



Standards Committee

Date: Thursday, 16 June 2022

Time: 10.30 am

Venue: Council Antechamber, Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

Access to the Council Antechamber

Public access to the Council Antechamber 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.

Membership of the Standards Committee

Councillors - Andrews, Connolly, Evans, Lanchbury, Nunney and 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

Agenda

- 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 – 8
To approve as a correct record the minutes of the meeting held on 17 March 2022.
- 5. Members Code of Conduct - Company Directorships** 9 – 12
The report of the Deputy Chief Executive and City Treasurer and City Solicitor is enclosed.
- 6. Annual Governance Statement (AGS)** 13 – 50
The report of the Deputy Chief Executive and City Treasurer is enclosed.
- 7. Review of the Operation and Efficacy of the Member/Officer Relations Protocol** 51 – 64
The report of the City Solicitor is enclosed.
- 8. Review of the Operation and Efficacy of the Use of Resources Guidance for Members** 65 – 80
The report of the City Solicitor is enclosed.
- 9. Planning Protocol** 81 - 84
The report of the City Solicitor is enclosed.
- 10. Dispensations** 85 – 88
The report of the City Solicitor and Monitoring Officer is enclosed.
- 11. The Register of Members' Interests** 89 - 106

- The report of the City Solicitor and Monitoring Officer is enclosed.
- 12. The Government Response to the Committee on Standards in Public Life's Review of Local Government Ethical Standards** 107 – 118
The report of the City Solicitor and Monitoring Officer is enclosed.
- 13. Gifts and Hospitality Guidance for Members** 119 – 130
The report of the City Solicitor and Monitoring Officer is enclosed.
- 14. Terms of Office of the Independent Members of the Standards Committee and the Independent Persons** 131 – 134
The report of the City Solicitor and Monitoring Officer is enclosed.
- 15. Work Programme** 135 - 142

Information about the Committee

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.

Smoking is not allowed in Council buildings.

Joanne Roney OBE
Chief Executive
Level 3, Town Hall Extension,
Albert Square,
Manchester, M60 2LA

Further Information

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

Andrew Woods
Tel: 0161 234 3011
Email: andrew.woods@manchester.gov.uk

This agenda was issued on **Wednesday, 8 June 2022** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 2, Town Hall Extension (Library Walk Elevation), Manchester M60 2LA

Standards Committee

Minutes of the meeting held on 17 March 2022

Present

Independent Co-opted Member: N Jackson – In the Chair
Councillors Andrews, Connolly, Evans, Lanchbury and Simcock
Ringway Parish Council: Councillor O'Donovan

Apologies:

Independent Co-opted Member: G Linnell, Councillor Good

ST/22/01 Minutes

The minutes of the meeting held 4 November 2021 were submitted for approval.

Decision

To approve the minutes of the meeting held on 4 November 2021 as a correct record.

ST/22/02 Standards Committee - Annual Report

The Committee considered the report of the City Solicitor that provided an update on the matters within the remit of the Committee since the beginning of February 2021.

Key points and themes in the report included:

- Providing an introduction and description of 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;
- Update on matters considered by the Committee; and
- Complaints against Councillors, including a summary of the findings.

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

- That Councillors who had yet to update their Register of Interests may wish to consider this. It was noted that a reminder to members on this was scheduled for just after the May elections

Decisions

To note the report and forward this report to full Council for assurance on standards issues.

ST/22/03 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 February 2021. The report sought the Standards Committee's comments on and approval of the Member Development Strategy 2022-24.

Key points and themes in the report included:

- An overview of the Member Development Strategy and its key objectives;
- A description of the delivery of the New Member Induction programme 2021;
- Induction feedback from May 2021;
- Proposals for New Member Induction 2022;
- Member training February 2021 – January 2022;
- Attendance information;
- Findings from the evaluation of training;
- Scheduled training for the remainder of the 2021/22 municipal year;
- Training Programme May 2022- April 2023; and
- Training for co-opted members.

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

- An invitation to the full Induction programme should be offered to new members (it was confirmed that the two members elected at by elections had attended induction sessions)
- GDPR and Cyber Security training was in place for members and it was requested that all members should access this training
- The "Listening In Action" process was currently under review as it was felt this process worked better as a face-to-face meeting which COVID regulations had not allowed for previously
- The recent Peer Review had highlighted the strength of Scrutiny at the Council and member training had played a part in this.
- ICT services were working hard with assisting in the use of technology but there were improvements to be made (it was noted that ICT services had taken on board the varying levels of IT understanding across staff and members)
- That an update would be fed back on the subject of DBS checks for members
- That mandatory training days should be inputted into members' diaries well in advance (ideally at the start of the municipal year to ensure maximum attendance)
- That some training/knowledge around using the Casework software could be offered via training and/or shared between members
- That ongoing support for using IT equipment was to be reviewed
- That members should be consulted on their IT needs to feed back to the ICT service
- That there were some useful comments to take away regarding approach for ICT issues

Decisions

1. To approve the Member Development Strategy 2022-24.
2. To note the report on training delivered since February 2021.

ST/22/04 Social Media Guidance for Members update

The Committee considered the report of the City Solicitor that provided an update 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.

Key points and themes in the report included:

- Providing an introduction and background
- Information relating to the Operation of the Guidance; and
- Member training.
- Minor revisions proposed to the Guidance

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

- That it was good to see that none of the complaints on members' conduct were in relation to the use of social media

Decision

To note the report, approve the minor revisions and request that the Social Media Guidance for Members (as revised) be circulated to all Members.

ST/21/05 Work Programme for the Standards Committee

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.

Decision

To note the report and agree the Work Programme.

This page is intentionally left blank

**Manchester City Council
Report for Resolution**

Report to: Standards Committee – 16 June 2022
Subject: Member Code of Conduct – Company Directorships
Report of: Deputy Chief Executive and City Treasurer and City Solicitor

Summary

To provide an overview of the governance / oversight mechanisms which provides assurance that appropriate standards in relation to the Council's Partnership arrangements are being upheld, insofar as they are within the remit of the Standards Committee with particular focus on the training programme for Members who currently or will in the future take on a role as a Director.

Recommendations

The Standards Committee is asked to note the report.

Wards Affected: All

Financial Consequences – Revenue

Not applicable

Financial Consequences – Capital

Not applicable

Contact Officers:

Name: Fiona Ledden
Position: City Solicitor
Telephone: 0161 234 3087
E-mail: fiona.ledden@manchester.gov.uk

Name: Sarah Narici
Position: Head of Programme Management Office: Commercial Governance & Directorate Support
Telephone: 07971 384491
E-mail: sarah.narici@manchester.gov.uk

Background documents (available for public inspection):

Not applicable

1. Introduction

- 1.1 The Committee on Standards in Public Life (CSPL) Report published in 2019 at Chapter 7 considered the complexities and challenges in relation to commercial activities and new delivery models through, for example partnerships, joint ventures and companies which have created a more complex environment for Councils in terms of potential for ethical risk.
- 1.2 The following report focuses solely on matters which are within the remit of the Standards Committee primarily the promotion of high standards of conduct by Councillors. Wider governance issues around such arrangements fall within the remit of other Council Committees such as the Audit Committee as detailed further below. As the Committee will be aware companies (including companies set up by the Council) are separate legal entities subject to their own legislative requirements and rules about conduct and fiduciary and other duties.
- 1.3 The CSPL report suggests that if councillors or officers are appointed as directors of Companies, they should receive briefing on their legal and governance duties and responsibilities, in particular their legal responsibility to discharge any fiduciary duties to the new body. The local authority needs to consider whether councillors' involvement on the Board could constitute a conflict of interest that will need to be managed if the authority makes decisions about the body.
- 1.4 The main focus of the report is to provide an overview of the training programme for Members who currently or will in the future take on a role as a Director and other governance / oversight mechanisms which provides assurance that appropriate standards are being upheld.

2. Provision of Directorship Training for Elected Members

- 2.1 Manchester City Council has been working closely with The Chartered Institute of Public Finance and Accountancy (CIPFA) to develop training package for both Elected Members and Officers who carry out roles as Company Directors. Following the publication of a number of Public Interest and Best Value reports into a range of Local Authority activities, the importance and necessity for provision of such training has been further underlined.
- 2.2 The co-production of the training package with CIPFA has been beneficial particularly due to CIPFA's involvement in supporting the reform of Local Authority practices. Therefore, this partnership approach has created a positive benefit for the Council in order to gain an insight into the issues and challenges that other Councils have faced and the mitigations to prevent such issues occurring again in the future. In addition, the timing of the roll out of the training is pertinent due to the pending publication of the CIPFA Council owned companies guide which draws on best practice, with some Manchester approaches cited as good ways of working.

- 2.3 With regards to the structure of the training session, the content focuses 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.
- 2.4 There is a specific component of the training that focusses on conflicts of interest and ‘which hat to wear’. This is especially pertinent given the independent and impartial decisions required to be taken by Directors, as when on the Board, Elected Members will need to ensure that they are acting in the best interest of the company. It is hoped by focussing on this particular topic area, this will further support Members to have clarity in their approach to decision making and how this will interface with their roles and the role of the Council as Shareholder.
- 2.5 Furthermore, it is intended to develop training packages for those undertaking a role as a Trustee. Whilst there are commonalities with the Directorship training, there are some specific matters that will need to be covered specifically related to Charities Commission and legislative requirements.
- 2.6 As the Committee is aware, reports on the operation of the Register of Members’ Interests and the operations and efficacy of the process for granting dispensations was considered at its meeting in November 2021, and is considered in a report elsewhere on this Committee's Agenda as is a report on the operation and efficacy of the Council’s Member / Officer Protocol. The Monitoring Officer is of the view that the requirements in relation to the Registration of Interests and requests for dispensations are understood by members.
- 2.7 With regard to ongoing oversight and scrutiny of Council company activities, this is already strong, with all wholly owned companies established as a result of Executive Decisions, with a clear rationale for the purpose, objective and outcomes due to be achieved by these separate entities i.e. through a partnership approach to regeneration or Joint Venture opportunity to maximise resources. In order to ensure that the oversight remains robust and is tracked regularly, the Register of Significant Partnerships (RSP), which reports to Audit Committee twice a year, provides this assurance function. The RSP provides a comprehensive assurance exercise to understand how well the partnership is performing from a governance, audit, financial and risk perspective. Through the questions asked and the information provided via the RSP assessment there is a clear correlation between the partnerships governance process and ensuring that the Principles of Public Life are adhered to. If there was an indication that the principles weren’t being embedded in the approach to governance of the partnership, then this would have an impact to the rating of the entity.

- 2.8 Furthermore, in the recent Manchester Peer Review, governance and scrutiny were highlighted as key areas of strength, particularly referencing the well – formed governance and engagement arrangements in place with partners and the culture across the organisation that embraces, values and therefore resources and invests in scrutiny.
- 2.9 In addition, in 2019 the Council established a new Commercial Governance service area. The service performs a corporate co-ordination and oversight function for all companies, joint ventures and charities which the Council either wholly owns or has a stake in to ensure that information on all entities is held in one centralised place, bringing together information from both legal and finance, as well as looking to standardise process and embedding good practice through the approach we take to company operation. Activity undertaken by the Commercial Governance service is monitored by the Commercial Board, which is an officer meeting and chaired by the Deputy Chief Executive & City Treasurer. The activity and effectiveness of Directors acting on Company Boards is also tracked through this route, so will provide further assurance on performance.

3. Recommendations

- 3.1 The recommendations are outlined at the top of this report.

**Manchester City Council
Report for Information**

Report to: Standards Committee – 16 June 2022

Subject: Draft Annual Governance Statement 2021/22

Report of: Deputy Chief Executive and City Treasurer

Summary

This report contains 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. 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 2021/22 Annual Governance Statement (AGS).

Wards Affected: All

Contact Officers:

Name: Carol Culley
Position: Deputy Chief Executive and City Treasurer
Telephone: 0161 234 3406
E-mail: carol.culley@manchester.gov.uk

Name: Fiona Ledden
Position: City Solicitor
Telephone: 0161 234 3087
E-mail: fiona.ledden@manchester.gov.uk

Name: James Binks
Position: Assistant Chief Executive
Telephone: 0161 234 1146
E-mail: j.binks@manchester.gov.uk

Name: Sean Pratt
Position: Reform and Innovation Manager
Telephone: 0161 234 1853
E-mail: s.pratt@manchester.gov.uk

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 2021/22 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, accessibility of the document, 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 In 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 were implemented in the AGS 2020/21, 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 has reduced duplication and brought efficiencies in resource expended.
- 2.3 To further develop the document for 2021/22, accessibility improvements have been made to the layout. 'SCULPT' principles have been used, which are a simple way to make documents and content more inclusive and accessible for all. This could include, for example, people using assistive technology or viewing documents on a mobile phone. Using SCULPT principles means that we consider: Structure – the use of headings and styles, Colour and Contrast, Use of images, Links (hyperlinks), Plain English, and Tables - which are either designed so as to be accessible, or not used at all. Following this review, images and tables have been removed from the document. Tables have been replaced by headings with text underneath, and images replaced by a narrative description.
- 2.4 In 2016, the Council fully reviewed and updated its Code of Corporate Governance (the Code) to reflect the seven 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. CIPFA has highlighted the Council's Code as an example of good practice. A further full review of both the document itself, and our approach to the production of the Code is currently being carried out.

2.5 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.

2.6 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 2021/22; This section provides a concise high-level summary of strategic actions taken to address the Council's governance challenges for the 2021/22 financial year, as identified in the Action Plan in the previous AGS (2020/21).

7 – Action Plan: Governance Challenges for 2022/23 Onwards; this section will set out the key areas which the Council will focus on in 2022/23, to address challenges identified and changing circumstances.

3. Process followed to produce the AGS 2021/22

3.1 To identify significant governance challenges to be addressed during 2022/23 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 2021/22
- Where appropriate carrying forward elements of action points from 2021/22 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.

3.2 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 2022/23.

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. As noted earlier in the report, we have also made accessibility improvements to the layout using SCULPT guidelines.

5. Next Steps and AGS Timeline

5.1 The next key reporting dates for the 2021/22 AGS are;

- 24 June 2022 – Draft AGS included with the Council's draft Accounts 2021/22
- 26 July 2022 – Draft Accounts 2021/22 to Audit Committee

5.2 Standards Committee is requested to note and comment on the contents of the draft version of the Council's 2021/22 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 26 July 2022.

This page is intentionally left blank



Annual Governance Statement 2021/22

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. Governance 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.
- 1.2 A summary of significant governance challenges which the Council faces is 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. The Council's Corporate Plan sets out its priority actions for delivering the strategy for the city.
- 1.3 The national and international public health emergency caused by the COVID-19 pandemic have led to substantial impacts for the city and the Council. 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, in line with the Government's Living with Covid plan.
- 1.4 The introduction of the new Integrated Care System (ICS) arrangements at Greater Manchester level will drive the next phase of health and social care integration. The operating model for Manchester's health and social care integration will be key to enabling further progress towards achievement of the priorities for the city. These ambitions are for the city to significantly improve health outcomes, tackle health inequalities and develop a financially and clinically sustainable system.
- 1.5 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 - Forward to 2025](#), 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 five Our Manchester behaviours;
- We are proud and passionate about Manchester
 - We take time to listen and understand
 - We own it and are not afraid to try new things
 - We work together and trust each other

- We show that we value our differences and treat people fairly
- 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 not provide 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 describes 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 information 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.

There are seven core principles of good governance in the public sector, which are set out below (principles 'A' through to 'G'). Each core governance principle has a set of sub-principles beneath it with a description of how we meet those principles. Where applicable, hyperlinks are also provided where you can access more information about key examples of governance in action.

Principle A - Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.

A1 - Behaving with Integrity

- The Council's 'Our Manchester' approach included four behaviours that demonstrate the attitude and ways of working to achieve the Our Manchester Strategy, with a new fifth behaviour introduced in 2022:
 1. We are proud and passionate about Manchester
 2. We take time to listen and understand
 3. We own it and are not afraid to try new things
 4. We work together and trust each other
 5. We show that we value our differences and treat people fairly

These behaviours represent how we should do things, how we should treat others, what we should say, and how we should say it.

