

**Manchester City Council
Report for Information**

Report to: Standards Committee – 18 March 2021

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 the beginning of October 2019.

Recommendations:

1. To report on the matters within the remit of the Standards Committee since the last annual report in October 2019 and the work done by the Council's Monitoring Officer during the period 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

Financial Consequences – Revenue None directly

Financial Consequences – Capital None directly

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Background documents (available for public inspection):

The following document 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.

Annual Report to Standards Committee – October 2019

1.0 Introduction

- 1.1 The purpose of this report is to report on the matters within the remit of the Standards Committee since the last annual report in October 2019 and to summarise the work undertaken by the Council's Monitoring Officer since the last annual report in October 2019 to 31 January 2021.

2.0 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. The Standards Committee generally meets 3 times a year, in March, June and October /November.

3.0 Update on matters within the remit of the Standards Committee since its last Annual Report

- 3.1 Due to Covid-19 there have been no meetings of the Standards Committee since January 2020. At its last meeting in January 2020 the Committee refreshed the membership of the Standards (Hearing) Sub Committee. The sub- Committee met to consider a Standards complaint the outcome of which was reported to, and received by, full Council on 25 March 2020. The Hearing procedure sets out that a hearing should be held within three months of the Monitoring Officer's decision to refer the complaint to a hearing. The hearing in question was held within the timeframe provided for in the Member Complaints Hearing Procedure. The Arrangements and Hearing Procedure for dealing with Complaints against Members are being reviewed following this Hearing and a report on proposals for revising these procedures will be brought to a future meeting of this Committee.

4.0 Operation of Codes and Guidance.

- 4.1 As there were no meetings of the Standards Committee since January 2020 it was not possible for the committee to conduct its normal review of member related Codes and Protocols that sit in the Council's Constitution prior to the annual review of the Constitution by full Council on 3 February 2021. Minor changes were approved by full Council to the Planning Protocol and the Use of Resources Guidance on 3 February 2021 as set out below:

- Minor changes were made to the Planning Protocol for Members and Officers in Part 6, Section B of the Council's Constitution, for the purposes of clarity. The operation of this Protocol was considered in a report to this Committee in June 2019. Officers continue to be of the view that the Protocol is effective. There continue to be very few occasions when the Protocol has had to be referred to, and there have been no complaints that it has been breached.

- The Use of Council Resources Guidance for Members, which also sits in Part 6 of the Council's Constitution, was updated to reflect the current position that in addition to a mobile phone Members will be provided with such IT equipment as the Director of ICT considers appropriate to enable them to undertake their Council duties. In addition, the reference to the "Transport for Greater Manchester Committee" was amended to read "The Greater Manchester Transport Committee" to accurately reflect the name of this joint committee.

4.2 The Member/Officer Protocol and Gifts and Hospitality Guidance are part of the Council's Constitution. They were last reviewed by this committee in March 2019, and by the MO, prior to the annual review of the constitution in February 2021. No further revisions were considered necessary at the time of the annual review of the Constitution. There is a report elsewhere on the Agenda in relation to the Operation and efficacy of the Social Media Guidance for Members.

4.3 It is the view of the MO that the codes and guidance are well understood by Members and is not aware of any queries or issues that have not been addressed through existing procedures.

5. Register of Interests and Gifts and Hospitality

5.1 The operation of the Register of Members' Interests and Gifts & Hospitality was last considered by this Committee at its October 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. 28 Members updated their registers between 1 October 2019 and 31 December 2020. One member updated their register of gifts or hospitality during this period which will not be surprising given the covid lockdown. The Committee will recall that the current threshold for registration of gifts and hospitality is £100. 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.

6. Dispensations

6.1 A report on the operation and efficacy of dispensations was last considered by this Committee at its meeting on 31 October 2019. No further dispensations have been sought since the date of that report. It is the Monitoring Officer's view that there are no issues regarding requests for dispensations that give rise to concern.

7. Councillor Training and Awareness

- 7.1 There is a separate report on this agenda relating to Member Training and Development. An edition of the Ethical Guidance for Members was circulated to all members in August 2020.

8. Complaints against Councillors

- 8.1. 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.

- 8.2 The Monitoring Officer has received 23 complaints about Manchester City Councillors between 1 October 2019 and 31 January 2021.

- 8.3 Of the 23 complaints received:

- 3 were withdrawn by the complainant;
- 1 was not pursued by the complainant;
- 10 were rejected at Stage 1 as set out in the table below;
- 2 were resolved informally;
- 7 (two of which related to one incident generating 2 complaints) were sent for investigation. Of these:
 - Investigations are ongoing in relation to the one incident which generated 2 complaints;
 - In relation to the other 5 the circumstances of the subject member changed such that these investigations were discontinued. In each case it was not considered in the public interest to expend further public resources in relation to the matter and/or the complainants did not wish to pursue their complaints in the circumstances.

- 8.4 The timeframes within 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 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.

8.5 As indicated in the last annual report to this committee the process for handling complaints under the stage 1 phase has been reviewed by the MO to address this including for example ensuring that additional diarising and monitoring is undertaken. There has been an improvement in the timeliness of processing complaints once received with 21 of the 23 complaints received being acknowledged and forwarded to the subject member for comment within the 10 working day timeframe. The other two only slightly exceeded the timeframe (by 3 and 5 working days respectively).

