

Standards Committee

Minutes of the meeting held on 22 October 2015

Present

Independent Co-opted Members: A. Isles – in the Chair
Councillors Andrews, Cooley, Evans and Trotman
Ringway Parish Council - Councillor C O'Donovan

Also Present

Geoff Linnell, Co-opted member (to be appointed)
Sarah Beswick, Independent Person.

Apologies

Alan Eastwood, Independent Person

ST/15/09 Minutes

Decision

To approve the minutes of the meeting held on 18 June 2015 as a correct record.

ST/15/10 Update on the Recruitment of Independent person and Independent Members

The Committee was advised about the outcome of the recruitment process of the new Independent person and two new co-opted members of the Committee. Sarah Beswick had been appointed as the new Independent Person. Nicole Jackson and Geoff Linnell would be appointed as co-opted members of the Committee at the next meeting of Full Council in November. All these appointments were effective until 18 October 2019. Geoff and Sarah attended the meeting today and were welcomed by Committee.

Decision

1. To note the outcome of the recruitment exercise.
2. To welcome Sarah Beswick as the new Independent Person.
3. To welcome Nicole Jackson and Geoff Linnell as the new co-opted members of the Committee.

ST/15/11 Procedure for the Local Hearing of Allegations of Misconduct by Council Members

The Committee considered a report of the City Solicitor which provided a draft procedure for a sub committee of the Standards Committee to hear allegations of misconduct by local council members.

The new Code of Conduct for Members was adopted in 2012, together with arrangements for dealing with complaints against councillors who have failed to comply with the code. Under the new arrangements, there are a number of stages that a complaint can potentially pass. The first of these is an initial assessment stage where the Monitoring Officer, in consultation with the Council's Independent Person, will decide whether to reject the complaint, seek informal resolution of the matter or refer the complaint for formal investigation. Where a complaint is referred for investigation, the Monitoring Officer will appoint an investigating officer to investigate the matter. If the investigating officer's final report concludes that there is sufficient evidence of a failure by the councillor to comply with the Code, the Monitoring Officer will consult with the Independent Person before seeking a local resolution to the matter or sending the allegation before the hearing panel. The report presented the draft procedure for dealing with these complaints at a hearing. The Committee was asked to comment on, and approve the draft procedure.

The Principal Solicitor introduced the report and summarised the procedure. The Committee were informed of two proposed amendments to the published version of the procedure. These changes clarified the timescales that would apply to the arrangement of a hearing panel (paragraphs 15 and 16) following the pre-hearing process. A member asked for clarification on the references to other local authorities and the reasons why other authorities would be involved in Manchester's hearing procedure. Officers clarified that this would apply where a councillor's behaviour affects their membership of another authority such as the Greater Manchester Combined Authority. Members of the Committee felt that this needed to be made clearer so the officers agreed to review this wording.

The Committee discussed the details of the hearing procedure as set out on pages 7 -12. A member questioned whether witnesses should be required to submit written statements in advance of the hearing, whether the member should be required to set out in what way the witness's evidence was relevant to the hearing, and whether the complainant will be able to make a statement at the start of the hearing. Officers agreed to review these details and make them clearer.

Officers also requested that the Committee delegated authority to make minor amendments to the procedure to the City Solicitor in consultation with the Chair. The Committee agreed to this, and asked that the amendments be circulated to the committee members along with a summary of any changes.

Decision

1. To approve the draft Procedure for the Local Hearing of Allegations of Misconduct by Council Members as contained in Appendix 1 subject to the changes requested.
2. To delegate authority to make minor amendments to the procedure to the City Solicitor in consultation with the Chair of the Standards Committee
3. To circulate all amendments to the committee members with a summary of the changes.

ST/15/12 Establishment of a Standards (Hearing) Sub Committee

The Committee considered a report of the City Solicitor which requested that the Committee established a sub committee to act as a hearing panel for considering complaints against members. This was in accordance with the agreed arrangements for dealing with complaints against councillors who have not complied with the code of conduct.

The report recommended that the membership of the Standards (Hearing) Sub-Committee should consist of one independent co-opted member of the Standards Committee and three of the Committee's elected members (with the addition of the Parish Member where the Sub Committee is considering a complaint against a member of Ringway Parish Council). The independent co-opted member would act as the Chair of the Sub Committee. The report recommended that meetings of the Sub Committee were arranged on an ad hoc basis when required. The following composition for the Sub Committee was proposed:

- The independent co-opted member who is appointed as Chair of the Standards Committee shall be Chair of the Standards (Hearing) Sub Committee. (The other independent member being a substitute).
- Councillors Andrews, Evans and Trotman shall be members of the Standards (Hearing) Sub Committee. (Councillor Cooley being a substitute).
- Where the Standards (Hearing) Sub Committee is considering a complaint against a member of Ringway Parish Council, the Parish Member of the Standards Committee shall be a member of the Standards (Hearing) Sub Committee.

Decision

1. To establish a Standards (Hearing) Sub Committee, constituted in accordance with the Council's arrangements for dealing with complaints that Council members have failed to comply with the Code of Conduct for Members to act as a hearing panel for the local hearing of complaints against members.
2. To delegate to the Sub Committee the functions of the Standards Committee set out at Articles 9.3(f) and 9.3(g) of the Council's Constitution.
3. To establish the composition of the Standards (Hearing) Sub Committee as detailed above.
4. To schedule meetings of the Sub Committee as and when required to determine any allegations against a member of the Council.

ST/15/13 Draft Whistleblowing Policy

The Committee considered a report of the Head of Internal Audit and Risk Management, which provided an updated draft of the Council's whistleblowing policy.

The Committee was asked to comment on the draft before the Personnel Committee considered it in November. The Committee was also asked to recommend to the Chief Executive, City Solicitor and City Treasurer that the Council formally adopted the policy once comments from all committees were incorporated.

The policy was last updated in 2012. This draft was amended to take account of learning from issues at Mid Staffordshire NHS Trust and in Birmingham schools, and to take into consideration the code of practice for effective whistleblowing arrangements published by Public Concern at Work. Key changes included additional information for school based staff when raising a concern in their workplace, greater clarity over disclosures made in the public interest and how the Council will handle and respond to these. The revised policy brought together the previous policy and supporting procedures into a single document. Comments already provided by the Audit Committee were included in the report.

The Committee discussed the draft policy and the mechanisms in place for reporting incidents. A member was concerned about relying just on managers to follow the procedure and questioned whether there was a process for going outside the internal management structures where it may be more appropriate. The Lead Auditor explained that managers were expected to follow the correct procedures and all employees should receive a formal response when they report an incident. There was also a process outlined in the policy to report incidents directly to the internal audit if reporting them to a manager was not appropriate. He also clarified that investigating officers would be responsible for deciding if complaints were malicious or vexatious and they would be required to evidence this.

Decision

To recommend the policy for approval by the Chief Executive, City Treasurer and City Solicitor.