PURPOSE OF REPORT

This report is intended to brief the members of the GMCA Standards Committee on the Committee’s role and remit. The report will also update members of the Committee on member complaints received to date.

RECOMMENDATIONS:

The Standards Committee is asked to note the contents of the report.

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BACKGROUND PAPERS:

GMCA Constitution

Arrangements for Dealing with Complaints that GMCA Members have failed to comply with the GMCA’s Code of Conduct for Members
The Monitoring Officer’s 27 July 2012 report to the GMCA: “Localism Act 2011 – New GMCA Code of Conduct for Members and Arrangements to deal with Complaints”

| TRACKING/PROCESS | | |
|------------------|-----------------------------|
| Does this report relate to a major strategic decision, as set out in the GMCA Constitution (paragraph 14.2) or in the process (paragraph 13.1 AGMA Constitution) agreed by the AGMA Executive Board: | No |

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<th>EXEMPTION FROM CALL IN</th>
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<td>Are there any aspects in this report which means it should be considered to be exempt from call in by the AGMA Scrutiny Pool on the grounds of urgency?</td>
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<th>AGMA Commission</th>
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1. INTRODUCTION

1.1 Under the Local Government Act 2000 it was a requirement for every “relevant authority” (including combined authorities) to have a Standards Committee to promote and maintain high standards of conduct by the members and co-opted members of the authority, and assist members and co-opted members of the authority to observe the authority's code of conduct. Following changes to the local authority standards regime made by the Localism Act 2011 (“the 2011 Act”), it is no longer a requirement for relevant authorities in England to have a standards committee. However, there is a requirement to have a local code of conduct for members and to adopt arrangements under which allegations of breaches of the code of conduct are investigated and determined.

1.2 Despite the fact that there is no longer a statutory requirement to have a standards committee the GMCA (in common with the approach taken by the Constituent Councils) has chosen to voluntarily retain its Standards Committee. This is in recognition of the important role such a committee plays in ensuring the GMCA meets its obligation under the 2011 Act to promote and maintain high standards of conduct by the Members and co-opted Members of the authority.

2. THE ROLE AND REMIT OF THE GMCA STANDARDS COMMITTEE

2.1 The role and remit of the GMCA Standards Committee is described in Part 4, Section A of the GMCA Constitution, a copy of which is set out in Appendix 1.

2.2 The Committee’s principal role relates to matters of GMCA Member conduct and ethical standards. Broadly, its function is to promote and maintain high standards of conduct by GMCA Members, and to assist GMCA Members to observe the GMCA’s Code of Conduct for Members (“the Code”). A copy of the Code (including the pre-amble), which was adopted by the GMCA on 27 July 2012, is set out in Appendix 2.

2.3 The Committee has an advisory role to the GMCA in respect of the Code and the Arrangements for Dealing with Complaints that GMCA Members have failed to comply with the GMCA’s Code of Conduct for Members (“the Arrangements”, which were adopted by the GMCA on 27 July 2012 and are set out at Appendix 3). The Committee’s role is to monitor the operation of the Code and the Arrangements and assist Members to observe the Code. It also has the power to determine (or delegate to a Standards (Hearing) Sub-Committee to determine), in accordance with the Arrangements, whether a GMCA Member has failed to comply with the GMCA’s Code of Conduct for Members.

2.4 The Committee’s role also includes the determination of appeals against the Monitoring Officer’s decisions on the grant of dispensations.
Additionally, the Committee overviews the GMCA’s whistle blowing policy and considers annually the GMCA’s Code of Corporate Governance and Annual Governance Statement.

2.5 The GMCA’s process for considering Member complaints is set out in the Arrangements. There are 3 main stages through which a complaint may potentially proceed:

- **Stage 1** – An initial assessment stage where the Monitoring Officer, in consultation with the Council’s Independent Person, decides 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 of the matter or sending the allegation before the Hearing Panel for determination.