8.6 8 of the 23 complaints received exceeded the 20 working day timeframe for taking an initial assessment decision following receipt of the subject member's response to the complaint. However, five of those led to a decision to investigate the complaint. It is expected that the additional diarising and monitoring that is now undertaken will help further reduce any such delays in the future.

8.7 Complaints Summary: Decisions on Complaints made between 1 October 2019 and 31 January 2021

Complaint No.	Provision of the code alleged to have been breached	Outcome
2019 Complaints		
CCM2019.23	Not known	Complaint not pursued by complainant. Complainant did not complete a complaint form as requested
CCM2019.24	Cause the Council to breach the Equality Act 2010 Bullying / Being Abusive Intimidating a complainant/ witness Bringing office into disrepute	Complaint rejected at Stage 1 following consultation with the Council's Independent Person (IP). The alleged misconduct did not amount to a breach of the Members' Code of Conduct (the Code). The Member was entitled to accept the view of the service on

		service provision over that of the complainant
CCM2019.25	Bringing office into disrepute	Sent for investigation
CCM2019.26	Bringing office into disrepute	Complaint withdrawn before initial assessment decision
CCM2019.27	Bullying / Being Abusive 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 alleged misconduct occurred a significant time ago and the complaint was politically motivated
CCM2019.28	Bringing office into disrepute	Sent for investigation
CCM2019.29	Bringing office into disrepute	Resolved informally, at the initial assessment stage, on the basis of the apology provided by the Subject Member and their assurance that they would ask the Neighbourhood Manager to advise the Complainant if the Council is able to do anything to assist the complainant
CCM2019.30	Bringing office into disrepute Failed to give reason for decision	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 Member had reasonably asked the Council's officers to respond to the complainant's query .
2020 Complaints		
CCM2020.01	Bringing office into disrepute	Complaint rejected at Stage 1 following consultation with the IP. The alleged misconduct did not amount to a breach of the Code. The Member had treated the complainant with respect and had tried their best to provide

		assistance and help
CCM2020.02	Bullying / Being Abusive Intimidating a complainant/ witness Disclose information given in confidence Bringing office into disrepute Failed to give reason for decision	Complaint rejected at Stage 1 following consultation with the IP. The alleged misconduct did not amount to a breach of the Code. The complainant behaved in such a way that they caused the Member anxiety and distress and to be fearful for their safety
CCM2020.03	Use position improperly to confer a disadvantage on another person	Complaint rejected at Stage 1 following consultation with the IP. The Member was not acting in their official capacity as a member of the Council at the time of the alleged failure to comply with the Code
CCM2020.04	Bringing office into disrepute Use position improperly to confer a disadvantage on another person Use Council resources improperly for political purposes	Complaint rejected at Stage 1 following consultation with IP. The Member was not acting in their official capacity as a member of the Council at the time of the alleged failure to comply with the Code.
CCM2020.05	Bringing office into disrepute	Referred for investigation. Complaint discontinued following change in circumstances of the subject member
CCM2020.06	Bringing office into disrepute	Referred for investigation. Complaint discontinued following change in circumstances of the subject member
CCM2020.07	Bringing office into disrepute	Referred for investigation. Complaint discontinued following change in circumstances of the subject member
CCM2020.08	Bullying / Being Abusive Compromise the impartiality of those who work for the Council Bringing office into disrepute Use position improperly to confer an advantage on another person	Complaint rejected at Stage 1 following consultation with the IP. The alleged misconduct did not amount to a breach of the Code. The Member had done everything they possibly could to assist the complainant

	Not using Council resources in accordance with the Council's reasonable requirements	
CCM2020/09	Bullying / Being Abusive Bringing office into disrepute	Complaint discontinued, prior to initial assessment, following change in circumstances of the subject member
CCM2020/10	Bringing office into disrepute	Complaint discontinued, prior to initial assessment, following change in circumstances of the subject member
CCM2020/11	Bullying / Being Abusive Intimidating a complainant/ witness Use position improperly to confer an advantage on another person	Resolved informally at initial assessment, with the agreement of the complainant, on the basis of further information being provided to all members
CCM2020/12	Cause the Council to breach the Equality Act 2010 Bullying / Being Abusive Intimidating a complainant/ witness Compromise the impartiality of those who work for the Council 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. Even were it the case that the facts alleged may have disclosed a potential breach, the Member had already apologised, which was the remedy sought
CCM2020/13	Cause the Council to breach the Equality Act 2010 Bullying / Being Abusive Intimidating a complainant/ witness Compromise the impartiality of those who work for the Council 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. Even were it the case that the facts alleged may have disclosed a potential breach, the Member had already apologised which was the remedy sought
CCM2020/14	Bringing office into disrepute Use position improperly to confer an advantage on another person	Complaint withdrawn prior to initial assessment

CCM2020/15	Bringing office into disrepute Use position improperly to confer an advantage on another person	Complaint withdrawn prior to initial assessment
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8.8 A number of complaints alleged that the subject member bullied or was abusive. Whilst this may seem to raise a theme in all of those cases the alleged bullying/being abusive was only one of a number of provisions of the code that were alleged to have been breached. One of those complaints was resolved informally with the consent of the complainant. The complaints that did proceed were rejected by the MO following consultation with the Independent Person for the reasons stated above. There were a number of cases where the view of the Monitoring Officer (in consultation with the Independent Person) complainants had unrealistic expectations or made unreasonable demands

8.9 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.

9. **Recommendations:**

The recommendations appear at the front of this report.

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.