

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Standards Committee**
held on Monday, 28th March, 2011 in Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Mr D Sayer (Vice-Chairman)

Councillors Rhoda Bailey, B H Dykes, J Goddard, J Hammond, M Hollins,
M Parsons, L Smetham, Eatough and Edwards

Independent Member:

Mr R Pomlett

OFFICERS

Caroline Elwood
Julie Openshaw
Carol Jones

Borough Solicitor and Monitoring Officer
Deputy Monitoring Officer
Democratic Services Officer

APOLOGIES

Mr N Briers, Mr I Clark, Mr M Garratt, Mrs P Barnett and Councillor M A Martin

36 DECLARATIONS OF INTEREST

No declarations of interest were made.

37 PUBLIC SPEAKING TIME/OPEN SESSION

There were no questions from members of the public.

38 MINUTES OF PREVIOUS MEETING

RESOLVED: That the Minutes of the Meeting held on 24 January 2011 be approved as a correct record, subject to the inclusion of Councillor J Goddard's name in the list of apologies.

39 IMPROVEMENTS AND ISSUES WORKING GROUP

The report of the Improvements and Issues Working Group provided an update on the work being undertaken. The Group held a meeting on 22 February 2011, at which time Members had focused on the abolition of the Standards regime. Options for an alternative system had been explored and were presented to the Committee.

The Group had concluded that the Council should adopt a voluntary Code of Conduct for the following reasons –

- i) ensure compliance with the duty to promote and maintain high standards of conduct for Members and co-opted Members;
- ii) promote transparency within local government and retain the support of local people; and
- iii) reduce the number of cases which might otherwise result in litigation.

The Group had recommended the preparation of a simple draft Code of Conduct for wider consultation (the draft to be based on the current Code of Conduct) and the establishment of an inexpensive democratically-run committee to deal with complaints quickly, fairly and transparently.

Members discussed the Group's proposals and agreed, in principle, to the recommendations, commenting as follows:

- Where complaints were of a serious nature, a structured robust system would be essential to deal with such complaints, and a "simple" system was aspirational but may not be adequate.
- The composition of a committee should broadly mirror the composition of the current Standards Committee.

The draft Code would be submitted to the Standards Committee for comment, following which it would be issued for consultation purposes. The Committee would consider the responses to the consultation and would make any appropriate amendments.

A second draft of the document would be submitted to the Constitution Committee and then to full Council for adoption.

RESOLVED:

1. That the Borough Council's Monitoring Officer and the Chief Officer of the Cheshire Association of Local Councils prepare a draft voluntary Code of Conduct for consultation purposes, based on discussions at this meeting; and
2. That the draft Code be submitted to an early meeting of the Standards Committee.

40 CHESHIRE ASSOCIATION OF LOCAL COUNCILS

Mrs Jackie Weaver, Chief Officer of the Cheshire Association of Local Councils, who was in attendance for this item, addressed the issue of the abolition of the Standards regime, emphasising that the Code was still in existence and was likely to remain so for some time.

She also offered advice and responded to questions which were related to the Code of Conduct and alternative systems which could be introduced, as discussed under Minute No. 39 above.

The role of parish and town councils was raised. It was understood that some parish councils within Cheshire West and Chester were proposing to introduce individual Codes which would be applied to their own parish or town councils. Members acknowledged that this would be unwieldy and cause confusion amongst the public if there were numerous Codes within one Borough Council area. If a voluntary Code were to be introduced, it should be for application Cheshire East-wide and parish and town councils should be encouraged to adopt the Cheshire East model.

Following her presentation, Mrs Weaver was thanked for her contribution to the meeting.

41 ANNUAL REPORT

The draft Annual Report of the Standards Committee was submitted. This would be presented by the Chairman to the Council meeting to be held on 21 April 2011.

No amendments were suggested and it was –

RESOLVED: That the report be noted.

42 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 and 7C of Part 1 of Schedule 12A to the Local Government Act 1972 and the public interest would not be served in publishing the information.

43 COMPLAINTS UNDER THE CODE OF CONDUCT

The Committee received a report about complaints made against serving Cheshire East Councillors (Complaint Nos. CEC/10/02, CEC/10/03, CEC/10/04, CEC/10/05 and CEC/10/06).

Complaints Nos. CEC/10/02 and CEC/10/04 had been considered by a Hearings Sub-Committee on 18 March 2011, sitting in its “consideration” role to consider the reports of the Investigating Officer.

- The Sub-Committee had agreed with the Investigator’s finding of “no breach” in respect of Complaint No. CEC/10/04 and no further action was to be taken.

- CEC/10/02: The Sub-Committee agreed that in the light of the Investigator's finding that there had been a breach of the Code of Conduct by the Subject Member, arrangements be made for a full Hearing before the Sub-Committee.

Complaint No. CEC/10/03 had been considered by a Review Sub-Committee on 26 August 2010, at which time the Sub-Committee had resolved that the decision of the Assessment Sub-Committee be upheld and no action be taken in respect of the allegation.

Complaint No. CEC/10/05 had been considered by an Assessment Sub-Committee on 26 August 2010, at which time the Sub-Committee had resolved to refer the complaint to the Monitoring Officer for action other than an investigation.

CEC/10/06: This complaint had been considered by an Assessment Sub-Committee on 9 December 2010 at which time the Sub-Committee had concluded that the Subject Member may have breached the Code of Conduct and referred the matter to Standards for England.

RESOLVED: That the report be received and noted.

The meeting commenced at 2.00 pm and concluded at 3.00 pm

Mr D Sayer (Chairman of the Meeting)