

Standards Committee

Minutes of the meeting held on 4 November 2021

Present

Independent Co-opted Member: N Jackson – In the Chair
Councillors Andrews, Connolly, Evans, Lanchbury and Simcock

Ringway Parish Council: Councillor O'Donovan

Independent Co-opted Member: G Linnell

Also present:

Independent Person: Mr A Eastwood

ST/21/16 Minutes

The minutes of the meeting held 17 June 2021 were submitted for approval.

The Chair advised the Committee that in respect of Minute number *ST/21/14 Terms of Office of the Independent Members of the Standards Committee and the Council's Independent Persons*, the Independent Co-opted Members and Independent Persons had each agreed to extend their current appointments for a further year, until 18 November 2022.

Decision

To approve the minutes of the meeting held on 17 June 2021 as a correct record.

ST/21/17 Dispensations

The Committee considered the report of the City Solicitor and Monitoring Officer that described the operation and efficacy of the process for granting dispensations in relation to Members' Interests. 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.

A member asked if councillors sponsored by a trade union should seek dispensation for the length of their four year term, rather than seeking dispensation on individual matters.

The City Solicitor advised the Committee that introducing a blanket dispensation could be problematic and it would be more appropriate to use the dispensation process on a case-by-case basis.

Decision

To note the report

ST/21/18 Planning Protocol

The Committee considered the report of the City Solicitor that described the operation and efficacy of the Planning Protocol. Members noted that the Planning Protocol sets out a duty to promote and maintain high standards of conduct in the discharge of the Council's duty as local planning authority and it is considered to be effective in doing so.

The Committee was advised that the Planning Protocol is kept under review and amendments will be considered as circumstances may arise. Members were advised of one issue regarding late representations to Planning and Highways Committee that is currently being discussed. The process allows the receipt of late representations prior to a cut off of 4pm, two days prior to the meeting that will consider the application. A supplementary agenda is then issued the day before the meeting that includes late representations and the planning officer responses. It was reported that there have been occasions where late representations are submitted on the morning of the meeting and the lateness and detail of the submission, in some instances have resulted in only a verbal update being given that prevented the planning officer from providing a complete response and detailed advice to the Committee. The short length of time had on occasion resulted in the application being deferred to a later date. The Committee were asked if it had any comments.

A member referred to the importance of committee members having all of the information prior to a meeting that allows them to read and understand the application and the two day cut off for the submission of late representations appeared to be a sensible rule. Officers were asked if the information being presented at such a late stage of the process was due to the circumstances of a particular application or could it be due to an accepted practice that had developed over a period of time.

The Committee was advised that the planning application process allows opportunities to make submissions and it was unlikely that a very late submission would have a significant impact on the application.

A member referred to the protocol that provides the opportunity during a Planning and Highways Committee for the public to speak for four minutes and ward Councillors to speak to planning applications and made the point that this allowed further late representations to be made. Reference was also made to the use of site visits for lobbying committee members and officers were asked if ward councillors who were not a member of the Planning and Highways Committee and members of the public are allowed to attend a site visit.

The Committee was informed that ward councillors and members of the public could attend a site visit, if it is in a public place. The Chair of the Planning and Highways Committee would use their discretion on the reasons of individuals attending and make it clear that lobbying the committee members is not allowed. The purpose of a site visit is to help provide committee members with additional information and local knowledge of the application site and the surrounding area and not an opportunity to lobby members of the committee. If committee members were being lobbied or pressured, the officers present would discourage this and advise everyone present of the planning procedure. The Committee were advised that members are reminded of

the purpose and reasons for the site visit and this is explained to members of the public in attendance.

The Committee endorsed a deadline of 4:00pm two days prior to the meeting of the Planning and Highways Committee for the submission of late representations.

Decision

To note the report and note the potential amendment to the Planning Protocol.

ST/21/19 Register of Members Interests

The Committee considered the report of the City Solicitor and Monitoring Officer that described the operation of the Register of Members' Interests. 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.

Decision

To note the report.

ST/21/20 Gifts and Hospitality Guidance for Members

The Committee considered the report of the operation and efficacy of the Gifts and Hospitality Guidance for Members.

Decision

To note the report.

ST/21/21 Review of the Operation and Efficacy of the Member/Officer Relations Protocol

The Committee considered the report of the City Solicitor that described the operation and efficacy of the Member/Officer Relations Protocol. The Monitoring Officer did not consider that any amendment of the Protocol is required at this time. However, when the Code of Conduct for Members is next subject to substantive change, the Monitoring Officer does consider that a full review of the Protocol should be undertaken to align the Protocol with the revised Code.

Decision

To note the position set out in the report submitted, regarding the operation and efficacy of the Member/Officer Relations Protocol.

ST/21/22 Local Government Association (LGA) Model Code of Conduct for Members

The Committee considered the report of the City Solicitor that invited the Committee to consider the LGA Model Code of Conduct for Members. It is the view of the Monitoring Officer, for the reasons highlighted within the report, that Manchester should retain the current code of conduct. It was recommended that the central government response to CSPL recommendations and any legislative changes should be awaited before changing Manchester's code, noting that the Government's response is expected by the end of this year.

A member of the Committee endorsed the recommendation to defer consideration and recommendations regarding adoption of the LGA model code of conduct.

The Chair stated that it was important for the Committee to monitor the government response to the CSPL recommendations and the LGA Model Code of Conduct for Members would be placed on the Committee Work Programme for each meeting in preparation for the Government's response.

The City Solicitor reported that if any changes were made to the code of conduct, members would be briefed, and training would be provided to ensure members were made aware of what is required of them.

Decision

1. To defer consideration and recommendations regarding adoption of the LGA Model Code of Conduct, pending the receipt of central government's response the Committee on Standards in Public Life recommendations and any legislative changes.
2. To request a further report on consideration and recommendations regarding adoption of the LGA model code be submitted to the next appropriate meeting, when the Government's response is available and that the subject be added to the Committee's workplan for each meeting, until it is received.

ST/21/23 Members' Update on Ethical Governance

The members considered the report of the City Solicitor that sought the Committee's comments on and approval of the draft Members' Update on Ethical Governance for November 2021. A draft of the Members' Update for November 2021 was set out in the Appendix to the report. Members were asked to provide comments on the draft and to approve its content for circulation to all members by e-mail. A paper copy would be available on request.

Reference was also made to cyber training and it was suggested that the Members Development Committee be requested to contact members to ensure they have undertaken the training.

The City Solicitor reported that a reminder will be circulated to all members of the Council to remind them of the importance of undertaking cyber training, if they have not already done so.

Decision

To approve the content of the draft Members' Update on Ethical Governance, as set out in the Appendix of the report submitted, for circulation to all members.

ST/21/24 Work Programme for the Standards Committee

The Committee considered the report of the Governance and Scrutiny Support Unit that invited the members of the Standards Committee to consider its work programme for future meetings and make any revisions.

Decision

To note the report and agree the Work Programme, with the inclusion of the Local Government Association (LGA) Model Code of Conduct for Members for each meeting of the Committee.