

CHESHIRE EAST COUNCIL

Minutes of a meeting of the Standards Committee
Held on Tuesday, 13th January, 2009 at Committee Suite 1, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

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

Councillors Mrs R Bailey, B Dykes, J Goddard, J Hammond, Mrs M Hollins,
Mrs M Martin, M Parsons

Independent Members Mr M Garrett and Mr R Pomlett

Parish Councillors Mrs P Barnett, Mrs T Eatough and K Edwards

1 APOLOGIES FOR ABSENCE

An apology for absence was received from Mr Ian Clark.

2 DECLARATIONS OF INTEREST

None.

3 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present who wished to address the Committee.

4 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on Tuesday 25 November be approved as a correct record and signed by the Chairman.

5 LOCAL ASSESSMENT SUB-COMMITTEES

The Committee considered a report of the Interim Monitoring Officer on the need to set up Sub-Committees of the Standards Committee to deal with the local assessment and review function. The Local Government and Public Involvement in Health Act 2007 gave Standards Committees the role of undertaking the initial assessment of misconduct allegations in place of the Standards Board for England.

There were Regulations available together with guidance which gave detailed advice as to how the local assessment function was to be discharged by Standards Committees.

The report recommended establishing two Sub-Committees:

- Assessment Sub-Committee – to make an initial assessment of the allegation and decide whether to refer it to the Monitoring Officer for further investigation or alternative action; refer it to the Standards Board for England (if seen as too serious to be dealt with locally) or take no further action;
- Review Sub-Committee – to consider requests for a review of the decision of the Assessment Sub-Committee to take no further action on the allegation. This Sub-Committee would then consider the allegation afresh and decide whether to refer it to the Monitoring Officer for further investigation or local resolution; refer it to the Standards Board for England (as above) or decide that no further action should be taken.

The two Sub-Committees would need to have separate membership in relation to dealing with an allegation. The Regulations required that an Independent Member must chair a Sub-Committee and at least one Member of the Authority must be present at a Sub-Committee meeting; if the complaint related to a Parish Council then a Parish Councillor must be present (who was not also a Member of the Authority). The regulations prescribed that to be quorate a Sub-Committee must have at least three Members present for its duration. Members of either Sub-Committee would not be barred from participating in the meeting of the Standards Committee that ultimately determined the complaint.

RESOLVED: That

- (a) an Assessment Sub-Committee be established with Mr N Briers as Chairman and a Review Sub-Committee be established with Mr D Sayer as Chairman – if either is not available then another Independent Member be approached to chair the Sub-Committee; and
- (b) membership of the Sub-Committees be drawn from the membership of the Standards Committee based on availability of Members and detail of the allegation concerned and with an understanding that membership be rotated as far as possible to enable as many Members as possible to be involved in the process.

6 ANNUAL REPORT

The Monitoring Officer advised the Committee that an Annual Report would need to be prepared each year, to be signed off by the Chairman of the Committee and presented to a full Council meeting. It was seen as good practice to present the report to a public meeting to raise the profile of the work of the Committee.

Members discussed when to produce the first Annual Report taking into account that the Committee had only recently been established with full Membership, had been spending most of its time on Induction and had yet to be involved in any investigations.

RESOLVED: That an Annual Report be produced for the period to Spring 2010 and presented to the Council meeting in April/May 2010

7 NOTIFICATION TO PARISH COUNCILS OF CHANGES FROM 1 APRIL 2009

The Monitoring Officer advised the Committee that the Parish Councils would need to be formally advised of the changes that would come into effect from 1 April 2009 in relation to Code of Conduct and other issues involving the Standards Committee. Members were advised that the Terms of Reference for Cheshire East Committees were being updated by the Governance and Constitution Committee.

Members discussed whether it would be helpful to ask Parish Councils to publicise the work and role of the Cheshire East Standards Committee as well as taking the opportunity to remind them of their obligation to abide by the Code of Conduct and offering assistance with any training needs.

RESOLVED: That the Monitoring Officer write to the Clerks to the Parish Councils in Cheshire East advising them as follows;

- that Standards issues will be dealt with by the Standards Committee from 1 April 2009 and requesting that they publicise this in any Parish newsletter;
- including a copy of the Standards Committee's Terms of Reference (if available); and
- reminding them that Parish Councillors are obliged to abide by the Code of Conduct in a similar way to Elected Members of Cheshire East Council.

8 COMMITTEE WORK PROGRAMME

The Committee considered the draft Work Programme noting that an Induction Session was arranged for February and a formal Committee meeting for 10 March. Members discussed issues to be considered at the Induction Session.

RESOLVED: That the Induction Session be held on Tuesday 17 February at 10.00 am and include a review of the Code of Conduct.

9 FUTURE MEETING DATES

Members discussed frequency of meetings and agreed that an initial cycle of approximately every 2 months would be appropriate.

RESOLVED: That meeting dates be considered further at the next meeting.

The meeting commenced at 11.00 am and concluded at 11.40 am

Councillor (none)