European Committee on Democracy and Governance

Personal experiences from Cheshire, England

Cllr Andrew Dawson

7 June 2018
Cllr Andrew Dawson

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Councillor for Frodsham
Double Life?

- Solicitor, Director and Owner
- Brunswicks Law Limited
- Specialist Regulatory Law firm

- Former local government lawyer and prosecutor

- Gamekeeper turned poacher?

- CWaC Councillor
- Member of Cheshire Police and Crime Panel
- Member of UK Delegation to Council of Europe’s Congress of Regional and Local Authorities

- Previously served on Frodsham Town Council and the now defunct Cheshire Police Authority and Vale Royal Borough Council

- Been Group Whip
I have far too much experience of public ethics!
What JK Rowling did next...
1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

For further information on the 7 principles and the work of the Committee on Standards in Public Life, visit the Committee’s website and blogsite.
Disclosures

- Continual disclosure in public register
- In meetings:
  - Personal interests - including financial interests
  - Family, friends and close associates interests
  - Outside body interests
  - Gifts and hospitality in excess of £25
  - Culture to disclose even when not necessary
Conduct

- Nolan principles
- ‘Respect’ or not
CODE OF CONDUCT FOR MEMBERS

Adapted on 10 December 2019

1. Introduction

The Code of Conduct for Members is intended to promote high standards of conduct and ethical behaviour in the authority and its members and councils.

2. General

This Code shall be read in conjunction with the Constitution, Byelaws, and other relevant policies and procedures of the authority.

3. Responsibilities

As a member of the authority, you are expected to:

- Comply with all relevant laws and regulations.
- Maintain the confidentiality of all information received in the course of your duties.
- Act in the best interests of the authority.
- Avoid conflicts of interest.
- Be transparent and accountable.
- Adhere to professional standards and codes of conduct.

4. Duties and Responsibilities

When acting as a member of the authority, you shall:

- Attend meetings regular and promptly.
- Engage in constructive dialogue and debate during meetings.
- Contribute to decision-making processes.
- Respect the views and opinions of others.
- Seek information and advice when necessary.

5. Financial Interests

You are required to disclose all financial interests and conflicts of interest that may affect your impartiality.

6. Security

You should ensure that all information is handled securely and confidentially.

7. Whistleblowing

You are encouraged to report any concerns or complaints about unethical or improper conduct.

8. Review

The Code of Conduct for Members will be reviewed regularly to ensure its relevance and effectiveness.

Update 10 December 2019
Enforcement of Code Of Conduct and Nolan Principles

- Largely a matter for Borough Council
- Have to regulate Borough Council and all Town and Parish Councils in the Borough
- Some involvement of the police (largely financial declarations), criminal offences
- PERSONAL VIEW - NOT EFFECTIVE ENOUGH
- Old Standards Board didn’t work either
Report for 2016/17 - draft

Member Standards

Cheshire West and Chester Council (CWAC) has a duty to promote and maintain high standards of conduct by its members and co-opted members.

The rules which all members must follow for dealing with their own pecuniary interests in council business, together with those of their spouses/partner, are set out in the Localism Act 2011.

CWAC must also have a code of conduct for its members, consisting of the "Golden Principles" of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

The CWAC Code of Conduct for Members (the Code) can be found in CA of the Constitution. It sets out the types of interests which members should disclose and/or register. These include:

- Disclosable Pecuniary Interests (DPIs)
- Outside Body Interests; and
- Family, Friends and Close-Associate Interests.

A member may have a DPI or an interest in a matter before the council, then they must leave the meeting during any discussion and must not vote. Councils can criminal prosecution if they act unfairly.

Committee arrangements

Audit and Governance Committee (the Committee) advises the Council on the Code and on registration of interests. It also supports twenty-six councils to uphold high standards.

The Committee is also responsible for making arrangements to deal with complaints about the conduct of CWAC and town/city councillors in the borough and to decide requests for dispensations for CWAC councillors. It oversees the Standards Annual Report.

Visit: cheshiwestandchester.gov.uk

Registration of Interests

CWAC members were reminded each month to keep their registers up-to-date and to notify the Monitoring Officer within 20 days of any changes. Members needed assistance in registering any DPI or outside body interest or any gift or hospitality (over £50) which they accepted as a member, then officers in CWAC's Comms & Services were available to help.

