

**Manchester City Council
Report for Information**

Report to: Standards Committee – 31 October 2019

Subject: Standards Committee – Annual Report

Report of: City Solicitor

Summary

The purpose of this report is to update members of the Standards Committee on the matters within the remit of the Committee since November 2018.

Recommendations:

1. To note the work done since the last annual report in November 2018 by this Committee and by the Council's Monitoring Officer this year to promote and maintain high standards of conduct by Councillors.
 2. To seek the views of the Committee regarding whether this report should be forwarded to full Council for assurance on standards issues
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Wards Affected All

| Manchester Strategy outcomes | Summary of the contribution to the strategy |
|---|---|
| A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities | Not directly applicable |
| A highly skilled city: world class and home grown talent sustaining the city's economic success | Not directly applicable |
| A progressive and equitable city: making a positive contribution by unlocking the potential of our communities | This annual report provides an overview of the work undertaken by the Standards Committee from November 2018 to September 2019. This contributes towards promoting and maintaining high standards of conduct among members. The report sets out the procedure for complaints against members and lists the complaints received over the above time period. This contributes to promoting fairness by members in their conduct towards members of the public and other Members. This also contributes to fairness, transparency and accountability when allegations are made that a member's behaviour has fallen below the expected standard. |

| | |
|---|-------------------------|
| A liveable and low carbon city: a destination of choice to live, visit, work | Not directly applicable |
| A connected city: world class infrastructure and connectivity to drive growth | Not directly applicable |

Full details are in the body of the report, along with any implications for

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None directly.

Financial Consequences – Capital

None directly.

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Background documents (available for public inspection):

None.

1. Introduction

- 1.1 The purpose of this report is to summarise the work undertaken by the Council's Monitoring Officer and the Standards Committee since the last annual report in November 2018.

2. The Roles of the Standards Committee and the Council's Monitoring Officer

- 2.1 The role and functions of the Standards Committee and the Council's Monitoring Officer ('MO') are set out in the Council's Constitution and reproduced for ease of reference in Appendix 1 to this Report. This Appendix reflects a change made (following discussions at this Committee) by the Council which as part of its annual review of the Council's Constitution agreed that the Council's whistleblowing policy should rest with the Audit Committee as it is considered this policy aligns more closely with the remit of that Committee. The Standards Committee meets 3 times a year, in March, June and October /November.

3. Matters considered by the Standards Committee since its last Annual Report

- 3.1 The role of the Standards Committee under the Annual Governance Statement ('AGS') is to promote high standards of ethical conduct, advising on the revision of the codes of corporate governance and conduct for members.
- 3.2 The matters dealt with by the Standards Committee since last November are set out below. The Committee has:
- considered the draft Code of Corporate Governance
 - considered and approved the Ethical Guidance Update for members
 - reviewed the operation and efficacy of the Planning Protocol as well as amendments to the Protocol itself
 - considered the Whistleblowing Policy
 - made Recommendations to Council regarding DBS checks for members
 - considered a report by the Committee on Standards in Public Life (CSPL) on the Review of Local Government Ethical Standards, noting areas of current good practice in the Council where recommended actions are already in place
 - recommended the extension of terms of appointment of this Committee's Independent Members and the Independent Persons (who support in relation to member complaints) by a further 2 years
 - considered the operation and effectiveness of the Social Media Guidance for members and the feedback regarding the Social Media Training provided for Members; recommending the guidance be circulated to candidates standing for election as Councillors
 - noted a report on the outcome of a consultation updating the disqualification criteria for Councillors

- reviewed the operation and effectiveness of the process for updating the Register of Members' Interests.
- considered the new Member Development Strategy
- considered the operation and effectiveness and updates to the Use of Resources Guidance for Members, the Gifts and Hospitality Guidance for Members and the Member/ Officer Relations Protocol.
- considered the draft Annual Governance Statement
- reviewed the operation and effectiveness of the Arrangements for dealing with complaints about Members
- considered the operation and effectiveness of the process for granting dispensations

4. Update on matters discussed by the Committee.

- 4.1 As indicated above following recommendations of this Committee the Council agreed to extend the term of office of the Independent Members of the Committee and Independent Persons by a further 2 years. The Council's Social Media Guidance was circulated to candidates prior to the May local elections. The Government's response to the CSPL report is awaited as is primary legislation to implement the outcome of a consultation updating the disqualification criteria for Councillors.
- 4.2 As at the date of preparation of this report 40 Councillors had responded to the Council's DBS team in HR. Some of the Members yet to respond may have a DBS certificate from another role but have yet to supply a copy to the team. A further reminder was sent out to all members at the beginning of October and a drop in clinic for members on DBS is planned for October.