2.6 The remit of the GMCA’s Standards Committee only extends to the GMCA and the conduct of the GMCA’s Members including co-opted members of committees. It should be noted that the Code, and consequently the Standards Committee’s role in relation to Member conduct, only extends to a Member’s conduct when they are acting in their official capacity as a Member of the GMCA. In particular, it does not extend to the conduct of a GMCA Member when they are acting in their official capacity as a member of a Constituent Council – such matters instead fall to be considered by the Constituent Council in accordance with its own code of conduct for members and associated arrangements.

2.7 Part of the Monitoring Officer’s role at the Initial Assessment stage is to ensure that any complaint that does not relate to a GMCA member acting in their official GMCA capacity does not progress any further within the GMCA’s Member complaint process. If this “filter” operates correctly such out of scope matters should not proceed for investigation or come before the Standards (Hearing) Sub-Committee for a hearing.

2.8 Despite the distinct remits of the GMCA Standards Committee and the Constituent Councils’ own standards committees, there is still scope for the sharing of good practice between them.
3. UPDATE ON MEMBER COMPLAINTS RECEIVED TO DATE

3.1 To date no complaints have been received by the GMCA in respect of the conduct of its Members.

4. RECOMMENDATIONS

4.1 Recommendations can be found at the beginning of this report.
APPENDIX 1 – PART 4, SECTION A, GMCA CONSTITUTION

A. Standards Committee

4.1 Standards Committee

The GMCA will establish a Standards Committee.

4.2 Composition

(a) Membership.

The Standards Committee will be composed of:
- Five members of the GMCA (none of whom shall be the Chair); and
- One person appointed by the GMCA who is not a Member or officer of the GMCA or an elected member or officer of any of the Constituent Councils (Co-opted Independent Member).

(b) Independent Member.

The Co-opted Independent Member will not be entitled to vote at meetings.

(c) Chairing the Committee.

The GMCA will appoint the Co-opted Independent Member as Chair of the Committee. In the absence of the appointed Chair, the Committee will be chaired as determined by the Committee.

(d) Quorum.

The quorum for the Standards Committee shall be three (and in relation to the matters referred to in paragraph 4.3 (f) and (g) of whom at least one must be the Co-opted Independent Member), provided that the Co-opted Independent Member is not prevented or restricted from participating by virtue of the GMCA’s Code of Conduct.

(e) Questions at Meetings of the GMCA.

The Committee will appoint one of its elected Members for the purpose of answering questions at meetings of the GMCA on the discharge of the Committee’s functions.

4.3 Role and Function
The GMCA has delegated to the Standards Committee the following powers to deal with matters of conduct and ethical standards, and the GMCA’s Standards Committee has the following role and functions:

(a) to promote and maintain high standards of conduct by GMCA Members;

(b) to assist GMCA Members to observe the GMCA’s Code of Conduct for Members;

(c) to advise the GMCA on the adoption, revision or replacement of the GMCA’s Code of Conduct for Members and the GMCA’s Arrangements for Dealing with Complaints that GMCA Members have failed to comply with the GMCA’s Code of Conduct for Members (“the GMCA’s Arrangements”);

(d) to monitor the operation of the GMCA’s Code of Conduct for Members and the GMCA’s Arrangements;

(e) to advise, train or arrange to train GMCA Members to observe the GMCA’s Code of Conduct for Members;

(f) to determine, or to delegate to a Standards (Hearings) Sub-Committee to determine, in accordance with the GMCA’s Arrangements whether a GMCA Member has failed to comply with the GMCA’s Code of Conduct for Members and, if so, to determine, or to delegate to a Standards (Hearings) Sub-Committee to determine, what action (if any) to take in respect of the GMCA Member, such actions to include –
   • publication of the findings of the GMCA’s Standards (Hearings) Sub-Committee in respect of the Subject Member’s conduct;
   • reporting the findings of the GMCA’s Standards (Hearings) Sub-Committee to the GMCA for information;
   • recommendation to the GMCA that the Subject Member should be censured;
   • instructing the GMCA’s Monitoring Officer to arrange training for the Subject Member;
   • recommendation to the GMCA that the Subject Member should be removed from all appointments to which the Subject Member has been appointed or nominated by the GMCA;
   • placing such restrictions on the Subject Member’s access to staff, buildings or parts of buildings provided for the use of the GMCA as may be reasonable in the circumstances.