Parish and Town Councils

Each local authority is free to decide its own code, setting out the expected standards of behaviour. The majority of town and parish councils in the borough have adopted the CWAC Code.

Officers worked with the Cheshire Association of Local Councils (CALC) with a view to giving clear and consistent advice to councilors on Standards.

CWAC and CALC issued a digest to local council clerks in June 2017. Officers are aware of members on declaring interests at meetings, updating standing orders and considering dispensations. It also reminded councilors that conduct complaints should be referred to CWAC and not dealt with internally.

Regulars of interests for members and co-opted members of the 69 CWAC towns and parish councils were displayed on the CWAC website. They should also be published on their council’s own website.

Notification of Interest forms were received from 57% of parish/town councils and published on the CWAC website. Districts and Services followed up any outstanding notifications including a reminder, liaison with local council clerks and CALC.

Member Training and Support

The Monitoring Officer (MO) and Governance officers were available on a single-line strategy for CWAC members, particularly on interests which could affect participation in meetings. Training on the Code of Conduct and governance was included in the post-election member induction programme.

CWAC does not have specific resources for town and parish council training but will consider requests and help source appropriate support.

CWAC gives training at no cost to the council concerned if they make reasonable provision for the running of the session. Equality and Diversity training was provided for town and parish councillors.

Dispensations

The Committee has established a Standards Dispensation Panel to determine requests from CWAC members. Parish councils deal with their own member dispensations.

The Panel met in March 2017 to agree a general dispensation enabling all CWAC members with interests to participate in the debate and vote at Budget Council.

Dealing with Standards Complaints

The Committee has agreed local arrangements for dealing with complaints about the conduct of CWAC and parish councillor. Complaints are dealt with by the Monitoring Officer (MO), in consultation where appropriate with the Independent Person and Parish Representative.

The MO will not refer to a complaint for formal investigation where it is not sufficiently serious to justify the cost or it is not in the public interest to investigate.

In March 2017 the Committee agreed Assessment criteria to assist the MO in making decisions on what action, if any, to take on an individual complaint, liaising with local council clerks and CALC.

Parish Representatives (PR)

The role of the PR is not statutory but it is included in the CWAC complaints arrangements.

The Council’s PRs (each appointed for 3 years) are:

- Cllr Fiona Craner, Knutsley Parish Council
- Cllr Peter Duffy, Hesbury Parish Council

Conduct Complaints

Between May 2016 and April 2017, the MO received 36 complaints about member conduct:

- 18 complaints about CWAC members (concerning 11 individuals)
- 16 complaints about the conduct of parish council members (concerning 7 local councillors).

2 complaints about one CWAC member were referred to the Independent Person for investigation. The Independent Person found that the code of the MO and the Code of Conduct were not breached.

The MO referred 6 complaints about CWAC members to the Local Authority for informal action, with an apology given to the complainant in 2 cases.

The MO referred 8 complaints about parish council member to the Independent Person for informal action e.g. training or leadership.

11 complaints were assessed as falling outside the code of conduct. The MO’s decision in the remaining 3 complaints was ignored.

The MO consulted the PRs on 12 complaints. 4 of the cases concerned declaring interests and the remuneration related to general conduct principles.

Summary

Complaints by authority type.

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<th>Year</th>
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The Monitoring Officer did not受理 any complaints concerning OPAs to the Police.

Where the MO decided that the matter complained of fell outside the Code of Conduct or that "no action" was appropriate, the reasons included:

- The complaint was disclosed at a council meeting; the conduct of an individual councillor;
- The complaint being about a lack of due process;
- The complaint failing outside the council’s role as a councillor i.e. acting as a private capacity;
- A similar complaint had been investigated before and there being nothing further to be gained by another investigation.

Standards Complaints Panel

The Standards Complaints Panel met for the first time in November 2016 to hold a hearing and make a determination on a complaint.

The Panel considered a complaint made in November 2015 about the conduct of Councillor Tom Reynolds, a member of Frodsham Town Council (FTC).

An independent investigator reported to the Panel on allegations that Councillor Reynolds, in an email in November 2015, made false accusations, concerning Councillor Andrew Dawson and Councillor Lorry, members of CWAC. The PR and PR of FTC were questioned.

The Panel found that Councillor Reynolds failed to comply with FTC’s Member Code of Conduct. His conduct fell below that expected of those in public office and with regard to the Nolan principles. The Panel recommended FTC consider Cllr Reynolds’ lack of respect and arrange training for him.

