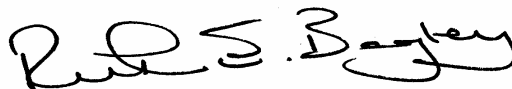


Date of issue: 9th December 2008

MEETING	STANDARDS (LOCAL DETERMINATION) SUB-COMMITTEE
	CO-OPTED/INDEPENDENT MEMBERS The Reverend Paul Lipscomb (Chair), Mr Fred Ashmore and Mr Mike Field
	ELECTED MEMBERS:- Councillors Latif Khan and Mann (Appointment subject to confirmation by Standards Committee)
DATE AND TIME:	WEDNESDAY, 17TH DECEMBER, 2008 AT 7.00 PM OR ON THE RISING OF THE STANDARDS COMMITTEE WHICHEVER IS THE LATER
VENUE:	COMMITTEE ROOM 2, TOWN HALL, BATH ROAD, SLOUGH
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	JUNE COOK 01753 875019

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



RUTH BAGLEY
Chief Executive

NOTE TO MEMBERS

This meeting is an approved duty for the payment of travel expenses.

AGENDA
ITEM

REPORT TITLE

PAGE

WARD

AGENDA

PART 1

AGENDA
ITEM

REPORT TITLE

PAGE

WARD

Apologies for absence.

1. Declarations of Interest

(Members are reminded of their duty to declare personal and personal prejudicial interests in matters coming before this meeting as set out in the Local Code of Conduct)

2. Minutes of the last Meeting of the Sub-Committee held on 8th April 2008 1 - 4
3. Alleged Breach of Local Code of Conduct - Councillor Patrick Shine 5 - 66 All

Press and Public

You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. Special facilities may be made available for disabled or non-English speaking persons. Please contact the Democratic Services Officer shown above for further details.

Minicom Number for the hard of hearing – (01753) 875030



Standards (Local Determination) Sub-Committee – Meeting held on Tuesday, 8th April, 2008.

Present:-

Co-opted Independent Members:-

The Reverend Paul Lipscomb (Chair), Mr Fred Ashmore and Mr Mike Field.

Elected Members:-

Councillors Aziz and Latif Khan.

Also present:-

Councillors Balwinder Dhillon and Hewitt, Mr Dale-Gough (representing Councillor Dhillon), Steven Quayle, (Monitoring Officer), Elaine Crawford (Investigating Officer), and June Cook (Administrator).

PART I

1. Declarations of Interest

With regard to the alleged breach of the Local Code of Conduct by Councillor Hewitt, Councillor Latif Khan advised that he had been a member of the School Organisation Committee when the matter of the Muslim school had been considered and that he was currently on the Board of Governors of that school. He intended to stay and take part in the discussion but was not proposing to vote.

2. Minutes of the last Meeting of the Sub-Committee held on 10th April 2007

The Minutes of the Meeting of the Sub-Committee held on 10th April, 2007 were approved as a correct record and signed by the Chair.

3. Alleged Breach of Local Code of Conduct - Councillor Balwinder Dhillon

The Sub-Committee met to determine an allegation that Councillor Balwinder Dhillon 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 27th November 2007. Subsequently, on 11th January 2008 the complainant indicated that she had agreed with Councillor Dhillon that provided he wrote a letter of apology she would withdraw her complaint to the Board. The complainant subsequently sent a letter dated 11th January 2008 formally withdrawing her complaint.

The Standards Board for England had been consulted on this matter and they had indicated that there was no provision in the current relevant legislation covering the withdrawal of a complaint once the investigative process had started. The Board advised that a report stating findings of fact had still to be

Standards (Local Determination) Sub-Committee - 08.04.08

prepared and a hearing had to take place albeit to recommend to the Sub-Committee that the matter required no further action.

In accordance with the Board's advice, the Investigating Officer had completed her investigation and a copy of her final report was submitted. The Investigating Officer indicated that her findings were inconclusive due to the withdrawal of the allegation and subsequent inability to interview witnesses to the alleged event and accordingly, recommended no further action in respect of this matter.

The Sub-Committee deliberated the matter in private and on reconvening the hearing the Chair advised that as the investigation could not be completed due to the withdrawal of the complaint the Sub-Committee concurred with the Investigating Officer's recommendation.

In accordance with paragraph 2(b) of Regulation 8 of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, Councillor Dhillon indicated that he did not wish a public notice setting out the Sub-Committee's finding to be published.

