

**Manchester City Council  
Report for Information**

**Report to:** Council – 28 November 2018

**Subject:** Standards Committee – Annual Report

**Report of:** City Solicitor

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**Summary**

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

**Recommendation:**

1. To note the work done since March 2018 by the Committee and by the Council's Monitoring Officer this year to promote and maintain high standards of conduct by Councillors.
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**Wards Affected** All

<b>Manchester Strategy outcomes</b>	<b>Summary of the contribution to the strategy</b>
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 March 2018 to October 2018. 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 towards 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

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### **Financial Consequences – Revenue**

None directly.

### **Financial Consequences – Capital**

None directly.

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

None.

## **1.0 Introduction**

- 1.1 The 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 March 2018.

## **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 are set out in the Council's Constitution and reproduced for ease of reference in Appendix 1 to this Report. The Standards Committee meets 3 times a year, in March, June and November.

## **3.0 Matters considered by the Standards Committee since its last Annual Report**

- 3.1 Members will recall that the Committee agreed at a previous meeting to move the date of the report relating to the review of its work from March to November each year to better inform the Council's Annual Governance Statement (AGS) by collating at the most appropriate time assurances from this committee on matters within its remit. The last report covered the period to March 2018 and this report therefore covers a shorter period than usual. Future reports will review the work undertaken by the committee and the Monitoring Officer for the year to November.
- 3.2 The role of the Standards Committee under the AGS is to promote high standards of ethical conduct, advising on the revision of the codes of corporate governance and conduct for members.
- 3.3 The matters dealt with by the Standards Committee since at its meeting March and June 2018 meetings are set out below. The Committee has:
- Considered initial proposals regarding changes to the new members induction programme for 2018
  - Considered a report in relation to a review by the Committee on Standards in Public Life about intimidation in public life
  - Reviewed the operation and efficacy of the Social Media Guidance for Members
  - Considered revisions to the Council's Member/ Officer Relations Protocol, Use of Resources Guidance for Members and the Gifts and Hospitality Guidance for Members as part of the annual review of the Council's Constitution.
  - Responded to a consultation carried out by the Committee on Standards in Public Life reviewing Local Government Ethical Standards
  - Considered the draft AGS
  - Considered a report on the induction programme delivered to new Councillors in May 2018, the training provided to Councillors over the last 12 months and the proposed Member Development Strategy for new and existing Councillors

- Considered the Annual Report of this Committee
- Overseen the provision of an ethical guidance update for members which is produced every 6 months

#### **4 Operation of Codes and Guidance relating to Members.**

- 4.1 The Committee at its last meeting requested a separate report on the operation and efficacy of the process for updating the Register of Members Interests to its March 2019 meeting (which will be its next meeting). This report therefore sets out the position in brief.
- 4.2 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 given by specific email reminders to all Members. The last email reminder regarding revision of existing register entries was sent to all Councillors in July 2018. 8 Councillors updated their Register of Interests in response to this reminder. 9 Councillors had already updated their Register during the course of 2018. The Register of Interests requirements are covered in New Member Induction and all new Councillors have registered their interests. The Monitoring Officer is of the view that this requirement is understood by Members and that if they have queries Members do routinely seek advice in relation to declaration of Interests.
- 4.3 The Code of Conduct for Members also requires Members to register any gifts and hospitality received with an estimated value of at least £100. This figure dates from the 2013 revision to the Code of Conduct following Localism Act changes. The form for Registration of Interests make provision for gifts and hospitality to be noted if applicable. No such interests have been registered since March 2018. The view of the Monitoring Officer is that, given the threshold, this is unsurprising and that there is no indication that Members are unaware of this requirement.
- 4.4 The Code of Conduct for Members, Planning Protocol for Members, Use of Resources Guidance for Members, Gift and Hospitality Guidance for Members and the Member/Officer Relations Protocol are as indicated above contained in the Council's Constitution and are reviewed annually in March 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 are well understood by Members and is not aware of any queries or issues that have not been addressed through existing procedures. A report regarding the Planning Protocol forms a separate item on the Committee's agenda.
- 4.5 As requested by the Standards Committee the Social Media Guidance for Members was circulated again to all Members in June 2018. Social Media Training arranged for September 2018 unfortunately has had to be rescheduled due to circumstances beyond the Council's control. It will be rescheduled as soon as possible.

4.6 Dispensations were issued by the Monitoring Officer this year to all Councillors 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. No other dispensations have been sought.

