

Constitutional and Nomination Committee Minutes of the meeting held on 12 March 2021

Present: Councillor Karney - In the Chair

Councillors: Curley, Flanagan, Lanchbury, Leech and N Murphy

CN/21/03 Urgent Business - Update to Polling Districts and Places

Decision

The Chair agreed to accept this item as a matter of urgent business.

CN/21/04 Minutes

Decision

To approve as a correct record, the minutes of the meeting held on 2 February 2021.

CN/21/05 Proposed Redesignation of Polling Places for 6 May 2021 Elections

The Committee considered the report of the Chief Executive that proposed changes to the current scheme of polling places for the following wards: Crumpsall (1CRG), Harpurhey (1HAG), Clayton and Openshaw (polling district 2COF), Piccadilly (polling districts 2PYB, 2PYC/2PYE), Whalley Range (polling district 3WRD), Baguley (polling districts 5BAB and 5BAF), Brooklands/Northenden (polling districts 5BKF/5NOA), Sharston (5SHB) and Woodhouse Park (polling district 5WPA).

The Committee further considered the updated information that had been provided that related to the following polling districts and places: Harpurhey (polling districts 1HAA and 1HAG), Baguley (polling districts 5BAB and 5BAF), Brooklands/Northenden (polling districts 5BKF/5NOA), and the information regarding a change of location for a station within East Didsbury and Withington (polling districts 4DEA / 4WTC).

The Committee gave thanks to the Elections Team for their dedication to this task under difficult circumstances.

Decision

The Committee;

1. Approve the proposed changes to the current scheme as set out in Sections 4 to 8.
2. Recommend that the changes to the polling places are adopted in relation to both parliamentary and local government elections.

3. Note that an update on the current position regarding outstanding re-designations for polling places referred to in this report, but not resolved at time of publication, will be brought to the meeting for the Committee's consideration.
4. Recommend that any emerging polling place re-designations required ahead of 6 May 2021 elections, which cannot be reported to the Committee on 12 March 2021, are agreed using the delegated authority of the Chief Executive, which allows her to make, where necessary, alterations to the designation of any polling place prior to the next full review in consultation with ward councillors, group leaders and the Chair of Constitutional and Nomination Committee.

Licensing Committee

Minutes of the meeting held on Monday, 8 March 2021

Present: Councillor Ludford – in the Chair

Councillors: Grimshaw, Andrews, Evans, Flanagan, Hassan, Hewitson, Hughes, Jeavons, and Reid

Apologies: Councillor Madeleine Monaghan

LHP/20/1 Minutes

The minutes of the meeting held on 30 November 2020 were submitted for approval.

Decision

To approve as a correct record the Minutes of the Licensing Committee meeting held on 30 November 2020.

LHP/20/2 Premises Licensing – Annual Report 2020

The Principal Licensing Officer presented the Annual Report of 2020 Licensing matters.

The Principal Licensing Officer stated the Coronavirus had a large impact on business throughout 2020. The effects of which had seen applications for New Premises Licences and Premises Licence Variations decrease by approximately 20 percent and Temporary Event Notices had decreased by approximately 60 percent. One Premises Licence had been revoked for being in breach of Covid regulations on two occasions in 2020. Government regulation changes had allowed any on-sales Licence Premises to trade with off-sales as take-out venues. Also, 188 Pavement Licences had been issued due to the effects of Coronavirus legislation, allowing premises to use their outside area and the creation of on-street closures to increase this capacity and assist businesses to continue trading in between the two lockdown periods over the summer and early autumn of 2020. The Principal Licensing Officer stated that the Licensing team had adapted to working from home and made some system improvements, using the increased time available from the decrease in applications.

A Committee member requested information on what constitutes an outside area. The Principal Licensing Officer stated that the Government had used the outside smoking legislation as the standard for setting the outside area and that the boundary of the licence for each premises would dictate where on-sales were allowed, adding that premises could take advantage of the current de-regulation and to make off-sales and use non-licenced areas of their premises, such as car parks, finally adding that the Government had issued further guidance in relation to this legislation which had not been available at the time of producing the report.

A Committee member requested further info on Pavement Licences and The Principal Licensing Officer stated that the Government had issued a 12 month extension, stating that they may become a permanent fixture.

Decision

To note the report.

LHP/20/3 Premises Licensing - General Update

The Principal Licensing Officer referred to the recent Government timetable for the gradual re-opening of Licenced Premises, stating that there has been a recent increase of applications. The Principal Licensing Officer referred to the consultation on the new Protect Duty to improve security measures, the impact of Coronavirus on the night-time economy, new requirements on the Security Industry Association (SIA) and consultation on the Gambling Act due to the increase in online gambling.

A Committee member requested information on SIA requirements and when they would be rolled out across Premises in Manchester. The Principal Licensing Officer stated that the work would be carried out as licences are renewed and with all new applicants.

A Committee member requested information on whether doorpersons who travelled from outside Manchester to work could be tracked and also gave mention that the Gambling industry set the Gamble Aware promotion themselves and whether this was appropriate. The Principal Licensing Officer responded, stating that they were currently having conversations with the SIA on where staff are pooled from and would report back at a future Committee meeting and that the Government were looking at the Gambling legislation and that information on this would also be fed back at a future Committee meeting.

Decision

To note the report.

Licensing and Appeals Committee

Minutes of the meeting held on Monday, 8 March 2021

Present: Councillor Ludford – in the Chair

Councillors: Grimshaw, Andrews, Evans, Flanagan, Hassan, Hewitson, Hughes, Jeavons, and Reid

Apologies: Councillor Madeleine Monaghan

LAP/20/1 Minutes

The minutes of the meeting held on 30 November 2020 were submitted for approval.

Decision

To approve as a correct record the Minutes of the Licensing Committee meeting held on 30 November 2020.

LAP/20/2 Review of Temporary Amendments to Vehicle Age and Testing Policies

The Committee considered the report of the Director of Planning, Building Control and Licensing regarding relevant information, considerations and risks for the Committee further to its request to review the temporary amendments to the Vehicle Testing and Age policies, it made at its November 2020 meeting.