- We're prioritising workforce equality and diversity by creating a more inclusive Council, through delivering the Workforce Equalities Strategy 2022. [Equalities Strategy Implementation Update](#)

A2 - Demonstrating Strong Commitment to Ethical Values

- 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. [Standards Committee Annual Report](#)

A3 - Respecting the Rule of Law

- 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 way, correct procedures are followed, and that all applicable laws and regulations are complied with. The City Solicitor is also responsible for reporting any actual or potential breaches of the law or maladministration to the Full Council and/or to the Executive, and for ensuring that procedures for recording and reporting key decisions are operating effectively. [Our Constitution](#) - article 12.3(b)
- The Chief Finance Officer (Deputy Chief Executive and City Treasurer) has statutory reporting duties in respect of unlawful and financially imprudent decision making. [Our Constitution](#) - article 12.4(a)
- The Council ensures that it complies with CIPFA's Statement on the Role of the Chief Finance Officer in Local Government (2016)

Principle B - Ensuring openness and comprehensive stakeholder engagement

B1 - Ensuring Openness

- 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. Design of the site has considered and incorporated understanding of the needs of people with accessibility requirements. [Manchester City Council website](#)

- 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. [Council Meeting Agendas and Reports](#) [Webcasts of Council Meetings](#)

B2 - Engaging Comprehensively with Institutional Stakeholders

- The Our Manchester Forum supports development of effective relationships across leaders of the city's key private, public, voluntary and community sector organisations and our residents. The Forum benefits the city by driving forward the priorities set out in the Our Manchester Strategy to put Manchester in the top-flight of world class cities by 2025. [Our Manchester Forum Information - The Manchester Partnership](#)
- 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. [Register of Significant Partnerships](#)

B3 - Engaging with Individual Citizens and Service Users Effectively

- 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. [Our Manchester Strategy – Forward to 2025 \(Item 32\)](#)
- 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. [E-bulletins and Social Media](#)
- 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). [Our Manchester Campaigning Engagement Framework \(Item 4\)](#)

Principle C - Defining outcomes in terms of sustainable economic, social, and environmental benefits

C1 - Defining Outcomes

- 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. [Our Manchester Strategy – Forward to 2025](#). 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 be:
 - Thriving and Sustainable – vibrant with a cutting-edge economy involving and fairly rewarding all our people.
 - Highly Skilled – work-ready, well-educated young people and all residents supported to take up opportunities.
 - Progressive and Equitable – so all can thrive, with better joined-up support, care and health services.
 - Liveable and Zero-Carbon – safe, enjoyable neighbourhoods with affordable housing, zero-carbon by 2038 using green growth and design, energy, and more climate-resilience.
 - Connected – more walking, cycling and green transport, and accessible digital technology used by and working for everyone.
- Our Corporate Plan sets out the Council’s contribution to the Our Manchester vision. These priorities have been refreshed for 2022 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;
 - Zero carbon Manchester
 - Growth that benefits everyone
 - Young People
 - Healthy, Cared for people
 - Housing

- Neighbourhoods
- Connections
- Equality
- Well-managed Council

- We will help to deliver these priorities through new ways of working and by demonstrating the Our Manchester Behaviours. [Medium Term Financial Strategy 2022/23 and 2024/25 \(includes Corporate Plan priorities\)](#)

C2 - Sustainable Economic, Social and Environmental Benefits

- The Council declared a Climate Emergency in July 2019 and developed a Climate Change Action Plan which was approved by Executive in March 2020. Regular quarterly reports are provided on the progress that has been made in delivering the Plan despite the challenges posed by the COVID-19 pandemic. [Climate Change Action Plan 2020-25 \(item 37\)](#) [Climate Change Action Plan - Progress Report](#)
- 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. [Powering Recovery: Manchester's Recovery and Investment Plan](#)
- Our Work and Skills Strategy sets out how we will use learning and employment to meet the Our Manchester Strategy vision of being a more highly skilled city, and how we will help create a more inclusive and low-carbon economy in Manchester where more of our residents are connected to our city's success. A public consultation on the new strategy ran until 9 May 2022. [Draft Work and Skills Strategy 2022-27](#)
- 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. [Developing a More Inclusive Economy – Our Manchester Industrial Strategy](#)
- 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. [Refresh of the Social Value Policy \(item 17\)](#)

Principle D - Determining the interventions necessary to optimise the achievement of the intended outcomes

D1 - Determining Interventions

- 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. [Executive Reports](#)
- The Future Shape of the Council programme has a workstream focussed Digital, Data and Insights which includes projects on data management to address a challenge with regard to data quality. This will ensure all data initiatives follow a well-defined approach to enable uniformity and consistency across enterprise systems and solutions, and improving insights for decision makers. [Future Shape of the Council](#)

D2 - Planning Interventions

- 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. [The Council's Budget 2022/23 – item 26](#)
- The Council Budget and Business Plan are underpinned by individual service plans which set out the core priorities and activities for each service. The service plans also include a service improvement plan and active contributions to the corporate priorities of Zero-Carbon, Equalities, and a Place-Based approach.

D3 - Optimising Achievement of Intended Outcomes

- 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 2022-2025. [Medium Term Financial Strategy 2022-23 and 2024-25](#)

Principle E - Developing the entity's capacity, including the capability of its leadership and the individuals within it

E1 - Developing the Organisation's Capacity

- The Council's Organisation Development Plan (2021-23) (OD Plan) replaces the Our People Strategy which was solely focused on Human Resources and Organisational Development (HROD). The OD plan is the way in which we embed Our Manchester. It builds on existing work to transform the culture of the organisation to deliver against the Our Manchester Strategy. It builds on the voice of the workforce so that their insights and experience are truly reflected in what is described as our 'priority' areas. In the delivery of this plan we are structurally hardwiring the Our Manchester behaviours into everything we do. The six priority areas in the OD Plan are; Purpose, Change, Decision and Risk, Diversity and Inclusion, Performance and Development, and Partnerships.
- The Future Shape of the Council programme is reshaping how Manchester delivers services both internally and externally, by using new technologies, ways of working and new delivery models. It is an organisational wide initiative bringing together a number of programmes designed to strengthen our ability to deliver the Our Manchester Strategy. [Future Shape of the Council](#)

E2 - Developing the Capability of the Organisation's Leadership and Other Individuals

- Immediately following local elections, new Council Members receive an induction into the work of the Council and their role as local members. The format and content are reviewed annually with members. The induction training is also open for existing members to attend. [Member Development and Training](#)
- As part of the former 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.
- The Council delivers a comprehensive programme of leadership and management development, which all new managers are enrolled on. A new corporate induction process is in development. Progress and support is monitored through the About You process. The programmes are targeted at different Grade bandings and cover a spectrum of areas essential to managers in the organisation.

- The Council is committed to promoting the physical and mental health and wellbeing of the workforce 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'. A refresh of this strategy is planned during 2022/23. [Being Our Best Selves strategy](#)

Principle F - Managing risks and performance through robust internal control and strong public financial management

F1 – Managing Risk

- 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. [Annual Corporate Risk Management Report and Corporate Risk Register](#)
- Staff are appropriately trained to ensure that they manage risk effectively using appropriate methodologies and aligned approaches e.g., Manchester Local Care Organisation. Safeguarding risks are managed in line with professional standards.

F2 – Managing Performance

- The Council puts in place Key Performance Indicators (KPIs) to monitor service delivery whether services are internal or through external providers. An Integrated Monitoring and Corporate Plan report is provided to Strategic Management Team (SMT) every other month. This brings together analysis of performance, finance, workforce intelligence and risk - to support effective resource allocation, and to shine a light on any challenges so that they can be addressed.

F3 – Effective Overview and Scrutiny

- 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 [Scrutiny Committees information](#)

F4 – Robust Internal Control

- 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 out in detail in both the latest Annual Corporate Risk Management report, and its Internal Audit Plan. [Internal Audit Plan 2022/23 - Item 6](#)
- 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. [Annual Corporate Risk Management Strategy and Risk Register 2022/23](#)
- 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. [Committee details - Audit Committee](#)

F5 – Managing Data

- 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. [Data Protection](#)
- 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).

- 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-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 and is included in the Council's new starters induction pack.
- 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).
- 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. [Freedom of Information](#) [Environmental Information Regulations](#)

F6 – Strong Public Financial Management

- 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.
- 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. [Our Constitution \(Part 5\)](#)
- The Financial Management Code (FM Code) sets out the standards of financial management expected for local authorities and is designed to support good practice and to assist local authorities in demonstrating their financial sustainability. The FM Code was launched in 2019, with the first full year of compliance being 2021/22. Information about the financial resilience assessment which the Council has carried out is set out in Section 5 of this AGS document – 'Annual review of effectiveness of the governance framework'. [Medium Term Financial Strategy 2022-23 and 2024-25.](#)

- 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. [Medium Term Financial Strategy 2022-23 and 2024-25.](#)
- The performance and outcomes delivered through the companies, Joint Ventures and charities which the Council is a party to is monitored through the Commercial Board (chaired by the Deputy Chief Executive and City Treasurer) and recently established Shareholder Panel (chaired by the Deputy City Treasurer). In addition, the Council's loan and equity investments are also tracked through these routes to ensure that expected returns and repayments are in line with contractual agreements and forecasts. Furthermore, the Register of Significant Partnerships provides additional assurance through the detailed review of a number of entities which is reported to Audit Committee on a bi-annual basis.
- CIPFA's Prudential Code of Practice and Treasury Management Code of Practice sets out the risk framework through which the Council manages its balance sheet and makes capital investment decisions. Alongside the Department for Levelling Up, Housing and Communities (DLUHC) guidance on minimum revenue provision, and the guidance on borrowing from the Public Works Loan Board (PWLB) which seeks to limit borrowing solely for yield, the Council has a strong regulatory framework that it adheres to. The Capital Strategy and capital approval process detail the approach to decision making on capital investments, and the Treasury Management Strategy details the approach for debt management and cash investing, both of which contribute to strong, ongoing financial management of the Council's balance sheet. [Capital Strategy and Budget 2020/21 to 2024/25](#) [Treasury Management Strategy Statement 2022/23](#)

Principle G - Implementing good practices in transparency, reporting, and audit to deliver effective accountability

G1 – Implementing Good Practice in Transparency

- The Council follows the Local Government Transparency Code 2015, which includes requirements and recommendations for local authorities to publish certain types of data. [Local Government Transparency Code](#)
- 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. [Manchester City Council website](#)

G2 – Implementing Good Practices in Reporting

- The Council produces a detailed, annual State of the City publication, which charts the city's progress towards its vision and priorities in the Our Manchester Strategy. [State of the City Report 2021](#)
- An integrated monitoring and Corporate Plan report is provided to Strategic Management Team (SMT) every other month. This brings together analysis of performance, finance, workforce intelligence and risk - to support effective resource allocation, and to shine a light on any challenges so that they can be addressed.
- A Communities of Identity report will be produced working with communities, VCSE organisations and partners to identify the different experiences of diverse communities in Manchester.

G3 - Assurance and Effective Accountability

- The Council welcomes peer challenge, internal and external review and audit, and inspections from regulatory bodies and gives thorough consideration to arising recommendations. The outcome letter of the recent (21 March - 1 April 2022) Inspection of Local Authority Children's Services for Manchester was published on the Ofsted website in May 2022. This grades the overall effectiveness of children's services as 'Good'. The report notes that services for children in Manchester have significantly improved since the last inspection in 2017, and that many areas of service provide consistent practice for most children and their families. This includes when children first need support, come into care, and leave care. [Inspection of Manchester local authority children's services](#)
- 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. [Audit Committee meetings](#)
- 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.

- The Council requested a Corporate Peer Review from the Local Government Association (LGA) which took place from 30 November to 3 December 2021. The overall feedback from the peer reviewers was very positive for both the Council and the city. [Manchester City Council Peer Review and Action Plan](#) [LGA Corporate Peer Review](#)

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:
 - 1) **The Executive** - Proposes the budget and policy framework to Council and makes decisions on resources and priorities relating to the budget and policy framework
 - 2) **Audit Committee** - Approves the Council's Annual Accounts, oversees External Audit activity and oversees the effectiveness of the Council's Governance, risk management and internal control arrangements
 - 3) **Resources and Governance Scrutiny Committee** - Considers the implications of financial decisions and changes to corporate, partnership and city region governance arrangements
 - 4) **Standards Committee** - Promotes high standards of ethical conduct, advising on the revision of the Codes of Corporate Governance and Conduct for Members
 - **Consideration of evidence sources to identify the Council's key governance challenges looking ahead to 2022/23 (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. The questionnaire was sent to 57 different service areas, and the response rate was 100%.
 - 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 2021/22 if substantial further challenges remain, and ongoing monitoring is required.
- **Head of Audit and Risk Management Annual Opinion 2021/22** - In terms of the year to March 2022, the Head of Audit and Risk Management can provide 'reasonable' assurance that the Council's governance, risk and control framework was generally sound and operated reasonably consistently in the year. The full opinion detail is set out in the [Annual Audit Opinion 2021/22](#) report to Audit Committee.
- **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.
- **CIPFA Financial Management Code 2019 (FM Code)** - The authority has carried out a credible and transparent financial resilience assessment. This includes consideration of the CIPFA Financial Resilience Index which shows the Council to be relatively well placed on earmarked reserves and in a reasonably comfortable mid position on the other indicators. The only ratio classed as high risk relates to the low council tax base which is well understood and has mitigations in place. The index is not intended to represent the entire story on the financial sustainability of a Local Authority but provides some indicators of potential risk. In addition, the Chief Finance Officer has examined the major assumptions used within the budget calculations and associated risks. The Medium-Term Financial Plan and Capital Strategy have been updated to reflect the 2022/23 budget position including the current and anticipated financial impacts of the COVID-19 pandemic. The 2022/23 budget was approved by Council on 4 March 22.
- **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.
- **Commercial Governance** – the Council has oversight and assurance for governance in relation to its companies, loans and equity investments via the Commercial Board and Shareholder Panel. Regular performance reporting is reviewed via these forums to ensure that the expected governance standards are met both in terms of the Seven Principles of Public Life and embedding the delivery of zero carbon and social value through organisational approaches.

6. Strategic oversight of actions to address the Council's governance challenges in 2021/22

This section provides a concise high-level summary of strategic actions taken to address the Council's governance challenges for the 2021/22 financial year, and the arrangements for oversight of delivery. The ten challenges were set out in the Action Plan at the end of last year's AGS (2020/21). Where relevant, separate detailed progress updates are provided to Project and Programme Boards, and where applicable reports and information are taken to Committees.

Action 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

Governance of actions taken and planned

Established processes have ensured good governance of the response to, and recovery from the COVID-19 pandemic. Plans which have ensured an effective response and recovery have included:

- Manchester's 12-point Action Plan
- Manchester's Economic Recovery and Investment Plan
- Situation reports to the Executive and Scrutiny Committees
- Effective connections to Greater Manchester governance

Areas of focus have included support to business, skills and the labour market, homelessness, and poverty.

Is this governance challenge carrying forward to 2022/23?

No. This has been replaced by Item 3 in the Action Plan 2022/23 (section 7), which includes responding to the health inequalities exacerbated by the COVID-19 pandemic.

Officer Leads: Chief Executive, Deputy Chief Executive & City Treasurer, Strategic Director of Neighbourhoods, Director of Population Health

How this is monitored: The Executive, Economy Scrutiny Committee, Resources and Governance Scrutiny Committee

Action 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.

Governance of actions taken and planned

Organisation Development

- Organisation Development (OD) Plan 2021-23 has replaced the Our People Strategy. The Our People Strategy was focused on how HROD operated, whereas the OD plan now sets out how the whole organisation operates with the support of the HROD service.
- The OD plan sets out the way we will continue to embed the five Our Manchester behaviours throughout the organisation, with an increased focus on our most complex challenges, processes and systems.
- The Local Government Association (LGA) Corporate Peer Challenge of the Council (December 2021) found that the Our Manchester Strategy and Our Behaviours were well embedded in how we work internally and with our partners.
- A fifth Our Manchester behaviour was developed, in consultation with our staff, focused on embedding our commitment to equality, diversity and inclusion developed in 2021/22. It is currently being embedded as part of our core values.
- Plans are in place to roll out the updated corporate induction programme in early 2022/23.

Employee Code of Conduct:

- Council wide communications have taken place to support the embedding of the Employee Code of Conduct.
- An accessible policy guidance pack has been shared with all staff through the Senior Leadership Group with ongoing support available from HROD.
- The level of resource available to support this corporate communications campaign within HROD has been impacted by the pandemic. There is a plan to further embed the Code across all levels of the Council in the coming year.

Is this governance challenge carrying forward to 2022/23?

Yes. See Item 1 in the Action Plan 2022/23 in section 7.

Officer Leads: Deputy Chief Executive & City Treasurer, City Solicitor, Director of HROD

How this is monitored: Resources and Governance Scrutiny Committee, SMT, Organisation Development team

Action 3 - Future Shape of the Council – Ensure effective governance of the coordination of, and interdependencies 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.

