



Standards Committee

Date: Thursday, 3 November 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 – N Jackson (Chair) and G Linnell

Independent Person - S Beswick and 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 - 12
To approve as a correct record the minutes of the meeting held on 16 June 2022.
- 5. Draft Code of Corporate Governance** 13 - 28
The report of the Deputy Chief Executive and City Treasurer is enclosed.
- 6. Members' Update on Ethical Governance** 29 - 36
The report of the City Solicitor is enclosed.
- 7. Local Government (Disqualification) Act 2022** 37 - 40
The report of the City Solicitor is enclosed.
- 8. Local Government Association (LGA) Model Code of Conduct for Members** 41 - 44
The report of the City Solicitor is enclosed.
- 9. To propose amendments to the Arrangements for dealing with complaints against Members** 45 - 62
The report of the City Solicitor is enclosed.
- 10. Work Programme for the Standards Committee** 63 - 68

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
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Further Information

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

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This agenda was issued on **Tuesday, 25 October 2022** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Library Walk Elevation), Manchester M60 2LA

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Standards Committee

Minutes of the meeting held on 16 June 2022

Present

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

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

Apologies:

Councillor Andrews
Ringway Parish Council: Councillor O'Donovan

ST/22/06 Interests

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

ST/22/07 Minutes

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

Decision

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

ST/22/08 Members Code of Conduct - Company Directorships

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

- Provision of clear guidance so that Members have an understanding of their responsibilities when undertaking a role as a Director;
- To ensure that there is a consistency of approach taken by those representing the Council in a Board setting;
- An opportunity to outline some of the key lessons learnt from other Local Authority companies and how Manchester is embedding a positive approach to good practice.

The Chair invited questions from Committee members.

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

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

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

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

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

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

Decision

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

ST/22/09 Annual Governance Statement (AGS)

The Committee considered the report of the Deputy Chief Executive and City Treasurer that presented the draft 2021/22 Annual Governance Statement (AGS), which has been produced following completion of the annual review of the Council's governance arrangements and systems of internal control.

Local authorities have a legal responsibility to conduct, at least annually, a review of the effectiveness of their governance framework including their system of internal control. Following the review an Annual Governance Statement (AGS) must be produced, approved and published

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

The report was introduced by the Reform and Innovation Manager and reference was made to the amendments made to improve the layout and accessibility of the text

and information. The report referred to the governance challenges in 2021/22 and moving forwards to 2022/23.

Decision

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

ST/22/10 Review of the Operation and Efficacy of the Member/Officer Relations Protocol

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

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

The Chair invited questions from the Committee.

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

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

Decisions

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

ST/21/11 Review of the Operation and Efficacy of the Use of Resources Guidance for Members

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

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

The Chair invited questions from Committee members.

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

Decisions

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

ST/21/12 Planning Protocol

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

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

Decisions

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

ST/21/13 Dispensations

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

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

Decision

To note the report.

ST/21/14 The Register of Members' Interests

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

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

Decision

To note the report.

ST/21/15 The Government Response to the Committee on Standards in Public Life's Review of Local Government Ethical Standards

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

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

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

Decision

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

ST/21/16 Gifts and Hospitality Guidance for Members

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

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

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

Decisions

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

ST/21/17 Work Programme

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

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

Decision

To note the report and agree the Work Programme.

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

ST/21/18 Terms of Office of the Independent Members of the Standards Committee and the Independent Persons

The Committee considered the report of the City Solicitor and Monitoring Officer that sought the views of the Committee in relation to the terms of office of the two independent co-opted members of the Standards Committee and the Council's two Independent Persons.

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

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

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

The Chair invited the Committee to comment on the report.

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

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

Decisions

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

2. To refer the proposed reappointment of the two independent co-opted members of the Standards Committee and the Council's two Independent Persons 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. The Committee endorsed the proposal to advertise and interview for an additional two Independent Person positions and in the event if vacancies arise, advertise and interview to other vacant roles to enable recommendations to full Council on this matter.

(Nicole Jackson and Geoff Linnell, as Independent Members of the Standards Committee, declared an interest in the item and left the meeting before it was considered and did not participate in consideration of the item of business.)

**Manchester City Council
Report for Information**

Report to: Standards Committee – 3 November 2022
Subject: Draft Code of Corporate Governance
Report of: Deputy Chief Executive and City Treasurer

Summary

This report proposes both a revised draft of the Council's Code of Corporate Governance (the Code) which is in accordance with published guidance, and a revised process. Compliance with the Code is monitored on an annual basis through the Council's Annual Governance Statement.

Recommendations

Standards Committee is invited to comment on the Council's revised draft Code of Corporate Governance.

Wards Affected: All

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1. Introduction and Context

- 1.1 The Council maintains a local Code of Corporate Governance (the Code), which is recommended as good practice for local authorities by the Chartered Institute of Public Finance and Accountancy (CIPFA). The Code sets out the Council's governance standards. These standards ensure the Council is doing the right things, in the right way in a timely, inclusive, open, effective, honest and accountable manner.
- 1.2 The framework for the Code is based on the seven principles of good governance for local authorities which are set out in the CIPFA and Society of Local Authority Chief Executives (SOLACE) guidance "Delivering Good Governance in Local Government: Framework (2016)". The revised Code deals with each of these principles in turn.
- 1.3 Alongside the seven CIPFA Framework principles, the vision, culture, and values of the Council – the Our Manchester behaviours, and Our Manchester Strategy – are at the heart of the Council's approach to governance. Our vision, culture and values have shaped the commitments which are set out in the Code, and which articulate the Council's approach to meeting the seven principles of good governance.
- 1.4 The Code sets out the Council's governance commitments, but it deliberately doesn't include details of how these commitments have been met. How these commitments have been met is set out in the Governance Framework section of the Council's Annual Governance Statement (AGS). In the AGS, hyperlinks are provided where the reader can access more information about examples of governance in action, for example key strategies and reports.

2. Improvements to the Code

- 2.1 A review of the Code has been carried out to improve the document and process. This has included a review of good practice across peer local authorities such as Core Cities (including Leeds, Bristol, and Birmingham), other Greater Manchester authorities and examples highlighted by CIPFA (including Lambeth and Westminster).
- 2.2 Key aims of the review included:
 - To produce a more concise, accessible, and easily digestible document, so that stakeholders can more clearly understand the Council's governance commitments.
 - To reduce the resources needed to update the Code in future, in line with the principles of the Future Shape of the Council transformation programme.
- 2.3 Some of the key improvements which have been made are as follows:
 - The Code is now a much more concise document (10 pages, compared to 23 pages for the previous version).

- There is a focus on a series of concise and clear bullet point commitments, to improve the communication of the document to key stakeholders such as Heads of Service. This replaces long paragraphs of text in the previous version.
 - The document fully meets digital accessibility standards.
 - Removal of excessive detail means that the document will become out of date less frequently, helping to improve the efficiency of the update process, and less resources in terms of officer time will be needed to update the document.
- 2.4 The Code will be made publicly available on the Council's 'Key Governance Documents' webpage, where the Annual Governance Statement can also be accessed. It is proposed that the document will no longer be contained in the Council's Constitution, which is not a mandatory requirement. This will support the efficiency of the production process, making it more agile, and improve the public accessibility of the document. In future, the timetable for update can be determined by when it is prudent to reflect any significant changes in the Council's approach to governance in the Code, rather than this being constrained by the fixed update cycle of the Constitution. It is anticipated that an update of the Code may be required every two to three years. Updates to the Code will continue to be submitted to both Standards Committee and Audit Committee, which is the same as current practice.

3. Next Steps

- 3.1 The Code will be submitted to Audit Committee on 29 November 2022. Once any comments from Standards and Audit Committees have been incorporated, a final version will be uploaded to the Council's 'Key Governance Documents' webpage. Once finalised, the updated Code will be communicated to key stakeholders including Heads of Service, to support effective understanding and delivery of the Council's commitments to good governance across the organisation.