The recommendations set out in the report for the Committee to consider were:

1. To allow the continued temporary extension of the age limit (as set by the Committee in November 2020) of both HCVs and PHVs until the conclusion of the Clean Air and MLS work, when both policies will be fully revised in any event.
2. To revert vehicle testing requirements to normal policy requirements.
3. For the changes to take effect from 1 April 2021.

The Licensing Unit Manager presented information from the report outlining how the impacts of Coronavirus regulations has had a knock on effect for both the Hackney Carriage and Private Hire trade, decreasing business across both functions as well as information on mileage and vehicle testing and funding grants that would cover the costs of routine tests for all licensed vehicles in Manchester for the next 12 months.

The Committee were informed that the biggest risk would be continuing the reduced frequency of vehicle testing as funding to support such a measure has not been identified and that, the longer the testing frequency is relaxed, the bigger the potential for public safety to be put at risk due to issues relating to the mechanical function of the vehicle not being picked up or addressed.

A Committee member suggested an amendment to recommendation 1 in the report in that the continued temporary extension of the age limit of both HCVs and PHVs should be for a maximum period of 12 months, at which point this policy would be brought before the Committee again for future consideration. This amendment was agreed by the Committee.

Decision

1. To allow the continued temporary extension of the age limit (as set by the Committee in November 2020) of both HCVs and PHVs for a period of 12 months (to take effect from 1 April 2021).
2. To revert vehicle testing requirements to normal policy requirements (to take effect from 1 April 2021).

Licensing Policy Committee

Minutes of a meeting held on 19 March 2021

Acting under Delegated Powers

Present: Councillor Grimshaw (Chair).
Councillors, Davies, Leech and Taylor

Apologies: Councillors, Ludford and Akbar

Other Attendees: Councillor Doswell

LPC/21/01 Urgent Business

Decision

The Chair of the Committee approved the inclusion of an item of Urgent Business. Cllr Leech sought clarification on the use of glass/plastic drinking vessels in regard to Pavement Licences. The Principal Licensing Officer stated that any request for glassware use would be considered case by case and on the merits of each individual premises.

LPC/21/02 Minutes

Decision

To approve as a correct record the Minutes of the meeting held on 16 November 2020.

LPC/21/03 Review of Statement of Licensing Policy (Licensing Act 2003)

The Committee considered a report, for approval by the Committee, on the revision of the current Statement of Licensing Policy.

The recommendation within the report requested that the policy is submitted to Full Council on 31 March 2021 with a recommendation that the policy be approved and adopted with effect from 1 April 2021.

The Principal Licensing Officer presented the report, stating that the Licensing Policy was revised in January 2021 with a view to removing the Cumulative Impact Policy (CIP), currently in place for Fallowfield and Wilmslow Road, and Withington Special Policies, due to the requirement for a Cumulative Impact Assessment (CIA) to have been undertaken prior to publication of the Council's Policy. The Principal Licensing Officer informed the Committee that 'Cumulative Impact Assessments' were introduced in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018, adding that, although the Council's policies for Fallowfield and Withington pre-dated that legislation, they should have been reviewed and, if appropriate, replaced with CIAs, at the time of the overarching Policy review. The Principal

Licensing Officer invited the Committee to consider and ask any questions relevant to this removal of policy.

A Local Ward Councillor made comments outlining their concerns if the CIP were to be removed and gave mention to the number of local residents this removal would have a detrimental effect on and stated that they preferred to see the CIP remain and be strengthened further.

During further discussions between the Committee and Legal Services it was agreed that the Committee could depart from Statutory Guidance with good reason, stating that the effects that lockdown has had on licensed premises and also on the Licensing Team's ability to make accurate assessments would be an acceptable reason for departure.

A Committee member asked that it be noted that matters the Committee had requested feedback on at the 16 November 2020 Committee meeting had not been addressed during this meeting.

The Chair stated that they felt the CIP should remain within the Statement of Licensing Policy and put the matter to a vote.

Decision

The Committee departed from the Statutory Guidance and voted against revising the Statement of Licensing Policy, effectively retaining the Cumulative Impact Policy for Fallowfield and Withington and accepted the changes for hyperlinks to external documents as set out in the policy.

Personnel Committee

Minutes of the meeting held on 17 March 2021

Present: Councillor Bridges – in the Chair

Councillors: Akbar, Craig, Leech, Murphy, Rahman, and Stogia

Apologies: Councillors Leese and Ollerhead

PE/21/06 Appointment of a Chair for the meeting

In the absence of the Chair the committee appointed a member to chair the meeting.

Decision

To appoint Councillor Bridges as Chair for the meeting.

PE/21/07 Minutes of the previous meeting

Decision

To approve the minutes of the meeting held on 20 January 2021 as a correct record.

PE/21/08 Draft Pay Policy Statement 2021/22

In line with requirements of the Localism Act (2011), the Committee considered a report of the Director of Human Resources and Organisational Development (HROD) which presented the draft Manchester City Council Pay Policy Statement for 2021/22 for approval prior to its submission to Council.

The report included the Statement's organisational context, the impact of the 2021/22 budget as well as the direction of travel in relation to staff pay for the year ahead in line with the organisational priorities. Information on the Council's 'Gender Pay Gap' and work to proactively promote workforce equality, in accordance with the requirement to carry out Gender Pay Reporting set out within The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 was also included.

The Director of HROD introduced the report, and gave particular emphasis to the ratio between the pay of the highest and lowest earners which had not increased significantly, and the gender pay gap which was reportedly significantly lower than the national average.

Trades Union comments had been included in the report for the committee to consider. In essence they urged Council to consider reporting on any race pay gap issues, despite this not currently being a required component of the Statement. The Director of HROD confirmed that this was something that the Council was seeking to

complete, but was dependent on 100% ethnicity disclosure across the workforce. She added that once this information gathering exercise was complete work could be progressed. The Chair welcomed the commitment to gather the required data and referenced the wider ongoing work across the Council to strengthen race equality across the organisation

Noting this, the committee agreed the recommendation.

Decision

To note the organisation's Pay and Grading Structure for the financial year 2021/22 appended to the Pay Policy Statement and recommend it for approval by the Council at its meeting on 31 March 2021.

