

## **STANDARDS COMMITTEE – Meeting held on Tuesday, 23<sup>rd</sup> November, 2004.**

**Present:-**

### **Co-opted Independent Members**

The Reverend Paul Lipscomb (Chair), Mr Fred Ashmore and Zahire Khan.

### **Elected Members**

Councillors Neil Arnold, Michael Holledge, Sumander Khan and Mewa Mann.

**Parish Council Member:-** Britwell Parish Councillor Nicoline Brandligt.

**Apologies for Absence:-** Mr Mike Field and Councillors Pauline Key and Lydia Simmons.

## **PART I**

### **9. Declarations of Interest**

Mr Fred Ashmore declared a personal interest in agenda item 6 relating to the revised advice issued in respect of the registering of interests and Freemasonry. Mr Ashmore indicated that he was a Freemason but that his interest was not prejudicial and that accordingly, he would remain and speak on this matter.

### **10. Minutes**

The minutes of the meeting of the Committee held on 22<sup>nd</sup> July, 2004 were approved as a correct record and signed by the Chair.

### **11. Lobby Groups, Dual-Hatted Members and the Code of Conduct**

The Director of Legal, Democratic and Development Services submitted for consideration a copy of the recent Guidance issued by the Standards Board for England to help Members who belonged to lobby groups or were dual-hatted (i.e. sat on more than one relevant authority and other public bodies) to decide whether they had an interest in a matter and whether that interest was personal or personal and prejudicial. The Guidance acknowledged that one of the major roles of Members was to represent their constituents either as individuals or as groups in addition to making decisions for the benefit of the community as a whole. Where these roles and responsibilities conflicted a balance needed to be struck as to what the Member could or could not do in any given set of circumstances and the Guidance sought to address this.

The Guidance was divided into three parts covering membership of lobby groups, dual-hatted Members and Paragraph 10.2 of the Local Code of Conduct and advice on what Members could do if they had a personal and prejudicial interest.

The Guidance covered a difficult and controversial area and although it contained some useful examples, Members still faced difficult decisions in particular circumstances. Throughout the document Members were urged to seek advice at

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the earliest opportunity either from the Monitoring Officer or one of his representatives or in the case of Parish Councils, the Parish Clerk.

The Director of Legal, Democratic and Development Services summarised the advice set out in the Guidance and drew attention to those sections which had particular relevance for Members.

In view of the complexity of this issue it was proposed that training should be provided for all co-opted and elected Members on the implications of the Guidance and appropriate training would also be provided for relevant Officers.

Resolved –

- (a) That the contents of the report now submitted and the Guidance issued by the Standards Board entitled “Lobby Groups, Dual-Hatted Members and the Code of Conduct” be noted.
- (b) That the Director of Legal, Democratic and Development Services be requested to arrange training for all elected and co-opted Members on the implications of the Guidance on their roles and responsibilities and similar training be arranged for appropriate Officers.

### **12. Local Investigation of Allegations of Member Misconduct**

The Director of Legal, Democratic and Development Services recalled that in May this year the Committee had responded to two consultation papers, the first comprising draft Regulations issued by the Office of the Deputy Prime Minister (ODPM) on the local investigation of allegations of misconduct and the second from the Standards Board for England (SBE) on proposed guidance to Monitoring Officers.

The ODPM had subsequently issued the Local Authorities’ (Code of Conduct) (Local Determination) (Amendment) Regulations 2004 (the 2004 Regulations) providing for the referral of allegations of misconduct to Monitoring Officers by Ethical Standards Officers and the SBE had published statutory guidance on how the Monitoring Officer should conduct his/her investigation and what steps the Standards Committee were required to go through to determine finally a matter.

The Director of Legal, Democratic and Development Services set out the key issues arising from the 2004 Regulations and the SBE guidance. He drew particular attention to the disparity in the powers to conduct investigations granted to Monitoring Officers compared with those of the Ethical Standards Officers. Although the authority was required to give the Monitoring Officer reasonable access to documents and provide advice/assistance, unlike the position in Wales, there was no requirement for Members, Officers or indeed members of the public to provide information or documentation. There were no sanctions in the 2004 Regulations for failure to co-operate with the Monitoring Officer which potentially put him/her in a difficult position. If the Monitoring Officer faced a lack of co-operation and was unable to complete an investigation then the only possible way forward was to request the Ethical Standards Officer to take the matter back. However this could not be guaranteed.

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Members were informed that training on how the Standards Committee should conduct a hearing would be arranged in the early part of the New Year and that a further report would be submitted to the Committee's next meeting on what constitutional changes needed to be made to ensure that the Committee would be able to conduct this part of its business in an efficient and effective manner.

**Resolved** – That the information report now submitted be noted.

### **13. Leaking of Audit Commission Draft Report – Overview and Scrutiny in Slough**

The Director of Legal, Democratic and Development Services, the Monitoring Officer, recalled that the Committee at its meeting on 17<sup>th</sup> May, 2004 had requested that he arrange a preliminary investigation into the unauthorised disclosure of the confidential draft Audit Committee report on the Council's overview and scrutiny arrangements and report back his findings to the Committee.

The Monitoring Officer had commenced his "preliminary investigation" into the matter by distributing questionnaires to the three Group Leaders and the Officers who had access to the draft report. Although all of the questionnaires had not yet been completed and returned the replies that had been received failed to reveal any wrongdoing by those involved.

**Resolved** –

- (a) That the Committee note the progress to date in this matter and authorise the Director of Legal, Democratic and Development Services to take no further action if he considers there is no reasonable prospect of identifying the person who breached the rules on confidentiality.
- (b) That the Director of Legal, Democratic and Development Services report back to the next meeting of the Committee as to the outcome of his deliberations.

### **14. Local Code of Conduct – Registering of Interest – Freemasonry – Revised Advice**

The Member Services Manager recalled that earlier this year the Standards Board for England had advised that although it was not necessary for Freemasons to register membership of their Lodge, unless it was a Lodge directed to charitable purposes or had a charitable status, it was necessary for Freemasons to register their membership of the Grand Charity. Following discussions, the Board had been asked to issue further clarification of the matter and had advised that the position remained that most Freemasons would, by virtue of membership of the Grand Charity, be required to register an interest. However, it was permissible for an individual Freemason to opt out of membership of the Grand Charity.

The Standards Board for England in issuing this revised advice had reminded Members of the need to remember that declarations of interest operated independently of the requirement to register certain interests. As with all types of interest if a matter under discussion would affect a Member more than other people in the Council's area because the Member was a Freemason, then the Member

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would need to declare the existence and nature of that interest, such as membership of the Order or an individual Lodge, before the matter was discussed. The Member would need to consider whether the interest was also prejudicial.

The Committee was advised that details of this revised advice would be made known to all elected and co-opted Members of the Council through the Members' Weekly Information Bulletin.

**Resolved** - That this information report be noted.

### **15. Work Programme to May, 2005**

The Officers submitted for consideration the proposed work programme for the Standards Committee to May, 2005.

**Resolved** - That the proposed work programme now submitted be approved.

**Chair**

(Note: The meeting opened at 6.15 p.m. and closed at 7.00 p.m.)