">Refresh of the Social Value Policy</a></p> |

| <b>D. Determining the interventions necessary to optimise the achievement of the intended outcomes</b> |  |   |
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| <b>The Council's Commitment to Good Governance</b>   | <b>How the Council meets these principles</b>  | <b>Where you can see Governance in action</b>                       |
| <b>Determining Interventions</b>   | <ul style="list-style-type: none"> <li>Decision makers receive accurate, relevant and timely performance and intelligence to support them with objective and rigorous analysis of options, covering intended outcomes, financial impact and associated risks informing efficient service delivery. This can take the form of regular performance reporting, or bespoke reports.</li> </ul>   | <a href="#">Executive Reports</a>                                   |
| <b>Planning Interventions</b>  | <ul style="list-style-type: none"> <li>The Council plans its activity at a strategic level through its budget and business planning cycle and does so in consultation with internal and external stakeholders to ensure services delivered across different parts of the organisations and partners complement each other and avoid duplication.</li> </ul>  | <a href="#">Council Budget 2021/22</a>                              |
| <b>Optimising Achievement of Intended Outcomes</b>   | <ul style="list-style-type: none"> <li>The Council integrates and balances service priorities, affordability and other resource constraints, supporting it to take into account the full cost of operations over the medium and longer term, including both revenue and capital spend budgets. This includes a medium-term financial plan. The latest report set out the impact of COVID-19 and other pressures and changes on the Council's budget for the period 2021-2025.</li> </ul> | <a href="#">Medium Term Financial Plan and Strategy for 2021/22</a> |



| E. Developing the entity's capacity, including the capability of its leadership and the individuals within it |   |  |
|---|---|--|
| The Council's Commitment to Good Governance   | How the Council meets these principles  | Where you can see Governance in action |
|   | <ul style="list-style-type: none"> <li>As part of the Our People strategy, improved induction and appraisal processes ("About You") were introduced. These ensure all staff understand the part they will play in delivering the vision for the city in Our Manchester.</li> <li>The Council delivers a comprehensive programme of leadership and management development, which all new managers are enrolled on. The programmes are targeted at different Grade bandings, and cover a spectrum of areas essential to managers in the organisation.</li> <li>The Council is committed to promoting the physical and mental health and wellbeing of the workforce as a core component of the People Strategy through both specific interventions and opportunities and as a central part of the role of all managers. There is a dedicated intranet page with a wide range of support and guidance for staff and their managers covering a wide range of health and wellbeing topics and a 24/7 Employee Assistance Programme (phone line) providing a range of support. The strategy for Employee Health and Wellbeing in the Council is called 'Being Our Best Selves'.</li> </ul> | <a href="#">Being Our Best Selves</a>  |

| F. Managing risks and performance through robust internal control and strong public financial management |  |   |
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| The Council's Commitment to Good Governance  | How the Council meets these principles   | Where you can see Governance in action  |
| <b>Managing Risk</b>   | <ul style="list-style-type: none"> <li>The Council operates a risk management framework that aids decision making in pursuit of the organisation's strategic objectives, protects the Council's reputation and other assets and is compliant with statutory and regulatory obligations. The Corporate Risk Register is part of this framework and is an articulation of the key risks impacting the Council. It is used to inform decision making, provide assurance over actions being taken to manage key risks and to inform directorate level risk management planning and mitigation activities. Named risk managers are identified in the Register for its key strategic risks.</li> </ul> | <a href="#">Annual Corporate Risk Management Report and Corporate Risk Register</a> |
| <b>Managing Performance</b>  | <ul style="list-style-type: none"> <li>The Council puts in place Key Performance Indicators (KPIs) to monitor service delivery whether services are internal or through external providers. An integrated report is provided to Strategic Management Team (SMT) every month. This brings together analysis of performance, finance, workforce intelligence and complaints - to support effective resource allocation, and to shine a light on any challenges so that they can be addressed.</li> <li>A Corporate Plan Monitor is provided quarterly to SMT, tracking progress of delivery of our Corporate Plan priorities.</li> </ul>   |   |
| <b>Effective Overview and Scrutiny</b>   | <ul style="list-style-type: none"> <li>The Council has six scrutiny Committees, which hold decision makers to account and play a key role in ensuring that public services are delivered in the way residents want. The agenda, reports and minutes are publicly available on the Council's website.</li> </ul>  | <a href="#">Scrutiny Committees</a>   |
| <b>Robust Internal Control</b>   | <ul style="list-style-type: none"> <li>The Council has robust internal control processes in place, which support the achievement of its objectives while managing risks. The Council's approach is set</li> </ul>  | <a href="#">Internal Audit Plan 2021/22</a>   |

| F. Managing risks and performance through robust internal control and strong public financial management |  |  |
|--|--|--|
| The Council's Commitment to Good Governance  | How the Council meets these principles   | Where you can see Governance in action |
|  | <p>out in detail in both the latest Annual Corporate Risk Management report, and its Internal Audit Plan.</p> <ul style="list-style-type: none"> <li>• The Council has an Audit Committee, in line with CIPFA's 'Position Statement: Audit Committees in Local Authorities and Police (2018)', which provides an independent and high-level resource to support good governance and strong public financial management. The Committee has two Independent Co-opted Members, and provides a mechanism for effective assurance regarding risk management and the internal control environment.</li> <li>• The Council maintains clear policies and arrangements in respect of counter fraud and anti-corruption. These are the Anti-Fraud and Anti-Corruption Policy; Whistleblowing Policy; Anti Money Laundering Policy and the Anti Bribery Policy.</li> </ul>  |  |
| <b>Managing Data</b>   | <ul style="list-style-type: none"> <li>• The processing of personal data is essential to many of the services and functions carried out by local authorities. The Council complies with data protection legislation, which includes GDPR (General Data Protection Regulation) and the Data Protection Act 2018 (DPA 2018). This will ensure that such processing is carried out fairly, lawfully and transparently.</li> <li>• The Council reviews and supplement its policies, and also keep its processing activities under review, to ensure they remain consistent with the law, and any compliance advice and codes of practice issued from time to time by the Information Commissioner's Office (ICO).</li> <li>• The Council ensures that officers handling personal data are trained to an appropriate level in the use and control of personal data. It is made clear that all staff and Members are personally accountable for using the Council's information responsibly and appropriately. All staff must undertake protecting information e-</li> </ul> |  |

| F. Managing risks and performance through robust internal control and strong public financial management |   |  |
|--|---|--|
| The Council's Commitment to Good Governance  | How the Council meets these principles  | Where you can see Governance in action           |
|  | <p>learning training, and this forms part of the induction process for new staff. Data protection also forms part of the induction programme for new Members.</p> <ul style="list-style-type: none"> <li>Information Governance is overseen by the Corporate Information Assurance and Risk Group (CIARG) chaired by the City Solicitor who is the Senior Information Risk Officer for the Council (SIRO).</li> <li>The Council makes information available to the public via the information access regimes provided for by the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. Data protection legislation, including the Data Protection Act 2018, provides individuals with various rights. The Council ensures that all valid requests from individuals to exercise those rights are dealt with as quickly as possible, and by no later than the timescales allowed in the legislation.</li> </ul>   | <p><a href="#">Freedom of Information</a></p>    |
| <b>Strong Public Financial Management</b>  | <ul style="list-style-type: none"> <li>The Council's approach to Financial Management ensures that public money is safeguarded at all times, ensuring value for money. Its approach supports both long-term achievement of objectives, and shorter term financial and operational performance.</li> <li>The Chief Finance Officer (Deputy Chief Executive and City Treasurer) ensures that appropriate advice is given on all financial matters, proper financial records and accounts are kept, and oversees an effective system of internal financial control. The City Treasurer ensures well developed financial management is integrated at all levels of planning and control including management of financial risks, systems and processes. The Constitution (Part 5) details the financial regulations which underpin the financial arrangements.</li> <li>The Financial Management Code (FM Code) sets out the standards of financial management expected for local authorities and is designed to support good practice</li> </ul> | <p><a href="#">Our Constitution (Part 5)</a></p> |

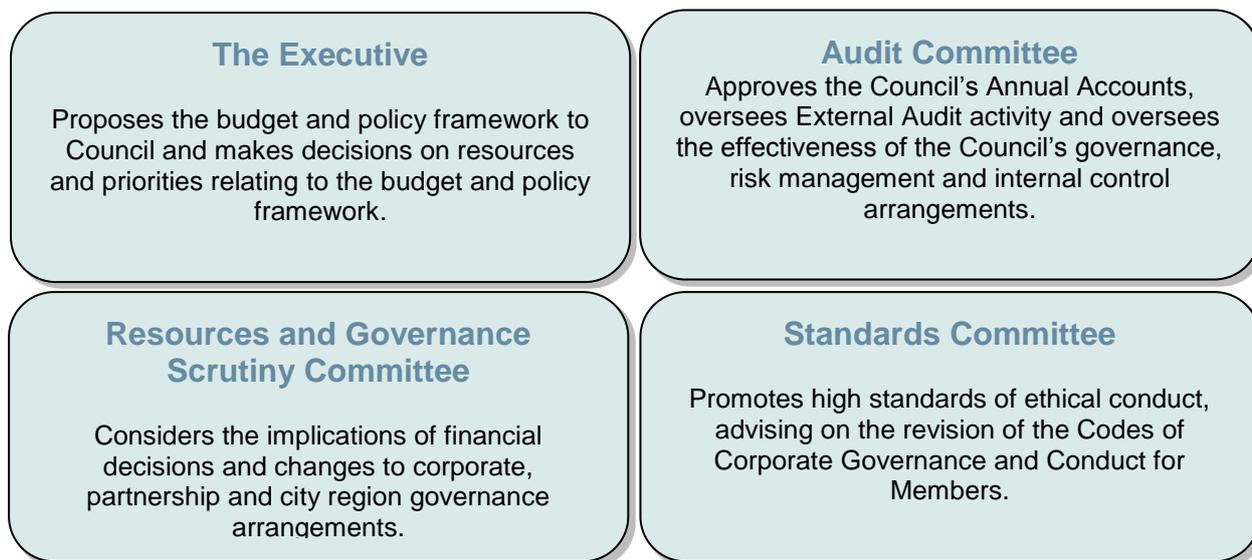
| F. Managing risks and performance through robust internal control and strong public financial management |   |   |
|--|---|---|
| The Council's Commitment to Good Governance  | How the Council meets these principles  | Where you can see Governance in action  |
|  | <p>and to assist local authorities in demonstrating their financial sustainability. The FM Code was launched in 2019, to be implemented from April 2020 with the commencement of a shadow year. It is expected that by 31 March 2021 Local Authorities can demonstrate that they are working towards full implementation of the code, with the first full year of compliance being 2021/22. The Council's preparations for this are set out in the Budget Overview 2021/22 report.</p> <ul style="list-style-type: none"> <li>Section 25 of the Local Government Act 2003 requires that when a local authority is making its budget calculations, the Chief Finance Officer ('CFO') of the authority must report to the Council on the robustness of the estimates made for the purposes of the calculations and the adequacy of the proposed financial reserves. The Council CFO's detailed report in relation to these matters is set out in the Budget Overview 2021/22 report.</li> </ul> | <p><a href="#">Budget Overview and Strategy for 2021/22</a></p> <p><a href="#">Budget Overview and Strategy for 2021/22</a></p> |

| G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability |  |   |
|--|--|---|
| The Council's Commitment to Good Governance  | How the Council meets these principles   | Where you can see Governance in action  |
| <b>Implementing Good Practice in Transparency</b>  | <ul style="list-style-type: none"> <li>The Council follows the Local Government Transparency Code 2015, which includes requirements and recommendations for local authorities to publish certain types of data.</li> <li>The Council's website is set out in a clear and easily accessible way, using infographics and plain language. Information on expenditure, performance and decision making is sited together in one place and can be accessed quickly and easily from the homepage.</li> </ul> | <p><a href="#">Local Government Transparency Code</a></p> <p><a href="http://manchester.gov.uk">manchester.gov.uk</a> website</p> |

| <b>G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability</b> |  |   |
|---|--|---|
| <b>The Council's Commitment to Good Governance</b>  | <b>How the Council meets these principles</b>  | <b>Where you can see Governance in action</b>   |
| <b>Implementing Good Practices in Reporting</b>   | <ul style="list-style-type: none"> <li>The Council produces a detailed State of the City publication, which charts the city's progress towards its vision and priorities.</li> <li>An integrated report is provided to Strategic Management Team (SMT) every month. This brings together analysis of performance, finance, workforce intelligence and complaints - to support effective resource allocation, and to shine a light on any challenges so that they can be addressed.</li> <li>A Corporate Plan Monitor is provided quarterly to SMT, tracking progress of delivery of our Corporate Plan priorities.</li> </ul>  | <a href="#">State of the City 2020</a>  |
| <b>Assurance and Effective Accountability</b>   | <ul style="list-style-type: none"> <li>The Council welcomes peer challenge, internal and external review and audit, and inspections from regulatory bodies and gives thorough consideration to arising recommendations. An example of positive improvement having taken place following recommendations can be seen in the Ofsted report, which followed on from their most recent focused visit to the Council's children's services.</li> <li>The Council monitors the implementation of internal and external audit recommendations. Assurance reports are presented to Audit Committee and Mazars (the Council's external auditors), summarising the Council's performance in implementing recommendations effectively and within agreed timescales.</li> <li>Public Sector Internal Audit Standards (PSIAS) set out the standards for internal audit and have been adopted by the Council. This process includes the development of an Emergent Audit Plan designed to invite comment from management and the Audit Committee.</li> </ul> | <a href="#">Ofsted focused visit</a><br><br><a href="#">Outstanding Audit Recommendations</a> |

## 5. Annual review of effectiveness of the governance framework

- 5.1 The Council has a legal responsibility to conduct an annual review of the effectiveness of its governance framework, including the systems of internal control. After conducting this review, the Council has assurance that its governance arrangements and systems of control are robust and reflect the principles of the Code of Corporate Governance.
- 5.2 The effectiveness of governance arrangements is monitored and evaluated throughout the year, with activity undertaken including:
- **Strategic Management Team (SMT)** - Responsibility for governance and internal control lies with the Chief Executive and the Strategic Management Team (SMT), which meets on a weekly basis to steer the organisation's activity.
  - **Scrutiny and challenge by Council and its Committees** - The Council has four bodies responsible for monitoring and reviewing the Council's governance:



- **Consideration of evidence sources to identify the Council's key governance challenges looking ahead to 2021/22 (see Action Plan at Section 7)** - These sources include:
  - Heads of Service online annual governance questionnaires, which provide a self-assessment of compliance with the Code of Corporate Governance.
  - Significant governance challenges in Partnerships as identified by the Council's Register of Significant Partnerships assessment process.
  - A meeting of key Senior Officers with responsibility for Governance, to identify and discuss emerging governance issues
  - Consideration of risks identified in the Corporate Risk Register
  - Emergent challenges identified by the work of Internal Audit

- Where appropriate, carrying forward elements of action points from 2020/21 if substantial further challenges remain, and ongoing monitoring is required.
- **Head of Audit and Risk Management Annual Opinion 2020/21** - This opinion narrative is provided in a separate report on the Agenda for the June 2021 Audit Committee meeting.
- **External Auditor's Review of the Effectiveness of Governance Arrangements** - The Council's external auditor is Mazars. They submit progress reports and their Annual Audit Letter to Audit Committee.
- **Annual Review of the role and responsibilities of the Chief Finance Officer** - The 2020/21 review concluded that the CFO met the responsibilities of the Senior Finance Officer in full and was ideally placed to develop and implement strategic objectives within the Council, given her role as the Council's Section 151 Officer, Deputy Chief Executive and City Treasurer. The Council's financial management arrangements conform with the governance requirements of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government.
- **Annual Report of the Standards Committee** - The Council is committed to promoting the highest standards of conduct by members and has adopted a Code of Conduct for all members as part of its constitution. The Annual Report of the Standards Committee is one of the Council's sources of governance assurance.
- **Governance of Significant Partnerships** – Assurance relating to governance arrangements of the Council's significant partnerships is recorded on the Register of Significant Partnerships. Each partnership is self-assessed annually to provide assurance that effective arrangements are in place, and to highlight any governance challenges which need to be addressed.

