

Standards Committee

Minutes of the meeting held on Thursday, 16 June 2022

Present:

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

Councillors Connolly, Evans, Lanchbury, Simcock and Nunney
Independent Co-opted Member: G Linnell

Apologies:

Councillor Andrews
Ringway Parish Council: Councillor O'Donovan

ST/20/6. Interests

Independent Co-opted Member, Geoff Linnell declared that he is a serving councillor on Nether Alderley Parish Council. Although as non-voting members of the committee they are not subject to the rules on Disclosable Pecuniary Interests Nicole Jackson and Geoff Linnell, as Independent Members of the Standards Committee, declared an interest in the item '**Terms of Office of the Independent Members of the Standards Committee and the Independent Persons**'.

ST/20/7. Minutes

The minutes of the meeting held 17 March 2022 were submitted for approval.

Decision

To approve the minutes of the meeting held on 17 March 2022 as a correct record.

ST/20/8. Members Code of Conduct - Company Directorships

The Committee considered the report of the Deputy Chief Executive and City Treasurer and City Solicitor that provided an overview of the governance / oversight mechanisms which provides assurance that appropriate standards in relation to the Council's Partnership arrangements are being upheld. The report focused on those matters within the remit of the Standards Committee, in particular on the training programme for Members who currently or will in the future take on a role as a director. The training package has been produced following work with The Chartered Institute of Public Finance and Accountancy (CIPFA). The training sessions which have been ongoing focus on three key themes:

- Provision of clear guidance so that Members have an understanding of their responsibilities when undertaking a role as a Director;
- To ensure that there is a consistency of approach taken by those representing the Council in a Board setting;

- An opportunity to outline some of the key lessons learnt from other Local Authority companies and how Manchester is embedding a positive approach to good practice.

The Chair invited questions from Committee members.

A member referred the training packages as detailed in paragraph 2.5 of report and asked how long the training will take.

It was reported that the current training package has been developed and is provided by CIPFA colleagues. The refresher session is held over a half day and new directorship appointments will be held over a full day due to the content to be covered.

A member asked if the training has been designed for those members appointed to positions by the Council or did it include those members who are not appointed by the Council but serve a member of a board of a smaller local organisation, because they are a councillor.

It was reported that the training had been focused on those members appointed by the Council to directorships, however the training can be extended for members acting in the roles as a member. Another area to be included in the training will be the role of trustees.

Officers were asked if there is an expectation for independent members to undertake the training if they are a director or a trustee. The Council currently has independent members serving on Scrutiny Committees and Audit Committee.

It was reported that this is not provided currently, but if this was considered beneficial, it could be an option to explore for inclusion of co-opted members in the training, if this would have a benefit to the work of the Council.

Decision

To note the report submitted and the comments and suggestions raised.

ST/20/9. Annual Governance Statement (AGS)

The Committee considered the report of the Deputy Chief Executive and City Treasurer that presented the draft 2021/22 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.

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

The Draft AGS will be included in the Council's draft Accounts 2021/22 and will be submitted to Audit Committee on 26 July 2022.

The report was introduced by the Reform and Innovation Manager and reference was made to the amendments made to improve the layout and accessibility of the text and information. The report referred to the governance challenges in 2021/22 and moving forwards to 2022/23.

Decision

To note the report and the contents of the draft version of the Council's 2021/22 Annual Governance Statement (AGS).

ST/20/10. Review of the Operation and Efficacy of the Member/Officer Relations Protocol

The Committee considered the report of the City Solicitor that provides an update to the Standards Committee on the operation and efficacy of the Member/Officer Relations Protocol. A copy of the current protocol was appended to the report. The protocol was reviewed in November 2021, when it was determined that no changes were required. Reference was made to paragraph 2.1 of the report and the view of the Monitoring Officer that the existing Protocol is well understood by elected Members and the Monitoring Officer is not aware of any queries or issues that have been addressed through existing procedures. This positive view is also reflected in the findings of the LGA Corporate Peer Challenge report. The Committee was informed that the Member /Officer Relations Protocol is covered in the newly elected member induction training.

