

**Manchester City Council  
Report for Information**

**Report to:** Standards Committee – 4 November 2021

**Subject:** Register of Members' Interests

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

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**Purpose of the Report**

To consider the operation 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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**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.

## **1. Introduction**

- 1.1 The Committee has requested a report on the operation and efficacy of the process for updating 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.

- 2.7 The Committee on Standards in Public Life (CSPL), in its Report on Ethical Standards in Local Government (published in January 2019), recommended significant changes to Registration of Members' Interests including changes in the law to extend the categories of DPIs, to abolish criminal offences in relation to DPIs and to create a new objective test in relation to non-pecuniary interests.
- 2.8 In its report, the CSPL also recommended that the Local Government Association (LGA) create an updated model code of conduct (which will include registration of interests) in order to enhance the consistency and quality of local authority codes. The LGA has now done so. However, many local authorities have chosen not to adopt the LGA model code until such time as the Government publishes its views on the CSPL report including any proposals to amend legislation as recommended by the CSPL. A report concerning the LGA model code is elsewhere on the Agenda for this meeting.

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

- 3.1 All new Members receive training as part of their induction on registration of interests and all new Members have registered their interests. Reminders to Members regarding the updating of their Register of Interests are contained in the Ethical Governance Update sent to all Members twice a year. Specific email reminders, regarding revision of existing register entries, are also sent to all Members twice a year. The last email reminder was sent to all Members in June 2021 and the next one will be sent to all Members in December 2021. Between 1 January 2021 and 30 September 2021 a total of 37 Members have updated their Register of Interests.
- 3.2 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.

- 3.3 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.

- 3.4 As members will recall from the Standard's Committee's Annual report considered by this Committee at its March 2021 meeting, none of the complaints received by the Monitoring Officer related to Register of Interests issues. 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.
- 3.5 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 CSPL have recommended that the law is changed to clarify that a Member does not need to register their home address in their Register of Interests, but as indicated above the Government's response on this is awaited.
- 3.6 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**

- 4.1 The recommendation appears at the beginning of this report.