

Manchester City Council Report for Resolution

Report to: Standards Committee

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

Report of: City Solicitor and Monitoring Officer

Purpose of the Report

To seek the views of members in relation to the terms of office of the two independent co-opted members of the Standards Committee and the Council's two Independent Persons.

Recommendation

That the Standards Committee:

- (1) Agree that the Committee's views are sought regarding the reappointment 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 a further four-year term provided they are agreeable to this extension
 - (2) Agree that the matter then be referred to the Constitutional and Nominations Committee and Full Council for a decision to be taken regarding the potential extensions of their terms of office.
 - (3) Supports the proposal to advertise and interview an additional Independent Person and in the event vacancies arise, advertise and interview to other vacant roles to enable recommendations to full Council on this matter.
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Wards Affected: All

Contact Officers:

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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.
- 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.

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:
 - a) 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;
 - b) 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;

- c) 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. Terms of Office of the Independent Members and Independent Persons

- 4.1 The current terms of office of Nicolé Jackson and Geoff Linnell as Independent co-opted members of this Committee date from November 2015. Sarah Beswick's appointment as Independent Person was on the same date and Alan Eastwood's appointment as Independent Person predates this. All appointments have been extended twice until 18 November 2022 whilst awaiting the Government's response to the Committee on Standards in Public Life's (CSPL) recommendation that the term of office of an IP should be limited to 2 years renewable once.

5.. Government's Response to the CSPL recommendation regarding terms of office of Independent Persons

- 5.1.1 As previously reported the CSPL completed a review of local government ethical standards and published a report on 30 January 2019. CSPL Recommendation 8 was that the Localism Act 2011 should be amended to require that Independent Persons [IP's] are appointed for a fixed term of 2 years, renewable once
- 5.2 The government's response is that it does not accept this recommendation as appropriate for legislation on the basis that it would be likely to be unworkable. The government's view is that it would be more appropriately implemented as a best practice recommendation for local authorities. Discussions with Monitoring Officers indicate that in practice most local authorities would likely find servicing this rate of turnover unachievable. When local authorities have found effective [IPs] who demonstrate the capability, judgement and integrity required for this quite demanding yet unpaid role, it is understandable that they may be reluctant to place limitations on the appointment.
- 5.3 The Monitoring Officer proposes in these circumstances (subject to the availability of current appointees) to ask the Committee to recommend existing appointments for a further 4 year period and to recruit an additional Independent Person to enable provision of support to members where more than one member is the subject of a complaint (i.e. to cover the situation in 3.3 c) above).

6. Recommendation

The recommendation appears at the top of this report.