(g) to determine appeals against the GMCA Monitoring Officer’s decision on the grant of dispensations.

4.4 Additional Roles of Standards Committee
(a) to overview the GMCA’s whistle blowing policy;

(b) to consider the GMCA’s Code of Corporate Governance and the Annual Governance Statement.

4.5 Delegation

The Standards Committee may appoint one or more sub-committees for the purpose of discharging any of the Committee’s functions. Any such sub-committee shall be chaired as determined by the Committee and shall have a quorum of three.
APPENDIX 2 – GMCA’S CODE OF CONDUCT FOR MEMBERS

Pre-amble to Code of Conduct for GMCA Members

1. Introduction

The GMCA is determined to provide excellent local government for the people of the Greater Manchester City Region. It promotes and maintains high standards of conduct by Members and has adopted a Code of Conduct for Members, in line with its obligations under section 27(2) of the Localism Act 2011.

2. General Principles of Conduct for Members and Co-opted Members

The Code and the Guidance are based on the following General Principles.

2.1 General Principles

Members and co-opted Members must behave according to the highest standards of personal conduct in everything they do as a Member. In particular they must observe the following principles of conduct, some of which are set out in law.

2.2 Selflessness

Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

2.3 Honesty and Integrity

Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

2.4 Objectivity

Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

2.5 Accountability
Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with any scrutiny appropriate to their particular office.

2.6 **Openness**

Members should be as open as possible about their actions and those of the GMCA, and should be prepared to give reasons for those actions.

2.7 **Personal Judgement**

Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

2.8 **Respect for Others**

Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the GMCA’s statutory officers, and its other employees.

2.9 **Duty to Uphold the Law**

Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

2.10 **Stewardship**

Members should do whatever they are able to do to ensure that the GMCA uses its resources prudently and in accordance with the law.

2.11 **Leadership**

Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

3. **Training**

3.1 Each Member must attend training on the GMCA’s Code of Conduct/ethical standards.
THE GMCA CODE OF CONDUCT

Part 1 General provisions

1. Introduction and interpretation

1.1 This Code applies to you as a Member of the Greater Manchester Combined Authority (“the GMCA”).

1.2 It is your responsibility to comply with this Code. Failure to do so may result in a sanction being applied by the GMCA. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to 5 years. In this Code - “meeting” means any meeting of:

(a) the GMCA; and
(b) any of the GMCA’s Committees or Sub-Committees, Joint Committees or Joint Sub-Committees;

1.3 “Member” includes a Member and a Substitute Member of the GMCA as defined at Schedule 1 of The Greater Manchester Combined Authority Order 2011 and an Appointed Member.

2. Scope

2.1 Subject to sub-paragraphs (2) and (3), you must comply with this Code whenever you are acting as a Member of the GMCA and references to your official capacity are construed accordingly.

2.2 This Code does not have effect in relation to your conduct other than where it is in your official capacity.

2.3 Where you act as a representative of the GMCA on any other body, you must, when acting for that other body, comply with this Code, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. General obligations

3.1 You must not:

(a) do anything which may knowingly cause the GMCA to breach the Equality Act 2010;

(b) bully or be abusive to any person;
(c) intimidate or attempt to intimidate any person who is or is likely to be:

(i) a complainant,
(ii) a witness, or
(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a Member (including yourself) has failed to comply with the GMCA’s Code of Conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the GMCA.

4. You must not:

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is:

(a) reasonable and in the public interest; and

(b) made in good faith and in compliance with the reasonable requirements of the GMCA; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the GMCA into disrepute.

