

**Manchester City Council
Report for Resolution**

Report to: Standards Committee – 22 October 2015
Subject: Establishment of a Standards (Hearing) Sub-Committee
Report of: The City Solicitor

Purpose of the Report:

To enable the Standards Committee to consider the establishment of a Standards (Hearing) Sub-Committee to act as a hearing panel for the local hearing of complaints against members.

Recommendations:

1. That the Standards Committee 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 ("the Arrangements"), to act as a hearing panel for the local hearing of complaints against Members.
 2. That the Standards Committee 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. That the membership of the Standards (Hearing) Sub-Committee be as detailed in paragraphs 3.1 and 3.3 below.
 4. That the scheduling of the meetings of the Standards (Hearing) Sub-Committee be as detailed in paragraph 4.1 below.
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Wards Affected:

All.

Financial Consequences for Revenue Budget:

None.

Financial Consequences for the Capital Budget:

None.

Implications for:

Antipoverty	Equal Opportunities	Environment	Employment
No	No	No	No

Contact Officers:

Liz Treacy
City Solicitor
Telephone: 0161 234 3087
Email: l.treacy@manchester.gov.uk

Stephen Hollard
Senior Lawyer, Democratic Services
Legal
Telephone: 0161 234 3336
Email: s.hollard@manchester.gov.uk

Background documents:

None

1. Background

- 1.1 On 11 July 2012 the Council adopted a new Code of Conduct for Members (“the Code”) in accordance with the requirements of the Localism Act 2011, together with arrangements for dealing with complaints that Council Members have failed to comply with the Code (“the Arrangements”).
- 1.2 Under the Arrangements there are a number of stages through which a complaint that a Member has breached the Code can potentially pass. The first of these is an “Initial Assessment” stage at the conclusion of which the Monitoring Officer, having consulted 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 in accordance with the Monitoring Officer’s guidance on investigating allegations of breach of the Code. Where the Investigating Officer’s final report concludes that there is sufficient evidence of a failure by the Member concerned to comply with the Code, the Monitoring Officer, having reviewed the report and consulted with the Independent Person, will either seek local resolution of the matter or send it for local hearing before the hearing panel.
- 1.3 The Arrangements provide that a local hearing panel shall be a sub-committee of the Standards Committee. They further state that the membership of the sub-committee will comprise of at least one of the Independent Members of the Standards Committee along with three elected Members of the Standards Committee (of whom one should be a Member of the minority party). Where the complaints is about a Member of Ringway Parish Council the co-opted Parish Council Member of the Standards Committee will also be included in the sub-committee.
- 1.4 Following the adoption of the new Code, a detailed procedure for the local hearing of complaints by a hearing panel has yet to be adopted. A draft Procedure for the Local Hearing of Allegations of Misconduct by Council Members has been produced and is the subject matter of an accompanying report to the Committee. This draft procedure refers to the sub-committee being named the Standards (Hearing) Sub-Committee and states that it should be chaired by an Independent Member.
- 1.5 Proposals for the establishment of a sub-committee to act as a hearing panel are set out below.

2. Establishment of a Standards (Hearing) Sub-Committee

- 2.1 It is recommended that the Committee establish a Standards (Hearing) Sub-Committee to undertake the role of the hearing panel as described in the Arrangements, and 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. In accordance with Article 9.5 of the Council’s Constitution, the

quorum of the Sub-Committee will be three, of whom at least one must be an Independent Member.

3. Composition of the Standards (Hearing) Sub-Committee

3.1 It is recommended that the membership of the Standards (Hearing) Sub-Committee should consist of one Independent 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 Member should act as the Chair of the Sub-Committee. As there is currently no minority party representation on the Council, the requirement within the Arrangements for minority party representation on the Sub-Committee cannot be applied at this time.

3.2 There are currently a number of vacancies on the Standards Committee, in respect of both Independent Members and Elected Members. With all vacancies filled it could be possible to operate a system whereby there were two "panels" of Members that would constitute the Sub-Committee at alternate meetings (or on some other clear basis for determining which panel was to sit on a given occasion). However, even following the expected approval of new Independent Members at the next meeting of Full Council there will remain two Elected Member vacancies on the Standards Committee, meaning that there will be insufficient Members to operate two panels in this way.

3.3 Given the above, it is recommended that the membership of the Standards (Hearing) Sub-Committee be as follows:

- The Independent 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.

3.4 When the Committee has a full complement of Members it may wish to revisit the composition of the Standards (Hearing) Sub-Committee and perhaps consider whether the two panel arrangement described at paragraph 3.2 above should be adopted.

4. Scheduling of Meetings of the Standards (Hearing) Sub-Committee

4.1 It is not anticipated that meetings of the Standards (Hearing) Sub-Committee will need to be held regularly. Rather than scheduling regular meeting dates

that will in most cases subsequently need to be vacated, it is recommended that the Sub-Committee shall meet as and when required to hear and determine any allegation(s) against a Member of the Council.

5. Recommendations

5.1 Recommendations to the Committee are set out at the start of this report.