

Minutes

Name of meeting

ETHICAL STANDARDS COMMITTEE

Date and time

MONDAY, 17 MARCH 2008 COMMENCING AT 6.00 PM

Venue

COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT

Present

Independent Members:

Mr Mark Southwell (Chairman), Mr Anthony Brindle, Mr Bruce Claxton, Mr Keith Fagan, Mr George Hibberd, Mr Peter Tautz

Representative of Town and Parish Councils:

Mr D Russell, Mr R Mew (1st Deputy), Mr R Day (2nd Deputy)

Isle of Wight Council Members :

Cllrs Mike Cunningham, Heather Humby

Officers Present

Davina Fiore, Chris Mathews, Julie Martin, Helen Miles

Apologies

Cllrs Muriel Miller, Erica Oulton, Mrs Susie Tudor Smith

39.

Minutes

RESOLVED :

THAT the Minutes of the meeting held on [21 January 2008](#) be confirmed subject to the following changes :

Minute 34 (a) (ii) delete the word 'to'.

Minute 34 (b) first line of the last paragraph delete the word 'it' and insert 'that information'.

Minute 34 (d) last line of paragraph 3 replace the word 'would' with 'should' and paragraph 4 the words 'to reflect this' to be inserted at the end.

40.

Declarations of Interest

There were no declarations received at this stage.

41.

Update from the Chair

The Chair reminded members of the letter he had received from the Association of Clerks relating to the Code of Conduct training recently held by the Isle of Wight Council. As a consequence he had attended a meeting of the Association in January 2008 and was pleased to

inform the Committee that there were no issues or concerns raised at the meeting, although the point was made that the initial letter to Parish and Town Councils informing them about the training had been read by some as an instruction than an invitation.

The Chair had been invited to the Eco Island Conference on 26 March 2008.

The whole committee had been invited to attend Power to Parish event to be held at Cowes in September 2008.

The Monitoring Officer had given general advice relating to declarations of interest in relation to the forthcoming Schools Organisation debate to all Isle of Wight Councillors.

The short information seminars were now underway and several members had attended one or more of those sessions.

Meetings had been arranged for the Chair with all group leaders commencing 7 April 2008.

An update on the Independent Members Forum was given.

42. **Report of the Head of Human Resources**

Staff Survey Results

The Head of Human Resources advised members that the 2007 staff survey was open to all staff apart from those who were school based. The survey was a repeat of that held in 2006. She reported on both the positive and negative outcomes, and particular reference was paid to the perception of bullying.

The Whistleblowing Policy had been re-launched in 2007 and had introduced a confidential reporting hotline. The Harassment at Work Policy was to be renamed the Dignity at Work Policy and was currently out to consultation with staff. The draft policy was considered by the Committee.

RESOLVED :

THAT the report be noted and the draft Dignity and Work Policy be supported.

43. **Reports of the Director of Legal and Democratic Services**

(a) Update on Ethical Audit Action Plan

Members were advised that the Action Plan had been reviewed and progress was shown on each item. There was still work to be done in relation to the Action Plan and it was agreed that it should be added to the Committee's Workplan on a quarterly basis.

RESOLVED :

THAT progress on the Plan be noted and it be considered by the Committee on a quarterly basis.

(b) Annual Report Final Agreement

Following the discussion of the initial draft at the January meeting a final draft had been prepared and circulated to the Committee. An amended version of the final draft had also been circulated to all members by Anthony Brindle. He was unhappy with the content, style, construction and presentation of the report and believed it should be completely re-written. It was felt that the Annual Report should be used as part of the process of relaunching the Committee and explaining its role.

The Director reminded the committee that they had been asked for their input in January 2008, but no response had been made. She indicated that the report did draw attention to the fact that changes were coming and believed, given the resources and time available, that it would be better to re-vamp the report for following years.

Although some members were happy with the report as it was, it was decided that a small group of members be asked to look at the issue, with a view to producing an alternative report which would be discussed at the next informal meeting of the committee.

RESOLVED :

THAT three members, Anthony Brindle, George Hibberd and Mark Southwell, consider the revised format of the Annual Report and present it to the next informal meeting of the committee on 14 April 2008.

(c) Investigation into the leak of Cllr Bowker's Case

The Committee was advised that papers relating to a hearing recently held into Cllr Bowker's conduct had been leaked to the Isle of Wight County Press. An investigation into the source of the leak was held but officers were unable to find the source of that leak.

RESOLVED :

THAT the report and findings be noted.

(d) Establishment of Sub Committees to Deal with Local Assessment and Applications for Exemption from Politically Restricted Posts

Consideration was given to the procedures for the assessment of complaints regarding breaches of the Code of Conduct once the function was transferred to the Ethical Standards Committee from the Standards Board for England.

Detailed regulations and guidance was still to be issued, although it was anticipated that the new provisions would be in place by 1 April 2008.

It was reported that there would be up to three stages to a complaint, the initial assessment, consideration of an appeal against that assessment and the hearing. It was believed that consideration of an appeal could not be undertaken by the same members who had initially found that a complaint required no action to be taken.

There was also a requirement for the Committee to consider applications from individual post holders to have their post removed from the list of Politically Restricted Posts.

It was suggested the three Sub Committees be set up with their Terms of Reference as follows :

Assessment Sub Committee

To assess written allegations that a member or co-opted member (or former member or co-opted member) of the Council has failed, or may have failed, to comply with the Council's Code of Conduct for Members in accordance with the provisions of the Local Government Act 2000 or any amendment or re-enactment.

Assessment Appeals Sub Committee

To determine appeals against the decisions of the Assessment Sub Committee in respect of written allegations that a member or co-opted member (or former member or co-opted member) of the Council has failed, or may have failed, to comply with the Council's Code of Conduct for Members in accordance with the provisions of the Local Government Act 2000 or any amendment or re-enactment.

Consideration of Exemption from Politically Restricted Posts Sub Committee

To determine applications from post holders for their post not to appear in the list of politically restricted posts held in accordance with the Local Government and Housing Act 1987.

RESOLVED :

- (i) THAT the assessment of complaints under section 57A of the Local Government Act 2000 be delegated to an Assessments Sub Committee comprising three members of the Ethical Standards Committee and chaired by an independent member.

- (ii) THAT the hearing of requests for review of decisions under section 57B of the Local Government Act 2000 be delegated to an Assessment Appeals Sub Committee comprising three members of the Ethical Standards Committee and chaired by an independent member.
- (iii) THAT applications relating to politically restricted posts be delegated to a Consideration of Exemption from Politically Restricted Posts Sub Committee comprising three members of the Ethical Standards Committee and chaired by an independent member.
- (iv) THAT the membership of the Sub Committees be determined by the Monitoring Officer (or Deputy Monitoring Officer) in consultation with the Chair of the Ethical Standards Committee.

(e) Monitoring Officer Protocol

As a result of the Undercliff Drive investigation there was a need to raise the awareness of the role of the Monitoring Officer. The proposed Monitoring Officer Protocol was one of the steps to help achieve this, and was, in any case national best practice. Members considered a draft Monitoring Officer Protocol which was to be included within the Council's Constitution.

RESOLVED :

THAT the draft be noted.

(f) Standards Board Bulletin 37

Members noted issues within the Bulletin relating to the local assessment of complaints. It was decided that future Bulletin's should be considered by the committee as and when they were published.

RESOLVED :

THAT the Bulletin be noted.

44. **Workplan**

The new procedures on local filtering to be discussed at the July 2008 meeting.

CHAIRMAN