

**Manchester City Council
Report for Information**

Report to: Standards Committee – 16 March 2023
Council - 29 March 2023

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 2022.

Recommendations:

1. To report on the matters within the remit of the Standards Committee since the last annual report in March 2022 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 directly.

Financial Consequences – Capital None directly.

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Background documents (available for public inspection):

Annual Report to Standards Committee – March 2022

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 2022 which covered the period up to 31 January 2022 and to summarise the work undertaken by the Council's Monitoring Officer from 1 February 2022 to 31 January 2023.

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 operation and efficacy of the Member Development Strategy and training delivered since February 2021 and approved the Member Development Strategy 2022-2024
 - Considered the operation and efficacy of the Social Media Guidance for Members.
 - Considered the Council's partnership arrangements insofar as they are within the remit of the Standards Committee with particular focus on training in relation to members who take on company directorships
 - Considered the draft Annual Governance Statement 2021/22 insofar as it related to the terms of reference of this Committee.
 - Considered the operation and the efficacy of the Member/Officer Protocol
 - Reviewed the operation and efficacy of the Use of Resources Guidance for Members
 - Considered the operation and the efficacy of the Planning Protocol
 - Considered the operation and the efficacy of the process for granting dispensations in relation to members' interests.
 - Considered the operation of the Register of Members' Interests
 - Considered a report on the Government's response to the Committee on Standards in Public Life's review of local government ethical standards.
 - Considered the operation and the efficacy of the Gifts and Hospitality Guidance for Members
 - Made recommendations regarding the appointment the Independent Members of this Committee and the Independent Persons
 - Considered the draft Code of Corporate Governance

- Considered and made recommendations regarding the Arrangements for dealing with Code of Conduct complaints against members
- Approved the content of the Members' Update on Ethical Guidance Update.
- Considered the Local Government (Disqualification Act) 2022 Received an update report on the Local Government Association (LGA) Model Code of Conduct for Members.

4.0 Update on matters considered by the Committee

- 4.1 The report relating to the efficacy and operation of Gifts and Hospitality Guidance which came to this Committee in June 2022 indicated that during the period 1 October 2021 to 12 May 2022 two entries had been recorded. Between 13 May 2022 and 31 January 2023 five members updated their entry in relation to gifts or hospitality. 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 May 2022 and January 2023. As indicated in the report on this matter in June 2022 between 1 February 2022 and 30 April 2022, 22 members had updated their Register of Interests. A further 31 have updated their registers between 1 May 2022 and 31 January 2023. 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 As indicated in the report on Members interests in June 2022 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 (Sensitive Interests). 4 requests for redaction of Members' register as sensitive interests have been agreed by the Council's Monitoring Officer in the last year.
- 4.4 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.
- 4.5 A report on the operation and efficacy of dispensations was last considered by this Committee at its meeting on 16 June 2022. 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. Councillor Training and Awareness

- 5.1 There is a separate report on this agenda relating to Member Training and Development.

6. 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 1 February 2021 to 31 January 2022. The Monitoring Officer has received 17 complaints about Manchester City Councillors between 1 February 2022 and 31 January 2023. This compares with 12 complaints received in the previous year.

- 6.3 Of the 17 complaints received:

- 2 was not pursued by the complainant;
- 11 were rejected at Stage 1 as set out in the table below;
- 4 have been resolved informally;
- None 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 The initial response to complaints continue to be processed timely with 15 of the 17 complaints received being acknowledged and forwarded to the subject member for comment within the 10 working day timeframe. The other two complaints exceeded the timeframe by 3 and 14 working days respectively.
- 6.6 Six of the 11 complaints considered at stage 1 initial assessment exceeded the 20 working day timeframe for taking an initial assessment decision following receipt of the subject member's response to the complaint. This reflects a period when there were technical issues experienced by one of the Council's Independent Persons in receiving relevant papers electronically which have now been resolved.
- 6.7 **Complaints Summary: Decisions on Complaints made between 1 February 2022 and 31 January 2023**

Complaint No.	Provision of the code alleged to have been breached	Outcome
CCM2022.01	Do anything which may knowingly cause the Council to breach the Equality Act 2010; Do anything which compromises the impartiality of those who work for or on behalf of the Council; Bringing office or council into disrepute	Complaint rejected at Stage 1 initial assessment because Subject Member not acting in their official capacity. The complaint related a social media tweet.
CCM2022.02 Complaint	Do anything which may knowingly cause the Council to breach the Equality Act 2010; Bully or be abusive; Do anything which compromises the impartiality of those who work for or on behalf of the Council; Bringing office or council into disrepute	Complaint rejected at Stage 1 initial assessment because there was no clear information leading to the implication there was a breach of the code of conduct for members. In all the circumstances there is no overriding public benefit in carrying out an investigation. To pursue an investigation would be a disproportionate and not good use of public funds. The complaint related to a social media tweet.

