

**Manchester City Council
Report for Resolution**

Report to: Standards Committee – 16 January 2020

Subject: Membership of the Standards (Hearing) Sub-Committee

Report of: City Solicitor

Summary

The purpose of this report is to assist the Standards Committee in reviewing the membership of the Standards (Hearing) Sub-Committee in light of changes to the membership of the Standards Committee.

Recommendations:

That the Standards Committee:

1. make appointments to the Standards (Hearing) Sub-Committee so that the Sub-Committee's membership becomes as detailed at paragraphs 3.1 and 3.2 of the report below; and
 2. agree that an annual review of the membership of the Standards (Hearing) Sub-Committee will be added to the Standards Committee's Work Programme.
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Wards Affected: All

Manchester Strategy outcomes	Summary of the contribution to the strategy
A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	- Not directly applicable
A highly skilled city: world class and home grown talent sustaining the city's economic success	- Not directly applicable
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	Updating the membership of the Standards (Hearing) Sub-Committee will enable the Sub-Committee to undertake its role in hearing member complaints in accordance with the Council's Arrangements. This contributes towards promoting and maintaining high standards of conduct among Members and encourages fairness by members in their conduct towards members of the public and other Members. It also contributes to fairness,

	transparency and accountability when allegations are made that a member's behaviour has fallen below the expected standard.
A liveable and low carbon city: a destination of choice to live, visit, work	- Not directly applicable
A connected city: world class infrastructure and connectivity to drive growth	- Not directly applicable

Full details are in the body of the report, along with any implications for

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue - None directly.

Financial Consequences – Capital - None directly.

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Background documents (available for public inspection):

None.

1.0 Background

- 1.1 At its meeting of 22 October 2015 the Committee established a Standards (Hearing) Sub-Committee to undertake the role of the Hearing Panel as described in the Council's arrangements for dealing with complaints that Council Members have failed to comply with the Code of Conduct for Members ("the Arrangements") and delegated 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 (and reproduced in the Appendix to this report for information).
- 1.2 The Arrangements state that the membership of the Sub-Committee will comprise of at least one of the co-opted Independent Members of the Standards Committee along with three elected Members of the Standards Committee of whom one must be a member of the largest minority group (if any). Where the hearing concerns a complaint 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.
- 1.3 The membership of the Sub-Committee was last reviewed at the 22 September 2016 meeting of the Standards Committee. Since then the membership of Standards Committee has changed. Councillors Cooley, Connolly and Reeves are no longer members of the Committee and Councillors Kilpatrick and Simcock have been appointed to the Committee.
- 1.4 At the time of the last review of the membership of the Sub-Committee there was not an opposition group on the Council. Consequently, the political balance rules did not apply so as to require an opposition member to be appointed to the Sub-Committee. Similarly, the requirement in the Arrangements for one of the three elected members of the Sub-Committee to come from the largest minority group was not engaged. Now that there is a minority group on the Council, the rules of political balance and the Council's Arrangements mean that the minority group member of Standards Committee must also sit on the Sub-Committee.
- 1.5 In light of the above changes the Committee will need to reconsider the membership of the Standards (Hearing) Sub-Committee.

2.0 Membership of the Standards (Hearing) Sub-Committee following the last review

- 2.1 When the Standards (Hearing) Sub-Committee was last reviewed its membership was designated as follows:

Members of the Sub-Committee	Substitute Members
The Independent Member who has been appointed as Chair of the Standards Committee, who would act as Chair of the Standards (Hearing) Sub-Committee – Nicolé Jackson	The other Independent Member of the Standards Committee, who would act as substitute Chair of the Standards (Hearing) Sub-Committee – Geoff Linnell
Councillor Andrews	Councillor Lanchbury
Councillor Cooley	Councillor Connolly
Councillor Evans	Councillor Reeves

3.0 Proposed Membership of the Standards (Hearing) Sub-Committee

3.1 The recommended revised membership of the Standards (Hearing) Sub-Committee is as set out below:

Members of the Sub-Committee	Substitute Members
The Independent Member who has been appointed as Chair of the Standards Committee, who will act as Chair of the Standards (Hearing) Sub-Committee – currently Nicolé Jackson	The other Independent Member of the Standards Committee, who will act as substitute Chair of the Standards (Hearing) Sub-Committee – currently Geoff Linnell
Councillor Andrews	Councillor Lanchbury
Councillor Evans	Councillor A Simcock
Councillor Kilpatrick	

3.2 Where the Standards (Hearing) Sub-Committee is considering a complaint against a member of Ringway Parish Council, the Parish Member of the Standards Committee (currently Councillor O'Donovan) shall also be a member of the Sub-Committee.

4.0 Work Programme

4.1 To ensure that the membership of the Standards (Hearing) Sub-Committee is reflective of any future changes to the membership of the Standards Committee it is proposed that an annual review of the Sub-Committee's membership is added to the Standards Committee's Work Programme.

5.0 Recommendations

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

Appendix – Excerpt from Article 9.3 of the Council’s Constitution

9.3 Role and Functions

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

[...]

- (f) To determine in accordance with the Council’s Arrangements whether a Council Member has failed to comply with the Council’s Code of Conduct for Members and, if so, to determine what action (if any) to take;
- (g) To take decisions in respect of a Council Member who is found on a hearing held in accordance with the Council’s Arrangements to have failed to comply with the Council’s Code of Conduct for Members (“the Subject Member”), such actions to include:–
 - (i) Publication of the findings of the Standards (Hearing) Sub-Committee in respect of the Subject Member’s conduct;
 - (ii) Reporting the findings of the Standards (Hearing) Sub-Committee to Council for information;
 - (iii) Recommendation to Council that the Subject Member should be censured;
 - (iv) Recommendation to the Subject Member’s Group Leader (or in the case of ungrouped Members to Council) that the Subject Member should be removed from any or all Committees or Sub-Committees of the Council;
 - (v) Recommendation to the Leader that the Subject Member should be removed from the Executive, or removed from their Portfolio responsibilities;
 - (vi) Instructing the Monitoring Officer (or recommending to Ringway Parish Council) to arrange training for the Subject Member;
 - (vii) Recommendation to Council (or to Ringway Parish Council) that the Subject Member should be removed from all outside appointments to which the Subject Member has been appointed or nominated by the Council (or by Ringway Parish Council);
 - (viii) Withdrawal of (or recommendation to Ringway Parish Council that it withdraws) facilities provided to the Subject

Member by the Council, such as a computer, website and/or e-mail and internet access; or

- (ix) Placing such restrictions on the Subject Member's access to Council staff, buildings or parts of buildings as may be reasonable in the circumstances.

[...]