Governance of actions taken and planned

- The Future Shape Programme team ensures the governance for the workstreams are in place. Following the Peer Review the governance arrangements have been streamlined and adopt a more agile methodology. The work programme was also revised to include:
 - A more Purposeful and Effective Core
 - Digital, Data and Insights
 - Digital by Default, customer access and front door
 - How we will work

- In parallel with Future Shape, work was undertaken through the reviews of Public Interest and Best Value reports (and aligned to the Future Shape programme where appropriate) to assess and strengthen the Manchester approach to governance. Outcomes delivered include:
 - Directorship training
 - Decision Making checklist
 - Late Publication of Reports - action plan to improve
 - Shareholder Panel
 - Procurement benchmarking

- Work continues to ensure there are clearer lines of accountability, and clearer remits of the various groups supporting governance of the Council as a whole (including the Future Shape Programme), to streamline them and improve co-ordination, preventing duplication that could result in over-governance.

- Capability and capacity of the workforce to align effectively to key priorities and organisational requirements will be supported by the Future Shape programme and OD plan

Is this governance challenge carrying forward to 2022/23?

Yes. See Item 2 in the Action Plan 2022/23 in section 7.

Officer Leads: Deputy Chief Executive & City Treasurer, City Solicitor, Future Shape Programme Team

How this is monitored: The Executive, Scrutiny Committees

Action 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.

Governance of actions taken and planned

- 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 development and delivery of the Manchester Climate Change Action Plan (CCAP) 2020-25, which was approved by the Executive in March 2020.
- Workstreams deliver the actions outlined under the five priority areas within the CCAP. Workstreams are overseen by operational officers and a senior manager as workstream lead for each priority. The five workstreams are-
 - Buildings and Energy
 - Transport and Travel
 - Reducing consumption-based emissions and influencing suppliers
 - Climate adaptation, carbon storage and carbon sequestration
 - Influencing behaviour and being a catalyst for change
- The Council's Climate Change Action Plan is currently going through a refresh, which will be taken to Executive in Autumn 2022. The Council's emissions and delivery of the Climate Change Action Plan is tracked through quarterly and annual reports, these are presented to Scrutiny and published on the Council website. Our Climate Change Action Plan 2020-25 sits alongside the citywide framework produced by Manchester Climate Change Partnership.
- Analysis by Climate Emergency UK compared climate action plans from 409 UK local authorities. The Council was placed first amongst single tier authorities and third overall and our CCAP 2020-25 was rated one of the strongest in the country.

Is this governance challenge carrying forward to 2022/23?

No. Delivery and monitoring will continue via the established governance processes.

Officer Leads: Deputy Chief Executive and City Treasurer, Assistant Chief Executive, Zero Carbon Coordination Group

How this is monitored: Neighbourhoods and Environment Scrutiny Committee, The Executive

Action 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.

Governance of actions taken and planned

- Integrated Care Systems (ICS) are being established nationally following recent Government reforms to the NHS. This includes an ICS at the level of Greater Manchester, from July 2022. Manchester's locality board is the Manchester Partnership Board. Arrangements are being made for a safe transition and development of a new locality operating model. The Council Chief Executive has been appointed as the Place-Based Lead for Manchester and support arrangements to the Chief Executive are being put in place. Key functions formally delivered by the Manchester CCG (MHCC) will also be deployed.
- In 2021/22 a new section 75 agreement was finalised between Manchester University NHS Foundation Trust and the Council which sets out the governance arrangements for the MLCO and the deployment of adult social care services into the MLCO.
- Governance arrangements within the MLCO have been strengthened as a result, as have partnership arrangements in Manchester supporting the MLCO including the Manchester Accountability Board (which is now operating as the Manchester Provider Collaborative in shadow form ahead of the move to the GM ICS arrangements) and the Manchester Partnership Board. The Manchester Accountability Board is co-chaired by the Council's Deputy Leader and Executive Member for Health and Care and is attended by the Council's Chief Executive, Deputy Chief Executive and City Treasurer and the Executive Director of Adult Social Services.
- The development and delivery of adult social care through the MLCO is overseen through these arrangements including the delivery of the Better Outcomes, Better Lives Programme.
- The strength of the integration arrangements in Manchester and through the MLCO were highlighted in the LGA Corporate Peer Challenge review of the Council, in December 2021.

Is this governance challenge carrying forward to 2022/23?

Yes. See Item 5 in Action Plan 2022/23, Section 7

Officer Leads: Director of Adult Social Services, Deputy Chief Executive & City Treasurer, Health and Wellbeing Board, Manchester Accountability Board (Manchester Provider Collaborative in shadow form), Manchester Partnership Board

How this is monitored: Health Scrutiny Committee, The Executive

Action 6 - Ensure effective governance of the delivery of 'Better Outcomes, Better Lives' which is MLCO's transformation programme for Adult Social Care.

Governance of actions taken and planned

- Governance structures were established in January 2021 and have been adapted as necessary since then to best support the delivery of the programme.
- A recent internal audit of the governance of the programme found substantial assurance that the governance, monitoring and challenge arrangements effectively support delivery of the Better Outcomes Better Lives programme ('substantial' is the highest level of assurance that can be provided in an audit).
- Work is underway to implement three recommendations made by Internal Audit:
 - To formally map out the interdependencies between workstreams to ensure clarity and allow a review of current arrangements in place to manage these interdependencies.
 - To ensure that reporting mechanisms are developed to report progress in delivering high level programme priorities and milestones and to provide assurance on whether the overall programme remains on track to be completed in 2024 as planned.
 - To review the membership of the programme board and workstream steering groups with a view to ensuring all members are active decision makers or contributors. The review of the membership of programme board has been completed and the programme and the new membership will be in place for the June 2022 Board meeting.

Is this governance challenge carrying forward to 2022/23?

No. There is assurance that effective governance of the programme is in place.

Officer Leads: Executive Director of Adult Social Services, Better Outcomes, Better Lives Programme Board

How this is monitored: Health Scrutiny Committee

Action 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).

Governance of actions taken and planned

- There is strategic direction for ICT and a roadmap for digital innovation, as defined in the Council's ICT & Digital Strategy with a supporting Future Operating Model (FOM) with input from external expertise.
- This will ensure that ICT continues to support the Council in the right way, as business need and technology evolves over time.
- Initiatives include telephony, procuring the Resident and Business Digital Platform (RBDXP) which will replace SAP and Customer Relationship Management (CRM)), replacing legacy applications with new, modern systems, (successful migration to Microsoft 365, upgrading the Wide Area Network, and upgrading end user devices).

Is this governance challenge carrying forward to 2022/23?

No. There will remain ICT related risks, that are managed through the Corporate and Directorate risk registers.

Officer Leads: Deputy Chief Executive & City Treasurer, Director of ICT, ICT Board

How this is monitored: Resources and Governance Scrutiny Committee

Action 8 - Strengthening the consistency of and accountability involved in the Council's approach to commissioning, procurement and contract management. This includes improving supply chain resilience, building in carbon reduction requirements and reducing reliance on waivers.

Governance of actions taken and planned

- Governance of contracting, and procurement is now primarily overseen by the Commercial Board, with the Social Value Governance Board and Zero Carbon Workstream three, providing focused oversight on social value and zero carbon respectively. Integrated Commissioning and Procurement now provide a Procurement and Contracts update as a standing item on every Commercial Board, which will also include details of relevant audits (e.g in respect of waivers) and actions being taken. There are various continuing initiatives being progressed on the ground to strengthen contract management, social value and zero carbon, which the aforementioned groups oversee.

- In December a final report was issued for the review of Waivers and Contract Extensions. The key findings of this audit were reported to Audit Committee in November 2021.
- A number of these areas were also reviewed as part of the work of the Best Value Task & Finish (BVT&F) Group, with regular reports being presented to Commercial Board on procurement activity, policy and any potential improvements to strengthen internal processes.
- The BVT&F Group has now concluded its work and activities are being mainstreamed or linked into other work programmes such as Future Shape of the Council.

Is this governance challenge carrying forward to 2022/23?

No.

Officer Leads: Deputy Chief Executive & City Treasurer, Head of Strategic Commissioning, Social Value Governance Board, Commercial Board, Future Shape of the Council programme

How this is monitored: Resources and Governance Scrutiny Committee

Action 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.

Governance of actions taken and planned

- A Corporate Equality Diversity and Inclusion Leadership Group (CEDILG) has been established, which is chaired by the City Solicitor (SMT lead for equalities). This group provides corporate leadership, assurance and direction on equalities, diversity and inclusion. They work with staff network chairs in respect of issues raised, and provide regular reporting regarding workforce and the development
- An updated Workforce Equality Strategy with six strands of work has been produced. Activity from the strands of work includes making sure our recruitment, including policy and processes, is inclusive and designed to attract a talented and diverse workforce, and adding an equality, diversity and inclusion objective to every senior manager's annual appraisal.
- Reports on Race (October 2021) and Disability (December 2021) have been taken to the Communities and Equalities Scrutiny Committee.

Further work planned for 2022/23 includes:

- To ensure all services of the Council are complying with the Public Sector Equality Duty
- Development of a robust Quality Assurance function and accountability framework for Equality Impact Assessments
- A Communities of Identity report will be produced working with communities, VCSE organisations and partners to identify the different experiences of diverse communities in Manchester.
- Further reports, on the topics of sex and gender.

Is this governance challenge carrying forward to 2022/23?

Yes. See Item 3 in Action Plan 2022/23, Section 7.

Officer Leads and Groups: Chief Executive, City Solicitor, Director of HROD, Corporate Equality Diversity and Inclusion Leadership Group (CEDILG)

How this is monitored: Resources and Governance Scrutiny Committee, Communities and Equalities Scrutiny Committee

Action 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.

Governance of actions taken and planned

- The programme of transition of Northwards Housing ALMO back in house and the establishment of new governance arrangements is substantially complete, including conclusion of the 100-day integration plan, and embedding former Northwards colleagues within the Council as part of the Housing Operations Service.
- A Board, 'Northwards Housing Service Advisory Committee', has been established, which is responsible for overseeing the delivery of housing services to the Council's housing stock. This is chaired by the Executive Member for Neighbourhoods.
- Full information on the transition and governance arrangements is set out in the reports 'Housing Revenue Account Business Plan' and 'Council Housing Stock – Governance Arrangements' taken to November and December 2021 Resources and Governance Scrutiny Committee meetings.

Is this governance challenge carrying forward to 2022/23?

No.

Officer Leads: Strategic Director - Development, Director of Housing and Residential Growth

How this is monitored: The Executive, Economy Scrutiny Committee, Resources and Governance Scrutiny Committee, Northwards Housing Service Advisory Committee

7. Action Plan: Governance Challenges for 2022/23 Onwards

The review of governance arrangements has identified seven main areas where the Council will need to focus its efforts during 2022/23, to address changing circumstances and challenges identified. These are set out in the section below. Completion or substantial progress against these objectives is due by the end of the financial year, in March 2023.

Action 1 - Embedding and delivery of the Organisation Development (OD) Plan 2021-23 to further improve Council wide governance arrangements.

- Responsible officers (SMT): Deputy Chief Executive & City Treasurer, City Solicitor
- Responsible officers (Directors or Heads of Service): Director of HROD
- How this is monitored: Resources and Governance Scrutiny Committee

Action 2 - Future Shape of the Council – Ensure effective governance of the coordination of, and interdependencies 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.

- Responsible officers (SMT): Deputy Chief Executive & City Treasurer,
- Responsible officers (Directors or Heads of Service): Director of HROD, Head of Reform and Inclusion
- How this is monitored: The Executive, Scrutiny Committees

Action 3 - 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. Also in scope is co-ordination of work to mitigate the negative impacts of health inequalities exacerbated by the COVID-19 pandemic, highlighted by the Marmot report (Building Back Fairer, 2020).

- Responsible officers (SMT): Chief Executive, City Solicitor, Strategic Director – Development

- Responsible officers (Directors or Heads of Service): Director of HROD, Director of Inclusive Economy, Director of Public Health, Head of Reform and Inclusion
- How this is monitored: Resources and Governance Scrutiny Committee, Communities and Equalities Scrutiny Committee

Action 4 - Governance of the response to national and international demands, including emergency responses. This includes responding effectively to Government-led programmes of support, for example the energy rebate, and support schemes for Afghan and Ukrainian migrants.

- Responsible officers (SMT): Chief Executive, Strategic Director - Neighbourhoods
- How is this monitored: Scrutiny Committees

Action 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, and work to develop the Manchester Operating Model supporting the introduction of the Integrated Care System (ICS) at Greater Manchester (GM) Level from July 2022.

- Responsible officers (SMT): Director of Adult Social Services, Deputy Chief Executive & City Treasurer, Assistant Chief Executive
- Responsible officers (Directors or Heads of Service): Deputy Director of Adult Social Services
- How is this monitored: Health Scrutiny Committee

Action 6 - Effective governance with MLCO in preparation for the significant reforms facing Adult Social Care (ASC). This includes the work to move to a Fair Cost of Care, the implementation of the Care Cap, and the planned changes to the Care Quality Commission (CQC) inspection regime.

- Responsible officers (SMT): Director of Adult Social Services, Deputy Chief Executive & City Treasurer
- Responsible officers (Directors or Heads of Service): Deputy Director of Adult Social Services
- How is this monitored: Health Scrutiny Committee

Action 7 - Responding to the recommendations from the LGA Peer Review, including developing the next 3-5 year Medium Term Financial Plan and Capital Strategy. This will involve early planning to address challenges including financial risks (for example inflation and ASC reforms), uncertainty about our future resources with the one-year Finance Settlement, potential delays to the proposed funding reforms, and restraints on the capital programme including increased borrowing costs.

- Responsible officers (SMT): Deputy Chief Executive & City Treasurer, Assistant Chief Executive
- How is this monitored: Resources and Governance Scrutiny Committee, Executive

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.

**Manchester City Council
Report for Information**

Report to: Standards Committee – 16 June 2022

Subject: Review of the Operation and Efficacy of the Member/Officer Relations Protocol

Report of: City Solicitor

Summary

This report provides an update to the Standards Committee on the operation and efficacy of the Member/Officer Relations Protocol.

Recommendation

The Committee is asked to:

1. Note the position set out in the report regarding the operation and efficacy of the Member/Officer Relations Protocol
 2. Support the proposed change to the review date section to reflect current practice of annual review of this Protocol.
-

Wards Affected: All

Contact Officers:

Name: Fiona Ledden
Position: City Solicitor
Telephone: 0161 234 3087
E-mail: fiona.ledden@manchester.gov.uk

Name: Poornima Karkera
Position: Head of Governance, Legal Services
Telephone: 0161 234 3719
E-mail: poornima.karkera@manchester.gov.uk

Background documents (available for public inspection):

None

1.0 Background

- 1.1 The Member/Officer Relations Protocol (“the Protocol”) is contained in Part 6 of the Council’s Constitution. Its purpose, as stated in paragraph 1.1 of the Protocol, is:

“...to guide Members and Officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council.”

Paragraph 1.4 goes on to say that the Protocol:

“...seeks to reflect the principles underlying the Code of Conduct for Members (“the Members’ Code”) and the Code of Conduct for Employees (“the Employees’ Code”). The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.”

- 1.2 When the Council’s Constitution was reviewed by the Council on 4 November 2021 no changes were deemed necessary in respect of the Protocol. The Protocol was last amended as part of the Council’s 2 October 2019 review of the Constitution, which incorporated recommendations made by the Standards Committee on 13 June 2019. The Standards Committee’s recommendations took into account the best practice recommendations of the Committee on Standards in Public Life, along with feedback from both Officers and Members, while also seeking to ensure the language of and references within the Protocol were fully up to date. A copy of the current version of the Protocol is appended to this report.

2.0 The View of the Monitoring Officer on the Operation and Efficacy of the Protocol

- 2.1 The Monitoring Officer is of the view that the existing Protocol is well understood by Members and is not aware of any queries or issues that have not been addressed through existing procedures. This is reflected in the report relating to the LGA Corporate Peer Challenge issued at the end of last year which indicated:

‘Officer and member relationships are good at MCC. They work collaboratively, there is clarity of role and a strong sense of joint purpose. We found an unshakable commitment to the city by the council’s members, staff and all the partners; this joint sense of purpose is a massive strength. As one stakeholder told us ‘Everyone is on the same page-we want the best for Manchester’

- 2.2 The Member Induction Programme includes a session dealing with conduct and ethical standards issues, which includes a section on the Protocol. The induction process for Officers refers new staff to the Employee Code of Conduct, which in turn makes reference to the Protocol. Paragraphs 2.3 and 2.7 of the Protocol cover the situation where a Member wishes to raise issues about an Officer and the reverse scenario. The Monitoring Officer is of the

view that the Protocol is working as intended and if any issues have been raised, they have been resolved in accordance with the processes set out in these paragraphs of the Protocol.

