

Manchester City Council Report for Resolution

Report to: Standards Committee – 2 November 2023

Subject: Review of the Operation and Efficacy including a proposed amendment of the Arrangements for dealing with Code of Conduct complaints against Members

Report of: City Solicitor and Monitoring Officer

Purpose of the Report

To update the Standards Committee on the operation and efficacy of the Arrangements for dealing with Code of Conduct complaints against Members (‘the Arrangements’) and to set out the Monitoring Officer’s proposal for an amendment to the Arrangements.

Recommendations

That the Standards Committee:

1. Note the Monitoring Officer’s information on the operation and efficacy of the Arrangements for dealing with Code of Conduct complaints against Members.
 2. Recommend to full Council the attached Arrangements as amended.
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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):

The following documents 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.

The Council's Code of Conduct for Members

Report to Standards Committee – March 2022 – Annual Report

Report to Standards Committee – 16 March 2023 – Annual Report

1.0 Introduction

- 1.1 Under section 28 of the Localism Act 2011 the Council must have in place Arrangements under which allegations that an elected or co-opted Member of the Council has failed to comply with the Council's Code of Conduct for Members ('the Arrangements') can be considered and decisions made on such allegations.
- 1.2 It is for the Council to decide the details of those Arrangements, but the Council must appoint at least one Independent Person whose views are to be taken into account before making a decision on a complaint that it has decided to investigate.
- 1.3 It is vital that the public has confidence in the high standards of local government and that there is transparency about the conduct of councillors and the mechanisms for dealing with alleged breaches of the Council's Code of Conduct for Members ('the Code'). It is equally vital that councillors themselves have confidence in these mechanisms and that the investigations into such complaints abide by the principals of natural justice.
- 1.4 The Committee last received a specific report on the operation and efficacy of the Arrangements at its meeting on 17 June 2021. However, the annual standards report to the meetings of this Committee in March 2022 and March 2023 each included a section on the timeliness of the processing of complaints received by the Monitoring Officer under the Arrangements.

2.0 Review of the Arrangements

- 2.1 Members are reminded that the timeframes within the Arrangements for dealing with complaints that Council Members have failed to comply with the Code 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.
- 2.2 The Annual Standards Report to the Committee in March 2023 informed members that the Monitoring Officer received 17 complaints about Manchester City Councillors between 1 February 2022 and 31 January 2023. The initial

response to complaints continued to be processed in a timely manner with 15 of the 17 complaints received being acknowledged and sent to the subject member within the 10-working day timeframe. The other two complaints exceeded the timeframe by 3 and 14 working days respectively. 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 reflected a period when there were technical issues experienced by one of the Council's Independent Persons in receiving relevant papers electronically which were subsequently resolved.

- 2.3 Members are advised that during the period 1 February 2023 to 2 October 2023 when this report was written two complaints against Members have been received by the Monitoring Officer and in respect of both complaints the timeframes set out in paragraph 2.1 have been complied with in so far as the stage each complaint has currently reached.
- 2.4 Members will recall that the Committee endorsed amendments to the Arrangements at its meeting on 3 November 2022. As part of this current Review the Committee is requested to recommend that full Council approve further amendments to paragraphs 2.1 and 2.2 of the Arrangements. The Committee is also advised that the Arrangements have been reviewed to ensure they are gender neutral throughout.
- 2.5 The proposed amendments are to clarify the requirement that all allegations that a Member has failed to comply with the Council's Code of Conduct must be made in writing as set out in section 28 of the Localism Act 2011.
- 2.6 As currently drafted paragraphs 2.1 and 2.2 of the Arrangements could be interpreted as meaning an oral complaint can in and of itself be valid (and the transcribing of it is more to do with accurately recording that oral complaint). As indicated in paragraph 2.5 above this would not comply with the requirement in the relevant legislation that all complaints must be in writing.
- 2.7 A copy of the Arrangements is attached as an Appendix to this Report with the proposed amendments to paragraphs 2.1 and 2.2 shown as tracked changes and any proposed additional wording in bold.
- 2.8 Other than the proposed amendments to paragraphs 2.1 and 2.2 of the Arrangements the Monitoring Officer is satisfied that the Arrangements remain fit for purpose and is not aware of any issues arising from their operation.

3. Recommendations

- 3.1 The recommendations appear at the front of this Report.