## 6 Strategic oversight of actions to address the Council’s governance challenges in 2020/21

This section provides a concise high-level summary of strategic actions taken to address the Council’s governance challenges for the 2020/21 financial year, and what arrangements are in place for oversight of delivery. These challenges were set out in the Action Plan at the end of last year’s AGS (2019/20). Where relevant, detailed progress updates are provided to Project and Programme Boards, and where applicable reports and information are taken to Committees - as set out in the table below.

| Action | What action was to be addressed   | Governance of actions taken / planned   | Officer Leads / Programme Boards  | How is this monitored?                          |
|--------|---|---|---|---|
| 1      | Effective response to COVID-19 through Council leadership, support to our workforce and organising an effective incident response and recovery. It is recognised that this will impact on the capacity and ability of the Council to respond fully to all of the other identified challenges and risks. The governance around the response will need to ensure effective decision making is maintained, and that critical parts of the organisation’s business as usual continue to be delivered. | Plans continue to be delivered to ensure an effective response and recovery, including: <ul style="list-style-type: none"> <li>• Manchester’s 12-point Action Plan</li> <li>• Manchester’s Economic Recovery and Investment Plan</li> <li>• Situation reports to the Executive and Scrutiny Committees</li> <li>• Effective connections to Greater Manchester governance</li> </ul> | Chief Executive<br><br>Deputy Chief Executive & City Treasurer<br><br>Strategic Director of Neighbourhoods<br><br>Director of Population Health | The Executive<br><br>Economy Scrutiny Committee |

| Action | What action was to be addressed   | Governance of actions taken / planned  | Officer Leads / Programme Boards   | How is this monitored?                      |
|--------|---|--|--|---|
| 2      | Continuing to embed the Our Manchester behaviours necessary to support the delivery of Our Corporate Plan, across both the Council's leadership and the wider workforce. This includes delivery of the updated Our People Strategy. | <p>The Our Manchester (OM) approach is now fully integrated into the Organisation Development Team, within HROD, ensuring that Our Manchester is embedded throughout the Council.</p> <p>The last 12 months have seen the workforce transition almost overnight to a new way of working, a scale of change in how we work that would normally take years to achieve.</p> <p>Whilst some of priorities have remained the same, the context of which we are working has changed and the Our People Strategy is being reviewed again to ensure that it reflects this. Some of the key actions are:</p> <ul style="list-style-type: none"> <li>• Improve the health and wellbeing of our staff including a reduction in absence levels across the organisation</li> <li>• Our commitment to ensure our workforce reflects our diverse communities is strengthened through the Workforce Equality Strategy and the Race Equality programme.</li> <li>• Reduce reliance on temporary staff including overall reduction in agency spend.</li> </ul> | Deputy Chief Executive & City Treasurer, City Solicitor, Director of HROD.               | Resources and Governance Scrutiny Committee |
| 3      | Our Transformation - ensuring effective governance of all the programmes involved in strengthening and transforming how we work.  | A set of linked programmes have brought together work focused on the impact of COVID-19 on the Council, and plans to recover. A decision-making Future Council Core Group of senior officers, chaired by the Deputy Chief Executive and City Treasurer, oversees interdependencies between the Council's   | Deputy Chief Executive & City Treasurer, City Solicitor<br><br>Future Council Core Group | The Executive Scrutiny Committees           |

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|               |   | <p>Budget planning and the Our Transformation portfolios of work.</p> <p>Each programme of work has a Senior Responsible Owner (SRO), and a Programme Manager who oversees the work of each Programme Team. The portfolios of work which comprise Our Transformation are as follows:</p> <ul style="list-style-type: none"> <li>• Our Ways of Working</li> <li>• Strengthening Accountability and Our Processes</li> <li>• Resident and Business Digital Experience</li> </ul> <p>The Our Transformation programme and project groups receive progress updates via highlight reports. The Future Council Core Group receives situation reports ('Sitreps') which provide summaries of key messages from the highlight reports. Regular Sitrep summary reports are also provided to the Council's Executive.</p> <p>Looking forward, the Future Shape of the Council programme will deliver the next steps to reshape how Manchester delivers services both internally and externally, by using new technologies, ways of working and new delivery models. A report to March 2021 Executive set out the approach in detail.</p> |  |   |
| <b>Action</b> | <b>What action was to be addressed</b>  | <b>Governance of actions taken / planned</b>   | <b>Officer Leads / Programme Boards</b>                        | <b>How is this monitored?</b>                     |
| <b>4</b>      | Carbon reduction - ensuring that we have robust and effective governance of strategies, which will enable delivery of the 2038 zero carbon targets. | The Zero Carbon Coordination Group drives forward the integrated activity required to ensure that the Council plays its full part in ensuring the city reaches its ambitious climate change commitments. This strategic group oversees the   | Deputy Chief Executive and City Treasurer, Director of Policy, | Neighbourhoods and Environment Scrutiny Committee |

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|               |  | <p>development and delivery of the Manchester Climate Change Action Plan 2020-25, which was approved by the Executive in March 2020.</p> <p>Workstreams have formed to deliver the actions outlined under the five priority areas within the Council's Climate Change Action Plan. Each workstream consists of the operational officers and a senior manager, as workstream lead for each priority:</p> <ul style="list-style-type: none"> <li>• Buildings and Energy</li> <li>• Transport and Travel</li> <li>• Reducing consumption-based emissions and influencing suppliers</li> <li>• Climate adaptation, carbon storage and carbon sequestration</li> <li>• Influencing behaviour and being a catalyst for change</li> </ul> | <p>Performance and Reform.</p> <p>Zero Carbon Coordination Group</p>   |  |
| <b>Action</b> | <b>What action was to be addressed</b>   | <b>Governance of actions taken / planned</b>   | <b>Officer Leads / Programme Boards</b>  | <b>How is this monitored?</b>                                      |
| <b>5</b>      | Support the integration of health and social care by ensuring effective governance of integrated teams and activity, including the operation of the partnership arrangements with MHCC commissioning function, and the Local Care Organisation (LCO). Ensuring there is progress made with developments that will deliver positive outcomes within the system resource envelope. | <p>The Our Healthier Manchester Locality Plan sets the ambitions for the city to significantly improve health outcomes, tackle health inequalities and develop a financially and clinically sustainable system.</p> <p>Health and social care partners have established a new Manchester Partnership Board (MPB) of system leaders, chaired by the Leader of the Council, is established to drive delivery of health and social care integration in the city. This will include the 'supercharging' of Manchester Local Care Organisation as the integrated delivery vehicle for improving health</p>  | <p>Director of Adult Social Services,<br/>Deputy Chief Executive &amp; City Treasurer</p> <p>Manchester Partnership Board</p> <p>MLCO Accountability Board</p> | <p>Health Scrutiny Committee</p> <p>Health and Wellbeing Board</p> |

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|  |  | <p>and wellbeing outcomes and reducing health inequalities in the city.</p> <p>The MPB has committed to ‘supercharging’ Manchester Local Care Organisation (MLCO), building on the strong progress made since its inception in 2018, as the delivery vehicle to reduce health inequalities and improve the health and wellbeing of the people of Manchester.</p> <p>A new Section 75 agreement is being developed by June 2021 to govern the partnership arrangements and decision making between the Council and Manchester Foundation Trust (MFT) that will operate through MLCO. The detail of the location of health commissioning functions in the Manchester system is yet to be determined, whilst all of Adult Social Care commissioning will be delivered through MLCO from 2021/22.</p> <p>A new MLCO Accountability Board has been established to provide a single governance forum and point of assurance for all key partners, including the Council, which will be represented by the Executive Member for Health and Well Being (co-chairing with MFT), the Chief Executive, the Deputy Chief Executive and City Treasurer, and the Strategic Director of Adult Social Care.</p> <p>A report on the Future Shape of the Council work programmes was taken to March 2021 Executive, which set out the next steps for Health and Social Care integration.</p> |  |  |
|--|--|--|--|--|

| Action | What action was to be addressed   | Governance of actions taken / planned   | Officer Leads / Programme Boards  | How is this monitored?                             |
|--------|---|---|---|--|
| 6      | <p>Delivery of the Adults Improvement Plan and integration of Health and Social Care, through the governance arrangements of MLCO and MHCC, whilst ensuring that the Chief Executive can be fully assured on statutory responsibilities, particularly around safeguarding. Ensuring effective integrated neighbourhood team arrangements, triage at the front door, and the assessment and review of citizens' needs in a timely, proportionate and consistent manner. This includes Adults Services governance oversight: operational compliance, quality assurance and the transition from Children's to Adults Services provision.</p> | <p>The Adult Social Care Improvement Programme was established to focus on ensuring the basics are in place for adult social care, to deliver high quality services for our residents, and to successfully deliver health and social care reform and integration. A number of key priorities were successfully delivered, including significant reductions in waiting lists and progress with permanent social worker recruitment.</p> <p>The next stage is delivery of Better Outcomes, Better Lives which is MLCO's transformation programme for Adult Social Care. This commenced in 2021 and builds on work to integrate health and social care in Manchester, the ASC improvement programme and other transformation initiatives delivered in recent years.</p> <p>A full report on Better Outcomes, Better Lives was taken to March 2021 Health Scrutiny Committee.</p> | <p>Director of Adult Social Services</p> <p>Transformation Accountability Board</p>       | <p>Health Scrutiny Committee</p>                   |
| 7      | <p>Improving the resilience of ICT systems; including continuing to strengthen cyber security to ensure an effective response to the evolving external environment, and the Council's arrangements for disaster recovery via delivery of the data centre.</p>   | <p>The Council has a Cyber Security team supported by Security Service contracts and external suppliers. This hybrid approach researches, investigates and implements continual security improvements. As well as taking actions to protect our infrastructure services, systems and devices along with our users. Relevant cyber alerts and updates are provided to staff through standard communication broadcasts to ensure that they feel supported and informed along with an</p>  | <p>Deputy Chief Executive &amp; City Treasurer,<br/>Director of ICT.</p> <p>ICT Board</p> | <p>Resources and Governance Scrutiny Committee</p> |

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|               |  | <p>ongoing Cyber Security training and awareness programme.</p> <p>The overall aim of the data centre project was to achieve improved resilience and disaster recovery. The objective was to migrate from the single data centre to two geographically separate co-located centres that provide disaster recovery and address previous single points of failure.</p> <p>The final tasks were undertaken in March 2021 to complete the transition from the project to the IT Service Operation teams and formally close the project. Regular service management reviews and Service Level Agreements are now in place with the new Data Centre Provider UKFast.</p> <p>A full ICT update report, including more detail about the final stages of the data centre project, was taken to February 2021 Resources and Governance Scrutiny Committee.</p> |   |   |
| <b>Action</b> | <b>What action was to be addressed</b>   | <b>Governance of actions taken / planned</b>   | <b>Officer Leads / Programme Boards</b>   | <b>How is this monitored?</b>               |
| <b>8</b>      | Governance of delivery of proposed ICT infrastructure and systems essential to business operations and legal compliance, including the new social care system. Mitigation of delivery timescale risks, and effective prioritisation where there is an interdependence between business critical programmes (e.g. telephony). | Technological change is effectively managed within the Council by having oversight and governance provided by the following forums: the ICT Portfolio Board, Design Authority Group, Change Assurance Board and the Strategic Capital Board. In addition, ICT have robust internal governance processes that aim to ensure controlled and consistent approach to delivery change and provide assurance throughout the delivery lifecycle.  | <p>Deputy Chief Executive &amp; City Treasurer, Director of ICT.</p> <p>ICT Portfolio Board</p> <p>Design Authority Group</p> | Resources and Governance Scrutiny Committee |

