



## **Standards Committee**

Date: Thursday, 2 November 2023

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. That lobby can also be reached from the St. Peter's Square entrance and from Library Walk. **There is no public access from the Lloyd Street entrances of the Extension.**

## **Membership of the Standards Committee**

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

**Co-opted Member** - Councillor O'Donovan (Ringway Parish Council) -

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

**Independent Person** - Ms S Beswick, Mr A Eastwood and Mr W Goh

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## Agenda

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- 1. Urgent Business**  
To consider any items which the Chair has agreed to have submitted as urgent.
- 2. Appeals**  
To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.
- 3. Interests**  
To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.
- 4. Minutes** 5 - 8  
To approve as a correct record the minutes of the meeting held on 15 June 2023.
- 5. Member Code of Conduct** 9 - 46  
The report of the City Solicitor is enclosed.
- 6. Update report on the Disclosure and Barring Service (DBS) checks for Elected Members** 47 - 52  
The report of the Strategic Head of Human Resources is enclosed.
- 7. Process for Dispensations** 53 - 56  
The report of the City Solicitor and Monitoring Officer is enclosed.
- 8. Register of Members Interests** 57 - 60  
The report of the City Solicitor and Monitoring Officer is enclosed.
- 9. Review of the Operation and Efficacy including a proposed amendment of the Arrangements for dealing with Code of Conduct complaints against Members** 61 - 76  
The report of the City Solicitor and Monitoring Officer is enclosed.
- 10. Work Programme** 77 - 82

## Information about the Committee

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

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

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

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

Smoking is not allowed in Council buildings.

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

## Further Information

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

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This agenda was issued on **Wednesday, 25 October 2023** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA

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## **Standards Committee**

### **Minutes of the meeting held on Thursday, 15 June 2023**

#### **Present:**

Nicolé Jackson, Independent Co-opted Member – In the Chair  
Councillors Andrews, Connolly, Evans, Good, Lanchbury and Simcock

Ringway Parish Council: Councillor O'Donovan  
Geoff Linnell, Independent Co-opted Member

#### **Apologies:**

Alan Eastwood, Independent Person

#### **ST/23/08      Interests**

Geoff Linnell, Independent Co-opted Member declared a personal and non-prejudicial interest as he has been recently elected as a Councillor to Nether Alderley Parish Council.

#### **ST/23/09      Minutes**

In receiving the minutes, a Member requested that an update be provided in regard to Member cyber security training (see ST/22/05 Member Development and Training). The Deputy City Solicitor advised that this would be provided following the meeting.

#### **Decision**

To approve the minutes of the meeting held on 16 March 2023 as a correct record.

#### **ST/23/10      Draft Annual Governance Statement 2022/23**

The Committee considered the report of the Deputy Chief Executive and City Treasurer that contained the draft 2022/23 Annual Governance Statement (AGS) which had been produced following completion of the annual review of the Council's governance arrangements and systems of internal control. The processes followed to produce the AGS were outlined within the report.

The Chair welcomed the accessible format of the report, commenting that this was useful for the lay reader. A Member stated that this report had also been recently considered by the Audit Committee and the same opinion had been articulated by Members of that Committee.

A Member stated that he welcomed the section of the report that described:

*'This includes consideration of the CIPFA Financial Resilience Index which shows the Council to be relatively well placed on earmarked reserves and in a reasonably comfortable mid position on the other indicators.'*

The Member commented that this recognition was important and needed to be highlighted.

A Member commented that consideration needed to be given to the wording at the section of the report that discussed data protection to ensure this captured and reported all of the work that is undertaken around this activity. Acknowledging this comment, the Reform and Innovation Manager stated that this would be reviewed.

### **Decision**

To note the report, subject to the above comments.

### **ST/23/11 Planning Protocol**

The Committee considered the report of the City Solicitor that advised on the operation and efficacy of the Planning Protocol. The report described that whilst the Protocol mainly used gender-neutral language, there were some instances where amendment was needed in order to ensure gender-neutral language was used throughout.

In response to a question the Section Planning Manager advised that site visits worked very well, making reference to the protocol.

A Member commented that she welcomed the adoption of gender-neutral terminology and recommended that all Council policies and protocols should adopt this approach when they were reviewed and updated.

### **Decisions**

1. To note the position regarding the operation/efficacy of the Planning Protocol; and
2. To note the proposed amendment to the Planning Protocol.
3. Recommend that all Council policies and protocols should adopt gender neutral terminology when they were reviewed and updated.

### **ST/23/12 Gifts and Hospitality Guidance for Members**

The Committee considered the report of the City Solicitor and Monitoring Officer that considered the operation and efficacy of the Gifts and Hospitality Guidance for Members.

The Chair noted that the reporting of Gifts and Hospitality received by the Lord Mayor's office was a relatively recent development and was important for the purposes of openness and transparency. She stated that it was her experience that the majority of gifts given were to the city rather than in a personal capacity.

### **Decision**

To note the report.

**ST/23/13      Review of the Operation and Efficacy of the Member/Officer Relations Protocol**

The Committee considered the report of the City Solicitor that provided an update on the operation and efficacy of the Member/Officer Relations Protocol. The report described that the Monitoring Officer did not consider that any amendment of the Protocol was required at this time. However, should a revised Code of Conduct for Members be adopted by full Council a full review of the Protocol would be undertaken to ensure the Protocol aligned with the revised Code.

A member commented that section 2.1 of the report stated, 'Officer and member relationships are good at MCC' and this recognition was particularly welcomed and important to note.

**Decisions**

To note:

1. The position set out in the report regarding the operation and efficacy of the Member/Officer Relations Protocol.
2. That the Protocol will be reviewed in the event that full Council adopts a revised Code of Conduct for Members.

**ST/23/14      Review of the Operation and Efficacy of the Use of Resources Guidance for Members**

The Committee considered the report of the City Solicitor that provided an update on the operation and efficacy of the Use of Resources Guidance for Members.

In response to a question the Group Manager, Legal Services reiterated to Members that any council resource, including council issued mobile phones should not be used for any party-political activity.

**Decisions**

1. To note the report.
2. Recommend to full Council the adoption of the revised guidance as attached.

**ST/23/15      Work Programme for the Standards Committee**

Consideration was given to the report of the Governance and Scrutiny Support Unit that presented the Work Programme for the Committee. The Committee were invited to approve or amend the Work Programme as appropriate.

