



Minutes

Name of meeting	ETHICAL STANDARDS COMMITTEE
Date and time	MONDAY, 15 SEPTEMBER 2008 COMMENCING AT 6.00 PM
Venue	COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	<u>Independent Members:</u> Mr Mark Southwell (Chairman), Mr Anthony Brindle, Mr Bruce Claxton, Mr Keith Fagan, Mr George Hibberd, Mr Peter Tautz, <u>Representative of Town and Parish Councils:</u> Mr Ron Mew, Mr Denis Russell <u>Isle of Wight Council Members :</u> Cllrs Mike Cunningham, Heather Humby
Officers Present	Davina Fiore, Helen Miles, Paul Thistlewood, Justin Thorne
Apologies	Mr Richard Day, Cllr Muriel Miller, Cllr Erica Oulton, Mrs Susan Tudor Smith

17. **Minutes**

RESOLVED :

THAT the Minutes of the meeting held on [21 July 2008](#) be confirmed.

18. **Declarations of Interest**

There were no declarations received at this stage.

19. **Update from the Chairman**

The Chairman reported that he had received membership details from the Association of Independent Members of Standards Committees in England (AIMSce). This would be circulated to the Independent Members.

The Chairman also referred to the Power to the Parishes Conference, organised by the Council, which he attended which provided an opportunity to highlight the work of the Committee.

20. Reports of the Director of Legal and Democratic Services

(a) Arrangement for the Elections in 2009 Including Induction of New (Elected) Members

Members were advised of arrangements being made for Code of Conduct training for proposed and new members in 2009. It was intended to hold short sessions for candidates on the Code and general Council functions early in 2009. A copy of the Code of Conduct would also be included in all nomination packs.

After the elections a more detailed induction programme would be held for Isle of Wight Councillors. This would involve a more in depth look at the Code. Similar sessions would be arranged across the Island for Town and Parish Councillors. It was suggested that this should be for all Town and Parish Councils irrespective of whether they had elections.

All the training would be facilitated in house and names of those attending would be recorded. Feedback on the training sessions would be reported to the Committee late in 2009.

RESOLVED :

THAT the proposals be supported.

(b) Initial Assessment Review and First Report Back

The Committee was advised of the Monitoring Officer had received 15 complaints for the period 8 May to 31 August 2008. Six of these related to Isle of Wight Council members and nine for Parish/Town members. Out of the 14 considered by the Assessment Panel six resulted in no further action; one withdrawn by the applicant; two referred for local investigation and five referred to the Monitoring Officer for other action. Members were advised of the actions taken by the Monitoring Officer and the resultant outcomes.

RESOLVED :

THAT the report be noted.

(c) Confidential Information Protocol

A review had been undertaken of the confidential information protocol; that was adopted by the Council on 18 July 2007. There appeared to be no reason for amending the protocol.

RESOLVED :

THAT the confidential information protocol remain unchanged.

(d) Press Protocol

The Monitoring Officer indicated that there were no national guidelines for the establishment of a specific protocol for dealing with the press in relation to complaints received on ethical standards.

A consultation exercise had been undertaken involving members of the Committee, the Council's Communications Team and the local media on formulating a suitable protocol. This was to strike a balance between the rights of the individuals concerned in any complaint and transparency and openness.

Members considered the proposed draft press protocol.

RESOLVED :

THAT the press protocol be adopted.

(e) LGC Awards – Standards and Ethics

The Committee discussed the submission of an entry into the Local Government Chronicle (LGC) awards for Standards and Ethics which was being sponsored by the Standards Board for England.

The Council's commitment and innovation upon which such a submission could be based was outlined. The Chairman indicated that the regular meetings that he had with the Chief Executive and the Group Leaders should also be included within the submission.

RESOLVED :

THAT the submission of an entry be supported.

(f) Investigation Procedure

The Committee discussed the adoption of guidelines to assist in the investigation process for complaints. These incorporated advice contained in the Standards Board for England publication "How to Conduct an Investigation" and also took into account suggestions made about timescales and reporting mechanisms to the Committee.

The Monitoring Officer highlighted the aim of completing an investigation within six months although there may be instances where this timescale could be exceeded due to any delays with obtaining information from witnesses or complex issues arising.

The procedures would be kept under review in the light of experience.

RESOLVED :

- (i) THAT when the complainant and subject member was informed that an investigation would be held (this would be within five days of the

Assessment Sub Committee determination) that they were also informed of the name and contact details of the investigating officer.

- (ii) THAT the investigating officer would normally make initial contact with the complainant and the subject member within ten working days of the above letter.
- (iii) THAT the investigation would follow the guidelines set by the Standards Board for England and that the aim was to complete an investigation within six months.
- (iv) THAT following the completion of each investigation the Committee consider if there were any matters from the investigation that needed to be considered and that as part of its annual report there be an assessment of the time taken for the investigations to be completed.
- (v) THAT during the investigation the Committee would only be informed if there was a major problem that required their input.

(g) Standards Board Bulletin 40

Members noted issues within the Bulletin relating to the local assessment of complaints.

RESOLVED :

THAT the content of the Bulletin be noted.

21. Updates from Monitoring Officer

The Monitoring Officer referred to the Power to the Parishes conference that was mentioned earlier in the meeting and thanked members for attending.

22. Workplan

The Chairman suggested that as the Committee's Annual Report would be for the end of March 2009 it would be appropriate to discuss the draft content at the 19 January 2009 meeting.

23. Exclusion of Public and Press

RESOLVED:

THAT, under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, namely minute number 24, on the grounds that there was likely to be disclosure of exempt information as defined in paragraph 7C of Schedule 12A of the Act and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

24. **Confidential Update from the Monitoring Officer**

Outcome of Investigation – Case Reference ESC05/08

(Cllr Heather Humby declared a personal interest in this item due to her past involvement in Sandown Town Council)

The Committee considered the report of an investigation undertaken into a case referred by the Assessment Sub Committee held on 23 June 2008.

The Investigating Officer outlined the key issues involved in the investigation.

The Committee discussed the publication of the report so that all councillors were mindful of when it was appropriate to declare a personal and prejudicial interest. It was noted that the councillor subject to the investigation had indicated that he did not object to the report being made public.

One issue that had been highlighted as the result of the process was the need for the establishment of a Consideration and Hearing Sub Committee to deal with investigation reports. This would then assist the Committee in undertaking arrangements for a hearing if required. The arrangements for this body would be exactly the same as that utilised for the Assessment Sub Committee.

RESOLVED :

- (i) THAT a finding of no failure to comply with the Code of Conduct be made.
- (ii) THAT the investigating officer's report be made public.
- (iii) THAT future consideration of reports from Investigating Officers on complaints arising from decisions of the Assessment Sub Committee be delegated to a Consideration and Hearing Sub Committee comprising three members of the Ethical Standards Committee and chaired by an independent member and make appropriate decisions on any actions required.
- (iv) THAT the membership of the Consideration and Hearing Sub Committee be determined by the Monitoring Officer (or Deputy Monitoring Officer) in consultation with the Chair of the Ethical Standards Committee.

CHAIRMAN