

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Standards Committee**
held on Tuesday, 10th March, 2009 at East Committee Room, Municipal
Buildings, Crewe

PRESENT

Councillor Briers (Chairman)
Councillor Sayer (Vice-Chairman)

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

11 APOLOGIES FOR ABSENCE

Apologies for absence were received by Councillor Mrs L Smetham and Parish
Councillor Mrs P Barnett.

12 DECLARATIONS OF INTEREST

None.

13 PUBLIC SPEAKING TIME/OPEN SESSION

There were no Members of the Public present who wished to address the
Committee.

14 MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of the meeting of the Committee held on Tuesday
13 January be approved as a correct record and signed by the Chairman.

15 LOCAL ASSESSMENT SUB-COMMITTEES

The Committee considered a report of the Borough Solicitor on progressing the
Committee's local assessment and review function in relation to allegations of
misconduct and complaints received in relation to the Code of Conduct.

The Committee had decided at its previous meeting to set up an Assessment
Sub- Committee and a Review Sub -Committee. The role of the Assessment
Sub- Committee was to make an initial assessment of an allegation and decided
whether to refer it for further consideration or take no action and the role of the
Review Sub -Committee was to consider requests for a review of a decision of
the Assessment Sub- Committee not to take any further action on an allegation.

The Report proposed that the Committee adopt Assessment Criteria to use to
assess complaints and assist with deciding what action to take, if any. The
adoption and publication of Assessment Criteria would ensure that complainants
could be confident that allegations of misconduct would be taken seriously and
dealt with appropriately while ensuring efficient use of public money and officers'

and Members' time. Draft Assessment Criteria was attached as an Appendix for consideration by the Committee.

If either the Assessment Sub-Committee or Review Sub-Committee decided that an allegation deserved further investigation a report would be commissioned by, or on behalf of, the Monitoring Officer. If the Assessment Sub-Committee, when considering that report, felt the complaint warranted further consideration it was proposed that a separate Hearings Sub-Committee would be established to consider the report in detail or conduct a hearing and then determine any sanctions if a finding of failure to observe the Code of Conduct was made.

The report set out draft Terms of Reference for the Assessment Sub-Committee, Review Sub-Committee and Hearings Sub-Committee.

RESOLVED: That

(a) the draft Assessment Criteria set out in Appendix 1 be approved and adopted subject to an amendment to point 2 relating to Timescale to now read "The Sub-Committee will take into account when the events subject to the complaint took place and will not normally investigate or pursue other action if the event occurred more than 12 months prior to the complaint being submitted (except if it decides there are exceptional circumstances)";

(b) a separate Hearings Sub-Committee be established; and

(c) the draft Terms of Reference for the Assessment Sub-Committee, Review Sub-Committee and Hearings Sub-Committee as set out in Appendices 2, 3 and 4 to the report be approved and adopted.

16 POLITICAL RESTRICTIONS - FUNCTIONS OF THE STANDARDS COMMITTEE

The Committee considered a report of the Borough Solicitor on the effect of the Local Government and Public Involvement in Health Act 2007 in relation to politically restricted posts.

The Local Government and Housing Act 1989 had made provision for certain posts held by local authority officers to be designated as "politically restricted" and required local authorities to maintain a list of such posts. These posts included Statutory Officers and Senior Officers and those who had contact with the media.

The Local Government and Public Involvement in Health Act now allocated the role in relation to politically restricted posts to Standards Committee rather than the Secretary of State. This meant that Standards Committee would consider whether a post should be included on the list of politically restricted post as well as determining applications for exemption from political restriction.

RESOLVED: That the report be received and noted.

17 PROMOTING THE WORK OF THE STANDARDS COMMITTEE

The Committee considered a report of the Working Group that had been set up to discuss ways of promoting the work and function of the Committee.

The Working Group had held its first meeting on 17 February and considered a number of issues:

- How to link promoting the work of the Committee with any regular publication issued by or on behalf of the Council ;
- Producing a leaflet on the role of the Committee and its terms of reference and constitution;
- Making Town and Parish Councils aware of training DVDs on Standards issues.

The Committee agreed it was important to highlight its powerful role, provide clear guidance on how a complaint should be made and ensure that members of the public were clear about the level of independent membership on the Committee.

RESOLVED: That the issues identified by the Working Group be supported and the Group continue to meet to progress promoting the Committee.

18 COMMITTEE WORK PROGRAMME AND FUTURE MEETING DATES

The Committee was advised that a Calendar of Meetings had been produced and would be submitted to full Council on 2 April for approval.

The Committee was also advised that at the next meeting the work and progress by Macclesfield Borough Council and its recommendations on the Pilot Compact with the Cheshire Association of Local Councils (ChALC) would be reported.

RESOLVED: That

(a) training issues be considered further at the next meeting; and

(b) a standard item be included on each agenda outlining current progress on any allegations of misconduct and the work of the Sub-Committees.

19 TRAINING DVD

Members of the Committee viewed a training DVD issued by the Standards Board for England on local investigations and hearings.

The meeting commenced at 10.00 am and concluded at 11.35 am

Councillor Briers (Chairman)