- 2.3 The Monitoring Officer does not consider that any amendment of the Protocol is required at this time other than to change the review provision to reflect that the Protocol is reviewed annually.. However, when the Code of Conduct for Members is next subject to substantive change, she does consider that a full review of the Protocol should be undertaken to align the Protocol with the revised Code.

3.0 Recommendation

- 3.1 The recommendation is set out at the beginning of this report.

This page is intentionally left blank

MEMBER / OFFICER RELATIONS PROTOCOL

Section F

Member / Officer Relations Protocol

MEMBER / OFFICER RELATIONS PROTOCOL

1. INTRODUCTION AND PRINCIPLES

- 1.1 The purpose of this Protocol is to guide Members and Officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council.
- 1.2 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It simply offers guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances.
- 1.3 This Protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the Protocol is followed it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.
- 1.4 It also seeks to reflect the principles underlying the Code of Conduct for Members ("the Members' Code") and the Code of Conduct for Employees ("the Employees' Code"). The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.
- 1.5 This Protocol should be read in conjunction with the Members' Code and the Employees' Code, the Council's Constitution and any guidance issued by the Standards Committee and/or Monitoring Officer.
- 1.6 This protocol relates to interactions and relations between Members and Officers both in-person and via other means, including through Social Media. Separate, more detailed guidance is in place for both Officers and members in relation to the use of social media.

2. GENERAL POINTS

- 2.1 Both Councillors and Officers are servants of the public and are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Councillors and the Council, and to carry out the Council's work under the direction and control of the Council, the Executive, committees and subcommittees.
- 2.2 At the heart of this Protocol, is the importance of mutual respect. Member/Officer relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and Officers should observe reasonable standards of courtesy, should show mutual appreciation of the importance of work / life balance and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party. This standard of conduct

MEMBER / OFFICER RELATIONS PROTOCOL

should also be adhered to in Members' dealings with Officers employed by external organisations.

- 2.3 A Member should not raise matters relating to the conduct or capability of an Officer at meetings held in public or before the press. This is a long-standing tradition in public service as an Officer has no means of responding to such criticisms in public. If a Member feels they have not been treated with proper respect, courtesy or has any concern about the conduct or capability of an Officer, and fails to resolve it through direct discussion with the Officer, they should raise the matter with the respective Chief Officer. The Chief Officer will then look into the facts and report back to the Member. If the Member continues to feel concern, then they should raise the issue with the Chief Executive. Any action taken against an Officer in respect of a complaint will be in accordance with the provisions of the Council's Disciplinary Policy.
- 2.4 An Officer should not raise with a Member matters relating to the conduct or capability of another Officer or to the internal management of a Section/Division/Department at or in a manner that is incompatible with the overall objectives of this Protocol. Such matters should be raised with the officer's immediate line manager or Chief Officer as appropriate.
- 2.5 Nothing in this protocol shall prevent an officer expressing a relevant concern under the Council's Whistleblowing Policy.
- 2.6 Failure to follow this protocol may be a breach of the Code of Conduct for Members, particularly of those obligations relating to bullying and bringing the Council or the Member's office into disrepute. Further information is set out in the Code of Conduct for Members.
- 2.7 Where an Officer feels that they have not been properly treated with respect and courtesy by a Member, they should raise the matter with their Chief Officer or the Chief Executive as appropriate. In these circumstances the Chief Officer or Chief Executive will take appropriate action including approaching the individual member concerned or discussing the matter with the Monitoring Officer where they consider there may be a breach of the Code of Conduct for Members.
- 3. OFFICER SUPPORT TO MEMBERS: GENERAL POINTS**
- 3.1 Officers being employees of the Council must act in the best interests of the Council as a whole and must not give politically partisan advice.
- 3.2 Members must respect the impartiality of officers and do nothing to compromise it, e.g. by insisting that an officer change their professional advice.
- 3.3 Close personal familiarity between individual Members and Officers can damage professional relationships and can prove embarrassing to other Members and Officers. Situations should be avoided therefore that could give rise to the appearance of improper conduct or behaviour.

MEMBER / OFFICER RELATIONS PROTOCOL

- 3.4 Certain statutory officers - the Chief Executive, the Chief Finance Officer and the Monitoring Officer have specific roles. These are addressed in the Constitution. Their roles need to be understood and respected by all Members. In particular members are reminded of the duty under the Members' Code to have regard to any relevant advice given by the Chief Finance Officer or Monitoring Officer.
- 3.5 The following key principles reflect the way in which officers generally relate to Members:
- all officers are employed by, and accountable to the authority as a whole and must remain politically impartial in the provision of advice and guidance;
 - support from officers is needed for all the authority's functions including full Council, Overview and Scrutiny, the Executive, Regulatory and other ordinary committees, Standards Committee, Joint Committees and individual Members representing their communities etc;
 - day-to-day managerial and operational decisions should remain the responsibility of the Chief Executive and other officers.
- 3.6 On occasion, a decision may be reached which authorises named Officers to take action between meetings following consultation with a Member or Members. It should be recognised that in these circumstances it is the Officer, rather than the Member or Members, who legally takes the action and it is the Officer who is accountable for it.
- 3.7 Finally, it should be remembered that Officers are accountable to their Chief Officer and that whilst Officers should always seek to assist a Member, they must not, in so doing go beyond the bounds of whatever authority they have been given by their Chief Officer.

4. OFFICER SUPPORT TO THE EXECUTIVE

- 4.1 It is clearly important that there should be a close working relationship between Executive Members and the Officers who support and/or interact with them. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other party groups. Officers must ensure that even if they are predominantly supporting the Executive their political neutrality is not compromised.
- 4.2 Whilst Executive Members will routinely be consulted as part of the process of drawing up proposals for consideration on the agenda for a forthcoming meeting, it must be recognised that in some situations an Officer will be under a duty to submit a report. Similarly, the Chief Executive, Chief Officer or other Senior Officer will always be fully responsible for the contents of any report submitted in their name.

MEMBER / OFFICER RELATIONS PROTOCOL

4.3 Where functions which are the responsibility of the Executive are delegated, the Executive will nevertheless remain accountable via the Overview and Scrutiny Committees, for both its decision to delegate a function and the discharge of those functions.

4.4 Under Executive Arrangements, individual Members of the Executive are allowed to take formal decisions. In Manchester the circumstances in which individual members of the Executive can take decisions are set out in the constitution. The Executive, Executive members and Officers must satisfy themselves that they are clear what exactly they can and cannot do.

5. OFFICER SUPPORT: OVERVIEW AND SCRUTINY COMMITTEES

5.1 Overview and Scrutiny Committees have the following roles:

- to review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- make reports and/or recommendations to the full Council and/or the Executive and/or any joint or area committee in connection with the discharge of any functions;
- consider any matter affecting the area or its inhabitants; and
- exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive, area committees exercising executive functions and key decisions made by Officers.

5.2 It is clearly important that there should be a close working relationship between Chairs of the Overview and Scrutiny Committees and the Officers who support and/or interact with them. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other party groups. Officers must ensure their political neutrality is not compromised.

5.3 It is not the role of Overview and Scrutiny committees to act as a disciplinary tribunal in relation to the actions of Members or Officers. Overview and Scrutiny Committees should not act as a 'court of appeal' against decisions or to pursue complaints by individuals (Councillors, Officers or members of the public) which are the subject of other procedures, e.g. the Corporate Complaints Procedure, the Local Government Ombudsman, complaints to the Standards Committee or legal action in the Courts.

6. OFFICER ADVICE TO PARTY GROUPS

6.1 It must be recognised by all Officers and Members that in discharging their duties and responsibilities, Officers serve the Council as a whole and not any political group, combination of groups or any individual Member of the

MEMBER / OFFICER RELATIONS PROTOCOL

Council. The assistance provided by Senior Officers can take many forms ranging from a briefing meeting with an Executive Member, Lead Member, Chair or other Members prior to a meeting, to a presentation, to a full political group meeting. It is an important principle that such assistance is available to all political groups and individual members.

6.2 The Monitoring Officer will meet regularly with political group leaders or group whips to discuss standards issues.

6.3 Attendance at Party Political Group Meetings

There is now statutory recognition for 'party groups' and these are recognised in the constitution. It is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Senior Officers may properly be called upon to assist and contribute to such deliberations by party groups but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.

6.4 Attendance at meetings of party groups is voluntary for officers and must be authorised by the Chief Executive (or in their absence the relevant Chief Officer) or the City Solicitor.

6.5 Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:

6.5.1 Officer assistance must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. Internal party debates and decision making should take place in the absence of officers.

6.5.2 Party group meetings, whilst they form part of the preliminaries to Council decision making, are not formal decision making bodies of the City Council and are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and

6.5.3 Similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Council decision making body when the matter in question is considered.

6.6 Special care needs to be exercised whenever Officers are involved in providing information and advice to a party group meeting which includes persons who are not Members of the Council. Such persons are not bound by the Members' Code (in particular, the provisions concerning the declaration of interests and confidentiality). Officers would not be able to provide the same level of information and advice as they would to a Member only meeting.

MEMBER / OFFICER RELATIONS PROTOCOL

- 6.7 Officers must respect the confidentiality of any party group discussions at which they are present. When information is disclosed to an officer during discussions with a party group that information should not be passed on to other groups. However, Members should be aware that this would not prevent officers from disclosing such information to other officers of the Council so far as that is necessary to performing their duties.
- 6.8 Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

7. USE OF COUNCIL RESOURCES

- 7.1 The use of the Councils resources including the use of ICT equipment provided to Members of the Council is governed by a guidance note 'Use of Council Resources Guidance for Members' which has been adopted by the Council and is contained in the Constitution.

8. MEMBERS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS

- 8.1 The rights of members to inspect council documents are set out in the constitution in the Access to Information Procedure rules. Members and Officers should both be mindful of their obligations under data protection legislation.
- 8.2. A Member must not disclose information given to them in confidence by anyone or information acquired which they believe is of a confidential nature, without the consent of a person authorised to give it, or unless they are required by law to do so and must not prevent another person from gaining access to information to which that person is entitled by law. A breach of these requirements is a breach of the Member's Code and actionable by way of referral by the Monitoring Officer of the matter to the Standards Committee. If the breach is serious a civil action may be brought against the Member and / or the Council for damages.
- 8.3 The Freedom of Information Act 2000 ("the 2000 Act") and Environmental Information Regulations 2004 provide rights of access to recorded information held by public authorities. The Council is required to proactively publish information via its Publication Scheme and to provide information in response to specific requests, subject to certain conditions and exemptions. The provision relating to access to Council meetings and documentation are reflected in the Council's constitution.

9. CORRESPONDENCE

- 9.1 Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. Where it is necessary to copy the correspondence to another Member, (for instance where the Monitoring Officer considers this course of action is necessary to

MEMBER / OFFICER RELATIONS PROTOCOL

comply with the rules of natural justice), this should be made clear to the original Member. In other words, a system of 'silent copies' should not be employed.

- 9.2 Official letters on behalf of the Council should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. It will, however, be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear in the name of an Executive Member or the Leader. Letters which, for example, create legal obligations or give instructions on behalf of the Council should never be sent out in the name of a Member, Executive or otherwise.

10. PUBLICITY AND PRESS RELEASES

- 10.1 In recent years, all local authorities have increasingly used publicity to keep the public informed and to encourage public participation. The Government has issued a Code of Recommended Practice on Local Authority Publicity and all local authorities must have regard to the provisions of any such Code in coming to any decision on publicity. Further guidance on publicity and extracts from the Code are contained in the guidance note to members 'Use of Council Resources Guidance for Members'. In particular members and officers should note that during the election period special rules apply with regard to local authority publicity
- 10.2 Officers and Members of the Council will, therefore, in making decisions on publicity, take account of the provisions of the Code of Recommended Practice on Local Authority Publicity and any further guidance issued by the Monitoring Officer. If in doubt Officers and /or Members should seek advice from the Chief Executive or the Monitoring Officer.
- 10.3 All press releases are issued through the Press Office on behalf of the Council. Press releases are not issued by the Council on behalf of political groups. They can contain the comments of Executive members and committee Chairs where they are speaking in connection with the roles given to them by Council. Officer's comments can be included on professional and technical issues.

11. INVOLVEMENT OF WARD COUNCILLORS

- 11.1 Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the Ward or Wards affected should as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members should be notified at the outset of the exercise. More generally, Officers should consider whether other policy or briefing papers, or other topics being discussed with an Executive Member, should be discussed with relevant Ward Members.

12. OFFICER/MEMBER PROTOCOL

MEMBER / OFFICER RELATIONS PROTOCOL

- 12.1 This protocol forms part of the local framework for standards of behaviour approved by the Standards Committee and adopted by the Council as part of the Constitution.
- 12.2 Monitoring compliance with this protocol is the responsibility of the Standards Committee and the Monitoring Officer
- 12.3 Questions of interpretation of this Protocol will be determined by the Monitoring Officer.

13. REVIEW OF PROTOCOL

- 13.1 This protocol was last reviewed in **2022** and shall be reviewed every **year** thereafter, or earlier where there is a change in the applicable law or circumstances warranting an earlier review.

This page is intentionally left blank

**Manchester City Council
Report for Information**

Report to: Standards Committee – 16 June 2022

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

Report of: City Solicitor

Summary

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

Recommendations

- 1.To note the Monitoring Officer's views on the operation and efficacy of the Use of Resources Guidance for Members
 - 2.To recommend to full Council the adoption of the revised guidance as attached
-

Wards Affected – All

Financial Consequences – Revenue - None

Financial Consequences – Capital - None

Contact Officers:

Name: Fiona Ledden
Position: City Solicitor
Telephone: 0161 234 3087
E-mail: fiona.ledden@manchester.gov.uk

Name: Poornima Karkera
Position: Head of Governance, Legal Services
Telephone: 0161 234 3719
E-mail: poornima.karkera@manchester.gov.uk

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 the Standards Committee Annual Report in March 2021.
- 1.2 On recent review it is proposed to revise the Guidance to make it clearer that Councillor "@manchester.gov.uk" email addresses and Councillor's telephone numbers are Council resources and should not therefore be used or feature on campaign or election literature. Most members are aware of the need to keep these separate, but it is considered additional clarity on this would be useful.
- 1.3 It is also suggested that in the Section which relates to Information Security a specific mention of the need and expectation for members to complete cyber training when requested would be useful as cyber risks are key risks for all Councils. It is further proposed the Guidance should be revised to remove references to IT systems and practices which are no longer relevant for example the reference to Winzip software in Paragraph 6.2.2 of the Guidance and to update the section relating to Information Security in paragraph 7 of the Guidance with more current information. The Guidance with proposed changes highlighted in bold is attached.
- 1.4 There were no complaints relating to use of Council resources under the Member Code of Conduct since the last report on the Use of Council Resources Guidance and subject to the clarification indicated above the Monitoring Officer is of the view 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. 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

1. General Introduction	3
2. Resources general provisions.....	3
3. Publicity.....	5
3.1 Council must not publish political material - section 2 of the Local Government Act 1986.....	5
3.2 The Code of Recommended Practice on Local Authority Publicity	6
4. Personal Use	7
5.1 Information Communication Technology	7
5.2 Management and Usage of Mobile Devices.....	8
6.1 The Internet	8
6.1.1 Acceptable Uses of the Internet	9
6.1.2 Unacceptable Uses of the Internet	9
6.1.3 Restrictions on Use of the Internet	9
6.2 Email	10
6.2.1 Acceptable Uses of Email	10
6.2.2 Unacceptable Uses of Email	10
6.2.3 Use of Council Email.....	11
6.3 Etiquette and User Responsibilities.....	11
7. Information Security	11
8. Monitoring	12
9. If a Member Breaches This Policy	12
10. Review of this guidance	13

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 **as well as '@manchester.gov.uk' email address**. 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).

USE OF COUNCIL RESOURCES

So for example Council resources could not legitimately be used:

- for political purposes including **use of @manchester.gov.uk email addresses and MCC work telephone numbers in election campaign literature** or 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

USE OF COUNCIL RESOURCES

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.

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.

USE OF COUNCIL RESOURCES

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.

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

USE OF COUNCIL RESOURCES

permissible for local authorities to publish factual information which identifies the names, wards and parties of candidates at elections.

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)

USE OF COUNCIL RESOURCES

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.

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.

USE OF COUNCIL RESOURCES

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.

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

USE OF COUNCIL RESOURCES

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.

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

USE OF COUNCIL RESOURCES

via the Council's email encryption solution available via the MCC email system [or zipped and password protected using the WinZip software available Citrix. **Deleted**] Advice on how to access these encryption solutions is available from the ICT helpdesk or Members' Services.

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.

