

Standards (Local Determination) Sub-Committee – Meeting held on Wednesday, 17th December, 2008.

Present:- **Co-opted Independent Members:-**

Mr Fred Ashmore and Mr Mike Field

Elected Members:-

Councillors Latif Khan

Also present:- Councillor Patrick Shine, Jill Bell (Investigating Officer), Steven Quayle (Monitoring Officer) and June Cook (Administrator)

PART I

1. Chair of Meeting

In the absence of The Reverend Paul Lipscomb, Chair of the Standards Committee, the Vice-Chair of the Committee, Mr Mike Field took the Chair.

(Mr Field in the chair)

2. Declarations of Interest

The Sub-Committee was advised that in the interests of complete fairness both The Reverend Paul Lipscomb and Councillor Mann had excused themselves from the hearing on the grounds that they had been present at the Council Meeting on the 11th December, 2007. In the case of The Reverend Paul Lipscomb, he had been specifically mentioned by Councillor Shine in his written statement and other supporting documents. The Monitoring Officer had also been present at the Council Meeting and mentioned by Councillor Shine in the agenda papers but his involvement in the hearing was solely to advise the Sub-Committee on procedural matters and he would not be present when the decision was taken on the matter. Councillor Shine indicated that he had no objection to the Monitoring Officer's proposed involvement in the hearing.

3. Minutes

The minutes of the last meeting of the Sub-Committee held on 8th April, 2008 were approved as a correct record and signed by the Chair.

4. Alleged Breach of Local Code of Conduct - Councillor Patrick Shine

The Sub-Committee met to determine an allegation that Councillor Patrick Shine had failed to comply with the Council's Local Code of Conduct. The allegation had been referred to the Council for investigation by the Standards Board for England on 25th January, 2008 and in accordance with the arrangement agreed by the

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Standards Committee, the Monitoring Officer had delegated the conduct of the investigation to the Deputy Monitoring Officer (the Investigating Officer).

The complaint against Councillor Shine was that he brought his office as a Councillor and the Authority into disrepute by his actions at a Council Meeting on 11th December, 2007 when he made a Nazi salute and said "Seig Heil" to Councillor P Choudhry.

The complaint was made by Mr Surfraz Bowken who had read about the incident in a local newspaper. Mr Bowken's complaint was that as a councillor and as Chairman of the Licensing Committee Councillor Shine's behaviour was inappropriate particularly as a majority of taxi and private hire drivers and local off-licence shops were owned by people of ethnic background.

As part of her investigation the Investigating Officer had made numerous attempts to contact Mr Bowken which she detailed for the Sub-Committee but only received a response from him on the 14th November, 2008 when he telephoned her office to indicate that he had nothing to add to his complaint.

The Investigating Officer outlined the matters of fact relating to the case and advised the Sub-Committee that Councillor Shine did not dispute that he had carried out the action complained of by Mr Bowken. However, it was clear that Councillor Shine deeply regretted the incident and had immediately and unreservedly apologised for his actions at the Council Meeting and subsequently.

In mitigation of his actions Councillor Shine indicated that the Council Meeting on 11th December had been a very ill-tempered and argumentative meeting and a number of Members had behaved badly. He cited in particular the following:

- The matter under consideration at the time the incident took place concerned the approval of sites for polling places which was a particularly sensitive issue for Councillor Shine.
- That during the meeting a Member had made a racist remark which Councillor Shine had drawn to the attention of the Mayor but no action had been taken against the Member concerned;
- The Council's rules of debate were not being adhered to and when the matter had been drawn to the attention of the Mayor the complainant had been shouted down by opposition Members;
- A motion formally moved and seconded by the Leader and Deputy Leader of the Council calling for the debate which had been going on for over an hour to be ended and the vote be taken had not been acted upon by the Mayor and the debate had continued.

Councillor Shine had become frustrated, aggrieved and angry by these events and it was Councillor Choudhry's actions that had provoked his inappropriate response which he knew immediately had been totally wrong and unacceptable.

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Councillor Shine was concerned that his actions might have resulted in people believing that he was racist and in this respect he submitted copies of letters of support from people refuting this fact. The Chair of the Sub-Committee assured Councillor Shine that the allegation that he was a racist was not at issue.

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 Shine's own admission the Sub-Committee found that he had breached paragraph 4.1(a) of the Local Code of Conduct (current at the time) in that he had failed to conduct himself properly at the Council Meeting on 11th December, 2007 and that by his actions he had brought his office and the Authority into disrepute.

In determining what sanction if any should be applied the Sub-Committee took into account the following matters:

- That Councillor Shine had shown immediate and complete contrition over his actions and had apologised to the Mayor, Councillor Choudhry and all Members at the Meeting. He subsequently had apologised to the people of the Town via the local press and on 8th January 2008 had submitted a formal written unqualified apology for his actions to the Chief Executive.
- The on-going poor behaviour of Members at Council meetings at the time and that the meeting on the 11th December appeared to have been particularly unruly and difficult to manage.
- The length of time since the complaint was lodged against Councillor Shine and had come before the Sub-Committee with the consequent stress and worry the Member had had to endure during this period.

Having regard to the above the Sub-Committee were of the view that Councillor Shine should be censured for his actions. He was advised of his right of appeal in accordance with Regulation 21 of the Standards Committee (England) Regulations 2008. The Sub-Committee then

Resolved - That Councillor Patrick Shine having been found in breach of paragraph 4.1(a) of the Local Code of Conduct be censured.

Chair

(Note: The Meeting opened at 7.30 pm and closed at 8.10 pm)