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|  |  | <p>Some of the key programmes and projects to be progressed or completed in 2021/22 include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Telephony and Contact Centre Project</li> <li>• Network refresh programme (WAN and LAN &amp; WiFi projects)</li> <li>• End User Device</li> <li>• CIVICA Pay (Income Management)</li> <br/> <li>• FLARE (Application Rationalisation)</li> <li>• Resident Digital Experience Transformation</li> <li>• Legal Services Case Management Tool</li> </ul> <p>The Liquidlogic suite of social care products have been operational since July 2019. The final component of this programme is the replacement of the Early Years and Education system (EYEs) which will become the core system for the Education Service in May 2021. Plans are currently underway for go live, with train the trainer sessions and user acceptance testing already taken place. This will complete the entire changeover to a modern, single, integrated platform for Adult Social Care (ASC), Childrens Social Care (CSC), and Education.</p> <p>Within the Network Refresh Programme, the Wide Area Network (WAN), Local Area Network (LAN) and the WiFi projects have completed procurement and have confirmed suppliers, site surveys are now underway and the design work for the WAN has commenced. These projects will represent significant investment for the Council over a number of years delivering much improved infrastructure and connectivity across the estate.</p> <p>ICT Departmental Management Team will continue to update the priority list of initiatives on</p> | <p>Change Assurance Board</p> <p>Strategic Capital Board</p> |  |
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|               |   | <p>an ongoing basis as projects are delivered and to ensure continued alignment with the Our Manchester Strategy, Our Transformation Programme and other Council priorities.</p> <p>A full ICT update report was taken to February 2021 Resources and Governance Scrutiny Committee, which provides a detailed update on key projects.</p>  |   |   |
| <b>Action</b> | <b>What action was to be addressed</b>  | <b>Governance of actions taken / planned</b>  | <b>Officer Leads / Programme Boards</b>                                   | <b>How is this monitored?</b>               |
| <b>9</b>      | Planning and implementation of changes required to mitigate potential negative impact of EU Exit on budget and other assumptions for the Council, partners and residents of the City. | <p>The Council's response to the risks and uncertainties associated with EU Exit Transition was coordinated by the Brexit (now EU Exit) Preparedness Group which was chaired by the Strategic Director - Neighbourhoods. The group has now been stood down and monitoring the impact is now business as usual for services. Adhoc meetings may be arranged if required for instance the group was recently convened to review the potential impact of Hong Kong Nationals arriving in the city following recent visa changes.</p> <p>The Greater Manchester Preparedness Group is currently still meeting and focuses on issues and civil contingencies at a city region level.</p> | <p>Chief Executive</p> <p>EU Exit Preparedness Group</p>                  | Economy Scrutiny Committee                  |
| <b>Action</b> | <b>What action was to be addressed</b>  | <b>Governance of actions taken / planned</b>  | <b>Officer Leads / Programme Boards</b>                                   | <b>How is this monitored?</b>               |
| <b>10</b>     | Strengthening the consistency of and accountability involved in the Council's approach to commissioning, procurement and contract management. This includes; improving supply         | Supply chain resilience continues to be an important area of focus because of COVID-19, and its impact on the economy. The steps taken by the Council to monitor and manage supplier risk were summarised in the Supplier Assurance   | Deputy Chief Executive & City Treasurer, Head of Strategic Commissioning. | Resources and Governance Scrutiny Committee |

|               |   |   |  |                               |
|---------------|---|---|--|-------------------------------|
|               | chain resilience, building in carbon reduction requirements and reducing reliance on waivers.   | <p>report to October 2020 Resources and Governance Scrutiny Committee.</p> <p>Governance of social value has been refined and there are now two officer groups - one strategic (the Social Value Governance Board), chaired by the Deputy Chief Executive and City Treasurer, and one operational, bringing together commissioning, contracts and social value leads in directorates.</p> <p>On waivers, the Integrated Commissioning and Procurement Team provided the August 2020 Commercial Board with an update on waivers across the Council's contract portfolio (excluding Capital Programmes), identifying progress and areas for further development.</p>                | <p>Social Value Governance Board</p> <p>Commercial Board</p>               |                               |
| <b>Action</b> | <b>What action was to be addressed</b>  | <b>Governance of actions taken / planned</b>  | <b>Officer Leads / Programme Boards</b>                                    | <b>How is this monitored?</b> |
| <b>11</b>     | Continued development and coordination across Services of the governance, communication, implementation and monitoring of workforce policy and associated guidance. This includes ensuring strong messages around compliance and accountability, and a planned programme of work to identify and tackle areas of non-compliance. Focus is needed on; the Accountability Framework - to support understanding of decision making, and the operation and efficacy of the Member / Officer Relations Protocol, and the Member Code of Conduct. | <p>Work has been progressed through the Our Transformation programme to strengthen the Accountability Framework, to improve levels of understanding and compliance with decision making requirements.</p> <p>The Council's Member/Officer Protocol was reviewed in June 2019. Whilst this review did not identify significant areas requiring revision, the opportunity was taken to make minor changes, which were approved by the Standards Committee and reported to Council.</p> <p>The Committee on Standards in Public Life has proposed a number of changes to the Code of Conduct for Members (some of which require changes to legislation). Following consultation,</p> | Deputy Chief Executive & City Treasurer, City Solicitor, Director of HROD. | Standards Committee           |

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|  |  | in May 2021 the LGA issued a new Model Code of Conduct for Members which has been circulated to Members for information and which will be the subject of a report to Standards Committee in November 2021 following discussions across the Greater Manchester authorities. |  |  |
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## 7. Action Plan: Governance Challenges for 2021/22 Onwards -

The review of governance arrangements has identified the main areas where the Council will need to focus its efforts during 2021/22, to address changing circumstances and challenges identified. These are set out in the action plan below. Completion or substantial progress against these objectives is due by the end of the financial year, in March 2022.

| Action | What action is to be addressed  | Who is responsible for delivery                          |                               | How is this monitored?                      |
|--------|---|--|-------------------------------|---|
|        |   | SMT Leads  | Directors or Heads of Service |   |
| 1      | Continuing to ensure effective governance of the response and recovery from COVID-19. This includes a focus on the city's longer-term recovery, including its economy, residents and communities, for example via delivery of the Economic Recovery and Investment Plan.                                  | Chief Executive, Deputy Chief Executive & City Treasurer | -                             | The Executive<br>Economy Scrutiny Committee |
| 2      | Continuing to develop the capability of our workforce, to support the delivery of Our Corporate Plan and the Future Shape of the Council. This includes continuing to embed the Our Manchester Behaviours, and the new Employee Code of Conduct, along with delivery of organisational development plans. | Deputy Chief Executive & City Treasurer, City Solicitor  | Director of HROD              | Resources and Governance Scrutiny Committee |
| 3      | Future Shape of the Council – Ensure effective governance of the coordination of, and interdependencies   | Deputy Chief Executive & City                            |                               | The Executive                               |

| Action | What action is to be addressed   | Who is responsible for delivery  |  | How is this monitored?                            |
|--------|--|--|--|---|
|        |  | SMT Leads  | Directors or Heads of Service              |   |
|        | between the work programmes which will deliver the next steps to reshape how Manchester City Council operates, including using new technologies, ways of working and new delivery models.  | Treasurer, City Solicitor  |  | Scrutiny Committees                               |
| 4      | Carbon reduction - ensuring that we have effective governance of strategies and action plans that enable delivery of the target to be a zero-carbon city and Council by 2038 at the latest.  | Deputy Chief Executive and City Treasurer                                  | Director of Policy, Performance and Reform | Neighbourhoods and Environment Scrutiny Committee |
| 5      | Ensure effective governance of the next phase of health and social care integration. This includes the next steps in the development of Manchester Local Care Organisation (MLCO) as the delivery vehicle to reduce health inequalities and improve the health and well-being of the people of Manchester.   | Director of Adult Social Services, Deputy Chief Executive & City Treasurer | -  | Health Scrutiny Committee                         |
| 6      | Ensure effective governance of the delivery of 'Better Outcomes, Better Lives' which is MLCO's transformation programme for Adult Social Care.   | Director of Adult Social Services  | -  | Health Scrutiny Committee                         |
| 7      | Governance of the strategic direction for delivery of proposed ICT infrastructure and systems essential to business operations and legal compliance, including the social care system. Mitigation of delivery timescale risks, and effective prioritisation where there is an interdependence between business-critical programmes (e.g. telephony). | Deputy Chief Executive & City Treasurer                                    | Director of ICT                            | Resources and Governance Scrutiny Committee       |
| 8      | Strengthening the consistency of and accountability involved in the Council's approach to commissioning, procurement and contract management. This includes;   | Deputy Chief Executive & City Treasurer                                    | Head of Strategic Commissioning            | Resources and Governance Scrutiny Committee       |

| Action | What action is to be addressed  | Who is responsible for delivery  |  | How is this monitored?   |
|--------|---|----------------------------------|--|--|
|        |   | SMT Leads                        | Directors or Heads of Service            |  |
|        | improving supply chain resilience, building in carbon reduction requirements and reducing reliance on waivers.  |                                  |  |  |
| 9      | Governance of the coordination of delivery of our commitments on equality, diversity and inclusion in relation to Manchester's citizens, and to our workforce. This includes delivery of both the Workforce Equality Strategy and the Race Equality programme.                                  | Chief Executive, City Solicitor  | Director of HROD                         | Resources and Governance Scrutiny Committee<br>Communities and Equalities Scrutiny Committee       |
| 10     | Development of governance arrangements for the new model for housing delivery. This includes effective oversight of delivery of the first phase of this work, which will be the facilitation of the Northwards Housing Arm's-Length Management Organisation (ALMO) being brought back in house. | Strategic Director - Development | Director of Housing & Residential Growth | The Executive<br><br>Economy Scrutiny Committee<br><br>Resources and Governance Scrutiny Committee |

## Conclusion

The governance arrangements as described above have been applied throughout the year, and up to the date of the approval of the Annual Accounts, providing an effective framework for identifying governance issues and taking mitigating action. Over the coming year the Council will continue the operation of its governance framework and take steps to carry out the actions for improvement identified in the review of effectiveness to further strengthen its governance arrangements.

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**Manchester City Council  
Report for Resolution**

**Report to:** Standards Committee – 17 June 2021

**Subject:** Review of the Operation and Efficacy of the Arrangements for dealing with Code of Conduct complaints against Members

**Report of:** City Solicitor and Monitoring Officer

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**Summary**

To update the Standards Committee on the operation and efficacy of the Arrangements for dealing with Code of Conduct complaints against Members

**Recommendations**

- (1) To note the Monitoring Officer's information on the operation and efficacy of the Arrangements for dealing with Code of Conduct complaints against Members.
  - (2) That the Chief Legal Officers in Greater Manchester be requested to discuss their respective Arrangements and that the outcome of these discussions be reported to a future meeting of this Committee.
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**Wards Affected:** All

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**Financial Consequences – Revenue** None

**Financial Consequences – Capital** None

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**Background documents (available for public inspection):** None

## 1.0 Introduction

- 1.1 On 18 March 2021 this Committee considered, and approved for forwarding on to full Council, an annual report regarding the work done by the Council's Monitoring Officer, since the last annual report in October 2019 to 31 January 2021, to promote and maintain high standards of conduct by Members.
- 1.2 Members are reminded that the timeframes within 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 Arrangements") are as follows:
  - (a) The Monitoring Officer will acknowledge receipt of the complaint within 10 working days of all required information being provided and at the same time, the Monitoring Officer will write to the Subject Member with a copy of the complaint;
  - (b) The Subject Member may, within 10 working days of being provided with a copy of the complaint, make written representations to the Monitoring Officer;
  - (c) A decision regarding whether the complaint merits formal investigation or another course of action will normally be taken within 20 working days of either receipt of representations from the Subject Member or where no representations are submitted 20 working days of the expiry of the period mentioned in paragraph (b) above.
- 1.3 A copy of the Arrangements are attached.
- 1.4 The annual standards report to the March 2021 meeting of this Committee informed Members that there had been an improvement in the timeliness of processing complaints. Between 1 October 2019 and 31 January 2021, 21 of 23 complaints were acknowledged and forwarded to the subject member within the 10 working day time frame and the other two only slightly exceeded the timeframe provided for in the Arrangements. The report also indicated that whilst 8 of the 23 exceeded the 20 working day timetable for initial assessment decision, following the response from the subject member, this reflected that 5 of which were passed on for investigation. It was further reported that it was expected that additional diarising and monitoring proposed to be undertaken would help further reduce any delays in responding to complaints against Members.
- 1.5 Members are advised that during the period 1 February to 31 May 2021 four complaints against Members have been received by the Monitoring Officer and in respect of all four complaints the above timeframes have been complied with.

## **2.0 Review of the Arrangements**

- 2.1 Members will recall that, as reported to this Committee in March 2019, the Committee on Standards in Public Life (“the CSPL”) published a report on its review of local government ethical standards on 30 January 2019. One of the CSPL recommendations was that the Local Government Association (‘LGA’) should create an updated code of conduct in consultation with representative bodies of councillors and officers of all tiers of local government.
- 2.2 At its meeting in March 2021 this Committee agreed to the proposal that Chief Legal Officers in Greater Manchester be requested to discuss the adoption of the LGA model code ( either as is or with minor amendments ) throughout Greater Manchester and that the outcome of these discussions be reported to this Committee’s November meeting. The Chief Legal Officers have suggested that the Arrangements should form part of these discussions.
- 2.4 It is proposed that the outcome of these discussions be reported to a future meeting of this Committee.

## **3.0 Recommendation**

- 3.1 The recommendations appear at the front of this report.

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## MANCHESTER CITY COUNCIL

### Arrangements for dealing with complaints that Council Members have failed to comply with the Council's Code of Conduct for Members

#### 1. Introduction

- 1.1 This procedure applies when a complaint is received that a Member, or Voting Co-opted Member of Manchester City Council or Ringway Parish Council has or may have failed to comply with the Code of Conduct for Members ('the Code').
- 1.2 The Code only applies to a Member of Manchester City Council or Ringway Parish Council when they are acting in the capacity of a Member of that Council.
- 1.3 The person making the complaint will be referred to as "the Complainant" and the person against whom the complaint is made will be referred to as the "Subject Member".
- 1.4 The Monitoring Officer is the officer of the Council who is responsible for administering the system of complaints about member misconduct and as part of that role may nominate another officer of suitable experience and seniority to carry out any of the functions listed in this procedure.
- 1.5 The Council appoints Independent Persons from outside the Council to assist the Monitoring Officer and Standards Committee in considering complaints. Further details about the role of the Independent Persons are set out in Appendix 1 to these Arrangements.
- 1.6 No Member or Officer of Manchester City Council or Ringway Parish Council will participate in any stage of the arrangements if he or she has, or may have, any conflict of interest in the matter.

#### 2. Making a complaint

- 2.1 A complaint should be made in writing either by post or e-mail to:  
The Monitoring Officer,  
Chief Executive's Department,  
Town Hall,  
Manchester  
M60 2LA or  
[demserv@manchester.gov.uk](mailto:demserv@manchester.gov.uk)
- 2.2 However, an oral complaint will be accepted where the complainant is unable to write due to a physical or mental disability or there is a language barrier. Where an oral complaint is received it will be transcribed and sent to the complainant for their approval.