Cyber attacks are a significant threat to the Council. A successful ransomware cyber attack has the potential to cause a significant and detrimental long-term impact on the services we provide, including financial damage and loss of data, affecting our residents, businesses, and our reputation. To protect the Council, it is essential that all members complete the mandatory cyber-security training/ e-learning when requested to do so.

USE OF COUNCIL RESOURCES

Members should use the Council issued IT equipment wherever possible to provide a secure and consistent experience when accessing Council systems irrespective of working in a Council building or remote location. However, when this isn't possible Members are able to connect to the Manchester City Council network from **personal equipment using Callsign and Citrix**. Councillors who use their own pc or laptop must ensure that **suitable** anti-virus is installed and up-to-date, the firewall is switched on and regular **security** 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 **and managed by ICT by default. If required**, Members' Services or the ICT Helpdesk will be able to assist in applying for Callsign access.

If any IT equipment (**Personal or Council Issued**) that is used to access **Council IT systems** 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.

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.

USE OF COUNCIL RESOURCES

10. Review of this guidance

This guidance was last reviewed in **2022** and shall be reviewed **every year** thereafter or earlier where there is a change in the applicable law or circumstances warrant an earlier review.

This page is intentionally left blank

**Manchester City Council
Report for Information**

Report to: Standards Committee - 16 June 2022
Subject: Planning Protocol
Report of: City Solicitor

Summary

To advise the Committee of the operation/efficacy of the Planning Protocol.

Recommendations

1. To note the position regarding the operation/efficacy of the Planning Protocol.
 2. To note the potential amendment to the Planning Protocol and provide comments on it.
-

Wards Affected: All

Financial Consequences for the Revenue Budget: None

Financial Consequences for the Capital Budget: None

Contact officers

Name: Fiona Ledden
Position: City Solicitor
Telephone: 0161 234 3087
E-mail: fiona.ledden@manchester.gov.uk

Name: Robert Irvine
Position: Group Leader (Planning and Infrastructure) (Legal)
Telephone: 0161 219 6010
E-mail: r.irvine@manchester.gov.uk

Name: Julie Roscoe
Position: Director of Planning, Building Control and Licensing
Telephone: 0161 234 4552
E-mail: j.roscoe@manchester.gov.uk

Backgrounds documents (available for public inspection):

None

1. Introduction

- 1.1. This report provides Committee with an update and an overview of the operation and efficacy of the Council's Planning Protocol.
- 1.2. Committee were advised in November 2021 of a proposed change to the protocol. The change proposed relates to the submission of late representations, and in particular proposed introducing a cut-off for their submission. Anything received beyond that cut-off point would not be reported to the Committee. Members indicated support for the principle of having such a cut-off point, to enable the Committee process to be properly managed and to avoid unnecessary delays to committee business caused by unduly late submission of representations. This amendment to the protocol will be brought forward as part of this year's review of the constitution.

2. Effectiveness of the Protocol

- 2.1. Officers continue to be of the view that the Protocol remains effective. There have been and are very few occasions when the Protocol has to be referred to. As has been the case in previous years, the occasions when the Protocol has been referred to are almost exclusively related to advising Members on the provisions around personal/prejudicial interests, bias/predetermination and members' rights with regard to participating where these issues arise. There has also been some reference to material considerations and to the provisions on site visits. One ongoing member complaint was reported to Members of this Committee in November 2021. That complaint was rejected at Stage 1, and it was not considered that any changes to the Protocol were required in the circumstances.
- 2.2. Since the last report to Committee in November 2021, there have been 4 further complaints about members' conduct in Planning Committee. These relate to the conduct of Ward Members in relation to a planning application on which they have commented and/or addressed Committee. Although the complaints allege breaches of the Members' Code of Conduct, and do not expressly allege any breach of the Planning Protocol, their progress will be monitored and consideration will be given to whether any changes are required to the protocol in light of their circumstances.
- 2.3. The fact that members have known to seek advice in relation to interests or potential bias/predetermination situations, and that there have been no recent complaints expressly alleging a breach of the protocol would suggest that the Protocol is effective in achieving its purpose. Notwithstanding that, and as mentioned above, the outstanding complaints will be monitored with consideration given to any changes that may be required to the protocol to address any issues arising.

3. Potential amendment to the Planning Protocol

- 3.1. Notwithstanding that officers consider that the Planning Protocol is effective, it is continually kept under review. Amendments to the Protocol are considered

where particular issues arise which are either not covered by the Protocol or where the provisions in the Protocol could be improved or clarified.

3.2. The potential amendment reported to Committee in November 2021 will be brought forward when the constitution is reviewed this year. Members may recall that this proposed introducing a deadline for representations to be made ahead of a planning committee meeting. Any representations received beyond that point would not be reported to committee. The purpose of this is to allow the committee process to be properly managed and to avoid any potential for deliberate attempts to delay determination of applications by submitting representations very late in the process.

3.3. No further amendments to the Protocol are proposed at this time.

4. Conclusion

4.1. The Planning Protocol sets out a duty to promote and maintain high standards of conduct in the discharge of the Council's duty as local planning authority. It is considered to be effective in doing so, but notwithstanding this the Protocol is reviewed annually and periodically changes are made having regard to legislative changes or to ensure best practice continues to be followed.

5. Recommendations

5.1. The recommendations appear at the front of this report

This page is intentionally left blank

**Manchester City Council
Report for Information**

Report to: Standards Committee – 16 June 2022

Subject: Dispensations

Report of: City Solicitor and Monitoring Officer

Purpose of the Report

To review the operation and efficacy of the process for granting dispensations in relation to Members' Interests.

Recommendation

That the Standards Committee note the report.

Wards Affected: All

Contact Officers:

Name: Fiona Ledden
Position: City Solicitor
Telephone: 0161 234 3087
E-mail: fiona.ledden@manchester.gov.uk

Name: Peter Hassett
Position: Senior Lawyer
Telephone: 0161 600 8968
E-mail: peter.hassett@manchester.gov.uk

Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

- Report to Standards Committee 15 June 2017 – Localism Act 2011 – Dispensations;
- Report to Standards Committee 4 November 2021 –Dispensations;
- Report to Standards Committee 17 March 2022 – Annual Report;
- Ethical Guidance Updates.

1. Introduction

The Committee last received a report regarding dispensations on 4 November 2021. It has requested a report to this meeting on the operation and efficacy of the process for granting dispensations since that date.

2. The Requirement to Register Interests and Dispensations.

2.1 The Localism Act 2011 ('the Act') requires Members to notify the Council's Monitoring Officer within 28 days of becoming a Member of any 'Disclosable Pecuniary Interests' (DPIs).

2.2 Section 31 of the Act provides that:

Where a member or co-opted (voting) member of a Council:

- is present at a meeting of the Council or of any Committee, Sub-Committee, Joint Committee or Joint Sub-committee of the Council
- has a DPI in any matter to be considered or being considered at the meeting; and
- is aware that they have such a DPI,

the member must not (unless they have a dispensation):

- participate or participate further in any discussion of the matter at the meeting; or
- vote on the matter.

2.3 There is provision in the Act for the grant of dispensations (which can last for a period of up to 4 years) in limited circumstances. The grounds for the grant of a dispensation under the Act are where the Council (after consideration of all relevant circumstances):

- (a) considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
- (b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
- (c) considers that granting the dispensation is in the interests of persons living in the authority's area;
- (d) considers that without the dispensation each member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive, or

(e) considers that it is otherwise appropriate to grant a dispensation.

2.4 The Council has delegated the authority to grant dispensations in the circumstances set out in paragraphs (a), (b) and (d) above to the Council's City Solicitor (its Monitoring Officer) and it has delegated the power to grant dispensations for the reasons set out in paragraphs (c) and (e) to the Standards Committee (after consultation with one of the Council's Independent Persons). The Standards Committee also has a delegation to determine appeals against the Monitoring Officer's decision on the grant of dispensations.

2.5 To obtain a dispensation a written request for a dispensation must be made by a member or co-opted member of the Authority, to the Council's Proper Officer (for this purpose the City Solicitor).

3. Grant of Dispensations – Operation and Efficacy

3.1 All new Members receive training as part of their induction on registration of interests, including in relation to dispensations. An item on dispensations was also contained in the Council's Ethical Guidance update circulated to all Members in November 2021 and a further update will be contained in the next Ethical Governance Update. In January 2022 the City Solicitor emailed a letter to all Members regarding dispensations to allow Members of the Council to participate and vote on the setting of the Council tax or a precept (and matters directly related to such decisions, including the budget calculations). The annual report, considered by the Standards Committee on 17 March 2022, informed Members that other than normal budget dispensations no further dispensations had been sought since the date of the November 2021 report. That remains the case.

3.2 The Committee received the report of the City Solicitor in June 2017 which set out the Monitoring Officer's proposals regarding the grant of dispensations to enable members of the Council to participate and vote on certain budget related matters notwithstanding the fact that the Member may have a DPI.

3.3 The Committee noted the Monitoring Officer's proposal to advise all Council Members to submit a written request through their Group Leaders or Group Secretaries for the grant of a dispensation pursuant to section 33(2)(a) of the Localism Act 2011 ('the Localism Act') allowing them to participate and vote on:

- (i) Setting the Council Tax or a precept under the Local Government Finance Act 1992 (as amended from time to time or any superseding legislation) and matters directly related to such decisions such as budget calculations;
- (ii) Allowances, payments or indemnities given to Members of the Council

The Committee agreed the dispensation referred to at paragraph (i), should include determining the local council tax reduction scheme and other discounts and premiums pursuant to changes made by the Local Government Finance Act 2012 and that the dispensation referred to at paragraph (ii), should include all allowances payable to Council Members (including special responsibility allowances).

- 3.4 The Committee also agreed to advise any Members of the Council who are tenants of Manchester City Council to submit a written request for the grant of a dispensation to allow them to participate and vote on matters in relation to housing (provided that those functions do not relate particularly to the lease or tenancy of the Council Member concerned) and indicated it was minded to grant dispensations to allow any Member who has a DPI to make representations at a meeting where members of the public have the same entitlement (e.g. to allow a Council Member who is making an application for planning permission to attend and make representations at a meeting of the Council's Planning Committee which is to hear the matter in the same way as a member of the public).
- 3.5 Dispensations for a 4 year period have been issued by the Monitoring Officer to all Members who requested such a dispensation in relation to participating and voting on the setting of the Council's Council Tax etc. and participating and voting on Members' Allowances on the basis that without the dispensation the number of Members prohibited from participating in this particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business at the Council's budget setting meeting.
- 3.6 After the City Solicitor emailed the letter to all Members in January 2022 regarding dispensations to allow Members of the Council to participate and vote on the setting of the Council tax or a precept (and matters directly related to such decisions, including the budget calculations) the City Solicitor contacted those Councillors who required a budget dispensation, in advance of the budget Council meeting held in March 2022. The City Solicitor renewed a number of dispensations that had expired and issued a number of new dispensations to those Councillors newly elected since the previous budget Council meeting held in March 2021. The City Solicitor has introduced a rolling programme of renewing budget dispensations as required, dependant on when the Councillor was elected, as any dispensation issued is valid for a period of four years.
- 3.7 It is the Monitoring Officer's view that the requests for dispensations that have been made have been sought in appropriate circumstances and that the level of requests for dispensations does not give rise to concern.

4. Recommendation

The Committee is asked to note this report.

**Manchester City Council
Report for Information**

Report to: Standards Committee – 16 June 2022
Subject: The Register of Members' Interests
Report of: City Solicitor and Monitoring Officer

Summary

To consider the operation of the Register of Members' Interests.

Recommendation

That the Standards Committee note the report.

Wards Affected: All

Contact Officers:

Name: Fiona Ledden
Position: City Solicitor
Telephone: 0161 234 3087
E-mail: fiona.ledden@manchester.gov.uk

Name: Peter Hassett
Position: Senior Lawyer
Telephone: 0161 600 8968
E-mail: peter.hassett@manchester.gov.uk

Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

- Ethical Guidance Updates.

1. Introduction

The Committee has requested a report on the operation and efficacy of the process for updating the Register of Members' Interests.

2. The Requirement to Register Interests

- 2.1 The Localism Act 2011 requires Members to notify the Council's Monitoring Officer within 28 days of becoming a Member of any Disclosable Pecuniary Interests (DPIs).
- 2.2 In addition, if a Member is present at a meeting and they have a disclosable pecuniary (i.e. financial) interest in any matter to be considered or being considered at the meeting which is not yet registered or the subject of a pending notification, they must notify the Monitoring Officer of the interest within 28 days.
- 2.3 These requirements are set out in the Council's Code of Conduct for Members (the Code). A copy of the Code is attached as an Appendix to this report.
- 2.4 The list of what constitutes a DPI is set out in regulations and in the Code.
- 2.5 As indicated in the Code it is a criminal offence for a Member to:
- fail to notify the Monitoring Officer of any DPI within 28 days of election;
 - fail to disclose a DPI at a meeting if it is not on the register;
 - fail to notify the Monitoring Officer within 28 days of a DPI that is not on the register that the Member has disclosed to a meeting;
 - participate in any discussion or vote on a matter in which the Member has a DPI;
 - as an Executive Member discharging a function acting alone, and having a DPI in such a matter, fail to notify the Monitoring Officer within 28 days of the interest;
 - as an Executive Member discharging a function acting alone, and having a DPI in a matter, taking any steps in relation to such a matter; or
 - knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

The criminal penalties available to a court are to impose an unlimited fine and disqualification from being a councillor for up to 5 years.

- 2.6 Councils do not need to require Members to include specific ‘non-pecuniary’ Interests on their Register of Interests but many, including Manchester, do. The purpose of the Register is to be open and transparent about those interests and relationships that could lead to a conflict of interest.
- 2.7 The Committee on Standards in Public Life (CSPL), in its Report on Ethical Standards in Local Government (published in January 2019), recommended significant changes to Registration of Members’ Interests including changes in the law to extend the categories of DPIs, to abolish criminal offences in relation to DPIs and to create a new objective test in relation to non-pecuniary interests. The Government has rejected these proposals. A separate report regarding the Government’s response to the CSPL’s recommendations is included on the agenda for this meeting.

3. Registration of Interests – Operation and Efficacy

- 3.1 All new Members receive training as part of their induction on registration of interests and have been informed that they must submit a register of their interests within 28 days of their election. Reminders to Members regarding the updating of their Register of Interests are contained in the Ethical Governance Update sent to all Members twice a year. The last update was sent to all Members in November 2021 and a further update will be contained in the next Ethical Governance Update. Specific email reminders, regarding revision of existing register entries, are also sent to all Members twice a year. The latest email reminders were sent to all Members in January 2022 and on 17 May 2022. The annual report, considered by the Standards Committee on 17 March 2022, informed Members that between 1 October 2021 and 31 January 2022 a total of 20 Members updated their Register of Interests. Members are advised that a further 22 Members have updated their registers between 1 February 2022 and 30 April 2022.
- 3.2 Members will be aware it is the responsibility of individual Members to comply with the requirements of the Code of Conduct for Members including regarding members’ interests. As a matter of good practice specific guidance will continue to be provided to Members regarding declaration of interests at meetings where necessary
- 3.3 The agendas for all Council, Executive and Committee meetings contain the following standard item:

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.

- 3.4 Minutes of the meetings record any declarations of interests made at the meeting. As the Committee will be aware, whilst officers do provide advice to Members, if requested, on Members' interests, it is the responsibility of individual members to comply with the requirements of the Code. If they have queries, members do routinely seek officer advice in relation to declaration of interests.
- 3.5 As members will recall from the Standard's Committee's Annual report considered by this Committee at its March 2022 meeting that only one of the 12 complaints received by the Monitoring Officer between 1 February 2021 and 31 January 2022 related to Register of Interests issues (complaint reference CCM2021/10). This complaint was rejected by the Monitoring Officer at Stage 1 following consultation with the Independent Person. It was the view of the Monitoring Officer that no conflict of interest existed in the circumstances and bearing in mind all the circumstances there was no overriding public benefit in carrying out an investigation.
- 3.6 As indicated above, complaints about failure to register a DPI are potentially subject to criminal sanction. The Monitoring Officer is not aware of any action having been taken by the Police in relation to any Manchester City Councillor as regards DPI requirements.
- 3.7 All members have been advised that, if they consider that the disclosure of the details of a DPI or personal interest could lead to violence or intimidation against them, or to a person connected with them, and the Monitoring Officer agrees, the details of the disclosable interest can be withheld from the public register under section 32(2) of the Localism Act 2011. The public register will simply state that the member has a DPI. The CSPL recommended that the law is changed to clarify that a Member does not need to register their home address in their Register of Interests. As indicated on a separate report on the agenda to this committee, the Government's response to this recommendation was that "it will engage with interested parties on the best means to ensure that candidates and councillors are not required publicly to disclose their home address. Notwithstanding, it is important that home addresses are internally registered with monitoring officers, to help avoid conflicts of interest."
- 3.8 The Monitoring Officer is of the view that Register of Interests requirements are understood by Members but will, as a matter of good practice, continue to issue specific guidance to all Members regarding declaration of interests at meetings.

