

STANDARDS (LOCAL DETERMINATION) SUB-COMMITTEE – Meeting held on Wednesday, 1st February, 2006.

Present:-

Co-opted Independent Members:-

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

Elected Members:-

Councillors Neil Arnold and Mewa Mann.

Also Present:

Councillor Mohammed Aziz, Councillor Dexter Smith representing Councillor Aziz, Steven Quayle, Monitoring Officer, Jill Bell, Deputy Monitoring Officer and June Cook, Administrator.

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 Neil Arnold indicated that he had received an email from one of the witnesses regarding this case but that the information contained therein had not affected his impartiality and that he would approach this hearing with an open mind.

3. Minutes

The minutes of the Meeting of the Sub-Committee held on 9th January 2006 were approved as a correct record and signed by the Chair.

4. Alleged Breach of Local Code of Conduct – Councillor Mohammed Aziz

The Sub-Committee met to determine an allegation made by Councillor Rob Anderson that Councillor Mohammed Aziz:-

- (i) contrary to paragraph 14.3 of the Local Code of Conduct, had failed to declare, within the required 28 days, his financial interest in 50 Montague Road, Slough which he purchased on 9th February 2005, and

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- (ii) had converted the property to be used as a house in multiple occupation and had made number of other changes to the property without planning permission and thereby, as a member of the Council's Planning Committee, had brought his office into disrepute contrary to paragraph 4.1(a) of the Code.

The allegation had been investigated by Mr Steven Quayle, the Monitoring Officer and a copy of his final written report outlining the results of his investigations and conclusions was submitted together with Councillor Aziz's response thereto. The Monitoring Officer had invited a number of witnesses to attend in case the Sub-Committee or Councillor Aziz wished to question them about their evidence but indicated that he only proposed to question Councillor Aziz.

The Monitoring Officer presented his case and, in doing so, circulated copies of past correspondence relating to the loft conversion to the property which sought to clarify when the conversion works took place as this was a central and disputed issue which had been raised by one of the witnesses. He pointed out that who had carried out the loft conversion work and when had no bearing on the case as planning permission was not required and any breach of building regulations was outside the remit of his investigation. The Monitoring Officer called Councillor Aziz to give evidence and questioned him about the work he had carried out to the loft and his intended use thereof; the tenants to whom he had let the property; the number of visits he had made to the property and whether he had been aware of or had seen any evidence that additional people had been living in the house.

The Monitoring Officer advised the Sub-Committee that Councillor Aziz accepted that he had failed to register his interest in 50 Montague Road and was in breach of the Local Code. He had apologised for the omission which he attributed to inexperience and missing a training session on the Code.

Councillor Dexter Smith then presented Councillor Aziz's case during which he rebutted the evidence given by the residents in Montague Road and drew attention to the unsubstantiated allegations which had appeared in the local press regarding this matter and the stress it had caused Councillor Aziz.

The Sub-Committee having heard all the evidence and being satisfied that it had sufficient information withdrew to consider its decisions.

On reconvening the hearing, the Sub-Committee indicated that it had been presented with clear and undisputed evidence that Councillor Aziz had failed to register his purchase of 50 Montague Road within 28 days of his acquiring the property in breach of paragraph 14.3 of the Local Code of Conduct and that Councillor Aziz himself had accepted that he had breached this part of the Code.

As regards Councillor Aziz's alleged breach of paragraph 4.1(a) the Sub-Committee found the case not proven in that the physical improvements carried out on the property by Councillor Aziz did not require planning

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permission and insufficient evidence was presented to demonstrate on the balance of probabilities that the use and occupation of the property during Councillor Aziz's ownership had changed from a dwelling house to a house in multiple occupation. In reaching this decision the Sub-Committee took into account the Planning Enforcement Officer's decision not to instigate enforcement action following his inspection of the property which was carried out after one hour's notice.

Councillor Aziz was asked whether he wished to make any representations before the Sub-Committee withdrew to consider what sanction, if any, should be imposed in respect of his breach of the Local Code whereupon Councillor Aziz again apologised.

The Sub-Committee then asked all parties to withdraw to enable it to consider its decision.

On reconvening the hearing, the Chair indicated that, with a view to reinforcing the importance of the Code of Conduct and the need for Members to abide by the obligations it places on them, the Sub-Committee had seriously considered suspension in this case. However, taking into account Councillor Aziz's acceptance of his guilt and that he had apologised they had decided not to impose that sanction on this occasion. However, the Chair indicated that any similar breaches of the Code of Conduct committed after 1st February, 2006 might well result in suspension and he instructed that all Members should be made aware of this in their Weekly Information Bulletin.

Councillor Aziz was advised of his right of appeal in accordance with Part III of the Local Authority's (Local Code of Conduct) (Local Determination) Regulations 2003.

Resolved -

- (a) That, Councillor Mohammed Aziz having been found in breach of paragraph 14.3 of the Local Code of Conduct be censored and required to undergo further training on the Code of Conduct within 30 days of the date of this hearing to be arranged by Committee and Member Services.
- (b) That Members be reminded about their obligation to register their financial and other interests in accordance with Paragraph 14 of the Local Code of Conduct in the following ways:
 - Monthly reminder to be included in the Members' Weekly Information Bulletin
 - The Mayor to be requested to include a reminder in all his/her oral communications at future Council Meetings.

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- (c) That it be recommended that Political Group Meetings include a reminder as a standard item on their agenda.
- (d) That all Members of the Council be reminded that if they have building proposals or wish to change the use of their land/property (either in whole or in part) they should seek advice from the Council's Planning Officers or their own independent professional advisors.

Chair

(Note: The meeting opened at 6.30 p.m. and closed at 9.30 p.m.)