The Committee was informed that protocol is now subject to annual review.

The Chair invited questions from the Committee.

A member asked if there had been any complaints received under the protocol.

The Monitoring Officer reported that no complaints had been received from officers against an elected member.

Decisions

1. To note the position regarding the operation and efficacy of the Member/Officer Relations Protocol as detailed in the report submitted.
2. To endorse the proposed change to the review date section to reflect current practice of annual review of the Protocol.
3. To request the recirculation of the Operation and Efficacy of the Member/Officer Relations Protocol to all elected members, following its adoption by Council.

ST/20/11. Review of the Operation and Efficacy of the Use of Resources Guidance for Members

The Committee considered the report of the City Solicitor to provide an update on the operation and efficacy of the Use of Resources Guidance for Members. The Guidance is part of the Council Constitution's and as such is reviewed annually. The Head of Governance introduced the report and outlined the outcome of the latest

review of the Guidance had identified that clarity is required on the use of a councillor's council email address and council telephone, which are Council resources and should not be used on any campaign or election literature. In addition, it has been suggested that the importance of Information Security should be highlighted to elected members with the need for them to complete cyber training to promote the importance of cyber security. The review also updated the guidance to remove information that is no longer relevant.

The Chair invited questions from Committee members.

A member referred to the non-use by Councillors of their Council provided email addresses and phone numbers as detailed in paragraph 1.2 of the report and requested that it be stated within the guidance that this will apply to Councillors all year round and not just the period during local elections. It was confirmed this would be picked up in the Guidance.

Decisions

1. To note the Monitoring Officer's views on the operation and efficacy of the Use of Resources Guidance for Members.
2. To endorse the inclusion, in Paragraph 2 of the Guidance (Resources general provisions), that the non-use of members Council provided email addresses and phone numbers for campaign or election literature purposes, will apply to Councillors all year round.
3. To recommend to full Council the adoption of the revised and amended guidance, as detailed in the report submitted.
4. To endorse the recirculation of the Use of Resources Guidance to all elected members, following its adoption by Council.

ST/20/12. Planning Protocol

The Committee considered the report of the City Solicitor to advise on the operation and efficacy of the Planning Protocol. The Committee was advised that officers consider the Protocol is working effectively. A complaint received regarding a member had been rejected at Stage 1 of the investigation process. Four other complaints had been received regarding the conduct of ward members who are not members of the Planning and Highways Committee. The Committee was advised that officers will monitor the complaints and if required report on any potential amendments that may require consideration.

The Committee was advised that the proposed change to the cut-off time for the submission of late representations prior to the meeting of Planning and Highways Committee reported to the Standards Committee in November 2021 would be included in the review of the Council Constitution. The proposed cut-off time will be 4:00pm two days prior to the meeting of Planning and Highways Committee.

Decisions

1. To note the position regarding the operation/efficacy of the Planning Protocol.
2. To note the potential amendment to the Planning Protocol.

ST/20/13. Dispensations

The Committee considered the report of the City Solicitor and Monitoring Officer concerning the review the operation and efficacy of the process for granting dispensations in relation to Members' Interests.

The Monitoring Officer had provided a view of the process and efficacy that stated there are no concerns regarding the level of requests for dispensations by Councillors.

Decision

To note the report.

ST/20/14. The Register of Members' Interests

The Committee considered the report of the City Solicitor and Monitoring Officer regarding the operation of the Register of Members' Interests. Elected members are required to notify Disclosable Pecuniary Interests to the Monitoring Officer, within 28 days of becoming a Councillor.

The Head of Governance reported that the Monitoring Officer considered that members are aware of the need to continually update their register and members will be provided with guidance regarding the declaration of interest at meetings.

Decision

To note the report.

