

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Standards Committee**
held on Monday, 24th January, 2011 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Mr N Briers (Chairman)
Mr D Sayer (Vice-Chairman)

Councillors Rhoda Bailey, J Hammond, M Hollins, M Parsons and L Smetham

Independent Members:

Mr I Clark
Mr M Garratt
Mr R Pomlett

Parish Council Representatives:

Mrs P Barnett
Mrs T Eatough
Mr K Edwards

APOLOGIES

Councillors B H Dykes and M A Martin

30 DECLARATIONS OF INTEREST

No declarations of interest were made at the meeting.

31 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 matter relevant to its work, or to ask a question.

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

32 MINUTES OF PREVIOUS MEETING

Subject to the inclusion of Mr R Pomlett in the list of apologies received -

RESOLVED: That the minutes of the meeting held on 27 September 2010 be approved as a correct record.

33 THE FUTURE OF THE STANDARDS REGIME AND THE STANDARDS COMMITTEE

On 25 May 2010, the Coalition Government had announced its intention to abolish the Standards regime, in line with the Localism Bill. The report of the Interim Borough Solicitor outlined for Members the applicable sections of the Bill and the potential impact on Cheshire East Borough Council and its Standards Committee.

The Bill had received its second reading in the House of Commons and was due to move on to Committee stage, with Royal Assent (the passing of the Bill into law) not expected until later in the year. The Deputy Monitoring Officer briefly summarised the changes which would be introduced should the Bill be enacted.

As the subsequent report on the agenda also discussed the implications of the Bill, the Chairman proposed that the report be presented to the Committee before opening the matter for debate.

34 CONDUCT OF LOCAL AUTHORITY MEMBERS- CORRESPONDENCE FROM COMMUNITIES AND LOCAL GOVERNMENT (CLG)

The second report began with reference to a letter sent to Standards Committees Chairs by Dr Robert Chilton, Chairman of Standards for England following receipt of a letter from the Local Government Minister, Bob Neill MP. The correspondence primarily concerned the repealing of the Standards regime but also outlined the subsequent transitions arrangements which would apply in respect of the complaints procedure.

The Interim Borough Solicitor explained that complaints could be submitted to the authority up to the 'appointed day'; a point approximately two months after the Bill had received Royal Assent. At this time, any cases still with Standards for England would transfer to local Standards Committees, which would remain established until such time as the last complaint had been dealt with.

Comment was made by Members that the Bill was somewhat contradictory in nature due to the imposition of a duty on Councils to maintain high standards of conduct amongst members and co-opted members. This seemed to imply that a form of code would have to be adopted in order for allegations of misconduct to be determined. The Committee also discussed -

- What might happen if Parish Councils chose to adopt a voluntary code but the authority did not and vice versa;
- Whether the current 'relationship' between the parishes and the Standards Committee would be retained or revised;
- What the future role of Independent Committee members might be given that the establishment of a voluntary Standards Committee would

place no requirement on Councils to include independent persons within its membership.

The Interim Borough Solicitor indicated that it was too early in the process to identify all the possible connotations of the legislation and it was hoped that the passage of the Bill through parliament would provide the clarity required.

The Chairman considered that, from comments made at the meeting, there was support amongst members for the adoption of a voluntary Code of Conduct; proposing that a report be submitted to full Council outlining the Committee's views. Having endorsed the proposal, the Committee cautioned that it would be preferable to obtain an agreement 'in principle' from the Leader of the Council prior to commencing work on drawing up a voluntary code and it was suggested that the matter be referred to the Committee's Issues and Improvement Group for consideration.

AGREED: That a meeting of the Issues and Improvement Group be held on Tuesday 22nd February 2011 at 2pm.

35 CHESHIRE ASSOCIATION OF LOCAL COUNCILS

The Chief Officer of the Cheshire Association of Local Councils (Chalc) had accepted an invitation to attend the Committee's next meeting on Monday 28 March 2011. One of the topics to be covered was the preliminary work Chalc was undertaking with Cheshire West and Chester Council in respect of a voluntary Code of Conduct for the Cheshire Parishes. To enable information to be prepared for the meeting, Members were invited to submit any questions for the Chief Officer to the Vice Chairman for collation.

The meeting commenced at 2.00 pm and concluded at 2.50 pm

Mr N Briers (Chairman)