4. Recommendation

The recommendation appears at the front of this report.

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Code of Corporate Governance

Introduction

Our Code of Corporate Governance ('the Code') sets out the Council's governance standards. These standards ensure the Council is doing the right things, in the right way in a timely, inclusive, open, effective, honest and accountable manner.

The Council's Corporate Governance Principles

The Code is based on the seven governance principles set out in the CIPFA/SOLACE¹ guidance 'Delivering Good Governance in Local Government' (2016).

These principles ('A' to 'G') and their sub principles ('A1' to 'G3') are set out below, along with a series of 'we will' commitments which articulate the Council's approach to meeting the principles.

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

A1 - Behaving with Integrity

We will:

- Foster a culture of behaviour based on shared values, ethical principles and good conduct that is put into practice by members and officers alike.
- Take an 'Our Manchester' approach to everything that we do. This means we have five behaviours which represent how we should do things:
 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
- Ensure that staff are aware of and know how to access whistle-blowing, and anti-fraud and corruption procedures. All our staff are expected to help prevent fraud and corruption, and are encouraged, supported, and protected to speak up if they encounter potential wrongdoing.

A2 - Demonstrating Strong Commitment to Ethical Values

We will:

- Operate a Standards Committee that champion high standards of ethical governance from elected members.
- Maintain robust policies and procedures so that ethical values are put into practice, including separate Codes of Conduct for members and staff and a

¹ CIPFA is the Chartered Institute of Public Finance and Accountancy and SOLACE is the Society of Local Authority Chief Executives

Member / Officer Relations Protocol, which are clearly communicated and readily accessible.

- Operate effective procedures for the declaration of interests, gifts and hospitality for both members and officers.
- Operate ethical procurement policies to ensure that commitment to our values and integrity is delivered by external suppliers delivering services on our behalf.

A3 - Respecting the Rule of Law

We will:

- Appoint a Monitoring Officer (the City Solicitor) who is a member of the Strategic Management Team (SMT) and ensures that decisions are taken in a lawful and fair way, procedures are followed and that all applicable statutes and regulations are complied with.
- Put in place measures to address breaches of our legal and regulatory powers. The Council's Monitoring Officer (the City Solicitor) has statutory reporting duties in respect of unlawful decision making and maladministration. Similarly, the Chief Finance Officer (the Deputy Chief Executive and City Treasurer) has statutory reporting duties in respect of unlawful and financially imprudent decision making.
- Appoint Statutory Officers that have the skills, resources and support necessary to perform effectively in their roles. These include:
 - Head of Paid Service (Chief Executive)
 - Monitoring Officer (City Solicitor)
 - Chief Finance Officer (Deputy Chief Executive and City Treasurer)
- Support the statutory officers as well as other key post holders and elected Members to fulfil their responsibilities within legislative and regulatory requirements.
- Ensure that all Members and Officers appointed to undertake roles as Directors on either Company or Charity Boards are adequately trained and supported to ensure that they undertake their duties within the context of the relevant Acts that govern such bodies.

B. Ensuring openness and comprehensive stakeholder engagement

B1 - Ensuring Openness

We will:

- Set out our website in a clear and accessible way, using infographics and plain language, with information which residents use most easily accessible from the homepage.
- Ensure that decisions taken by Council (the meeting attended by all Councillors), as well as those taken by Committees or by the Executive are recorded on our website, alongside the reasons and the evidence considered.
- Ensure that subject to limited exemptions these decisions are made in public and information relating to those decisions is made available to the public.
- Publish notification online of the intention to take the most significant executive decisions on a Register of Key Decisions.

- Provide live webcasts of decision making and Scrutiny Committee meetings.

B2 - Engaging Comprehensively with Institutional Stakeholders

We will:

- Develop and maintain relationships with leaders of other organisations across the private, public and voluntary sector contributing to the vision for the city in the Our Manchester Strategy.
- Maintain a register of our significant partnerships to assess the level of assurance for the governance arrangements of each partnership and highlight areas where improvements may be required to further strengthen these arrangements. This activity will be reported and accountable to Audit Committee and underpinned by clear and well documented supporting evidence.
- Ensure effective monitoring of the performance and outcomes delivered through the companies, Joint Ventures and charities which the Council is a party to, through the Council's Commercial Board and the Shareholder Panel.

B3 - Engaging with Individual Citizens and Service Users Effectively

We will:

- Use the Our Manchester approach when engaging with residents, with the principles of better lives, listening, recognising strengths and working together. This means that we focus first on the strengths and potential in people and places, rather than starting from their challenges.
- Use the most appropriate methods to engage and consult to ensure the reach is as broad and inclusive as possible, including but not limited to community engagement, formal consultation, and working with residents and service users to design services that best meet their needs.
- Proactively engage with the city's diverse communities and identity groups to inform the development and delivery of our functions. This includes recognising the distinction between engaging communities of geography (a finite number of residents within individual neighbourhoods) and communities of identity. Identity groups can mean people with protected characteristics defined by the Equality Act, which includes disabled people, older people, communities experiencing racial inequality, and LGBTQ+ people, who are widely dispersed across Manchester. The Council also engages with a broader range of identity groups than those defined in the Equality Act, including ex-armed forces personnel and their families, people living in poverty, people with caring responsibilities and homeless people.
- Work with Voluntary, Community and Social Enterprise (VCSE) organisations to assist in effective engagement with Manchester's diverse communities within neighbourhoods and communities of identity.
- Strives to balance the feedback we receive from more active stakeholders with that from less active stakeholders through monitoring responses by age, gender, location, ethnicity, sexuality, and other factors and delivering targeted promotion where required to ensure that the sample of respondents is representative of the city as a whole.

- Adopt a “You Said ... We Did” approach to consultation and promotes material advising the public and other stakeholders of the key findings from consultations and how they have been taken into account.
- Maintain effective channels for dialog and debate with residents, including via social media.
- Maintain effective complaints and compliments handling and monitoring procedures, so that we can identify where improvements in service delivery are needed and learn effectively from the complaints that we have received.

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

C1 - Defining Outcomes

We will:

- Engage and consult with residents, partners and other key stakeholders when designing key strategies.
- Ensure that outcomes are focused on achieving delivery of the overall vision for the city in the Our Manchester Strategy.
- Maintain a current Corporate Plan which sets out the priorities which the Council will focus on to play its part in delivering the vision for the city.
- Put the Our Manchester Strategy and Corporate Plan priorities at the heart of our budget, business planning, and service planning processes.
- Commit to service managers ensuring that Service Plans are clearly communicated to all staff, so that they understand the role that they will play in delivering the Corporate Plan priorities.
- Commit to consulting with the businesses and residents of Manchester in the design of our budget proposals to understand their priorities, and to be transparent about financial limitations.
- Develop a Medium-Term Financial Strategy which sets out financial assumptions and provides a set of goals for financial decision making for the planning period ahead.

C2 - Sustainable Economic, Social and Environmental Benefits

We will:

- Commit to considering the full combined economic, social and environmental implications of our decisions through, for example, data analysis and consultation with affected parties so that our decisions advance the achievement of the city’s vision.
- Set out the impact a decision will have on the five Our Manchester Strategy outcomes and include both an Environmental, and an Equality Impact Assessment, in any reports which recommend a decision.
- Maintain up to date plans to address climate change and provide regular online progress updates on delivery. This includes progress towards science-based carbon reduction targets for Manchester which require the city to become net zero carbon by 2038.