**Decision**

The Committee note and approve the Work Programme.

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**Manchester City Council  
Report for Resolution**

**Report to:** Standards Committee – 2 November 2023

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

**Report of:** City Solicitor

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**Summary**

To further consider whether to support the adoption of LGA Model Code of Conduct for Members or retention of the Council's current code.

**Recommendations**

To support the recommendation that the Council retain its current Code of Conduct for Members.

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**Wards Affected – all**

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**Financial Consequences – Revenue None**

**Financial Consequences – Capital None**

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**Background documents (available for public inspection):**

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
- Report to Standards Committee - 3 November 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 Since March 2019 the Committee has received the following reports in relation to the LGA Code of Conduct for Members ( the LGA Code):

- 18 March 2021- Report recommending that discussions take place with the Greater Manchester Chief Legal Officers regarding potential adoption of the then draft LGA Code throughout Greater Manchester (GM) as a whole for consistency. This recommendation was supported by this Committee. The report advised that at that time it might be fair to say that the draft LGA code had generated a lukewarm response from some Monitoring Officers who preferred their own Code.
- 4 November 2021- Report recommending deferring the consideration and recommendations of the LGA Code pending:
  - the receipt of the Government’s response to the CSPL’s recommendations as this might result in legislative changes (e.g. in relation to sanctions) which might lead to further changes to the LGA code.
  - the issue of the LGA’s supporting Guidance on the Code

and noting that the LGA Code appeared to be in a state of flux having been updated twice within a short period. The recommendation was agreed by the Committee.

- 16 June 2022- Report regarding the Government response to the CSPL recommendations which was noted by the Committee including that the Government did not at that time intend to strengthen sanctions for breaches of Member Codes of Conduct.
- 3 November 2022- Report to:
  - Advise the Committee that the LGA had published its Guidance on the LGA Code.
  - Update Members regarding the position regarding adoption of the LGA code across GM (namely that Chief Legal Officers were of the view that it would be for each individual Council to consider its own position regarding adoption of the LGA code) and
  - identify those GM Councils that code as at the date of writing of that report had decided to adopt the code.

## **2. An update on the position regarding adoption of the LGA Code across Greater Manchester.**

2.1 As at the date of writing this report the following GM Councils have adopted the LGA Code:

- Tameside
- Oldham
- Trafford (with local amendments)
- Stockport ( with local amendments)
- Wigan ( with local amendments)

The following GM Councils have yet to adopt or are considering adoption of the LGA Code:

- Salford
- Bury
- Bolton
- Rochdale.

## **3. The wider position regarding adoption of the LGA Code**

3.1 The LGA carried out a survey in June 2023 on the impact and utility of the LGA Code. The survey was sent to monitoring officers in all principal councils in England, including district, county, unitary, metropolitan districts, and London boroughs. The final overall response rate to the survey was 35% (110 councils).

3.2 According to the LGA's research report of those who responded to the survey:

- 25 % of responders (27 Councils) had adopted the LGA code in full,
- 40 % (44 Councils) had adopted the Code with additions or minor amendments,
- 11 %(12 Councils) had adopted the Code to a moderate extent.
- 6% (7 Councils) had adopted the LGA Code to a small extent and
- 18 % (20 Councils) had not adopted the Code at all.

One notable written response quoted in the report said 'The revised code was weaker than existing requirements and follows a pattern of watering down ethical standards in local government' (p 11 of the LGA Research report) [Code of Conduct survey - 2023 \(local.gov.uk\)](https://www.local.gov.uk/research/code-of-conduct-survey-2023)

3.3 The research group undertook a desk top research exercise (described as 'light touch') of Council's websites for Councils that did not respond to the Survey. The review report says this analysis showed that non-respondent councils were less likely to have adopted the LGA code compared with Councils that did respond to the survey.

3.4 The research report indicates (at page 12) that of the non-respondent groups:

- 111 Councils had adopted the LGA code in full or with some small tweak and additions and
- 96 Councils had not adopted the LGA Code at all.

The LGA research report states (at page 12) a light touch review of the constitutions of councils that did not respond to the survey indicated that 54% of non-respondent councils had adopted the LGA Code of Conduct in full or in part.

#### 4. Monitoring Officer's Comments on the LGA Model Code.

4.1 This section considers the LGA Code in 2 parts:

- Part 1 relating to General Conduct and
- Part 2 relating to Members' Interests.

4.2 Part 1 – General Conduct

4.2.1 Considering each Section of the LGA Code in turn key points are set out below with in each case the view of the Council's Monitoring Officer (MO)

- **Applicability** the LGA Code specifies it applies when a member is acting in their capacity as a councillor which may include when:
  - they misuse their position as a councillor,
  - their actions would give the impression to a reasonable member of the public with knowledge of all the facts that they are acting as a councillor;
 and that the Code applies to all forms of communication and interaction including when using social media.

##### *The MO's view.*

Manchester's Code of Conduct for Members also sets out when its Code of Conduct applies by reference to the term 'in an official capacity' in paragraph 2 of the Code. As members are aware the Council's Social Media Guidance deals with the issue of possible 'blurred identities' when using social media.

- **Respect.** The LGA Code includes the concept of treating other Councillors, members of the public, staff and representatives of partner organisations with 'respect' whilst acknowledging the need to be able to engage in debate in a civil manner.

##### *The MO's view.*

Although mentioned in the preamble to the Council's code this wording is not used in the Council's main Code of Conduct. It is the view of the Monitoring Officer that given the potentially low threshold and subjectivity of this concept its inclusion could give rise to lots of minor complaints. The Council's code of conduct does contain a requirement for members not to bully or be abusive to any person and a requirement for Members not to conduct themselves in a manner that could reasonably be expected to be

regarded as bringing the office of Councillor or the Council into disrepute.

- **Bullying / Harassment / Promoting Equalities / No unlawful discrimination.**

*The MO's view.*

The Council's code already includes provisions relating to bullying and being abusive to any person includes a provision regarding causing the Council to breach the Equality Act. 'Harassment' which does not currently feature in the Manchester Code of Conduct for Members.

- **Impartiality of Officers.**

*The MO's view.*

A requirement in the LGA Code requiring Members not to compromise or attempt to compromise the impartiality of Officers is covered in Paragraph 3 of the Council's Code of Conduct.

- **Confidentiality and Access to Information.**

*The MO's view.*

There is a similar provision in the Council's Code of Conduct to that relating to this requirement in the LGA Code.

