

**Manchester City Council
Report for Resolution**

Report to: Constitutional and Nomination Committee – 13 July 2021
Council – 14 July 2021

Subject: Terms of Office of the Independent Members of the Standards Committee and the Independent Persons

Report of: City Solicitor and Monitoring Officer

Summary

To invite Council to extend the terms of office of the two independent co-opted members of the Standards Committee and the Council's two Independent Persons.

Recommendations

That the Constitutional and Nomination Committee recommend that Council extend the terms of office of Nicolē Jackson & Geoff Linnell (the two independent co-opted members of the Standards Committee) and Alan Eastwood & Sarah Beswick (the Council's two Independent Persons) for one year commencing on 18 November 2021.

Wards Affected – All

Financial Consequences – Revenue None

Financial Consequences – Capital None

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Background documents (available for public inspection):

None

1.0 Background

- 1.1 The Localism Act 2011 fundamentally changed the local authority Standards regime in England with the current standards regime coming into effect from mid-2012. The Committee on Standards in Public Life (“the CSPL”) completed a review of local government ethical standards and published a report on 30 January 2019.
- 1.2 The Council has delegated to the Standards Committee the power to deal with matters of conduct and ethical standards, and the promoting and maintaining of high standards of conduct by Councillors, Co-opted Members and church and parent governor representatives.
- 1.3 Members are invited to consider the potential extension of the terms of office of the Council’s Independent Members of the Standards Committee and the Independent Persons.

2.0 Independent Members of the Standards Committee

- 2.1 The Standards Committee is composed as follows:
 - Six elected Members of Manchester City Council (none of whom may be the leader of any political group and no more than one of whom may be a member of the Executive);
 - One Member of Ringway Parish Council who is not a Member of Manchester City Council (the Parish Member); and
 - Two people appointed by the Council who are not councillors or officers of the Council (Independent Members).
- 2.2 Independent Members are not be entitled to vote at meetings.
- 2.3 The Council appoints one of the Independent Members as Chair of the Standards Committee. In the absence of the appointed Chair, the Committee is chaired by the other Independent Member.

3.0 Independent Persons

- 3.1 Section 28 (7) of the Localism Act 2011 requires all English local authorities to appoint Independent Persons (IPs) to help them to discharge their duty to promote and maintain high standards of conduct by their Councillors and co-opted members and any Parish Councillors.
- 3.2 An IP must be a person who has applied for the post following advertisement of a vacancy for the post, and appointed by a positive vote from a majority of all the Members of the Council at a meeting of the full Council.

3.3 Independent Persons have the following roles:

- An IP's views **must** be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate;
- The authority may also seek an IP's views on an allegation that it has not decided to investigate. However, there is no requirement for the authority to do so, or to take those views into account;
- A member or co-opted member of the authority (or of a parish council in its area) may seek an IP's views on an allegation made against them.

4. **Recommendations of the Committee on Standards in Public Life (“the CSPL”)**

4.1 In relation to Independent Persons, in January 2019 the CSPL made the following two recommendations to the government:

- (a) That the role of IPs should be strengthened. However, to avoid any possibility that their independence is compromised by a long period of involvement with a single Council, the CSPL recommended that IP appointments should be for a fixed term of 2 years, renewable once;
- (b) An IP should be consulted as to whether to undertake a formal investigation on an allegation and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

4.2 It still remains to be seen whether the government accepts these recommendations. Given the current COVID-19 pandemic the Government may encounter difficulties in setting aside sufficient Parliamentary time to debate these, and other recommendations of the CSPL in the near future.

5. **Terms of Office of the Independent Members and Independent Persons**

5.1 On 18 November 2015 the Council resolved to:

- extend Alan Eastwood's term of office as an Independent Person for four years commencing on 18 November 2015;
- appoint Sarah Beswick to act as an Independent Person for a term of office of four years commencing on 18 November 2015;
- appoint Nicolé Jackson as an independent co-opted member and Chair of the Standards Committee for a term of office of four years commencing on 18 November 2015;
- appoint Geoff Linnell as an independent co-opted member of the Standards Committee for a term of office of four years starting on 18 November 2015.

5.2 On 15 May 2019 the Council resolved to extend the terms of office of Nicolé Jackson & Geoff Linnell (the two independent co-opted members of the

Standards Committee) and Alan Eastwood & Sarah Beswick (the Council's two Independent Persons) for two years commencing on 18 November 2019.

5.3 The terms of office of all four will therefore expire on 17 November this year.

6. Recommendation of the Standards Committee

6.1 Whilst the response to the CSPL recommendation in relation to the terms of office of Independent Persons is awaited from the Government, the Standards Committee agreed on 17 June 2021, that Nicolé Jackson & Geoff Linnell (the two independent co-opted members of the Standards Committee) and Alan Eastwood & Sarah Beswick (the Council's two Independent Persons) be contacted to ask whether they are agreeable to the extension of their terms of their office for a period of one year from 18 November 2021.

6.2 It is confirmed that all four have been contacted and are agreeable to the extension of their terms of their office for a period of one year from 18 November 2021.

6.3 It is envisaged that in 2022 further consideration be given to advertising the offices of the two Independent Members of the Standards Committee and the two Independent Persons with a view to appointing new membership with effect from 18 November 2022.

7. Recommendation

The recommendations appear at the top of this report.