- Provide political leadership on our equality, diversity, and inclusion (EDI) priorities at Executive Member level, and senior officer leadership at SMT level.
- Ensure that services are clear about their role in meeting the Public Sector Equality Duty (S149 of the Equality Act 2010). When required, Equality Impact Assessments will be carried out to assess the impact of proposals which may have a differential effect on individuals with protected characteristics and communities across the city.
- Commit to progressing EDI for our workforce, informed by our Employee Network Groups and the represented Trade Unions.
- Enact plans and strategies which will boost productivity in the city, to reduce poverty and create an economy that is inclusive and benefits everyone. We will meet the vision of Manchester being a more highly skilled city using learning and employment, creating an economy where more of our residents are connected to the city's success.
- Have a set of social value priorities and an approach for promoting social value, particularly through our procurement. We will continually look to refine and update our approach, introducing innovations where possible.

D. Determining the interventions necessary to optimise the achievement of the intended outcomes

D1 - Determining Interventions

We will:

- Ensure that decision makers receive accurate, relevant and timely performance information and intelligence to support them with objective and rigorous analysis of options, covering intended outcomes, financial impact and associated risks informing efficient service delivery.
- Seek to continuously enhance the insights made available to decision makers, for example by delivering improvement programmes focusing on key areas such as digital and data.
- Commit to seeking continuous feedback from residents and those who use our services both in planning service changes and improvements, for example through surveys, consultations or bespoke feedback gathering.
- Ensure effective delegation of decision making to officers so that they can deal with the day-to-day running of services without the need to constantly refer matters back to elected Members. Details of what decisions are taken in this way are included in the Scheme of Delegation in the Council's Constitution.

D2 – Planning Interventions

We will:

- Plan our activity at a strategic level through our budget and business planning cycle, 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.

- Ensure consistent and effective service planning, with each service completing an individual plan. Services will ensure that their priorities and activities set out in their service plan all contribute towards delivery of our Corporate Plan, and that there is also a focus on continuous improvement.

D3 - Optimising Achievement of Intended Outcomes

We will:

- Integrate and balance our service priorities, affordability, and other resource constraints, considering the full cost of operations over the medium and longer term, including both revenue and capital spend budgets. This includes producing a medium-term financial plan.
- Take an integrated approach to the deployment of revenue and capital spend, aligned to delivery of the Our Manchester priorities.
- Consider social value at pre-tender and tender stage to ensure that appropriate desirable outcomes can be offered by suppliers in their tender submissions.

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

E1 - Developing the Organisation's Capacity

We will:

- Have organisational development plans in place which support staff to develop the skills and behaviours to enable us to effectively deliver against the Our Manchester Strategy, and to continue to transform our culture.
- Enact strategies which aim to create a more inclusive Council, where our workforce fully reflects the rich diversity and talent of the communities we serve at all levels.
- Deliver change programmes which will continue to reshape how services are delivered internally and externally, using new technologies, ways of working and new delivery models.

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

We will:

- Ensure that newly elected Council Members receive an induction into the work of the Council and their role as a local member.
- Provide ongoing elected Member development, including briefings by officers into any new developments which affect their role.
- Ensure that all staff have regular one to ones with their manager, known as "About You" sessions. These will include discussions on objectives and goals, performance, understanding training and development needs, and health and wellbeing.
- Listen to the views of our staff through surveys and then use the learnings from these to inform and improve the way that we prioritise, operate, and communicate.

- Run events which give all staff the opportunity to connect with priorities, and engage with the senior leadership, for example in question-and-answer sessions.
- Commit to developing all our managers at all stages throughout their careers. We offer a broad range of courses ranging from those aimed at all new managers, existing managers, and leaders.
- Ensure that all managers are aware of, understand and are following key corporate people management policies and processes such as managing attendance.
- Commit to supporting the physical, mental, social, and financial wellbeing of our workforce. This includes providing support and guidance on the Intranet, a 24/7 Employee Assistance Programme for staff and their families, and a health and wellbeing strategy.

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

F1 - Managing Risk

We will:

- Operate 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.
- Ensure that staff are appropriately trained to ensure that they manage risk effectively using appropriate methodologies, including the management of safeguarding risks in line with professional standards.
- Consider emerging pieces of legislation and policy changes to understand and prepare for their potential impact.

F2 - Managing Performance

We will:

- Ensure that services use timely and accurate performance information and insight about service delivery, to support intervention to address any barriers to good performance.
- Provide SMT with concise, clear, and integrated finance and performance reports to support effective resources allocation, and to shine a light on any challenges so that they can be addressed.

F3 - Effective Overview and Scrutiny

We will:

- Maintain Scrutiny Committees, which hold decision makers to account and play a key role in ensuring that public services are delivered in the way that residents want.
- Ensure that where appropriate officers know how to engage with and support the Scrutiny Committees.

F4 - Robust Internal Control

We will:

- Maintain robust internal control processes, which support the achievement of our objectives while managing risks. The current approach will be set out annually in Risk and Internal Audit reports to Audit Committee.
- Maintain and communicate clear policies and arrangements in respect of counter fraud and anti-corruption.
- Maintain an Audit Committee which oversees the effectiveness of governance and risk management arrangements, internal systems of control, and anti-fraud and anti-corruption arrangements.
- Annually report to Audit Committee our internal auditor's findings into the overall adequacy and effectiveness of the framework of governance, risk management and control.
- Ensure that implementation of, or response to improvement recommendations made by Internal and External Auditors and other external assessors occurs within due dates.

F5 - Managing Data

We will:

- Comply with data protection legislation, which includes the UK General Data Protection Regulation, the Data Protection Act 2018 (DPA). This will ensure that data processing is carried out fairly, lawfully, and transparently.
- Ensure that all valid requests from individuals to exercise the rights provided for in data protection legislation are dealt with as quickly as possible, and by no later than the timescales allowed in the legislation.
- Review and supplement our policies, and keep our 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).
- Ensure that it is clear to all staff and Members that they are personally accountable for using the Council's information responsibly and appropriately.
- Ensure that staff and Members are appropriately trained in protecting information.
- Make information available to the public via the information access regimes provided for by Freedom of Information and Environmental Information legislation.
- Ensure that Information Governance is overseen at a senior level 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).

F6 - Strong Public Financial Management

We will:

- Maintain an approach to Financial Management that ensures that public money is safeguarded at all times, ensuring value for money. Our approach supports both long-term achievement of objectives, and shorter term financial

and operational performance. This is outlined within the Council's Medium Term Final Strategy.

- Via Financial Regulations and through the leadership of the Chief Finance Officer (Deputy Chief Executive and City Treasurer), ensure 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.
- Comply with the Financial Management Code (FM Code) which 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. As part of this we will carry out credible and transparent financial resilience assessments.
- When making our budget calculations, ensure that the Chief Finance Officer (CFO) reports to Council on the robustness of the estimates made for the purposes of the calculations, and the adequacy of the proposed financial reserves.
- Follow CIPFA's Prudential Code and Treasury Management Code of Practice which set out the risk framework through which the Council manages its balance sheet and makes capital investment decisions.
- Maintain strategies and processes detailing our approach to decision making on capital investments, and treasury management (including debt management and cash investing).

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

G1 - Implementing Good Practice in Transparency

We will:

- Commit to publishing information, including reports, in a manner which is accessible to residents and other stakeholders.
- Ensure that our website is set out in a clear and easily accessible way, using infographics and plain language.
- Follow the Local Government Transparency Code, which includes requirements and recommendations for local authorities to publish certain types of data.

G2 - Implementing Good Practices in Reporting

We will:

- Make reports publicly available online which chart the city's progress towards its vision and priorities as set out in the Our Manchester Strategy.
- Provide integrated finance and performance monitoring information to SMT. This will enable monitoring of delivery of our Corporate Plan priorities, support effective resource allocation, and help to identify any challenges so that they can be addressed.

- Produce Communities of Identity reports, working with communities, VCSE organisations and partners to identify the different experiences of diverse communities in Manchester.