Resolved - That in respect of the complaint now submitted regarding Councillor Dhillon no breach of the Local Code of Conduct has been found.

4. Alleged Breach of Local Code of Conduct - Councillor Brian Hewitt

The Sub-Committee met to determine an allegation that Councillor Brian Hewitt had failed to comply with the Council's Code of Conduct. The allegation had been referred by the Standards Board for England to the Council for investigation on 23rd August 2006 and, in accordance with the arrangement agreed by the Standards Committee, the Monitoring Officer had delegated the conduct of the investigation to LGA a private firm which specialised in these matters.

A letter from LGA setting out the current status of their investigation and the chronology of events since May 2007 when the complaint was referred to them was submitted for information. LGA reported that when they had contacted the complainant to arrange an interview they were advised that she did not wish to pursue her complaint. No other evidence in connection with the complaint was submitted.

The Chair indicated that the Sub-Committee was of the view that as the complaint had been withdrawn and there was no evidence to consider no further action should be taken on this matter.

In accordance with paragraph 2(b) of Regulation 8 of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 Councillor Hewitt indicated that he did not wish a public notice setting out the finding of the Sub-Committee to be published.

Standards (Local Determination) Sub-Committee - 08.04.08

Resolved - That in respect of the complaint now submitted regarding Councillor Hewitt no breach of the Council's Code of Conduct has been found.

Chair

(The Meeting opened at 6.30 p.m. and closed at 6.50 p.m.)

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SLOUGH BOROUGH COUNCIL

REPORT TO: Standards (Local Determination) Sub-Committee **DATE:** 17th December, 2008

CONTACT OFFICER: June Cook
(For all Enquiries) Member Services Manager (01753) 875019

WARDS: N/A

PART I

FOR DECISION

ALLEGED BREACH OF LOCAL CODE OF CONDUCT – COUNCILLOR PATRICK SHINE

1. **Purpose of Report**

1.1 The purpose of this report is to submit for consideration the Council's Investigating Officer's report on the results of her investigation into a complaint that Councillor Patrick Shine has failed to comply with the Local Code of Conduct for Members (**Appendix A**).

2. **Recommendation/Action Required**

2.1 The Sub-Committee is asked to consider the Investigating Officer's report and decide what further action, if any, is required.

3. **Community Strategy Priorities**

3.1 It is important that the public have confidence in all Members of the Council who are duty bound to abide by the provisions contained in the Local Code of Conduct for Members and the Council's own Ethical Framework. Furthermore, it is for the benefit of all Members that complaints made against them are fully investigated and dealt with in accordance with the procedure laid down by the Standards Board for England.

4. **Other Implications**

4.1 There are no direct financial or staffing implications arising out of this report. The process of hearing and determining the allegation will be in accordance with the requirements of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 (as amended) and guidance issued by the Standards Board for England. This complaint was submitted prior to the publication of the Standards Committee (England) Regulations 2008 and the new local assessment procedure did not apply. Any potential human rights issues which might arise are addressed and provided for in the hearing procedure.

5. Background Information

- 5.1 On 25th January 2008 the Standards Board for England referred to the Council's Monitoring Officer for investigation a complaint that Councillor Patrick Shine had failed to comply with the Council's Code of Conduct. In accordance with the arrangement agreed by the Standards Committee, the Monitoring Officer delegated the conduct of the investigation to the Deputy Monitoring Officer, Jill Bell.
- 5.2 The general summary of the complaint against Councillor P Shine is 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 Hiel' to Councillor P Choudhry.
- 5.3 The complaint was made by Mr Surfraz Bowken who had read about the incident in a local newspaper. Mr Bowken has confirmed by telephone that he has nothing to add to the complaint to The Standards Board for England.
- 5.4 To simplify the hearing process Councillor P Shine was asked to identify any matters of fact within the Investigating Officer's report with which he disagreed. He has confirmed that he does not dispute any of the findings. He has submitted a number of documents and these have been incorporated in the Investigating Officer's Report. Councillor Shine has also submitted copies of the following correspondence which he has requested should be submitted to the Sub-Committee for information (**Appendix B**):
- Letter dated 25th November 2008 from Mr Latif Khan, Chair of the Slough Hackney Carriage Association (not the same person as Councillor Latif Khan)
 - Letter dated 28th November 2008 from Councillor Sean Wright
 - Email dated 1st December 2008 from Councillor David Maclsaac
- 5.5 Councillor P Shine has indicated that he will be present at the hearing and that he will present his own case. He does not want any of the documents to be withheld from public inspection.
- 5.6 I enclose for your attention and/or information the following documents:

<u>Appendix</u>	<u>Document</u>
Appendix A	Investigating Officer's Report
Appendix B	Additional copy correspondence submitted by Councillor Shine
Appendix C	Procedure for the hearing
Appendix D	Standards Board advice on admission of press and public
Appendix E	Categories of "exempt information"
Appendix F	Sanctions available to the Sub-Committee

5.2 The procedure for the hearing will be as set out in **Appendix C** and any guidance and/or advice the Sub-Committee may require will be provided by the Monitoring Officer, Steven Quayle, Borough Secretary and Solicitor.

6. Conclusion

6.1 The Sub-Committee is asked to consider the evidence presented and come to a decision as to what action, if any, should be taken in respect of this matter.

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SLOUGH BOROUGH COUNCIL

**REPORT OF AN INVESTIGATION UNDER SECTION 66 OF
THE LOCAL GOVERNMENT ACT 2000 REGULATION 5 OF THE LOCAL
AUTHORITIES (CODE OF CONDUCT) (LOCAL DETERMINATION) REGULATIONS
2003 (AS AMENDED) BY JILL BELL, DEPUTY BOROUGH SOLICITOR INTO AN
ALLEGATION CONCERNING COUNCILLOR PATRICK SHINE.**

1. Introduction

- 1.1 On 21st January 2008 Mr Surfraz Bowken made a written complaint to the Standards Board for England (Document 1) which in summary stated that according to an account in the Slough Express Councillor Patrick Shine had made a Nazi Salute and had shouted Sieg Heil to a fellow Councillor. Mr Bowken's complaint was that as a Councillor and as Chairman of the Licensing Committee Councillor Shine's behaviour was inappropriate particularly as the majority of taxi and private hire drivers and local off-licence shops are owned by people of ethnic background. He attached a copy of the article from the Slough Express (Document 2) and also wrote to the Mayor (Document 3).
- 1.2 The complaint was considered by the Standards Board for England and referred back to Slough Borough Council's Monitoring Officer by a letter dated 15th February 2008 (Document 4) and subsequently delegated to myself for investigation. The potential breach identified by the Standards Board for England was "Bringing office or authority into disrepute".
- 1.3 Councillor Shine had produced a Decision Notice from the Standards Board for England dated 31st August 2008 (Document 5) showing that a further complaint regarding the same events at the Council Meeting on 11th December 2007 was made by the Labour Group of Slough Borough Council. The Standards Board decided that the two complaints could be dealt with together, but did not formally refer the Labour Group's complaint to the Monitoring Officer.

2. The Process

- 2.1 Members should note that this matter is being dealt with under the old procedure due to the date of the complaint.
- 2.2 As part of my investigation I sought to interview Mr Bowken and three phone calls were made to his home telephone number detailed on the complaint form and a further call to his mobile number but there was no reply. The last of these phone calls were made on the 23rd July. On 3rd September 2008 I wrote to him offering four dates when I could conduct an interview and I offered to conduct the interview over the telephone if that was more convenient (Document 6). No response was received. On 5th November 2008 I sent a further letter (Document 7) advising that if I did not hear from him by 14th November I would conclude my enquiries and report to the Standards Committee that he had not chosen to offer evidence in the enquiry. No response has been received. Mr Bowken telephoned the office on 14th November and confirmed that he had nothing to add to the complaint he had submitted to the Standards Board for England.
- 2.3 I interviewed Councillor Shine on 9th September 2008 and notes of the interview are attached (Document 8). Councillor Shine was invited to submit further paperwork which he did in Documents 5, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22. These documents and the notes of the interviews were combined into a statement which Councillor Shine has approved (Document 23).

- 2.4 In order to seek corroboration of the events of the Council Meeting on 11th December 2007 I also interviewed Councillor Derek Cryer and Councillor Pervez Choudhry. Notes of those interviews are in Documents 24 and 25.

3. Statutory Framework – Bringing Office or Authority into Disrepute

- 3.1 The Relevant Authorities (General Principles) Order 2001 sets out the principles which are to govern the conduct of Members and two appear to be relevant to the complaint in question.

