

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Standards Committee**
held on Monday, 29th March, 2010 in Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Mr Nigel Briers (Chairman)
Mr David Sayer (Vice-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 R Pomlett, Mr I Clark and Mr M Garrett

Parish Council representatives:

Mrs P Barnett, Mrs T Eatough and Mr K Edwards

89 URGENT BUSINESS

The Chairman announced that there was one item of urgent business to bring before the meeting. This related to the reporting of "Complaints Under the Code of Conduct".

The reason for the urgency was that, in accordance with Section 100B(4)(b) of the Local Government Act 1972, the Chairman was of the opinion that the item should be considered at this meeting as a matter of urgency as it was intended to have appeared on the agenda as a separate item but had inadvertently been omitted on the assumption that a separate item on the agenda covered the subject matter; it was subsequently realised that it ought to be considered as a separate item.

The item would be considered at the appropriate point in the proceedings.

90 DECLARATIONS OF INTEREST

No declarations of interest were made.

91 PUBLIC SPEAKING TIME/OPEN SESSION

In the absence of members of the public, the Committee proceeded to its next item of business.

92 MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 25th January 2010 be approved as a correct record, subject to the following amendments –

- (a) The inclusion of Mr R Pomlett in the list of those present;
- (b) The addition of the name of “Mr Tim Leslie”, Director of Regulations, Standards for England, to be noted as an attendee at the “Away-Day” held on 11th December 2009 as noted in Minute No. 84.

93 PILOT COMPACT

The Pilot Compact Working Group, which had met on several occasions, held its last meeting on 17 February 2010. The minutes of the meeting were submitted, together with the proposed draft Compact.

The Committee was invited to adopt the draft Code of Conduct Compact for use within Cheshire East.

RESOLVED:

That the draft Code of Conduct Compact be adopted for use within Cheshire East.

94 MEMBER AND OFFICER PROTOCOL

The Committee received for consideration a copy of the Member/Officer Relations Protocol from the Council's Constitution.

RESOLVED:

That the Member/Officer Relations Protocol be noted.

95 ANNUAL REPORT

The Annual Report was submitted. This was the first report of its type since the inception of Cheshire East Council; it outlined the activities undertaken by the Standards Committee over the past year.

RESOLVED:

That the report be noted and that it be submitted to full Council for information.

96 EXCLUSION OF 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 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 and the public interest would not be served in publishing the information.

97 COMPLAINTS UNDER THE CODE OF CONDUCT

The Monitoring Officer reported that during the past Council year there had been four complaints against serving or former Councillors as follows –

- On 12th May 2009, the Sub-Committee considered a complaint transferred from the former Crewe and Nantwich Borough Council (CNBC/01/09). The Assessment Sub-Committee considered the report of the Investigator and agreed with his finding that there had been no breach of the Code of Conduct by the Subject Member.
- On 12th May 2009, the Sub-Committee considered a request from a complainant for a withdrawal of his complaint. The complaint had been made against a former Cheshire County Councillor and had been transferred to Cheshire East Council under the transitional arrangements. The County Councillor is no longer a serving councillor. The Sub-Committee was satisfied with the reasons for the request and granted the withdrawal of the complaint.
- On 17th June 2009, the Sub-Committee considered a complaint transferred from the former Macclesfield Borough Council. The Assessment Sub-Committee considered the report of the Investigator and agreed with his findings that there had been no breach of the Code of conduct by the Subject Member.
- On 21st December 2009, the Assessment Sub-Committee considered a complaint made against a serving Cheshire East Councillor. The Assessment Sub-Committee concluded that there was no case to answer and both complainant and Subject Member were informed of the outcome.

RESOLVED:

- (a) That the report be noted; and
- (b) That reports on complaints against Borough, Town or Parish Councillors be included as a standing item on future Committee agendas.

98 RE-ADMITTANCE OF PRESS AND PUBLIC

RESOLVED:

That the press and public be re-admitted to the meeting.

99 BRIBERY BILL

The Committee received a report on the content and impact of the Bribery Bill, which was progressing through Parliament and the House of Lords at present.

The aim of the prospective Act was to provide a more effective legal framework to combat bribery in the public and private sectors. It would replace the current fragmented and complex offences at common law, as well as the body of Acts between 1889-1916, comprising the Public Bodies Corrupt Practices Act 1889 and the Prevention of Corruption Act 1906-1916.

Two new general offences could be created, covering the offering, promising or giving of an advantage, and requesting, agreeing to receive or accepting of an advantage. The formulation of these offences was designed to abandon the agent/principle relationship, in favour of a model based on intention to induce improper conduct. A further offence of bribery of a foreign public official would also be created.

There would also be an offence of failure by a commercial organisation to prevent a bribe being paid for or on its behalf. It would be a defence if the organisation had adequate procedures in place to prevent bribery.

The new legislation did not require any changes to be made to the existing Code of Conduct to which Members of the Council, and employees of the Council, were already subject.

RESOLVED:

That the report be noted.

100 MEMBER TRAINING

The Committee was invited to consider any training needs at this time.

It was noted that the Code of Conduct training which had been arranged in March 2010 had been postponed as a result of the delay in publishing the new Code of Conduct.

During discussion of this item, the Chairman indicated that he would like to invite Members to an informal Issues and Ideas Group whose role would be to support the work of the Standards Committee and examine any

notable practice with the Borough and nationwide. Any Member of the Committee would be welcome on 11th May 2010 at 10.00 am.

The Monitoring Officer reminded Members of the formal requirements for decision-making bodies and the need for reports to follow the corporate standard so that appropriate Officer advice could be given and all relevant legal and policy implications considered.

RESOLVED:

That the position on Member training be noted.

**101 ANNUAL ASSEMBLY OF STANDARDS COMMITTEES
(18TH AND 19TH OCTOBER 2010)**

The Annual Assembly of Standards Committees was to be held on 18 and 19 October 2010 at the International Convention Centre, Birmingham. The Committee considered if there should be representation at the Annual Assembly and agreed that two members should attend, one on each day.

RESOLVED:

That Councillor Michael Parsons attend the Annual Assembly of Standards Committees on 18 October and Councillor Lesley Smetham attend on 19 October 2010.

102 THE BULLETIN (NO. 47)

The Committee received for information Bulletin No. 47 issued by Standards for England.

RESOLVED:

That the contents of the Bulletin be noted.

103 TIMETABLE OF MEETINGS - 2010-2011

Council, at its meeting on 25 February 2010, had approved its Timetable of Public Meetings for 2010-2011. Meetings of the Standards Committee were to be held at 2.00 pm on the following dates:-

24 May 2010	26 July 2010
27 September 2010	22 November 2010
24 January 2011	28 March 2011

RESOLVED:

That the meeting dates for the Standards Committee for 2010-2011 be noted.

The meeting commenced at 10.30 am and concluded at 11.30 am

Mr Nigel Briers (Chairman)