G3 - Assurance and Effective Accountability

We will:

- Welcome peer challenge, internal and external review and audit, and inspections from regulatory bodies, giving thorough consideration to arising recommendations.
- Monitor the implementation of internal and external audit recommendations. Assurance reports will be presented to Audit Committee and the Council's external auditors, summarising the Council's performance in implementing recommendations effectively and within agreed timescales.
- Follow the Public Sector Internal Audit Standards (PSIAS), which includes a commitment to develop audit plans which are designed to invite comment from management and the Audit Committee.

Meeting the commitments set out in the Code

Each year the Council publishes an [Annual Governance Statement \(AGS\)](#) to accompany the Annual Accounts.

The AGS provides an overview of how the Council's governance arrangements operate, including how they are reviewed annually to ensure they remain effective.

In 'The Governance Framework' section of the AGS (Section 4) key examples are given of how the Council has met the governance commitments set out in the Code. This includes hyperlinks to sources of further information, which include more detail about how the Council has implemented its commitments.

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**Manchester City Council
Report for Resolution**

Report to: Standards Committee – 3 November 2022
Subject: Members' Update on Ethical Governance
Report of: City Solicitor

Summary

To seek the Standards Committee's comments on and approval of the draft Members' Update on Ethical Governance for November 2022.

Recommendations

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

Wards Affected - All

Financial Consequences – Revenue None directly

Financial Consequences – Capital None directly

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Background documents (available for public inspection):

None

1.0 Introduction

- 1.1 The Council's Annual Governance Statement includes reference to the Members' Update on Ethical Governance ('the Members' Update') within its governance framework section. The Members' Update is used as an example of how the Council develops the capability of people with governance responsibilities and the organisations understanding of governance.
- 1.2 At its meeting on 3 November 2016 the Standards Committee agreed that going forward updates would be produced on a six monthly basis providing there are sufficient newsworthy items of interest to Members. The Members' Update now forms part of the Standards Committee Work Programme.

2.0 Background

- 2.1 The last Members' Update was disseminated directly to all Members in November 2021
- 2.2 A draft of the Members' Update for November 2022 is set out in the Appendix to this report. Members are asked to provide comments on the draft and to approve its content for circulation to all members by e-mail. A paper copy will be available on request.

3.0 Recommendation

- 3.1 To approve the content of the draft Members' Update set out in the Appendix for circulation to all members.

Ethical Update – November 2022

‘Helping to promote high standards of conduct’

Welcome to the November 2022 issue of Manchester City Council’s Ethical Governance Update

This newsletter contains details of the following:

- Code of Conduct decision – social media posts
- Councillor disqualified after receiving 8 month suspended sentence
- Councillor required to undergo further planning committee training
- Reminder: Register of Interests
- Reminder: Dispensations

To save paper this newsletter is distributed via e-mail, if you would like a hard copy or want further information about any of the issues raised please contact the Democratic Legal Services team.

Code of Conduct decision – Social media posts

A town council member has been found by Durham Council’s Standards Committee hearing panel to have brought Spennymoor Town Council into disrepute by posting racist and Islamophobic material on social media, and in a separate complaint, was found to have bullied two town council officers in breach of the town council’s Code of Conduct for members (the Code). For context, Durham Council Standards Committee deal with complaints about the behaviour of Durham County councillors and town/parish councillors within County Durham.

In respect of the complaint about racist and Islamophobic material posted on social media, the member had two social media accounts, one where he identified himself as a councillor, and one which he did not. Posts were automatically shared between the two profiles.

The question was whether the member was acting, claiming to act or giving the impression he was acting as a representative of the town council when the posts were shared between the two profiles. The independent Investigating Officer took into account the Committee for Standards in Public Life (CSPL) report, *Ethical Standards in Local Government*, on the issue of members acting in their “official capacity” and social media.

The member said the posts were merely expressing his personal opinions in a “private capacity as an individual” the posts never mentioned he was a councillor. The member stated the user settings were set to “friends” only being able to view the posts, however it was found that any Facebook user could view the posts.

In taking the CSPL report into account, the Investigating Officer stated that the posts by the member could be seen or interpreted as being published in an official capacity as the accounts were not independent of each other; the posts were accessible and could receive “enormous exposure.” He stated “It’s not done in private. It’s not the equivalent of a conversation with a close friend behind closed doors. It’s the opposite of that”.

The Investigating Officer cited the guidance from the Public Services Ombudsman for Wales which is contained in the CSPL report:

“ If you refer to yourself as councillor, the code will apply to you. This applies in conversation, in writing, or in your use of electronic media.... If you refer to your role as councillor in any way or comments you make are clearly related to your role, then the code will apply to any comments you make there. Even if you do not refer to your role as councillor, your comments may have the effect of bringing your office or authority into disrepute ...”

Having found that the town council’s Code applied to the posts, the next question the Investigating Officer considered was whether the posts breached the Code.

The member stated that he was not a racist and had the posts been racist or discriminatory, these would have been removed by Facebook under its Community Standards. The member maintained his posts were protected under his right to freedom of expression.

The Investigating Officer described the posts as “on the wrong side of the line” between free speech and an “attack on all Muslims, a denial of their right to live in this country”. He further stated, “not only do they single out a specific group – Muslims – for offensive treatment; they offend against anyone who values democratic principles, such as pluralism, mutual respect and tolerance.” One of the posts also indicated support for a white supremacist conspiracy theory, and when read alongside other posts by the member, the posts were racist and were not protected in law under the right of freedom of expression and could therefore be considered a breach of the Code in failing to show respect to others.

In a separate complaint involving the same member, the Investigating Officer found that the member was disrespectful and bullying towards two town council officers which included discussing whether one officer’s employment should be terminated. The remarks made in an official capacity about the officers, some on social media, despite a previous warning, were described as unfounded, unfair, distressing, humiliating, undermining and embarrassing. The behaviour harmed the public interest in good administration. The member stated that he was “being open and honest” and trying to defend himself. He never intended to bully staff and apologised. The above complaints were considered by Durham County Council’s Standards Committee hearing panel which upheld the Investigator’s recommendations that the member had breached Spennymoor Town Council’s code of conduct for members.

Under sanctions, the member was required give a written apology to one of the officers; take part in mediation; undertake training on the Code of Conduct; undertake training on Member- Officer relations, as well as Equality and Diversity training within three months of the hearing.

https://www.durham.gov.uk/media/36927/Standards-Committee-Hearing-Panel-Decision-Notice-COM332-324-and-364/pdf/Standards_Committee_Hearing_Panel_Decision_Notice_accessible.pdf?m=637749901103900000

Councillor disqualified after receiving 8 month suspended sentence

A Maldon District Council member has been disqualified after being found guilty at Chelmsford Crown Court in February 2022 of breaching a non-molestation order. The member was given eight months in prison (suspended for 18 months).

Section 80(1)(d) of the Local Government Act 1972 states that if a custodial sentence of three months or more is handed down, then the elected member is automatically disqualified.

Previously in September 2021, Maldon District Council (the Council) upheld six complaints against the member who was found to have failed to treat others with respect; bullied officers and other members; to have disclosed confidential information about another member on social media; and had deliberately attempted to undermine the Council's Code of Conduct process, bringing his office and the Council into disrepute.

Prior to the conviction, the Standards Committee had been due to consider another investigation report into further complaints made about his disruptive behaviour at subsequent council meetings.

<https://www.bbc.co.uk/news/uk-england-essex-60560151>

Councillor removed from Planning Committee until further training provided

The Monitoring Officer for Babergh and Mid Suffolk District Council was forced to bring a planning committee to a halt mid-session after some councillors were seen to be passing a document to each other that was not part of the planning application papers before the committee. The document was a feasibility plan showing an earlier alternative layout for a development site and dates from 2020. Once the issue was raised, the Council's Monitoring Officer immediately adjourned the meeting to investigate any procedural irregularities.

