

**Manchester City Council
Report for Information**

Report to: Standards Committee – 14 March 2024

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 2023.

Recommendations:

1. To report on the matters within the remit of the Standards Committee since the last annual report in March 2023 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.
-

Wards Affected - All

Financial Consequences – Revenue None

Financial Consequences – Capital None

Contact Officers:

Name: Fiona Ledden
Position: City Solicitor
Telephone: 0161 234 3087
E-mail: fiona.ledden@manchester.gov.uk

Name: Poornima Karkera
Position: Assistant Director of Legal Services: Governance
Telephone: 0161 234 3719
E-mail: poornima.karkera@manchester.gov.uk

Background documents (available for public inspection):

Annual Report to Standards Committee – March 2023

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 2023 which covered the period up to 31 January 2023 and to summarise the work undertaken by the Council's Monitoring Officer from 1 February 2023 to 31 January 2024.

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, the training delivered since February 2022, proposals for training including Member Induction 2023 and approved revisions to the Member Development Strategy 2022-2024.
- Considered the operation and efficacy of the Social Media Guidance for Members.
- Considered the draft Annual Governance Statement 2022/3 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 and supported proposed changes to the Guidance.
- 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 the operation and the efficacy of the Gifts and Hospitality Guidance for Members.
- 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 and made recommendations to full Council regarding the retention of the Council's current Code of Conduct for Members.
- Received an update in relation to Disclosure and Barring Service (DBS) checks 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 2023 indicated that during the period 13 May 2022 to 18 May 2023 six members updated their entries on their Register in relation to gifts and hospitality. Between 19 May 2023 and 31 January 2024 there have been no updates from Members 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 the threshold, this level is unsurprising. A reminder regarding the need to register Gifts and Hospitality over the threshold has been added to the Ethical Guidance Update for Members elsewhere on the Agenda for this meeting.
- 4.2 The report relating to the efficacy and operation of Gifts and Hospitality Guidance which came to this Committee in June 2023 advised there is an agreed process in place where the Curatorial Manager of the Our Town Hall Project assesses the gifts received by the Lord Mayor approximately every 3-6 months to decide which gifts should be retained in the 'Town Hall Collection' and which gifts can be retained by the Lord Mayor. Members were further advised that the latest assessment for the Lord Mayor who held office during the municipal year 2022-23 had been scheduled to take place during the week commencing 22 May 2023. However, it did not take place as planned and was rescheduled for 7 June, which was the same date for publication of the report, and therefore it was not possible to include details. The Committee is informed that the assessment took place as planned and a final version of the gifts and hospitality received by the Lord Mayor is attached in Appendix 2.
- 4.3 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 July 2023 and February 2024. As indicated in the report on this matter in November 2023 between 1 February 2023 and 19 September 2023, 20 members had updated their Register of Interests. A further two have updated their registers between 20 September 2023 and 31 January 2024. 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.
- 4.4 As indicated in the report on Members' interests in November 2023 all members have been advised that, if they consider that the disclosure of the details of a Disclosable Pecuniary Interest (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). 7 requests for redaction of Members' register as sensitive interests were agreed by the Council's Monitoring Officer between 16 June 2022 and 2 November 2023. A further 8 requests have been agreed between 3 November 2023 and 31 January 2024.

- 4.5 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.
- 4.6 A report on the operation and efficacy of dispensations was last considered by this Committee at its meeting in November 2023. Other than normal budget dispensations and the request contained in the report elsewhere on this meeting's Agenda, 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 2022 to 31 January 2023. The Monitoring Officer has received 8 complaints about Manchester City Councillors between 1 February 2023 and 31 January 2024. This compares with 17 complaints received in the previous year. It is noted that this is a reduction in complaints. The Monitoring Officer has checked her records and the Complaints webform on the Council's website as well as with the Corporate Complaints Team (who deal with Complaints about the Council). There is no issue with the webform, and any complaints received by the Council's Corporate Complaints Team that relate to Members are routinely passed to the Monitoring Officer to be dealt with under the correct process. The Monitoring Officer is confident that the figures for complaints against Members this year are correct.

- 6.3 Of the 8 complaints received:

- 2 were not pursued by the complainant;

- 2 were rejected at Stage 1 as set out in the table below;
- 3 were received on 31 January and as at the date of preparation of this report discussions are ongoing with the complainant regarding details of their complaint.
- One is an anonymous complaint and is being considered by the Monitoring Officer.
- 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 All the complaints received were acknowledged within the 10-working day timeframe.

6.6 There was a period of approximately 4 weeks in relation to the two complaints that proceeded to stage 1 where the Monitoring Officer sought clarification regarding the complaints before forwarding them on to the subject members. However, once the clarification was received the matters proceeded within the 20 working day timeframe set out at paragraph 6.4 (c) above.

6.7 Complaints Summary: Decisions on Complaints made between 1 February 2023 and 31 January 2024

Complaint No.	Provision of the code alleged to have been breached	Outcome
CCM2023.04	Not indicated by complainant	Complaint not pursued by complainant. Complainant did not provide required information.
CCM2023.05	Bullying / Being Abusive	Complaint rejected at Stage 1 following consultation with the

	Bringing office into disrepute	<p>Council's Independent Person (IP).</p> <ul style="list-style-type: none"> • The conduct of the Subject Member was not a breach of the Code; • The complaint was not serious enough to merit any action; • The resources needed to investigate and determine the complaint were wholly disproportionate to the allegations; • In all the circumstances there was not an overriding public benefit in carrying out an investigation.
--	--------------------------------	---

CCM2023.06	<p>Bringing office into disrepute</p> <p>Use position improperly to confer an advantage or disadvantage on yourself or another person</p>	<p>Complaint rejected at Stage 1 following consultation with the Council's Independent Person (IP).</p> <ul style="list-style-type: none"> • The conduct of the Subject Member was not a breach of the Code; • The complaint was not serious enough to merit any action; • The resources needed to investigate and determine the complaint were wholly disproportionate to the allegations; • In all the circumstances there was not an overriding public benefit in carrying out an investigation.
CCM2023.07	Not indicated by complainant	Complaint not pursued by complainant. Complainant did not provide required information.
CCM2024.01	Not indicated by complainant	Clarification being sought
CCM2024.02	Not indicated by complainant	Clarification being sought
CCM2024.03	Not indicated by complainant	Clarification being sought

6.8 Complaints CCM2023.05 and CCM2023.06 were complaints by the same complainant against 2 members relating to discussions during the same debate at a committee meeting. It is the view of the Monitoring Officer that no

other particular pattern emerges from the complaints received.

6.9 In relation to the complaints that did not proceed as the Committee will be aware paragraph 2.4 of the Council's Arrangements for dealing with complaints against Member states that complaint must provide substantiated information and should outline what form of resolution the Complainant is seeking. Complainants are encouraged to submit their complaint using the Council's Member Complaints Form but not required to do so as long as the complaint contains all relevant information. They did not do so in these cases.

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. Recommendations:

The recommendations appear at the front of this report.