They are:-

Accountability – Holders of public officer are accountable for their decision and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Leadership – Holders of public office should promote and support these principles by leadership and example.

- 3.2 The Council adopted its Local Code of Conduct for Members (The Code) in May 2002.

- 3.3 All Members who are elected to office must sign a “Declaration of Acceptance of Office” before they can officially act as a Councillor. In that declaration they undertake to observe the code as to the conduct which is expected of Members of the Council.

- 3.4 The relevant extract to the Code is paragraph 4.1 which provides as follows:-
“A Member must not in his official capacity or in any other circumstance:

- a) conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute”

4. Material Findings

- 4.1 Councillor Shine has admitted that he did give a Nazi salute and shouted Seig Heil at Councillor P Choudhry, so there is no dispute that the event took place.

- 4.2 In my interview with Councillor Shine on 24th July 2008 it was clear that Councillor Shine deeply regretted the incident. He immediately apologised to the Mayor, Councillor Choudhry and all Members in The Council Chamber. When he was interviewed on the phone by various members of the press after the event, he stated that he had again apologised to the whole of the Council and the whole of the people of Slough. In his letter to the Chief Executive delivered by hand on 8th January 2008 (and which pre-dates the complaint to the Standards Board of England on 21st January 2008) Councillor Shine states “I, to my everlasting regret, bit and gave an inexcusable gesture. I was rightly asked by the Mayor to retract the gesture and apologise. I did this straight away and it was accepted in good grace by Councillor Choudhry”.

- 4.3 Councillor Shine’s explanation for his conduct is that it came during a difficult Council Meeting, when there was a lot of ill temper in the Council Chamber. This account of the meeting is supported by Councillor Cryer.

- 4.4 Conduct at Council meetings has been a concern for some time and is an issue that the Standards Committee has discussed at length. Indeed the Chair of the Standards Committee took part in the Group Leader's meeting on 3rd January 2008 which was called to discuss the ongoing poor behaviour of Members at Council Meetings. That Meeting did result in an agreement to meet at least three times a year to review Members' behaviour at all Council and Committee Meetings and the adoption of some ground rules. The Independent Members of the Standards Committee have sat in on several meetings to observe whether or not these ground rules have been followed (Document 22).
- 4.5 It is clear from the accounts of the meeting on 11th December 2007 that it quickly developed into an ill tempered meeting. The item on the agenda was approval of the sites for polling stations. This should be a routine matter but according to Councillor Shine it has caused ill feeling for the last three years. The reason for this is that although no formal complaint has been made to the Returning Officer, Councillor Shine and Councillor Wright have been accused of intimidating voters at the Britwell Polling Station. Unsubstantiated allegations continue to be made at Council Meetings and he is aggrieved that they are unable to clear their names. It was brought up again on 11th December 2007.
- 4.6 Councillor Shine in his statement explains that whilst he understands that he should not have made the gesture or the remark he was provoked. In Documents 19 – 20 he sets out the three issues which provoked him namely:-
- i) Councillor Dhaliwal had accused "white Councillors of not doing anything for Asians" which Councillor Shine found offensive and untrue. The debate on the polling stations had gone on for over an hour and Councillor Stokes proposed a motion to go to the vote. This was seconded by Councillor Munkley. The motion was noted by the Mayor but no vote was taken and the debate carried on.
 - ii) When Councillor Edwards was trying to raise a point of order about the number of points of order raised by Councillor P Choudhry and the fact that he was allowed to speak more than once on various items on the agenda he was shouted down by the Labour Members and was asked to sit down by The Mayor. Councillor Edwards did sit down but in Councillor Shine's opinion the issue Councillor Edwards had raised was not dealt with. Councillor P Choudhry then immediately made another point of order and Councillor Shine reacted by the Nazi salute gesture and saying "Seig Heil".
- 4.7 Councillor Shine raised the first of these issues with the Standards Board for England but they decided not to investigate as they did not "believe the alleged conduct is serious enough to justify investigation "(Document 16)
- 4.8 In her letter of 1st February 2008 (Document 10 page) the Chief Executive deals with the last issue and makes the point that it is the Mayor's constitutional right and responsibility to control the meeting and no Officer can intervene ahead of the Mayor.

- 4.9 Councillor D Cryer's interview shows that he agreed that it was not a pleasant meeting and he says that Councillor Shine had taken 'a lot of stick'. He also confirmed that Councillor Choudhry's behaviour of making numerous points of order and constantly standing up and sitting down was very disruptive.
- 4.10 Both Councillors Cryer and P Choudhry have confirmed that Councillor Shine made an immediate apology and Councillor P Choudhry has confirmed that although the incident was shocking he accepted the apology.