- 2.3 Anonymous complaints will only be accepted in exceptional circumstances. Further information regarding confidentiality and anonymous complaints is set out in paragraphs 2.7 to 2.9 and 2.12 to 2.14 below.
- 2.4 A complaint must provide substantiated information and should outline what form of resolution the Complainant is seeking. Further information regarding the range of sanctions available is set out in paragraph 9 below. Complainants will be encouraged to submit their complaint using the Council's Member Complaints Form. However other written complaints will be accepted so long as they contain all relevant information.
- 2.5 If the complaint identifies criminal conduct or breach of other regulations by any person, the Monitoring Officer is authorised to report this to the Police or other prosecuting or regulatory authority, in addition to any action taken pursuant to the Code. In the case of alleged criminal conduct the complaint may be held in abeyance pending the outcome of any criminal investigation.
- 2.6 Confidentiality
- 2.7 If a Complainant wishes their identity to be withheld, they should state this and provide full reasons why they believe their request is justified when submitting the complaint. Any request for confidentiality will be considered by the Monitoring Officer at the initial assessment stage of these Arrangements. In reaching his/her decision the Monitoring Officer may also consult with the Council's Independent Person.
- 2.8 As a matter of fairness and natural justice the Subject Member will usually be told who has complained about them and receive details of the complaint. However, in exceptional circumstances, the Monitoring Officer may withhold the Complainant's identity if they are satisfied that the Complainant has reasonable grounds for believing that they or any witness relevant to the complaint may be at risk of physical harm, or his or her employment may be jeopardised if their identity is disclosed, or where there are medical risks (supported by medical evidence) associated with the Complainant's identity being disclosed.
- 2.9 If the Monitoring Officer decides to refuse a request by a Complainant for confidentiality, they will offer the Complainant the option to withdraw the complaint, rather than proceed with his or her identity being disclosed. The Monitoring Officer will balance whether the public interest in taking action on a complaint will outweigh the Complainant's wish to have his or her identity withheld from the Subject Member.

#### 2.10 Discontinuance of Complaints by Monitoring Officer

The Monitoring Officer may discontinue a complaint if they consider it appropriate to do so where the Subject Member ceases to be a Member of Manchester City Council or Ringway Parish Council.

2.11 Where a complaint is discontinued the Monitoring Officer will write to the Complainant setting out the reasons for their decision.

#### 2.12 Anonymous complaints

2.13 If an anonymous complaint is received it will be considered by the Monitoring Officer at the initial assessment stage of these Arrangements. In reaching his/her decision the Monitoring Officer may also consult with the Council's Independent Person.

2.14 The principles of fairness and natural justice referred to in paragraph 2.8 will also be applied to anonymous complaints and such complaints will only be accepted if they include documentary or photographic evidence indicating an exceptionally serious or significant matter.

#### 2.15 Timeframes

The Monitoring Officer will acknowledge receipt of the complaint within 10 working days of all required information being provided. The complainant will be given details about how the complaint will be dealt with and provided with a copy of these Arrangements. At the same time, the Monitoring Officer will write to the Subject Member (and in the case of a complaint about Ringway Parish Council Member to the Clerk of the Parish Council) with a copy of the complaint and the name of the complainant, (if anonymity has not been requested and accepted as valid by the Monitoring Officer).

2.16 The Subject Member may, within 10 working days of being provided with a copy of the complaint, make written representations to the Monitoring Officer which must be taken into account when deciding how the complaint should be dealt with. Representations received after this time may be taken into account at the discretion of the Monitoring Officer, but will in any event not be considered after the Monitoring Officer has issued the initial assessment of the complaint.

2.17 A decision regarding whether the complaint merits formal investigation or another course of action will normally be taken within 20 working days of either receipt of representations from the Subject Member or where no representations are submitted 20 working days of the expiry of the period mentioned in paragraph 2.16 above.

- 2.18 The Complainant and the Subject Member will be informed should there be a delay in completing any stage of the process.

### **3. Stage 1 – Procedure for Initial Assessment of Complaint**

- 3.1 The complaint will be automatically rejected if:

- The complaint is not against one or more named Member of Manchester City Council or Ringway Parish Council; or
- The complaint is against a current Member of Manchester City Council or Ringway Parish Council but the Subject Member was not acting in their capacity as a Member of that Council at the time of the alleged failure to comply with the Code.

Where a complaint is rejected on any of the above grounds the Monitoring Officer will write to the Complainant explaining why their complaint cannot be dealt with under this procedure.

- 3.2 The Monitoring Officer may request further information from either the Complainant, the Subject Member or any other persons the Monitoring Officer considers appropriate before reaching a decision.

- 3.3 The Monitoring Officer will consider the complaint and, consult with the Council's Independent Person before reaching a decision (initial assessment) as to whether the complaint merits investigation, or another course of action. Where the complaint relates to a Ringway Parish Member, the Monitoring Officer may also seek the views of the Clerk of Ringway Parish Council before deciding whether the complaint merits formal investigation or other action.

- 3.4 If the complaint has not been rejected on either of the grounds in 3.1 the Monitoring Officer will then go on to apply the following criteria in deciding whether a complaint should be accepted for investigation, dealt with informally, or rejected:

- Whether a substantially similar allegation has previously been made by the Complainant to the Monitoring Officer (unless sufficient new evidence is provided), or the complaint has been the subject of an investigation by another regulatory authority;
- Whether the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now;
- Whether the allegation is anonymous (subject to paragraph 2.12 to 2.14 above);
- Whether the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and
  - i. The resources needed to investigate and determine the complaint are wholly disproportionate to the allegations or

- ii. Whether in all the circumstances there is no overriding public benefit in carrying out an investigation.
  - Whether the complaint appears to be malicious, vexatious, politically motivated or tit for tat;
  - Whether the complaint suggests that there is a wider problem throughout the Authority;
- 3.5 After consulting with the Independent Person the Monitoring Officer will then give his/her decision on how the complaint will be dealt with. The Monitoring Officer may in exceptional circumstances refer the question of how to proceed to a Sub-Committee of the Standards Committee.
- 3.6 If the Monitoring Officer decides that no further action is appropriate a decision notice will be sent to the Complainant and the Subject Member. The decision notice will summarise the allegation, give the decision of the Monitoring Officer and the reasons for their decision.

#### **4. Stage 2 - Informal Resolution**

- 4.1. In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Informal resolution may be appropriate for example:-
- Where it is apparent that the Subject Member is relatively inexperienced as a Member or has admitted making an error and the matter would not warrant a more serious sanction.
  - Where training or conciliation would be a more appropriate response.
- 4.2 Types of informal resolution might include:
- An explanation by the Subject Member of the circumstances surrounding the complaint;
  - An apology from the Subject Member;
  - An agreement from the Subject Member to attend relevant training or to take part in a mentoring process;
  - Offering to engage in a process of mediation or conciliation between the subject Member and the Complainant; or
  - Any other action capable of resolving the complaint.
- 4.3 Where the Monitoring Officer seeks to resolve the complaint informally he or she will provide the Subject Member with a reasonable timescale within which to attempt to resolve the complaint (usually this will be 20 working days) and provide the Subject Member with the contact details for the Independent Person who will be available to the Subject Member to give them advice on the severity of the complaint and what form of resolution they would consider appropriate. Providing such guidance will not prevent the Independent Person from giving a view to the Standards Hearing Panel.

- 4.4 Before deciding upon a course of action the Subject Member may seek guidance from a Group Whip, Leader of the Group, the Independent Person, and/or the Monitoring Officer. The Monitoring officer may also seek the Complainant's views to ascertain what form of informal resolution they would find acceptable, particularly if the form of resolution they have specified in their complaint is not possible.
- 4.5 At the end of the 20 working day period referred to at paragraph 4.3 above the Monitoring Officer will, in consultation with the Council's Independent Person, seek to establish whether the Subject Member has resolved the complaint to the Complainant's satisfaction.
- 4.6 Where it has been possible to agree a form of resolution between the Subject Member and the Complainant there will be no further action taken in respect of the complaint and the Monitoring Officer will notify both the Complainant and the Subject Member of this decision.
- 4.7 Where it has not been possible to agree a form of resolution between the Subject Member and the Complainant, the Monitoring Officer will decide if the complaint merits formal investigation.
- 4.8 Where the Subject Member makes a reasonable offer of local resolution, but it is rejected by the Complainant, the Monitoring Officer will take account of this in his or her decision.

## **5. Stage 3 – Formal Investigation**

- 5.1 Where the Monitoring Officer decides a complaint merits investigation he/she will appoint an Investigating Officer who may be a Council officer, an officer from another Council, or an external investigator.
- 5.2 The Investigating Officer will follow guidance issued by the Monitoring Officer on the investigation of complaints. The guidance will follow the principles of proportionality and the cost effective use of Council resources and shall be interpreted in line with these principles. The Investigating Officer should aim to complete their investigation within 3 months of their appointment.
- 5.3 At the end of their investigation, the Investigating Officer may produce a draft report and send copies to the Complainant and Subject Member for comments on matters of fact. The Investigating Officer will take any such comments received during a period to be specified by the Investigating Officer into account before issuing their final report to the Monitoring Officer.

## **6. Investigating Officer finding of no failure to comply with the Code of Conduct**

- 6.1 Where the Investigating Officer's report finds that the Subject Member has not failed to comply with the Code of Conduct, the Monitoring Officer, in consultation with the Independent Person, will review the Investigating Officer's report and if satisfied, will confirm the finding of no failure to comply with the Code of Conduct.
- 6.2 The Monitoring Officer will write to the Complainant and the Subject Member (and to the Clerk of Ringway Parish Council, where the complaint relates to a Ringway Parish Member), with a copy of the decision and the Investigating Officer's report.
- 6.3 If the Monitoring Officer is not satisfied that the investigation has been conducted thoroughly, the Investigating Officer may be asked to reconsider the report and the conclusions.

## **7 Investigating Officer finding of sufficient evidence of failure to comply with the Code of Conduct.**

Where the Investigating Officer's report finds that the Subject Member has failed to comply with the Code of Conduct, the Monitoring Officer will review the Investigating Officer's report and will then having consulted the Independent Person either send the matter for hearing before the Hearing Panel or seek informal resolution in accordance with paragraph 7.1 below .

### **7.1. Informal Resolution**

If the Monitoring Officer believes that the matter can reasonably be resolved without the need for a hearing, for example because informal resolution has not yet been considered, they will consult with the Independent Person and the Complainant and seek to agree a fair resolution. The types of resolution available are as set out in paragraph 4.2 of these Arrangements. If the Subject Member and the Complainant accept the suggested resolution, the Monitoring Officer will report the outcome to the Standards Committee and the Clerk to Ringway Parish Council (if appropriate) for information, but will take no further action. If the Complainant or the Subject Member refuses informal resolution in principle or to engage with the agreed outcome, the Monitoring Officer will refer the matter for a hearing without further reference to the Complainant or the Subject Member.

## **8. Stage 4 - Hearing**

Where, in the opinion of the Monitoring Officer, informal resolution is not appropriate or the Complainant and/or Subject Member refuses to accept informal resolution, then the Monitoring Officer will report the Investigating Officer's findings to a Hearing Panel (constituted as

detailed in paragraph 8.1 below) which will conduct a hearing before deciding whether the Member has failed to comply with a Code of Conduct and, if so, what action (if any) to take in respect of the Member.

### **8.1 Constitution of the Hearing Panel**

The Hearing Panel is a sub-committee of the Council's Standards Committee. It will comprise of at least one of the independent Members co-opted to the Standards Committee and three elected Members of the Standards Committee of whom one should be a Member of the largest minority political group (if any). Where the complaint is about a Ringway Parish Council Member, the Hearing Panel will also include the Ringway Parish Council Member co-opted to the Standards Committee. The Independent Person will be invited to attend all meetings of the Hearing Panel and their views must be sought and if such views are provided taken into consideration before the Hearing Panel takes any decision on whether the Subject Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct. Any views provided by the Independent Person must also be recorded in the decision notice issued by the Hearing Panel.

### **9. Action available to the Hearing Panel**

Where a Hearing Panel finds that a Subject Member has failed to comply with the Code, it will –

- Publish its findings in respect of the Subject Member's conduct;
- And it may -
- Report its findings to Council (or to Ringway Parish Council) for information;
  - Recommend to Council that the Member be censured;
  - Recommend to the Subject Member's group leader (or in the case of ungrouped members recommend to Council) that he/she be removed from any or all committees or sub committees of the Council;
  - Recommend to the Leader of the Council that the Subject Member be removed from the Executive, or removed from their portfolio responsibilities;
  - Instruct the Monitoring Officer (or recommend to Ringway Parish Council) to arrange training for the Member;
  - Recommend to Council (or recommend to Ringway Parish Council) that the Subject Member be removed from all outside appointments to which they have been appointed or nominated by the Council (or by Ringway Parish Council);
  - Withdraw (or recommend to Ringway Parish Council that it withdraws) facilities provided to the Subject Member by the Council such as a computer, website and/or e-mail and internet access; or

- Place such restrictions on the Subject Member's access to staff, buildings or parts of buildings which may be reasonable in the circumstances.

#### **10. Appeals**

There is no right of appeal against the substantive decision of the Monitoring Officer or of the Hearing Panel.

#### **11. Withdrawal of a Complaint**

In the event that a Complainant withdraws a complaint at any time prior to a decision having been made by a Hearing Panel, the Monitoring Officer may, following consultation with the Independent Person, decide that no further steps be taken in respect of that complaint. In taking such a decision the Monitoring Officer will take into account whether there has been any intimidation or attempt to intimidate any person who is or is likely to be:

- a complainant,
- a witness, or
- involved in the administration of any investigation or proceedings,

in relation to the allegation that the Subject Member has failed to comply with the Council's Code.

#### **12. Revision of these Arrangements**

The Monitoring Officer may, in consultation with the Chair of the Standards Committee, revise these Arrangements, as he or she considers appropriate, in individual cases to enable the process to be dealt with efficiently. Any such revisions to be reported to the next meeting of the Council's Standards Committee.

#### **13. Review of these Arrangements**

These Arrangements were last reviewed in 2017 and shall be reviewed every 3 years thereafter, or earlier where there is a change in the applicable law or circumstances warrant an earlier review.

## APPENDIX 1

### The Independent Person

1. The role of the Independent Person is set out in Section 28 of the Localism Act 2011.
2. As part of its arrangements under which decisions on allegations can be made, each principal authority must appoint at least one Independent Person. The Independent Person's views **must** be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate.
3. The authority may also seek the Independent Person's views on an allegation that it has not decided to investigate. However, there is no requirement for the authority to do so, or to take those views into account.
4. A member or co-opted member of the authority (or of a parish council in the area) may seek the independent person's views on an allegation made against them.
5. The Independent Person must be a person who has applied for the post following advertisement of a vacancy for the post, and appointed by a positive vote from a majority of all the Members of the Council at a meeting of the full Council.
6. A person is not eligible for appointment if they:
  - are, a Member, co-opted Member or officer of the Council;
  - have within the past five years been a Member, co-opted Member or officer of Manchester City Council,
  - are, or have been within the past five years, a Member or co-opted Member or officer of Ringway Parish Council; or
  - are a relative or close friend of a person within the bullet points above.
7. For the purpose of paragraph 6 above, "relative" means:
  - Spouse or civil partner;
  - Living with the other person as husband and wife or as if they were civil Partners;
  - Grandparents of the other person;
  - A lineal descendant of a grandparent of the other person;
  - A parent, sibling or child of the person within the above bullet points;
  - A spouse or civil partner of a person within the above bullet points; or
  - Living with a person within the above bullet points as husband and wife or as if they were civil partners.