5. Operation of Codes and Guidance

- 5.1 As stated above the Committee reviewed the operation and efficacy of the Codes and Guidance for Members during the course of the year. It noted that whilst officers considered that the Planning Protocol (which together with the Code of Conduct for Members, Use of Resources Guidance for Members, Gift and Hospitality Guidance for Members and the Member/Officer Relations Protocol forms part of the Council's Constitution) was effective and continually kept under review, the provisions relating to discussions between Members and developers could be clarified. This was addressed as part of the annual review of the Constitution.
- 5.2 The Committee's review of the Member Officer /Protocol had identified no significant areas of required revision, accounting for both the Committee on Standards in Public Life (CSPL) recommendations and other feedback on the Protocol's relevance and operation. The Monitoring Officer's view is that any issues within the code are addressed within the framework of the Code. The Code of Conduct for Members, Use of Resources Guidance for Members, Gift and Hospitality Guidance for Members and the Member/Officer Relations Protocol were reviewed by this Committee as part of the annual review of the Council's constitution. The Monitoring Officer is of the view that these protocols and guidance and the Social Media Guidance for Members are well

understood by Members and is not aware of any queries or issues that have not been addressed through existing procedures. Additional changes to the Use of Resources Guidance mainly to clarify the procedures that apply when a member leaves the Council were approved by the Council on annual update of the Constitution. Further information on this is contained in the Ethical Guidance Update elsewhere on the Agenda.

6. Register of Interests and Gifts and Hospitality.

- 6.1 A report on Register of Members' Interests and Gifts & Hospitality was considered by this Committee at its March 2019 meeting. Members will be aware that whilst officers do provide advice to Members, if asked, on Members' interests it is the responsibility of individual members to comply with the requirements of the Code of Conduct. Reminders to Members regarding updating their Register of Interests are contained in the Ethical Governance Update sent to all Members and in email reminders sent to Members during the course of the year. A drop in session for Members was held in October 2019 to support and advise on any matters relating to interests. Since the last update to this Committee in March 2019 there have been 23 Member's registers updated and 6 registrations of gifts or hospitality (including the Lord Mayor). Members of the Committee will recall that the current threshold for reporting Gifts and Hospitality is £100. As indicated in the specific report on this topic in March it is the view of the Monitoring Officer that the Register of Interests requirements are understood by Members. As a matter of good practice specific guidance would continue to be provided to Members regarding declaration of interests at meetings where necessary.

7. Dispensations

- 7.1 A report on the operation and efficacy of dispensations was considered by this Committee at its June Meeting. No further dispensations have been sought since the date of that report. As indicated in that report 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. As requested at its last meeting a note has been sent by the Monitoring Officer to all Members and co-opted members of the Authority to remind them (if they consider a dispensation is needed) of the requirement to submit a written request for a dispensation to the City Solicitor.

8. Councillor Training and Awareness

- 8.1 In line with one of the aims of the Member Development Strategy to ensure that training opportunities are well advertised and promoted all member development communications are sent out from a dedicated Member Development email address. Members are also able to access a training calendar which flags up training events within their own personal calendars. Work has also been undertaken to ensure that the relevance of each training activity is made clear to Members when bulletins are sent out.