- **Disrepute.**

*The MO's view.*

The requirement in the LGA Code of Conduct not to bring the role of Councillor or their Local Authority into disrepute is as indicated above contained in the Council's Code of Conduct.

- **Misuse of Position.**

*The MO's view.*

The requirement in the LGA Code of Conduct not to use the position of Councillor to improperly advantage or disadvantage yourself or anyone else is contained in Manchester's Code of Conduct.

- **Use of Council Resources and Facilities.**

*The MO's view.*

Again, the requirement in the LGA Code not to misuse Council resources including for political purposes is contained in the Council's Code of Conduct.

- **Complying with the Code** . The LGA Code contains a requirement , not in the Council's Code of Conduct, requiring Members to comply with any sanction imposed following a finding that the code has been breached.

*The MO's view.*

Insertion in the Code of Conduct of such a requirement could become a circular issue.

- **Gifts and Hospitality.** The LGA code sets the threshold for registration of Gifts and hospitality at £50 (the threshold in Manchester Code of Conduct, as Member will be aware is £100).

*The MO's view.*

The view of the Monitoring Officer is that the £100 threshold is appropriate given in particular the current likely cost of hospitality.

#### **4.2.3 Omissions from the LGA Code.**

The LGA Code does not cover certain circumstances provided for the Council's Code of Conduct:

- It does not specifically state, as provided in Manchester's code, that members must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986
- Nor does it specifically require that when reaching decisions on any matter members must have regard to any relevant advice provided to the member by the Council's Chief Finance Officer; or the Council's Monitoring Officer and that members must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council though these are mentioned in the LGA's accompanying guidance.

#### **4.3. Part 2 Members' Interests.**

4.3.1 Appendix B of the LGA Model Code sets out the requirements in relation to registration and declaration of Interests. Whilst the LGA Code aims to simplify the rules there are a number of issues in relation to this part of the LGA code:

- arguably it does not explicitly deal with declaration on interests outside of formal Council Committee meetings e.g. consultation with members or member decision making.
- The provisions relating to Disclosable Pecuniary Interests depart from the broader wording in s 31 of the Localism Act 2011 (which relates to Disclosable Pecuniary Interests (DPIs) ) and introduces a distinction between matters that "directly relate" to an interest and things that "affect" an interest.

As indicated in previous reports the Monitoring Officer would not recommend this departure from the statutory wording given the criminal sanctions that follow. Whilst the LGA does set out its reasoning for its wording in guidance accompanying the LGA Code this does not address the Monitoring Officer's reservations on this point. The Monitoring Officer has written to the LGA seeking specific clarification as this is a particular concern given the

consequent risk to members of presenting them with an inaccurate description of the scope of the DPI restrictions, however the response received does not change the Monitoring Officer's position.

**5. The Monitoring Officer's views regarding adoption of the LGA Code.**

- 5.1 Although there are some positives to the LGA code, on reflection the Monitoring Officers views are that in relation to matters relating to General Conduct these matters are already addressed in the Council's Code and some important conduct requirements currently in Manchester's Code of Conduct do not feature in the LGA Code.
- 5.2 Whilst the LGA code does contain narrative in relation to each requirement, on balance the Monitoring Officer is of the view that retaining the more straightforward wording in Manchester's current Code is preferable.
- 5.3 The Monitoring Officer's reservations regarding the provisions in the LGA code about declaration of Interests has been indicated a number of times.
- 5.4 On reflection for the reasons stated above and because members are familiar with the current code the Monitoring Officer recommends retention of Manchester's current Code of Conduct rather than adoption of the LGA Code. Whilst this may seem to make the Council an outlier given many Councils have adopted the LGA code with or without modification it seems clear from the LGA report referenced at paragraph 3 above that there are a significant number of Councils that have not done so.

**6. Recommendation**

The recommendation appears at the front of this report.



**CODE OF CONDUCT FOR MEMBERS**

# **Section A**

## **Code of Conduct for Members**

## CODE OF CONDUCT FOR MEMBERS

### SECTION A: CODE OF CONDUCT FOR MEMBERS

**(ADOPTED BY THE COUNCIL ON 11 JULY 2012)**

#### **Pre-amble to Code of Conduct for Members**

##### **1. Introduction**

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

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

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

###### **2.1 General Principles**

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

###### **2.2 Selflessness**

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

###### **2.3 Honesty and Integrity**

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

###### **2.4 Objectivity**

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

###### **2.5 Accountability**

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should

## **CODE OF CONDUCT FOR MEMBERS**

cooperate fully and honestly with any scrutiny appropriate to their particular office.

### **2.6 Openness**

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

### **2.7 Personal Judgement**

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

### **2.8 Respect for Others**

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

### **2.9 Duty to Uphold the Law**

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

### **2.10 Stewardship**

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

### **2.11 Leadership**

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

## **3. Training**

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

## CODE OF CONDUCT FOR MEMBERS

# THE CODE OF CONDUCT

## Part 1 General provisions

### 1. Introduction and interpretation

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

### 2. Scope

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

## CODE OF CONDUCT FOR MEMBERS

### 3. General obligations

#### 3.1 You must not:

- (a) do anything which may knowingly cause the Council to breach the Equality Act 2010;
- (b) bully or be abusive to any person;
- (c) intimidate or attempt to intimidate any person who is or is likely to be:
  - (i) a complainant,
  - (ii) a witness, or
  - (iii) involved in the administration of any investigation or proceedings,
 in relation to an allegation that a Member (including yourself) has failed to comply with his or her authority's code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

#### 4. You must not:

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
  - (i) you have the consent of a person authorised to give it;
  - (ii) you are required by law to do so;
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is:
    - (a) reasonable and in the public interest; and
    - (b) made in good faith and in compliance with the reasonable requirements of the Council; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

#### 5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.

#### 6. You:

## CODE OF CONDUCT FOR MEMBERS

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

## CODE OF CONDUCT FOR MEMBERS

### Part 2 - Disclosable pecuniary interests

#### 8. Notification of disclosable pecuniary interests

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

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

## CODE OF CONDUCT FOR MEMBERS

	<p>City Council; and</p> <p>(b) either -</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you or your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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For the purposes of the above table -

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

### **9 Non participation in case of disclosable pecuniary interest**

- 9.1 If you are present at a meeting and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,
1. You must not participate in any discussion of the matter at the meeting.
  2. You must not participate in any vote taken on the matter at the meeting.
  3. If the interest is not registered, you must disclose the interest to the meeting.