5. Reasoning Bringing Office or Authority into Disrepute

- 5.1 There is no doubt that the actions complained of by Mr Bowken did take place. Mr Bowken does not appear to have witnessed them himself his complaint is based upon an account in the Slough Express.
- 5.2 A complaint was also made by the Labour Group concerning Councillor Shine's behaviour to the Standards Board for England. The Decision Notice (Document 5) states that it has been referred to the Ethical Standards Officer for their information. As this complaint has not been passed onto the Monitoring Officer and the actual complainant is not identified no interviews have been conducted on this second complaint.
- 5.3 The actions of Councillor Shine on 11th December 2007 are admitted.

6. Conclusions and Recommendations

- 6.1 I should like to record my thanks to all parties for the co-operation I have received in investigating this complaint.
- 6.2 I find that Councillor Shine by his by actions at the Council Meeting on 11th December 2007 brought his office and the Authority into disrepute.

List of Documents Annexed to the Report

No	Document Description	Dated
1.	Complaint to Standards Board from Mr Sufraz Bowken	21.01.08
2.	Copy of article from Slough Express	18.01.08
3.	Letter Mr S Bowken to The Mayor - Slough Borough Council	21.01.08
4.	Letter – Standards Board for England to Monitoring Officer Re: Complaint SBE20993.08	15.02.08
5.	Decision Notice issued by Standards Board for England re complaint – SBE 21042.08	31.08.08
6.	Letter – Jill Bell to Mr S Bowken	03.09.08
7.	Letter – Jill Bell to Mr S Bowken	05.11.08
8.	Statement of Councillor P Shine	05.12.08
9.	Letter – Standards Board for England to Councillor P Shine	15.02.08
10.	Letter Re: Complaint SBE 20993.08 Chief Executive to Councillor P Shine	01.02.08
11.	Letter – Standards Board for England to Councillor P Shine Re: Complaint SBE 20695.07	01.02.08
12.	Letter Standards Board for England to Councillor P Shine Re: Complaint SBE 21042.08	31.01.08
13.	Letter Standards for England to Councillor P Shine Re: Complaint SBE 20993.08	29.01.08
14.	Decision Notice issued by Standards Board for England Re: Complaint SBE 20993.08	25.01.08
15.	Letter Standards Board for England to Councillor P Shine Re: Complaint SBE 20993.08	25.01.08
16.	Decision Notice issued by Standards Board for England Re: Complaint SBE 20695.07	08.01.08
17.	Letter Standards Board for England to Councillor P Shine Re: Complaint SBE 20695.07	14.02.08
18.	Letter Standards Board for England to Councillor P Shine Re: Complaint SBE 20695.07	08.01.08
19.	Councillor P Shine's note on issues re: minutes for Council Meeting in February	

20.	Letter – Councillor Shine to Standards Board for England	14.12.07
21.	Letter – Councillor P Shine to Chief Executive	08.01.08
22.	Minutes of Group Leaders’ Meeting with Chair of Standards Committee	03.01.08
23.	Notes of interview with Councillor P Shine	24.07.08
24.	Notes of Interview with Councillor D Cryer	14.11.08
25.	Notes of Interview with Councillor P Choudhry	27.11.08

Key to Complaints to Standards Board for England

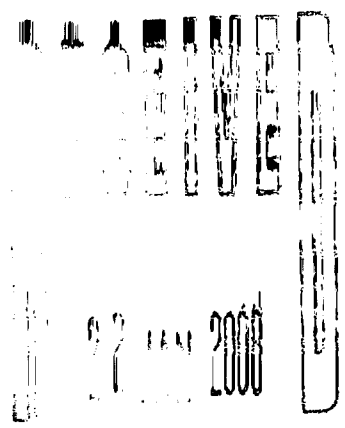
SBE 20695.07 Councillor Shine’s complaint about Councillor Dhaliwall made on 14.2.07 (Document 20) Decision not to investigate made 8.1.08 Document 16 – reviewed the request 31.1.08, correspondence Documents 11,17 & 18.

SBE 20993.08 Mr Bowken’s complaining about Councillor Shine (the subject matter of this investigation) made on 21.1.08 Document 1, decision to refer to Monitoring Officer 25.1.08. Document 14 Correspondence Documents 9, 13 & 15.

