



# Minutes

Name of meeting	<b>ETHICAL STANDARDS COMMITTEE</b>
Date and time	<b>MONDAY, 22 FEBRUARY 2010 COMMENCING AT 6.00 PM</b>
Venue	<b>COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE FO WIGHT</b>
Present	<u>Independent Members:</u>  Mr Mark Southwell (Chairman), Mr Anthony Brindle, Mr Keith Fagan, Mr George Hibberd, Ms Liz Mackenzie, Mr Ray Smith, Mr Peter Tautz  <u>Representative of Town and Parish Councils:</u>  Mr Richard Day, Mr Ron Mew, Mr Denis Russell  <u>Isle of Wight Council Members :</u>  Cllrs John Howe, Heather Humby, David Williams
Officers Present	Davina Fiore, Julie Martin, Chris Mathews, Helen Miles
Apologies	Cllr Susan Scoccia

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The Chairman welcomed Glenys Stacey, Chief Executive, Standards for England and Tim Leslie, Director of Regulation, Standards for England.

## 7. Minutes

### RESOLVED :

THAT the Minutes of the meeting held on [19 October 2009](#) be confirmed.

## 8. Public Question Time

Mr B Blezzard of Sandown asked if in light of the decisions made by the Adjudication Panel for England in the recent hearings, would the penalties imposed be used as a benchmark?

The Monitoring Officer indicated that the sanctions made in other cases would also be looked at and each case would be decided on its merits.

Mr B Blezzard of Sandown asked why was it that the list of independent members on the Ethical Standards Committee appeared to be from a narrow social group.

The Monitoring Officer advised that the independent members were fully representative and could only be appointed from those who had applied. The advert for the vacancies had been widely distributed in order to reach as many people as possible.

**9. Declarations of Interest**

There were no declarations received at this stage.

**10. Update from the Chairman**

The Chairman advised that the one of the decisions arising from the Craven Court hearing was for Code of Conduct training for all councillors. The first of those sessions had been held on 17 February 2010 with 15 of the 40 councillors turning up for the first session. Further sessions were arranged.

**11. Report of the Director of Corporate Services**

**Decision Notices**

(a) To consider recommendations in respect of Councillor Vanessa Churchman

Members were reminded that following the Adjudication Panel hearing into the case against Councillor Vanessa Churchman, the panel had made a recommendation that she receive further Code of Conduct training. Individual training had had been held with the Monitoring Officer and a Deputy Monitoring Officer, at the end of which Councillor Churchman confirmed that she understood her obligations under the Code.

RESOLVED :

- (i) THAT the actions taken be approved.
- (ii) THAT the actions be noted so they could be reported back to Standards for England.

(b) To consider recommendations and the issue of allowances in respect of Councillor Patrick Joyce

The Committee was told that following the Adjudication Panel hearing into the case against Councillor Patrick Joyce, he was suspended from office for a period of two months. It was further recommended that he receive Code of Conduct training. As the suspension was not yet finished that training had not yet been undertaken, but would be arranged after the two month period. There was some discussion as to whether Councillor Joyce's allowances should be stopped during his

suspension. It was noted that in previous cases allowances had been suspended.

RESOLVED :

- (i) THAT Councillor Joyce's allowances be suspended during his period of suspension.
  - (ii) THAT the planned actions be noted so they could be reported back to Standards for England.
- (c) To consider recommendations and the issue of allowances in respect of Councillor Andy Sutton

Following the Adjudication Panel (now known as the First Tier Tribunal) hearing into the case against Councillor Andy Sutton, he was suspended from office for a period of six months. It was further recommended that he receive Code of Conduct training. As the suspension was not yet finished that training had not yet been undertaken, but would be arranged after the six month period. It was noted that Councillor Sutton had already requested that his allowances be stopped during his suspension.

RESOLVED :

- (i) THAT Councillor Sutton's allowances be suspended during his period of suspension.
  - (ii) THAT the planned actions be noted so they could be reported back to Standards for England.
- (d) To consider recommendations in respect of former Councillor Ann Bishop

Members noted that following the Adjudication Panel hearing into the case against former Councillor Ann Bishop, she was suspended from public office for a period of two years.

RESOLVED :

THAT the findings against Miss A Bishop be noted.

## 12. **Standards for England's Review of the Standards Framework**

The Committee was given an update on Standards for England changes as to how they dealt with investigations and updates on possible future changes

Glenys Stacey, Standard for England, Chief Executive advised members that Standards for England had recently undertaken a specific piece of work relating to the Local Framework in conjunction with Teesside University to see how it was working in practice. The proposed outcomes would be presented to Government. It was anticipated that the framework be redesigned for local

case handling and should simplify the local filter and to deter trivial complaints.