## CODE OF CONDUCT FOR MEMBERS

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

### 10 Offences

#### 10.1 It is a criminal offence to

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

## CODE OF CONDUCT FOR MEMBERS

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

### Part 3 - Other interests

#### 11 Notification of personal interests

11.1 In addition to the disclosable pecuniary interests notifiable under the Localism Act 2011, you must within 28 days of your election or appointment to office (where that is later) notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the categories set out in paragraph 11(2) below for inclusion in the register of interests.

- 11.2 You have a personal interest in any business of your authority where it relates to or is likely to affect -
- (a) any body of which you are in a position of general control or management and to which you are appointed or nominated by your authority;
  - (b) any body -
    - (i) exercising functions of a public nature;
    - (ii) directed to charitable purposes; or
    - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
 of which you are in a position of general control or management;
  - (c) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £100.

#### 12 Disclosure of interests

- 12.1 Subject to paragraphs 12.4 to 12.7, where you have a personal interest described in paragraph 11.2 above or in paragraph 12.2 below in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- 12.2 You also have a personal interest in any business of your authority where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well being or financial position of a *relevant person* to a greater extent than

## CODE OF CONDUCT FOR MEMBERS

the majority of other council tax payers, ratepayers or inhabitants of the electoral ward, affected by the decision.

- 12.3 In paragraph 12.2, a *relevant person* is -
- (a) a member of your family or any person with whom you have a close association; or
  - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
  - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
  - (d) any body of a type described in paragraph 11.2(a) or (b).
- 12.4 Where you have a personal interest in any business of the Council which relates to or is likely to affect a body described in paragraph 11.2(a) or 11.2(b)(i), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- 12.5 Where you have a personal interest in any business of the Council of the type mentioned in paragraph 11.2(c), (gifts and hospitality) you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- 12.6 Where you have a personal interest but, by virtue of paragraph 16, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- 12.7 Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

### **13 Non participation in case of prejudicial interest**

- 13.1 Where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business -
- (a) affects your financial position or the financial position of a person or body described in paragraph 12.3 ;or

## CODE OF CONDUCT FOR MEMBERS

- (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 12.3.

13.2 Subject to paragraphs 13.3 and 13.4, where you have a prejudicial interest in any business of your authority -

- (a) You must not participate in any discussion of the matter at the meeting.
- (b) You must not participate in any vote taken on the matter at the meeting.
- (c) You must disclose the interest to the meeting.
- (d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.
- (e) You are also required by Council Procedure Rule 30 and Executive Rule 4 to withdraw from the room of the meeting whilst the matter is being considered.

13.3 Where you have a prejudicial interest in any business of the Council, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

13.4 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of your authority in respect of—

- (a) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (b) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay; and
- (c) any ceremonial honour given to members.

13.5 Where, as an Executive Member, you may discharge a function alone, and you become aware of a prejudicial interest in a matter being dealt with,

## CODE OF CONDUCT FOR MEMBERS

or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

### **14 Interests arising in relation to Scrutiny Committees**

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

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

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

**CODE OF CONDUCT FOR MEMBERS****Part 4 - General Matters relating to Parts 2 and 3****15 Register of interests**

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

**16 Sensitive interests**

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

**17 Dispensations**

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



## **Local Government Association**

### **Model Councillor Code of Conduct 2020**

#### **Joint statement**

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

## Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority; and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

## Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

## General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully



- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

### **Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

### **Standards of councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **1. Respect**

##### **As a councillor:**

## **1.1 I treat other councillors and members of the public with respect.**

Appendix 2, Item 5

## **1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

## **2. Bullying, harassment and discrimination As a councillor:**

### **2.1 I do not bully any person.**

### **2.2 I do not harass any person.**

### **2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

## **3. Impartiality of officers of the council**

### **As a councillor:**

**3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.** Appendix 2, Item 5

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

**4. Confidentiality and access to information As a councillor:**

**4.1 I do not disclose information:**

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - i. I have received the consent of a person authorised to give it;**
  - ii. I am required by law to do so;**
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
  - iv. the disclosure is:**
    - 1. reasonable and in the public interest; and**
    - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
    - 3. I have consulted the Monitoring Officer prior to its release.**

**4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

**4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

**5. Disrepute**

**As a councillor:**

**5.1 I do not bring my role or local authority into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your

local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute. Appendix 2, Item 5

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

## **6. Use of position As a councillor:**

### **6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7. Use of local authority resources and facilities**

### **As a councillor:**

### **7.1 I do not misuse council resources.**

### **7.2 I will, when using the resources of the local authority or authorising their use by others:**

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers • transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## **8. Complying with the Code of Conduct As a Councillor:**

### **8.1 I undertake Code of Conduct training provided by my local authority.**

### **8.2 I cooperate with any Code of Conduct investigation and/or determination.**

### **8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

### **8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

## **Protecting your reputation and the reputation of the local authority**

### **9. Interests**

#### **As a councillor:**

##### **9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

**Appendix B sets** out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

### **10. Gifts and hospitality**

#### **As a councillor:**

**10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

**10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**

**10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and

hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendix 2, Item 5

**Appendix A – The Seven Principles of Public Life**

The principles are:

**Selflessness**

Holders of public office should act solely in terms of the public interest.

**Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

**Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

**Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

**Honesty**

Holders of public office should be truthful.

**Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

**“Disclosable Pecuniary Interest”** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**“Partner”** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

#### **Non participation in case of disclosable pecuniary interest**

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it ]

#### **Disclosure of Other Registerable Interests**

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.



## Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a relative or close associate; or
  - c. a financial interest or wellbeing of a body included under Other Registerable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied
9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
  - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<b>Land and Property</b>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
<b>Licenses</b>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
<b>Corporate tenancies</b>	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
<b>Securities</b>	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## **Table 2: Other Registrable Interests**

You must register as an Other Registrable Interest :

a) any unpaid directorships

b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority c) any body

(i) exercising functions of a public nature

(ii) directed to charitable purposes or

(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

**Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Best practice 2:** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

**Best practice 3:** Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Best practice 4:** An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

**Best practice 5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

**Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Best practice 7:** Local authorities should have access to at least two Independent Persons.

**Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

**Best practice 9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Best practice 10:** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Best practice 11:** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

**Best practice 12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Best practice 13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

**Best practice 14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

**Best practice 15:** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

***The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.***

## Manchester City Council

### Report for Resolution

**Report to:** Standards Committee – 2 November 2023

**Subject:** Update report on the Disclosure and Barring Service (DBS) checks for Elected Members

**Report of:** Strategic Head of Human Resources

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#### Summary:

The purpose of this report is to give an update on the process for elected members to complete Disclosure and Barring Service (DBS) checks and the follow-up work that has been carried out by the Human Resources Organisational Development and Transformation (HROD&T) Compliance Team to ensure completion of the checks. This follows the decision made by full Council in 2018 that a criminal record check should be carried out for all elected and co-opted members who undertake “saved” regulated activities in line with the Council’s Corporate Parenting Responsibilities in safeguarding children, young people, and adults.

#### Recommendation:

To support the proposals set out in Section 5 of this report in order to make the process as straightforward as possible for elected members and assist with the completion of the outstanding checks.

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#### Wards affected - All

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**Financial considerations – Revenue:** The cost of a basic check is £18.  
The cost of an enhanced check is £38.

**Financial considerations – Capital:** None

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#### Contact Officers:

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**Background documents (available for public inspection):**

None.



## 1.0 Introduction

- 1.1 It was agreed by the Council in 2018 that an enhanced Disclosure & Barring Service (DBS) check with a check of the barred lists (where appropriate) is to be carried out for:
- all members of the Executive
  - all members of the Health and Wellbeing Board
  - all members of the Children and Young People Scrutiny Committee or
  - all members of the Health Scrutiny Committee
- 1.2 and all other members that are not included in the above, agree to complete a Basic DBS disclosure check.
- 1.3 The Compliance team in HROD&T monitor and process the DBS checks for members. 96 elected members require an Enhanced or Basic DBS check.
- 1.4 Newly elected members including members changing designations are contacted to complete a DBS check.
- 1.5 The Compliance team send follow-up/reminder emails periodically to prompt Councillors who have not completed a DBS check.

## 2.0 Background

- 2.1 A list of elected members who require a DBS is sent to the Compliance team from the Members Services Office. Members are contacted by email to notify them that a DBS check is required for their role. The DBS applications are completed online, therefore a link is sent by email to the respective Councillor. This includes instructions on how to complete the application, the identification documents required as part of the check, and a Frequently Asked Questions document providing information about the process.
- 2.2 Those elected members who have existing DBS clearance with Manchester City Council and are at the correct level of check are not required to complete a new one.
- 2.3 A new DBS check is required if a member changes role from one committee to another one that requires a different level of DBS check.
- 2.3 There are two steps required to fully complete the DBS application.

**Step 1:** Completing an online DBS application.

**Step 2:** Producing original identity documents and attending the HROD&T Office in person with the documentation.

## 3.0 Update

- 3.1 Out of the 96 checks required, 49 of the checks require an Enhanced DBS check and 47 of the checks require a Basic DBS check.

See the statistics below following a review and contact with the 96 Councillors.

Completed checks or in progress - 89	
83	DBS checks completed (39) Enhanced DBS check (44) Basic DBS check
6	DBS check in progress with the DBS Service

Outstanding checks- 7	
5	Have not completed an online application or provided Id documents (2) Enhanced DBS check (3) Basic DBS check
2	Have completed the online DBS application but are yet to provide ID documents for checks to be progressed (1) Enhanced DBS check (1) Basic DBS check

#### 4.0 Actions taken

- 4.1 The Compliance Team maintain a database of the list of elected members DBS checks. A DBS application link is issued, and auto reminders are sent to applicants who have not completed the form on days 3, 5, 7 and 14 to prompt them to complete the application.
- 4.2 Since an updated list was provided from Members Service in June 2022 further emails have been sent to Councillors that have not completed a check or have outstanding id documents. After a review of each member's DBS status, the Councillors that had not completed a check were escalated to the City Solicitor in May 2023. An email was sent to Councillors with outstanding checks by the City Solicitor on 5 May 2023 which resulted in one check being completed.
- 4.3 Further details of the actions that have been undertaken since June 2022 to ensure the outstanding checks are completed can be found at Appendix A.

#### 5.0 Recommendations to support with the completion of outstanding checks

- 5.1 The following proposals are recommended to make the process as straightforward as possible for elected members and support with the completion of the outstanding checks: -
- Arrange for a further email from the City Solicitor to those members who have not completed the check;

- Arrange for a telephone call from the City Solicitor to those members who do not complete the check following the email;
- For those members who do not complete the check following the telephone call arrange one-to-one meetings with the City Solicitor;
- Digital Identity verification check - Send an Identity verification link to all applicants to save travel time to attend the HROD&T office to present original identity documents (this digital option was enabled in September 2023 for all DBS checks);
- Offer one to one online or face to face support from the HROD&T Compliance Team;
- Provide a drop-in clinic set up at an office near the scrutiny meeting location;
- Arrange a mutually convenient appointment to attend the HR Office on Level 3 Town Hall Extension;
- Contact all members via telephone to check that they have received the email regarding the DBS check.

## Appendix A

Timeline since last revised list was provided in June 2022

14/06/2022	List of elected members requiring a DBS received from Members Services
26/07/2022	Supporting information received from Members Services around level of DBS required for Councillor roles
12/08/2022	Clarification of DBS requirement for Councillors following query raised by the DBS regarding level of DBS check requested for Councillors
15/08/2022	Notification of DBS requirement sent to Councillors from original list received
16/08/2022	DBS links sent to Councillors
21/10/2022	Reminder emails sent out for all outstanding checks
28/11/2022	Reminder emails sent out for all outstanding checks
15/02/2023	Reminder emails sent out for all outstanding checks
22/03/2023	Reminder emails sent out for all outstanding checks
05/05/2023	City Solicitor emailed all Councillors with outstanding checks - this has resulted in one check being completed
15/05/2023	The Compliance Team received notification that 7 Councillors have stepped down (2 of whom had completed checks in place)
14/06/2023	DBS links were resent to 9 Councillors who had not completed the online DBS application
20/06/2023	Reminder emails sent out for all outstanding checks
22/06/2023	Received information on committee members requiring Enhanced checks, including 2 new Councillors
23/06/2023	DBS links sent to new Councillors whose type of check was known. Query raised with Members Services to provide list of new Councillors requiring a basic check.
26/06/2023	New links were sent to members whose level of check had changed from basic to enhanced
18/07/2023	DBS links sent to new Councillors requiring a basic check
29/08/2023	Reminders emails sent out for all outstanding checks
30/08/2023	Received email confirmation on which committees the new Councillors were on (DBS links had been sent out in July based on information obtained elsewhere)
27/09/2023	Reminder emails sent out for all outstanding checks
14/10/2023	Reminder emails sent out from Group Officer
23/10/2023	Telephone call to Councillors who have not submitted Id checks. Id verification link sent to 3 Councillors

## Manchester City Council Report for Information

**Report to:** Standards Committee – 2 November 2023

**Subject:** Dispensations

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

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### Purpose of the Report

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

### Recommendation

That the Standards Committee note the report.

