

Ethical Update – November 2021

'Helping to promote high standards of conduct'

Welcome to the November 2021 issue of Manchester City Council's Ethical Governance Update

This newsletter contains details of the following:

- Information Commissioner launches investigation into use of private email
- Councillor censured following complaints
- Reminder: Cyber security training
- Reminder: Register of Interests
- Reminder: Dispensations

To save paper this newsletter is distributed via e-mail, if you would like a hard copy or want further information about any of the issues raised please contact the Democratic Legal Services team.

Information Commissioner launches investigation into use of private email

In July 2021, the Information Commissioner launched a formal investigation into the use of private correspondence channels at the Department for Health and Social Care. Information notices have been served on the department and others to preserve evidence relevant to the ICO's inquiry.

The Information Commissioner noted that the use of private correspondence channels for official government business does not break freedom of information law, but her concerns relate to information in private emails and messages being forgotten or otherwise not considered when a freedom of information request is later received. The Commissioner also highlighted the public concern about a lack of transparency about decisions that affect individuals and their families.

The Information Commissioner pointed to the ICO's *guidance* on the use of private communication channels and the government's own code of practice which sets clear standards, and emphasises the importance of good records management in ensuring public trust and confidence.

The Information Commissioner also is concerned about risks that personal data are not held securely in personal email accounts but will not comment further until the outcome of the investigation.

<https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2021/07/ico-launches-investigation-into-the-use-of-private-correspondence-channels/>

Councillor censured after complaints upheld from officers and other members

In September 2021, Maldon District Council (the Council) upheld six complaints against a member who was found to have failed to treat others with respect; bullied officers and other members; to have disclosed confidential information about another member on social media; and had deliberately attempted to undermine the Council's Code of Conduct process, bringing his office and the Council into disrepute.

The allegations included that the member had disrupted a Planning Committee meeting by repeatedly shouting over the chair, insulting her and other members of the committee. It was also alleged that the member had made abusive, haranguing and potentially slanderous comments towards council officers, and had acted in an aggressive and intimidating manner.

In another incident, the member was alleged to have taunted an officer at a meeting while filming the encounter and subsequently publishing it on Facebook, after which he 'liked' a comment which described the officer as the "worst kind off [sic] human filth we have in our society".

It was also alleged that the member made repeated attempts to undermine and publicly discredit the members complaints process, such as by livestreaming his investigation interview on Facebook Live. This resulted in the council having to report a personal data breach to the Information Commissioner.

The committee found that the member's behaviour during the investigation process showed contempt for the principles of accountability and integrity and also brought his office and the council into disrepute.

As well as the decision to formally censure the member, the Chair of the Joint Standards Committee also recommended that the member be removed from committee meetings and working groups; that access to ICT and email to be restricted until May 2022; and that the member is provided with training on conflict management and resolving disputes.

https://www.maldon.gov.uk/download/downloads/id/18712/joint_standards_committee_decision_letter.pdf

Cyber security training

Cyber Security e-learning was rolled out to all members in January 2021. The ICT Cyber Security team have compiled a bespoke training package designed to support councillors in their roles but also to provide knowledge and principles that can be applied more widely to prevent becoming a victim of a Cyber-attack.

All members who have not yet completed the training are recommended to complete the training as soon as possible, as such training is considered an important element in helping to protect the Council and individuals against the very real and evolving risk of a Cyber-attack.

Members will have received an invite to the training from the MCC compliance team and further information from Members Services. If you have any difficulties accessing the training, please contact Members Services.

Register of Interests- keeping it up to date

Members ordinarily complete their register within the 28 day period of being elected.

However, members are reminded that this is a live document and therefore needs to be reviewed regularly to ensure it is up to date. Failure to keep your register of interests up to date could lead to a complaint being received that it is not accurate and also misleading.

If any member is unsure if something should be registered then please contact the Democratic Services Legal Team via DemServ@manchester.gov.uk, or 0161 234 3336.

To update your register please contact the Governance and Scrutiny Support team on 0161 234 33034.

Dispensations

The Council may grant you a dispensation, but only in limited circumstances, to enable you to vote on a matter in which you have a Disclosable Pecuniary Interest or a prejudicial interest.

The main reason why a dispensation may be granted is where so many Members have an interest in a matter that it would not be possible for the business in question to go ahead. This is particularly relevant at the Council budget setting meeting as many Members are Council Tax payers or are Council tenants, etc.

If you want a dispensation you will need to make an application to the Monitoring Officer in good time before the meeting.

The Monitoring Officer will be writing to all Members shortly to remind them of the requirement to submit a written request for a dispensation to her in good time for the March 2022 Council budget meeting.

If any member is unsure if they should need to apply for a dispensation then please contact the Democratic Services Legal Team via DemServ@manchester.gov.uk, or 0161 234 3336.