Planning and Highways Committee

Minutes of the meeting held on Thursday, 18 February 2021

This Planning and Highways meeting was a meeting conducted via Zoom, in accordance with the provisions of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

Present: Councillor Curley (Chair)

Councillors: Shaukat Ali, Andrews, Y Dar, Davies, Flanagan, Hitchen, Kamal, Leech, Lovecy, Madeline Monaghan, Riasat, Watson and White

Apologies:

Councillors: Nasrin Ali and Lyons

Also Present:

Councillors: Wilson (ward Councillor) and Wills (ward councillor)

PH/20/08 Supplementary Information on Applications Being Considered

A copy of the late representations that were received in respect of applications (127566/FO/2020, 121252/FO/2018, 128920/FO/2020 and 129010/FO/2020), since the agenda was issued. Additional late representations had been received in respect of the Tree Preservation Order (109 Parsonage Road, Manchester).

Decision

To receive and note the late representations.

PH/21/09 Minutes

Decision

To approve the minutes of the meeting held on 21 January 2021 as a correct record.

PH/21/10 127566/FO/2020 - 369 Parrs Wood Road, Manchester, M20 6JE - Didsbury East Ward

This application relates to a change of use from C3 (dwellinghouse) to C3 (dwellinghouse) and Class E (Osteopathy Clinic) together with a part single/part two storey side extension to provide additional living accommodation at ground and first floor and clinic at ground floor.

The Planning Officer introduced the application and informed the Committee that a further representation had been received regarding the classification of representations received as a petition rather than a joint objection from residents.

An objector to the application addressed the Committee on behalf of thirty four residents. The objections referred to the accessibility of vehicles, the proposed change of use of the property and overdevelopment that were considered to be detrimental to the area and would result in disamenity. Reference was made to a previous application for an adjacent property which had been refused and what difference there was with the application being considered. Reference was also made to changes to the street scene, increased on street parking, loss of privacy and the size of the car park on to be included on the property and the conflict with planning policies.

The applicant addressed the Committee on the planning application.

Councillor Wilson (ward councillor) addressed the Committee on behalf of the other ward councillors to raise the joint objection of a large number of local residents and Barlow High School, regarding potential parking issues, traffic volume, accessibility and road safety. Other objections related to an overdevelopment due to the change of use of the property. The Committee was reminded of a previous application (2002) for a neighbouring property that had been refused for a change of use to a commercial property due to the location within a residential area and the potential increase in use and vehicle movement and parking causing a loss to residential amenity as referred to in the UDP.

The Planning Officer reported that in reference to the points raised regarding the impact to the character of the area, a very similar extension design had also been agreed for the adjacent property to the application site. The proposed extension design would be subservient to the main house and would be set back to provide a sense of space. There would be visual improvements to the property with the introduction of soft landscaping and removal of the existing garages. The removal of part of the boundary wall would allow a view into the property, however the proposal was considered to be acceptable. The Committee was advised that the application had been required for consideration due to the number of appointments the proposed business could generate during the day and it must be noted that it is an issue of fact and degree as to whether running a business from home requires planning permission. The application includes conditions to control the operation of the business and involves enforcement action if the conditions are not met. The inclusion of two car parking spaces had been examined by the highways officer and the space was considered to be large enough for cars to safely manoeuvre.

The chair invited members of the Committee to ask questions.

Members referred to the property opposite with a similar design extension and asked officers if a business was run from the property. Officers were also asked if the building line of the proposed extension crossed the building line of properties on Craigweil Avenue and had changing the access to the property from Craigweil to Parrswood Road been considered. Officers were asked if the conditions proposed

are sufficiently strong enough to prevent the intensification of the business and was a further application required if additional staff were to be employed.

The Committee was advised that the property adjacent is a private residence and did not run a business. The extension would be forward of the building line of the properties on Craigweil Avenue and that would mirror the property opposite which has a similar impact. Parking access and manoeuvring on Parrswood Road would be more difficult due to the volume of traffic. The parking spaces at the side of the property have sufficient space for cars to manoeuvre and the front of the property provides access to a parking space for the property owner. The application includes a planning statement and refers to the employment of staff at the business and the number of appointments. The Committee was advised that the planning statement can be amended to reduce those numbers, if necessary.

Councillor Andrews moved the recommendation to approve the application, subject to:

- an amendment to Condition 5 to amend the Planning Statement to specify the number of employees for the business premises and ensure appointment only basis for clients.
- an additional condition for the requirement that the applicant applies for a “H” parking road marking to be installed at the visitor parking entrance of the property.

Councillor Shaukat Ali seconded the proposal.

Decision

The Committee approved the application, subject to the Conditions detailed in the report submitted and subject to:

- an amendment to Condition 5 to amend the Planning Statement to specify the number of employees for the business premises and ensure appointment only basis for clients.
- an additional condition for the requirement of offsite highways marking, that the applicant applies for a “H” parking road marking to be installed at the visitor parking entrance of the property.

(Councillor Flanagan did not take part in the consideration or vote on the application.)

PH/21/11 121252/FO/2018 - Great Marlborough Street Car Park, Great Marlborough Street, Manchester, M1 5NJ - Deansgate Ward

This application is for the partial reconfiguration of existing Multi-Storey Car Park (MSCP), including temporary access off Great Marlborough Street, construction of 5 storey external ramps, closure of vehicular access to top level; and construction of new facade; and partial demolition of the surplus part of existing MSCP and erection of a part 55, part 11 storey, part 4 storey mixed-use building comprising 853 Purpose Built Student Accommodation units (sui generis), ancillary amenity space and

support facilities, and 786sqm (GIA) SME incubator workspace (Use Class B1), including public realm improvements and other associated work.

The Planning Officer reported that the applicant had requested that consideration of the application be deferred to allow a technical issue on the application to be addressed. The Committee was informed that the application would be submitted to a future meeting.

Decision

To agree to defer consideration of the application.

PH/21/12 128920/FO/2020 - Land Off Cringle Road, Manchester, M19 2RR - Levenshulme Ward

This application relates to retrospective application for the retention of 1.8 metre-high fencing to Cringle Road and Nelstrop Road North for a temporary two year period.

