

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Standards Sub-Committee**
held on Tuesday, 12th May, 2009 at Room F1 - Westfields, Middlewich Road,
Sandbach CW11 1HZ

PRESENT

Mr N Briers Chairman
Councillors M Parsons and L Smetham

5 ELECTION OF CHAIR

RESOLVED: That Mr Nigel Briers be elected Chair of the meeting.

6 DECLARATIONS OF INTEREST

Councillors M Parsons and L Smetham declared a personal interest in agenda item No. 3 (Complaint No. CNBC 01/08) on the basis that they were Members of Cheshire East Borough Council, as was the subject Member. Mr N Briers declared a personal interest in the same item on the basis that he had been the Chair of the Standards Committee of Crewe and Nantwich Borough Council which was an authority upon which the subject Member had also served.

7 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 involved the likely disclosure of exempt information as defined in Paragraphs 1, 2 , 7C and 10 of Part 1 of Schedule 12A of the Act.

8 CONSIDERATION OF COMPLAINT NO. CNBC 01/08

The Sub-Committee considered the report of the Borough Solicitor and Monitoring Officer which provided details in respect of a complaint made against a serving Councillor. This complaint had been received prior to 31st March 2009 and, in accordance with the transitional arrangements made under the Local Government and Public Involvement in Health Act 2007, had been transferred to Cheshire East Council for completion.

The report of Mr W R Graham who had investigated the complaint, was submitted. Mr Graham had concluded that there had been no breach of the Code of Conduct. The Sub-Committee's role was to consider the report and in particular, to decide (a) whether to accept the recommendations and the findings, or (b) not to accept those findings and decide other steps which should be taken. These would include

convening a Determination Hearing, or referring the matter to the Adjudication Panel for England, this latter step being dependent on the seriousness of the allegations, if proven.

Having taken into account the report's contents and Members' obligations under the Standards Committee (England) Regulations 2008, together with relevant Guidance issued by the Standards Board for England, the Sub-Committee was satisfied that it should accept the findings set out in the report. Accordingly, it was –

RESOLVED: (a) That the findings of the Investigator's Report be accepted, namely that there had been no breach of the Code of Conduct by the subject Member;

(b) That there should be no Determination Hearing into the allegations made by the complainant;

(c) That there should be no referral to the Adjudication Panel;

(d) That the subject Member and the complainant be informed of the Sub-Committee's decision; and

(e) That, in line with the subject Member's request, no press notice be published.

The meeting commenced at 10.15 am and concluded at 10.35 am

Mr Nigel Briers (Chairman)