SBE 21042.08 Labour Group’s complaint about Councillor Shine, not referred to Monitoring Officer. Decision Notice dated 31.8.08 Document 5. Correspondence Document 12.

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DOCUMENT 1



the Standards Board for England

complaint form

If you have any questions or difficulties filling in this form, for example ~~if English is not your first language~~ or you have a disability - please contact the Referrals Unit on 0800 107 2001

You can also email them at newcomplaints@standardsboard.gov.uk

RU

23 JAN 2008

Please note

- > we can only accept complaints in writing
- > one of our officers may contact you personally to go through the details of your complaint
- > we are unlikely to be able to keep your identity confidential if you make a complaint

RECEIVED

ABOUT YOU

title Mr Ms Mrs Miss Councillor Other (please specify)

first name SURFRAZ surname BOWKEN

address [redacted] SLOUGH, BERKSHIRE
postcode SL - 01753 - 574355

daytime telephone 07887802009

evening telephone 07887802009

email _____

Please consider the complaint I have described below and in the evidence attached. I understand and accept that the details will normally be disclosed to the member, particularly if the matter goes through to investigation.

signature SA Bowman

date 210108

YOUR COMPLAINT

Who are you complaining about?

complaint form



WHAT ARE YOU COMPLAINING ABOUT?

Please provide us with as much information as you can about your complaint to help us to decide whether or not it should be investigated. Include the **date** and **details** of the alleged misconduct, and any information that supports the allegation. We can only investigate complaints that a member has broken a local Code of Conduct (see section 3 of the information leaflet *How to make a complaint*). Continue on a separate sheet if there is not enough space on this form.

I am the chairman Private Hire Drivers Association (PHDA) in Slough, I attach a copy of article published in Local Express last week 18/01/2008 regarding the behaviour of Cllr Pat Shine when in a Council meeting he saluted ~~to~~ one of cllr's with Nazi Salute and shouting "Sieg Heil". My concern are he is a Councillor and on top of that he is chairman of Licensing Committee and all Taxi & Private hire licencing comes under him, also majority of Local off licence shops are owned by people of ethnic background. ~~My~~ Majority of taxi & private hire driver are of ethnic background appx 95%. That is. I think he should be removed from his post as a councillor. This should not be happening not in todays ~~today~~ and age. I have written to my local Mayor as well.

Copies attached - letter to Mayor
- copy of article from Express.

EVIDENCE (if this applies)

Please attach to this form copies of any correspondence, documents, names and details of witnesses, and any other evidence that you feel is relevant to your complaint. Please avoid sending us large amounts of background information that only relate indirectly to your complaint.

Please tick this box if you would like us to return the evidence to you.

ADVERTISING: 01753 825111

SRS1



Sieg Heil councillor in new probe bid

By **Terry Pattinson**
Slough reporter

A COUNCILLOR is to be reported to the watchdog overseeing behaviour in public office for a Nazi salute he made to a Muslim colleague.

Slough's Labour group is demanding the Standards Board for England probe Cllr Pat Shine, despite him issuing an unreserved apology.

Labour leader Cllr Rob Anderson insisted this week that Cllr Shine's behaviour was 'beyond the pale'.

Cllr Anderson said: "If Pat was one of our members we would throw the book at him. In the first instance we will lodge a formal complaint, but it may be referred back to Slough's standards committee for adjudication."

This would leave the ball in the court of the standards committee, chaired by Slough clergyman the Rev Paul Lipscomb.

He has, so far, kept a diplomatic silence on the rumpus, which happened in his presence at the December 11 full council meeting.

Prior to the meeting the Rev Lipscomb had made a written plea for council members to behave and show the mayor more respect. He

wrote to councillors: "We believe that standards have improved, with the possible exception of petulant and unseemly behaviour in the council chamber and at times a lack of respect for the office of the mayor."

He added: "It will be our task in the immediate future to address these shortcomings while at the same time endeavouring to calm tensions and improve personal relationships between elected members."

Cllr Anderson said he had written to council leader Richard Stokes demanding action but was unhappy with the response. Cllr Anderson added: "Cllr Stokes replied saying that the unreserved apology was sufficient, and indicated in his letter that Cllr Shine had been provoked."