4. Recommendation

The recommendation appears at the beginning of this report.

Section A

Code of Conduct for Members

SECTION A: CODE OF CONDUCT FOR MEMBERS

(ADOPTED BY THE COUNCIL ON 11 JULY 2012)**Pre-amble to Code of Conduct for Members****1. Introduction**

The Council is determined to provide excellent local government for the people of the City. It promotes and maintains high standards of conduct by Members and Voting Co-opted Members and has adopted a Code of Conduct for Members, in line with its obligations under section 27(2) of the Localism Act 2011.

2. General Principles of Conduct for Members and Voting Co-opted Members

The Code and the Guidance are based on the following General Principles.

2.1 General Principles

Members and Voting Co-opted Members must behave according to the highest standards of personal conduct in everything they do as a Member. In particular they must observe the following principles of conduct, some of which are set out in law.

2.2 Selflessness

Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

2.3 Honesty and Integrity

Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

2.4 Objectivity

Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

2.5 Accountability

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

2.6 **Openness**

Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

2.7 **Personal Judgement**

Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

2.8 **Respect for Others**

Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

2.9 **Duty to Uphold the Law**

Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

2.10 **Stewardship**

Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

2.11 **Leadership**

Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

3. **Training**

- 3.1 Each Member must attend training on the Code of Conduct/ethical standards, in addition to any current requirements to receive training for specific Committees, for example Planning or Licensing Committees.

THE CODE OF CONDUCT

Part 1 General provisions

1. Introduction and interpretation

- 1.1 This Code applies to you as a Member of the Council.
- 1.2 It is your responsibility to comply with this Code. Failure to do so may result in a sanction being applied by the Council. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and an unlimited fine and /or disqualification from office for a period of up to 5 years. In this Code - “meeting” means any meeting of:
- (a) the Council;
 - (b) any of the Council’s Committees or Sub-Committees, Joint Committees or Joint Sub-Committees;
 - (c) the Executive or any committee of the Executive.
- 1.3 “Member” includes a Voting Co-opted Member and an Appointed Member.

2. Scope

- 2.1 Subject to sub-paragraphs (2) and (3), you must comply with this Code whenever you are acting as a Member or Voting Co-opted Member of the Council or an Appointed Member of a Joint Committee, and, references to your official capacity are construed accordingly.
- 2.2 This Code does not have effect in relation to your conduct other than where it is in your official capacity.
- 2.3 Where you act as a representative of the Council—
- (a) on another relevant authority, including the Greater Manchester Combined Authority, the Greater Manchester Fire & Rescue Authority and the Greater Manchester Waste Disposal Authority, you must, when acting for that other authority, comply with that other authority’s code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with this Code, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. General obligations

- 3.1 You must not:
- (a) do anything which may knowingly cause the Council to breach the Equality Act 2010;
 - (b) bully or be abusive to any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,
 in relation to an allegation that a Member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
4. You must not:
- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the Council; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.
6. You:
- (a) must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

- (b) must, when using or authorising the use by others of the resources of your authority:
 - (i) act in accordance with the Council's reasonable requirements; and
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by
- (a) The Council's Chief Finance Officer; or
 - (b) The Council's Monitoring Officer,
- where that officer is acting pursuant to his or her personal statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2 - Disclosable pecuniary interests

8. Notification of disclosable pecuniary interests

- 8.1 Within 28 days of becoming a Member or Voting Co-opted Member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.
- 8.2 A 'disclosable pecuniary interest' is an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in the table below.
- 8.3 "Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the 12 month period prior to notification of the interest in respect of any expenses incurred by you in carrying out duties as a Member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation Act) 1992 (a).
Contracts	Any contract which is made between you or your partner (or a body in which you or your partner has a beneficial interest) and the Council - (a) under which goods or services are to be provided or works are to be executed: and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of Manchester City Council.
Licences	Any licence (alone or jointly with others) to occupy land in the area of Manchester City Council for a month or longer.
Corporate Tenancies	Any tenancy where (to your knowledge) - (a) the landlord is the Council: and (b) the tenant is a body in which you or your partner has a beneficial interest.
Securities	

	<p>Any beneficial interest in securities of a body where -</p> <p>(a) that body (to your knowledge) has a place of business or land in the area of Manchester City Council; and</p> <p>(b) either -</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you or your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
--	--

For the purposes of the above table -

- (a) " a body in which you or your partner has a beneficial interest" means a firm in which you or your partner is a partner or a body corporate of which you or your partner is a director, or in the securities of which you or your partner has a beneficial interest.
- (b) "director" includes a member of the committee of management of a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014, other than a society registered as a credit union.
- (c) "land" excludes an easement, interest or right in or over land which does not carry with it a right for you or your partner (alone or jointly) to occupy the land or receive income, and
- (d) "securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

9 Non participation in case of disclosable pecuniary interest

9.1 If you are present at a meeting and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,

1. You must not participate in any discussion of the matter at the meeting.
2. You must not participate in any vote taken on the matter at the meeting.
3. If the interest is not registered, you must disclose the interest to the meeting.

4. If the interest is registered, you are also required by Council Procedure Rule 29.3 and Executive Procedure Rule 3 to disclose it to the meeting.
 5. If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.
 6. You are also required by Council Procedure Rule 30 and Executive Procedure Rule 4 to withdraw from the room of the meeting whilst the matter is being considered.
- 9.2 Where an Executive Member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the Executive Member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

10 Offences

10.1 It is a criminal offence to

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election.
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register.
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting.
 - Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest.
 - As an Executive Member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
 - As an Executive Member discharging a function acting alone, and having a disclosable pecuniary interest in a matter, taking any steps in relation to such a matter.
 - Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

10.2 The criminal penalties available to a court are to impose an unlimited fine and disqualification from being a councillor for up to 5 years.

Part 3 - Other interests

11 Notification of personal interests

- 11.1 In addition to the disclosable pecuniary interests notifiable under the Localism Act 2011, you must within 28 days of your election or appointment to office (where that is later) notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the categories set out in paragraph 11(2) below for inclusion in the register of interests.
- 11.2 You have a personal interest in any business of your authority where it relates to or is likely to affect -
- (a) any body of which you are in a position of general control or management and to which you are appointed or nominated by your authority;
 - (b) any body -
 - (i) exercising functions of a public nature;
 - (ii) directed to charitable purposes; or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are in a position of general control or management;
 - (c) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £100.

12 Disclosure of interests

- 12.1 Subject to paragraphs 12.4 to 12.7, where you have a personal interest described in paragraph 11.2 above or in paragraph 12.2 below in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- 12.2 You also have a personal interest in any business of your authority where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well being or financial position of a *relevant person* to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward, affected by the decision.
- 12.3 In paragraph 12.2, a *relevant person* is -
- (a) a member of your family or any person with whom you have a close association; or

- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in paragraph 11.2(a) or (b).

- 12.4 Where you have a personal interest in any business of the Council which relates to or is likely to affect a body described in paragraph 11.2(a) or 11.2(b)(i), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- 12.5 Where you have a personal interest in any business of the Council of the type mentioned in paragraph 11.2(c), (gifts and hospitality) you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- 12.6 Where you have a personal interest but, by virtue of paragraph 16, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- 12.7 Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

13 Non participation in case of prejudicial interest

- 13.1 Where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business -
- (a) affects your financial position or the financial position of a person or body described in paragraph 12.3; or
 - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 12.3.
- 13.2 Subject to paragraphs 13.3 and 13.4, where you have a prejudicial interest in any business of your authority -
- (a) You must not participate in any discussion of the matter at the meeting.
 - (b) You must not participate in any vote taken on the matter at the meeting.

- (c) You must disclose the interest to the meeting.
 - (d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.
 - (e) You are also required by Council Procedure Rule 30 and Executive Rule 4 to withdraw from the room of the meeting whilst the matter is being considered.
- 13.3 Where you have a prejudicial interest in any business of the Council, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- 13.4 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of your authority in respect of—
- (a) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (b) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay; and
 - (c) any ceremonial honour given to members.
- 13.5 Where, as an Executive Member, you may discharge a function alone, and you become aware of a prejudicial interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

14 Interests arising in relation to Scrutiny Committees

In any business before a Scrutiny Committee of the Council (or of a Sub-Committee of such a Committee) where—

- (a) that business relates to a decision made (whether implemented or not) or action taken by the Executive or another of the authority's Committees, Sub-Committees, Joint Committees or Joint Sub-Committees; and
- (b) at the time the decision was made or action was taken, you were a member of the Executive, Committee, Sub-Committee, Joint Committee or Joint Sub-Committee mentioned in paragraph (a) and you were present when that decision was made or action was taken,

you may attend the meeting of the Scrutiny Committee for the purpose of explaining the reasons for the decision, or answering questions or giving evidence relating to the business, but you cannot participate otherwise in the discussion or in any vote on the matter.

Part 4 - General Matters relating to Parts 2 and 3**15 Register of interests**

Subject to paragraph 16 any disclosable pecuniary interests or personal interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority's website.

16 Sensitive interests

This paragraph applies where you consider that disclosure of the details of a disclosable pecuniary interest or a personal interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees. In these circumstances, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

17 Dispensations

The Council may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest or a prejudicial interest.

**Manchester City Council
Report for Information**

Report to: Standards Committee – 16 June 2022

Subject: The Government Response to the Committee on Standards in Public Life's Review of Local Government Ethical Standards

Report of: City Solicitor and Monitoring Officer

Purpose of the Report

This report advises the Standards Committee of the Government's response to the report of the Committee on Standards in Public Life (CSPL) review of local government ethical standards.

Recommendation

1. That the Committee 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.
-

Wards Affected: All

Contact Officers:

Name: Fiona Ledden
Position: City Solicitor
Telephone: 0161 234 3087
E-mail: Fiona.ledden@manchester.gov.uk

Name: Peter Hassett
Position: Senior Lawyer
Telephone: 0161 600 8968
E-mail: peter.hassett@manchester.gov.uk

Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

- The Government's response to the CSPL recommendations. A copy of the Government response is available at:

<https://www.gov.uk/government/publications/local-government-ethical-standards-government-response-to-the-committee-on-standards-in-public-life-report/government-response-to-the-committee-on-standards-in-public-life-review-of-local-government-ethical-standards>

1.0 The Committee on Standards in Public Life Report

1.1 The Committee on Standards in Public Life (“the CSPL”) advises the Prime Minister on ethical standards across the whole of public life in England and monitors and reports on issues relating to the standards of conduct of all public office holders.

1.2 The CSPL has undertaken a review of local government ethical standards. The terms of reference for the review were to:

- Examine the structures, processes and practices in local government in England for:
 - a. Maintaining codes of conduct for local councillors;
 - b. Investigating alleged breaches fairly and with due process;
 - c. Enforcing codes and imposing sanctions for misconduct;
 - d. Declaring interests and managing conflicts of interest; and
 - e. Whistleblowing.
- Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
- Make any recommendations for how they can be improved; and
- Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation

1.3 Following the completion of its review the CSPL published a report on 30 January 2019. A copy of the CSPL report (“the CSPL report”) is available at:

<https://www.gov.uk/government/publications/local-government-ethical-standards-report>

1.4 In its report dated 30 January 2019 the CSPL made 24 recommendations to the government to improve ethical standards in local government.

2.0 The Government Response to the CSPL Recommendations

2.1 On 18 March 2022 the Government published its response to the CSPL recommendations. A copy of the Government response is available at:

<https://www.gov.uk/government/publications/local-government-ethical-standards-government-response-to-the-committee-on-standards-in-public-life-report/government-response-to-the-committee-on-standards-in-public-life-review-of-local-government-ethical-standards>

2.2 In summary the government response to the CSPL recommendations are:
Recommendation 1 – The LGA should create an updated code of conduct

Government response - The LGA published the updated code of conduct in January 2021. However, it remains a local decision on whether this model code is adopted.

Monitoring Officer comment - A report will be submitted to the next Standards Committee meeting with recommendations regarding the LGA updated model code of conduct.

Recommendation 2 – The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The relevant Regulations should be amended to clarify that a councillor does not need to register their home address on an authority’s register of interests

Government response - The government will engage with interested parties on the best means to ensure that candidates and councillors are not required publicly to disclose their home address. Notwithstanding, it is important that home addresses are internally registered with monitoring officers, to help avoid conflicts of interest.

Monitoring Officer comment – Noted. Candidates in local elections are no longer required to have their home addresses shown on the election papers. The Localism Act 2011, and regulations made under it, do require Members to record on their published register of interests the address of any land or property that they or their partner own or lease within the area of MCC and also the names of their employers. However, under section 32 of the Localism Act, copies of the register of members’ interests which are available for inspection or published must not include details of a member’s sensitive interest, other than stating that the member has an interest the details of which are withheld. A sensitive interest is one which the Member and the Monitoring Officer consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation. If any Member consider that the disclosure of their home address, and/or the names of their or their partner’s employers on their register of interests could lead them being subject to violence or intimidation then I would invite you to contact me.

Recommendation 3 – Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches

Government response - The government’s view is that it is for individual local authorities to consider if their code of conduct is adequate in addressing the issue of inappropriate use of social media. It is important to recognise that there is a boundary between an elected representative’s public life and their private or personal life. Automatically presuming (irrespective of the context and circumstances) that any comment is in an official capacity risks conflating the two.

Monitoring Officer comment – As members are aware the Council has specific Social Media Guidance for Members which addresses the issue of ‘blurred identities’ online. A report will be submitted to the next Standards Committee meeting with recommendations regarding the LGA updated model code of conduct.

Recommendation 4 –Section 27(2) of the Localism Act 2011 should be amended to state that a local authority’s code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority

Government response - The LGA have updated their own suggested code of conduct to state that the code applies when “[a member’s] actions could give the impression to a reasonable member of the public with knowledge of all the facts that [they] are acting as a [member]”. It is for individual local authorities to ensure that their codes of conducts are regularly updated, comprehensive and fit for purpose. Elected members receive the necessary training to make them aware of their personal responsibilities in upholding the code. The government will keep this matter under review but has no immediate plans to amend the regulations.

Monitoring Officer comment - A report will be submitted to the next Standards Committee with recommendations regarding the LGA updated model code of conduct.

Recommendation 5 – The relevant Regulations should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy

Government response - Unpaid roles may need to be declared, if it is relevant to council business, and councillors should recuse themselves, if necessary, if discussions relate to private bodies they are involved in. The government is mindful that councillors have a right to a private life, and rights of freedom of association outside their role as a councillor. It is frequently the case that people in public life have a complex pattern of interests and play a variety of roles with different types of organisations, including community interest groups and charities. The government will keep this matter under review but has no immediate plans to amend the regulations.

Monitoring Officer comment – Noted

Recommendation 6 – Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record gifts and hospitality over a value of £50 or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct

Government response - The LGA’s suggested code of conduct published in January 2021 includes a requirement for members to “register... any gift or

hospitality with an estimated value of at least £50". However, it did not contain any requirements relating to the total value of gifts or hospitality received from the same source over a sustained period. Local authorities have the autonomy to set gifts and hospitality requirements in their own codes of conduct. The government accepts that there is merit in best practice guidance on the thresholds for gifts and hospitality and agrees that a register of gifts and hospitality should be publicly available.

Monitoring Officer comment – The MCC Code of Conduct for Members requires Members to include in their register of gifts and hospitality any gifts or hospitality they receive with an estimated value of at least £100. A report will be submitted to the next Standards Committee with recommendations regarding the LGA updated model code of conduct.

Recommendation 7 – Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have an interest, whether registered or not, “if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to the matter”

Government response - Section 31 of the Localism Act 2011 requires that a councillor must not participate in a discussion or vote on a matter where they have a disclosable pecuniary interest [DPI] in any matter to be considered at the meeting. The Committee’s report reflects concerns that the [DPI] arrangements infringe on the privacy of a councillor’s spouse or partner. Where there would be a potential conflict of interest, the principle of integrity requires that any such interests should nevertheless be declared and resolved. The Government will keep this matter under review but has no immediate plans to repeal Section 31 of the Localism Act 2011.

Monitoring Officer comment - Noted. Manchester’s Code of Conduct for Members includes provisions relating to declaration of personal prejudicial interests and withdrawal from the meeting during discussion of such items.

