

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Standards Committee**
held on Monday, 26th September, 2011 at Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Mr N Briers Independent Chairman
Mr D Sayer Independent Vice Chairman

Councillors R Fletcher, P Groves, J Hammond, F Keegan, M Martin, D Marren, H Murray and M Parsons

In Attendance

Councillors D Brickhill, D Flude and P Findlow

Independent Member

Mr I Clark

Parish Representative

Mrs T Eatough

OFFICERS

Caroline Elwood	Borough Solicitor and Monitoring Officer
Julie Openshaw	Deputy Monitoring Officer
Diane Moulson	Senior Member Development Officer

APOLOGIES

Mrs P Barnett (Parish Representative), Mr M Garratt and Mr R Pomlett (Independent Members)

12 DECLARATIONS OF INTEREST

No declarations of interest were made in any item of business on the agenda.

13 PUBLIC SPEAKING TIME/OPEN SESSION

In accordance with Procedure Rules Nos. 11 and 35 a total period of 10 minutes was allocated for members of the public to address the Committee on any matters relevant to the work of the Committee.

Councillor David Brickhill addressed the Committee, speaking to a paper produced by the Department of Communities and Local Government concerning the current standards regime; a regime he considered to be ineffective. He then made reference to local arrangements, commenting on the length of time and cost involved in bringing a complaint against him to fruition. Item 6 on the agenda suggested a new procedure for dealing with complaints but, in his opinion, this was a like-for-like replacement which did not bring about the improvements sought.

Having made his address, Councillor Brickhill withdrew from the meeting.

14 MINUTES OF PREVIOUS MEETINGS

The Committee was invited to approve the Minutes from the meetings held on 28 March 2011 and 25 July 2011.

15.1 28 March 2011

Subject to the removal of Mrs Eatough's name from the list of Councillors present and separate inclusion as Parish Representative –

RESOLVED: That the Minutes of the meeting held on 28 March 2011 be approved as a correct record.

15.2 25 July 2011

Minute 11 made reference to a letter which had been sent to a Subject Member, who had declined to undergo training, as directed by the Assessment Sub-Committee following consideration of a complaint. A Member stated that whilst this approach had been debated at the meeting, it had not been formally approved by the Committee and the letter should not have been sent. He requested that a letter of apology be forwarded to the Member concerned.

RESOLVED: That i) Minute 11 b) be removed from the records; and ii) a letter of apology be sent to the Subject Member.

15 FUTURE OF LOCAL STANDARDS REGIME

At the Committee's meeting in July 2011, Members had discussed the future of the standards regime in light of proposals set out in the Localism Bill. To gauge opinion from Councillors on whether there was support for retaining a voluntary Code of Conduct and/or voluntary Standards Committee, the Chairman and Vice Chairman had undertaken to write to the Group Leaders on the Council to obtain their views.

The response received from the Conservative Group was appended to the agenda and in summary i) supported the retention of a voluntary Code of Conduct; ii) suggested that informal inquiries into complaints received be conducted by the political groups, with more serious complaints referred to a Sub-Committee of Audit and Governance Committee for determination; and iii) that the main point of contact remain the Monitoring Officer.

The Leader of the Labour Group was in attendance at the meeting and was invited to verbally report her Group's views. Councillor Flude began by stating that any opinions expressed on the standards regime could be influenced by a Member's personal experiences and she asked that this be borne in mind when considering representations. Notwithstanding her comments, the Labour Group supported the retention of a voluntary Code of Conduct and voluntary Standards Committee provided that the new framework was efficient, rigorous and was fair and equitable to the Complainant and Subject Member. Retention of Independent Members on the Standards Committee was also supported.

Councillor Parsons reported that the Independent Group had not discussed the matter and he was therefore unable to speak on behalf of the Group.

As Leader of the Liberal Democrats, Councillor Fletcher reported that there was acceptance that some form of structure needed to be in place to deal with complaints. Whilst the current system had its flaws, it would be unfortunate if it was lost completely.

It was the opinion of some Members that the current complaints system was open to abuse by individuals who could make false and vexatious claims with impunity. A voluntary Code of Conduct could only be supported if there was some form of redress available against such Complainants.

The Chairman sought to establish whether there was a consensus amongst Councillors for adopting a voluntary Code of Conduct but an agreement could not be reached. Whilst some Members strongly opposed the continuation of the standards regime in any form, those in support conceded that any new framework had to be simpler, quicker and more cost effective than at present. Given that the next item on the agenda attempted to address this point, the Chairman invited the Monitoring Officer to present her report.

16 STANDARDS REGIME AND LOCALISM BILL: DEALING WITH COMPLAINTS UNDER ANY VOLUNTARY CODE OF CONDUCT

In setting the context, the Monitoring Officer explained that the report sought to stimulate debate as to how the Council should move forward following the abolition of current standards practices. Members also noted that during passage of the Localism Bill through Parliament, the House of Lords had proposed a number of amendments which could eventually result in the retention of a mandatory Code of Conduct.

The Monitoring Officer first reminded Members of the procedures which were currently in place for determining complaints made under the Code of Conduct before moving on to describe a more streamline approach which presupposed the adoption of a voluntary Code of Conduct. Whilst the revised framework was not 'set in stone', it was important that any future Code or investigation process was robust, had the support of elected Members and gave confidence to Complainants and members of the public.

Members' initial thoughts about the proposal reflected the range of views expressed earlier in the meeting. To give free rein to the debate, the Chairman proposed that a meeting of the Standards Committee Issues and Ideas Working Group should be convened to enable Members to have a full and frank discussion about Standards issues. Given the shifting position in respect of the Localism Bill, it was suggested that the meeting should be held in October, following the Third Reading of the Bill.

RESOLVED: That a meeting of the Standards Committee Issues and Ideas Working Group be held on Tuesday 25th October at 10.00am, venue to be confirmed.

17 REGISTER OF MEMBERS' INTERESTS

The Monitoring Officer confirmed that each of the authority's 82 Councillors had now completed a Register of Interest form. In response to a question raised, it was noted that whilst forms had to be updated as and when a Member's personal circumstances changed, it was considered best practice for Members to be given the opportunity to refresh their entries at the beginning of each Municipal Year.

The meeting commenced at 2.00 pm and concluded at 3.30 pm

Mr N Briers