

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 proposals although its intention to abolish Standards for England remained. The Monitoring Officer drew Members' attention to paragraph 10.1.3 of the 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 consistent with the principles set out in Section 28 (1) of the Localism Act 2011: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership
- Members would be required to register and disclose pecuniary and non-pecuniary interests
- A system to deal with allegations that Members have breached the Code of Conduct would need to be established but there was no obligation to retain a Standards Committee for this purpose
- At least one Independent Person had to be appointed through a transparent process of advertisement and interview to enable the authority to seek the Independent Person's views before reaching a decision about an allegation, which it must have regard to. A person against whom a complaint was made would also be entitled to seek the views of the Independent Person.
- Principal Councils would deal with allegations of breach in relation to Parish Councillors

The requirement to adopt a Code of Conduct in accordance with Section 28(1) applied to both Parish Councils and Principal Authorities. This would allow Councils to continue operating under the current Model Code if desired or, adopt an alternative Code provided it complied with the Act. From a practical point of view, the Monitoring Officer considered that the complaints process would be easier to administer if Parish Councils adopted the same Code and Cheshire East would be working with ChALC on this matter.

A Member sought clarification as to the role of the Independent Person and whether the Act prohibited more than one individual being appointed. The Monitoring Officer stated that there was insufficient detail in the Act concerning this condition although there was nothing to suggest that only a single appointment could be made.

To encourage open debate on the future of standards, Members had previously agreed that a meeting of the Issues and Ideas Working Group should be held and a provisional date of 25 October 2011 had been proposed. Due to the number of amendments made to the Bill during its passage through parliament, the decision was taken in October to postpone the meeting until such time as a clear position emerged.

The Chairman considered that there was still value in the Working Group discussing the implications of the Act and, as the Committee's January meeting was likely to focus on future arrangements, he proposed that the formal meeting be cancelled and the Issues and Ideas Working Group meet in its place. This would also allow the Committee to be notified of and consider any transitional arrangements to be put in place, as a result of the abolition of Standards for England.

RESOLVED:

That the meeting of the Standards Committee scheduled for 23 January 2012 be cancelled and replaced with an informal 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 on 5 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 involves 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