

## **Standards Committee**

## **Annual Report 2009-2010**

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At the heart of local democracy in Cheshire East there exists a bond of trust between the community and those who are privileged to represent that community – a bond which relies heavily on the conduct of those elected representatives. The public has a right to expect the highest standards of behaviour from such representatives and those officers responsible for the delivery of local public services. In order that local government can work effectively the public has to have complete confidence in its people and processes.

It is the role of the Standards committee to ensure that such high standards are sustained. In terms of selfless public service and ethical conduct I believe that Cheshire East Councillors and the Town and Parish Councillors have much to be proud of, however these high standards need to be consciously upheld and jealously guarded.

It was my privilege to have been selected as Chairman of the Cheshire East Standards Committee and to observe at first hand the hard work and commitment of councillors, independent members and staff. Accordingly I would like to put on record my thanks to all the committee and staff for their hard work and dedication in ensuring a smooth start during this our inaugural year.

We have focused on several issues not least the important link with Cheshire Association of Local councils and the need to ensure councillors and members of the public are informed about the work of the committee. We have produced a short introductory leaflet and improved access on the Cheshire East Website as well as a short paper on personal and prejudicial interests. Within this report will be found reports of meetings of working parties, meetings of the full and sub-committees as well as attendance at conferences.

I hope this report is of value to councillors and to members of the public. We have, I believe, made a satisfactory start upon which we can build for the future.

NIGEL BRIERS

(Independent Chairman Cheshire East Standards Committee)

In contrast with other Committees of Cheshire East Council, the Standards Committee has no less than five Independent non-political members who are appointed, and selected on merit and experience and these include the Chairman and Vice-Chairman of the Committee. This does ensure that the Committee retains independence and free from political influence. The remaining members of the Standards Committee are drawn widely from across the spectrum of the Council and the community and comprise eight elected members who reflect the political constitution of the Council as a whole and three Town/Parish Councillors.

- **Independent Members:**

Nigel Briers (Chairman of the Committee), was a Member (and Chairman) of the former Crewe and Nantwich Borough Council Standards Committee.

David Sayer (Vice-Chairman of the Committee) was appointed Chairman of the former Congleton Borough Council Standards Committee in 2000 and served for just over 9 years until the inception of Cheshire East Council.

Ian Clark was a Chairman of the former Macclesfield Borough Council Standards Committee.

Michael Garratt served for 5 years as an Independent Member on the Congleton Borough Council Standards Committee.

Roger Pomlett was an Independent Member of the former Crewe and Nantwich Borough Council Standards Committee for 5 years.

- **Parish Council Members:**

Teresa Eatough served as a Parish Council representative on the former Crewe and Nantwich Borough Council Standards Committee.

Patsy Barnett served as a Parish Council representative on the former Congleton Borough Council Standards Committee.

Ken Edwards served on Macclesfield Borough Council Standards Committee for a year as a Parish Council representative.

- **Borough Council Members:**

Rhoda Bailey (Conservative).

Brian Dykes (Conservative) was a member of the former Crewe and Nantwich Borough Council.

John Goddard (Liberal Democrat) was a member of the former Macclesfield Borough Council Standards Committee.

John Hammond (Conservative) served for 5 years as a member of the former Crewe and Nantwich Borough Council Standards Committee and was Deputy Chairman from 2006 to 2008.

Margaret Hollins (Conservative), was a member of the former Crewe and Nantwich Borough Council.

Margaret Martin (Labour), was a member of the former Crewe and Nantwich Borough Council.

Michael Parsons (Independent) was a member of the former Congleton Borough Council.

Lesley Smetham (Conservative) was a Parish Council representative on the former Macclesfield Borough Council Standards Committee for 2 years.

The Borough Solicitor and Monitoring Officer is Chris Chapman.

The Monitoring Officer has a statutory role in ensuring that the Council, its Members and Officers carry out their functions in a proper and lawful manner.

The Monitoring Officer's duties include the following –

- Maintaining the Register of Members' Interests.
- He has an important role in contributing to the promotion and maintenance of high standards of conduct throughout the organisation.
- Main legal adviser to the Standards Committee and its Sub-Committees.
- Ensuring that decisions of the Standards Committee are implemented.
- If the Standards Committee refers an allegation for investigation, the Monitoring Officer will appoint another Officer to investigate the allegation and, should there be a local determination hearing, will act as the Legal Adviser to the Sub-Committee.
- The Monitoring Officer is also the main point of contact for Standards for England and submits periodic returns on the complaints received and dealt with by the Standards Committee.

The Standards Committee was set up under Article 9 of the Council's Constitution and sets out to discharge the Council's function under Part 111 of the Local Government Act 2000.

### **ROLE**

The main roles of the Standards Committee which apply to all elected and co-opted members of the Local Authority, including Town and Parish Councillors, are:

- To promote and maintain high standards of conduct by Members
- To assist Members in observing the adopted Codes of Conduct which set out rules governing the behaviour of Councillors
- To investigate allegations that Councillors' behaviour may have fallen short of the required standards.