- 8.2 A shared 'Our Members' team drive has been created which allows members to access a variety of useful information including a Handbook for Members and training materials, from any device.
- 8.3 A Training Programme has been circulated to all members outlining the training opportunities for the municipal year. In addition to detailing the course objectives there are also testimonials, where available, from members who have previously attended the training. The programme has a dedicated section promoting training provided by the Local Government Association, in line with the recommendation of Standards Committee in March 2019 when the Committee considered the Member Development Strategy that such training opportunities be increased.
- 8.4 The Member Development Working Group (MDWG) (comprising Members and Officers and chaired by the Deputy Leader) continues to review attendance at training and a summary report is provided to Group Officers of members within their group who have not attended training they had booked on. In addition, the group has also considered feedback from training and the training budget as standard items at its quarterly meetings.
- 8.5 Members Induction was held over 2 sessions following the Local Elections covering:
- the Code of Conduct for members including an interactive session where members worked through a case study
 - the Gifts and Hospitality Guidance for Members,
 - data protection,
 - the Member / Officer relations Protocol,
 - access to information/need to know,
 - the Use of Council Resources Guidance,
 - the Social Media Guidance
 - 'Our Manchester'
 - The Budget
 - key strategies,
 - Equality,
 - Health and Safety,
 - Member Development
 - Casework
 - practical arrangements
- 8.6 This year the Induction programme was opened up to all Members as requested by Standards Committee in March 2019. Feedback received from attendees gave the Induction Programme an overall satisfaction rating of four out of five. The more detailed feedback and comments are being considered by the MDWG and will inform the induction programme for next year.
- 8.7 It is the view of the Monitoring Officer that progress is being made in relation to Member Development and embedding the Strategy.

9. Complaints against Councillors

9.1 There are 3 potential stages through which a complaint may proceed:

Stage 1 - Initial Assessment stage where the Monitoring Officer, in consultation with the Council's Independent Person, will decide whether to reject the complaint, seek informal resolution of the matter or refer the complaint for formal Investigation.

Stage 2 - Where a complaint is referred for Investigation, the Monitoring Officer will appoint an Investigating Officer to investigate the matter.

Stage 3 - If the Investigating Officer's final report concludes that there is sufficient evidence of a failure by the Member to comply with the Code, the Monitoring Officer will consult with the Independent Person before either seeking a local resolution to the matter or sending the allegation before the Hearing Panel for determination.

9.2 The Monitoring Officer has received 28 complaints about Manchester City Councillors between 1 October 2018 and 30 September 2019. Of those complaints, 15 (including 3 which did not proceed either due to lack of response from the complainant or because they were withdrawn) related to one incident. 7 of these complaints are in the course of investigation. The complaints relating to this event which have been dealt with by the Monitoring Officer are highlighted by shading on the table below. Complaints made by the same complainant are marked with an asterisk.

9.3 Of the 28 complaints received:

- 2 were withdrawn by the complainant;
- 8 did not proceed as there was no response by the complainant to a request for further information;
- 10 have been concluded. All of these were rejected at Stage 1 as set out in the table below;
- 7 are in the course of investigation;
- 4 were made by the same complainant
- 1 complaint is outstanding

9.4 As indicated above the Committee reviewed operation and effectiveness of the Procedure for dealing with Member Complaints ('The Arrangements') at its meeting in June 2019. The timeframes in the Arrangements are as follows:

- (a) The Monitoring Officer will acknowledge receipt of the complaint within 10 working days of all required information being provided and at the same time, the Monitoring Officer will write to the Subject Member with a copy of the complaint
- (b) The Subject Member may, within 10 working days of being provided with a copy of the complaint, make written representations to the Monitoring Officer

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

9.5 As indicated in the report to this Committee referenced in the paragraph above for a variety of reasons there are some cases which have taken longer than this timescale. The process for handling complaints under the stage 1 phase is being reviewed by the MO to address this including for example ensuring that additional diarising and monitoring is undertaken. Issues such as grouping of complaints and consideration of anonymity on a number of complaints contributed in some cases to delays.

Complaints Summary: Decisions on Complaints made between 1st October 2018 and 30th September 2019

| Complaint No. | Provision of the code alleged to have been breached | Outcome |
|------------------------|---|--|
| 2018 Complaints | | |
| CCM2018.13 | Alleged breach of all the obligations of the Code | Rejected at stage 1 following consultation with the Council's Independent Person (IP) - It would not be in the public interest to expend further resources on carrying out an investigation into this matter. The complaint was wide ranging raising miscellaneous issues dating back over a number of years |
| 2019 Complaints | | |
| CCM2019.03 | Bringing office into disrepute; Cause the council to breach the Equality Act 2010 | <p>Complaint rejected at Stage 1 following consultation with IP - Wholly disproportionate and not in the public interest to expend further resources on carrying out an investigation.</p> <p>The complainant alleged two members:</p> <ul style="list-style-type: none"> • Failed to respond to correspondence due to complainant's disability • Blocked contact <p>Upon receipt of the complaint the subject members had provided the information requested by the complainant and apologised for the delay.</p> |

