

**Manchester City Council
Report for Information**

Report to: Standards Committee – 17 March 2022
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 February 2021.

Recommendations:

1. To report on the matters within the remit of the Standards Committee since the last annual report in March 2021 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

Financial Consequences – Capital None

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Background documents (available for public inspection):

Annual Report to Standards Committee – March 2021

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 March 2021 which covered the period up to 31 January 2021 and to summarise the work undertaken by the Council's Monitoring Officer from 1 February 2021 to 31 January 2022.

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 Since its last annual report the Committee has:

- Considered the draft Annual Governance Statement 2020/21 insofar as it related to the terms of reference of this Committee.
- Reviewed the operation and efficacy of the arrangements for dealing with Code of Conduct complaints against members
- Reviewed the operation and efficacy of the Use of Resources Guidance for Members
- Considered the membership of and made appointments to the Standards (Hearing) Sub-Committee
- Reviewed the procedure for the Hearing of Allegations of Breaches of the Code of Code of Conduct for Members
- Made recommendations regarding the extension of the terms of Office of the Independent Members of this Committee and the Independent Persons
- Considered the operation and the efficacy of the process for granting dispensations in relation to members' interests.
- Considered the operation and the efficacy of the Planning Protocol
- Considered the operation of the Register of Members' Interests
- Considered the operation and the efficacy of the Gifts and Hospitality Guidance for Members
- Considered the operation and the efficacy of the Member/Officer Protocol
- Received an update report on the Local Government Association (LGA) Model Code of Conduct for Members.
- Approved the content of the Members' Update on Ethical Guidance Update.

4.0 Update on matters considered by the Committee

- 4.1 The report relating to the efficacy and operation of Gifts and Hospitality Guidance indicated that during the period 1 January to 30 September 2021 two entries had been recorded. One member has updated their entry in relation to gifts or hospitality since then. The current threshold for registration of gifts and hospitality is £100. The Monitoring Officer is of the view, bearing in mind covid issues and the threshold, this level is unsurprising .
- 4.2 As usual 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. Email reminders were sent to members in June 2021 and January 2022 As indicated in the report on this matter in November 2021 between 1 January and 30 September 37 members had updated their Register of Interests. A further 20 members have updated their registers between 1 October 2021 and 31 January 2022. Members will be aware it is the responsibility of individual Members to comply with the requirements of the Code of Conduct for Members including regarding members' interests. As a matter of good practice specific guidance will continue to be provided to Members regarding declaration of interests at meetings where necessary
- 4.3 It remains the view of the MO that the codes and guidance are well understood by Members. The MO is not aware of any queries or issues that have not been addressed through existing procedures.
- 4.4 A report on the operation and efficacy of dispensations was last considered by this Committee at its meeting on 4 November 2021. Other than normal budget dispensations 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.

5.0 Councillor Training and Awareness

- 5.1 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 March 2021 and November 2021. Copies of these updates were also provided to newly elected members following by-elections.

6.0 Complaints against Councillors

- 6.1 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.

- 6.2 The last Annual report covered the period October 2019 to 31 January 2021. The Monitoring Officer has received 12 complaints about Manchester City Councillors between 1 February 2021 and 31 January 2022. This compares with 15 complaints received in the previous year.
- 6.3 Of the 12 complaints received:
- 1 was not pursued by the complainant;
 - 8 were rejected at Stage 1 as set out in the table below;
 - 3 were resolved informally;
 - None of these 12 were sent for investigation.
- 6.4 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.
- 6.5 There has been a further improvement in the timeliness of processing complaints once received with only 1 of the 12 complaints received being not being acknowledged and forwarded to the subject member for comment within the 10 working day timeframe. This complaint only slightly exceeded the timeframe by 3 working days.
- 6.6 4 of the 12 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. It is expected that the additional diarising and monitoring that is now undertaken will help further reduce any such delays in the future.

