

**Manchester City Council  
Report for Information**

**Report to:** Standards Committee – 16 June 2022  
**Subject:** The Register of Members' Interests  
**Report of:** City Solicitor and Monitoring Officer

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**Summary**

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**

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. The Government has rejected these proposals. A separate report regarding the Government's response to the CSPL's recommendations is included 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 have been informed that they must submit a register of their interests within 28 days of their election. 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. The last update was sent to all Members in November 2021 and a further update will be contained in the next Ethical Governance Update. Specific email reminders, regarding revision of existing register entries, are also sent to all Members twice a year. The latest email reminders were sent to all Members in January 2022 and on 17 May 2022. The annual report, considered by the Standards Committee on 17 March 2022, informed Members that between 1 October 2021 and 31 January 2022 a total of 20 Members updated their Register of Interests. Members are advised that a further 22 Members have updated their registers between 1 February 2022 and 30 April 2022.
- 3.2 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
- 3.3 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.

- 3.4 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.
- 3.5 As members will recall from the Standard's Committee's Annual report considered by this Committee at its March 2022 meeting that only one of the 12 complaints received by the Monitoring Officer between 1 February 2021 and 31 January 2022 related to Register of Interests issues (complaint reference CCM2021/10). This complaint was rejected by the Monitoring Officer at Stage 1 following consultation with the Independent Person. It was the view of the Monitoring Officer 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.
- 3.6 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.
- 3.7 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 recommended that the law is changed to clarify that a Member does not need to register their home address in their Register of Interests. As indicated on a separate report on the agenda to this committee, the Government's response to this recommendation was that "it will engage with interested parties on the best means to ensure that candidates and councillors are not required publicly to disclose their home address. Notwithstanding, it is important that home addresses are internally registered with monitoring officers, to help avoid conflicts of interest."
- 3.8 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**

The recommendation appears at the beginning of this report.