The planning officer introduced the application and informed the committee of the additional representatives and images received, that had been circulated to committee members prior to the meeting. The representations had outlined the introduction of the new fence and the images provided views of the area before the fence was erected and following the work. The representations had asked the committee to consider an additional condition requiring a mature hedge to be planted after the two year period had ended, the green corridor to be maintained and the walking/ cycling route to be upgraded. The planning officer stated that it was regrettable that the green vegetation had been removed from Nelstrop Road North, however planning permission was not required for the removal of the vegetation and for the erection of a one metre high fence. The removal of the vegetation had been referred to in the outline planning application and the landscaping of the development would be the subject of a reserved matters application involving the submission of the detailed scheme. Following the loss of the vegetation, five hawthorn hedge plants had been planted in the area concerned.

The objector addressed the committee on the application. Reference was made to the loss of the hedge which had been included within the representation submitted. The Committee was requested to include additional conditions on the application for the replanting of a substantial hedge. Reference was made to the continued maintenance of the green corridor between Manchester and Stockport in line with Council strategies.

The applicant's agent addressed the Committee on the application.

The planning officer reported that once the development was completed a landscaping scheme would be submitted that would allow the submission of comments by the public. Also, if the development was not commenced within the two year deadline there would be mitigation for removal of the fence and additional boundary planting on the site.

The Chair invited members of the Committee to ask questions.

Members referred to the temporary time period for the fencing and sought an assurance that if after two years, the fence would be required to be removed and a boundary hedge reinstated. A member commented that if after two years no work had started it was likely that the developer may reapply for the permission to be extended and it was unfortunate that it was not possible to measure the impact of the loss of vegetation on wildlife habitat.

A member referred to the temporary application and asked Planning Officers for consideration to be given to introduce more permanent planting to the site that would form part of the planting scheme to ensure that it was not removed after the completion of the development. The member suggested that in the event that after two years no building had taken place and if an application is made to extend the permission further, the application should be submitted for consideration by the Planning and Highways Committee.

The Planning officer reported that the suggestions could be explored further with the developer. A note would be made in the application case notes in the event of a further application being made.

Councillor Andrews moved the recommendation to approve the application.
Councillor Shaukat Ali seconded the proposal.

Decision

The Committee agreed to the temporary approval for the retention of 1.8 metre high fencing to Cringle Road and Nelstrop Road North up to 18 February 2023.

PH/21/13 129010/FO/2020 - Public Car Park Accessed via Stockport Road and Albert Road, Manchester, M19 3AB - Levenshulme Ward

This application relates to the temporary use of the southern section of public car park as a market for a period of 4 years: operating on Saturdays 10.00 am to 4.00 pm (52 weeks per year); Fridays between 4.00 pm and 10.00 pm (up to 12 evenings per year) and Sundays 10.00 am and 5.00 pm (up to 12 days per year) with the associated retention of an existing container / generator unit and fenced enclosure to be used for storage of segregated waste/ recycling and installation of 1 x electrical power cabinet

The Planning Officer reported that there was an issue relating to the ownership of part of the application site and requested that the application be deferred.

Decision

To agree to defer consideration of the application.

PH/21/14 Confirmation of the Manchester City Council (109 Parsonage Road, Manchester) Tree Preservation Order 2020 - Withington Ward

Consideration was given to the report of the Director of Planning relating a Tree Preservation Order 2020 that sought approval of the Committee to instruct the City Solicitor to confirm the Tree Preservation at 109 Parsonage Road, Manchester, M20 4WZ, under Section 199 of the Town and Country Planning Act 1990, and that the Order should cover the tree as plotted T1 on the plan included in the report submitted.

The Chair invited the homeowner to address the Committee in objection to the Tree Preservation Order. The homeowner stated that the three trees within the property are causing and continue to cause substantial damage to the foundation and structure of the house and also have caused damage to drains connected to the property. This is supported by a structural survey report and drainage survey. A local search was carried out and the City Council confirmed at the time, there was no TPO on trees at 109 Parsonage Road. This had influenced the current homeowner's decision to purchase the property. The making of the TPO has caused a great deal of distress to the family and they feel misled by the Council. The Council did not make the homeowner aware a TPO was being made on the trees at the property. The homeowner would have not purchased the property if they were aware of this. The trees are dangerous to both the homeowners and their family and to passers-by, from the potential of falling branches and collapsing boundary wall. Flagstone(s) have lifted within the property causing a young child to trip. The homeowner intends to apply for permission to build a side extension in area currently occupied by the trees. An offer had been to the Council to help with cost to plant trees in Ladybarn Park to mitigate the loss of the trees. The local community have expressed its support to remove the trees (133 messages of support and signatures received). The family have never received correspondence on the proposal for a TPO because the letter received was addressed to the wrong person. The side bay does have sufficient footings. The family will consider selling the property if the TPO is confirmed. The trees have been monitored since July 2020 and the situation is worsening.

The applicant for the TPO addressed the Committee in favour of the Order.

Councillor Wills addressed the Committee in support of the homeowner to object against the TPO.

The Planning Officer reported that the planting of trees in Ladybarn Park would have to be carried out as an informal agreement and not as part of any conditions relating to the TPO. The Committee was advised that future maintenance work could be carried out on the trees and a request could be made to remove the trees, if damage was caused.

The Chair invited members of the Committee to ask questions.

Members referred to the benefit provided by trees in gardens but noted the sizes of the trees concerned and the structural survey carried out on the property which members of the Committee had not seen. It was noted that the homeowner would be financially liable for the maintenance of the trees.

The Planning Officer reported that the survey had been assessed by a Council arborist and a surveyor. The Committee was advised that any structural work to the property, such as underpinning would be the responsibility of the homeowner. Members raised the issue of whether it would be reasonable to modify the TPO in order to cover only one or two of the trees. In view of the questions raised regarding the confirming of the TPO, the Committee was advised that there was time available to allow the homeowner to undertake a further survey to better determine which of the trees individually could be potentially causing structural issues to the property.

The planning officer reported that any additional information provided by the homeowner would be assessed by Council officers. It was not possible for the Council to undertake a structural survey on a privately owned property.

Councillor Flanagan proposed that the Tree Preservation Order be deferred to allow time for the homeowner to provide a structural report to identify structural issues in the property that may have been caused by a tree or trees. Councillor Andrews seconded the proposal.

Decisions

1. The Committee deferred the Tree Preservation Order to allow the homeowner to conduct a further survey on the property to determine any structural issues that may have been caused by individual trees within the property and the subject of the TPO.
2. That subject to the agreement of the homeowner, the structural survey submitted to the Council by the homeowner be circulated to members of the Committee for information.

