

**Manchester City Council
Report for Resolution**

Report to: Standards Committee – 21 March 2019

Subject: Annual review of Use of Resources Guidance for Members, the Gifts and Hospitality Guidance for Members and the Member / Officer Relations Protocol

Report of: The City Solicitor

Summary

This report outlines the proposed changes to the sections of the Council's Constitution relating to the Use of Resources Guidance for Members, the Gifts and Hospitality Guidance for Members and the Member / Officer Relations Protocol and advises the Committee of amendments proposed in respect of these parts of the Constitution. The report also considers the efficacy of both pieces of Guidance and the Protocol.

Recommendations

That the Standards Committee:

1. Notes the Monitoring Officer's proposed amendments to the Use of Resources Guidance for Members, the Gifts and Hospitality Guidance for Members and the Member / Officer Relations Protocol in the Council's Constitution.
 2. Notes the Monitoring Officer's views on the efficacy of the Use of Resources Guidance for Members, the Gifts and Hospitality Guidance for Members and the Member / Officer Relations Protocol.
 3. If appropriate, suggest any further amendments to the above sections of the Constitution and
 4. Provide comments as necessary on the Monitoring officer's views regarding the efficacy of the Use of Resources Guidance for Members, the Gifts and Hospitality Guidance for Members and the Member / Officer Relations Protocol.
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Wards Affected: All

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Background documents (available for public inspection): None

1.0 Introduction

- 1.1 As the Committee will be aware, the Council's Constitution is reviewed on an annual basis. Historically the annual review has taken place in May of each year however for 2019 the review has been moved to October.
- 1.2 This report outlines the proposed changes to the sections of the Constitution relating to the Use of Resources Guidance for Members, the Gifts and Hospitality Guidance for Members and the Member /Officer Relations Protocol and advises the Committee of amendments proposed at this stage, in respect of these parts of the Constitution. As the constitution is reviewed annually including these sections amendments tend to focus on points of clarification and revisions to reflect any legislative changes. The report also considers the efficacy of both pieces of Guidance and the Protocol during the previous 12 months.

2.0 Background

- 2.1 The Appendix to this report attaches the following documents highlighting proposed changes in bold:

- Use of Council Resources Guidance for Members;
- Gifts and Hospitality Guidance for Members;
- Member/Officer Relations Protocol.

3.0 Use of Council Resources Guidance for Members

- 3.1 The main changes to the Use of Council Resources Guidance for Members ('the Guidance') are to reflect the fact that an additional paragraph has been inserted at 5.2 to clarify the position regarding the management and usage of data allowances on mobile devices. Members are advised that the Council's Information, Communication & Technology department have revised their processes for the management and usage of mobile devices for both Members and Officers. As part of these processes a monthly limit for usage has been set of 2GB for phones and 4GB for tablets and this will be monitored. Paragraph 5.2 is being inserted in the Guidance to reflect these processes. In addition, section 7 has been revised to replace references to the Citrix Access Gateway with Callsign to reflect the way Members can now access the City Council's network remotely. The remaining changes are minor corrections to the text and numbering only.
- 3.2 Members are advised that the Monitoring Officer is of the view that the existing Use of Council Resources Guidance is well understood by Members and is not aware of any queries or issues that have not been addressed through existing procedure. In addition, new para 5.2 provides further clarity in relation to the Council's new approach to the management and usage of data allowances on mobile devices.

4.0 Gifts and Hospitality Guidance for Members

- 4.1 The proposed changes to the Gifts and Hospitality Guidance for Members are minor corrections to the text and numbering only.
- 4.2 The Code of Conduct for Members ('the Code') requires Members to register any gifts and hospitality received with an estimated value of at least £100. This figure dates from the 2013 revision to the Code following changes implemented by the Localism Act 2011. The form for Registration of Interests make provision for gifts and hospitality to be recorded where applicable. The Review of Local Government Ethical Standards ('the Review') published by the Committee on Standards in Public Life in January 2019 contains a recommendation relating to gifts and hospitality. This recommendation states "Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record any gifts and hospitality received over a value of £50, or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct". Members are advised that it is not proposed to change the threshold in the Council's Code at this time because there is as yet no indication what Central Government's views are in relation to the Review and any such change would require a formal revision to the Code.
- 4.3 Members are advised that one new entry relating to hospitality has been recorded since March 2018. This related to a ticket to attend a high profile event and the value of the ticket was £550. The view of the Monitoring Officer is that, given the threshold, in terms of estimated value, the single new entry is unsurprising and that there is no indication that Members are unaware of the requirement to register gifts and hospitality. Of the other nine Greater Manchester authorities only three have the same threshold of £100 for the reporting of gifts and hospitality (the remainder use the figure of £25 in terms of estimated value). Officers have attempted to obtain comparative information from those three authorities. At the time of writing this report only one of those authorities had responded and they reported there had been no gifts or hospitality registered during the period March 2018 to March 2019. In addition, sample testing of five of the authorities comprising the Core Cities group which the Council is part of has taken place. However, all five either used £25 or £50 as their threshold for declaring gifts and hospitality so no meaningful comparison was possible.
- 4.4 Members are further advised that there have been no refusals to accept gifts which have been notified to the Monitoring Office since March 2018.
- 4.5 Whilst the Lord Mayor is of course subject to the terms of the Code specific provision is made in guidelines for the Lord Mayor and Deputy Lord Mayor which confirms that official gifts received by the Lord Mayor, whilst in office, belong to the City. However small personal gifts such as a scarf or diary may be retained by the Lord Mayor. The guidance also advises that, whilst undertaking engagements, care must be taken by the Lord Mayor to guard against being seen to solicit gifts. The Lord Mayor's Office has confirmed that the guidance is fully observed and also advised that on some occasions the donor of the gift will give two gifts and state that one is for the Lord Mayor personally and the other for the City. A copy of the Registers' of Interests for the Lord Mayors' who have held office during the period 3 May 2017 to date are

attached as Appendices to the report. There are a small number of entries where it has not been possible to provide a value/estimated value, however in each of those cases the gifts in question were passed to the City and not retained by either of the Lord Mayors.

5.0 Member/Officer Relations Protocol

- 5.1 The proposed changes to the Member/Officer Relations Protocol are again minor corrections to the text and numbering only.
- 5.2 Members are advised that the Council's Human Resources and Organisational Development ('HROD') department lead on the Member/Officer Relations Protocol ('the Protocol'). The Monitoring Officer is of the view that the existing Protocol is well understood by Members and is not aware of any queries or issues that have not been addressed through existing procedures. If any additional changes over and above those mentioned in paragraph 5.1 are proposed after this report has been to the Standards Committee those changes will be subject to engagement with Members' prior to the annual review of the Constitution in October 2019. Members are further advised that The Review published by the Committee on Standards in Public Life also contains a number of best practice recommendations directed to local authorities. The first of these states "Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour by such a definition". This best practice recommendation is discussed in more detail in the separate report Members are receiving in relation to the Review itself. The Committee on Standards in Public Life states it intends to review the implementation of its best practice in 2020.

6.0 Recommendations

That the Standards Committee:

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2. Notes the Monitoring Officer's views on the efficacy of the Use of Resources Guidance for Members, the Gifts and Hospitality Guidance for Members and the Member / Officer Relations Protocol.
3. If appropriate, suggest any further amendments.to the above sections of the Constitution.
4. Provide comments as necessary on the Monitoring officer's views regarding the efficacy of the Use of Resources Guidance for Members, the Gifts and Hospitality Guidance for Members and the Member / Officer Relations Protocol.