

**Summary of a meeting of the Standards Committee's  
Improvements and Issues Working Group  
Tuesday, 22<sup>nd</sup> February 2001 at Sandbach Town Hall**

**Present:**

Mr Nigel Briers	Standards Committee Chairman
Mr David Sayer	Standards Committee Vice Chairman

**Councillors:**

Rhoda Bailey, Brian Dykes, John Hammond, Margaret Martin, Mike Parsons and Lesley Smetham

**Independent Members:**

Mike Garratt, Roger Pomlett

**Parish Representatives:**

Patricia Barnett, Teresa Eatough

**Officers:**

Caroline Elwood, Diane Moulson and Julie Openshaw

**1. CHAIRMAN'S INTRODUCTION**

The Chairman welcomed the members and outlined the purpose of the meeting which was to discuss –

- i) Whether the Council should adopt a voluntary Code of Conduct and if so, why?
- ii) How would it differ from the existing Code; and
- iii) What recommendation should be placed before the Standards Committee at its next meeting?

Two papers had been provided as a basis for the discussion; a report setting out arguments for and against a voluntary Code of Conduct written by the Chairman and Vice Chairman and an article from the Association of Council Secretaries and Solicitors (ACSeS) on the Localism Bill and the Standards regime. Comments and observations forwarded to the Chairman by Ken Edwards (Parish Representative) who was unable to be present, were tabled at the meeting.

**2. WHY RETAIN A CODE OF CONDUCT?**

**2.1 Reasons**

- The Council has a duty to the community to provide a mechanism for the submission of complaints
- It would ensure public confidence in the way in which complaints were dealt with
- It would provide a common framework for Members to work within

- Protection for Members from vexatious complaints and complainants
- Aids transparency in the decision making process
- Has the support of the Chief Executive and Leader of the Council
- Council could be open to criticism if problems arose and there was no mechanism in place for dealing with allegations of misconduct
- There was too wide a gap between having no Code and breaches of the regulations which would constitute a criminal offence

## **2.2 Conclusions**

Cheshire East Council should adopt a voluntary Code of Conduct to -

- i) ensure compliance with the duty to promote and maintain high standards of conduct for members and co-opted members;
- ii) promote transparency within local government and retain the support of local people; and
- iii) reduce the number of cases which might otherwise result in litigation

## **3. WHAT DO WE NEED TO DO DIFFERENTLY?**

### **3.1 Structure of the Code/Committee Process**

Members agreed with a statement from the Chairman that any new arrangements would need to be inexpensive, quicker to resolve complaints and less bureaucratic than at present whilst being simpler to understand.

### **3.2 What might the Code/Process look like?**

- Nolan Principles could be used as a basis for the Code
- Initial complaint made in writing could come first to Chief Executive or the Monitoring Officer
- Group Leaders could be initial arbiters and deal with minor breaches with more serious cases being determined by the Monitoring Officer
- Would there need to be a body to which appeals could be made if alleged breaches were dismissed?
- In the interests of natural justice the process would need to allow for both parties to comment on the allegations and provide evidence. This would preclude a short turn around of complaints but would allow allegations to be resolved much quicker than at present and within a realistic time frame.

### **3.3 What would be the role of the Committee?**

As the Committee would only be called upon to hear complaints it could be brought under the Constitution Committee but Members considered that it would be a retrograde step to combine Standards, the Constitution Committee and the Audit & Governance Committee as suggested in the ACSes report

The sanctions available to the Committee would reduce significantly; the highest penalty being censure. To remain effective, the imposition of a sanction by their peers would need to be deemed as detrimental by Members.

Independent members would only be non-voting advisory members as a voluntary Standards Committee would become an ordinary committee of Council. There was uncertainty whether Councillors would be comfortable with Independent 'outsiders' imposing sanctions upon them but without their involvement, the Council would need to guard against a perception of 'Members looking after their own'.

#### **4. Recommendation to Standards Committee**

The Working Group concluded that -

1. A simple coherent carefully written Code of Practice following wide consultation, with a simple inexpensive democratically run committee to deal with complaints quickly, transparently and fairly would seem to be the way forward.
2. The justification for this approach would be to -
  - i) ensure compliance with the duty to promote and maintain high standards of conduct for members and co-opted members;
  - ii) promote transparency within local government and retain the support of local people; and
  - iii) reduce the number of cases having to be resolved by litigation.
3. The existing Standards Committee could be asked to produce a draft code and draft structure based upon the existing codes and structures but adjusted to take account of new legislation and new principles of localism.