6. You:

(a) must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
(b) must, when using or authorising the use by others of the resources of the GMCA:

(i) act in accordance with the GMCA’s reasonable requirements; and

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by

(a) The GMCA’s Chief Finance Officer; or

(b) The GMCA’s Monitoring Officer,

where that officer is acting pursuant to his or her personal statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the GMCA.

Part 2 - Disclosable pecuniary interests

8. Notification of disclosable pecuniary interests

8.1 Within 28 days of becoming a Member, you must notify the GMCA’s Monitoring Officer of any ‘disclosable pecuniary interests’.

8.2 If you are an existing Member of the GMCA on 27 July 2012 GMCA Procedure Rule 18 requires you to notify the GMCA’s Monitoring Officer of disclosable pecuniary interests within 2 months of the adoption of the GMCA Code.

8.3 A ‘disclosable pecuniary interest’ is an interest of yourself, or of your partner if you are aware of your partner’s interest, within the descriptions set out in the table below.

8.4 “Partner” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.
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<th><strong>Subject</strong></th>
<th><strong>Description</strong></th>
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<tr>
<td>Employment, office, trade, profession or vocation</td>
<td>Any employment, office, trade, profession or vocation carried on for profit or gain</td>
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<td>Sponsorship</td>
<td>Any payment or provision of any other financial benefit (other than from the GMCA) made or provided within the 12 month period prior to notification of the interest in respect of any expenses incurred by you in carrying out duties as a Member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation Act) 1992 (a).</td>
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<td>Contracts</td>
<td>Any contract which is made between you or your partner (or a body in which you or your partner has a beneficial interest) and the GMCA - (a) under which goods or services are to be provided or works are to be executed: and (b) which has not been fully discharged.</td>
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<td>Land</td>
<td>Any beneficial interest in land which is within the area of the GMCA</td>
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<tr>
<td>Licences</td>
<td>Any licence (alone or jointly with others) to occupy land in the area of the GMCA for a month or longer.</td>
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<td>Corporate Tenancies</td>
<td>Any tenancy where (to your knowledge) - (a) the landlord is the GMCA: and (b) the tenant is a body in which you or your partner has a beneficial interest.</td>
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### Securities

Any beneficial interest in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of the GMCA; and

(b) either -

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you or your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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<td>(a)</td>
<td>&quot;a body in which you or your partner has a beneficial interest&quot; means a firm in which you or your partner is a partner or a body corporate of which you or your partner is a director, or in the securities of which you or your partner has a beneficial interest.</td>
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<td>(b)</td>
<td>&quot;director&quot; includes a member of the committee of management of a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014, other than a society registered as a credit union.</td>
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<td>(c)</td>
<td>&quot;land&quot; excludes an easement, interest or right in or over land which does not carry with it a right for you or your partner (alone or jointly) to occupy the land or receive income, and</td>
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<td>(d)</td>
<td>&quot;securities&quot; means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.</td>
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### 9 Non participation in case of disclosable pecuniary interest

9.1 If you are present at a meeting of the GMCA, or any Committee, Sub-Committee, Joint Committee or Joint Sub-Committee of the GMCA,
and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,

1. You must not participate in any discussion of the matter at the meeting.

2. You must not participate in any vote taken on the matter at the meeting.

3. If the interest is not registered, you must disclose the interest to the meeting.

4. If the interest is registered you are also required by GMCA Procedure Rule 18 to disclose the interest to the meeting.

5. If the interest is not registered and is not the subject of a pending notification, you must notify the GMCA’s Monitoring Officer of the interest within 28 days.

6. You are also required by GMCA Procedure Rule 18A to withdraw from the room of the meeting while the matter is being considered.

