

**Manchester City Council
Report for Information**

Report to: Standards Committee – 31 October 2024

Subject: The Register of Members' Interests

Report of: City Solicitor and Monitoring Officer

Purpose of the Report

To consider the operation and efficacy of the Register of Members' Interests.

Recommendation

The Standards Committee is recommended to note and comment on the report.

Wards Affected: All

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.
- Standards Committee Annual Report dated 14 March 2024.

1. Introduction

The Committee has requested regular reports on the operation and efficacy of the process for updating the Register of Members' Interests. The Committee last received a specific report on this issue at its meeting on 2 November 2023. However, the Annual Standards Report considered by the Committee at its meeting on 14 March 2024 contained a short update on 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'). In addition, the list of what constitutes a DPI is set out in regulations and in the Code.

2.4 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.

- 2.5 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.

3. Registration of Interests – Operation and Efficacy

- 3.1 All new Members receive training as part of their induction on registration of interests and are 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 ('the Update') sent to all Members twice a year. The latest edition of the Update appears elsewhere on the Agenda of this meeting for approval. Specific email reminders, regarding revision of existing register entries, are also sent to all Members twice a year, usually in the first two weeks of January and July. The Annual Report, considered by the Standards Committee on 14 March 2024, informed Members that between 1 February 2023 and 19 September 2023, twenty Members had updated their Register of Interests, with a further two updating their Register of Interests between 20 September 2023 and 31 January 2024. The Committee is now advised that a further 41 Members, inclusive of newly elected members, have updated their registers between 1 February 2024 and 8 October 2024 when this report was written.
- 3.2 The Committee will be aware that 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 the declaration of interests.
- 3.5 As Members will recall from the Standard's Committee's Annual report considered by this Committee at its March 2024 meeting, none of the eight complaints received by the Monitoring Officer between 1 February 2023 and 31 January 2024 related to Register of Interests issues. Of the complaints received by the Monitoring Officer since 1 February 2024, again none have related to such issues.
- 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 Committee is advised that as of 8 October 2024, there is currently a total of 23 redactions of the Members' register on the basis of a sensitive interest have been agreed by the Council's Monitoring Officer.
- 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.