Standards Committee

Minutes of the meeting held on 18 March 2021

Present

Independent Co-opted Member: N Jackson – In the Chair
Councillors Andrews, Evans, Kilpatrick, Lanchbury and A. Simcock
Independent Co-opted Member: G Linnell

ST/21/01 Minutes

The minutes of the meeting held 16 January 2020 were submitted for approval.

Decision

To approve the minutes of the meeting held on 16 January 2020 as a correct record.

ST/21/02 Standards Committee - Annual Report

The Committee considered the report of the City Solicitor that provided an update to members of the Standards Committee on the matters within the remit of the Committee since the October 2019.

The main points and themes within the report included: -

- Providing an introduction and describing the roles of the Standards Committee and the Council's Monitoring Officer;
- Update on matters within the remit of the Standards Committee since its last Annual Report;
- Operation of Codes and Guidance;
- Register of Interests and Gifts and Hospitality;
- Dispensations;
- Councillor training and awareness; and
- Complaints against Councillors.

Some of the key points that arose from the Committee's discussions were: -

- Noting the impact of Covid, how did the number of complaints against Councillors submitted compare to previous years;
- Noting the importance of reminders to Members to complete their Register of Interests in a timely manner;
- Whether officers were confident that the outstanding complaints which were the subject of investigation would be dealt with within the agreed timescales;
- When dealing with a complaint, who was responsible for determining which provision of the code a Member was alleged to have breached; and
- Clarification was sought regarding the reason for the 'Not Known' entry recorded against a 'Provision of the code alleged to have been breached' case.

The Head of Governance Legal Services responded to questions by advising that the number of complaints against Members received was comparable with previous years and she was confident that the current Investigating officer would deal with the complaints the subject of investigation within the agreed timescales. With regard to the identification of the specific provision of the code alleged to have been breached she advised that the complainant was encouraged to identify the specific element of the code they considered had been breached, adding that the 'Not Known Entry' was as a result of the complaint not being pursued by the complainant and the complaint had not reached the stage where the complainant had identified the provision in question.

She stated that reminders were sent to Members following the May election and then again about six months later, in addition to the information circulated routinely in the ethical guidance which was circulated twice each year.

Decisions

1. To note the report; and
2. The Committee recommend that the Standards Committee - Annual Report should be forwarded to full Council for assurance on standards issues.

ST/21/03 Members' Update on Ethical Governance

The Committee considered the report of the City Solicitor that sought the Committee's comments on and approval of the draft Members' Update on Ethical Governance for March 2021.

Some of the key points that arose from the Committee's discussions were: -

- Whether Independent Persons and all Co-opted Members would be offered appropriate and relevant training, similar to that which was offered to Councillors.

The Chair noted these comments and suggested this recommendation could inform consideration of the item 'Member Development and Training' that was listed on the agenda.

Decision

To approve the content of the draft Members' Update on Ethical Governance set out in the Appendix for circulation to all members.

ST/21/04 Social Media Guidance for Members Update

The Committee considered the report of the City Solicitor that updated the members of the Standards Committee on the operation and efficacy of the Social Media Guidance for Members ('the Guidance') as well as the provision of training for members on the Guidance.

Some of the key points that arose from the Committee's discussions were: -

- Welcoming the guidance, in particular in regard to the use of personal and official social media; and
- Recommending that this information be circulated to all Members, candidates and included in the agents' briefing packs in advance of the May election.

The Head of Governance Legal Services acknowledged the comments from the Committee and stated she would take the recommendation up with the elections team following the meeting.

Decisions

1. To note the report.
2. The Committee recommend that the Social Media Guidance be shared with Members and candidates and be included in the briefing packs provided to candidates' agents in advance of the May election.

ST/21/05 Local Government Association (LGA) Model Code of Conduct for Members

The Committee considered the report of the City Solicitor that updated the members of the Standards Committee on the publication of the LGA Model Code of Conduct for Members, noting that the City Solicitor was of the view that in general the new LGA Model code was well set out and relatively straightforward to follow.

Some of the key points that arose from the Committee's discussions were: -

- Requesting that all relevant information be shared with all political groups for consideration, following the May election so this could be considered and an opinion obtained in advance of the report being submitted to the November meeting; and
- A view was sought as to the appropriateness of the value set at which a gift had to be declared.

The Head of Governance Legal Services stated that it was for this Committee to consider and the Council to agree a figure for the value set at which a gift and hospitality had to be declared.

Decisions

1. To note the report;
2. To support discussions by the Greater Manchester Chief Legal Officers on implementation of the LGA Model Code; and

3. Recommend that a further report be submitted to the November meeting of this Committee on the position, noting the comments above.

ST/21/06 Member Development and Training

The Committee considered the report of the City Solicitor that provided an update on the operation and efficacy of the Member Development Strategy and training delivered since May 2019.

The first section of the report reflected upon the Member Development and Training delivered between May 2019 and February 2020, in line with our Member Development Strategy. The second part reflected upon training held since the start of the Covid pandemic between February 2020 and January 2021 and reported the proposals for the induction programme for new Councillors for May 2021.

Some of the key points that arose from the Committee's discussions were: -

- Noting the benefits of being able to access events and meetings virtually this approach should continue post Covid;
- Consideration needed to be given to capturing and recording any relevant training obtained by Members and all Co-opted Members outside of the Council;
- Noting the importance of Members attending all training, especially the Carbon Literacy training;
- Recommending that relevant training should be made available to all Co-opted Members; and
- Consideration needed to be given to identifying courses that were mandatory for Members to attend and appropriate sanctions if these were not completed;

The Head of Business Support and Development stated that Member attendance at training courses was generally very good and the levels of attendance was monitored by the Member Development Group. He further advised that non-attendance was followed up and if this was a recurring issue the relevant Group Officer would be informed. He advised that the issue of Mandatory Courses would be an issue for the Member Development Group to determine. The Head of Governance Legal Services commented that the issue of sanctions for non-attendance at training courses had been discussed previously by the Committee and it had been felt that it was not appropriate to pursue at that time however if the Committee were minded this could be revisited if non attendance was identified as an issue.

