

**Manchester City Council  
Report for Resolution**

**Report to:** Constitutional and Nomination Committee – 18 November 2015

**Subject:** Appointment of Independent Person for Consideration of Complaints against Members and Appointment of Independent Members of the Council's Standards Committee

**Report of:** The City Solicitor

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**Summary**

To enable the Constitutional and Nomination Committee to consider the recommendations of the City Solicitor in relation to the appointment of:

- (i) one Independent Person (as defined by Chapter 7 of the Localism Act 2011) to assist the Council's Monitoring Officer and Hearing Panel in dealing with allegations that Members of Manchester City Council have acted in breach of the Council's Code of Conduct for Members and with allegations that Members of Ringway Parish Council have acted in breach of Ringway Parish Council's Code of Conduct for Members; and
- (ii) two Independent Members of the Council's Standards Committee, one of whom is to be appointed as the Chair of the Council's Standards Committee.

**Recommendations**

To recommend to Council:

- (1) that the Council extends Alan Eastwood's term of office as an Independent Person for four years starting on 18 November 2015;
  - (2) that the Council appoints Sarah Beswick to act as an Independent Person for a term of office of four years starting on 18 November 2015;
  - (3) that the Council appoints Nicolé Jackson to act as an Independent Member and Chair of the Council's Standards Committee for a term of office of four years starting on 18 November 2015; and
  - (4) that the Council appoints Geoff Linnell to act as an Independent Member of the Council's Standards Committee for a term of office of four years starting on 18 November 2015.
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**Wards Affected:** All

<b>Community Strategy Spine</b>	<b>Summary of the contribution to the strategy</b>
Performance of the economy of the region and sub region	Not directly applicable
Reaching full potential in education and employment	Not directly applicable
Individual and collective self esteem – mutual respect	Not directly applicable
Neighbourhoods of Choice	Not directly applicable

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

- Equal Opportunities Policy
- Risk Management
- Legal Considerations
- Environment and climate change

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**Financial Consequences – Revenue**

None

**Financial Consequences – Capital**

None

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**Background documents (available for public inspection):**

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

1. Report of the City Solicitor to Council of 11 July 2012 on the Localism Act 2011 - New Code of Conduct for Members and Arrangements to deal with Complaints.
2. Report of the City Solicitor to the Constitutional and Nomination Committee on 10 October 2012.
3. Report of the City Solicitor to the Constitutional and Nomination Committee on 4 December 2013.

4. Chapter 7, Sections 26 to 37 and Schedule 4 of the Localism Act 2011.
5. The Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012 (S.I. 2012 No. 1463) as amended by The Localism Act (Commencement No. 6 and Transitional, Savings and Transitory Provisions) (Amendment) Order 2012 (S.I. 2012 No. 1714).
6. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (S.I. 2012 No. 1464).

## **1. Background and Context**

- 1.1 On the 11 July 2012 Manchester City Council adopted a new Code of Conduct for Members (“the New Code”) and new Arrangements for dealing with Complaints about Members (“the Arrangements”) as required by Chapter 7 of the Localism Act 2011 (“the Localism Act”). The Council also adopted new arrangements in relation to the Council’s Standards Committee, deciding to establish and appoint a new “voluntary” Standards Committee to be composed of 6 elected Members of Manchester City Council, 1 Member of Ringway Parish Council, and 2 Co-opted Independent Members (with one of the Co-opted Independent Members to be appointed to act as Chair of the Council’s Standards Committee).
- 1.2 The Council delegated to the Monitoring Officer the making of arrangements for the recruitment and selection of Independent Persons, whose appointment must be approved by a majority of the Members of Manchester City Council in accordance with Section 28(8)(c)(ii) of the Localism Act.
- 1.3 The Council appointed Independent Persons and Independent Members on 10 October 2012 as follows:
  - (a) Elizabeth Carmichael to act as an Independent Person for a term of office beginning on 10 October 2012 and ending on 13 July 2013;
  - (b) Alan Eastwood and Naseem Malik to act as Independent Persons for a term of office of four years starting on 10 October 2012;
  - (c) Stephen Hardy to act as an Independent Member and Chair of the Council’s Standards Committee for a term of office of four years starting on 10 October 2012;
  - (d) Amanda Isles to act as an Independent Member of the Council’s Standards Committee for a term of office of two years starting on the 10 October 2012.
- 1.4 Mrs Carmichael’s appointment was not extended.
- 1.5 Ms Malik resigned from her appointment in March 2014.
- 1.6 Mr Eastwood has indicated that he is willing to continue with his appointment for four years commencing on 18 November 2015.
- 1.7 Professor Hardy resigned from his appointment on 7 July 2013.
- 1.8 Ms Isles was appointed as Chair of the Standard’s Committee in Professor Hardy’s place on 4 December 2013. Ms Isles indicated on 17 June 2015 that she wished to resign from her appointment but was content to remain in place to allow time to recruit a replacement.

## **2. The Role of the Council’s Independent Persons**

- 2.1 Under the Localism Act, the Council is required to have in place Arrangements under which written allegations that a Member of the Council has failed to

comply with the Council's Code of Conduct for Members, (or that a Member of Ringway Parish Council has failed to comply with Ringway's Code of Conduct for Members) can be investigated, and decisions on such allegations can be made. As part of the Arrangements the Localism Act requires the Council to include provision for the appointment of at least one Independent Person. Although the Localism Act only requires the Council to appoint "*at least one*" Independent Person, the number of different advisory roles assigned to the Independent Person in the Localism Act creates the potential for conflict issues if the Council were only to appoint a single Independent Person.