Each committee member was interviewed by the Monitoring Officer and there was no evidence that there had been any attempt to influence the committee members or

influence the outcome of the planning decision when the document was circulated by some of the committee members. Members confirmed that they considered the document to be immaterial to the planning application.

During the investigation, one committee member revealed information that demonstrated that they "did not have the requisite skills and understanding of the planning process" and has been removed from the committee until further training on the planning process is provided.

The Monitoring Officer concluded that the integrity of the planning process had not been undermined by the circulation of the old plan as members had not been influenced when the plan was shared. Members were instructed to disregard the document, however due to the planning committee not being able to reconvene in its original form, the application heard at the committee was struck through, and the process will start afresh, that is, the officer will repeat their presentation and the speakers will be invited to repeat their submissions to ensure the process is fair, transparent and legally sound.

<https://www.midsuffolk.gov.uk/news/statement-regarding-investigation-into-procedural-irregularities-during-babergh-planning-committee-meeting/>

The report of the Council's Monitoring Officer can be found here:

<https://www.midsuffolk.gov.uk/assets/Communications/Planning-Committee-10-August-2022-Investigation-Report.pdf>

Register of Interests- keeping it up to date

Members ordinarily complete their register within the 28 day period of being elected.

However, members are reminded that this is a live document and therefore needs to be reviewed regularly to ensure it is up to date. Failure to keep your register of interests up to date could lead to a complaint being received that it is not accurate and also misleading.

If any member is unsure if something should be registered then please contact the Democratic Services Legal Team via DemServ@manchester.gov.uk, or 0161 234 3336.

To update your register please contact the Governance and Scrutiny Support team on 0161 234 33034.

Dispensations

The Council may grant you a dispensation, but only in limited circumstances, to enable you to vote on a matter in which you have a Disclosable Pecuniary Interest or a prejudicial interest.

The main reason why a dispensation may be granted is where so many Members have an interest in a matter that it would not be possible for the business in question to go ahead. This is particularly relevant at the Council budget setting meeting as many Members are Council Tax payers or may be Council tenants etc.

If you want a dispensation you will need to make an application to the Monitoring Officer in good time before the meeting.

If any member is unsure if they should need to apply for a dispensation then please contact the Democratic Services Legal Team via DemServ@manchester.gov.uk, or 0161 234 3336.

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**Manchester City Council
Report for Information**

Report to: Standards Committee – 3 November 2022
Subject: Local Government (Disqualification) Act 2022
Report of: City Solicitor

Summary

The purpose of this report is to inform the Standards Committee of the new grounds for disqualification from being elected to, or being a member of, a local authority that have been introduced by the Local Government (Disqualification) Act 2022.

Recommendations

That the Standards Committee note the report.

Wards Affected: All

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Background documents (available for public inspection):

None

1. Background

- 1.1 The Local Government (Disqualification) Act 2022 (“the 2022 Act”), which came into force on 28 June 2022, introduces new grounds on which a person is disqualified from being elected to, or holding, certain positions in local government in England, including the position of councillor. This new disqualification relates to individuals who are subject to certain notification requirements or orders relating to sexual offences. While there was already a disqualification that applied to individuals who within five years before the day of election, or since their election, had been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and had been sentenced to imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine, that pre-existing disqualification would not necessarily apply to individuals subject to the aforementioned notification requirements or orders.
- 1.2 In 2017 the Government consulted on proposals to update the disqualification criteria for councillors, London Assembly members and elected mayors to bring them into line with both modern sentencing practice and the values and high standards of behaviours the electorate have a right to expect of the elected members that represent them. In October 2018 the government issued a summary of responses to that consultation and gave a commitment to seek to legislate to ensure that the disqualification criteria would be amended to also include individuals who are subject to either the notification requirements set out in the Sexual Offences Act 2003 (commonly known as ‘being placed on the sex offenders register’) or a Sexual Risk Order made under section 122A of the Sexual Offences Act 2003.
- 1.3 The 2022 Act gives effect to the Government’s commitment to legislate in this area. It expands the new disqualification criteria beyond the offences consulted upon in 2017 to ensure that they are specific and comprehensive in disqualifying individuals subject to the relevant notification requirements or relevant orders imposed in respect of sexual offences, and includes the territorial equivalents of such notification requirements and orders in the devolved nations (and the Isle of Man and Channel Islands) in the event that someone subject to such territorial equivalents subsequently stands for elected office in England.

2. The New Disqualification

- 2.1 The 2022 Act introduces a new disqualification, inserted as Section 81A of the Local Government Act 1972. Under that section a person is disqualified from being elected to, or being a member of, a local authority in England if the person is subject to:
 - a) any relevant notification requirements, or
 - b) a relevant order.

- 2.2 “Relevant notification requirements” means the notification requirements of Part 2 of the Sexual Offences Act 2003 (or equivalent requirements applying in the Channel Islands or the Isle of Man).
- 2.3 “Relevant order” means:
- a) a sexual harm prevention order under section 345 of the Sentencing Code;
 - b) a sexual harm prevention order under section 103A of the Sexual Offences Act 2003;
 - c) a sexual offences prevention order under section 104 of that Act;
 - d) a sexual risk order under section 122A of that Act;
 - e) a risk of sexual harm order under section 123 of that Act; or
 - f) certain equivalent legislation to the above applying in the devolved nations, the Channel Islands or the Isle of Man.
- 2.4 A person who is subject to any relevant notification requirements referred to at paragraph 2.2 above is not to be regarded as disqualified until:
- a) the expiry of the ordinary period allowed for making an appeal or application against the conviction, finding, caution, order or certification in respect of which the person is subject to the relevant notification requirements, or
 - b) if such an appeal or application is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.
- 2.5 Similarly, a person who is subject to a relevant order referred to at paragraph 2.3 above is not to be regarded as disqualified until:
- a) the expiry of the ordinary period allowed for making an appeal against the relevant order, or
 - b) if such an appeal is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.
- 2.6 The disqualification introduced by the 2022 Act does not operate retrospectively. Therefore, it does not disqualify a person who became subject to any relevant notification requirements or a relevant order before the 2022 Act came into force on 28 June 2022.
- 2.7 Consequential changes to the rules for administering elections have also been made (either by the 2022 Act itself or under secondary legislation), including to the prescribed consent to nomination form. Candidates are now

required to declare when standing that they are not disqualified under the newly inserted Section 81A of the Local Government Act 1972.

3. Recommendation

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

**Manchester City Council
Report for Resolution**

Report to: Standards Committee – 3 November 2022

Subject: Local Government Association (LGA) Model Code of Conduct for Members

Report of: City Solicitor

Summary

To further consider the LGA Model Code of Conduct for Members

Recommendation

That the City Solicitor submit a report to a future meeting of the Committee with a recommendation as to whether LGA Model Code should be adopted.

Wards Affected – All

Financial Consequences – Revenue - None

Financial Consequences – Capital - None

Contact Officers:

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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.

- Manchester City Council Code of Conduct for Members

- Report to Standards Committee - March 2019
- Report to Standards Committee - 18 March 2021
- Report to Standards Committee - 4 November 2021
- Report to Standards Committee - 16 June 2022
- LGA Model Councillor Code of Conduct – 3 Dec 2020. Updated 19/01/21 & 17/5/21
- LGA Guidance on the Model Councillor Code of Conduct – 8 July 2021

1 Introduction

- 1.1 Members will recall that, as reported to this Committee in March 2019, the Committee on Standards in Public Life (“the CSPL”) published its report on its review of local government ethical standards on 30 January 2019. This report focuses on recommendation 1- ‘that the Local Government Association (‘LGA’) should create an updated code of conduct in consultation with representative bodies of councillors and officers of all tiers of local government’.
- 1.2 The LGA approved its Model Councillor Code of Conduct on 3 December 2020 and approved updates on 19 January 2021 and 17 May 2021. Attached as Appendix 1 is the latest update of the Model Code that was approved by the LGA on 17 May 2021.
- 1.3 On 8 July 2021 the LGA published Guidance on the LGA Model Councillor Code of Conduct. That Guidance can be found at the following web address: www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct
- 1.4 Attached as Appendix 2 is the Manchester City Council Code of Conduct for Members. The other nine Greater Manchester local authorities adopted a similar code following the requirement in the Localism Act 2011 that all local authorities adopt a code of conduct for Members.