Decisions

1. To note the report.
2. To recommend that virtual training be continued to be part of the training offer post Covid;
3. To consider how the relevant training completed in other roles be recorded; and

4. To recommend that all relevant training be made available to all Co-opted Members.

ST/21/07 Standards Committee Work Programme

The Committee considered the report of the Governance and Scrutiny Support Unit that invited the members of the Standards Committee to consider its work programme for future meetings and make any revisions.

In addition, a report titled 'The Use of Council Resources Guidance for Members' would be scheduled for the June meeting and the 'Standards Committee - Annual Report' would be scheduled for the March 2022 meeting.

The Head of Governance Legal Services stated that a report on Partnership Arrangements, including guidance on the role of dual hatted Members, would be scheduled for an appropriate meeting in consultation with the Chair.

Decision

To note the report and agree the Work Programme subject to the above comments.

**Manchester City Council
Report for Information**

Report to: Standards Committee – 18 March 2021

Subject: Standards Committee – Annual Report

Report of: City Solicitor

Summary

The purpose of this report is to update members of the Standards Committee on the matters within the remit of the Committee since the beginning of October 2019.

Recommendations:

1. To report on the matters within the remit of the Standards Committee since the last annual report in October 2019 and the work done by the Council's Monitoring Officer during the period to promote and maintain high standards of conduct by Councillors.
 2. To seek the views of the Committee regarding whether this report should be forwarded to full Council for assurance on standards issues.
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Wards Affected All

Financial Consequences – Revenue None directly

Financial Consequences – Capital None directly

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Background documents (available for public inspection):

Annual Report to Standards Committee – October 2019

1.0 Introduction

- 1.1 The purpose of this report is to report on the matters within the remit of the Standards Committee since the last annual report in October 2019 and to summarise the work undertaken by the Council's Monitoring Officer since the last annual report in October 2019 to 31 January 2021.

2.0 The Roles of the Standards Committee and the Council's Monitoring Officer

- 2.1 The role and functions of the Standards Committee and the Council's Monitoring Officer ('MO') are set out in the Council's Constitution and reproduced for ease of reference in Appendix 1 to this Report. The Standards Committee generally meets 3 times a year, in March, June and October /November.

3.0 Update on matters within the remit of the Standards Committee since its last Annual Report

- 3.1 Due to Covid-19 there have been no meetings of the Standards Committee since January 2020. At its last meeting in January 2020 the Committee refreshed the membership of the Standards (Hearing) Sub Committee. The sub-Committee met to consider a Standards complaint the outcome of which was reported to, and received by, full Council on 25 March 2020. The Hearing procedure sets out that a hearing should be held within three months of the Monitoring Officer's decision to refer the complaint to a hearing. The hearing in question was held within the timeframe provided for in the Member Complaints Hearing Procedure. The Arrangements and Hearing Procedure for dealing with Complaints against Members are being reviewed following this Hearing and a report on proposals for revising these procedures will be brought to a future meeting of this Committee.

4.0 Operation of Codes and Guidance.

- 4.1 As there were no meetings of the Standards Committee since January 2020 it was not possible for the committee to conduct its normal review of member related Codes and Protocols that sit in the Council's Constitution prior to the annual review of the Constitution by full Council on 3 February 2021. Minor changes were approved by full Council to the Planning Protocol and the Use of Resources Guidance on 3 February 2021 as set out below:

- Minor changes were made to the Planning Protocol for Members and Officers in Part 6, Section B of the Council's Constitution, for the purposes of clarity. The operation of this Protocol was considered in a report to this Committee in June 2019. Officers continue to be of the view that the Protocol is effective. There continue to be very few occasions when the Protocol has had to be referred to, and there have been no complaints that it has been breached.

- The Use of Council Resources Guidance for Members, which also sits in Part 6 of the Council’s Constitution, was updated to reflect the current position that in addition to a mobile phone Members will be provided with such IT equipment as the Director of ICT considers appropriate to enable them to undertake their Council duties. In addition, the reference to the “Transport for Greater Manchester Committee” was amended to read “The Greater Manchester Transport Committee” to accurately reflect the name of this joint committee.
- 4.2 The Member/Officer Protocol and Gifts and Hospitality Guidance are part of the Council’s Constitution. They were last reviewed by this committee in March 2019, and by the MO, prior to the annual review of the constitution in February 2021. No further revisions were considered necessary at the time of the annual review of the Constitution. There is a report elsewhere on the Agenda in relation to the Operation and efficacy of the Social Media Guidance for Members.
- 4.3 It is the view of the MO that the codes and guidance are well understood by Members and is not aware of any queries or issues that have not been addressed through existing procedures.
- 5. Register of Interests and Gifts and Hospitality**
- 5.1 The operation of the Register of Members’ Interests and Gifts & Hospitality was last considered by this Committee at its October 2019 meeting. Members will be aware that whilst officers do provide advice to Members, if asked, on Members’ interests it is the responsibility of individual Members to comply with the requirements of the Code of Conduct. Reminders to Members regarding updating their Register of Interests are contained in the Ethical Governance Update sent to all Members and in email reminders sent to Members during the course of the year. 28 Members updated their registers between 1 October 2019 and 31 December 2020. One member updated their register of gifts or hospitality during this period which will not be surprising given the covid lockdown. The Committee will recall that the current threshold for registration of gifts and hospitality is £100. It is the view of the Monitoring Officer that the Register of Interests requirements are understood by Members. As a matter of good practice specific guidance would continue to be provided to Members regarding declaration of interests at meetings where necessary.
- 6. Dispensations**
- 6.1 A report on the operation and efficacy of dispensations was last considered by this Committee at its meeting on 31 October 2019. No further dispensations have been sought since the date of that report. It is the Monitoring Officer’s view that there are no issues regarding requests for dispensations that give rise to concern.
- 7. Councillor Training and Awareness**

- 7.1 There is a separate report on this agenda relating to Member Training and Development. An edition of the Ethical Guidance for Members was circulated to all members in August 2020.

8. Complaints against Councillors

- 8.1. There are 3 potential stages through which a complaint may proceed:

Stage 1 - 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.

Stage 2 - Where a complaint is referred for Investigation, the Monitoring Officer will appoint an Investigating Officer to investigate the matter.