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**Wards Affected:** All

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### 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.

- Report to Standards Committee 15 June 2017 – Localism Act 2011 – Dispensations.
- Report to Standards Committee 16 June 2022 –Dispensations.
- Report to Standards Committee 16 March 2023- Annual Report.
- Ethical Guidance Updates.

## 1. Introduction

The Committee has requested regular reports on the operation and efficacy of the process for granting dispensations in relation to Member's Interests. The Committee last received a specific report regarding dispensations at its meeting on 16 June 2022. However, the Annual Report received by the Committee on 16 March 2023 also provided a brief update on the grant of dispensations.

## 2. The Requirement to Register Interests and Dispensations.

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

2.2 Section 31 of the Act provides that:

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

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

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

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

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

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

executive would be prohibited from participating in any particular business to be transacted by the authority's executive, or

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

- 2.4 The Council has delegated the authority to grant dispensations in the circumstances set out in paragraphs (a), (b) and (d) above to the Council's City Solicitor (its Monitoring Officer) and it has delegated the power to grant dispensations for the reasons set out in paragraphs (c) and (e) to the Standards Committee (after consultation with one of the Council's Independent Persons). The Standards Committee also has a delegation to determine appeals against the Monitoring Officer's decision on the grant of dispensations.
- 2.5 To obtain a dispensation a written request for a dispensation must be made by a member or co-opted member of the Authority, to the Council's Proper Officer (for this purpose the City Solicitor).

### **3. Grant of Dispensations – Operation and Efficacy**

- 3.1 All new Members receive training as part of their induction on registration of interests, including in relation to dispensations. An item on dispensations was also contained in the Council's Ethical Guidance updates circulated to all Members in November 2022 and March 2023 respectively. A further item will be contained in the next Ethical Governance Update.
- 3.2 The Committee received the report of the City Solicitor in June 2017 which set out the Monitoring Officer's proposals regarding the grant of dispensations to enable members of the Council to participate and vote on certain budget related matters notwithstanding the fact that the Member may have a DPI.
- 3.3 The Committee noted the Monitoring Officer's proposal to advise all Council Members to submit a written request through their Group Leaders or Group Secretaries for the grant of a dispensation pursuant to section 33(2)(a) of the Localism Act 2011 ('the Localism Act') allowing them to participate and vote on:
- (i) Setting the Council Tax or a precept under the Local Government Finance Act 1992 (as amended from time to time or any superseding legislation) and matters directly related to such decisions such as budget calculations;
  - (ii) Allowances, payments or indemnities given to Members of the Council

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

responsibility allowances).

- 3.4 The Committee also agreed to advise any Members of the Council who are tenants of Manchester City Council to submit a written request for the grant of a dispensation to allow them to participate and vote on matters in relation to housing (provided that those functions do not relate particularly to the lease or tenancy of the Council Member concerned) and indicated it was minded to grant dispensations to allow any Member who has a DPI to make representations at a meeting where members of the public have the same entitlement (e.g. to allow a Council Member who is making an application for planning permission to attend and make representations at a meeting of the Council's Planning Committee which is to hear the matter in the same way as a member of the public).
- 3.5 Dispensations are issued for a 4 year period by the Monitoring Officer to all Members who request such a dispensation in relation to participating and voting on the setting of the Council's Council Tax etc. and participating and voting on Members' Allowances on the basis that without the dispensation the number of Members prohibited from participating in this particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business at the Council's budget setting meeting.
- 3.6 In January 2023 the City Solicitor emailed a letter and application form to all Members regarding dispensations to allow Members of the Council to participate and vote on the setting of the Council tax or a precept (and matters directly related to such decisions, including the budget calculations).
- 3.7 After the City Solicitor emailed the letter mentioned in paragraph 3.6 to all Members in January 2023 the City Solicitor contacted those Councillors who required a budget dispensation, in advance of the budget Council meeting held in March 2023. The City Solicitor renewed a number of dispensations that had expired and issued a number of new dispensations to those Councillors newly elected since the previous budget Council meeting held in March 2022. The City Solicitor has introduced a rolling programme of renewing budget dispensations as required, dependant on when the Councillor was elected, as any dispensation issued is valid for a period of four years.
- 3.8 The annual report, considered by the Standards Committee on 16 March 2023, informed Members that other than normal budget dispensations no further dispensations had been sought since the report received by the Committee in June 2022. That remains the case.
- 3.9 It is the Monitoring Officer's view that the requests for dispensations that have been made have been sought in appropriate circumstances and that the level of requests for dispensations does not give rise to concern.

#### **4. Recommendation**

The Committee is asked to note this report.



**Manchester City Council  
Report for Information**

**Report to:** Standards Committee – 2 November 2023

**Subject:** The Register of Members' Interests

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

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**Purpose of the Report**

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

**Recommendation**

That the Standards Committee note the report.

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**Wards Affected:** All

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**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.

- Ethical Guidance Updates.
- Standards Committee Annual Report dated 16 March 2023.

## 1. Introduction

The Committee has requested regular reports on the operation and efficacy of the process for updating the Register of Members' Interests. The Committee last received a specific report on this issue at its meeting on 16 June 2022. However, the Annual Standards Report considered by the Committee at its meeting on 16 March 2023 contained a short update on the Register of Members' Interests.

## 2. The Requirement to Register Interests

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

The criminal penalties available to a court are to impose an unlimited fine and

disqualification from being a councillor for up to 5 years.

- 2.6 Councils do not need to require Members to include specific 'non-pecuniary' Interests on their Register of Interests but many, including Manchester, do. The purpose of the Register is to be open and transparent about those interests and relationships that could lead to a conflict of interest.