### **3. Length of Term of Appointment of the Council's "Independent Person"**

- 3.1 There is no restriction under the Localism Act itself or in any Regulations made under it in relation to the length of appointment of an Independent Person.
- 3.2 The Interview Panel would suggest that the Council's Constitutional and Nomination Committee should recommend to Council that the Council extend Mr Eastwood's appointment for a further four years commencing on 18 November 2015 and appoint a second Independent Person for a term of four years also commencing on 18 November 2015.

### **4. Procedure for Appointment of Independent Persons and Independent Members**

- 4.1 On 4 December 2013 the Council delegated to the Monitoring Officer authority to make arrangements for the recruitment and selection of a co-opted independent member of the Standards Committee in consultation with Councillor Paul Andrews and one minority member of the Standards Committee. There is currently no minority party representation on the Council; however, Councillor Anna Trotman was invited to sit on the Interview Panel.
- 4.2 The City Solicitor made arrangements for the vacancies for Manchester City Council's additional Independent Person and for Independent Members for the Standards Committee to be advertised on the Council's website with a closing date of 24 July 2015.
- 4.3 The Council received 12 applications for the role of the Council's Independent Person, and shortlisted 6 applicants. An Interview Panel made up of the Council's Monitoring Officer and Councillor Andrews carried out interviews on 6<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> October. Councillor Trotman also sat on the Interview Panel for those interviews carried out on 8<sup>th</sup> October.
- 4.4 Five applicants attended for interview. One interview was cancelled because the applicant indicated that they had recently joined a political party and was therefore ineligible. Another applicant indicated at interview that they too had recently joined a political party and so was also ineligible to be appointed. The applicants who were interviewed were of a high calibre.

- 4.5 The Interview Panel agreed that they should recommend the appointment of Sarah Beswick to act as Independent Person to the Council.
- 4.6 The Interview Panel agreed that they should recommend the appointment of Nicolé Jackson and Geoff Linnell to be Independent Members of the Council's Standards Committee. Further, the Interview Panel agreed that they should recommend the appointment of Nicolé Jackson to be the Chair of the Council's Standards Committee.
- 4.7 Attached as an Appendix to this report is a resume of the relevant experience of the applicants whose appointment is recommended by the Monitoring Officer.

**5. Allowances to be paid to the Council's Independent Persons and the Council's Independent Members.**

- 5.1 The Council resolved on 12 October 2012 that the Council's Independent Persons should be paid an Annual Allowance of £1,679 and a Daily Allowance of £104 for each Hearing Panel attended, mirroring the allowances for the Chair of the Standards Committee and attendance at a Hearing Panel as a Panel Member (see 5.2 below). It is not proposed that any changes be made to the allowances to be paid to Independent Persons.
- 5.2 The Council's Members' Allowances Scheme for 2015 provides that the Co-Opted Independent Member who acts as Chair of the Council's Standards Committee be paid an Annual Allowance of £1,679, and that the Co-Opted Independent Members of the Council's Standards Committee be paid an Annual Allowance of £873. In addition, the Council's Members' Allowances Scheme for 2015 provides for the payment of a Daily Allowance to a Co-Opted Independent Member of the Council's Standards Committee of £156 for each Hearing, Assessment or Review Panel attended as Chair of the Panel, and of £104 for each Hearing, Assessment or Review Panel attended as a Panel Member. It is not proposed that any changes be made to the Members' Allowances Scheme.

**6. Recommendations**

These are set out at the front of this report.

## **Appendix**

### **Nicolé Jackson**

Nicolé Jackson is a fee paid Judge of the Residential Property Tribunal and the Social Security Tribunal; a member of the Teachers Professional Conduct Panel; and the Independent Person to Trafford MBC. She worked as a solicitor for Leeds City Council and between 2007 and 2011 was the Assistant Chief Executive (Corporate Governance) and before that from 2002 the Director of Legal and Democratic Services. She was also the Monitoring Officer between 2002 and 2011. Prior to working at Leeds she worked for three other West Yorkshire authorities.

### **Geoff Linnell**

Geoff Linnell is a trustee of Family Fund, Board Member of Incommunities Group Limited and the owner of GCL Professional Services. He has been a non-executive director of Tameside Acute Care Trust, where he was chair of the ICT and Audit Committees. He was Group CIO with Celerant Consulting being globally responsible for IT and support for 14 international offices, following 10 years as Managing Director, Technology and Security with UBS (Investment Bank and Wealth Management). He has been a transformation leader with Gemini Consulting, Allied Irish Bank, Pearl Assurance, Halifax Building Society, National Air Traffic Services, CAP Gemini and Arthur Young.

### **Sarah Beswick**

Sarah Beswick is a social welfare solicitor specialising in asylum and family law. Over the past seven years she has worked in Manchester and Bolton Citizens Advice Bureaux, for legal charities and in private practice. Prior to qualifying as a solicitor she worked within the NHS in a number of administrative roles. She is a governor of a local authority school in Manchester and a practitioner mentor for Manchester Metropolitan University law students.