

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Standards Committee**
held on Monday, 18th May, 2009 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Mr N Briers (Chairman)

Councillors Rhoda Bailey, B H Dykes, J Goddard, J Hammond, M A Hollins, M A Martin, M Parsons and L Smetham

Independent Members: Mr M Garrett, Mr R Pomlett and Mr D Sayer

Parish Council representatives: Mrs P Barnett, Mrs T Eatough and Mr K Edwards

28 APOLOGIES FOR ABSENCE

Mr I Clark.

29 DECLARATIONS OF INTEREST

Councillor J Hammond declared a personal interest in agenda item 11 (Up-date on Complaints Received under the Code of Conduct), on the basis that he was a colleague Ward Councillor of one of the subject Members referred to under the item.

No other Member made any declaration of interest at this point in the proceedings.

30 PUBLIC SPEAKING TIME/OPEN SESSION

In accordance with Procedure Rules Nos. 11 and 35, members of the public were entitled to address the Committee on any matter relevant to its work.

There were no members of the public present and the Committee proceeded to its next business.

31 MINUTES OF PREVIOUS MEETING

RESOLVED: That the Minutes of the meeting held on Tuesday, 10th March 2009, be approved as a correct record, subject to the following –

- Delete “Councillor” preceding the names of Mr Briers and Mr Sayer in the list of those present; and
- Add the names of Mr I Clark, Mr M Garratt and Mr R Pomlett in the list of those present.

32 PUBLICITY WORKING GROUP

The Committee considered the report of two meetings of the Publicity Sub-Committee (formerly known as “Working/Discussion Group”) held on 10th March 2009 and 28th April 2009 respectively.

It was noted that the Group had focused its attention on the production of a publicity leaflet which would explain, in a user-friendly manner, the role and work of the Committee, its terms of reference and how to make a complaint. The Chairman, together with other Members of the Committee, had recently met with the Leader of the Council who had not only endorsed the principle but had prepared the Foreword for the leaflet.

Members were invited to comment on proposed revisions which were tabled at the meeting. Suggestions included –

- Changes to reflect the nature of the targeted “audiences”; for example, Parish Councils.
- Make-up of the Standards Committee: Revise the order of the text, listing the categories of Independent Members and Town and Parish Councillors representatives first, followed by reference to elected Members.

RESOLVED: (a) That the reports of the Publicity Sub-Committee meetings held on 10th March and 28th April be noted;

(b) That suggested amendments made at the meeting be included in a revised document for submission to a future Publicity Sub-Committee meeting; and

(c) That a draft of the revised document be submitted to the July meeting of this Committee.

33 NORTH-WEST INDEPENDENT MEMBERS FORUM

The Committee received the report of Mr D Sayer, the Vice-Chairman, following attendance at a meeting of the North-West Independent Members Forum held at Preston on 21st April 2009.

It was noted that the guest speaker had been Freda Sharkey, Acting Head of Legal Services at the Standards Board for England. The Forum had discussed, *inter alia*, practical issues surrounding receipt of complaints, the appropriate level of detail of a complaint to be disclosed to the subject Member at the initial stages, and the new Model Code of Conduct.

The Members who had attended considered it to be worthwhile and asked the Committee to support their continued representation.

RESOLVED: That the Committee endorse the continued representation of Independent Members of the Committee on this Forum as an approved duty under the Scheme of Members Allowances 2009/2010.

34 PILOT COMPACT (MACCLESFIELD BOROUGH COUNCIL/CHESHIRE ASSOCIATION OF LOCAL COUNCILS)

The Committee received a report which had been considered by the Macclesfield Standards Committee at a meeting held on 16th March 2009.

The report gave details of progress in respect of a Pilot compact which had been developed in partnership with Standards Committees of Chester, Macclesfield and Vale Royal. Its aim was to reflect the working arrangements between the parties and seek to promote best practice in the support of, and engagement with, the Town and Parish Councils in Cheshire.