**Manchester City Council  
Report for Information**

**Report to:** Standards Committee – 17 June 2021

**Subject:** Review of the Operation and Efficacy of the Use of Resources  
Guidance for Members

**Report of:** City Solicitor

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**Summary**

To update the Standards Committee on the operation and efficacy of the Use of Resources Guidance for Members.

**Recommendations**

To note the Monitoring Officer's views on the operation and efficacy of the Use of Resources Guidance for Members.

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**Wards Affected:** All

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**Financial Consequences – Revenue** None

**Financial Consequences – Capital** None

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**Background documents (available for public inspection):** None

## **1.0 Introduction**

- 1.1 The Use of Council Resources Guidance for Members, which sits in Part 6 of the Council's Constitution, was last updated as part of the Annual review of the Constitution in February 2021. Changes were reported to this Committee as Part of its Annual Report in March 2021.
- 1.2 As indicated in the report to this Committee at its last meeting the changes made were to reflect the current position that in addition to a mobile phone Members will be provided with such IT equipment as the Director of ICT considers appropriate to enable them to undertake their Council duties. In addition, the reference to the "Transport for Greater Manchester Committee" was amended to read "The Greater Manchester Transport Committee" to accurately reflect the name of this joint committee. The current Guidance is attached.
- 1.3 Whilst the last Standards (Hearing) Sub -Committee hearing in February 2020 (reported to Council at its March 2020 meeting) reached the view when considering a number of complaints against a member that there had been a breach in that case of the Member Code of Conduct in relation to misuse of Council resources the Monitoring Officer is of the view that no further amendments are required to the Use of Resources Guidance at present and that this Guidance is well understood by Members. She is not aware of any queries or issues that have not been addressed through existing procedures

## **2.0 Recommendation**

- 2.1 The recommendation appears at the front of this report.

**USE OF COUNCIL RESOURCES**

**Section C**

**Use of Council Resources  
Guidance for Members**

## USE OF COUNCIL RESOURCES

### Use of Council Resources Policy for Members

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## USE OF COUNCIL RESOURCES

### 1. General Introduction

Manchester City Council's local Code of Conduct for Members ("the Members' Code") provides that a Member of the Council ("a Member") when using or authorising the use by others of Manchester City Council's resources must ensure such resources are not used improperly and in accordance with this policy.

Manchester City Council's requirements on the use of Council resources are set out below. This guidance note also sets out additional rules relating to the use of Council resources in connection with publicity and the use of the Internet and e-mail. Any breach of these requirements could result in a breach of Manchester's Members' Code.

It is each individual Member's responsibility to ensure that any proposed use of Council resources is acceptable. If a Member is unsure Members' Services can be consulted.

This policy is consistent with the rules Council officers are required to follow when using Council resources.

### 2. Resources general provisions

The City Council makes various resources available for the use of Members in connection with Council business and their role as an Elected Member. These resources include the Members' Secretariat, computer facilities, accommodation, stationery, postage, photocopying, telephones and mobile telephone devices, access to the Internet and e-mail. Collectively these are described as 'Council resources'.

Council resources are only available for Members' work in connection with Council business. Council business means matters relating to a Member's duties as an elected Councillor, as an Executive Member, as a Member of a Council committee, sub-committee, working party, or as a Council representative on another body or organisation e.g. Greater Manchester Combined Authority or the **Greater Manchester Transport Committee**.

So for example Council resources can legitimately be used:

- to send and receive communications (including email, letter and by telephone) in connection with Council business;
- to print documents or reports in connection with the formulation of policy and the decision making process of the Council or other organisations on which a Member represents the Council.

The use of any Council resources for non Council business is prohibited (save for the limited personal use of e-mail and Internet – see below).

So for example Council resources could not legitimately be used:

## USE OF COUNCIL RESOURCES

- for political purposes including to support a particular political party or candidate at an election;
- for private business purposes, such as running a commercial enterprise;
- where a Member of the Council is also a member on an outside body or organisation where they are not representing the Council (such as a school board of governors or charity);
- personal use which is excessive or inappropriate (see below).

Members are elected representatives of the Council and should always look to present the Council favourably. Council resources should never be used in a way which facilitates or encourages:

- The ridiculing of others based on race, religion, sex, sexual orientation, age or disability;
- Jokes or quips (whether in the form of words or images) based on race, religion, sex, sexual orientation, age or disability;
- Publication of material that is defamatory or libellous;
- Publication of material which is sexually orientated or has sexually explicit content (whether in the form of words or images);
- Publication of material that contains foul or obscene language;
- Publication of material that is intended to alarm others, embarrass the Council, negatively impact employee productivity or harm employee morale;
- Publication of material which contravenes the City Council's Equal Opportunities and Harassment Policies;
- Illegal or malicious use, including downloading or transmitting copyright material;
- The access, storing or transferring of pornographic or obscene material.

### Specific provisions - volume mailings

It is generally inappropriate for Members to use Council resources for volume mailings, including sending out circulars and conducting wide-scale consultation exercises, even though these may involve Council business. This is particularly the case where consultation has already been or is about to be undertaken as part of standard Council business (such as consultation on a planning application). If in an exceptional case a Member feels that a volume mailing can be justified they should submit a specific request to the Chief Executive.

### Specific provisions - booking and use of accommodation

The rules governing the booking and use of accommodation, meeting rooms and other Council offices must be strictly adhered to. For further details please refer to the Council's Monitoring Officer.

## USE OF COUNCIL RESOURCES

### Data Protection

In representing constituents, Members are separate data controllers for the purposes of compliance with the Data Protection legislation. In the use of the Council's resources Members must be mindful of both their own and the City Council's data protection obligations in ensuring that personal data is processed fairly and lawfully. (This includes asking an officer or department for the personal information of a resident with no legal justification for doing so).

### 3. Publicity

#### 3.1 Council must not publish political material - section 2 of the Local Government Act 1986

The Council is prohibited from publishing "political material" by virtue of section 2 of the Local Government Act 1986 ("the LGA 1986"). Sub-section 2(1) of the LGA 1986 states that;

"A local authority shall not publish or arrange for the publication of, any material which, in whole or in part, appears to be designed to affect public support for a political party."

Sub-section 2(2) of the LGA 1986 provides that in determining whether material falls within the prohibition, the Council must consider the "content and style of the material, the time and other circumstances of publication and the likely effect on those to whom it is directed". In determining whether material is "political material" the Council must give particular attention to the following matters:-

- a) whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another
- b) where the material is part of a campaign, the effect which the campaign appears to be designed to achieve.

The prohibition on the Council publishing "political material" also extends to a prohibition on the Council giving "financial or other assistance to a person" for the publication of "political material" which the Council is prohibited from publishing itself.

Although section 2 of the LGA 1986 applies to all publicity produced by the Council, it is obviously particularly important to be aware of these provisions at election time.

## USE OF COUNCIL RESOURCES

### 3.2 The Code of Recommended Practice on Local Authority Publicity

Paragraph 6(c) of Part 1 of the Members' Code requires Members to have regard to any applicable Code of Publicity made under the Local Government Act 1986. From 31 March 2011, the applicable Code has been The Code of Recommended Practice on Local Authority Publicity ("the LA Publicity Code").

The Council is required to have regard to the LA Publicity Code in coming to any decision on the use of Council resources in relation to "publicity" which is defined as 'any communication in whatever form addressed to the public at large or to a section of the public'. This will include press releases and letters to the media (unless clearly marked "not for publication") but does not cover letters to individuals, unless this is on a scale which could constitute 'a section of the public'.

The LA Publicity Code requires that all publicity by the Council must:

- Be lawful
- Be cost effective
- Be objective
- Be even-handed
- Be appropriate
- Have regard to equality and diversity
- Be issued with care during periods of heightened sensitivity.

In relation to publicity by the Council about individual Members, the LA Publicity Code advises that the general position is as follows:

...it is acceptable for local authorities to publicise the work done by individual members of the authority, and to present the views of those individuals on local issues. This might be appropriate, for example, when one councillor has been the "face" of a particular campaign. If views expressed by or attributed to individual councillors do not reflect the views of the local authority itself, such publicity should make this fact clear.

The LA Publicity Code draws attention to the need for the Council to take care during periods of heightened sensitivity before elections and referendums and advises that:

During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual members or groups of members. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute. It is permissible for local authorities to publish factual information which identifies the names, wards and parties of candidates at elections.

## USE OF COUNCIL RESOURCES

### 4. Personal Use

There is a cost attached to providing Members with any piece of equipment or other resource and that cost can only be justified on the grounds that the equipment or resource is used for Council business.

This is why the use of Council stationery, rooms, telephones and mobile telephones, photocopying and postage may only be used when undertaking Council business.

With regard to the Internet and email however, a small amount of personal use may be acceptable as there is no additional cost to the Council. Any personal use by Members of either of these resources must comply with the general provisions above and any specific guidance in relation to the use of the Internet / e-mail (see below).

So for example the Internet could legitimately be used to purchase holidays, goods and services or general “surfing” for non work-related purposes provided the use is not excessive.

And the Council’s email system could for example be legitimately used to send a small number of personal emails to friends or family. These should be identified by the word “personal” in the email subject heading and when sending a personal email, the electronic signature on the bottom of the email should also be removed.

Personal use does not extend to the family of a Member and it is the responsibility of each Member to ensure family members do not use Council resources.

### 5.1 Information Communication Technology

A Member will be offered several pieces of ICT equipment to assist in the discharge of their duties.

The equipment offered is:

- **a mobile phone**
- **such IT equipment as the Director of ICT considers appropriate to enable the member to undertake their Council duties**
- access to the Council’s ICT network
- Internet access
- an account in the corporate email system and an ‘@manchester.gov.uk’ email address
- computer consumables (printer supplies)

This equipment however remains the property of Manchester City Council and must be returned as soon as practicable upon the Member ceasing to be a Manchester City Councillor. Access to the MCC network will also be revoked at this time.

## **USE OF COUNCIL RESOURCES**

The Council also provides several PCs in the Member's Workrooms to assist Members in the conduct of Council business.

Members must ensure they manage any information that they store electronically, to ensure it is easily accessible to them, confidential and correct. The Council's IT resources can be used to help Members to do this. However, please note that when a Member ceases to be a Manchester City Councillor it will not be possible to provide them with any of the personal data stored about constituents as there is not an easy method of distinguishing between this and other business information of a confidential nature which the Member may have received during their period of office. In so far as the Council acts as a data processor for Members in storing communications with constituents and on a personal basis, the Council confirms that, in accordance with the Council's Records Retention Schedule, once a Member ceases to be a Manchester City Councillor, all data will be securely and permanently erased from Council systems (including the IT equipment and mobile devices provided to Members by the Council) once these are returned. As stated above all equipment should be returned to the Council as soon as practicable upon the Member ceasing to be a Manchester City Councillor.

### **5.2 Management and Usage of Mobile Devices**

In accordance with the Council's Mobile Device Terms and Conditions Members must ensure they do not exceed the monthly usage limits specified of 2 gigabytes ('GB') for phones and 4 GB for tablets.

Use of all mobile devices will be monitored. If a member exceeds those usage limits they will in the first instance be informed by the City Solicitor and asked to bring their usage within the scope of their allocation.

If a Member fails to adhere to such a request then consideration may be given to changing the type of device the Member has or in the alternative putting a bar on the device in terms of data usage.

Any Member who is not clear about the monthly usage limits or how to monitor and manage their data consumption should consult with the ICT Helpdesk.

### **6.1 The Internet**

Members of the Council are able to gain access to the Internet to browse the web and use social media through computers held in Members' Services within the Town Hall complex; or remotely. Members will be provided with a unique user ID and password to access the Internet.

A Member should consider the appropriateness of accessing a website and / or using social media depending on the content, reason or situation they are in e.g. while in the presence of members of the public.

## **USE OF COUNCIL RESOURCES**

The Council has published separate Guidance for Members on the Use of Social Media (Twitter, YouTube, Blogging, Facebook etc).

### **6.1.1 Acceptable Uses of the Internet**

The following list, although not intended to be definitive, sets out broad areas of use that the Council considers to be acceptable uses of the Internet:

- to view and obtain information in direct support of the City Council's business activities;
- to promote services and products provided by the City Council;
- to communicate and obtain information in support of approved personal training and development activities;
- any other use that directly supports the work of a Councillor.

### **6.1.2 Unacceptable Uses of the Internet**

In addition to the uses listed as unacceptable uses of all Council Resources at section 2 there are further restrictions on the use of the Internet for Councillors.

In general terms, any use of the Internet must not contravene the Data Protection legislation; The Computer Misuse Act (1990); The Copyrights, Designs and Patents Act (1988); The Obscene Publications Act (1959) and (1964); or any Council policy (in particular, Council policies on Information and Internet Security; Equal Opportunities and Harassment).

Unacceptable uses include the following:

- the deliberate propagation of computer viruses, or use of the Internet to attempt unauthorised access to any other IT resource;
- access to, and use of, recreational games.

### **6.1.3 Restrictions on Use of the Internet**

Where possible, access to material known to be of an offensive or undesirable nature (for example, which may contravene the City Council's policies on Equal Opportunities and Harassment) will be prevented using appropriate security tools and filtering software.

If any Member unintentionally accesses an Internet site which contains material of an offensive or undesirable nature, they should immediately exit the site. In these instances Members should report the incident to Members' Services or the ICT Helpdesk who may prevent future access to such sites by implementing preventative measures.

Any use of the Internet which is considered to be a criminal matter, will be referred to the Police and may lead to criminal prosecution.

## **USE OF COUNCIL RESOURCES**

### **6.2 Email**

Each Member will have access to an MCC email account for the duration of their time as an Elected Member. Whenever an external e-mail is sent, the sender's name, email address and Council name must be included as the signature of the email (except when sending a personal email).

This will also prevent any private communications, including emails, sent or received by a Member in their private capacity becoming part of the Council's administrative records. Emails form part of the administrative records of the City Council and the City Council has the right of access to all emails sent or received, on the same basis as written documentation. Emails may also be requested under the Freedom of Information Act (2000) or Data Protection legislation and if in scope (unless exempt) would have to be disclosed.