ST/20/15. The Government Response to the Committee on Standards in Public Life's Review of Local Government Ethical Standards

Consideration was given to the report of the City Solicitor and Monitoring Officer that advised the Committee of the Government's response to the report of the Committee on Standards in Public Life (CSPL) review of local government ethical standards.

The Monitoring Officer provided a comment on each of the Recommendations. The Committee was advised that a report would be submitted to the next meeting with recommendations regarding the Local Government Association (LGA) updated model code of conduct.

(*The meeting was suspended at this point (11:00am) due to a fire alarm within the building requiring the room to be evacuated. The meeting resumed at 11:20am.)

Decision

1. To note the Government's response to the report of the Committee on Standards in Public Life.
2. That the City Solicitor and Monitoring Officer submit a report to the next meeting of the Standards Committee with recommendations regarding the LGA updated model code of conduct.

ST/20/16. Gifts and Hospitality Guidance for Members

The Committee considered the report of the City Solicitor and Monitoring Officer regarding the operation and efficacy of the Gifts and Hospitality Guidance for Members. The current threshold for the register of gifts and hospitality is £100. The report covered the period 1 October 2021 to 12 May 2022. The Committee was advised that it is proposed that the review of the guidance will take place annually, rather than the current three-year period.

The Lord Mayor's register of gifts and hospitality was appended to the report.

The Committee was advised that the Monitoring Officer was of the view that all members are aware of this requirement and does not consider that any amendment of the Gifts and Hospitality Guidance for Members is required at this time, other than to change the review date provision to reflect that the Guidance is reviewed annually.

Decisions

1. To note the Monitoring Officer's views on the efficacy and operation of the Gifts and Hospitality Guidance for Members.
2. Endorse the proposed change to the review date section of the Gifts and Hospitality Guidance for Members to reflect the current practice of annual review of the same.

ST/20/17. 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.

A member commented that the Committee should allow business to be submitted on to the Work Programme as required.

Decision

To note the report and agree the Work Programme.

(At this point, the Chair (Nicole Jackson) vacated the chair. Councillor Simcock chaired the meeting for the following item, due to the interest declared. See below.)

ST/20/18. Terms of Office of the Independent Members of the Standards Committee and the Independent Persons

The Committee considered the report of the City Solicitor and Monitoring Officer that sought the views of the Committee 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.

The Committee was advised that the current terms of office of Nicolé Jackson and Geoff Linnell as Independent co-opted members of the Standards Committee date from November 2015. Sarah Beswick's appointment as Independent Person (IP) was on the same date and Alan Eastwood's appointment as Independent Person predates this. All appointments have been extended twice until 18 November 2022 whilst awaiting the Government's response to the Committee on Standards in Public Life's (CSPL) recommendation that the term of office of an IP should be limited to 2 years renewable once.

The government response is that it did not accept this recommendation as appropriate for legislation on the basis that it would be likely to be unworkable. The government's view is that it would be more appropriately implemented as a best practice recommendation for local authorities. Discussions with Monitoring Officers indicate that in practice most local authorities would likely find servicing this rate of turnover unachievable. When local authorities have found effective [IPs] who demonstrate the capability, judgement and integrity required for this quite demanding yet unpaid role, it is understandable that they may be reluctant to place limitations on the appointment.

The Monitoring Officer requested the Committee to agree to existing appointments for a further 4-year period and to recruit an additional Independent Person to enable provision of support to members where more than one member is the subject of a complaint.

The Chair invited the Committee to comment on the report.

A member made the point that recruitment may be difficult due to the nature of the role and the experience and skills required and proposed that two Independent Persons be appointed to provide more flexibility for the Council.

The Monitoring Officer agreed that appointing two Independent Persons would be appropriate and advised the Committee that there is no limit on the number to appoint.

Decisions

The Committee endorsed the reappointment of Nicolé Jackson and Geoff Linnell (the two independent co-opted members of the Standards Committee) and Alan Eastwood and Sarah Beswick (the Council's two Independent Persons) for a further four-year term, provided they are agreeable to this extension.