

Ethical Update – March 2023

‘Helping to promote high standards of conduct’

Welcome to the March 2023 issue of Manchester City Council’s Ethical Governance Update

This newsletter contains details of the following:

- Official complaint made about Councillors involved in parking fine probe
- CSPL calls for strengthened structures for maintaining standards
- Consideration of The Local Government (Disqualification) Act 2022
- 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.

Official complaint made about Councillors involved in parking fine probe

It has emerged through a FOI request made to Liverpool City Council that between 2015-2020, 14 current and former councillors had their parking fines cancelled ‘through the backdoor’ by council officers rather than through the council’s formal parking appeals procedure. The penalty charge notices amounted to 51 in total.

A number of councillors that had their PCN’s rescinded without going through the proper appeals process said they were acting in good faith based on advice and guidance from senior officers. They believed that the fines given when acting in the course of their duties could be rescinded and maintained that they have done nothing wrong. In a statement to the Liverpool ECHO newspaper, which had made the FOI request, a former senior officer stated that he had made councillors aware of the proper appeals process for challenging parking tickets and that councillors “insisted” tickets were cancelled.

According to the same newspaper, the council's current interim chief executive said the practice was “an example of the unacceptable culture that pervaded parts of the council in the past” and that the previous poor practice did not reflect on the current parking service team.

A Council spokesperson said "as part of our improvement journey following the publication of the Best Value inspection report by Max Caller in 2021, we have made many changes to our governance systems and processes.

Any elected member querying a ticket should have been directed to the standard appeals process for parking tickets. This process would have ensured that an authorised appeals case handler would have considered the response in a fair and appropriate way. Councillors receiving a parking ticket are advised to go through the standard appeals process.

An annual Internal Audit of Parking Services is being carried out to provide independent and objective assurance on the adequacy and effectiveness of risks associated with its operation."

<https://www.liverpoolecho.co.uk/news/liverpool-news/14-liverpool-politicians-parking-fines-26176621>

CSPL calls for strengthened structures for maintaining standards.

The chair of the Committee on Standards in Public Life (CSPL) has said there remains an urgent need to update and strengthen the structures in place in both central and local government for upholding standards. He noted the CSPL's 2019 report into local government standards and said that "the recommendations were well evidenced and supported by the sector, thanks to extensive input from local councillors, officers, independent persons and the public who gave us their views.....the Committee has no remit to consider individual cases, but we continue to receive impassioned pleas from people caught up in local standards issues who feel the system is wholly inadequate. Democratic accountability via the ballot box is insufficient on its own; our system relies on checks and balances in between elections to deal with serious cases and maintain standards".

"Proactive and ongoing attention to standards will always be necessary to ensure the systems and processes are able to meet the challenges faced today and while it is understandable that major events can overtake, we can ill afford another scandal with the subsequent knock to public trust."

The chair also stated that the CSPL will be publishing its report on *Leading in Practice*. This report is intended to share how a range of organisations have sought to inspire and support ethical behaviour. It is hoped that the report will prompt a wider discussion and encourage public sector organisations to look at their own practice and think about what they can do to ensure that the Nolan Principles of honesty, integrity, selflessness, leadership, integrity, openness, and accountability translate into the decisions and behaviours exhibited in their organisations.

<https://cspl.blog.gov.uk/2022/12/19/proactive-attention-to-standards-is-necessary/>

The Local Government (Disqualification) Act 2022

The Local Government (Disqualification) Act 2022 came into force on 28 June 2022. It updates the disqualification criteria for local authority members to disqualify individuals who are subject to relevant notification requirements or orders due to sexual offences from standing for or remaining in office. The Act supports ensuring that the public continues to have confidence in their elected representatives and local democracy.

The disqualification measures do not operate retrospectively and therefore do not disqualify a person who became subject to any relevant notification requirements or a relevant order before the 2022 Act came into force.

Individuals that are made subject to the notification requirements set out in the Sexual Offences Act 2003 (known as 'being placed on the sex offenders register') or Sexual Risk Orders will be disqualified from holding elected office or standing for elections as councillors, mayors, members of the London Assembly or Mayor of London.

Candidates for election to local government must now declare they are not disqualified from standing using prescribed 'Consent to Nomination' forms at nomination.

Cyber security training

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.

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.

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.