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| CCM2019.05 | Compromise the impartiality of those who work for the Council Bringing office into disrepute Failed to give reason for decision | Complaint rejected at Stage 1 following consultation with IP. Not appropriate to undertake an investigation in to the complaint. The evidence available did not support the allegation. |
| CCM2019.07 | Bullying / Being Abusive Intimidating a complainant/ witness Bringing Office into disrepute. | Complaint rejected at Stage 1 following consultation with IP. Wholly disproportionate and not in the public interest to expend further resources The conduct of the subject member was considered reasonable in the circumstances. |
| *CCM2019/15 | Intimidate a complainant/ witness Bringing office into disrepute. | Complaint rejected at Stage 1 following consultation with IP. Wholly disproportionate and not in the public interest to expend further resources on carrying out an investigation. The evidence did not support the allegation. |
| *CCM2019/16 | Intimidate a complainant/witness Bringing office into disrepute. | Complaint rejected at Stage 1 following consultation with IP. Wholly disproportionate and not in the public interest to expend further resources on carrying out an investigation. This complaint alleged that the subject member allowed another Councillor to act in a way the complainant considered in appropriate. The Subject Member had no official responsibility to deal with the conduct of Members |
| *CCM2019/17 | Bringing office into disrepute. | Complaint rejected at Stage 1 following consultation with IP. Not in the public interest to expend further resources on carrying out an investigation The Subject Member had no official responsibility to deal with the conduct of Members The Subject Member's actions were reasonable. |
| CCM2019/19 | Bringing office into disrepute | Complaint rejected at Stage 1 following consultation with IP - Wholly disproportionate and not in the public interest to expend further resources on carrying out an investigation |

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| | | <p>The complainant alleged the Subject Member was dismissive of issues raised with them and failed to return the complainant's call</p> <p>The Monitoring Officer noted the correspondence sent by the Complainant to the Subject Member and is satisfied with the response provided by the Subject Member</p> |
| CCM2019/21 | <p>Bullying/abusive behaviour</p> <p>Disclose information given in confidence</p> <p>Bringing office into disrepute</p> <p>Use position improperly to confer a disadvantage on a person</p> <p>Fail to give reasons for decisions</p> | <p>Complaint rejected at Stage 1 following consultation with IP on the basis the complaint is not serious enough to merit any action. There are no grounds for finding a breach of the Members code of conduct in the circumstances there is no overriding public benefit in carrying out an investigation.</p> <p>The complainant alleged the subject member:</p> <ul style="list-style-type: none"> failed to allow the complainant a fair hearing at an appeal approached the complainant and discussing the application in the street thereby disclosing information given to him in confidence. <p>The MO following consultation with the IP noted:</p> <ul style="list-style-type: none"> The complainant was provided with a decision letter following the hearing giving reasons for the decision The subject member highlighted that CCTV footage showed that the subject Member clearly tried to assist and empathise. |
| CCM2019/22 | Bringing office into disrepute | <p>Complaint rejected at Stage 1 following consultation with IP – Wholly disproportionate and not in the public interest to expend further resources on carrying out an investigation.</p> <p>The complainant alleged the Subject Member:</p> <ul style="list-style-type: none"> did not respond to emails nor |

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| | | <p>return the complainant's numerous telephone calls and messages</p> <ul style="list-style-type: none"> • chose not to act nor respond to concerns raised about the financial management of a community organisation that received funding from the Council <p>Having considered the specific details of the complaint the MO following consultation with the IP decided the volume and frequency of the contact from the complainant was such that the subject member's position was reasonable. It was considered on balance that the matter should not be investigated as a potential breach of the Code</p> |
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9.6 There are no particular themes from the above as the majority of complaints related to one incident. It is noted that whilst 3 related to alleged delay these do not in the view of the Monitoring Officer raise issues that need to be addressed more widely.

9.7 As the Committee will be aware complaints about failure to register a DPI are subject to criminal sanction. The Monitoring Officer is not aware of any action having been taken by the Police in relation to DPI requirements regarding Manchester Councillors.

