

# CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Standards Committee**  
held on Wednesday, 6th April, 2011 at East Committee Room - Municipal  
Buildings, Earle Street, Crewe, CW1 2BJ

## **PRESENT**

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

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

### Parish Representatives

Mrs P Barnett, Mrs T Eatough and Mr K Edwards

### Independent Members

Mr M Garratt and Mr R Pomlett

## **OFFICERS**

Caroline Elwood	Monitoring Officer
Julie Openshaw	Deputy Monitoring Officer
Paul Jones	Democratic Services Team Manager
Carol Jones	Democratic Services Officer

## **APOLOGIES**

Councillor M A Hollins and Mr I Clark

### **1 DECLARATIONS OF INTEREST**

No declarations of interest were made.

### **2 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.

There were no members of the public in attendance and the Committee proceeded to its next item of business.

### 3 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 the public interest would not be served in publishing the information.

### 4 COMPLAINT NO. CEC/2010/06

The Committee received a report from Standards for England following the referral of a complaint against a serving Cheshire East Councillor. The Ethical Standards Officer (ESO) appointed to carry out the investigation had concluded that under Section 59(4)(a) of the Local Government Act 2000 (as amended) the Subject Member had not failed to comply with the Code of Conduct of Cheshire East Council.

The Monitoring Officer explained the procedures which had been followed by the Council when the complaint was received and the Assessment Sub-Committee's reasons for referring it to Standards for England.

The Monitoring Officer also explained how Standards for England had carried out the investigation and the processes followed in producing the report.

The ESO had issued her final report to the Standards Committee in accordance with the powers given to her in Section 64(3)(a) of the Local Government Act 2000 which allowed her to forward her report if she considered that it would assist the Committee in the discharge of its functions under that Act. It was noted that the decision of the ESO was final.

Members discussed the report from which the felt the following lessons could be drawn:

- (1) When entering public life, elected Members, in all their dealings, need to ask themselves "how does this look to the man in the street?"
- (2) When forming friendships with individuals/organisations which in turn have business with the authority, elected Members needed to be open and transparent about such associations.
- (3) Public perception was of paramount importance. Reference was made to S.106 Agreements (planning gain) which were good faith intentions to deliver matters necessary to make a development acceptable in planning terms. These were sometimes perceived by the public as "bribes".

- (4) Councillors were never “off duty” and should be mindful of their behaviour at all times.
- (5) It was essential to ensure that Members were fully aware of the significance of public office and the expectations of their constituents and the wider community in fulfilling their role in a diligent and selfless manner.
- (6) The Subject Member was a long-standing experienced Councillor and this highlighted the need for rigorous Code of Conduct training for all Members on a regular basis. This would take place, as a matter of course, following the forthcoming elections, and in response to a suggestion, would focus on the positive and permissive elements of the Code.
- (7) The Planning Protocol, which ensured the preservation of the integrity of the planning system as open and fair to all parties, could be included as part of the Code of Conduct training.
- (8) The ease with which electronic communications could be sent inadvertently to unintended recipients, or in haste, could lead to misunderstanding. This could be a training issue.
- (9) Effective communication was significantly important to try to dispel negative public perception and perhaps the Council, or an appropriate Committee, could consider this matter.
- (10) The report raised issues about the level of openness within governance of the Council. The hope was expressed that the report would assist the Council to deal with matters which were of public concern.
- (11) The ESO had made comment that senior Officers had raised concerns about the public perception of the relationship of the Subject Member with the developer. The Committee agreed that the Officers had acted appropriately in the circumstances and endorsed the comments made by the ESO.

**RESOLVED:**

- (a) That the report be received;
- (b) That the comments made above at 1–11 be supported and commended as “lessons learned” to inform any appropriate training for Members; and

(c) That Council be invited to give specific consideration to the following -

- remind all Members of the significance of public office and the expectations of the public
- rigorous Code of Conduct training to be given to all Members following the forthcoming elections with particular emphasis on the positive and permissive elements of the Code

The meeting commenced at 10.00 am and concluded at 11.05 am

Nigel Briers (Chairman)