

**Manchester City Council  
Report for Information**

**Report to:** Standards Committee – 31 October 2024

**Subject:** Review of the Operation and Efficacy of the Arrangements for dealing with Code of Conduct complaints against Members

**Report of:** City Solicitor and Monitoring Officer

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**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.

**Recommendation**

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

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**Wards Affected - All**

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**Financial Consequences – Revenue** None

**Financial Consequences – Capital** None

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**Contact Officers:**

Name: Fiona Ledden  
Position: City Solicitor  
Telephone: 0161 234 3087  
Email: [fiona.ledden@manchester.gov.uk](mailto:fiona.ledden@manchester.gov.uk)

Name: Andrew Lee  
Position: Assistant Director Legal Services – Governance  
Telephone: 0161 234 1676  
E-mail: [andrew.lee@manchester.gov.uk](mailto:andrew.lee@manchester.gov.uk)

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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

## **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 can be considered and decisions made on such allegations ('Arrangements').
- 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 principles of natural justice.
- 1.4 The Committee last received a specific report on the operation and efficacy of the Arrangements at its meeting on 2 November 2023. However, the annual standards report to the meeting of this Committee on 14 March 2024 also included a section on the timeliness of the processing of complaints received by the Monitoring Officer under the Arrangements.

## **2.0 Review of the Operation 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 ten 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 ten 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 twenty working days of either receipt of representations from the Subject Member or where no representations are submitted within twenty working days of the expiry of the period mentioned in paragraph 2.1(b) above.
- 2.2 The Annual Standards Report to the Committee in March 2024 informed members that the Monitoring Officer received eight complaints about Manchester City Councillors between 1 February 2023 and 31 January 2024.

That report informed members of the timeliness of the processing of those eight complaints.

2.3 Members are advised that during the subsequent period of 1 February 2024 to 4 October 2024, when this report was written, nine complaints against Members have been received by the Monitoring Officer. Three of those nine complaints did not proceed for the following reasons:

- One of the complaints did not proceed because the complaint did not fall within the scope of the Code of Conduct for Members.
- Two of the complaints did not proceed because the complainant did not respond to requests for further information to support their complaint.

2.4 In relation to the remaining six complaints received since 1 February 2024 that were proceeded with, Members are advised as follows:

- Five of the six complaints were acknowledged by the Monitoring Officer within ten working days of all required information being provided and, at the same time, the Monitoring Officer wrote to the Subject Member with a copy of the complaint. In the case of one complaint, acknowledgement and forwarding to the Subject Member was delayed by three working days.
- The Subject Members in all six of those complaints made written representations to the complaints made against them. However, only two of those Subject Members responded within ten working days of being provided with a copy of the complaint. Four of the Subject Members were late in submitting written representations.
- The Monitoring Officer made one initial Assessment within the twenty working day period stated in paragraph 2.1(c) above, but her decision was delayed in relation to four of the complaints. One decision is awaited and was still in time when this report was written.

### **3.0 Review of the Efficacy of the Arrangements**

3.1 Members will recall that the Committee endorsed amendments to the Arrangements at its meetings held on 3 November 2022 and 2 November 2023. Council subsequently approved the recommended amendments in both cases.

3.2 The Monitoring Officer is satisfied that the Arrangements remain fit for purpose and do not require any further amendments.

### **4.0 Recommendation**

4.1 The recommendation is set out at the beginning of this report.