

Manchester City Council

Report to: Constitutional and Nomination Committee
Council

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 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.

Recommendation

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 two years commencing on 18 November 2019.

Wards Affected: All

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Background documents (available for public inspection):

There are no background documents to this report.

1.0 Background

- 1.1 The Localism Act 2011 fundamentally changed the local authority standards regime in England abolishing 'Standards for England' (formerly the 'Standards Board') and giving the responsibility for investigating alleged breaches of its Member Code of Conduct to Councils. The Committee on Standards in Public Life ("the CSPL") has completed a review of how the local government ethical standards regime has been operating and published a report on 30 January 2019 with a number of recommendations for change. This report was considered by the Council's Standards Committee at its meeting in March 2019.
- 1.2 The Council has retained a Standards Committee the role of which includes promoting and maintaining high standards of conduct by Councillors, Co-opted Members and church and parent governor representatives. In 2015 the Council appointed 2 Independent Members to its Standards Committee and 2 'Independent Persons' each for 4 year terms. Further information on these roles is set out below.
- 1.3 Members are invited to consider the 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 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 the CSPL has recommended to the Government that to avoid any possibility that their independence is compromised by a long period of involvement with a single Council, IP appointments should be for a fixed term of 2 years, renewable once. It remains to be seen whether the Government accepts the CSPL's recommendations. In the meanwhile, it is proposed to extend terms of the Independent Member and Independent Persons appointments which will expire later this year.

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

5.3 Whilst the CSPL recommendation in relation to the terms of office of Independent Persons is considered by the Government it is proposed that the terms of office of the Council's two IPs be extended for two years commencing on 18 November this year. It is also recommended that the terms of office of the Council's two Independent Members of the Standards Committee similarly be extended. All four have indicated their willingness to continue in office and

this extension is supported by the Standards Committee.

- 5.4 It is envisaged that in 2021 the offices of the two Independent Members of the Standards Committee and the two Independent Persons be advertised with a view to appointing new membership with effect from 18 November 2021.

6. Recommendation

The recommendation appears at the front of this report.