2 Previous Reports to the Standards Committee

- 2.1 The City Solicitor, in her March 2021 report to this committee, indicated that there were in her view a number of issues with the LGA Model Code in particular it was noted that it departed from narrower wording in s 31 of the Localism Act 2011 (which relates to Disclosable Pecuniary Interests (DPI’s)) and introduced a distinction between things that "directly relate" to an interest and things that "affect" an interest. She took the view that this was probably because it assumed the change to the law recommended by the CSPL report to repeal s 31 of the Localism Act 2011 but until such time as s31 was repealed departing from (narrower) the wording currently in the Localism Act would not be recommended given the criminal sanctions for failure to disclose a DPI.
- 2.2 The March 2021 report to this Committee also highlighted benefits in consistency of approach across Greater Manchester Councils in the event that stronger sanctions were to be made available for breach of the code and agreed that Chief Legal Officers in Greater Manchester be requested to discuss the adoption of the LGA model code (either as is or with minor amendments) throughout Greater Manchester and that the outcome of these discussions be reported to this Committee’s November meeting.
- 2.3 The City Solicitor, in her November 2021 report to this committee, recommended that because at that time the LGA code appeared to be in a state of flux, having been updated twice since its publication, that Manchester

should retain its current code of conduct for now. She further recommended that the central government response to CSPL recommendations and any legislative changes, for example in relation to sanctions (which may lead to further changes to the LGA model code) should be awaited before changing our code.

- 2.4 The Committee agreed with the City Solicitors recommendation and deferred consideration and recommendations regarding adoption of the LGA model code pending the receipt of the central government's response to the CSPL recommendations and any legislative changes.
- 2.5 On 16 June 2022 the Standards Committee considered a report of the City Solicitor in relation to the Government response to the CSPL's Review of Local Government Ethical Standards. The report informed Members that the central government response to the CSPL report was that did not accept the CSPL's recommendations in relation to introducing / repealing any legislation.

3 The Current Position

- 3.1 The GM Chief Legal Officers have met to discuss the LGA Model Councillor Code of Conduct in light of the central government's response to the CSPL report. They have not however made any recommendation as a group for the 10 GM local authorities. The view of the GM Chief Legal Officers is that individual Councils need to consider their own position in relation to the LGA Model Code.
- 3.2 The following GM local authorities have adopted the LGA Model Code:
- Tameside on 12 January 2021;
 - Oldham on 8 September 2021;
 - Trafford on 23 March 2022;
 - Stockport on 14 July 2022.
- 3.3 The following GM local authorities have not adopted the LGA Model Code:
- Bolton;
 - Bury;
 - Manchester;
 - Rochdale;
 - Salford;
 - Wigan
- 3.4 The Council's Monitoring Officer is considering the position regarding whether to recommend the adoption of the LGA Model Code.

4 Recommendation

The recommendation appears at the front of this report.

**Manchester City Council
Report for Resolution**

Report to: Standards Committee – 3 November 2022
Council – 30 November 2022

Subject: To propose amendments to the Arrangements for dealing with complaints against Members

Report of: City Solicitor

Summary

This report sets out the Monitoring Officer's proposals for amendments to the Arrangements

Recommendations

That the Standards Committee recommend that full Council approve the attached Arrangements as amended.

Wards Affected: All

Contact Officers:

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Background documents (available for public inspection):

None

1.0 The Arrangements

- 1.1 As the Committee will be aware, the Council is required to have in place Arrangements for dealing with complaints about Councillors made under the Council's Code of Conduct for Members.
- 1.2 The Council's Arrangements were last reviewed by the Standards Committee in June 2019 and a copy of the current Arrangements are attached as an Appendix to this report.
- 1.3 Members are advised there are three specific stages in the Arrangements namely:
- Stage 1 – Initial Assessment of a Complaint
 - Stage 2 - Informal Resolution
 - Stage 3 - Formal Investigation
- 1.4 Paragraph 2.15 of the Arrangements set out the following timeframes in relation to the stage one initial assessment:
- The Council's Monitoring Officer ('MO') will acknowledge receipt of a complaint within 10 working days of all required information being provided by the complainant;
 - The Member/s who is/are the subject of a complaint may, within 10 working days of being provided with a copy of the complaint, make written representations to the MO;
 - A decision regarding whether the complaint merits formal investigation or another course of action will normally be taken within 20 working days of either receipt of representations from the member/s who is/are the subject of the complaint or, where no representations are submitted, within 20 working days of the expiry of the 10 working days in which that member could have made representations to the MO.
- 1.5 Under paragraph 3.3 of the Arrangements the MO is required to consult with one of the Council's Independent Persons before reaching a decision (initial assessment) as to whether a complaint merits investigation, or another course of action.

2.0 Proposed Amendments to the Arrangements

- 2.1 The operation and efficacy of the Arrangements are generally considered at the same time as the consideration of complaints relating to Members as part of the Committee's Annual Report. The last such review was in March 2022. It is proposed to report on this as part of the next meeting when Annual report is scheduled rather than approach this in a piecemeal fashion. The MO has however undertaken a review of the Arrangements and proposes the following amendments. The proposed amendments are shown on the Appendix to this report with tracked changes and any proposed additional wording in **bold**:
- 2.2 **Identity and postal address of the complainant**

Most complaints are now submitted electronically. Even when asked to complete a Member complaint form complainant's often only provide an email address and no postal address. There is the potential that complainants may not use their real names. It is considered that if a false name is used this may put a subject member at a disadvantage.

Proposed amendments:

That paragraph 2.3 of the Arrangements be amended to provide that a complainant is required to provide their full name and full postal address.

That paragraph 3.1 of the Arrangements be amended to add a further ground for automatic rejection, namely failure to provide a full name and postal address unless the Monitoring Officer has agreed that exceptional circumstances apply such that the complaint may proceed anonymously.

2.3 Where the alleged misconduct does not disclose a potential breach of the Code

The arrangements contain no provision allowing the Monitoring Officer to reject complaints at an early stage which clearly have no merit. A number of Councils' Arrangements contain an early 'public interest test' filter to avoid wasting resources on such complaints. The Monitoring Officer proposes:

Proposed amendment:

That a further ground for rejection be added to paragraph 3.1 of the Arrangements to allow the MO to reject complaints upon receipt and without undertaking a full Initial Assessment if, even if the facts alleged are true, the facts alleged do not disclose a potential breach of the Code. In a particular instance the MO may choose to seek further information from the complainant before exercising this power.

2.4 Members failing to respond to correspondence & dissatisfaction with a Council decision

The MO is increasingly receiving complaints that a Member has failed to respond to an initial request made of them and/or failed to respond to all correspondence made to them on a particular matter. A Member's decision not to respond to correspondence may in some circumstances be discourteous. However, it is the MO's view that in most circumstances it would not amount to a breach of the Code.

Similarly, complaints are often received that merely express dissatisfaction with a decision taken by a Member, for example at a regulatory committee. It is the view of the MO that it is for individual Members to decide such matters in line with the principles of good decision making without such decisions potentially giving rise to a complaint by a complainant who is unhappy with the outcome.

