

STANDARDS – WHAT NEXT?

As the Decentralisation and Localism Bill (“the Bill”) approaches and with it the demise of the standards regime as we know it Councils in England will have to decide what (if anything) of the existing system they wish to retain and how will that be achieved and maintained. In Cheshire East the consensus view seems to suggest (a) that a Standards Committee should be retained and (b) that a voluntary Code of Conduct be adopted. Reasons:

- If public confidence is to be retained the Council has a duty to provide a mechanism for the receipt and handling of complaints
- This would provide a framework for elected members to work within and afford guidance to those members on ethical governance
- Additionally such would provide protection for members from frivolous and vexatious complaints
- The proposal, as yet in principle, has the support of the Chief Executive and Council Leader
- The Council would be vulnerable to criticism if problems arose and there are no appropriate systems in place to deal with complaints
- The Bill ranges from ‘no system at all’ at one extreme to the creation of a new criminal offence involving breaches of regulations yet to be drafted at the other with no intermediate forum to deal with complaint handling and the day to day issues of local governance and conduct

The Standards Committee (“the Committee”) as presently constituted via a Working Group appointed to deliberate at length on these questions formed the conclusion that Cheshire East should appoint a Standards Committee and adopt a voluntary Code of Conduct to:

- Ensure compliance with the duty to promote and maintain high standards of conduct for members and co-opted members
- Promote transparency within local government and retain the support and confidence of local people; and
- Reduce the number of cases which might otherwise result

in litigation

- To maintain the links with Chalc thereby ensuring that the time and effort put into securing the Pilot Compact have not been entirely wasted and that a conduit stays in place for the crossflow of information between Parish and Town Councils and the Standards Committee and the

The Working Group in its deliberations was dealing very much with first principles faced with the tsunami of changes propounded in the Bill and did not expand greatly on the question of independent members (a mandatory feature of the present regime) and their role (if any) in the proposed regime. Feedback to date suggests that an independent element is generally seen as an enhancement to a future Standards Committee and a voluntary Code. The reasons (not yet debated at any length and unpublished) include :

- Avoidance of any political dimension to the role and management of the Committee and interpretation of the Voluntary Code
- The experience of independents gained not only within the life of Cheshire East but as members of other authorities prior to unification
- Independents frequently provide a neutral unbiased line of communication between Council Staff and elected members
- The absence of independents will detract from public confidence in the Standards regime (however constituted) and any complaints procedure implemented

These brief notes provided by the Chair and Vice Chair will hopefully provide an opportunity for open discussion and debate at group level prior to submission to full Council of firm proposals and recommendations.

Dated 27th July 2011

Nigel Briers Chair
David Sayer Vice Chair