

Town/Parish Clerk

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DATE: 23 October 2018 OUR REF:DD/pr

YOUR REF:

Dear Sir/Madam

Member Code of Conduct and Standards Complaints Process

I write in relation to this Council's decision to adopt a new Member Code of Conduct and process for dealing with Code of Conduct complaints, with effect from 1 January 2018. I enclose a copy of the new Code and Process for your information. The Council is in the process of finalising and uploading these documents to its website.

I have recently been discussing the new Code and Process with Jackie Weaver from CHALC. The purpose of this letter is to give you a brief introduction to the Process and Code, and to share our thoughts with you about how the new Process and Code might affect your council.

As far as the new Process is concerned, the changes are mainly editorial, to try and improve clarity reflecting on experience gained from operating the previous process. There is, however, now a preliminary assessment stage which gives the Monitoring Officer the discretion to decline complaints much earlier in the process if certain criteria are not met. This change was introduced in order to enable resources to be focused on more serious complaints. It is my intention to apply the new Process to all complaints received from 1 January 2018. Those making complaints and those complained against will be advised on the new process and how it affects them on a case by case basis.

The intention behind the new Code is primarily to add clarity around personal and prejudicial interests, and the issue of pre-determination. Longer serving members will be familiar with those concepts from the pre-2011 standards regime. Those changes have been introduced because it was apparent from the nature of complaints that have been received that greater clarity on those issues is required in the Code. Other than those additions, it is substantively the same as the previous Code. Other editorial changes have been made to try and improve clarity.

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It had been my intention to operate the Code in this council only, for a period of 12 months, and refine or revise it as necessary before approaching Town and Parish Councils with a recommendation that they too adopt the new code.

However, Jackie has brought to my attention the fact that some Town and Parish Councils may have passed a resolution previously that has the effect of automatically adopting any new Code adopted by this Council.

To save Town and Parish Councils the trouble of digging through minute books to see whether or not they passed such a resolution, and so that Town and Parish Councils can benefit from the experiences of this Council operating the new code for a period of time before adopting it themselves, our suggestion to you is that your members agree (or formally resolve if you prefer) to continue to operate under the pre-2018 code for the time being. Jackie and I will then work together to pull together a programme of training, with a view to assisting your Council in adopting and applying the code following the 2019 elections. Once your Council adopts the new Code, there will be a requirement for all of your Council members to register relevant interests in accordance with the Code. Jackie and I are also working on how best to manage that process.

Jackie and I will be in touch to update you on progress with those work streams, most likely towards the end of the year. That will be with a view to making preparations for training, implementation and registration of interests following the elections in 2019. However if you have any questions or concerns in the meantime, please feel free to get in touch.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Daniel Dickinson', written in a cursive style.

Daniel Dickinson
Acting Director of Legal Services and Acting Monitoring Officer

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