As the Arrangements currently stand complaints of this nature are required to be processed in the usual way, namely being sent to the Subject Member for comment and then the MO undertaking an initial assessment of the complaint, in consultation with one of the Council's two Independent Persons. This can result in a significant resources issue for the MO and her staff.

Proposed amendment:

That the proposed further ground for rejection referred to in paragraph 3.1 of this report (where the alleged misconduct does not disclose a potential breach of the Code) provide as examples a Member's failure to respond to correspondence and where the complaint merely expresses dissatisfaction with a decision taken by a Member.

2.5 **Instruction to end an investigation**

At the formal investigation stage the Arrangements contain no provision to allow the MO to instruct that an investigation be ended before completion where the complainant has persistently failed to engage with the process.

Proposed amendment:

That a new paragraph 5.3 be added to the Arrangements to say that the MO, after consultation with one of the Council's Independent Persons, may instruct that an investigation be terminated, and the complaint dismissed, if the Investigating Officer informs her that the complainant is persistently failing to engage with the investigation and such failure is hindering the investigation.

2.6 **Time limits for requests for confidentiality by a complainant**

If the MO refuses a request from a complainant for their name to remain confidential the complainant is given the option to either withdraw the complaint or to proceed with their name being provided to the Subject Member. The current Arrangements do not provide for a time limit by which a complainant must respond to the MO with their preferred option. This can lead to delays in their complaints being progressed.

Paragraph 2.9 of the Arrangements provides as follows:

If the MO decides to refuse a request by a Complainant for confidentiality, they will offer the Complainant the option to withdraw the complaint, rather than proceed with his or her identity being disclosed. The MO will balance whether the public interest in taking action on a complaint will outweigh the Complainant's wish to have his or her identity withheld from the Subject Member.

Proposed amendment:

That paragraph 2.9 of the Arrangements be amended to introduce a timeframe of 5 working days for the complainant to respond otherwise the complaint will be dismissed. This will avoid unnecessary delay, particularly where there are multiple complainants.

2.7 **Where the subject Member ceases to be a Member of the Authority**

Paragraphs 2.10 and 2.11 of the Arrangements provide as follows:

- 2.10 **Discontinuance of Complaints by Monitoring Officer**
The Monitoring Officer may discontinue a complaint if they consider it appropriate to do so where the Subject Member ceases to be a Member of Manchester City Council or Ringway Parish Council.
- 2.11 Where a complaint is discontinued the Monitoring Officer will write to the Complainant setting out the reasons for their decision.

Proposed amendment:

That paragraph 2.11 of the Arrangements be amended to provide that the MO must write to the former Subject member, as well as the Complainant setting out the reasons for their decision.

3.0 **Matters raised by a Complainant**

- 3.1 A number of suggestions in relation to the complaints process were made by a complainant.
- 3.2 The complainant's comments/ suggested amendments, and the MO's view on these suggestions are as follows:
- a) Complainant's comment -The subject member's response to the complaint was taken on trust without the Subject Member being asked to provide evidence in support.

View of the MO – No amendment to the Arrangements is required because Paragraph 3.2 of the Arrangements already allows the MO to request further information from the Subject Member if she considers it appropriate before reaching a decision. Paragraph 3.2 provides as follows:

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

- b) Complainant's comment -The complainant was not shown the subject member's response and given the opportunity to comment before the initial assessment decision was taken.

View of the MO – No amendment to the Arrangements is required because Paragraph 3.2 of the Arrangements already allows the MO to request further information from the complainant if she considers it appropriate to do so before reaching a decision.

- c) Complainant's comment -The arrangements do not provide for any right of appeal against the Monitoring Officer's initial assessment decision.

View of the MO – No amendment to the Arrangements is recommended. The complaints process is already multi-stage. To introduce the ability to appeal at each stage would make the process particularly unwieldy. Although complainants cannot appeal against the decision in respect of the complaint they can complain to the Local Government and Social Care Ombudsman if the Council's Arrangements are not followed.

- d) Complainant's comment -The complaint form is not user friendly. In particular, it requires the complainant to identify at the outset which of 16 listed provisions of the Code they consider to have been breached.

View of the MO - That the complaint form does not require amendment but that assistance be provided to complainants where required to help them to identify the relevant provision(s) of the Code that may have been breached.

- e) Complainant's comment - There is no ability for complainants to complete a member complaint form online.

View of the MO – An electronic version of the complaint form is now online to allow the public to make member complaints online, as they can do with other service complaints.

Recommendations

The recommendations are at the beginning of this report.

MANCHESTER CITY COUNCIL

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

1. Introduction

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

2. Making a complaint

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

- 2.3 **A complainant is required to provide their full name and full postal address.** Anonymous complaints will only be accepted in exceptional circumstances. Further information regarding confidentiality and anonymous complaints is set out in paragraphs 2.7 to 2.9 and 2.12 to 2.14 below.
- 2.4 A complaint must provide substantiated information and should outline what form of resolution the Complainant is seeking. Further information regarding the range of sanctions available is set out in paragraph 9 below. Complainants will be encouraged to submit their complaint using the Council's Member Complaints Form. However other written complaints will be accepted so long as they contain all relevant information.
- 2.5 If the complaint identifies criminal conduct or breach of other regulations by any person, the Monitoring Officer is authorised to report this to the Police or other prosecuting or regulatory authority, in addition to any action taken pursuant to the Code. In the case of alleged criminal conduct the complaint may be held in abeyance pending the outcome of any criminal investigation.
- 2.6 Confidentiality
- 2.7 If a Complainant wishes their identity to be withheld, they should state this and provide full reasons why they believe their request is justified when submitting the complaint. Any request for confidentiality will be considered by the Monitoring Officer at the initial assessment stage of these Arrangements. In reaching his/her decision the Monitoring Officer may also consult with the Council's Independent Person.
- 2.8 As a matter of fairness and natural justice the Subject Member will usually be told who has complained about them and receive details of the complaint. However, in exceptional circumstances, the Monitoring Officer may withhold the Complainant's identity if they are satisfied that the Complainant has reasonable grounds for believing that they or any witness relevant to the complaint may be at risk of physical harm, or his or her employment may be jeopardised if their identity is disclosed, or where there are medical risks (supported by medical evidence) associated with the Complainant's identity being disclosed.
- 2.9 If the Monitoring Officer decides to refuse a request by a Complainant for confidentiality, they will offer the Complainant the option to withdraw the complaint, rather than proceed with his or her identity being disclosed. The Monitoring Officer will balance whether the public interest in taking action on a complaint will outweigh the Complainant's wish to have his or her identity withheld from the Subject Member. **If the Complainant does not respond within five working days the Monitoring Officer may dismiss the complaint.**

2.10 Discontinuance of Complaints by Monitoring Officer

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

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

2.12 Anonymous complaints

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

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

2.15 Timeframes

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

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

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

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

3. Stage 1 – Procedure for Initial Assessment of Complaint

3.1 The complaint will be automatically rejected if:

- The complaint is not against one or more named Member of Manchester City Council or Ringway Parish Council; ~~or~~
- The complaint is against a current Member of Manchester City Council or Ringway Parish Council but the Subject Member was not acting in their capacity as a Member of that Council at the time of the alleged failure to comply with the Code;
- **The complainant fails to provide a full name and postal address, unless the Monitoring Officer has agreed that exceptional circumstances apply such that the complaint may proceed anonymously; or**
- **the conduct alleged does not disclose a potential breach of the Code. Examples include a Member's failure to respond to correspondence or where the complaint merely expresses dissatisfaction with a decision taken by a Member.**

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

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

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

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

- Whether a substantially similar allegation has previously been made by the Complainant to the Monitoring Officer (unless sufficient new evidence is provided), or the complaint has been the subject of an investigation by another regulatory authority;
- Whether the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now;

- Whether the allegation is anonymous (subject to paragraph 2.12 to 2.14 above);
- Whether the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and
 - i. The resources needed to investigate and determine the complaint are wholly disproportionate to the allegations or
 - ii. Whether in all the circumstances there is no overriding public benefit in carrying out an investigation.
- Whether the complaint appears to be malicious, vexatious, politically motivated or tit for tat;
- Whether the complaint suggests that there is a wider problem throughout the Authority;

3.5 After consulting with the Independent Person the Monitoring Officer will then give his/her decision on how the complaint will be dealt with. The Monitoring Officer may in exceptional circumstances refer the question of how to proceed to a Sub-Committee of the Standards Committee.