#### **6.2.1 Acceptable Uses of Email**

The following list, although not intended to be definitive, sets out broad areas of use that the Council considers to be acceptable uses of its email system:

- to provide a means of communication within the Council, with other Councils, agencies, organisations and constituents;
- to promote services and products provided by the City Council;
- to communicate and obtain information in support of approved personal training and development activities;
- any other use that directly supports the work of a Councillor in that role.

#### **6.2.2 Unacceptable Uses of Email**

In addition to the uses listed as unacceptable uses of all Council Resources at section 2, there are further restrictions on the use of the MCC email system for Members.

Forgery or attempted forgery of electronic mail is prohibited. Attempts to read, delete, copy or modify the mail of others are prohibited. If a Member receives an e-mail from outside the Council that they consider to be offensive or harassing, Members' Services or the ICT Helpdesk should be consulted in accordance with the City Council's Incident Reporting Procedures. Members should not respond to such e-mails (internal e-mail of a harassing nature will be dealt with under the City Council's Harassment policy).

Council work should not be emailed to a Member's personal email address as this is not a secure method of transferring data. Any personal or sensitive email being sent outside of the MCC internal network should be sent securely via the Council's email encryption solution available via the MCC email system or zipped and password protected using the WinZip software available via Citrix. Advice on how to access these encryption solutions is available from the ICT helpdesk or Members' Services.

## **USE OF COUNCIL RESOURCES**

### **6.2.3 Use of Council Email**

As stated above it is not permissible to use the Council e-mail system to send an e-mail about a party political matter to other Councillors at a Council e-mail address or to reply from one.

In order to facilitate such communications, it is expected that every member has his/her own business e-mail address in order to transmit party political matters without using Council resources.

### **6.3 Etiquette and User Responsibilities**

As a general principle, remember that you are acting as an elected representative of the City Council, using Council equipment and are accessing a non private network when browsing the Internet or communicating using social media or emails which can be seen by anyone or reproduced for this purpose.

At all times have regard for City Council policies and legal requirements when using the Internet or sending or responding to emails. Where appropriate, have equal regard for specified rules and policies of the owners of services you access via the Internet.

## **7. Information Security**

The security of the Council's networks, and of the systems and information held on it, is paramount. Any information security breach could have an adverse impact on the Council, Members, officers and Manchester residents. Due to the likelihood of sensitive and personal information being held on equipment used by a Member, all equipment must be stored securely, be password protected and in the case of tablets, have secure encryption protection installed and operational. All Members must assign a password to their tablets and mobile devices of a complexity to comply with Manchester City Council's policy on password standards (available on the ICT pages on the intranet). Passwords must never be shared with anyone, however, if a Member forgets their password the ICT helpdesk is able to reset them.

Members are able to connect to the Manchester City Council network from home using Callsign. To be provided with Callsign, Councillors who use their own pc or laptop must ensure that anti virus is installed and up-to-date, the firewall is switched on and regular updates are being installed on the pc or laptop via the relevant Update Server (where the pc or laptop is provided by the Council, these features will be enabled as standard). Members' Services or the ICT Helpdesk will be able to assist in applying for Callsign access.

If a piece of equipment is lost or stolen, it is the responsibility of the Member to report this to Members' Services or the ICT helpdesk immediately. Cable locks should be used to secure equipment to desks as a preventative measure.

## USE OF COUNCIL RESOURCES

To protect the MCC network, the use of USB drives and other removable media is restricted in accordance with the Council's Removable Media Policy (available on the ICT pages on the intranet). Staff in Members' Services can assist if a Member requires a presentation or other information to be used for Council business to be loaded on to a tablet.

### **8. Monitoring**

In order to ensure compliance with the requirements of City Council policies and the contents of this policy, the City Council has the right to inspect any Council IT equipment used by a Member. This may include utilising monitoring software to check on the use of e-mail services, software to check the content of all e-mail messages sent and received, phone call and text message files and Internet log files.

These software monitoring tools will only be used for the legitimate purposes of ensuring compliance with stated policies and guidelines so as to protect the City Council against the risk of criminal and civil actions, as a result of the unauthorised actions of its employees, or Members. Where a request is made to access data held in ICT equipment allocated to a Member, such requests must be approved by the Monitoring Officer or Chief Executive. Requests must demonstrate why the information is necessary, how it is relevant and the time period required.

### **9. If a Member Breaches This Policy**

Action may be taken against any user of the City Council's resources who contravenes the requirements of this policy.

Breach of this policy may be a breach of the Council's Code of Conduct for Members and be subject to the sanctions therein.

### **10. Review of this guidance**

This guidance was last reviewed in **2020** and shall be reviewed every 3 years thereafter or earlier where there is a change in the applicable law or circumstances warrant an earlier review.

**Manchester City Council  
Report for Resolution**

**Report to:** Standards Committee – 17 June 2021

**Subject:** Membership of the Standards (Hearing) Sub-Committee

**Report of:** City Solicitor

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**Summary**

The purpose of this report is to assist the Standards Committee in reviewing the membership of the Standards (Hearing) Sub-Committee, considering recent changes to the membership of the Standards Committee.

**Recommendations**

That the Standards Committee makes appointments to the Standards (Hearing) Sub-Committee so that the Sub-Committee's membership becomes as detailed at paragraphs 3.1 and 3.2 of this report.

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**Wards Affected:** All

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**Financial Consequences – Revenue** None

**Financial Consequences – Capital** None

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**Background documents (available for public inspection):** None

## 1.0 Background

- 1.1 At its meeting of 22 October 2015 the Committee established a Standards (Hearing) Sub-Committee to undertake the role of the Hearing Panel as described in the Council's arrangements for dealing with complaints that Council Members have failed to comply with the Code of Conduct for Members ("the Arrangements") and delegated to the Sub-Committee the functions of the Standards Committee set out at Articles 9.3(f) and 9.3(g) of the Council's Constitution (and reproduced in the Appendix to this report for information).
- 1.2 The Arrangements state that the membership of the Sub-Committee will comprise of at least one of the co-opted Independent Members of the Standards Committee along with three elected Members of the Standards Committee of whom one must be a member of the largest minority group (if any). Where the hearing concerns a complaint about a Member of Ringway Parish Council the co-opted Parish Council Member of the Standards Committee will also be included in the Sub-Committee.
- 1.3 The membership of the Sub-Committee was last reviewed at the 16 January 2020 meeting of the Standards Committee, at which it was also agreed that an annual review of the membership of the Sub-Committee would be added to the Standards Committee's work programme. Since then the membership of the Standards Committee has changed.
- 1.4 At the time of the last review of the membership of the Sub-Committee there was an opposition group on the Council. Consequently, the political balance rules applied so as to require an opposition member to be appointed to the Sub-Committee and the Arrangements similarly required one of the three elected members of the Sub-Committee to come from the largest minority group. Following the 6 May 2021 local elections there are currently no minority groups established on the Council, meaning that the abovementioned requirements do not currently apply.
- 1.5 In light of the above changes and the appointment of Councillor Julie Connolly to the Standards Committee the Committee will need to reconsider the membership of the Standards (Hearing) Sub-Committee.

## 2.0 Membership of the Standards (Hearing) Sub-Committee following the last review

- 2.1 When the membership of the Standards (Hearing) Sub-Committee was last reviewed its membership was designated as follows:

| Members of the Sub-Committee  | Substitute Members  |
|---|---|
| The Independent Member who has been appointed as Chair of the Standards Committee, who would act as Chair of the Standards (Hearing) Sub-Committee – Nicolé Jackson | The other Independent Member of the Standards Committee, who would act as substitute Chair of the Standards (Hearing) Sub-Committee – Geoff Linnell |

|                       |                      |
|-----------------------|----------------------|
| Councillor Andrews    | Councillor Lanchbury |
| Councillor Evans      | Councillor A Simcock |
| Councillor Kilpatrick |                      |

2.2 It was also agreed that where the Standards (Hearing) Sub-Committee was considering a complaint against a member of Ringway Parish Council, the Parish Member of the Standards Committee (Parish Councillor O'Donovan) would also be a member of the Sub-Committee.

### 3.0 Proposed Membership of the Standards (Hearing) Sub-Committee

3.1 The recommended revised membership of the Standards (Hearing) Sub-Committee is as set out below:

| Members of the Sub-Committee   | Substitute Members  |
|--|---|
| The Independent Member who has been appointed as Chair of the Standards Committee, who will act as Chair of the Standards (Hearing) Sub-Committee – currently Nicolé Jackson | The other Independent Member of the Standards Committee, who will act as substitute Chair of the Standards (Hearing) Sub-Committee – currently Geoff Linnell  |
| Councillor Andrews   | Councillor Simcock and Councillor Connolly shall, in that order of priority and subject to availability, act as substitute elected members in the event that one or more elected members of the Standards (Hearing) Sub-Committee is unable to attend a meeting of the Sub-Committee. |
| Councillor Evans   |   |
| Councillor Lanchbury   |   |

3.2 Where the Standards (Hearing) Sub-Committee is considering a complaint against a member of Ringway Parish Council, the Parish Member of the Standards Committee (currently Parish Councillor O'Donovan) shall also be a member of the Sub-Committee.

### 4.0 Recommendations

4.1 Recommendations to the Committee are set out at the beginning of this report.

## **Appendix – Excerpt from Article 9.3 of the Council’s Constitution**

### **9.3 Role and Functions**

The Council has delegated to the Standards Committee the following powers to deal with matters of conduct and ethical standards, and the Council’s Standards Committee has the following role and functions:

[...]

- (f) To determine in accordance with the Council’s Arrangements whether a Council Member has failed to comply with the Council’s Code of Conduct for Members and, if so, to determine what action (if any) to take;
- (g) 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), such actions to include:–
  - (i) Publication of the findings of the Standards (Hearing) Sub-Committee in respect of the Subject Member’s conduct;
  - (ii) Reporting the findings of the Standards (Hearing) Sub-Committee to Council for information;
  - (iii) Recommendation to Council that the Subject Member should be censured;
  - (iv) Recommendation to the Subject Member’s Group Leader (or in the case of ungrouped Members to Council) that the Subject Member should be removed from any or all Committees or Sub-Committees of the Council;
  - (v) Recommendation to the Leader that the Subject Member should be removed from the Executive, or removed from their Portfolio responsibilities;
  - (vi) Instructing the Monitoring Officer (or recommending to Ringway Parish Council) to arrange training for the Subject Member;
  - (vii) Recommendation to Council (or to Ringway Parish Council) that the Subject Member should be removed from all outside appointments to which the Subject Member has been appointed or nominated by the Council (or by Ringway Parish Council);
  - (viii) Withdrawal of (or recommendation to Ringway Parish Council that it withdraws) facilities provided to the Subject Member by

the Council, such as a computer, website and/or e-mail and internet access; or

- (ix) Placing such restrictions on the Subject Member's access to Council staff, buildings or parts of buildings as may be reasonable in the circumstances.

[...]

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**Manchester City Council  
Report for Resolution**

**Report to:** Standards Committee – 17 June 2021

**Subject:** Review of Procedure for the Hearing of Allegations of Breaches of the Council’s Code of Conduct for Members

**Report of:** City Solicitor

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**Summary**

To seek the views of the Committee to the proposed revisions to the Procedure for the Hearing of Allegations of Breaches to the Council’s Code of Conduct for Members.

**Recommendations**

That the Standards Committee considers the proposed revised Procedure for the Hearing of Allegations of Breaches of the Council’s Code of Conduct for Members (‘the Procedure’) and approves, with or without modifications, the revised Procedure set out in the Appendix to this report.

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**Wards Affected:** All

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**Financial Consequences – Revenue** None

**Financial Consequences – Capital** None

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**Background documents (available for public inspection):** None

## **1.0 Introduction**

1.1 The Committee approved the current version of the Hearing Procedure in March 2017 following its use for the first time at a hearing in 2016. The starting point for the Procedure is the Hearing Procedure that had been in place prior to the changes to the Standards regime that were brought about by the Localism Act 2011.

1.2 As it was the first use of the Procedure at that time following the hearing a full review was carried out by the Council's Monitoring Officer (the City Solicitor) with a view to:

- simplifying the procedure considerably by moving a lot of information about the contents of letters which are to be sent as part of the process from the main body of the document to Appendices.
- clarify the Complainant's role
- simplify the decision process primarily to try to minimise the number of times the Member and Investigating officer might be requested to leave the room whilst the Panel is making its deliberations.

1.3 The revised Procedure was used for the first time for a hearing in February 2020 and has been looked at with the benefit of practical use to consider if any changes should be made. Broadly it is considered the Hearing Procedure worked well but there are minor changes proposed on the attached version of the Procedure highlighted in bold primarily to:

- Provide further clarity
- Change references to 21 days in Appendix 2 to 10 working days with an opportunity to ask for an extension of time to speed up the procedure.
- To make it clear that if provided the view of the Independent Person should be recorded in the Decision Notice.

## **2.0 Recommendation**

2.1 The recommendation appears at the front of this report.



**PROCEDURE FOR THE HEARING OF ALLEGATIONS  
OF BREACHES OF THE COUNCIL'S CODE OF  
CONDUCT FOR MEMBERS**

## **Introduction**

1. Any hearing of an allegation of a breach of the Code of Conduct for Members (“the Code”) will be in accordance with this procedure.
2. The circumstances in which a referral for a hearing may be made by the Monitoring Officer are set out in the Arrangements for dealing with complaints that Council Members have failed to comply with Council’s Code of Conduct for Members (“the Arrangements”).
3. The person against whom the complaint is made will be referred to in this procedure as “the Member”. The person making the complaint will be referred to as “the Complainant”. References in this document to “the parties” means the Member and the Investigating Officer.
4. The role of the Complainant within the hearing process is not that of a party to the proceedings. However, the Complainant may be called as a witness; if they are not called as a witness they may submit a statement to the hearing in accordance with paragraph 15 below.
5. A hearing will be undertaken by a Hearing Panel. A Hearing Panel is a sub-Committee (the Standards (Hearing) Sub-Committee) of the Council’s Standards Committee that has been constituted in accordance with the Arrangements for the purpose of carrying out a hearing of a complaint and as such is subject to the usual rules relating to public access to meetings and documents (as detailed in Appendix 1). The Hearing Panel shall be chaired by an independent member of the Standards Committee. In the event that, exceptionally, the Standards Committee itself undertakes the hearing of a complaint, any references in the procedure below to a Hearing Panel should be construed as a reference to the Standards Committee.
6. If, after the Monitoring Officer’s decision to refer the matter for a hearing but before the date of the hearing, the Member ceases to be a member of the Council, the Monitoring Officer may (having consulted with the Chair of the Hearing Panel and the Independent Person) decide that the matter should not proceed to a hearing.
7. The Monitoring Officer will be the legal adviser to the Hearing Panel. The Monitoring Officer’s role is to:
  - ensure that members of the Hearing Panel understand its powers and procedures;
  - ensure that the hearing procedure is fair and will allow the complaint to be dealt with as efficiently and effectively as possible;
  - make sure that the Member understands the procedures the Hearing Panel will follow;

- provide advice to the Hearing Panel during the hearing and their deliberations;  
and
  - assist the Hearing Panel in producing a full written decision and a summary of that decision.
8. Where there is a conflict of interest preventing the Monitoring Officer from performing their role independently (or where the Monitoring Officer is unable to act), the Deputy Monitoring Officer, or another appropriate officer appointed by the Monitoring Officer shall perform those functions in respect of which the conflict exists (or act during the period while the Monitoring Officer is unable to do so). In such circumstances, the relevant references in this procedure to the Monitoring Officer shall be read as referring to the Deputy Monitoring Officer or other officer appointed to perform the functions in question.
  9. This procedure is subject to an overarching requirement that any hearing must be conducted in a manner compatible with the right to a fair hearing, including as provided for by Article 6 of the European Convention on Human Rights.