Proposed recommendations were:

- Monitoring Officers should be able to decide if a complaint fell within the remit of the Code of Conduct. It was not clear that a Monitoring Officer was entitled to do that.
- If the Monitoring Officer decided it did fall within the remit of the code, the independent chair, in conjunction with the Monitoring Officer could decide what to do with that complaint. It was suggested that they could select from a range of 5 options.
- An investigation if started ought to be able to be stopped at any stage on recommendation by the Monitoring Officer, but that must be agreed by the whole Ethical Standards Committee.
- After an investigation had been held, it would be up to the chair to decide what the next step should be.
- Review arrangements should be stopped as they did not appear to be working in the vast majority of cases and be replaced by a permissive view.
- If at the end of an investigation the allegation turned out to be trivial the Chair should have powers to highlight to those individuals in question, and a wider audience, when that complaint was trivial.

It was anticipated that independent chairs would be empowered and would give Monitoring Officers the authority to advise their chairs properly.

Where necessary to safeguard the wider regime the whole Ethical Standards Committee could become involved in the key decisions to be made about whether or not, and to what extent, a complaint should be investigated therefore enabling the Committee to tailor their response to a complaint.

The recommendations came from some fairly detailed work and underpinned the principles of the framework. A full report was to be offered to Government in the near future and it would then be up to Government to decide.

It was anticipated that 2 further reviews be undertaken with regard to Standards for England's own powers and the Code of Conduct.

Members of the Committee questioned whether it would be the right thing to do to put everything into the hands of only two people, they would prefer it to be referred to the whole Committee.

Tim Leslie, Standards for England, Director of Regulation reported the investigations aspect of work for Standards for England.

Since May 2008, less than 10% of cases were referred to Standards for England for investigation.

Nature of Standards for England work had changed and as a result of that there was a need to review the way they performed their investigations process.

There were three key areas addressed :

1. The way investigations were resourced, moving away from individual investigators to team based approached, led by the Ethical Standards Officer who was responsible for the investigation.
2. There was now a rigorous approach to planning investigations; they would be reviewed on a regular basis so it was clear how each investigation was progressing and to ensure they were delivered in accordance with the plans that had been set out.
3. The Standards for England approach to customer care in terms of the way in which they communicated throughout the investigation. To ensure everyone was aware of the expected time scales and how they were progressing against those. At the end of the process an opportunity would be given to provide feedback.

### 13. **Reports of the Director of Corporate Services**

#### (a) Report back on training to date and future training

The Monitoring Officer advised that the Code of Conduct training was mandatory for all Isle of Wight Councillors and 37 of the 40 had attended. Sessions were all run for Town and Parish Councillors.

Personal Development Reviews had been offered to all Isle of Wight Councillors and 32 had taken up the opportunity.

It was noted that the assessment criteria relating to the assessment of complaints was to be reviewed and would then be circulated to all Town and Parish Councils for their comments.

#### RESOLVED :

THAT the training provided to date and future training be noted.

#### (b) To consider asking Council to increase the number of parish representatives

Consideration was given to increasing, by one, the number of Town and Parish Councillors to the Ethical Standards Committee. Members were advised that it would be a decision for the Full Council as a change to the constitution would be required.

RESOLVED :

THAT Council be asked to increase the number of Town/Parish Councillors on the Committee by 1 to 4, matching the number of Isle of Wight Councillors.

(c) To consider topics for inclusion in the Annual Report

The Chairman indicated that he would be including a report on Craven Court in the Committee's Annual report. It was anticipated that the Annual Report would go to Full council after the Ethical Standards Committee 12 April 2010 meeting.

(d) Initial assessment review and report back

The Monitoring Office reported on the latest statistics following assessment of complaints against members.

RESOLVED:

THAT the report be noted and that the outcomes from the other actions undertaken by the Monitoring Officer be approved.

(e) Standards Board Bulletin 46

Members noted the latest issue of the Bulletin.

RESOLVED:

THAT the content of the Bulletin be noted.

**14. Updates from Monitoring Officer**

The Monitoring Officer indicated that the new Code of Conduct for members was unlikely to be within the current parliamentary session. It was anticipated that paragraph 5 of the Code of Conduct, bringing your office into disrepute, could spill over into a members private life if a criminal offence was committed.

Standards for England had issued a preview of the Annual return and this was circulated to all members.

It was anticipated that a feedback form in relation to the complaints process would be initiated.

There was a possibility of putting a compliments form on the Ethical Standards website.

**15. Workplan**

Members noted the latest workplan.

16. **Members' Question Time**

Anthony Brindle indicated he had recently visited a meeting of Cowes Town Council and indicated it was conducted with attention to the Code of Conduct.

There was a question raised in relation to a conflict of interest if a local member of a Town/Parish Council was appointed to an outside body if the member was already a member. The code was clear that if on an outside body and it comes up at a council meeting then the member concerned would have to declare a personal and prejudicial interest.

CHAIRMAN