Councillor Stephen Bunn, Chair, Audit and Governance Committee 2016/17

Vanessa Whitton, Monitoring Officer, Cheshire West and Chester

Cheshire West and Chester
Cllr Tom Reynolds
Bickering Cheshire West and Chester councillors costing thousands in complaints

More than a quarter of all complaints about councillors in Cheshire West and Chester in the past three years have come from fellow councillors, an Freedom of Information request has revealed.

Between March 2014 and February 2017 there were a total of 79 complaints against elected councillors on both the county and parish councils, with 22 of those coming from fellow councillors.

But only one complaint has resulted in a councillor being formally reprimanded, with most considered outside the remit of the council complaints procedure (65) – for example, a councillor’s conduct in a private capacity.

The only complaint which has been upheld by the council’s standards panel was against Frodsham town councillor Tom Reynolds who was deemed to have shown a lack of respect to two Cheshire West and Chester councillors, Cllr Andrew Dawson and Cllr Lynn Riley, in emails he sent in November 2015.
Chester council criticised after probe into former leader's credit card spending

Auditor cites 'lack of clear policies, procedures and guidance' in relation to council credit cards

In a letter to Cllr Jones, investigator Mr Wynn wrote: "The council recognised, in a report to Audit and Governance Committee in November 2013, that its arrangements for the monitoring of purchase cards and its policies could have been improved.

"Improvements were put in place subsequently, and a new policy was implemented. There are some large transactions on your card prior to this date which, with the benefit of hindsight, look difficult to explain in monetary terms (could the same outcome have been achieved at lower cost), however, there is no apparent breach of any council policies at the time.

Cllr Jones declined to repay the money.

In response to Mr Wynn, he wrote: "Since much of the value regarding the small number of the items you suggested I should consider is repaid, was for hospitality for guests of the council, in my view it is an unreasonable request to make as they were legitimate expenses to incur.

"I am not entirely sure why alcohol is an issue as the council itself has spent money on alcohol for guests, an example being at the Lord Mayor making. Therefore to separate out the expenses I incurred on behalf of the council to be treated in a different way, is in my view unreasonable."
MOTLEY CREWE

THE Eye’s revelation in 2015 that fitness class contracts worth £156,000 had been handed to Cheshire East council (CEC) leader Michael Jones’s physiotherapist Amanda Morris without going through normal procurement procedures put the kibosh on his political career (Eye, in press). He resigned as leader and has said he will step down as a Tory councillor once Inspector Knacker’s investigation into the matter is concluded.

The affair has, however, stopped Cllr Jones and Ms Morris, who now goes by her maiden name of Weston, forging an exciting business partnership. The Crewe Chronicle reports that the pair are now part of a consortium, led by the University of Buckingham and Indian private hospitals group Apollo, in talks about the possible purchase of Manchester Metropolitan University’s Crewe campus, due to close in 2019, with a view to turning it into “a medical science university”.

The Chronicle story did not cover the fact that Cllr Jones has recently updated his council register of interests. Unaccountably it fails to mention his directorships of three new companies: Crewe Medical School Properties Ltd, Crewe Medical School Services Limited and Crewe Medical School Ltd. According to Companies House, Jones owns most of, if not all, the shares of the three companies.

Apart from his enthusiasm for working out with the “awesome” Ms Morris, Cllr Jones does not have any medical or fitness background. But no doubt his extensive knowledge of the property market will be invaluable to the project.

- A MORE recent scandal to hit Cheshire East, as the last two Eyes have reported, has been the admission that the council manipulated its air quality figures favourably in a “deliberate and systematic” manner for at least three years. We can reveal that two senior officers, environmental health supremo Tracey Bettaney and senior environmental health enforcement officer Phil Mason, have been suspended as the council tries to cover up — sorry, get to the bottom of — what had been going on. A third officer, environmental protection team leader Nick Kelly, is off work with stress. Who can blame him?
Cheshire Police and Crime Commissioner

- Police and Crime Commissioner
- Warrington Borough Councillor
- Penketh Parish Council
On 6th May 2016, David Keane was elected as the Police & Crime Commissioner for Cheshire.

About David

Prior to his election as Police & Crime Commissioner, David had 17 years of experience serving as a local and parish councillor, including five years at Cabinet level, listening, representing and delivering for local residents.