10 Offences

10.1 It is a criminal offence to

- Fail to notify the GMCA’s Monitoring Officer of any disclosable pecuniary interest within 28 days of appointment as a Member of the GMCA;

- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the GMCA’s Register;

- Fail to notify the GMCA’s Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the GMCA Register that you have disclosed to a meeting;

- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest;

- Knowingly or recklessly provide information that is false or misleading in notifying the GMCA’s Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.
10.2 The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

Part 3 - Other interests

11 Notification of personal interests

11.1 In addition to the disclosable pecuniary interests notifiable under the Localism Act 2011, you must -

(a) within 2 months of this Code being adopted by the GMCA in the case of existing Members as on 27 July 2012; or

(b) your appointment as a Member of the GMCA (where that is later), notify the GMCA’s Monitoring Officer in writing of the details of your other personal interests, where they fall within the categories set out in paragraph 11(2) below for inclusion in the register of interests.

11.2 You have a personal interest in any business of the GMCA where it relates to or is likely to affect -

(a) any body of which you are in a position of general control or management and to which you are appointed or nominated by the GMCA;

(b) any body -

(i) exercising functions of a public nature;

(ii) directed to charitable purposes; or

(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are in a position of general control or management;

(c) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £100.

12 Disclosure of interests

12.1 Subject to paragraphs 12.4 to 12.7, where you have a personal interest described in paragraph 11.2 above or in paragraph 12.2 below in any business of the GMCA, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of the GMCA at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the
commencement of that consideration, or when the interest becomes apparent.

12.2 You also have a personal interest in any business of the GMCA where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward(s), affected by the decision;

12.3 In paragraph 12.2, a relevant person is -
(a) a member of your family or any person with whom you have a close association; or
(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
(d) any body of a type described in paragraph 11.2(a) or (b).

12.4 Where you have a personal interest in any business of the GMCA which relates to or is likely to affect a body described in paragraph 11.2(a) or 11.2(b)(i), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

12.5 Where you have a personal interest in any business of the GMCA of the type mentioned in paragraph 11.2(c), (gifts and hospitality) you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

12.6 Where you have a personal interest but, by virtue of paragraph 16, sensitive information relating to it is not registered in the GMCA's Register of Members' Interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

12.7 Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

13 Non participation in case of prejudicial interest
13.1 Where you have a personal interest in any business of the GMCA you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business —

(a) affects your financial position or the financial position of a person or body described in paragraph 12.3; or

(b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 12.3.

13.2 Subject to paragraphs 13.3 and 13.4, where you have a prejudicial interest in any business of the GMCA —

(a) You must not participate in any discussion of the matter at the meeting.

(b) You must not participate in any vote taken on the matter at the meeting.

(c) If the interest is not registered, you must disclose the interest to the meeting.

(d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

(e) You are also required by GMCA Procedure Rule 18A to withdraw from the room of the meeting while the matter is being considered.

13.3 Where you have a prejudicial interest in any business of the GMCA, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

13.4 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of the GMCA in respect of—

(a) school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
(b) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay; and

(c) any ceremonial honour given to Members.

14 Interests arising in relation to Overview and Scrutiny Committees

In any business before an Overview and Scrutiny Committee of the GMCA (or of a Sub-Committee of such a Committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by the GMCA or another of the GMCA’s Committees, Sub-Committees, Joint Committees or Joint Sub-Committees; and

(b) at the time the decision was made or action was taken, you were a Member of the GMCA, Committee, Sub-Committee, Joint Committee or Joint Sub-Committee mentioned in paragraph (a) and you were present when that decision was made or action was taken,

you may attend the meeting of the Overview and Scrutiny Committee for the purpose of explaining the reasons for the decision, or answering questions or giving evidence relating to the business, but you cannot participate otherwise in the discussion or in any vote on the matter.

Part 4 - General Matters relating to Parts 2 and 3

15 Register of interests

Subject to paragraph 16 any disclosable pecuniary interests or personal interests notified to the GMCA’s Monitoring Officer will be included in the GMCA’s Register of interests. A copy of the Register will be available for public inspection and will be published on the GMCA’s website.