6.7 Complaints Summary: Decisions on Complaints made between 1 February 2021 and 31 January 2022

Complaint No.	Provision of the code alleged to have been breached	Outcome
CCM2021.01	Not indicated by complainant	Complaint not pursued by complainant. Complainant did not complete a complaint form as requested
CCM2021.02	<p>Compromise the impartiality of those who work for the Council</p> <p>Prevent another person from gaining access to information</p> <p>Bringing office into disrepute</p> <p>Use position improperly to confer an advantage or disadvantage on another person</p> <p>Did not use Council resources in accordance with the Council's reasonable requirements</p>	Complaint rejected at Stage 1 following consultation with the Council's Independent Person (IP). No breach of the Members' Code of Conduct apparent. Allegations of misleading statements not substantiated.
CCM2021.03	Bringing office into disrepute	Complaint rejected at Stage 1 following consultation with the IP. Monitoring Officer (MO) The complaint seemed to have arisen as a result of a misunderstanding which could have been resolved informally and did not merit further action.
CCM2021.04	Bringing office into disrepute	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. SM did not appear to be at fault in any event
CCM2021.05	<p>Bullying / Being Abusive</p> <p>Bringing office into disrepute</p> <p>Use position improperly to confer an advantage or disadvantage on another person</p>	Resolved Informally. Following consultation with the IP the MO recommended at Stage 1 that the complaint be resolved informally by the SM apologising to the complainant. Both complainant & SM accepted.

CCM2021.06	Cause the Council to breach the Equality Act 2010 Bringing office into disrepute Use position improperly to confer an advantage or disadvantage on another person	Complaint rejected at Stage 1 following consultation with IP. No evidence that SM had acted improperly. Complainant appears to have been vexatious against other individuals in the Council
CCM2021.07	Bringing office into disrepute (Complaint against two Members)	Complaints rejected at Stage 1 following consultation with IP. The MO was satisfied that the two SMs had responded to the complainant's emails and made real attempts to deal with the issues raised by the Complainant, both before and after the complaints were raised
CCM2021.08	Bullying / Being Abusive Bringing office into disrepute	Complaint rejected at Stage 1 following consultation with the IP. MO was of the view that the Subject Member was clear that he had responded in a way he considered to be supportive and would have recommended that the complaint be resolved informally by the SM making an apology but for the fact that the complainant had expressed the view that an informal resolution would not be satisfactory. Complaint therefore rejected because it was not serious enough to merit formal action. There was no overriding public benefit in carrying out an investigation. To pursue an investigation would be disproportionate & not a good use of public funds
CCM2021/09	Cause the Council to breach the Equality Act 2010 Bringing office into disrepute Use position improperly to confer an advantage or disadvantage on another person	Resolved informally. The complaint related primarily to matters dealt with by officers.. The Complainant was offered an apology that the response was not one that took account fully of his request for reasonable adjustments which resolved the matter

CCM2021/10	Bullying / Being Abusive Failure to disclose/register an interest	Complaint rejected at Stage 1 following consultation with the IP. The complaint related to an alleged failure to declare an interest and an allegation of bullying. It was the view of the MO that no conflict of interest existed in the circumstances and bearing in mind all the circumstances there was no overriding public benefit in carrying out an investigation.
CCM2021/11	Bullying / Being Abusive Intimidating a complainant/ witness Prevented another person from gaining access to information Bringing office into disrepute Use position improperly to confer an advantage or disadvantage on another person	Complaint rejected at Stage 1 following consultation with the IP. Even if the allegations were found to be proven following an investigation, the alleged misconduct in the majority of them did not occur when the subject member was acting in his official capacity as a Member of the Council and were so long ago that those involved were unlikely to be able to recollect the facts clearly.
CCM2021/12	Cause the Council to breach the Equality Act 2010 Bullying / Being Abusive Disclosed confidential information Bringing office into disrepute	Resolved Informally. Following consultation with the IP the MO recommended at Stage 1 that the complaint be resolved informally by the SM apologising to the complainant. There seemed to be a misunderstanding and the Subject member indicated they had not intended to cause distress.

6.8 One complaint which had been referred for formal investigation was completed in June 2021. The Investigating Officer's view was that the behaviour complained of by the Subject Member was not unreasonable in the circumstances and concluded that there was no breach of the Member Code of Conduct. This was accepted by the Monitoring Officer following consultation with the Independent Person. The Investigating officer who completed the Investigation did so following their appointment within the timeframe set out in the Arrangements

- 6.9 It is the view of the Monitoring Officer that no particular pattern emerges from the complaints received. 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. Some appear to have arisen due to distress felt which was not intended and where possible these were resolved informally by way of apology.
- 6.10 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.

7.0 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.