David has a deep respect for our public services, and for those who work within them. He is a proud husband and father, which remain his most important roles in life, and he is working for the best future possible for families and children in Cheshire, Halton and Warrington.

He qualified with a law degree (with honours) after initially studying criminal justice at university and prior to his election, ran a small business. He has experience up to, and including, board level in the public, private and voluntary sectors.
David Keane
Ward: Penketh and Cuerdley
Party: Labour

Allin Dirir
Ward: Penketh and Cuerdley
Party: Labour

Linda Dirir
Ward: Penketh and Cuerdley
Party: Labour
Cheshire police commissioner defends hiring Labour comrade

David Keane insists long-standing Labour colleague was 'best candidate' to be his deputy

Concerns were raised by one panel member about how her appointment might be perceived by the public given her parents are Labour councillors representing the same Warrington ward as Mr Keane.

But Mr Keane went ahead with the appointment of Mrs Dirir, a Labour councillor in Salford, who began her new full-time role on Monday (March 20).

And the crime commissioner, who earns £75,000, hit back: “Sareda is not my mate. I have known her for a long time and I have worked with her in the past but I regard her as a well qualified individual for the job.”

Mr Keane, who interviewed four candidates from 21 applications – assisted by a team of independent advisers – described ‘a politically charged atmosphere’ on the panel.

He insisted the process was ‘open and transparent’ which ‘didn’t happen last time’ under his predecessor when there was ‘merely an announcement’.

Panel members were also of the view that Mrs Dirir ‘provided insufficient evidence’ that she would have the level of personal independence necessary given her long-standing relationship with Mr Keane.
Appointment of Chief of Staff

- Former trading standards lead
- Warrington Borough Council officer
Committee details
Cheshire Police and Crime Panel

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Councillor H Murray
Chairman, Cheshire Police and
Crime Panel
Cheshire East Council
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Date: 14 July 2017

Dear Councillor Keane,

PROPOSED APPOINTMENT OF A CHIEF OF STAFF

It is with regret that the Cheshire Police and Crime Panel cannot on this occasion support your candidate for the position of Chief of Staff for the Office of Police and Crime Commissioner for Cheshire. This was the unanimous decision of the Panel following the Confirmation Hearing held on the evening of Wednesday 12 July in Winsford.

I append to this letter, as a separate document, a summary of the principal reasons for the decision that was taken by the Police and Crime Panel. In making its decision the Panel was guided by the Local Government Association / Centre for Public Scrutiny publication “Police and Crime Panels – Guidance on Confirmation Hearings”.

The Panel’s decision will not be made public until Friday 21 July 2017.

Yours sincerely,

Councillor Howard Murray
Chairman

OFFICIAL
Cllr Dawson asked a supplementary question in respect of the long standing relationship between the Commissioner and the Deputy Commissioner's family. He also referred to the Oath of Office signed by the Commissioner and the need for him to be held to account and also potential conflicts of interest and breach of these provisions.

The Commissioner responded to say that he was fully assured, as he had taken the relevant advice and made declarations at every stage of the process, that the process was completely open and transparent and completely proper. He stated that if the Councillor intended to raise a complaint in respect of this, it may be prejudicial to discuss it.

Cllr Dawson clarified that he had not raised a complaint, but that he was asking a question and asking the Commissioner to comment. He asked that the Commissioner publish all the various declarations that he had made regarding the recruitment process, so that the Panel could see why he had reached the judgment that he did.

The Commissioner responded to say that he had written to the Panel and had stuck to the guidance, as had the Panel and that he had offered to attend the meeting. He had understood that he would be allowed to attend and speak and answer any questions and be accountable to the Panel, as he wished to be legal and transparent.
SCHEDULE 1
Declaration of Acceptance of Office

I [Full Name] of [Place] do hereby declare that I accept the office of Police and Crime Commissioner for [Police Area].

In making this declaration, I solemnly and sincerely promise that during my term of office:

I will serve all the people of [Police Area] in the office of Police and Crime Commissioner.

I will act with integrity and diligence in my role and, to the best of my ability, will execute the duties of my office to ensure that the police are able to cut crime and protect the public.

I will give a voice to the public, especially victims of crime, and work with other services to ensure the safety of the community and effective criminal justice.

I will take all steps within my power to ensure transparency of my decisions, so that I may be properly held to account by the public.

I will not interfere with the operational independence of police officers.