16 Sensitive interests

This paragraph applies where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the GMCA’s Monitoring Officer agrees. In these circumstances, if the interest is entered on the GMCA’s Register of interests, copies of the Register that are made available for inspection and any published version of the Register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

16 Dispensations
The GMCA may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest or a prejudicial interest.
Arrangements for dealing with complaints that GMCA Members have failed to comply with the GMCA’s Code of Conduct for Members

1. Introduction

1.1 This procedure applies when a complaint is received that a Member of the Greater Manchester Combined Authority (“the GMCA”) has or may have failed to comply with the GMCA Code of Conduct for Members.

1.2 The person making the complaint will be referred to as “the Complainant” and the person against whom the complaint is made will be referred to as the “Subject Member”.

1.3 No Member or Officer of the GMCA will participate in any stage of the arrangements if he or she has, or may have, any conflict of interest in the matter.

2. Making a complaint

2.1 A complaint must be made in writing either by post or e-mail to: The GMCA Monitoring Officer, Chief Executive’s Department, Town Hall, Manchester or s.orrell@manchester.gov.uk

2.2 The GMCA Monitoring Officer will acknowledge receipt of the complaint within ten working days of receiving it and, at the same time, write to the Subject Member with details of the allegations (subject to any representations from the Complainant on confidentiality, which are accepted as valid by the GMCA Monitoring Officer). The Subject Member may, within five working days of receipt, make written representations to the GMCA Monitoring Officer which must be taken into account when deciding how the complaint should be dealt with. Representations received after this time may be taken into account, at the discretion of the GMCA Monitoring Officer, but will in any event not be considered after the GMCA Monitoring Officer has issued the initial assessment of the complaint.

3. Initial Assessment of Complaint
3.1 The GMCA Monitoring Officer will review the complaint and, following consultation with the Independent Person take a decision (initial assessment) as to whether it merits investigation, or another course of action. This decision will normally be taken within 20 working days of receipt of a complaint.

The complaint will be rejected if:

- The complaint is not against one or more named Members of the GMCA;
- The Subject Member was not in office at the time of the alleged conduct.
- The complaint, if proven, would not be a breach of the GMCA Code of Conduct under which the Subject Member was operating at the time of the alleged misconduct.

3.2 If the complaint has not been rejected on the grounds in 3.1 the GMCA Monitoring Officer will then go on to apply the following criteria in deciding whether a complaint should be accepted for investigation, dealt with informally, or rejected:

- Whether a substantially similar allegation has previously been made by the Complainant to Standards for England, or the GMCA Standards Committee, or the complaint has been the subject of an investigation by another regulatory authority;
- Whether the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now;
- Whether the allegation is anonymous;
- Whether the allegation discloses a potential breach of the GMCA Code of Conduct, but the complaint is not serious enough to merit any action and
  i. The resources needed to investigate and determine the complaint are wholly disproportionate to the allegations and
  ii. Whether in all the circumstances there is no overriding public benefit in carrying out an investigation.
• Whether the complaint appears to be malicious, vexatious, politically motivated or tit for tat;

• Whether the complaint suggests that there is a wider problem throughout the GMCA;

• Whether it is apparent that the Subject Member is relatively inexperienced as a GMCA Member or has admitted making an error and the matter would not warrant a more serious sanction;

• Whether training or conciliation would be the appropriate response.

The GMCA Monitoring Officer will consult with the Independent Person and then give his/her decision on how the complaint will be dealt with. The GMCA Monitoring Officer may in exceptional circumstances refer the question of how to proceed to a Sub-Committee of the GMCA Standards Committee.

4. Additional Information

4.1 The GMCA Monitoring Officer may require additional information to come to a decision and may request information from the Subject Member. In appropriate cases, the GMCA Monitoring Officer may seek to resolve the complaint informally, without the need for an investigation.

4.2 Such informal resolution may involve the Subject Member accepting that his/her conduct was unacceptable and offering an apology, or taking other steps. Where the Subject Member or the GMCA (in appropriate cases) makes a reasonable offer of local resolution, but it is rejected by the Complainant, the GMCA Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

4.3 If the complaint identifies criminal conduct or breach of other regulations by any person, the GMCA Monitoring Officer is authorised to report this to the Police or other prosecuting or regulatory authority, in additional to any action taken pursuant to the GMCA Code of Conduct.