## **5. Complaints against Councillors**

5.1. 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.*

5.2 The Monitoring Officer has received 10 complaints about Manchester City Councillors between 1 April 2018 and 30 September 2018.

5.3 Two of these complaints are in the course of investigation. Two complaints were not pursued by the complainant. One complaint was withdrawn by the complainant. Five complaints have been concluded. All 5 were rejected at Stage 1 as set out in the table below.

5.4 Although 3 complaints relate to use of social media 2 of these largely related to postings made before the Member in question became a Councillor. Where they related to conduct in an official capacity the complaints were in connection with tweets made some considerable time before. It was considered in these circumstances unlikely that those involved would recollect the facts sufficiently clearly to warrant pursuing the matter further. 2 others related to actions undertaken when it was clear the Member was not acting in an official capacity and were rejected for this reason.

5.5 The Committee will recall that it approved revisions to the Procedure for dealing with Member Complaints ('The Arrangements') in March 2017. In terms of the efficacy of the procedure it is clear that persons who feel aggrieved are aware of the Procedure. 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.

The majority of cases that have been dealt with at Stage 1 have been completed broadly in line with this timeframe and complainants have been kept informed of the position as needed.

**Complaints Summary: Decisions on Complaints made between 1st April 2018 and 30th September 2018**

<b>Complaint No.</b>	<b>Provision of the code alleged to have been breached</b>	<b>Outcome</b>
CCM2018.03	Bringing office into disrepute – historic posting on social media	Rejected at stage 1 following consultation with the Council’s Independent Person (IP) - Part of complaint outside of the scope of the Code of Conduct –as it related to postings made before the Member became a Cllr in 2011. The remainder of the complaint related to tweets pre-dating November 2017 and it was considered in these circumstances that given the time that had elapsed between the event and the complaint there was little benefit in pursuing the matter. In addition, the complaint was submitted on 9 <sup>th</sup> April 2018 (during the Purdah period preceding the May 2018 local elections) and may therefore be politically motivated. The subject member has now deleted their twitter account.

CCM2018.04	Bringing office into disrepute– historic posting on social media	Rejected at stage 1 following consultation with the IP - Part of complaint outside of the scope of the Code of Conduct –as at the time of these postings (before May 2011) the Subject Member was not a Cllr. Remainder of complaint regarding one tweet from 2015 was rejected as the tweet was over 3 years old. Not in the public interest to expend further resources on investigation
CCM2018.05	Bringing office into disrepute – posting on social media	Rejected at stage 1 following consultation with IP - conduct complained of was not serious enough to warrant an investigation and not in the public interest to expend further resources on investigation
CCM2018.06	Bringing office into disrepute – conflict of interest	Rejected at stage 1 following consultation with IP – conduct complained of did not breach the Code of Conduct as when attending the Committee in question the Subject Member made it clear they were attending as a representative of a Neighbourhood Forum and as such had acted in line with their duty to participate in local forums to represent their local communities. The Cllr was not a decision maker for the application in question. Wholly disproportionate and not in the public interest to expend further resources on investigation
CCM2018.07	Yet to be confirmed	Ongoing. Complaint made by telephone to Member Services. Conduct complained of was Cllr not attending an appointment with a constituent and did not notify them of the cancellation. A letter was sent to the complainant, to request further clarification. There has been no response from the complainant to date.

CCM2018.08	Bullying/abusive behaviour & bringing office into disrepute – conduct at a public meeting	Rejected at Stage 1 following consultation with IP - conduct complained of did not breach the Code of Conduct as the Cllr was not acting as a councillor at the time of the complaint. The Cllr stated on attendance at a local meeting that they were not attending as a councillor, but as a resident of the area
CCM2018.09	Bullying/abusive behaviour & bringing office into disrepute – abusive conduct at a public event	Withdrawn.
CCM2018.10	Using position as a member improperly to confer on yourself an advantage	Complaint not pursued – an acknowledgement letter was sent to the complainant’s address, as given on the online form for complaints that was submitted. The complainant responded to the acknowledgement letter to say that they had not made a complaint and someone must have used their identity to make the complaint.
CCM2018.11	Bringing office into disrepute	Complaint not pursued – no response from complainant to request for further information, despite initial letter and reminder being sent to them.
CCM2018.12	Bringing office into disrepute	Ongoing.

5.5 The Committee is aware that 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.

## **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 overview the Council's whistle blowing policy;

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.