## The Pre-Hearing Process

### Preliminary Matters

10. Where, following the completion of an investigation, a decision is made to refer the matter for a hearing, the Monitoring Officer shall within 14 days of the issue of the decision provide the information in paragraph 11 to

- a) the Member;
- b) the Independent Person who was assigned to assist with the complaint.; and
- c) the Investigating Officer.

11. The information that is to be provided **will include**:

- a) a copy of the Investigating Officer's final report;
- b) a report from the Monitoring Officer setting out why, having received the Investigating Officer's final report and having consulted with the Independent Person, a decision was made to refer the matter for a hearing;
- c) a copy of this hearing procedure; and
- d) a covering letter ('the preliminary letter') explaining what will happen next in the hearing process (the contents of this letter will vary depending upon the intended recipient, as further detailed in Appendix 2 below).

**At the same time that the preliminary correspondence as set out in paragraph 10 is sent to those identified in paragraphs 10 (a)- (c), separate correspondence will be sent to the Complainant informing them that following the completion of the investigation, the matter has been referred for a hearing and that they may be called as a witness by the Investigating Officer, Member or Monitoring Officer. Where they are not called as a witness at the hearing, the Monitoring Officer will invite them to submit a written statement in accordance with paragraph 15.**

### Witness Management

12. Where the Member or the Investigating Officer wishes to call a particular witness, it will be the responsibility of the Member or the Investigating Officer, as the case may be, to notify the witness of the hearing date, request their attendance and ensure that the witness submits a brief written statement setting out their evidence, not less than 14 days ahead of the hearing. In the event that both the Member and the

Investigating Officer wish to call the same witness, the Investigating Officer will be responsible for the witness management matters referred to in this paragraph.

13. The Monitoring Officer, having consulted with the Chair of the Hearing Panel, may arrange for the attendance of any additional witnesses at the hearing whose evidence may assist the Hearing Panel in reaching its decision. In such cases the Monitoring Officer will be responsible for the procedural matters relating to witness's management referred to in paragraph 12 above.

#### Convening the Hearing Panel

14. Following receipt of the Member's and the Investigating Officer's written responses to the preliminary letters referred to in paragraph 11 (d) above or, if one or both response(s) is not received, by the end of the **10 working day** period specified in Appendix 2 , the Monitoring Officer, having consulted with the Chair of the Hearing Panel, will arrange for a meeting of the Hearing Panel to be convened and then write to the Member, the members of the Hearing Panel, the Investigating Officer and the Independent Person at least 28 days before the hearing with the information specified in Appendix 3 below ( 'the prehearing letter').
15. If the Complainant has not been invited to attend the hearing as a witness, the Monitoring Officer, at the same time as the prehearing letter is sent will write to the Complainant notifying them of the hearing and inviting them to submit a written statement by no later than 14 days in advance of the Hearing date.

## The Hearing

16. The hearing shall take place once the elements of the pre-hearing process referred to in paragraphs 10-15 above have been completed and (subject to availability of the parties and their witnesses) by no later than three months from the date of the preliminary letter.
17. The Hearing Panel may, at its discretion, consider any new evidence submitted by the Member.
18. The Hearing Panel may, at any time prior to the conclusion of the hearing, decide that it needs additional information in order to reach a decision, and, before adjourning, may ask the Monitoring Officer to obtain further information or undertake further investigation. The Hearing Panel will then reconvene at a later date to continue the hearing of the complaint.
19. The Hearing Panel may at any time seek legal advice from the Monitoring Officer.
20. The Hearing Panel shall decide, on the balance of probability, whether the grounds of the complaint are upheld.
21. Each Hearing Panel member, aside from any independent member, shall have one vote, and all matters shall be decided by a simple majority of votes cast. In accordance with the Council's constitution, independent members of the Hearing Panel do not have voting rights.
22. The meeting of the Hearing Panel, as it is a meeting of a Council sub-committee, will be open to the public unless confidential information or exempt information is likely to be disclosed (see Appendix 1).

## Preliminary Hearing Matters

**For the avoidance of doubt, it is the responsibility of the Member and the Investigating Officer to let the Chair know that they have arrived for the hearing and whether witnesses they are responsible for, have also arrived**

23. The initial order of business at a hearing shall be as follows:
  - a) The ordinary preliminary matters for a meeting of a Council sub-committee (including declarations of interests, and consideration of submissions that the public should be excluded).
  - b) Where the Member is not present at the hearing, to decide whether to determine the case in the Member's absence or to accept the Member's reason for absence (if any has been given) and adjourn the hearing to a later date

c) The Member is to be asked to confirm that the only facts in the Investigating Officer's final report that they dispute are those that they have given notice of during the pre-hearing process. If the Member indicates at this point (or at any later stage of the hearing) that they wish to dispute additional facts contained in the final report the Chair will ask them to provide good reasons for not giving prior notice. After considering the Member's explanation, the Hearing Panel will decide whether to:

- continue with the hearing, relying on the information in the final report;
- allow the Member, at an appropriate point in the hearing, to make representations about the issue, and invite the Investigating Officer to respond and call relevant witnesses (if present);
- adjourn the hearing to enable witnesses to be called or to enable the Investigating Officer to consider the matter raised, to attend and respond, if they are not present

### The Main Hearing Process

24. The Chair of the Hearing Panel will determine the procedure during the hearing, subject to the overarching requirement for fairness as set out at paragraph 9 above. The anticipated stages of the substantive part of the hearing are as follows:

#### ***Evidence of the Investigating Officer:***

- The Investigating Officer will present their report and may call (and ask questions of) witnesses in support of the report's conclusions.
- The Member (or their representative) may ask, via the Chair, questions of the Investigating Officer and/or witnesses called by the Investigating Officer.
- The Panel may ask questions of the Investigating Officer and/or witnesses called by the Investigating Officer.

#### ***Evidence of the Member:***

- The Member (or their representative) will present their case and may call (and ask questions of) witnesses in support of their case.
- The Investigating Officer may ask, via the Chair, questions of the Member and/or witnesses called by the Member.
- The Panel may ask questions of the Member and/or witnesses called by the Member.

#### ***Independent Person:***

- The Independent Person may make any comments they have.

**Closing submissions:**

- Closing submissions may be made by the Investigating Officer (including in relation to the sanction, if any, that they consider should be imposed in the event that the Hearing Panel determines that there has been a breach of the Code).
- Closing submissions may be made by the Member (including in relation to the sanction, if any, that they consider should be imposed in the event that the Hearing Panel determines that there has been a breach of the Code).

25. The Hearing Panel will deliberate (in private where it deems this to be appropriate and consistent with the rules concerning the exclusion of the public set out in Appendix 1) on the representations and evidence presented, following which the Chair will announce:

- a) their findings of fact at the hearing;
- b) whether or not, on the determined facts, the Member has breached the Code;
- c) if a breach of the Code by the Member is found, whether a sanction (beyond publication of the summary decision notice of the Hearing Panel's findings) should be imposed and, if so, what that sanction should be (having considered Appendix 4, below); and
- d) whether the Hearing Panel wishes to make any recommendations to the Standards Committee or to the Council concerning any wider issues (not directly concerning the particular conduct of the Member) that arise from the hearing.

29. If the Hearing Panel finds that the Member should be sanctioned they may decide that, in addition to the publication under paragraph 33 of a summary of the Hearing Panel's findings, one or any combination of the following sanctions should be imposed:

- a) Reporting the Hearing Panel's findings to Council (or to Ringway Parish Council) for information;
- b) Recommending to Council that the Member be censured;
- c) Recommending to the Member's group leader (or if the Member is not part of a group, recommend to Council) that he/she be removed from any or all committees or subcommittees of the Council.;
- d) Recommending to the Leader of the Council that the Member be removed from the Executive, or removed from their portfolio responsibilities;

- e) Instructing the Monitoring Officer (or recommending to Ringway Parish Council) to arrange training for the Member;
  - f) Recommending to Council (or to Ringway Parish Council) that the Member be removed from all outside appointments to which they have been appointed or nominated by the Council (or by Ringway Parish Council);
  - g) Withdrawing (or recommending to Ringway Parish Council that it withdraws) facilities provided to the Member by the Council such as a computer, website and/or e-mail and internet access; or
  - h) Place such restrictions on the Member's access to staff, buildings or parts of buildings which may be reasonable in the circumstances.
30. In exceptional circumstances, such as where it would lead to a manifest injustice or a risk of harm to the Member, the Complainant or others, the Hearing Panel may direct when reaching its decision that a summary decision should not be published.

## The Decision Notices

### The Full Written Decision Notice

31. The Monitoring Officer will prepare on behalf of the Hearing Panel, and in consultation with the Chair of the Hearing Panel, a full written decision outlining whether or not the Member has breached the Code, any sanction imposed, any recommendations made to Standards Committee or the Council, and detailing the Hearing Panel's reasons for its decision. **Any views provided by the Independent Person to the Hearing Panel must be recorded in the full decision notice.**
32. As soon as is reasonably practicable, the Monitoring Officer will circulate on behalf of the Hearing Panel the full written decision notice to:
- the Member;
  - the Independent Person; and
  - the complainant(s).

### The Summary Decision Notice

33. The Monitoring Officer shall at the same time prepare, in consultation with the Chair of the Hearing Panel, a Summary Decision Notice and ( except as provided in paragraph 37 below ) arrange for it to be published on the Council's website excluding from the notice where possible, information that would identify the Complainant.
34. If the Hearing Panel's finding is that the Member did not breach the Code, the public Summary Decision Notice shall:
- state this and give reasons for reaching that finding; and
  - describe any recommendations made to the Standards Committee or to the Council concerning any wider issues (not directly concerning the particular conduct of the Member) that arose from the hearing.
35. If the Hearing Panel finds that the Member breached the Code, the Summary Decision Notice shall:
- state that the Member breached the Code;
  - specify the details of the breach;
  - explain what sanction, if any, has been imposed;

- describe any recommendations made to the Standards Committee or to the Council concerning any wider issues (not directly concerning the particular conduct of the Member) that arose from the hearing; and

Give reasons for the Hearing Panel's findings. **A summary of the views provided by the Independent Person to the Hearing Panel must be recorded in the summary decision notice.**

36. Where the Hearing Panel find that the Member did not breach the Code, if the Member so requests a Summary Decision Notice shall not be published.

## **Appendix 1 – Public Access to Hearings and Documents**

A hearing under this procedure, as it is a meeting of a Council sub-committee, is subject to the ordinary rules of committee meetings and will be held in public except where the **sub-committee decide that** exclusion of the public from all or part of the hearing is necessary:

- to prevent confidential information being revealed (confidential information is information that has been provided by a Government department under the condition that it must not be revealed or information that cannot be revealed by virtue of any legislation or court order); or
- to prevent a category of 'exempt information' being disclosed and the public interest in that information not being disclosed outweighs the public interest in disclosure (exempt information is defined in Schedule 12A of the Local Government Act 1972).

The agenda and reports for a meeting of the Hearing Panel shall be made available to the public before the meeting unless the Monitoring Officer exercises the power to prevent all or any part of a report being made public if it relates to a part of the meeting which, in their opinion, is likely to be held in private for one of the reasons given above. After a hearing, sections of the committee's reports and minutes of the meeting which relate to parts of the hearing held in private will not be made available for public inspection.

Copies of the agenda, reports and minutes of a hearing, apart from sections of documents relating to parts of the hearing that were held in private, will be made available for public inspection for six years after the hearing.

## **Appendix 2 - Contents of preliminary letters**

### **Preliminary letter to Member**

The Member will be asked in the letter referred to at paragraph 11(d) above to submit a written response that provides, within **10 working days (which may be extended by the Monitoring Officer in consultation with the Chair of the Standards Committee if so requested )** of the date of the letter, the following information:

- a) Whether they disagree with any of the findings of fact in the Investigating Officer's final report and, if so, the reason(s) for any such disagreement (as the Member will not be allowed to raise new disagreement(s) of fact at the hearing unless the Hearing Panel agrees there are good reasons to permit this).
  
- b) Whether they want to attend the hearing, **and whether they wish to request any reasonable adjustments under the Equality Act 2010**
  
- c) Whether they want to be represented at the hearing (at their own expense) by a solicitor, barrister or any other person. (The letter issued under paragraph 11(d) above will inform the Member that while a request to be represented by someone other than a solicitor or barrister will normally be allowed, permission may be refused at the hearing by the Chair of the Hearing Panel if it appears that the non-legal representative is directly involved in the matter being determined by the hearing.)
  
- d) Whether they want to give evidence at the hearing, and an indication of how they wish to present this evidence (e.g. orally and/or in writing).
  
- e) Whether they want to call relevant witnesses to give evidence at the hearing and, if so, the identity of each witness and why their evidence is relevant. The letter under paragraph 11(d) above will also inform the Member that the Hearing Panel may decline to hear a witness' evidence where it deems that there is no real likelihood of the evidence being relevant to the matters that the Hearing Panel must determine (including where the evidence solely relates to undisputed facts).
  
- f) Whether they want all or any part of the hearing to be held in private, and the reason(s) for this.
  
- g) Whether they want all or any part of the Investigating Officer's final report or other relevant documents to be withheld from the public, and the reason(s) for this.
  
