

## **Standards (Hearing) Subcommittee Minutes of the meeting held 22 September 2016**

**(Acting with delegated authority)**

**Present:**

Nicole Jackson – Co-opted Independent Chair  
Councillors Cooley, Evans and Lanchbury (as substitute for Councillor Andrews)

### **SHS/16/01 Exclusion of the Public**

#### **Decision**

To exclude the public during consideration of the following item which involves consideration of exempt information relating to any individual, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **SHS/16/02 Consideration of a complaint (Public excluded)**

A complaint had been made that the conduct of a person, who had been a member of the Council at the time of the complaint, constituted a breach of the Council's Code of Conduct for Members. The person who was the subject of the complaint was no longer a member of Manchester City Council.

The Subcommittee conducted a hearing into the complaint in accordance with the Council's procedure for hearing of allegations of misconduct.

#### **(a) Question as to whether the hearing should proceed**

The former member had been invited to the hearing but was not present. Having considered the correspondence between the Monitoring Officer and the person concerned, the Subcommittee agreed that, on the balance of probabilities, the person had been aware that the hearing was taking place. In deciding whether or not to proceed in the absence of the former member, the Subcommittee considered their written submissions, their right to a fair hearing, the history and date of the complaint, the difficulties to date in arranging a hearing date, and the sanctions available to the Subcommittee in relation to a former member.

#### **Decision**

To conduct the hearing with the former member absent.

#### **Admission of additional documentation**

The Subcommittee considered whether or not to admit a written submission from the former member that had been received outside the timescales required in the hearings procedure.

### **Decision**

In the interests of fairness, the Subcommittee agreed to accept and consider the written submission.

### **(b) The finding on the facts**

The Monitoring Officer had appointed an independent Investigating Officer to examine the complaint. The Subcommittee considered the Investigating Officer's report. In presenting that report the Investigating Officer asked the complainant to give evidence to the Subcommittee as a witness. The report also included a signed witness statement from the former member and a signed witness statement from the complainant. The facts were not in dispute.

### **Decision**

That the facts are proven.

### **(c) Question as to whether the Code of Conduct had been breached**

Having considered the report of the Investigating Officer the Subcommittee examined the Code of Conduct to consider whether the conduct of the former member breached that Code.

### **Decisions**

1. The conduct was a breach of paragraph 3.1 (b) of the Code of Conduct  
"A Member must not bully or be abusive to any person"
2. The conduct was a breach of paragraph 3.1 (c) of the Code of Conduct:  
"A Member must not intimidate or attempt to intimidate any person who 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 has failed to comply with his authority's Code of Conduct"

3. The conduct was a breach of paragraph 5 of the Code of Conduct:  
"A Member must not conduct himself in a manner which could reasonably be regarded as bringing his office or the Council into disrepute."

### **(d) Decision whether a sanction should be applied**

The Subcommittee agreed that given the seriousness of the breaches of the Code a sanction was appropriate and necessary. However, the Subcommittee was constrained in the sanctions it could apply given that the person was no longer a member of the Council. The Subcommittee had heard from the complainant of the impact the former member's conduct had had on them.

The Subcommittee agreed that it should apply the most severe sanction now open to it.

### **Decisions**

1. That the findings of the Subcommittee be published.
2. That the findings of the Subcommittee be reported to Council.
3. To recommend to the Standards Committee that it review the processes and procedures regarding complaints against members and that the complainant be invited to take part in that review.
4. To note the complainant's desire for an apology but that the Subcommittee did not have the power to require an apology from the former member.