10. Recommendations:

1. To note the work done since the last annual report in November 2018 by this Committee and by the Council's Monitoring Officer this year to promote and maintain high standards of conduct by Councillors.
2. To seek the views of the Committee regarding whether this report should be forwarded to full Council for assurance on standards issues

Appendix 1

The role of the Standards Committee

Promoting and maintaining high standards of conduct by Councillors, Co-opted Members and church and parent governor representatives;

Assisting Councillors, Co-opted Members and church and parent governor representatives to observe the Council's Code of Conduct for Members;

Advising the Council on the adoption, revision or replacement of the Council's Code of Conduct for Members and the Council's Arrangements for dealing with Complaints that Council Members and Co-opted voting members of the Health and Wellbeing Board have failed to comply with the Council's Code of Conduct for Members ("the Council's Arrangements");

Monitoring the operation of the Council's Code of Conduct for Members and the Council's Arrangements;

Advising, training or arranging to train Councillors and Co-opted Members and church and parent governor representatives on matters relating to the Council's Code of Conduct for Members and other issues relating to Standards and Conduct;

To take decisions in respect of a Council Member who is found on a hearing held in accordance with the Council's Arrangements to have failed to comply with the Council's Code of Conduct for Members ("the Subject Member") following referral by the Monitoring Officer for a Hearing conducted by a subcommittee of the Standards Committee.

To grant dispensations from section 31(4) of the Localism Act 2011 (after consultation with one of the Council's Independent Persons) if having had regard to all relevant circumstances, the Standards Committee:-

- considers that granting the dispensation is in the interests of persons living in the Council's area; or
- considers that it is otherwise appropriate to grant a dispensation.

To determine appeals against the Monitoring Officer's decision on the grant of dispensations;

To deal with any reports from the Monitoring Officer on any matter which is referred to it for determination;

To deal with reports of the Monitoring Officer regarding breaches of the protocols/guidance to Members accompanying the Council's Code of Conduct for Members which do not in themselves constitute a breach of that Code;

To report from time to time to Council on ethical governance within the City Council.

To consider the Code of Corporate Governance and the Annual Governance Statement.

The Responsibilities of the Council's Monitoring Officer

The Monitoring Officer role is to support the Standards Committee, to handle complaints about Members and promote and maintain high standards of conduct. She has delegated authority under the Council's constitution:

- To act as the Council's Proper Officer to receive complaints that Council members have failed to comply with the Council's Code of Conduct for Members.
- To determine, after consultation with the Independent Person and in accordance with the Council's Arrangements for dealing with complaints that Council Members have failed to comply with the Council's Code of Conduct for Members ("the Council's Arrangements") whether to reject or informally resolve or investigate a complaint.
- To seek informal resolution of complaints that Council Members have failed to comply with the Council's Code of Conduct for Members wherever practicable.
- To refer decisions dealing with a complaint against a Council Member to the Standards Committee in exceptional circumstances.
- To arrange for the appointment of an Investigating Officer to investigate a complaint where the Monitoring Officer (in consultation with the Independent Person) determine that a complaint merits formal investigation.
- To issue guidance to be followed by an Investigating Officer on the investigation of complaints.
- To determine, after consultation with the Independent Person and in accordance with the Council's Arrangements, to confirm an Investigating Officer's finding of no failure to comply with the Council's Code of Conduct for Members.
- Where an Investigating Officer's report finds that the Subject Member has failed to comply with Council's Code of Conduct for Members, to determine, after consultation with the Independent Person and in accordance with the Council's Arrangements, either to seek a local resolution or to send a matter for local hearing.
- To make arrangements to advertise a vacancy for the appointment of
 - i Independent Persons and
 - ii Co-Opted Independent Members;
 - to make arrangements, in consultation with the Chair of the Council's Standards Committee for short-listing and interviewing candidates for

appointment as Independent Persons and to make recommendations to Council for appointment.

- To prepare and maintain a Council Register of Member's Interests to comply with the requirements of the Localism Act 2011 and the Council's Code of Conduct for Members, and ensure that it is available for inspection and published on the Council's website as required by the Act.
- To prepare and maintain a register of Member's interests for Ringway Parish Council to comply with the Localism Act 2011 and the Code of Conduct adopted by Ringway Parish Council and ensure that it is available for inspection as required by the Act.
- To grant dispensations from Section 31(4) of the Localism Act 2011 if, having had regard to all relevant circumstances, the Monitoring Officer:-
 - (i) considers that without the dispensation the number of persons prohibited by section 31(4) of the Localism Act 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; or
 - (ii) considers that without the dispensation each member of the Council's Executive would be prohibited by section 31(4) of the Localism Act from participating in any particular business to be transacted by the Council's Executive.
 - (iii) 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.