### **STRUCTURE OF THE COMMITTEE**

The full Committee has met on six occasions during the 2009-2010 Council year. The Monitoring Officer and/or his deputy are in attendance at these meetings. Members of the public are welcome to attend these meetings and some time is allocated at the start of each for people to raise issues connected to the work of the Standards Committee.

In addition to the full Committee meetings, a further three Sub-Committees have been set up in accordance with the guidance from Standards for England which deals with complaints made against Councillors.

- **Assessment Sub-Committee:** This will receive complaints and make an initial assessment as to whether there is a case which warrants further action or investigation.
- **Review Sub-Committee:** If the above Sub-Committee decides there is no case to answer and the complainant is dissatisfied with this outcome, he/she can request a Review Sub-Committee to reconsider the decision.
- **Hearings Sub-Committee:** This will receive the Investigator's report of the complaint and if needed, hold a full hearing with the Subject Member and complainant and witnesses invited to attend and present their case. This Sub-Committee will decide whether or not there has been a breach and take appropriate action.

## **COMPLAINTS AGAINST COUNCILLORS**

During the past Council year there have been four complaints against serving or former Councillors –

- On 12<sup>th</sup> May 2009, the Sub-Committee considered a complaint transferred from the former Crewe and Nantwich Borough Council (CNBC/01/08). The Assessment Sub-Committee considered the report of the Investigator, Mr Riddell Graham, and agreed with his findings that there had been no breach of the Code of Conduct by the Subject Member.
- On 12<sup>th</sup> May 2009, the Sub-Committee considered a request from a complainant for a withdrawal of his complaint. The complaint had been made against a former Cheshire County Councillor and had been transferred to Cheshire East Council under the transitional arrangements. The County Councillor is no longer a serving councillor. The Sub-Committee was satisfied with the reasons for the request and granted the withdrawal of the complaint.
- On 17<sup>th</sup> June 2009, the Sub-Committee considered a complaint transferred from the former Macclesfield Borough Council. The Assessment Sub-Committee considered the report of the Investigator, Mr Richard Dix, and agreed with his findings that there had been no breach of the Code of conduct by the Subject Member.
- On 21<sup>st</sup> December 2009, the Assessment Sub-Committee considered a complaint made against a serving Cheshire East Councillor. The Assessment Sub-Committee concluded that there was no case to answer and both complainant and Subject Member were informed of the outcome.

## **WORKING PARTIES**

### **(A)**

1. A Publicity Working Party was set up by the full Committee to explore ways of informing all councillors and members of the public about the work and purpose of the Standards Committee. This working party met on several occasions and with the advice of the Monitoring Officer and support of the Leader, Councillor Wesley Fitzgerald, produced a leaflet entitled 'Standards Committee'. This has been issued to Council Members and sent to all Parish Councils and made available to the public via the libraries and outlet shops etc.
2. In addition, a paper entitled 'Personal and Prejudicial Interests' was prepared and issued which was aimed at giving some further guidance on this complex issue.
3. The ability to find out about the Standards Committee and to make a complaint against a Councillor has been made easier by the inclusion of details on the Council website with a prominent access on the home page.



4. The structure of the Complaints form has been reviewed and the full Committee has recommended some changes to make it simpler to complete.

**(B)**

A second working party was set up to examine the relationship with the Cheshire Association of Local Councils (ChALC) and its work with parish councils

1. The Standards Committee has responsibilities towards the Parish/Town Councils within the administrative area of Cheshire East and in the course of the inaugural year has considered how best it can achieve and promote good governance within those Councils the majority of which are members of the Cheshire Association of Local Councils. To that end, the Standards Committee appointed the Pilot Model Compact Working Group to liaise and work with ChALC in respect of service provision, training and costings.
2. The Working Group comprised the Chairman and Vice Chairman, Teresa Eatough (Parish) John Goddard (Councillor) Ken Edwards (Parish) and in addition, the Monitoring Officer has usually attended its meetings. The Working Group has met on four occasions in the year and at those meetings held on the 27<sup>th</sup> August 2009 and 17<sup>th</sup> February 2010 Jackie Weaver (CEO – ChALC) was in attendance. After lengthy discussion and careful consideration of detailed documents a draft compact is now ready for submission to the Standards Committee when it meets on the 29<sup>th</sup> March 2010.
3. Detailed reports of each of the meetings of the Working Group have been submitted to the Standards Committee and in appropriate cases, key documents under discussion have been annexed to those reports including (following the meeting held on the 17<sup>th</sup> February 2010) the proposed draft Compact

**ANNUAL ASSEMBLY**

The Annual Assembly of Standards Committees (“the Assembly”) was held at the International Conference Centre in Birmingham on the 12<sup>th</sup> and 13<sup>th</sup> October 2009. Delegates attending were David Sayer (Vice Chair) Councillor Rhoda Bailey, Teresa Eatough (Parish) and Chris Chapman (Monitoring Officer).