CCM2022.03	Not specified by the complainant	Complaint not pursued by complainant. Complainant did not complete a complaint form as requested
CCM2022.04 Complaint against 3 members	Bringing their office or Council into disrepute; Use or attempt to use his/her position as a member improperly to confer on or secure for himself/herself or any other person an advantage or disadvantage	Complaint rejected at Stage 1 initial assessment. There was no overriding public benefit in carrying out an investigation. To pursue an investigation would be a disproportionate and not good use of public funds. The complaint related to a regulatory matter
CCM2022.05*	Bringing their office or Council into disrepute	Complaint rejected at Stage 1 initial assessment. There was no overriding public benefit in carrying out an investigation. To pursue an investigation would be a disproportionate and not good use of public funds. The complaint related to the same regulatory matter as above.
CCM2022.06*	Bringing their office or Council into disrepute	Complaint rejected at Stage 1 initial assessment. There was no overriding public benefit in carrying out an investigation. To pursue an investigation would be a disproportionate and not good use of public funds. The complaint related to the same regulatory matter as above
CCM2022.07*	Bringing their office or Council into disrepute	Complaint rejected at Stage 1 initial assessment. There was no overriding public benefit in carrying out an investigation. To pursue an investigation would be a disproportionate and not good use of public funds The complaint related to the same regulatory matter as above.
CCM2022.08	Do anything which may	Complaints rejected at Stage 1

	<p>knowingly cause the Council to breach the Equality Act 2010;</p> <p>Disclose information given to you in confidence; Bringing office or council into disrepute</p>	<p>initial assessment. The events complained about happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence. The resources needed to investigate and determine the complaint would be wholly disproportionate to the allegations & would not be a good use of public funds</p>
CCM2022/09 Complaint against 3 members	<p>Bully or be abusive; Bringing their office or Council into disrepute; Use or attempt to use his/her position as a member improperly to confer on or secure for himself/herself or any other person an advantage or disadvantage</p>	<p>Complaints rejected at Stage 1 initial assessment. The conduct of the Subject Members was not a breach of the Code of Conduct for Members. The complaint was not serious enough to merit any action. In all the circumstances there is not an overriding public benefit in carrying out an investigation.</p> <p>The complaint centred around alleged failure to respond to a constituent.</p>
CCM2022/10	<p>Bringing their office or Council into disrepute</p>	<p>Complaint withdrawn</p>
CCM2022/11	<p>Bully or be abusive; Bringing their office or Council into disrepute</p>	<p>The complaints were rejected at Stage 1 initial assessment. The conduct of the Subject Member was not a breach of the Code.</p> <p>The subject matter of the complaint related to a debate at a meeting</p>
CCM2022/12	<p>Bully or be abusive; Bringing their office or Council into disrepute</p>	<p>The complaints were rejected at Stage 1 initial assessment. The conduct of the Subject Member was not a breach of the Code; The complaint was not serious enough to merit any action; In all the circumstances there is not an overriding public benefit in carrying out an investigation;</p> <p>Same debate as above.</p>

CCM2022/13	You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority	Following consultation with the Independent Person the Monitoring Officer recommended at Stage 1 initial assessment that the complaint be resolved informally by the Subject Member apologising to the complainant
CCM2022/14 Complaint against 3 members	Do anything which may knowingly cause the Council to breach the Equality Act 2010; Do anything which compromises the impartiality of those who work for or on behalf of the Council; Bringing office or council into disrepute	The complaint was rejected at Stage 1 initial assessment. The Subject Members were not acting in their official capacities as a Member of Manchester City Council at the time of the alleged failure to comply with the Code
CCM2023/01	Bully or be abusive; Bringing their office or Council into disrepute	The decision notice is yet to be issued as at date of compiling this report. The complaint has been resolved informally and relates to interaction with the complainant. An apology has been given by the subject member
CCM2023/02	Bully or be abusive; Bringing their office or Council into disrepute	Same incident as above
CCM2023/03	Bully or be abusive; Bringing their office or Council into disrepute	Same incident as above.

* relate to same member about the same matter by different complainants.

6.8 2 of the complaints related to matters which were outside of the scope of the member complaints procedure as the subject members were not acting in an official capacity. Complaint 2202.04 was a complaint by the same complainant against 3 members. 2 complaints related to discussions during the same debate at a committee meeting. Four related to the same regulatory matter where the complainants were unhappy with the subject members' views though their views were reasonable and rational based on information known to them at the time. Members will recall that at the last meeting of this Committee it endorsed a change to the Arrangements for dealing with Member complaints to enable early rejection of a complaint where for example a Member's failure to respond to correspondence and where the complaint merely expresses dissatisfaction with a decision taken by a Member. It is the view of the Monitoring Officer that no other particular pattern

emerges from the complaints received.

- 6.9 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. Recommendations:

The recommendations appear at the front of this report.