Stage 3 - If the Investigating Officer's final report concludes that there is sufficient evidence of a failure by the Member to comply with the Code, the Monitoring Officer will consult with the Independent Person before either seeking a local resolution to the matter or sending the allegation before the Hearing Panel for determination.

- 8.2 The Monitoring Officer has received 23 complaints about Manchester City Councillors between 1 October 2019 and 31 January 2021.

- 8.3 Of the 23 complaints received:

- 3 were withdrawn by the complainant;
- 1 was not pursued by the complainant;
- 10 were rejected at Stage 1 as set out in the table below;
- 2 were resolved informally;
- 7 (two of which related to one incident generating 2 complaints) were sent for investigation. Of these:
 - Investigations are ongoing in relation to the one incident which generated 2 complaints;
 - In relation to the other 5 the circumstances of the subject member changed such that these investigations were discontinued. In each case it was not considered in the public interest to expend further public resources in relation to the matter and/or the complainants did not wish to pursue their complaints in the circumstances.

- 8.4 The timeframes within the Council's Arrangements for dealing with complaints that Council Members have failed to comply with the Council's Code of Conduct for Members ("the Arrangements") are as follows:

- (a) The Monitoring Officer will acknowledge receipt of the complaint within 10 working days of all required information being provided and at the

same time, the Monitoring Officer will write to the Subject Member with a copy of the complaint

- (b) The Subject Member may, within 10 working days of being provided with a copy of the complaint, make written representations to the Monitoring Officer
- (c) A decision regarding whether the complaint merits formal investigation or another course of action will normally be taken within 20 working days of either receipt of representations from the Subject Member or where no representations are submitted 20 working days of the expiry of the period mentioned in paragraph (b) above.

8.5 As indicated in the last annual report to this committee the process for handling complaints under the stage 1 phase has been reviewed by the MO to address this including for example ensuring that additional diarising and monitoring is undertaken. There has been an improvement in the timeliness of processing complaints once received with 21 of the 23 complaints received being acknowledged and forwarded to the subject member for comment within the 10 working day timeframe. The other two only slightly exceeded the timeframe (by 3 and 5 working days respectively).

8.6 8 of the 23 complaints received exceeded the 20 working day timeframe for taking an initial assessment decision following receipt of the subject member's response to the complaint. However, five of those led to a decision to investigate the complaint. It is expected that the additional diarising and monitoring that is now undertaken will help further reduce any such delays in the future.

8.7 Complaints Summary: Decisions on Complaints made between 1 October 2019 and 31 January 2021

Complaint No.	Provision of the code alleged to have been breached	Outcome
2019 Complaints		
CCM2019.23	Not known	Complaint not pursued by complainant. Complainant did not complete a complaint form as requested
CCM2019.24	Cause the Council to breach the Equality Act 2010 Bullying / Being Abusive Intimidating a complainant/ witness Bringing office into disrepute	Complaint rejected at Stage 1 following consultation with the Council's Independent Person (IP). The alleged misconduct did not amount to a breach of the Members' Code of Conduct (the Code). The Member was entitled to accept the view of the service on

		service provision over that of the complainant
CCM2019.25	Bringing office into disrepute	Sent for investigation
CCM2019.26	Bringing office into disrepute	Complaint withdrawn before initial assessment decision
CCM2019.27	Bullying / Being Abusive Bringing office into disrepute	Complaint rejected at Stage 1 following consultation with IP. Wholly disproportionate and not in the public interest to expend further resources on carrying out an investigation. The alleged misconduct occurred a significant time ago and the complaint was politically motivated
CCM2019.28	Bringing office into disrepute	Sent for investigation
CCM2019.29	Bringing office into disrepute	Resolved informally, at the initial assessment stage, on the basis of the apology provided by the Subject Member and their assurance that they would ask the Neighbourhood Manager to advise the Complainant if the Council is able to do anything to assist the complainant
CCM2019.30	Bringing office into disrepute Failed to give reason for decision	Complaint rejected at Stage 1 following consultation with IP. Wholly disproportionate and not in the public interest to expend further resources on carrying out an investigation. The Member had reasonably asked the Council's officers to respond to the complainant's query
2020 Complaints		
CCM2020.01	Bringing office into disrepute	Complaint rejected at Stage 1 following consultation with the IP. The alleged misconduct did not amount to a breach of the Code. The Member had treated the complainant with respect and had tried their best to provide

		assistance and help
CCM2020.02	Bullying / Being Abusive Intimidating a complainant/ witness Disclose information given in confidence Bringing office into disrepute Failed to give reason for decision	Complaint rejected at Stage 1 following consultation with the IP. The alleged misconduct did not amount to a breach of the Code. The complainant behaved in such a way that they caused the Member anxiety and distress and to be fearful for their safety
CCM2020.03	Use position improperly to confer a disadvantage on another person	Complaint rejected at Stage 1 following consultation with the IP. The Member was not acting in their official capacity as a member of the Council at the time of the alleged failure to comply with the Code
CCM2020.04	Bringing office into disrepute Use position improperly to confer a disadvantage on another person Use Council resources improperly for political purposes	Complaint rejected at Stage 1 following consultation with IP. The Member was not acting in their official capacity as a member of the Council at the time of the alleged failure to comply with the Code.
CCM2020.05	Bringing office into disrepute	Referred for investigation. Complaint discontinued following change in circumstances of the subject member
CCM2020.06	Bringing office into disrepute	Referred for investigation. Complaint discontinued following change in circumstances of the subject member
CCM2020.07	Bringing office into disrepute	Referred for investigation. Complaint discontinued following change in circumstances of the subject member
CCM2020.08	Bullying / Being Abusive Compromise the impartiality of those who work for the Council Bringing office into disrepute Use position improperly to confer an advantage on another person	Complaint rejected at Stage 1 following consultation with the IP. The alleged misconduct did not amount to a breach of the Code. The Member had done everything they possibly could to assist the complainant