3.6 If the Monitoring Officer decides that no further action is appropriate a decision notice will be sent to the Complainant and the Subject Member. The decision notice will summarise the allegation, give the decision of the Monitoring Officer and the reasons for their decision.

4. Stage 2 - Informal Resolution

4.1. In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Informal resolution may be appropriate for example:-

- Where it is apparent that the Subject Member is relatively inexperienced as a Member or has admitted making an error and the matter would not warrant a more serious sanction.
- Where training or conciliation would be a more appropriate response.

4.2 Types of informal resolution might include:

- An explanation by the Subject Member of the circumstances surrounding the complaint;
- An apology from the Subject Member;
- An agreement from the Subject Member to attend relevant training or to take part in a mentoring process;
- Offering to engage in a process of mediation or conciliation between the subject Member and the Complainant; or
- Any other action capable of resolving the complaint.

4.3 Where the Monitoring Officer seeks to resolve the complaint informally he or she will provide the Subject Member with a reasonable timescale within which to attempt to resolve the complaint (usually this will be 20 working days) and

provide the Subject Member with the contact details for the Independent Person who will be available to the Subject Member to give them advice on the severity of the complaint and what form of resolution they would consider appropriate. Providing such guidance will not prevent the Independent Person from giving a view to the Standards Hearing Panel.

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

5. Stage 3 – Formal Investigation

- 5.1 Where the Monitoring Officer decides a complaint merits investigation he/she will appoint an Investigating Officer who may be a Council officer, an officer from another Council, or an external investigator.
- 5.2 The Investigating Officer will follow guidance issued by the Monitoring Officer on the investigation of complaints. The guidance will follow the principles of proportionality and the cost effective use of Council resources and shall be interpreted in line with these principles. The Investigating Officer should aim to complete their investigation within 3 months of their appointment.
- 5.3 Following consultation with the Council's Independent Person, the Monitoring Officer may instruct that an investigation be terminated, and the complaint dismissed, if the Investigating Officer informs the Monitoring Officer that the complainant is persistently failing to engage with the investigation and that such failure is hindering the investigation.**

5.4 At the end of their investigation, the Investigating Officer may produce a draft report and send copies to the Complainant and Subject Member for comments on matters of fact. The Investigating Officer will take any such comments received during a period to be specified by the Investigating Officer into account before issuing their final report to the Monitoring Officer.

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

6.1 Where the Investigating Officer's report finds that the Subject Member has not failed to comply with the Code of Conduct, the Monitoring Officer, in consultation with the Independent Person, will review the Investigating Officer's report and if satisfied, will confirm the finding of no failure to comply with the Code of Conduct.

6.2 The Monitoring Officer will write to the Complainant and the Subject Member (and to the Clerk of Ringway Parish Council, where the complaint relates to a Ringway Parish Member), with a copy of the decision and the Investigating Officer's report.

6.3 If the Monitoring Officer is not satisfied that the investigation has been conducted thoroughly, the Investigating Officer may be asked to reconsider the report and the conclusions.

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

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

7.1. Informal Resolution

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

8. Stage 4 - Hearing

Where, in the opinion of the Monitoring Officer, informal resolution is not appropriate or the Complainant and/or Subject Member refuses to accept informal resolution, then the Monitoring Officer will report the Investigating Officer's findings to a Hearing Panel (constituted as detailed in paragraph 8.1 below) which will conduct a hearing before deciding whether the Member has failed to comply with a Code of Conduct and, if so, what action (if any) to take in respect of the Member.

8.1 Constitution of the Hearing Panel

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

9. Action available to the Hearing Panel

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

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

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

10. Appeals

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

11. Withdrawal of a Complaint

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

- a complainant,
- a witness, or
- involved in the administration of any investigation or proceedings, in relation to the allegation that the Subject Member has failed to comply with the Council's Code.

12. Revision of these Arrangements

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

13. Review of these Arrangements

These Arrangements were last reviewed in 2019 and shall be reviewed every 3 years thereafter, or earlier where there is a change in the applicable law or circumstances warrant an earlier review.

APPENDIX 1

The Independent Person

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

**Manchester City Council
Report for Resolution**

Report to: Standards Committee – 3 November 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

Financial Consequences for the Capital Budget - None

Contact Officers:

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Background documents (available for public inspection): None

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Standards Committee Work Programme – 3 November 2022

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	
To propose amendments to the Arrangements for dealing with complaints against Members	To set out the Monitoring Officer's proposals for amendments to the Arrangements for dealing with complaints against Members	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	
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	Poornima Karkera	

Standards Committee Work Programme – 3 November 2022

	governance.		
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	

15 June 2023 (date to be confirmed)

Annual Governance Statement (AGS)	To consider the AGS insofar as relates to matters within the remit of the Standards Committee	Sean Pratt	Annual Governance Statement (AGS)
Dispensations	To review the operation and efficacy of the process for granting dispensations.	Poornima Karkera	Dispensations
Planning Protocol	To review the operation and efficacy of the Protocol.	Robert Irvine / Julie Roscoe	Planning Protocol
Register of Members Interests	To consider the operation of the Register of Members' Interests.	Poornima Karkera	Register of Members Interests
Gifts and Hospitality Guidance for Members	To review the operation and efficacy of the Guidance.	Poornima Karkera	Gifts and Hospitality Guidance for Members
The Member/ Officer Relations Protocol	To review the operation and efficacy of the Protocol.	Poornima Karkera	The Member/ Officer Relations Protocol
The Use of Council Resources Guidance for Members	To review the operation and efficacy of the Guidance.	Poornima Karkera	The Use of Council Resources Guidance for Members
Standing item, if needed - Members Update on	To update Members on any national issues regarding ethical governance which may impact	Poornima Karkera	

Standards Committee Work Programme – 3 November 2022

Ethical Governance	on the Council's arrangements for ethical governance.		
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	

Unscheduled Items	
Adoption of LGA Member 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	November 2022	Standards Committee to retain responsibility of CCG (June 2021)
The Annual Governance Statement	June 2022	Date to be arranged as required June 2023	Standards Committee to retain responsibility of AGS (June 2021)
Members' Code of Conduct	Updated annually as needed as part of annual review of constitution. June 2022* (*Company Directorships)		Under consideration by Monitoring Officer.
Arrangements for Investigating Complaints made under the Members'	June 2021	November 2022	Efficacy and Operations report will be scheduled for March 2022.

Standards Committee Work Programme – 3 November 2022

Code of Conduct			
Gifts and Hospitality Guidance for Members	By Full Council February 2021 By Standards Committee June 2022	2023 or earlier where there is a change in the law or circumstances warrant an earlier review	Reviewed annually as part of the Council's Constitution
The Member/ Officer Relations Protocol	By Council February 2021 By Standards Committee June 2022	2023 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 Standards Committee June 2022	2023 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 2022	March 2023 or earlier where there is a change in the law or circumstances warrant an earlier review.	
The Planning Protocol for Members	June 2022	June 2023	Reviewed annually as part of the Council's Constitution
Member Development Strategy	March 2022	March 2023	
Procedure for the Local Hearing of Allegations of Misconduct by Members of the Council	June 2021		
Register of Members Interests	June 2022	March 2023	