Recommendation 8 – The Localism Act 2011 should be amended to require that Independent Persons [IP’s] are appointed for a fixed term of 2 years, renewable once

Government response - The government does 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 [IP’s] 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.

Monitoring Officer comment – A separate report is included on the agenda for this Committee meeting regarding the re-appointment of Independent Persons and Independent Members of the Standards Committee

Recommendation 9 – The Local Government Transparency Code should be updated to provide that the view of the [IP] in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes

Government response - The government does not agree with this. The Local Government Transparency Code is a statutory requirement to publish information; it does not regulate the content of councils' minutes or decision notices. The substantive policy suggestion has merit but will depend on circumstances. In cases where there is no case to answer from an unfounded complaint, it should not necessarily be a legal requirement to publish details of that unfounded complaint.

Monitoring Officer comment – It is already the standard practice of the Monitoring Officer to include the view of the Independent Person in decisions which they have been consulted upon.

Recommendation 10 – A local authority should only be able to suspend a councillor where the authority's [IP] agrees both with the finding or a breach and that suspending the councillor would be a proportionate sanction

Recommendation 12 – Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions

Recommendation 13 – Councillors should be given the right to appeal to the Local Government Ombudsman [LGA] if their local authority imposes a period of suspension for breaching the code of conduct

Recommendation 14 – The [LGA] should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, an appeal by a councillor who has had a suspension imposed. The [LGO's] decision should be binding on the local authority

Recommendation 16 – Local authorities should be given the power to suspend councillors, without allowances, for up to 6 months

Government response to the above group of recommendations - There is no provision in current legislation for a sanction to suspend a councillor found to have breached the code of conduct, and this was a deliberate policy decision by the Coalition Government at the time of the Localism Act 2011 to differentiate from the previous, failed Standards Board regime. The Standards

Board regime allowed politically motivated and vexatious complaints and had a chilling effect on free speech within local government. These proposals would effectively reinstate that flawed regime. It would be undesirable to have a government quango to police the free speech of councillors; it would be equally undesirable to have a council body (appointed by councillors, and/or made up of councillors) sitting in judgment on the political comments of fellow councillors. On the rare occasions where notable breaches of the code of conduct have occurred, local authorities are not without sanctions under the current regime. Councillors can be barred from Cabinet, Committees, or representative roles, and may be publicly criticised. If the elected member is a member of a political group, they would also expect to be subject to party discipline, including being removed from that group or their party. Political parties are unlikely to reselect councillors who have brought their group or party into disrepute. All councillors are ultimately held to account via the ballot box. As part of the government's response to the Committee's report on intimidation in public life, the government recommended that every political party establish their own code of conduct for party members, including elected representatives. The government will engage with sector representative bodies of councillors and officers of all tiers of local government to seek views on options to strengthen sanctions to address breaches of the code which fall below the bar of criminal activity and related sanctions but involve serious incidents of bullying and harassment or disruptive behaviour.

Monitoring Officer comment - Noted

Recommendation 11 – Local authorities should provide legal indemnity to [IP's] if their views or advice are disclosed. The government should require this through secondary legislation if needed

Government response - The government agrees in principle. Initial soundings with the sector indicate that some local authorities already provide legal indemnity for [IP's]. The government endorses providing legal indemnity for [IP's] as local authority best practice but does not currently see the need to require this through secondary legislation.

Monitoring Officer comment - The Local Authorities (Indemnities for Members and Officers) Order 2004 governs the ability of a local authority to grant indemnities to Members and officers. On 20 December 2006 the MCC Executive approved the granting of indemnities to Members and the Personnel Committee approved the granting of indemnities to officers in the terms set out in the appendix to the report. The City Treasurer was also authorised to take steps to secure insurance to cover the Council's liability under this indemnity, in so far as in their opinion such insurance would be financially practicable. A decision will be taken as to whether this indemnity should be made available to the Council's Independent Persons.

Recommendation 15 – The Local Government Transparency Code should be updated to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (eg bullying; conflict of interest); the outcome of those complaints, including

if they are rejected as trivial or vexatious; and any sanctions applied

Government response - The government believes that this is better addressed through the sector adopting as best practice a regular pattern of annual reporting by Standard Committees of the cases and complaints handled and would encourage this as best practice by the sector. The government does not believe that there is a requirement to prescribe to local authorities the form and content of such Standard Committee annual reports.

Monitoring Officer comment – This information is included in the Monitoring Officer’s annual report to the Standards Committee.

Recommendation 17 – The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary

Government response - The criminal law, overseen by the police and courts, provides for more appropriate and effective action against breaches of public order, for anti-social behaviour, and against harassment. The occasion where councils would seek to bar councillors from council premises are thought to be extremely rare. We will consider this further.

Monitoring Officer comment – The further view of the Government will be considered by the Monitoring Officer, once issued, and reported to the Standards Committee.

Recommendation 18 – The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

Government response - It is a criminal offence to fail to declare pecuniary interests, which acts as a strong deterrent against corruption. The government does not agree with this recommendation, but rather believes the criminal offence of a non-disclosure of pecuniary interest to be a necessary and proportionate safeguard and deterrent against corruption. The high bar of police involvement has served to discourage politically motivated and unfounded complaints.

Monitoring Officer comment - None

Recommendation 20 – Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code

Government response - The government does not agree that this is necessary and has no plans to repeal Section 27(3) of the Localism Act 2011. The government considers that the adoption of the principal authority’s code or the new model code is a matter for local determination. There are merits in achieving consistency within principal authority areas to eliminate potential confusion amongst constituents and elected members but there may be instances where a parish council may want to add to the code of their principal

authority to reflect local circumstances.

Monitoring Officer comment – Ringway Parish Council has adopted the Manchester City Council Code of Conduct for Members.

Recommendation 21 – Section 28(11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant principal authority

Government response - The government has no current plans to repeal Section 28 (11) of the Localism Act 2011 but will give this matter further consideration.

Monitoring Officer comment – The MCC Standards Committee already takes decisions as to whether a Ringway Parish Councillor has breached the Code of Conduct for Members and also as to what sanction to impose. In such circumstances the MCC Hearing Panel will include a Ringway Parish Council Member co-opted to the Standards Committee.

Recommendation 22 – The [relevant] Regulations should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal

Government response - The government agrees in principle with this recommendation and recognises this will be pertinent to Monitoring Officers who may not necessarily be afforded the same seniority in the organisational hierarchy of a local authority as the 2 other statutory officers (Head of Paid Service and the Section 151 Officer), and who may be subject to personal pressures when conducting high profile breach of conduct investigations. The government will engage with sector representative bodies of all tiers of local government to seek views on amending the [relevant] Regulations to provide disciplinary protections for statutory officers.

Monitoring Officer comment - Noted

Recommendation 23 – The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority’s website

Government response - The government agrees with the principle that openness is essential. Most local authorities already publish their whistleblowing policy, procedures and a named contact on their websites, and Government is recommending that this is adopted as a best practice recommendation. The Department for Levelling Up Housing and Communities (DLUHC) will work with the local government community to develop a set of specific actions to advance transparency in the sector. DLUHC will support local government to solidify their transparency policies and processes and

encourage proactive publication of open data across councils.

Monitoring Officer comment – Noted. The Whistleblowing Policy is within the remit of the Audit Committee.

Recommendation 24 – Councillors should be listed as ‘prescribed persons’ for the purposes of the Public Interest Disclosure Act 1988

Government response - Prescribed persons are individuals or organisations that a worker may approach outside their workplace to report suspected or known wrongdoing and still be protected by the rights afforded to them under whistleblowing legislation. Local councillors would not meet the criteria of being external to an individual’s workplace in relation to matters affecting the council and could therefore not be considered as a ‘prescribed person’ for the purposes of the [Act]. Disclosures relating to local authorities can be made to the external auditor of the relevant authority, the Comptroller and Auditor General (National Audit Office), or a Member of Parliament. However, the government recognises that this may provide a further check and balance against council corruption or wrongdoing and is open to further representations on the matter on how local accountability can be strengthened in this regard.

Monitoring Officer comment - Noted. The Whistleblowing Policy is within the remit of the Audit Committee.

3.0 The Local Government Association’s Updated Model Code of Conduct

3.1 In relation to the Local Government Association’s Updated Model Code of Conduct the Government’s response was:

- The Localism Act 2011 states that relevant authorities must promote and maintain high standards of conduct by members and co-opted members. It requires these authorities to adopt a code of conduct for their councillors. Authorities can determine the content of their own code of conduct. However, codes must conform to the 7 ‘Nolan’ principles of standards in public life: selflessness, integrity, objectivity, accountability, openness, honesty, and leadership. Relevant authorities for the purposes of these requirements include local authorities in England and parish and town councils.
- It is for individual councils to set their own local code, in line with the Act. The government has previously published a light-touch illustrative code of conduct.
- The LGA has worked with sector representative bodies to update its own suggested code of conduct, with the intention that this new suggested code could establish a consistent benchmark that local authorities can amend or add to as they see fit to reflect local circumstances and priorities. The LGA published the updated code of conduct in January 2021. However, it remains a local decision on whether this model code is adopted.

3.2 The existing MCC Code of Conduct for Members conforms to the 7 'Nolan' principles of standards in public life: selflessness, integrity, objectivity, accountability, openness, honesty, and leadership. A report will be submitted to the next Standards Committee with recommendations regarding the LGA updated model code of conduct.

4. Recommendations

4.1 The recommendations are at the beginning of this report.

**Manchester City Council
Report for Information**

Report to: Standards Committee – 16 June 2022
Subject: The Gifts and Hospitality Guidance for Members
Report of: The City Solicitor and Monitoring Officer

Purpose of the Report

This report considers the operation and efficacy of the Gifts and Hospitality Guidance for Members.

Recommendations

That the Standards Committee:

1. Notes the Monitoring Officer's views on the efficacy and operation of the Gifts and Hospitality Guidance for Members.
 2. Provide comments as necessary on the Monitoring Officer's views regarding the efficacy and operation of the Gifts and Hospitality Guidance for Members.
 3. Support 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.
-

Wards Affected: All

Contact Officers:

Name: Fiona Ledden
Position: City Solicitor
Telephone: 0161 234 3087
E-mail: fiona.ledden@manchester.gov.uk

Name: Ian Mark
Position: Principal Lawyer
Telephone: 0161 234 5378
E-mail: ian.mark@manchester.gov.uk

Background documents (available for public inspection):

None

1.0 Background

- 1.1 As the Committee will be aware the Council's Constitution contains a section relating to the Gifts and Hospitality Guidance for Members ('the Guidance'). The Committee last received a report about the Guidance at its meeting in November 2021. That report considered the efficacy and operation of the Guidance up until the 30 September 2021.
- 1.2 This report covers the period from 1 October 2021 to 12 May 2022 when the report was written. However, in relation to gifts specifically received by the Lord Mayor the report covers a slightly different period and commences from 25 September 2021
- 1.3 The Guidance was last considered at the review of the Council's Constitution carried out in February 2021 and no substantive changes were made. A further review of the Constitution will take place later this year.
- 1.4 The current version of the Gifts and Hospitality Guidance for Members is attached as Appendix 1 to this report

2.0 Gifts and Hospitality Guidance for Members

- 2.1 The Council's Code of Conduct for Members ('the Code') requires Members to register any gifts and hospitality received with an estimated value of at least £100. This figure dates from the 2013 revision to the Code following the changes implemented by the Localism Act 2011. The Council's form for the Registration of Interests makes provision for gifts and hospitality to be recorded where applicable.
- 2.2 The Committee will be aware that whilst officers do provide advice to Councillors, if asked, on Members' Interests including gifts and hospitality it is the responsibility of individual Members to comply with the requirements of the Code. Reminders to Members regarding updating their Register of Interests and registering any gifts and hospitality are contained in the Ethical Governance Updates sent to all Members and in email reminders sent to Members during the course of the Municipal Year. For the period to which the report relates an email reminder was sent on 20 January 2022.
- 2.3 The Committee is advised that two new entries relating to gifts and hospitality have been recorded during the period 1 October 2021 and 12 May 2022. Both entries were registered by the same member. The first concerned a gift card received from Northwards Housing in June 2021. The value of the gift card was £50 and therefore did not strictly need to be recorded. In this instance a sum of equivalent value was donated to charity by the member in question. The second concerned a pair of complimentary tickets for a New Order concert held in Heaton Park in September 2021. The tickets were provided by the organisers of the concert. No specific or estimated value of the tickets was provided. Both entries fall outside the period which the report covers because whilst the member updated their Register of Interests form by signing and dating it on 28 September 2021 the on-line version was not modified by

the team responsible for maintaining the Register until 22 October 2021. This was due to capacity/resource issues in that team at the time. Steps have been put in place with the aim of preventing delays of this nature occurring in the future. However, the delay which occurred in September 2021 meant neither entry showed at the time the previous report received by the Committee was written. The Monitoring Officer is of the view that bearing in mind the relatively short period the report covers as well as the continuing impact of Covid particularly at the end of last year and beginning of 2022 the level of new entries is unsurprising. It is also the Monitoring Officer's view that there is no indication that Members are unaware of the requirement to register gifts and hospitality as set out in the Guidance. Although the entry relating to June 2021 was recorded retrospectively it fell below the required threshold of an estimated value of at least £100 and therefore as stated above did not strictly need to be registered.

- 2.4 The Committee is further advised that there have been no refusals to accept gifts which have been notified to the Monitoring Officer during the period 1 October 2021 and 12 May 2022.
- 2.5 Whilst the Lord Mayor is of course subject to the terms of the Code specific provision is also made in guidelines for the Lord Mayor and Deputy Lord Mayor. The Lord Mayor's Office has advised that with respect to gifts there is an agreed process in place where the Curatorial Manager of the Our Town Hall Project assesses the gifts received by the Lord Mayor approximately every 3-6 months to decide which gifts should be retained in the 'Town Hall Collection' and which gifts can be retained by the Lord Mayor. The guidance also advises that whilst undertaking engagements care must be taken by the Lord Mayor to guard against being seen to solicit gifts.
- 2.6 A copy of the List of Gifts and Hospitality received by the Lord Mayor who has held office during the period which the report covers is attached as Appendix
- 2.7 Any gifts that the Lord Mayor received as a ward councillor will be on their Register of Interests.
- 2.8 The Monitoring Officer is of the view that bearing in mind the number of events the Lord Mayor has to attend in their civic capacity the level of entries is again unsurprising. In deciding which gifts can be retained by the Lord Mayor or retained in the 'Town Hall Collection' care needs to be taken not to cause offence to the donor if they intended the gift to be for the Lord Mayor personally. In addition, gifts are sometimes engraved to personalise them or they may be given to specifically mark a particular occasion, event or visit carried out by the incumbent Lord Mayor. Gifts provided in these kinds of circumstances will either be added to the Town Hall Collection or, if the Curatorial Manager decides not to add them, dealt with in accordance with the agreed process mentioned in paragraph 2.5 above again having regard to the overarching principle of ensuring no offence is caused to the donor. The Committee is advised that the agreed process for assessing gifts is kept under review to ensure that it is appropriate and works well.

2.9 The Monitoring Officer 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.

3.0 Recommendations

3.1 The recommendations appear at the top of this report.

GIFTS AND HOSPITALITY – APPENDIX 1

Section D

**Gifts and Hospitality
Guidance for Members**

GIFTS AND HOSPITALITY – APPENDIX 1**SECTION D: GIFTS AND HOSPITALITY GUIDANCE FOR MEMBERS****General Introduction**

Manchester City Council's Code of Conduct for Members (the Code) requires members to notify the Monitoring Officer in writing of a personal interest in any business of the Council where it relates to or is likely to affect the interests of any person from whom the member has received a gift or hospitality with an estimated value of at least £100 (an interest under paragraph 11.2(c) of the Code).

In addition to the obligation to notify under paragraph 11.1 of the Code, the Council requires members to notify the Monitoring Officer of any gifts or hospitality accepted by either themselves or their partner by or on behalf of the elected member in connection with their appointment as an elected member or representative of the Council with an estimated value of at least £100.

It is also a breach of the Code for a member to conduct themselves in a manner which could reasonably be regarded as bringing their office or the Council into disrepute or for a member to use or attempt to use their position as a member improperly to confer on or secure for themselves or any other person an advantage or disadvantage.

The following protocol aims to assist members in complying with these obligations and seeks to provide wider guidance so members can avoid any situation where their integrity may be brought into question as a result of gifts and hospitality.

Legal position

The Bribery Act 2010 provides that it is a criminal offence for a member (either personally or through a third party whether for the member's benefit or the benefit of another) to request, receive, agree to receive, promise, offer or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. It is for the member to demonstrate that any such advantage has not been corruptly obtained. This guidance should be considered in conjunction with the Council's Anti-Bribery Policy.