The Assembly was well-subscribed with some 800 delegates attending (the majority on both days) and comprising an eclectic mix of representatives. The format of previous years was adopted with plenary sessions on both days addressing the broader issues and thereafter smaller workshops looking at narrower specific questions and in both instances a high level of delegate participation was both encouraged and forthcoming.

Across the Assembly it has to be acknowledged that the quality and provenance of guest speakers was of a high order and several had spent hard years at the coalface of local governance with local authorities where standards had fallen and remedial and urgent action was required.

The smaller workshops by contrast promoted more personal and inter delegate communication often in the course of practical tests and joint working with preset situation examples.

There can be no doubt that the overriding theme of the Assembly centred on the uncertainties which presently confront Standards for England and, ultimately, Standards Committees. Dr Robert Chilton Chair of Standards for England closed his address to the Assembly with these words to Standards Committees “Just be excellent and you will have a future”.

[A fuller report on the Assembly is annexed to the Minutes of the Meeting of the Standards Committee held on the 23<sup>rd</sup> November 2009].

### **TRAINING**

A regular item on the agenda of the committee has been to review the training needs of members.

The Committee has not undertaken any formal training during the year 2009-2010. Two Code of Conduct sessions were arranged, but have been postponed pending the publication of the new Code of Conduct which is expected after the Parliamentary Election in 2010.

### **AWAY DAY**

In December 2009 the Committee held an informal session to examine a range of issues which has affected the work of the Committee. It was held in Crewe Municipal Buildings and attended by a representative of Chester and Cheshire West Standards Committee as well as Tim Leslie, the Director of Regulations for Standards for England. A wide range of topics were covered and there was a good attendance by members.

### **MAKING CONTACT**

Information about the Standards Committee including details of meetings, membership and the work of the committee is available from [carol.jones@cheshireeast.gov.uk](mailto:carol.jones@cheshireeast.gov.uk) or phone 01270 686471.

If anyone wishes to make a complaint, they are asked to contact the Council's Monitoring Officer at Cheshire East Council, Westfields, Middlewich Road, Sandbach, CW11 1HZ, or phone 01270 686637 or e-mail [complaints.customerservices@cheshireeast.gov.uk](mailto:complaints.customerservices@cheshireeast.gov.uk).

Standards for England can provide members of the public with useful information about both the Code of Conduct and the work of Standards Committees.

## 5.

## Work Programme

The Standards Committee was set up in shadow form in 2008 and has carried out the following work since that time.

Month	Item
October 2008	<ul style="list-style-type: none"> <li>• Reports on recruitment of independent members, code of Corporate Governance and training</li> <li>• Recruitment of Parish Council representatives (on-going)</li> <li>• Standards Board for England Conference</li> <li>• Consideration of appointment of independent members.</li> </ul>
November	<ul style="list-style-type: none"> <li>• Feedback from Standards Board Annual Conference</li> <li>• Review of Code of Conduct Induction Sessions</li> <li>• "Whistle-blowing" Policy/Protocol</li> <li>• Website presence</li> <li>• Recruitment of Parish Council representatives</li> </ul>
January 2009	<ul style="list-style-type: none"> <li>• Induction for Independent Members and Parish Council representatives</li> <li>• Report on appointment of Chairman and Vice-Chairman of Sub-Committees</li> <li>• Training DVD</li> <li>• Notification to Parish Councils of changes with effect from 1<sup>st</sup> April 2009.</li> </ul>
March	<ul style="list-style-type: none"> <li>• Relationship with Parish Councils</li> <li>• Finalise Work Programme 2009/2010</li> <li>• Pilot Compact (trialled between Macclesfield BC and Cheshire Association of Local Councils)</li> <li>• Sub-Committees established</li> </ul>
May	<ul style="list-style-type: none"> <li>• Promotion of work of Standards Committee</li> <li>• Update on outstanding complaints from demised Councils</li> <li>• Training requirements for Members (standing item)</li> <li>• DVD</li> <li>• Pilot Compact (on-going) – Working Group established</li> </ul>
July	<ul style="list-style-type: none"> <li>• Pilot Compact (on-going)</li> <li>• Update from Publicity Working Group, including <ul style="list-style-type: none"> <li>• User-friendly publicity leaflet for wide distribution</li> <li>• User-friendly guide on personal and prejudicial</li> </ul> </li> <li>• Initial consideration of Complaints Form</li> </ul>

November	<ul style="list-style-type: none"> <li>• Standards Committee dedicated web-page (update)</li> <li>• Pilot Compact – final report of Working Group</li> <li>• Feedback from the Annual Conference (including SBE evaluation of the original Pilot Compact)</li> <li>• Publicity Working Group Update</li> <li>• Issues arising out of Town and Parish Councils Conference on 13<sup>th</sup> October.</li> </ul>
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