5. Confidentiality
5.1 If a Complainant has asked for their identity to be withheld, this request will be considered by the GMCA Monitoring Officer at the initial assessment stage.

5.2 As a matter of fairness and natural justice the Subject Member should usually be told who has complained about them and receive details of the complaint. However, in exceptional circumstances, the GMCA Monitoring Officer may withhold the Complainant’s identity if on request from the Complainant, or otherwise, they are satisfied that the Complainant has reasonable grounds for believing that they or any witness relevant to the complaint may be at risk of physical harm, or his or her employment may be jeopardised if their identity is disclosed, or where there are medical risks (supported by medical evidence) associated with the Complainant’s identity being disclosed.

5.3 If the GMCA Monitoring Officer decides to refuse a request by a Complainant for confidentiality, they will offer the Complainant the option to withdraw the complaint, rather than proceed with his or her identity being disclosed. The GMCA Monitoring Officer will balance whether the public interest in taking action on a complaint will outweigh the Complainant’s wish to have his or her identity withheld from the subject Member.

6. Investigation

6.1 The GMCA Monitoring Officer will appoint an Investigating Officer where a complaint merits formal investigation. The Investigating Officer may be a GMCA officer, an officer from one of the ten constituent local authorities that form the GMCA, or an external investigator.

6.2 The Investigating Officer will follow guidance issued by the GMCA Monitoring Officer on the investigation of complaints. The guidance will follow the principles of proportionality and the cost effective use of GMCA resources and shall be interpreted in line with these principles.

6.3 The Investigating Officer will ensure that the Subject Member receives a copy of the complaint – subject to the GMCA Monitoring Officer’s decision on confidentiality.

6.4 At the end of their investigation, the Investigating Officer will produce a report and will send a copy of that report to the GMCA Monitoring Officer. [The Investigating Officer may before that produce a draft report and send copies to the Complainant and Subject Member for comments on matters of fact. The Investigating Officer will take such
7. Investigating Officer finding of no failure to comply with the GMCA Code of Conduct

7.1 Where the Investigating Officer’s report finds that the Subject Member has not failed to comply with the GMCA Code of Conduct, the GMCA Monitoring Officer, in consultation with the Independent Person, will review the Investigating Officer’s report and if satisfied, will confirm the finding of no failure to comply with the GMCA Code of Conduct.

7.2 The GMCA Monitoring Officer will write to the Complainant and the Subject Member with a copy of the decision and the Investigating Officer’s report.

7.3 If the GMCA Monitoring Officer is not satisfied that the investigation has been conducted thoroughly, the Investigating Officer may be asked to reconsider the report and the conclusions.

8 Investigating Officer finding of sufficient evidence of failure to comply with the GMCA Code of Conduct.

Where the Investigating Officer’s report finds that the Subject Member has failed to comply with the GMCA Code of Conduct, the GMCA Monitoring Officer will review the Investigating Officer’s report and will then having consulted the Independent Person either send the matter for local hearing before the hearing panel or seek local resolution.

8.1 Local Resolution

If the GMCA Monitoring Officer considers that the matter can reasonably be resolved without the need for a hearing, they will consult with the Independent Person and the Complainant and seek to agree a fair resolution. Such resolution may include the Subject Member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action. If the Subject Member accepts the suggested resolution, the GMCA Monitoring Officer will report the outcome to the GMCA Standards Committee for information, but will take no further action. If the Complainant or the Subject Member refuses local resolution in principle or to engage with the agreed outcome, the GMCA Monitoring Officer will refer the matter for a local hearing without further reference to the Complainant or the Subject Member.