1. Gifts and hospitality

Members are advised to treat with caution any offer, gift, or hospitality that is made personally to them in their capacity as an elected member/representative of the Council. The person or organisation making the offer may be doing business or seeking to do business with the Council or may be applying to the Council for some sort of decision in respect of which it is imperative that the member's independence should not be compromised e.g. planning or licensing approvals.

The requirements for notification of a personal interest under paragraph 11.2(c) of the Code and any other gifts or hospitality accepted by the member or their partner in connection with their position as an elected member/representative of the Council with an estimated value of at least £100 are set out at 2.1 below. It is recommended

GIFTS AND HOSPITALITY – APPENDIX 1

that where a member refuses any gift or hospitality offered to them or to their partner in connection with their position as an elected member/representative of the Council, the member should notify the Monitoring Officer of the refusal as soon as reasonably practicable. The Council's Monitoring Officer will maintain a register for this purpose.

Below are some examples regarding acceptance of gifts and hospitality:

1.1 Gifts

All gifts and hospitality should only be accepted if they are in furtherance of the Council's objectives.

Generally personal gifts should not be accepted as an objective view could be that a gift was only given because of the persons standing as a Councillor. The exception is where the gift is of purely token value given to a wide range of people e.g. a pen or key ring, the member should be able to accept such a gift and as it will usually be substantially less than £100 in value there should be no need to register it.

Where the gift is of low value and refusal would cause needless offence and the giver is not currently seeking a decision or business from the Council the member should be able to accept it, and again as it will usually be substantially less than £100 in value there should be no need to register it.

Whilst it may be acceptable to accept a token or gift of low value on one occasion members should refuse repeated gifts, even if these are individually not of a significant value.

Cash or monetary gifts should always be refused without exception and the refusal notified to the Monitoring Officer.

Gifts given as prizes at exhibitions, conferences, seminars etc. as part of a free raffle or draw may be accepted but they belong to the Council and should be notified to the Monitoring Officer as soon as reasonably practicable (notwithstanding that their value may be less than £100). The Monitoring Officer in consultation with the chair of the Standards Committee will determine whether it is appropriate for the member to retain the gift in question.

1.2 Hospitality

It is increasingly the case that private companies offer hospitality e.g. free drinks, tickets to shows or hotel accommodation to persons with whom they do business or with whom they hope to do business in the future. Such hospitality could convey the impression that the member's judgement would be influenced. It would however be too rigid to say that no hospitality can be accepted. Members are reminded that any hospitality with an estimated value of at least £100 should be notified to the Monitoring Officer.

Examples of hospitality which may be acceptable are set out below but depend on the particular circumstances, for example, who is providing the hospitality, why the

GIFTS AND HOSPITALITY – APPENDIX 1

member is there and the nature of the dealings between the Council, the member and the provider of the hospitality:

- A working meal provided to allow parties to discuss or to continue to discuss business;
- An invitation to attend a dinner or function of a Society, Institute or other non commercial body with whom the Council has contact; or
- Invitations to attend functions where the member represents the Council (opening ceremonies, public speaking events, conferences).
- The following are examples of unacceptable hospitality:
- Holidays, including accommodation and travel arrangements;
- Offers of complimentary theatre and sporting tickets for the member/family or free travel; or
- Paid for corporate invites for evenings out with representatives from a company or firm who have dealings with the Council or who are likely to have dealings in the future.

Members are again advised to err on the side of caution and if in any doubt as to the integrity of the offer/invite, the member should consult the Monitoring Officer or refuse.

2. Personal interests under paragraph 11.2(c) of the Code

Paragraph 11.2 (c) provides that a Member has a personal interest in any business of the authority where it relates to or is likely to affect the interests of any person from whom a Member has received a gift or hospitality with an estimated value of at least £100.

2.1 Registration of a personal interest under paragraph 11.2(c) of the Code and other gifts and/or hospitality

A personal interest under paragraph 11.2(c) of the Code must be registered within 28 days of the member's election or appointment to office

In addition, members must notify the Monitoring Officer of any gifts or hospitality accepted by them or their partner in connection with their position as an elected member/representative of the Council with an estimated value of at least £100 within 28 days of the receipt of the gift or hospitality.

2.2 Disclosure of a personal interest under paragraph 11.2(c) of the Code and other gifts and/or hospitality

When a member attends a meeting of the Council at which the relevant business is considered, the member must disclose their personal interest under paragraph

GIFTS AND HOSPITALITY – APPENDIX 1

11.2(c) of the Code where they are aware/ought reasonably to be aware of the existence of the personal interest.

The member must disclose to the meeting the existence and nature of that interest at the commencement of consideration of the relevant business or when the interest becomes apparent.

Where a member has a personal interest under paragraph 11.2(c) of the Code they need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

2.3 Personal interests under paragraph 11.2 (c) of the Code and prejudicial interests under paragraphs 13.1 – 13.5 of the Code and other gifts and/or hospitality

When disclosing a personal interest under paragraph 11.2(c) of the Code members must also consider whether the personal interest is a prejudicial interest under paragraph 13.1 of the Code. If this is the case, paragraphs 13.2 – 13.5 of the Code apply.

Where the personal interest is also a prejudicial interest under paragraph 13.1 of the Code, if the interest is not registered and is not the subject of a pending notification, the member must notify the Monitoring Officer of the interest within 28 days of the meeting at which the interest was disclosed.

3. Notifications

Notifications of gifts and hospitality should be sent to the Monitoring Officer at the following address.

Governance and Scrutiny Support Unit
 Chief Executive's Department
 Manchester City Council
 3rd Floor
 Town Hall Extension
 Albert Square
 Manchester M60 2LA

A form for this purpose is available from the Governance and Scrutiny Support Unit who administer the register on behalf of the Monitoring Officer.

4. The register of members' interests

Notifications will be included in the register of members' interests, a copy of which is available for public inspection and is published on the Council's website (subject to the rules on sensitive interests set out in paragraph 16 of the Code).

This register is subject to scrutiny by the Standards Committee and inspection by the Monitoring Officer, Head of Internal Audit and Risk Management and External Auditors.

GIFTS AND HOSPITALITY – APPENDIX 1

5. Gifts which cannot be retained

Where the Monitoring Officer in consultation with the Chair of the Standards Committee determines that it would not be appropriate for a member to retain a gift, that gift will be returned, utilised by the Council or otherwise donated to an appropriate charitable organisation as determined appropriate by the Monitoring Officer following consultation with the Chair of the Standards Committee.

6. Conclusion

Members are advised to seek the advice of the Monitoring Officer in cases where their position is unclear.

Breaches of this protocol may result in a breach of the Code of Conduct for Members.

7. Review of guidance

This guidance was last reviewed in **2022** and shall be reviewed every **year** thereafter or earlier where there is a change in the applicable law or circumstances warrant an earlier review.

GIFTS & HOSPITALITY RECEIVED BY LORD MAYOR COUNCILLOR TOMMY JUDGE - 25 SEPT 2021 - 28 APRIL 2022

Office to complete when Lord Mayor presented with gift or hospitality

Date	Provenance - Reason for gift (particularly relevant if gift added to Town Hall Collection)	Gift Description	Value	Town Hall Collection* / Library / Lord Mayor	Recorded by
29/09/2021	Visit to Lord Mayor's Suite for afternoon tea for Queen's Award for Voluntary Service recipients	Book - 'The Holy Woman' by Qaisra Shahraz, with personal inscription 'For our Lord Mayor, Cllr Tommy Judge. I hope you enjoy reading my novel. Thank you for supporting Macfest. Lots of love Qaisra Shahraz'	£8.99	Lord Mayor retained as book contained personal inscription	LD
30/09/2021	Visit to Lord Mayor's Suite	Paperweight with design by Amadeo de Souza-Cardoso	£10.00	Lord Mayor	LD
26/10/2021	Lord Mayor attended Graduation Ceremony	Tommy Hilfiger Large Monogram Zip Around Wallet	£65.00	Lord Mayor	LD
		Tommy Hilfiger Elevated Wool Scarf	£90.00	Lord Mayor	LD
		2 x Bouquets of Flowers	£25.00	Lord Mayor	LD
02/11/2021	Visit to Lord Mayor's Suite	Engraved platter	£25.00	Lord Mayor	LD
		Scarf	£10.00	Lord Mayor	LD
		Bouquet of flowers	£10.00	Lord Mayor	LD
09/12/2021	Visit to Lord Mayor's Suite to present donation to We Love MCR Charity	Jar of Honey	£5.00	Lord Mayor	LD
13/01/2022	Christmas gift received in the post	Book - 'Trust - The Story of Gorton Monastery' by Elaine Griffiths x 2 copies, one with personal inscription to the Lord Mayor, the second with inscription 'December 2021. Thanks for all your support. With our very best wishes, Elaine & Paul x'	£20.00 x 2	One copy donated to Central Library. The other copy with personal inscription retained by Lord Mayor	DW
13/01/2022	Christmas gift delivered to FM w/c 20/12/2021	Bottle of Chateau Moulin De La Bridane and box of Ferrero Collection	£24.80	Lord Mayor	DW
13/01/2022	Visit to Lord Mayor's Suite to present donation to We Love MCR Charity	Wooden wall art depicting picture of St Stephen	£25.00	Lord Mayor	DW
21/02/2022	2022 Calendar of artists of Venture Arts	2022 Calendar	£10.00	Lord Mayor	DW
16/03/2022	Civic Visit to Athy, Co Kildare, Ireland - Made of Athy Music Trail event organised by Kildare County Council Arts Office	Shackleton Note Book/Journal, with personal inscription 'Presented to the Lady Mayoress of the City of Manchester Carole Judge, Athy, 16th March 2022'	£25.00	Lady Mayoress retained as book contained personal inscription	LD
		Glass vase on inscribed wooden plinth	£30.00	Lord Mayor	LD
		Black and grey commemorative bowl featuring black and white images of famous Athy personalities	£20.00	Lord Mayor	LD
01/04/2022	Presented to Lord Mayor at official reception for Ambassador of Kazakhstan at Manchester Art Gallery	Small framed artwork (c.10" x 10")	£25.00	Lord Mayor	LD
20/04/2022	Presented to Lord Mayor at courtesy call in Lord Mayor's Suite	Book - '10 Reasons to visit Uzbekistan'	£95.00	Donated to Central Library	LD
		Decorative wooden plate	£20.00	Lord Mayor	LD
26/04/2022	Lord Mayor visited school	Small framed picture of the school	£5.00	Lord Mayor	LD

*Meg McHugh, Curatorial Manager, Our Town Hall Project reviews gifts every 3 months to decide which should be retained for the Town Hall Collection. Gifts to be stored in Storeroom 3, Lord Mayor's Suite, Central Library until reviewed.

This page is intentionally left blank

**Manchester City Council
Report for Resolution**

Report to: Standards Committee – 16 June 2022

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

Report of: City Solicitor and Monitoring Officer

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.

Recommendation

That the Standards Committee:

- (1) Agree that the Committee's views are sought regarding the reappointment 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 a further four-year term provided they are agreeable to this extension
 - (2) Agree 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.
 - (3) Supports the proposal to advertise and interview an additional Independent Person and in the event vacancies arise, advertise and interview to other vacant roles to enable recommendations to full Council on this matter.
-

Wards Affected: All

Contact Officers:

Name: Fiona Ledden
Position: City Solicitor
Telephone: 0161 234 3087
E-mail: fiona.ledden@manchester.gov.uk

Name: Poornima Karkera
Position: Head of Governance Legal Services
Telephone: 0161 234 3719
E-mail: poornima.karkera@manchester.gov.uk

Background documents (available for public inspection):

None.

1.0 Background

- 1.1 The Localism Act 2011 fundamentally changed the local authority Standards regime in England with the current standards regime coming into effect from mid-2012.
- 1.2 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.

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:
 - a) 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;
 - b) 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;

- c) 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 Terms of Office of the Independent Members and Independent Persons

- 4.1 The current terms of office of Nicolé Jackson and Geoff Linnell as Independent co-opted members of this Committee date from November 2015. Sarah Beswick's appointment as Independent Person 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.

5.0 Government's Response to the CSPL recommendation regarding terms of office of Independent Persons

- 5.1 As previously reported the CSPL completed a review of local government ethical standards and published a report on 30 January 2019. CSPL Recommendation 8 was that the Localism Act 2011 should be amended to require that Independent Persons [IP's] are appointed for a fixed term of 2 years, renewable once
- 5.2 The government's response is that it does 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.
- 5.3 The Monitoring Officer proposes in these circumstances (subject to the availability of current appointees) to ask the Committee to recommend 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 (i.e. to cover the situation in 3.3 c) above).

6.0 Recommendation

The recommendation appears at the top of this report.

**Manchester City Council
Report for Resolution**

Report to: Standards Committee – 16 June 2022
Subject: Work Programme for the Standards Committee
Report of: Governance and Scrutiny Support Unit

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.

Wards Affected: All

Financial Consequences for Revenue Budget - None directly.

Financial Consequences for the Capital Budget - None directly.

Contact Officers:

Fiona Ledden - City Solicitor
0161 234 3087
fiona.ledden@manchester.gov.uk

Andrew Woods – Governance/Scutiny Team Leader
0161 234 3011
andrew.woods@manchester.gov.uk

Background documents (available for public inspection):

None

This page is intentionally left blank

Standards Committee Work Programme – 16 June 2022

Meeting – 16 June 2022

Annual Governance Statement (AGS)	To consider the AGS insofar as relates to matters within the remit of the Standards Committee	Sean Pratt	
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	
The Use of Council Resources Guidance for Members	To review the operation and efficacy of the Guidance.	Poornima Karkera	
Members Code of Conduct – partnership arrangements	Report outlining how the requirements of the Council's Member Code of Conduct is incorporated into the overall governance arrangements of organisations that the City Council has entered into Partnership Arrangements with, to demonstrate adequate assurance is in place.	Sarah Narici	
The Government Response to the Committee on Standards in Public Life's Review of Local Government Ethical Standards	advises the Standards Committee of the Government's response to the report of the Committee on Standards in Public Life (CSPL) review of local government ethical standards.	Poornima Karkera	
Terms of Office of the	To seek the views of the Committee regarding	Poornima Karkera	

Standards Committee Work Programme – 16 June 2022

Independent Members of Standards Committee and the Independent Persons	the terms of Office of the Independent Members of Standards Committee and the Independent Persons		
Standing item - Work Programme	To review and amend (if necessary) items to be considered at future meetings of the Committee.	Andrew Woods	

Meeting - 3 November 2022

Code of Corporate Governance	To consider the draft Code of Corporate Governance	Sean Pratt	
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	
Local Government (Disqualification) Act 2022	To advise members of the provisions of the Act	Poornima Karkera	
Local Government Association (LGA) Model Code of Conduct for Members	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	
Standing item - Work Programme	To review and amend (if necessary) items to be considered at future meetings of the Committee.	Andrew Woods	

16 March 2023

Annual Standards Report	To note and review the work done in the last year to promote and maintain high standards of conduct by members.	Poornima Karkera/ Peter Hassett	
-------------------------	---	---------------------------------	--

Standards Committee Work Programme – 16 June 2022

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	
Social Media Guidance for Members	To consider any updates/ revisions to the guidance and the efficacy of the guidance.	Poornima Karkera	
Member Training	To update Standards Committee on the operation and efficacy of the Member Development Strategy; report on training delivered in the current municipal year and update on the proposals in relation to the next municipal year.	Jonathan Kershner	
Standing item - Work Programme	To review and amend (if necessary) items to be considered at future meetings of the Committee.	Andrew Woods	

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	
The Member/ Officer Relations Protocol	To review the operation and efficacy of the Protocol	Poornima Karkera	
Standing item - Work Programme	To review and amend (if necessary) items to be considered at future meetings of the Committee.	Andrew Woods	

Standards Committee Work Programme – 16 June 2022

Unscheduled Items	
Arrangements for Investigating Complaints made under the Members' Code of Conduct	
Procedure for the Local Hearing of Allegations of Misconduct by Members of the Council	

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	October 2022	Standards Committee to retain responsibility of CCG (June 2021)
The Annual Governance Statement	June 2021	Date to be arranged as required 16 June 2022	Standards Committee to retain responsibility of AGS (June 2021)
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 2021	June 2022	
Gifts and Hospitality Guidance for Members	By Full Council February 2021 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

Standards Committee Work Programme – 16 June 2022

The Member/ Officer Relations Protocol	February 2021 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 Use of Council Resources Guidance for Members	By Full Council February 2021 By Standards Committee June 2021	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 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 (scheduled for June 2022)	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	June 2021		
Register of Members Interests	Considered as part of annual report. March 2021	March 2022	

This page is intentionally left blank