

STANDARDS HEARING SUB-COMMITTEE

DRAFT MINUTES OF THE STANDARDS HEARING SUB-COMMITTEE MEETING HELD ON 23 JANUARY 2013 AT TINDALL ROOM - SARUM COLLEGE, 19 THE CLOSE, SALISBURY, SP1 2EE.

Present:

Cllr Trevor Carbin, Cllr Howard Greenman and Cllr Roy While

Also Present:

Cllr I Tomes – Subject Member
Frank Cain – Deputy Monitoring Officer
Roger Wiltshire – Investigating Officer
Carolyn Baynes – Independent Person
Stuart Middleton – Independent Person

1 Election of Chairman

Nominations for a Chairman of the Standards Hearing Sub-Committee were sought and it was

Resolved:

To elect Councillor Roy While as Chairman for this meeting only.

2 Chairman's Welcome, Introduction and Announcements

For the benefit of all concerned, the Chairman asked those present to introduce themselves and explain their role in the context of this hearing.

3 Declarations of Interest

There were no declarations of interest

4 Exclusion of the Press and Public

The Chairman asked the Subject Member and Investigating Officer if they had any objections to the hearing proceeding with the public present. Both

confirmed they had no objections. The Sub-Committee agreed that the matter should be heard in public in the interests of openness and transparency.

5 Standards Committee Hearing Complaint regarding the alleged conduct of Councillor Ian Tomes of Salisbury City Council

The Chairman outlined the procedure for the meeting then asked the Investigating Officer to make a statement which was read out to the hearing. Key points were:

- On the 4 October 2011 the Monitoring Officer of Wiltshire Council received a complaint from Councillor John Abbott, a member of Salisbury City Council, regarding the alleged conduct of Councillor Ian Tomes, also a member of Salisbury City Council.
- Councillor Abbott alleged that after a meeting of the Salisbury Area Board held on the 15 September 2011, Councillor Tomes was aggressive and confrontational towards Mrs Biggs, a member of the public, and during an exchange with members of Salisbury City Council and members of the public, Councillor Tomes publicly alleged Salisbury City Council was corrupt, and Councillor Tomes' actions have brought Salisbury City Council into disrepute.
- On the 7 November 2011 the Standards Assessment Sub-committee of Wiltshire Council considered the complaint and decided to refer the allegations to the Monitoring Officer for investigation.
- The investigating officer found at the time of the exchange between Councillor Tomes and Mrs Biggs, Councillor Tomes was neither conducting the business of nor acting or claiming to act or represent Salisbury City Council and therefore the Code of Conduct did not apply. A Consideration Sub-Committee of the Standards Committee of Wiltshire Council met on the 22 May 2012 and accepted the finding of the investigating officer. Therefore, today's Hearing Sub-committee did not have to consider the exchange between Councillor Tomes and Mrs Biggs.
- When considering the exchange between Councillor Tomes, Councillor Hill and Mr Newman the investigating officer took into account the people who took part in the exchange, the people who witnessed the exchange, the topic of the exchange and the content of the exchange. The investigating officer also took into account the guidance issued by Standards for England regarding private discussions between council members and found that at the time of the exchange Councillor Tomes

was conducting the business of Salisbury City Council and the Code of Conduct applies.