	Not using Council resources in accordance with the Council's reasonable requirements	
CCM2020/09	Bullying / Being Abusive Bringing office into disrepute	Complaint discontinued, prior to initial assessment, following change in circumstances of the subject member
CCM2020/10	Bringing office into disrepute	Complaint discontinued, prior to initial assessment, following change in circumstances of the subject member
CCM2020/11	Bullying / Being Abusive Intimidating a complainant/ witness Use position improperly to confer an advantage on another person	Resolved informally at initial assessment, with the agreement of the complainant, on the basis of further information being provided to all members
CCM2020/12	Cause the Council to breach the Equality Act 2010 Bullying / Being Abusive Intimidating a complainant/ witness Compromise the impartiality of those who work for the Council Bringing office into disrepute	Complaint rejected at Stage 1 following consultation with IP. Wholly disproportionate and not in the public interest to expend further resources on carrying out an investigation. Even were it the case that the facts alleged may have disclosed a potential breach, the Member had already apologised, which was the remedy sought
CCM2020/13	Cause the Council to breach the Equality Act 2010 Bullying / Being Abusive Intimidating a complainant/ witness Compromise the impartiality of those who work for the Council Bringing office into disrepute	Complaint rejected at Stage 1 following consultation with IP. Wholly disproportionate and not in the public interest to expend further resources on carrying out an investigation. Even were it the case that the facts alleged may have disclosed a potential breach, the Member had already apologised which was the remedy sought
CCM2020/14	Bringing office into disrepute Use position improperly to confer an advantage on another person	Complaint withdrawn prior to initial assessment

CCM2020/15	Bringing office into disrepute Use position improperly to confer an advantage on another person	Complaint withdrawn prior to initial assessment
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8.8 A number of complaints alleged that the subject member bullied or was abusive. Whilst this may seem to raise a theme in all of those cases the alleged bullying/being abusive was only one of a number of provisions of the code that were alleged to have been breached. One of those complaints was resolved informally with the consent of the complainant. The complaints that did proceed were rejected by the MO following consultation with the Independent Person for the reasons stated above. There were a number of cases where the view of the Monitoring Officer (in consultation with the Independent Person) complainants had unrealistic expectations or made unreasonable demands

8.9 As the Committee will be aware complaints about failure to register a DPI are subject to criminal sanction. The Monitoring Officer is not aware of any action having been taken by the Police in relation to DPI requirements regarding Manchester Councillors.

9. Recommendations:

The recommendations appear at the front of this report.

Appendix 1

The role of the Standards Committee

Promoting and maintaining high standards of conduct by Councillors, Co-opted Members and church and parent governor representatives;

Assisting Councillors, Co-opted Members and church and parent governor representatives to observe the Council's Code of Conduct for Members;

Advising the Council on the adoption, revision or replacement of the Council's Code of Conduct for Members and the Council's Arrangements for dealing with Complaints that Council Members and Co-opted voting members of the Health and Wellbeing Board have failed to comply with the Council's Code of Conduct for Members ("the Council's Arrangements");

Monitoring the operation of the Council's Code of Conduct for Members and the Council's Arrangements;

Advising, training or arranging to train Councillors and Co-opted Members and church and parent governor representatives on matters relating to the Council's Code of Conduct for Members and other issues relating to Standards and Conduct;

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") following referral by the Monitoring Officer for a Hearing conducted by a subcommittee of the Standards Committee;

To grant dispensations from section 31(4) of the Localism Act 2011 (after consultation with one of the Council's Independent Persons) if having had regard to all relevant circumstances, the Standards Committee:

- considers that granting the dispensation is in the interests of persons living in the Council's area; or
- considers that it is otherwise appropriate to grant a dispensation.

To determine appeals against the Monitoring Officer's decision on the grant of dispensations;

To deal with any reports from the Monitoring Officer on any matter which is referred to it for determination;

To deal with reports of the Monitoring Officer regarding breaches of the protocols/guidance to Members accompanying the Council's Code of Conduct for Members which do not in themselves constitute a breach of that Code;

To report from time to time to Council on ethical governance within the City Council;

To consider the Code of Corporate Governance and the Annual Governance Statement.

The Responsibilities of the Council's Monitoring Officer

The Monitoring Officer role is to support the Standards Committee, to handle complaints about Members and promote and maintain high standards of conduct. She has delegated authority under the Council's constitution:

- To act as the Council's Proper Officer to receive complaints that Council members have failed to comply with the Council's Code of Conduct for Members;
- To determine, after consultation with the Independent Person and in accordance with the Council's Arrangements for dealing with complaints that Council Members have failed to comply with the Council's Code of Conduct for Members ("the Council's Arrangements") whether to reject or informally resolve or investigate a complaint;
- To seek informal resolution of complaints that Council Members have failed to comply with the Council's Code of Conduct for Members wherever practicable;
- To refer decisions dealing with a complaint against a Council Member to the Standards Committee in exceptional circumstances;
- To arrange for the appointment of an Investigating Officer to investigate a complaint where the Monitoring Officer (in consultation with the Independent Person) determine that a complaint merits formal investigation;
- To issue guidance to be followed by an Investigating Officer on the investigation of complaints;
- To determine, after consultation with the Independent Person and in accordance with the Council's Arrangements, to confirm an Investigating Officer's finding of no failure to comply with the Council's Code of Conduct for Members;
- Where an Investigating Officer's report finds that the Subject Member has failed to comply with Council's Code of Conduct for Members, to determine, after consultation with the Independent Person and in accordance with the Council's Arrangements, either to seek a local resolution or to send a matter for local hearing;
- To make arrangements to advertise a vacancy for the appointment of:
 - i Independent Persons; and
 - ii Co-Opted Independent Members

- To make arrangements, in consultation with the Chair of the Council's Standards Committee for short-listing and interviewing candidates for appointment as Independent Persons and to make recommendations to Council for appointment;
- To prepare and maintain a Council Register of Member's Interests to comply with the requirements of the Localism Act 2011 and the Council's Code of Conduct for Members, and ensure that it is available for inspection and published on the Council's website as required by the Act;
- To prepare and maintain a register of Member's interests for Ringway Parish Council to comply with the Localism Act 2011 and the Code of Conduct adopted by Ringway Parish Council and ensure that it is available for inspection as required by the Act;
- To grant dispensations from Section 31(4) of the Localism Act 2011 if, having had regard to all relevant circumstances, the Monitoring Officer:
 - (i) considers that without the dispensation the number of persons prohibited by section 31(4) of the Localism Act from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
or
 - (ii) considers that without the dispensation each member of the Council's Executive would be prohibited by section 31(4) of the Localism Act from participating in any particular business to be transacted by the Council's Executive;
 - (iii) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.