

STANDARDS (LOCAL DETERMINATION) SUB-COMMITTEE – Meeting held on Wednesday, 19th July, 2006.

Present:- Co-opted Independent Members:-

Messrs Mike Field and Zahir Khan and The Reverend Paul Lipscomb.

Elected Members:-

Councillors Mohammed Aziz and John Finn.

Also Present: Councillor Steven Burkmar, Jill Bell, Deputy Monitoring Officer, Elaine Crawford, Assistant Solicitor (General) 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 Aziz stated that he wished it to be known that he was a Member of the Conservative Group of which Councillor Burkmar was also a Member. On the basis of the interest declared Councillor Aziz did not have a personal and prejudicial interest in this matter and was not debarred from participating in the hearing.

3. Minutes

The minutes of the Meeting of the Sub-Committee held on 1st February, 2006 were approved as a correct record and signed by the Chair.

4. Alleged Breach of Local Code of Conduct – Councillor Steven Burkmar

The Sub-Committee met to determine an allegation made by Councillor Christine Small that Councillor Steven Burkmar:-

- (i) failed to provide written notification to the Authority's Monitoring Officer of changes to his interest in the Star and Garter Public House within the 28 days required under paragraph 14.3 of the Local Code of Conduct for Members and
- (ii) was not qualified to be an elected Member of Slough Borough Council by virtue of the changes in his interest in the Star and Garter Public House.

The allegations had been referred by the Standards Board for England to the Monitoring Officer for investigation and, in accordance with the **procedure**

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previously agreed by the Standards Committee, he had delegated the investigation to the Assistant Solicitor (General) i.e. the Investigating Officer.

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

The Deputy Monitoring Officer outlined the matters of fact relating to the case in respect of which both the Investigating Officer and Councillor Burkmar were in agreement, namely:-

- That in his declaration of financial and other interests dated 19th May, 2002 Councillor Burkmar did not record his interest as Head Lessee of the Star and Garter Public House, Colnbrook contrary to Paragraph 14.1 of the Local Code of Conduct. He subsequently rectified this when he submitted a Notification of Change of Financial and Other Interests form on 28th June, 2002.
- Although Councillor Burkmar no longer resided at the Star and Garter Public House he had an ongoing beneficial legal interest in the property by virtue of his being the Head Lessee.
- Councillor Burkmar had failed to register his change of employment from the Star and Garter Public House to the Herschel Arms within the 28 days required under Paragraph 14.3 of the Local Code of Conduct.

The Sub-Committee was advised that under Section 79 of the Local Government Act 1972 (as amended) Councillor Burkmar, by virtue of being the Head Lessee of the Star and Garter Public House was qualified to be an elected Member of the Council and accordingly the second allegation against him was not proven.

Councillor Burkmar accepted that he did not initially register his interest in the Star and Garter Public House contrary to Paragraph 14.1 of the Local Code of Conduct and had failed to register his change of employment within 28 days of the change contrary to Paragraph 14.3. He indicated that this had been due to an oversight on his part and had not been deliberate.

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

On the evidence submitted and on Councillor Burkmar's own admission the Sub-Committee found that he had breached the Local Code of Conduct in that he had failed initially to register his interest in the Star and Garter Public House, Colnbrook in breach of Paragraph 14.1 of the Local Code of Conduct and that he subsequently failed to register his change of employment contrary to Paragraph 14.3 of the Code.

Councillor Burkmar was asked whether he wished to make any representations before the Sub-Committee considered what sanction if any should be imposed in respect of his breach of the Local Code but he declined.

On reconvening the hearing, Councillor Burkmar was advised of his right of appeal in accordance with Part 3 of the Local Authorities (Local Code of Conduct) (Local Determination) Regulations 2003. The Sub-Committee then

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Resolved -

- (a) That, Councillor Steven Burkmar having been found in breach of Paragraphs 14.1 and 14.3 of the Local Code of Conduct be censured.
- (b) That the Standards Committee be requested to look at identifying an effective way of ensuring that elected and co-opted Members of the Council attended regular training on the Local Code of Conduct.

Chair.

(Note: The Meeting opened at 6.33 p.m. and closed at 7.23 p.m.).