- All four witnesses to the exchange agreed that Councillor Tomes accused the City Council of being corrupt, three of the witnesses agreed Councillor Tomes made comments that contracts were given to friends of friends and there was favouritism. Councillor Tomes agrees he used the word corrupt and may have said contracts were given to friends of friends. However, Councillor Tomes said he did not mean corrupt in a financial way; rather it is the way the council cooperate and cosy up with some organisations.
- The dictionary definitions of 'corrupt' do not show the word used in the way Councillor Tomes has suggested, but centre on a lack of fidelity and bribery. (Oxford English Dictionary – perverted from uprightness and fidelity in the discharge of duty; influenced by bribery or the like; venal).
- Councillor Tomes had given examples where he had concerns regarding the way Salisbury City Council operated, however, these were not examples of corruption. There were two cases where people were unhappy with decisions made by Salisbury City Council, but no evidence had been provided of corruption or improper procedure. Councillor Tomes had provided two further examples where he believed the City Council policies were unfairly tipped towards Councillors, but again, this was not proof of corruption or wrong doing.
- Article 10(1) of the European Convention on Human Rights protects the right to freedom of expression; however, it is not an absolute right. Article 10(2) sets out the conditions in which an interference with the right to freedom of expression is allowed and includes 'for the protection of the reputation or the rights of others'. The use of the term corrupt is damaging to the reputation of those against whom it is used, and it is an unreasonable and excessive personal attack.
- The Investigator finds that by referring to Salisbury City Council as corrupt Councillor Tomes had failed to treat the elected members and staff of Salisbury City Council with respect, and there has been a breach of paragraph 3(1) of the Code of Conduct.
- The investigator finds that referring to Salisbury City Council as corrupt was damaging to the reputation of the City Council, and that by making such a serious allegation Councillor Tomes' had brought his office or

authority into disrepute and there had been a breach of paragraph 5 of the Code of Conduct.

- The Hearing Sub Committee was therefore required to determine whether or not Councillor Tomes' actions had breached paragraphs 3(1), and 5 of the Code of Conduct.

Cllr Greenman asked what Cllr Tomes believed was the meaning of corrupt. Cllr Tomes replied that he agreed with Roger Wiltshire and that he believed that is was not the best use of the word but still believed Salisbury Council was cosy with certain individuals. Others believed it too.

Cllr Tomes was then invited to make a statement.

- He felt there was evidently a close working relationship between Salisbury City Management Company and the City Council. The Management Company appeared to have access to funds but the Council were reluctant to explain the arrangements.
- The general perception was that there are dealings between the City Council and others that are not clearly recorded and not happening in proper process. For example market traders don't understand procedures in respect of Christmas markets. He believed that friends of friends are dealing in a way that is unhelpful to the city.
- The complaint against him had gone on for a long while and the allegation had been made by someone who has already objected to him previously. It could have been resolved when he sent an e-mail two days after the incident when he explained the he wasn't alleging corruption.

Cllr While thanked Cllr Tomes for his statement and asked members of the committee if they had any questions.

Cllr Carbin asked Cllr Tomes what was the relationship between the City Council and the City Management Company..

Cllr Tomes replied that it was a close working relationship.

Cllr Carbin asked Cllr Tomes what was the purpose of the City Management Company.

Cllr Tomes replied that its initial job was to promote Salisbury as a business centre but it had moved a long way from that now.

Cllr Carbin, in reference to the dictionary definition of corrupt, asked if Cllr Tomes thought that saying that contracts had gone to friends of friends meant there was corruption?

Cllr Tomes replied that if they won the contract because they were friends then yes, he did. There was no tendering process, there is a lack of transparency.

Cllr Greenman asked if any councillors sat on the City Management Company Board.

Cllr Tomes replied that he thought the Leader did.

Cllr Greenman asked if this was the first time that Cllr Tomes had taken the Council to task.

Cllr Tomes replied that he had taken it to the Clerk but the complaint had been watered down.

A brief discussion ensued regarding other courses of action that Cllr Tomes could have taken in respect of his complaint.

The sub-committee retired to consider their findings at 11.30.

The meeting resumed at 11.55

The Chairman read out the decision of the sub-committee:

That by referring to Salisbury City Council as corrupt Cllr Tomes has failed to treat the elected members and staff of Salisbury City Council with respect and there has been a breach of paragraph 3 (1) of the Code of Conduct.

That referring to Salisbury City Council as corrupt was damaging to the reputation of the City council and that by making such an allegation Cllr Tomes has brought his office or authority into disrepute and there had been a breach of paragraph 5 of the Code of Conduct.

Recommendation to Salisbury City Council

That Salisbury City Council accept Cllr Tomes' apology for the use of the word corrupt and that no further action should be taken.

(Duration of meeting: 10.00 – 12.15)

The Officer who has produced these minutes is Pam Denton, of Democratic Services,
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