



Minutes

Name of meeting	ETHICAL STANDARDS COMMITTEE
Date and time	MONDAY, 19 MAY 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 Keith Fagan, Mr George Hibberd, Mrs Susie Tudor Smith <u>Representative of Town and Parish Councils:</u> Mr D Russell, Mr R Mew (1 st Deputy), Mr R Day (2 nd Deputy) <u>Isle of Wight Council Members :</u> Cllrs Mike Cunningham, Heather Humby, Muriel Miller Officers Present Davina Fiore, Chris Mathews, Julie Martin, Helen Miles Apologies Mr Anthony Brindle, Mr Bruce Claxton, Cllr Erica Oulton, Mr Peter Tautz
1.	Minutes <u>RESOLVED :</u> THAT the Minutes of the meeting held on 17 March 2008 be confirmed.
2.	Election of Vice Chair Nominations for a Vice Chair for the Committee were requested. Mr Bruce Claxton was proposed and seconded, there being no other nominations it was therefore <u>RESOLVED :</u> THAT Mr Bruce Claxton be appointed as Vice Chair of the Committee for the ensuing year.
3.	Declarations of Interest There were no declarations received at this stage.

4. **Update from the Chair**

The Chair gave an update on the Eco Island Conference he had attended.

Meetings had been held with group leaders Cllrs Hancock and Pugh. Feedback from Cllr Hancock was good; he believed that the Ethical Standards Committee was working well.

The Chair advised the Committee that himself and Deputy Monitoring Officer, Mr Chris Mathews would both be attending the Standards Board for England Annual Conference later in the year.

Sandown Town Council had recently achieved quality status and the Chair would write a letter of congratulations.

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

(a) Implementation of the Local Filter

Members were reminded that the new regime for local Standards Committees to deal with initial assessment process had come into effect from 8 May 2008. Guidance had been issued by the Standards Board for England but had subsequently been updated as there had been two relatively minor corrections.

Although the guidance advised that a hearing should be heard within 21 days it was agreed to try and hold hearings within 10 working days. The Committee was advised that the first complaint had been received and a meeting of the Assessment Sub Committee had been held.

The Committee would need to develop criteria by which it assessed new complaints and decided what action, if any, should be taken. It was believed that initially the criteria would be based on that contained within the guidance from the Standards Board for England but that it should ultimately be revised to meet local needs and it was recommended that the Committee wait until more complaints had been received which would enable a working knowledge on which to base any changes.

There was some discussion in relation to anonymous complaints and it was decided that if there was evidence to show it was an exceptionally serious breach the matter may be explored.

Members questioned the wisdom of advising a member that a complaint against them had been received prior to any assessment being made by the Sub Committee. Although it was agreed that if any member was to ask the Monitoring Officer if a complaint had been received then an answer would be given accordingly.

The Committee was advised that under the new regulations the committee was required to have at least two Parish or Town Councillors as members of the Committee. Currently the Committee had one as a full member (with two deputies). Additionally the regulations now required there to be at least one Isle of Wight Councillor present at any Sub Committee meeting. It was therefore recommended that the Full Council be asked to amend the Committee's Terms of Reference to reflect those changes.

RESOLVED :

- (i) THAT Councillors only be advised of a complaint being made against them after the Assessment Sub Committee had met.
 - (ii) THAT Full Council be recommended to
 - (1) Amend the wording of the membership of the Ethical Standards Committee in as far as it relates to the Parish and Town Council representatives so that it reads:
 - 3 representatives of the Isle of Wight Association of Parish and Town Councils (who must also not be a member of the Isle of Wight Council) and who must be in attendance when the Committee is considering matters affecting Town and Parish Councils.
 - (2) Make it clear that when considering any matters relating to the Isle of Wight Council the membership of any Sub Committee of the Ethical Standards Committee must include at least one Isle of Wight Councillor.
- (b) Changes to Constitution relating to the Ethical Standards Committee

The Committee gave consideration to a report from the Monitoring Officer suggesting changes in the Council's Constitution relating to changes to the Ethical Standards Committee's terms of reference.

In particular it was suggested that the positions of 'Deputies' from the Isle of Wight Council be deleted and that these be converted into full positions on the Committee. The Committee supported the suggestion but believed that there should only be four full voting members from the Isle of Wight Council and not five as proposed.

The Committee also particularly considered the deletion of the need for members (of the Isle of Wight Council) to have served a full term prior to joining the Ethical Standards Committee and that one member of the Cabinet should be able to have a seat.

The Committee felt that the need to have served a full term could be deleted, but they did not believe a member of the Cabinet should have a seat.

RESOLVED TO RECOMMEND TO FULL COUNCIL :

- (i) THAT the revised Membership as set out in Appendix A of the report be recommended to the July 2008 meeting of Full Council for inclusion in the revised Constitution, with the exception that there be only four members of the Isle of Wight Council not five as stated.
- (ii) THAT the Terms of Reference as set out in Appendix A of the report be recommended to the July 2008 meeting of Full Council for inclusion in the revised Constitution.

(c) Annual Report

Members considered the new format for the Annual report, there was some discussion relating to the report that had been received from the I&DeA.

RESOLVED :

THAT the Annual Report be approved subject to final amendments being authorised by the Chairman.

(d) Standards Board Bulletin 38

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

RESOLVED :

THAT the Bulletin be noted.

6. **Updates from the Monitoring officer**

The Monitoring Officer indicated that the first complaint had been received under the new procedures.

She indicated that there had not been a final report from the Standards Board for England in relation to the outstanding investigations, but it was anticipated that one would arrive during the summer. If the final report was received in time for the meeting due to be held July 2008 it would be reported there, if not a special meeting would be set up.

7.

Workplan

To be considered at the 21 July 2008 meeting :

New procedures for local filtering;
Arrangements for the elections for 2009
Assessment criteria for local assessments.

There was a possibility that the assessment criteria for local assessments could be discussed at the 15 September 2008 meeting instead.

CHAIRMAN