

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Standards Committee**
held on Monday, 21st November, 2011 at Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Mr N Briers Independent Chairman
Mr D Sayer Independent Vice Chairman

Councillors R Fletcher, P Groves, J Hammond, D Marren and M Parsons

Independent Members

Mr M Garratt and Mr R Pomlett

Parish Member

Mrs T Eatough

OFFICERS

Caroline Elwood Borough Solicitor and Monitoring Officer
Diane Moulson Senior Member Development Officer

APOLOGIES

Councillors F Keegan, M Martin and H Murray, Mr I Clark (Independent Member), Mrs P Barnett (Parish Member), Ms J Openshaw (Deputy Monitoring Officer)

18 DECLARATIONS OF INTEREST

No declarations of interest were made in any item of business on the agenda.

19 PUBLIC SPEAKING TIME/OPEN SESSION

In accordance with Procedure Rules Nos. 11 and 35 a total period of 10 minutes was allocated for members of the public to address the Committee on any matters relevant to the work of the Committee.

No questions had been submitted or were forthcoming at the meeting and the Committee proceeded to its next item of business.

20 MINUTES OF PREVIOUS MEETING

The Committee was invited to approve the Minutes of the meeting held on 26 September 2011.

RESOLVED: That

Subject to the following correction, namely that reference to 'a Sub-Committee of Audit and Governance Committee' be amended to read 'an ad-hoc Standards Sub-Committee of Audit and Governance Committee'; the Minutes of the meeting held on 26 September 2011 be approved as a correct record.

21 STANDARDS REGIME AND LOCALISM BILL: DEALING WITH COMPLAINTS UNDER A FUTURE CODE OF CONDUCT

The Chairman invited the Monitoring Officer and Borough Solicitor to update the Committee on the latest position in respect of the Localism Bill.

It was reported that the Bill had recently received Royal Assent; the Localism Act 2011 coming into force on 15 November 2011. The provisions of the Act in respect of standards had shifted from the Government's original position although the abolition of Standards for England remained. The Monitoring Officer drew Members' attention to paragraph 10.1.3 of the agenda report which succinctly summarised the changes to be imposed i.e.

- All authorities would be required to have a mandatory, rather than voluntary Code of Conduct
- The Code must be in accordance with the 7 Nolan principles of public life i.e. Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership
- Councils could continue to operate under the Model Code or adopt a simplified version based on the above principles
- Members would be required to register and disclose pecuniary interests
- A system to deal with conduct complaints had to be put in place but there was no obligation to retain a Standards Committee to undertake this function
- An Independent Person had to be appointed through a transparent process of advertisement and interview
- Principal Councils would deal with allegations of breaches of the Code in relation to Parish Councillors

The requirement to have a Code of Conduct in accordance with the Nolan principles would also apply to Parish Councils. From a practical point of view, the Monitoring Officer considered that the complaints process would be far easier to administer if all parishes within Cheshire East adopted the same Code and she reported that the Council would be working with ChALC on this matter.

Having invited comments on the proposals, a Member sought clarification as to the role of the Independent Person and asked whether the Act prohibited more than one individual being appointed. The Monitoring Officer stated that, at present, there was insufficient detail within the Act about this matter but there was nothing to suggest that only a single appointment could be made. What was clear, however, was that the restrictions on who could be appointed were stringent and the post(s) would have to be advertised externally; the present post holders being prohibited from applying.

To enable an open and frank discussion to be held on the future of standards, Members had agreed that a meeting of the Committee's Issues and Ideas Working Group should be held and a provisional date of 25 October 2011 had been set. Due to the continual shift in the government's position as the Bill progressed through Parliament, a decision had been taken to postpone the meeting.

The Chairman considered that there was still value in the Working Group meeting to discuss options and, as the Committee's agenda for January was likely to focus on future arrangements, he proposed that the formal meeting be cancelled; the Issues and Ideas Working Group to meet in its place.

RESOLVED:

That the meeting of the Standards Committee scheduled for 23 January 2012 be cancelled and replaced with a meeting of the Issues and Ideas Working Group.

22 APPOINTMENT OF PARISH COUNCIL MEMBER TO STANDARDS COMMITTEE

The Committee was invited to consider and recommend to Council the appointment of Councillor Barbara Lawton of Odd Rode Parish Council to the vacant position of Parish Member on the Standards Committee. The vacancy had arisen when the previous Parish Member, Councillor Ken Edwards had been elected to Cheshire East Council in May 2011.

In light of forthcoming changes and for the purposes of continuity, the term of office recommended for the post would be that of the existing Parish Members.

RECOMMENDATION: That Council be invited to RESOLVE that –

Councillor Barbara Lawton of Odd Rode Parish Council be appointed to Cheshire East Council Standards Committee as a Parish Member for the same term of office as existing Parish Members.

23 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED:

That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 7c of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

24 COMPLAINTS RECEIVED UNDER THE CODE OF CONDUCT

The Committee received for information, the report of the Monitoring Officer and Borough Solicitor which provided an update on complaints received under the Code of Conduct.

The meeting commenced at 2.00 pm and concluded at 2.25 pm

Mr N Briers
Independent Chairman