### **3. Registration of Interests – Operation and Efficacy**

- 3.1 All new Members receive training as part of their induction on registration of interests and are informed that they must submit a register of their interests within 28 days of their election. Reminders to Members regarding the updating of their Register of Interests are contained in the Ethical Governance Update ('the Update') sent to all Members twice a year. The last Update was sent in March 2023 and a further reminder will be contained in the next Update. Specific email reminders, regarding revision of existing register entries, are also sent to all Members twice a year. The latest email reminders were sent to all Members on 9 January 2023 and on 14 July 2023. The Annual Report, considered by the Standards Committee on 16 March 2023, informed Members that between 1 May 2022 and 31 January 2023 a total of 31 Members had updated their Register of Interests. The Committee is advised that a further 20 Members inclusive of newly elected members have updated their registers between 1 February 2023 and 19 September 2023 when this report was written.
- 3.2 The Committee will be aware it is the responsibility of individual Members to comply with the requirements of the Code of Conduct for Members including regarding members' interests. As a matter of good practice specific guidance will continue to be provided to Members regarding declaration of interests at meetings where necessary
- 3.3 The agendas for all Council, Executive and Committee meetings contain the following standard item:

#### **Interests**

To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest, they must withdraw from the meeting during the consideration of the item.

- 3.4 Minutes of the meetings record any declarations of interests made at the meeting. As the Committee will be aware, whilst officers do provide advice to Members, if requested, on Members' interests, it is the responsibility of individual members to comply with the requirements of the Code. If they have

queries, members do routinely seek officer advice in relation to declaration of interests.

- 3.5 As Members will recall from the Standard's Committee's Annual report considered by this Committee at its March 2023 meeting none of the 17 complaints received by the Monitoring Officer between 1 February 2022 and 31 January 2023 related to Register of Interests issues. Of the complaints received by the Monitoring Officer since 1 February 2023 again none have related to such issues.
- 3.6 As indicated above, complaints about failure to register a DPI are potentially subject to criminal sanction. The Monitoring Officer is not aware of any action having been taken by the Police in relation to any Manchester City Councillor as regards DPI requirements.
- 3.7 All members have been advised that, if they consider that the disclosure of the details of a DPI or personal interest could lead to violence or intimidation against them, or to a person connected with them, and the Monitoring Officer agrees, the details of the disclosable interest can be withheld from the public register under section 32(2) of the Localism Act 2011. The public register will simply state that the member has a DPI. The Committee is advised that 7 requests for redaction of the Members' register on the basis of a sensitive interest have been agreed by the Council's Monitoring Officer since 16 June 2022.
- 3.8 The Monitoring Officer is of the view that Register of Interests requirements are understood by Members but will, as a matter of good practice, continue to issue specific guidance to all Members regarding declaration of interests at meetings.

#### **4. Recommendation**

The recommendation appears at the beginning of this report.

## **Manchester City Council Report for Resolution**

**Report to:** Standards Committee – 2 November 2023

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

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

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### **Purpose of the Report**

To update the Standards Committee on the operation and efficacy of the Arrangements for dealing with Code of Conduct complaints against Members (‘the Arrangements’) and to set out the Monitoring Officer’s proposal for an amendment to the Arrangements.

### **Recommendations**

That the Standards Committee:

1. Note the Monitoring Officer’s information on the operation and efficacy of the Arrangements for dealing with Code of Conduct complaints against Members.
  2. Recommend to full Council the attached Arrangements as amended.
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### **Wards Affected – All**

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**Financial Consequences – Revenue** None

**Financial Consequences – Capital** None

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### **Contact Officers:**

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**Background documents (available for public inspection):**

The following documents have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy, please contact one of the contact officers above.

The Council's Code of Conduct for Members

Report to Standards Committee – March 2022 – Annual Report

Report to Standards Committee – 16 March 2023 – Annual Report

## **1.0 Introduction**

- 1.1 Under section 28 of the Localism Act 2011 the Council must have in place Arrangements under which allegations that an elected or co-opted Member of the Council has failed to comply with the Council's Code of Conduct for Members ('the Arrangements') can be considered and decisions made on such allegations.
- 1.2 It is for the Council to decide the details of those Arrangements, but the Council must appoint at least one Independent Person whose views are to be taken into account before making a decision on a complaint that it has decided to investigate.
- 1.3 It is vital that the public has confidence in the high standards of local government and that there is transparency about the conduct of councillors and the mechanisms for dealing with alleged breaches of the Council's Code of Conduct for Members ('the Code'). It is equally vital that councillors themselves have confidence in these mechanisms and that the investigations into such complaints abide by the principals of natural justice.
- 1.4 The Committee last received a specific report on the operation and efficacy of the Arrangements at its meeting on 17 June 2021. However, the annual standards report to the meetings of this Committee in March 2022 and March 2023 each included a section on the timeliness of the processing of complaints received by the Monitoring Officer under the Arrangements.

## **2.0 Review of the Arrangements**

- 2.1 Members are reminded that the timeframes within the Arrangements for dealing with complaints that Council Members have failed to comply with the Code are as follows:
  - (a) The Monitoring Officer will acknowledge receipt of the complaint within 10 working days of all required information being provided and at the same time, the Monitoring Officer will write to the Subject Member with a copy of the complaint.
  - (b) The Subject Member may, within 10 working days of being provided with a copy of the complaint, make written representations to the Monitoring Officer.
  - (c) A decision regarding whether the complaint merits formal investigation or another course of action will normally be taken within 20 working days of either receipt of representations from the Subject Member or where no representations are submitted 20 working days of the expiry of the period mentioned in paragraph (b) above.
- 2.2 The Annual Standards Report to the Committee in March 2023 informed members that the Monitoring Officer received 17 complaints about Manchester City Councillors between 1 February 2022 and 31 January 2023. The initial

response to complaints continued to be processed in a timely manner with 15 of the 17 complaints received being acknowledged and sent to the subject member within the 10-working day timeframe. The other two complaints exceeded the timeframe by 3 and 14 working days respectively. Six of the 11 complaints considered at stage 1 initial assessment exceeded the 20-working day timeframe for taking an initial assessment decision following receipt of the subject member's response to the complaint. This reflected a period when there were technical issues experienced by one of the Council's Independent Persons in receiving relevant papers electronically which were subsequently resolved.