The Standards Committee (Macclesfield) had approved 13 recommendations. but acknowledged that a decision on the future of the project would need to be made by Cheshire East.

The Committee was now invited to consider continuation of the project. There was general support and it was suggested that to make progress, the Monitoring Officer and a small group of members of the Committee meet with Jackie Weaver (Chief Officer of the Cheshire Association of Local Councils in the next few weeks, with a view to a further report being submitted to this Committee.

RESOLVED: (a) That the Committee support the Code of Conduct Compact for Cheshire Councils, for use within Cheshire East;

(b) That the Monitoring Officer, together with Mr N Briers, Mr D Sayer and Mr K Edwards, meet with the Cheshire Association of Local Councils (ChALC) to discuss the project; and

(c) That the Committee be informed of the outcome at the July or September meeting.

35 TRAINING NEEDS FOR MEMBERS

The Committee was invited to identify any training needs for Members in general and specifically for Standards Committee Members. None were identified, but it was agreed that this should remain as a standing agenda item.

During discussion, reference was made to declaration of interests. Members commented that when to declare, and when not to declare, remained confusing, and official guidance from the Standards Board for England failed to clarify the situation. The Chairman undertook to raise this with the Publicity Sub-Committee.

36 **TERMS OF REFERENCE - ASSESSMENT SUB-COMMITTEE AND HEARINGS SUB-COMMITTEE**

The Committee was informed of recent difficulties which had been encountered in respect of the Terms of Reference adopted on 10th March 2009, for the three Sub-Committees, namely Assessment Sub-Committee, Review Sub-Committee and Hearings Sub-Committee. A number of anomalies had been identified which were at variance with guidance issued by the Standards Board for England.

The Monitoring Officer outlined proposed revisions, to the effect that the Assessment Sub-Committee would continue to act as a “filter” to make an initial assessment of an allegation and decide whether to refer it on for investigation/other action, as appropriate, or take no further action.

The Terms of Reference for the Review Sub-Committee would remain as adopted on 10th March 2009.

The Terms of Reference for the Hearings Sub-Committee would require revision to reflect its two-fold role, viz. (1) It would act in a “determining” capacity to receive an Investigator’s Report, for the purpose of deciding, based on the facts as set out in the report, whether or not to accept the findings of the Investigator. (2) Dependent on the outcome of that meeting, a separate Sub-Committee would be convened in its “hearings” capacity.

If the Investigator’s conclusion was that there had been no breach of the Code and the Sub-Committee agreed, no further action would be taken. If the Sub-Committee disagreed that there had been no breach of the Code, it must hold a Hearing to consider the matter in full.

If the Investigator concluded that there had been a breach of the Code a Hearings meeting must be arranged.

RESOLVED: (a) That the Terms of Reference for the three Sub-Committees, namely, Assessment, Review and Hearings, be revised, as outlined at the meeting, with the Monitoring Officer being authorised to make any consequential amendments; and

(b) That the Monitoring Officer e-mail the revised Terms of Reference to Committee Members, for information.

37 **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, 7C and 10 of Part 1 of Schedule 12A of the Act.

38 UP-DATE ON COMPLAINTS RECEIVED UNDER THE CODE OF CONDUCT

(Note: At this point in the proceedings, Councillors B H Dykes, M A Hollins and M A Martin each declared a personal interest in the item on the basis that they were colleagues of one of the subject Members referred to in the Minutes of the Sub-Committees.)

The Committee considered the report of the Monitoring Officer which outlined the up-to-date situation in respect of complaints made under the Code of Conduct, prior to 31st March 2009, which had now transferred to Cheshire East Council for completion.

The Committee also received for information (a) the Minutes of an Assessment Sub-Committee meeting, and (b) the Minutes of a Hearings Sub-Committee meeting, both of which had been held on 12th May 2009.

The meeting commenced at 10.30 am and concluded at 11.45 am

Briers (Chairman)