- h) Any dates within the next 3 months on which they, or the witnesses that they wish to call, would be unable to attend a hearing.

### **Preliminary Letter to Investigating Officer**

(a) The Investigating Officer will be asked in the letter referred to in paragraph 11(d) above to attend the hearing and to submit a written response, within **10 working days (which may be extended by the Monitoring Officer in consultation with the Chair of the Standards Committee if so requested)** of the date of the letter, stating whether they want to call relevant witnesses to give evidence at the hearing and, if so, the identity of each witness and why their evidence is relevant.

(b) The letter under paragraph 11(d) will also inform the Investigating Officer that the Hearing Panel may decline to hear a witness' evidence where it deems that there is no real likelihood of the evidence being relevant to the matters that the Hearing Panel must determine (including where the evidence solely relates to undisputed facts).

**APPENDIX 3 – Prehearing letter**

The prehearing letter to the parties, the Independent Person and the members of the Hearing Panel will:

- a) notify them of the date, time and place for the hearing;
- b) outline the main facts of the case as presented in the Investigating Officer's report that, based upon the Member's response to the preliminary letter, the Member is in disagreement with;
- c) name the members of the Hearing Panel and identify which of them is its Chair;
- d) note whether the Member or the Investigating Officer has indicated whether they will attend (or be represented) at the hearing;
- e) state that the Independent Person will be invited to the hearing;
- f) set out the list of witnesses who are to be invited to give evidence at the hearing;
- g) identify those witnesses in the list that are to be the responsibility of the Member, the Investigating Officer or the Monitoring Officer (as the case may be) to ensure that the witness attends the hearing (and that they submit a brief written statement by no later than 14 days ahead of the hearing);
- h) state that the Member may submit written evidence, but that any written evidence (including any witness statements) is to be submitted by the Member by no later than 14 days before the hearing;
- i) state that any written evidence submitted ahead of the meeting may form part of the report made available to the public ahead of the meeting, subject to the Monitoring Officer exercising their power to exclude all or part of the report as detailed in Appendix 1;
- j) state that, given the nature of the information involved in the hearing of a Member Complaint, it is possible that all or part(s) of the hearing will be conducted in private and/or all or part(s) of documents being considered by the Hearing Panel will be withheld from the public, subject to this being formally decided upon at the hearing by the Hearing Panel (in accordance with the rules governing public access to meetings and documents, as detailed at Appendix 1); and
- k) briefly outline the expected procedure for the hearing.

When deciding on a sanction, the Hearing Panel should make sure that it is reasonable and in proportion to the Member's behaviour. Before deciding what sanction to impose, the Committee should consider the following questions, along with any other relevant circumstances:

- What was the Member's intention? Did the Member know that he or she was failing to follow the Code of Conduct?
- Did the Member get advice from officers before the incident? Was that advice acted on in good faith?
- Has there been a breach of trust?
- Has there been financial impropriety (for example, improper expense claims or procedural irregularities)?
- What was the result of failing to follow the Code of Conduct? In particular were any individuals detrimentally affected?
- What were the potential results of failing to follow the Code of Conduct?
- How serious was the incident?
- Does the Member accept he or she was at fault?
- Did the Member apologise to the relevant people?
- Has the Member previously been warned or reprimanded for similar misconduct?
- Has the Member breached the Code of Conduct before?
- Is the Member likely to do the same thing again?
- How will the sanction be carried out?
- Are there any resource implications?

There may be other factors, specific to the circumstances of the case, that the Hearing Panel also considers to be relevant when deciding what sanction to impose.

**Manchester City Council  
Report for Resolution**

**Report to:** Standards Committee – 17 June 2021

**Subject:** Terms of Office of the Independent Members of the Standards Committee and the Independent Persons

**Report of:** City Solicitor and Monitoring Officer

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**Purpose of the Report**

To seek the views of members in relation to the terms of office of the two independent co-opted members of the Standards Committee and the Council's two Independent Persons.

**Recommendations**

That the Standards Committee agree:

- (1) that Nicolé Jackson & Geoff Linnell (the two independent co-opted members of the Standards Committee) and Alan Eastwood & Sarah Beswick (the Council's two Independent Persons) be contacted to ask whether they are agreeable to the extension of their terms of their office for a period of one year from 18 November 2021;
  - (2) that the matter then be referred to the Constitutional and Nominations Committee and Full Council for a decision to be taken regarding the potential extensions of their terms of office.
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**Wards Affected:** All

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**Background documents (available for public inspection): none**

## Background

**1.0** The Localism Act 2011 fundamentally changed the local authority Standards regime in England with the current standards regime coming into effect from mid-2012. The Committee on Standards in Public Life (“the CSPL”) completed a review of local government ethical standards and published a report on 30 January 2019.

1.1 The Council has delegated to the Standards Committee the power to deal with matters of conduct and ethical standards, and the promoting and maintaining of high standards of conduct by Councillors, Co-opted Members and church and parent governor representatives.

1.2 Members are invited to consider the potential extension of the terms of office of the Council’s Independent Members of the Standards Committee and the Independent Persons.

## **2.0 Independent Members of the Standards Committee**

2.1 The Standards Committee is composed as follows:

- Six elected Members of Manchester City Council (none of whom may be the leader of any political group and no more than one of whom may be a member of the Executive);
- One Member of Ringway Parish Council who is not a Member of Manchester City Council (the Parish Member); and
- Two people appointed by the Council who are not councillors or officers of the Council (Independent Members).

2.2 Independent Members are not be entitled to vote at meetings.

2.3 The Council appoints one of the Independent Members as Chair of the Standards Committee. In the absence of the appointed Chair, the Committee is chaired by the other Independent Member.

## **3.0 Independent Persons**

3.1 Section 28 (7) of the Localism Act 2011 requires all English local authorities to appoint Independent Persons (IPs) to help them to discharge their duty to promote and maintain high standards of conduct by their Councillors and co-opted members and any Parish Councillors.

3.2 An IP must be a person who has applied for the post following advertisement of a vacancy for the post and appointed by a positive vote from a majority of all the Members of the Council at a meeting of the full Council.

### 3.3 Independent Persons have the following roles:

- An IP's views **must** be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate;
- The authority may also seek an IP's views on an allegation that it has not decided to investigate. However, there is no requirement for the authority to do so, or to take those views into account;
- A member or co-opted member of the authority (or of a parish council in its area) may seek an IP's views on an allegation made against them.

## 4.0 Recommendations of the Committee on Standards in Public Life ("the CSPL")

### 4.1 In relation to Independent Persons, in January 2019 the CSPL made the following two recommendations to the government:

- (a) That the role of IPs should be strengthened. However, to avoid any possibility that their independence is compromised by a long period of involvement with a single Council, the CSPL recommended that IP appointments should be for a fixed term of 2 years, renewable once;
- (b) An IP should be consulted as to whether to undertake a formal investigation on an allegation and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

### 4.2 It still remains to be seen whether the government accepts these recommendations. Given the current COVID-19 pandemic the Government may encounter difficulties in setting aside sufficient Parliamentary time to debate these, and other recommendations of the CSPL in the near future.

## 5.0 Terms of Office of the Independent Members and Independent Persons

### 5.1 On 18 November 2015 the Council resolved to:

- extend Alan Eastwood's term of office as an Independent Person for four years commencing on 18 November 2015;
- appoint Sarah Beswick to act as an Independent Person for a term of office of four years commencing on 18 November 2015;
- appoint Nicolé Jackson as an independent co-opted member and Chair of the Standards Committee for a term of office of four years commencing on 18 November 2015;
- appoint Geoff Linnell as an independent co-opted member of the Standards Committee for a term of office of four years starting on 18 November 2015.

- 5.2 On 15 May 2019 the Council resolved to extend the terms of office of Nicolé Jackson & Geoff Linnell (the two independent co-opted members of the Standards Committee) and Alan Eastwood & Sarah Beswick (the Council's two Independent Persons) for two years commencing on 18 November 2019.
- 5.3 The terms of office of all four will therefore expire on 17 November this year.
- 5.4 Whilst the response to the CSPL recommendation in relation to the terms of office of Independent Persons is awaited from the Government it is proposed that Nicolé Jackson & Geoff Linnell (the two independent co-opted members of the Standards Committee) and Alan Eastwood & Sarah Beswick (the Council's two Independent Persons) be contacted to ask whether they are agreeable to the extension of their terms of their office for a period of one year from 18 November 2021 with a view to then reporting the matter to the Constitutional and Nomination Committee and full Council.
- 5.5 It is envisaged that in 2022 further consideration be given to appointing new independent members and Independent Persons with effect from 18 November 2022.

## **6.0 Recommendation**

The recommendation appears at the top of this report.

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**Manchester City Council  
Report for Resolution**

**Report to:** Standards Committee – 17 June 2021  
**Subject:** Work Programme for the Standards Committee  
**Report of:** Governance and Scrutiny Support Unit

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**Summary**

To allow the Committee to consider and revise its work programme for future meetings.

**Recommendation**

The Committee is invited to discuss the work programme and agree any changes.

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**Wards Affected:** All

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**Financial Consequences for Revenue Budget - None**

**Financial Consequences for the Capital Budget - None**

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**Contact Officers:**

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**Background documents (available for public inspection): None**

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## Standards Committee Work Programme – 17 June 2021

### Meeting – 17 June 2021

| Item   | Purpose of the report  | Report Author    | Comments |
|--|--|------------------|----------|
| Annual Governance Statement (AGS)  | To seek the views of the Committee on the draft  | Sean Pratt       |          |
| Efficacy of and proposed amendments to the Arrangements ('Arrangements') for dealing with complaints about Councillors and the Hearing Panel Procedure | To update Standards Committee on the operation and efficacy seek the views of the Committee on proposed changes to the Arrangements and the Hearing Panel Procedure                | Stephen Hollard  |          |
| To consider the membership of the Standards (Hearing) Sub Committee  | To review the membership of the Standards (Hearing) Sub Committee and make appointments as needed  | Poornima Karkera |          |
| To consider the term of office and appointment of Independent Members of the Committee and Term of office / appointment of the Independent Persons     | To consider the terms of office and appointment of Independent Members of the Committee and Term of office / appointment of the Independent Persons – due to expire November 2021. | Peter Hassett    |          |
| Standing item - Work Programme   | To review and amend (if necessary) items to be considered at future meetings of the Committee.   | Andrew Woods     |          |

### Meeting – 4 November 2021

| Item  | Purpose of the report  | Report Author    | Comments |
|---|--|------------------|----------|
| Standing item, if needed - Members Update on Ethical Governance | To update Members on any national issues regarding ethical governance which may impact on the Council's arrangements for ethical governance. | Poornima Karkera |          |

## Standards Committee Work Programme – 17 June 2021

|  |  |                              |  |
|--|--|------------------------------|--|
| Dispensations                              | To review the operation and efficacy of the process for granting dispensations.  | Poornima Karkera             |  |
| Planning Protocol                          | To review the operation and efficacy of the Protocol.  | Robert Irvine / Julie Roscoe |  |
| Register of Members Interests              | To consider the operation of the Register of Members' Interests  | Poornima Karkera             |  |
| Gifts and Hospitality Guidance for Members | To review the operation and efficacy of the Guidance.  | Poornima Karkera             |  |
| The Member/ Officer Relations Protocol     | To review the operation and efficacy of the Protocol   | Poornima Karkera             |  |
| LGA new model code                         | To update the Committee on the discussions of the Greater Manchester Chief Legal Officers in the adoption of the LGA Model Code of Conduct for Members and the arrangements for dealing with complaints regarding breaches of the Code | Poornima Karkera             |  |

### Meeting – 17 March 2022

|                                   |   |            |                                   |
|-----------------------------------|---|------------|-----------------------------------|
| Annual Governance Statement (AGS) | To seek the views of the Committee on the draft | Sean Pratt | Annual Governance Statement (AGS) |
|                                   |   |            |                                   |
|                                   |   |            |                                   |

### Unscheduled Items

|   |  |
|---|--|
| Disqualification criteria for members             | To be scheduled once primary legislation is introduced   |
| Consultation outcome on Updating Disqualification | Committee notes the report and requests that a report be brought to a future meeting once the legislation has been introduced. |

## Standards Committee Work Programme – 17 June 2021

|                                      |   |
|--------------------------------------|---|
| Criteria for Local Authority Members |   |
| Code of Corporate Governance         | TBC   |
| Partnership arrangements             | Report outlining the position regarding incorporating the Council's Member Code of Conduct into the overall governance arrangements of organisations that the City Council has entered into Partnership Arrangements with |

### Documents/Procedures/Protocols – within the remit of the Committee

| Document/Procedure/Protocol   | Last Reviewed  | Date Due for Review   | Comments  |
|---|--|---|---|
| The Code of Corporate Governance  | March 2019   |   |   |
| The Annual Governance Statement   | March 2019   | March 2020 (the statement was reviewed in July 2020 via email)                                |   |
| Members' Code of Conduct  | Updated annually as needed as part of annual review of constitution. |   | AGMA wide review  |
| Arrangements for Investigating Complaints made under the Members' Code of Conduct | June 2019  | June 2021   |   |
| Gifts and Hospitality Guidance for Members  | By Full Council February 2021<br>By Standards Committee March 2019   | 2022 or earlier where there is a change in the law or circumstances warrant an earlier review | Reviewed annually as part of the Council's Constitution |
| The Member/ Officer Relations Protocol  | February 2021  | 2022 or earlier where there is a change in the  | Reviewed annually as part of the Council's              |

## Standards Committee Work Programme – 17 June 2021

|  |   |  |   |
|--|---|--|---|
|  | By Standards Committee March 2019                                 | law or circumstances warrant an earlier review   | Constitution  |
| The Use of Council Resources Guidance for Members                                      | By Full Council February 2021<br>By Standards Committee June 2019 | 2022 or earlier where there is a change in the law or circumstances warrant an earlier review        | Reviewed annually as part of the Council's Constitution |
| Social Media Guidance for Members  | March 2021<br>By Standards Committee March 2019                   | March 2023 or earlier where there is a change in the law or circumstances warrant an earlier review. |   |
| The Planning Protocol for Members  | June 2019   | November 2021  | Reviewed annually as part of the Council's Constitution |
| Member Development Strategy  | March 2021  | March 2022   |   |
| Procedure for the Local Hearing of Allegations of Misconduct by Members of the Council | Reviewed November 2019  | June 2021  | Reviewed 2 November 2017                                |
| Register of Members Interests  | Considered as part of annual report.March 2021                    | March 2022   |   |