

STANDARDS (LOCAL DETERMINATION) SUB-COMMITTEE – Meeting held on Thursday, 7th April, 2005.

Present:-

Co-opted Independent Members:-

Messrs Fred Ashmore and Mike Field and The Reverend Paul Lipscomb.

Elected Members:-

Councillors Neil Arnold and Sumander Khan.

Also Present:- Councillor Latif Khan.

PART I

1. Election of Chair

Resolved - That The Reverend Paul Lipscomb be appointed Chair of the Sub-Committee for this Meeting.

(The Reverend Paul Lipscomb in the Chair).

2. Declarations of Interest

Councillor Arnold stated that he wished it to be known that he was a Member of the Britwellian, Independent, Liberal and Liberal Democrat Group of which Councillor Latif Khan was also a Member. Councillor Sumander Khan indicated that he was the Secretary of the Pakistan Welfare Association and he was a Member of the Council's Joint Administration of which Councillor Latif Khan was also a Member. The Monitoring Officer, the Director of Law and Corporate Governance, indicated that on the basis of the interests declared, they did not have a personal or personal and prejudicial interest in this matter and that they were not debarred from participating in the hearing.

3. Alleged Breach of Local Code of Conduct – Councillor Latif Khan

The Sub-Committee met to determine an allegation made by Councillor James Swindlehurst that Councillor Latif Khan had failed to declare a personal and prejudicial interest at a Meeting of the Cabinet held on 20th September, 2004 where Council support to local organisations was being decided. In particular it was alleged that Councillor Latif Khan had close ties to two of the organisations that were discussed at the Meeting. It was alleged that he was an active Member of the Pakistan Welfare Association (PWA), having previously held office in the organisation and that he acted as an official "advisor" to one of the elected Members of the organisation's Executive Committee. It was also alleged that Councillor Latif Khan had previously served as Chair of the Slough Race Equality Council (SREC) and that he was now a Member of the Management Committee. The allegation had been referred by the Standards Board for England to the Monitoring Officer for investigation and, in accordance with the procedure previously agreed by the Standards Committee, he in turn had delegated the investigation to the Principal Solicitor (Contracts) i.e. the Investigating Officer.

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The Investigating Officer's final written report outlining the results of her investigation and her conclusions were submitted together with Councillor Latif Khan's written response thereto.

The Monitoring Officer first identified matters of fact in respect of which both the Investigating Officer and Councillor Latif Khan agreed and then the matters which were in dispute. The primary matter of dispute was that Councillor Latif Khan claimed that he had declared his interest in the SREC at the Cabinet Meeting on 20th September but that due to a mistake on the part of the Committee Administrator this had not been recorded.

The Investigating Officer and Councillor Latif Khan having both presented their cases and been given the opportunity, through the Committee, to clarify any of the evidence presented, the Sub-Committee withdrew to consider its decision.

The Sub-Committee reconvened the hearing in order to seek confirmation from the Monitoring Officer that the interest Councillor Latif Khan should have declared at the Cabinet Meeting on 20th September was personal and prejudicial and that he would have been required to withdraw from the Meeting when the item in respect of which he had an interest was considered. The Monitoring Officer having confirmed that this was the case, the Sub-Committee again withdrew to consider its decision.

In coming to its decision the Sub-Committee had regard to all the evidence submitted and in particular the following material findings:

- (i) On 20th September, 2004 Councillor Latif Khan was a Member of the Management Committee of the SREC and he was an Executive Committee Member of the PWA.
- (ii) The Minutes of the Cabinet Meeting of 20th September, 2004 do not record Councillor Latif Khan's declaration of a personal and pecuniary interest in the SREC and PWA nor is this recorded in the hand written notes taken by the Committee Administrator.
- (iii) At the Cabinet Meeting held on 25th October, 2004 when the Minutes of the Meeting of 20th September were submitted for approval as a correct record Councillor Latif Khan did not challenge the accuracy of the Minutes by drawing attention to the fact that his declaration of interest had not been recorded.
- (iv) There is also no written record that Councillor Latif Khan left the Meeting when the item (Voluntary Sector Issues - Minute 66) in respect of which he claimed to have declared to have an interest was considered. In fact he allowed himself to be appointed to a working party established by the Cabinet at that Meeting to review the funding of the voluntary and community sector.
- (v) Councillor Latif Khan declined to produce any witnesses at the hearing to corroborate his assertion that he declared an interest at the meeting.

On reconvening the hearing the Sub-Committee indicated that it had found the case against Councillor Latif Khan proven and sought from the Investigating Officer her

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recommendation on the sanction which should be imposed upon him. The Investigating Officer in submitting her recommendations indicated that she was of the view that Councillor Latif Khan's failure to declare his interest had not been a deliberate omission.

Councillor Latif Khan was given the opportunity to respond to the Investigating Officer's recommendation upon which the Sub-Committee again withdrew to consider what sanction should be imposed. On the Sub-Committee's return the Chair of the Sub-Committee announced its decision and the Sub-Committee

Resolved –

- (a) That, on the balance of probabilities, the Sub-Committee is satisfied that at the Cabinet Meeting on 20th September, 2004 Councillor Latif Khan failed to declare his personal and prejudicial interest in the Pakistan Welfare Association and Slough Race Equality Council.
- (b) That in respect of this breach of the Local Code of Conduct for Members Councillor Latif Khan be censured and he be required to make forthwith an unqualified written apology to the Council and he be required to undergo additional training on the appropriate provisions of the Local Code of Conduct within two months, i.e. by 7th June, 2005.
- (c) That the Standards Committee at its next scheduled Meeting be requested to review the mandatory training provided for Members on the Local Code of Conduct in the light of lessons learned from this case.
- (d) That an individual letter be sent to each Member of the Council reminding them once again of their obligations to register and declare their personal, personal and prejudicial and other interests.

Chair.

(Note: The Meeting opened at 6.15 p.m. and closed at 8.50 p.m)