

**MANCHESTER CITY COUNCIL
REPORT FOR RESOLUTION**

COMMITTEE: Standards Committee - 11 January 2010
SUBJECT: Standards (Hearing) Sub-Committee Terms of Reference
REPORT OF: The City Solicitor

PURPOSE OF REPORT:

To assist the Committee in determining whether to amend the terms of reference of the Standards (Hearing) Sub-Committee.

RECOMMENDATIONS:

1. To amend the title and terms of reference of the Standards (Hearing) Sub-Committee.
2. To authorise the City Solicitor to make consequential amendments to the Council's procedure for local determination of allegations of misconduct of members to reflect the amended terms of reference.

FINANCIAL CONSEQUENCES FOR REVENUE BUDGET:

None

FINANCIAL CONSEQUENCES FOR CAPITAL BUDGET:

None

WARDS AFFECTED:

All

IMPLICATIONS FOR:

Antipoverty	Equal Opportunities	Environment	Employment
No	No	No	No

BACKGROUND DOCUMENTS:

The Local Government Act 2000
The Standards Committee (England) Regulations 2008
Standards Board Guidance – Standards Committee Determinations

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Background

1. On 5 August 2008 the Standards Committee approved the establishment of and terms of reference for 3 sub-committees – namely, the Standards (Assessment) Sub-Committee, the Standards (Review) Sub-Committee and the Standards (Hearing) Sub-Committee. The purpose behind the establishment of the sub-committees was to enable the proper administration, in accordance with legislation and guidance, of the new system of local assessment and determination of complaints about local authority members' conduct brought into force on 8 May 2008.
2. Under the new system, following a (post-assessment) investigation by the Monitoring Officer (or less commonly after an Ethical Standards Officer has carried out an investigation) the matter will initially pass to the 'consideration' stage of determination. At the consideration stage the Standards Committee (or rather, as envisaged by the guidance, a sub-committee of the Standards Committee) will consider the report of the Monitoring Officer (or the Ethical Standards Officer) and make one of the following findings:
 - a) that it accepts that the Monitoring Officer's finding of no failure ("a finding of acceptance");
 - b) that the matter should be considered at a hearing of the Standards Committee (in Manchester by the Standards (Hearing) Sub-Committee); or
 - c) that the matter should be referred to the Adjudication Panel for England.
3. Under the current arrangements in Manchester none of the established Standards sub-committees have been given responsibility for carrying out the 'consideration' stage of the local determination. This means that that stage would currently need to be carried out by the full Committee.
4. Standards for England (the current branding of the Standards Board for England) recommend in their guidance that the consideration stage is carried out by the same sub-committee as carries out hearings.
5. It is therefore recommended that the terms of reference of the Standards (Hearing) Sub-Committee be amended to those contained in Appendix 1 so as to give it responsibility for carrying out both the 'consideration' and hearing stages of determination. This change in terms of reference would also involve the Sub-Committee's name changing to the Standards (Consideration and Hearing) Committee, to better reflect its new functions.

6. The Standards Committee is also asked to authorise the City Solicitor to make consequential amendments to the Council's procedure for local determination of allegations of misconduct of members to reflect change in the terms of reference.

Appendix 1

Standards (Consideration and Hearing) Sub-Committee Terms of Reference

Subject to relevant legislation and taking into account any guidance issued by the Standards Board for England with regard to hearings:

1. In the event that the Monitoring Officer has carried out a local investigation (or has received a report from an Ethical Standards Officer), the Standards (Consideration and Hearing) Sub-Committee shall be convened to consider the Monitoring Officer's (or as the case may be the Ethical Standards Officer's) report.
2. Should a hearing of the Standards Committee be required, the Standards (Consideration and Hearing) Sub-Committee shall be convened to hear and determine any allegation that a member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct.
3. **Composition** - The sub-committee shall comprise of 3 members of the Standards Committee. One of the members of the Standards (Consideration and Hearing) Sub-Committee shall be an independent member (and Chair of the Sub-Committee) and two shall be elected members, one labour and one liberal democrat.
4. **Quorum** - The quorum for a meeting of the Standards (Consideration and Hearing) Sub-Committee shall be all 3 members.
5. **Frequency of Meetings** - The Sub-Committee shall meet as and when required to consider or to hear and determine any allegation(s) against a member of the Council.