8.2 Local Hearing
Where, in the opinion of the GMCA Monitoring Officer, local resolution is not appropriate or the Complainant and/or Subject Member refuses to accept local resolution, then the GMCA Monitoring Officer will report the Investigating Officer’s findings to the GMCA Hearing Panel which will conduct a local hearing before deciding whether the Member has failed to comply with the GMCA Code of Conduct and, if so, what action (if any) to take in respect of the Member.

9. Constitution of the GMCA Hearing Panel

The GMCA Hearing Panel is a sub-committee of the GMCA’s Standards Committee. It will comprise of at least the independent Member co-opted to the GMCA Standards Committee and three elected Members of the GMCA Standards Committee of whom one should be a Member of a minority party.

The Independent Person is invited to attend all meetings of the GMCA Hearing Panel and their views must be sought and taken into consideration before the GMCA Hearing Panel takes any decision on whether the Subject Member’s conduct constitutes a failure to comply with the GMCA Code of Conduct and as to any action to be taken following a finding of failure to comply with the GMCA Code of Conduct.

10. The Independent Person

10.1 The Independent Person must be a person who has applied for the post following advertisement of a vacancy for the post, and appointed by a positive vote from a majority of all the Members of the GMCA at a meeting of the GMCA.

10.2 A person is not eligible for appointment if they:

- are, a Member, co-opted Member or officer of the GMCA;
- have within the past five years been a Member, co-opted Member or officer of the GMCA,
- are a relative or close friend of a person within the bullet points above.

10.3 For the purpose of paragraph 10.2, “relative” means:
• Spouse or civil partner;
• Living with the other person as husband and wife or as if they were civil partners;
• Grandparents of the other person;
• A lineal descendant of a grandparent of the other person;
• A parent, sibling or child of the person within the above bullet points;
• A spouse or civil partner of a person within the above bullet points; or
• Living with a person within the above bullet points as husband and wife or as if they were civil partners.

11. Action

Where a GMCA Hearing Panel finds that a Subject Member has failed to comply with the GMCA Code of Conduct, the GMCA has delegated to the GMCA Standards Committee (and the GMCA Standards Committee has sub-delegated to the GMCA Hearing Panel), such of its powers to take action in respect of Subject Members as may be necessary to promote and maintain high standards of conduct. Accordingly, the GMCA Hearing Panel may –

• Publish its findings in respect of the Subject Member’s conduct;
• Report its findings to the GMCA for information;
• Recommend to the GMCA that the Member be censured;
• Instruct the GMCA Monitoring Officer to arrange training for the Member;
• Recommend to the GMCA that the Subject Member be removed from all outside appointments to which they have been appointed or nominated by the GMCA;
• Place such restrictions on the Subject Member’s access to staff, buildings or parts of buildings provided for the use of the GMCA which may be reasonable in the circumstances.

13. Withdrawal of a Complaint

In the event that a Complainant withdraws a complaint at any time prior to a decision having been made by a Hearing Panel, the GMCA Monitoring Officer may, following consultation with the Independent
Person, decide that no further steps be taken in respect of that complaint but shall, in taking such a decision take into account any issues which may arise under Paragraph 3.1(c) of the GMCA Code of Conduct.

14 Revision of these Arrangements

The GMCA may by resolution or delegation to the GMCA Monitoring Officer agree to amend these arrangements and has delegated to the Chair of the Hearing Panel the right to depart from these arrangements where they consider that it is expedient to do so in order to secure fair consideration of any matters.

15. Appeals

Subject to judicial review or a decision of a local ombudsman, there is no right of appeal against the decision of the GMCA Monitoring Officer or of a GMCA Hearing Panel.
FLOW CHART
COMPLAINTS

COMPLAINT

↓

ASSESSMENT BY GMCA MONITORING OFFICER - in consultation with the Independent Person

REFUSE

Resolve Informally

↓

AGREE INVESTIGATION

OUTCOME OF INVESTIGATION (LIAISE WITH INDEPENDENT PERSON)

NO FURTHER ACTION

REFER TO GMCA STANDARDS COMMITTEE

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REQUIRE MORE INFORMATION NO FURTHER ACTION HEARING
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