- 2.3 Members are advised that during the period 1 February 2023 to 2 October 2023 when this report was written two complaints against Members have been received by the Monitoring Officer and in respect of both complaints the timeframes set out in paragraph 2.1 have been complied with in so far as the stage each complaint has currently reached.
- 2.4 Members will recall that the Committee endorsed amendments to the Arrangements at its meeting on 3 November 2022. As part of this current Review the Committee is requested to recommend that full Council approve further amendments to paragraphs 2.1 and 2.2 of the Arrangements. The Committee is also advised that the Arrangements have been reviewed to ensure they are gender neutral throughout.
- 2.5 The proposed amendments are to clarify the requirement that all allegations that a Member has failed to comply with the Council's Code of Conduct must be made in writing as set out in section 28 of the Localism Act 2011.
- 2.6 As currently drafted paragraphs 2.1 and 2.2 of the Arrangements could be interpreted as meaning an oral complaint can in and of itself be valid (and the transcribing of it is more to do with accurately recording that oral complaint). As indicated in paragraph 2.5 above this would not comply with the requirement in the relevant legislation that all complaints must be in writing.
- 2.7 A copy of the Arrangements is attached as an Appendix to this Report with the proposed amendments to paragraphs 2.1 and 2.2 shown as tracked changes and any proposed additional wording in bold.
- 2.8 Other than the proposed amendments to paragraphs 2.1 and 2.2 of the Arrangements the Monitoring Officer is satisfied that the Arrangements remain fit for purpose and is not aware of any issues arising from their operation.

### **3. Recommendations**

- 3.1 The recommendations appear at the front 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 they have, or may have, any conflict of interest in the matter.

#### 2. Making a complaint

- 2.1 A complaint **must** be made in writing either by post or e-mail to:  
The Monitoring Officer,  
Chief Executive's Department,  
Town Hall,  
Manchester  
M60 2LA or  
[demserv@manchester.gov.uk](mailto:demserv@manchester.gov.uk)
- 2.2 **,While by law a complaint under these Arrangements must be made in writing,** where the complainant is unable to write due to a physical or mental disability or there is a language barrier **preventing submission of a written complaint, an oral** complaint will be transcribed and sent to the complainant for their approval **and submission as a written complaint.**

- 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 a 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 their 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 their 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 their identity withheld from the Subject Member. If the Complainant does not respond within 10 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 a 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;
  - 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 their 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 they 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 their decision.

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

- 5.1 Where the Monitoring Officer decides a complaint merits investigation they 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 they



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 they 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 November 2022 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.

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**Manchester City Council  
Report for Resolution**

**Report to:** Standards Committee – 2 November 2023

**Subject:** Work Programme for the Standards Committee

**Report of:** Governance and Scrutiny Support Unit

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**Summary**

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

**Recommendation**

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

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**Wards Affected:** All

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**Financial Consequences for Revenue Budget - None**

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

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

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## Standards Committee Work Programme – 2 November 2023

### 2 November 2023

Member Code of Conduct	To consider the adoption of the LGA Code of Conduct	Poornima Karkera/ Fiona Ledden	
Members Disclosure and Barring Services (DBS) checks and completion	To receive an update report on the process for members to complete Disclosure and Barring Services (DBS) checks and the follow up work to ensure completion	Heather Graham (Strategic Head of Human Resources) and Leigh Page (Head of HR Operations)	
Process for Dispensations	To review the operation and efficacy of the process for granting dispensations.	Poornima Karkera	
Register of Members Interests	To consider the operation and efficacy of the Operation of the Register of Members' Interests.	Poornima Karkera / Ian Mark	Register of Members Interests
Complaints made under the Members' Code of Conduct	Arrangements for Investigating Complaints made under the Members' Code of Conduct	Poornima Karkera	
Standing item - Work Programme	To review and amend (if necessary) items to be considered at future meetings of the Committee.	Andrew Woods	

### 14 March 2024

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 governance.	Poornima Karkera	
Social Media Guidance for Members	To consider any updates/ revisions to the guidance and the efficacy of the guidance.	Poornima Karkera	
Member Training	To update Standards Committee on the operation and efficacy of the Member	Jonathan Kershner	

## Standards Committee Work Programme – 2 November 2023

	Development Strategy; report on training delivered in the current municipal year and update on the proposals in relation to the next municipal year.		
Ethical Guidance Update	To consider any updates/ revisions to the guidance	Yasmin Siddiq	
Standing item - Work Programme	To review and amend (if necessary) items to be considered at future meetings of the Committee.	Andrew Woods	

### June 2024 (TBC)

Annual Governance Statement (AGS)	To consider the AGS insofar as relates to matters within the remit of the Standards Committee	Sean Pratt/Liz Collier	Annual Governance Statement (AGS)
Planning Protocol	To review the operation and efficacy of the Protocol.	Robert Irvine / Julie Roscoe	Planning Protocol
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 - Work Programme	To review and amend (if necessary) items to be considered at future meetings of the Committee.	Andrew Woods	

### Unscheduled Items

Procedure for the Local Hearing of Allegations of Misconduct by Members	
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## Standards Committee Work Programme – 2 November 2023

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

Document/Procedure/Protocol	Last Reviewed	Date Due for Review	Comments
The Code of Corporate Governance	November 2022	November 2024 TBC if required	Standards Committee to retain responsibility of CCG (June 2021)
The Annual Governance Statement	June 2023	June 2024	Standards Committee to retain responsibility of AGS (June 2021)
Members' Code of Conduct	Updated annually as needed as part of annual review of constitution	November 2023	Under consideration by Monitoring Officer.
Arrangements for Investigating Complaints made under the Members' Code of Conduct	November 2023	November 2024	
Gifts and Hospitality Guidance for Members	By Full Council February 2023 By Standards Committee June 2023	June 2024 (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 2023 By Standards Committee June 2023	June 2024 (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 2023	June 2024 (or earlier where there is a change in the law or circumstances warrant an earlier review)	Reviewed annually as part of the Council's Constitution

## Standards Committee Work Programme – 2 November 2023

Social Media Guidance for Members	March 2022	March 2024 (or earlier where there is a change in the law or circumstances warrant an earlier review)	
The Planning Protocol for Members	June 2023	June 2024	Reviewed annually as part of the Council's Constitution
Member Development Strategy / Member Training	March 2023	March 2024	
Procedure for the Local Hearing of Allegations of Misconduct by Members of the Council	June 2021	TBC when next utilised	
Register of Members Interests	June 2022	November 2024	