Cllr Shine, an independent in Britwell, could face suspension if rebuked by the board. He admitted that his Nazi salute and 'Sieg Heil' rant were 'out of order' but claimed he had been verbally provoked by Cllr Pervez Choudhry, who 'had got up my nose'.

Meanwhile Cllr Stokes and his ruling coalition survived a Labour motion calling for their removal.

Cllr Anderson claimed the bid was derailed on Tuesday by the coalition's refusal to debate recent

controversies, including the computer room meltdown.

Cllr Anderson said: "Richard Stokes and his colleagues are walking a political tightrope."

Men behaving badly

RICHARD Stokes, Slough Council leader, has privately carpentered Cllr Shine.

He says Cllr Shine's behaviour was 'indefensible' and 'unacceptable' and admits in a memo that many councillors have been behaving badly.

Answering Labour leader Cllr Rob Anderson's demand for action Cllr Stokes wrote: "As someone who volunteered to join the RAF at 17 and served for six years during World War II, I share your detestation of fascism. Although Cllr Shine's action was very ill-judged he is not a fascist. His gesture was not made with sinister intent."

Cllr Stokes says he frequently emphasises the importance of proper behaviour by elected councillors but he says in the memo: "Unfortunately some of them allow themselves to be provoked by the disruptive tactics organised and pursued by a few Labour councillors."

Mr Surfraz Bowken
[REDACTED]

Slough

Berkshire

Date 21st January 2008

The Mayor
Slough Borough Council
Town Hall
Bath Road
Slough
Berkshire
SL1 3UQ

Dear Sir,

I would like to draw your attention to the article printed in the Local Express last week regarding Councillor Pat Shine's Nazi salute and shout Sieg Heil to a fellow councillor and then telling his party that the other councillor provoked him.

I am sure the provocation can't have been so bad as to make him do a nazi salute and shout Sieg Heil. I represent Private Hire Drivers Association and I have great concerns regarding this as he is a Chairman of the Licensing Committee and 95% of my members are of ethnic minority not to mention the majority of the off license shops in Slough are owned by the people of ethnic backgrounds and he is passing judgments on important issues concerning these people.

I would like you yourself to take action against councillor Shine, he should not be in council as a councillor let alone be a Chairman of the Licensing Committee where majority of the people concerned are of an ethnic background.

I have also contacted the local papers regarding this situation and will be contacting the Standards Board for England after waiting for your reply.

I hope to hear from you soon.

Thank you

Yours sincerely,



the
Standards Board
for England

Fourth Floor
Griffin House
40 Lever Street
Manchester M1 1BB

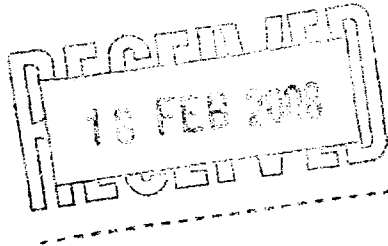
T: 0161 817 5300

F: 0161 817 5499

Minicom: 0161 817 5449

PRIVATE & CONFIDENTIAL

Mr Steven Quayle
Monitoring Officer
Slough Borough Council
Town Hall
Bath Road
Slough
SL1 3UQ



15 February 2008

Dear Mr Quayle

enquiries@standardsboard.gov.uk
www.standardsboard.gov.uk

REFERENCE: SBE20993.08

I refer to Jeanette Bateman's letter dated 29 January 2008 with regard to Mr Bowken's allegation that Councillor Shine may have failed to comply with Slough Borough Council's Code of Conduct.

Under section 60(2) of the Local Government Act 2000, I have decided to refer the matter to you for investigation.

Please find enclosed a copy of the allegation and all supporting documents that have been obtained by the Standards Board for England. We recommend that you provide the member with a copy of the allegation letter and any supporting documents, edited to remove any material which should not be disclosed under the Data Protection Act 1998 and the Human Rights Act 1998.

If you are in any doubt about whether to disclose a document or a part of a document, or about whether an individual's identity should be disclosed, you should take legal advice or you can ask for guidance from the Standards Board for England.

As your starting point in the investigation, we recommend that you take the alleged facts as expressed by the complainant in their allegation to the Standards Board. You will also need to use this source when summarising the allegation for the purposes of writing your report.

*Sent to Jill Bell
20/2/08.*

5

Document 4
Confidence in local democracy



the
Standards Board
for England

Decision Notice

Reference SBE21042.08

The Complaint

The Standards Board for England recently received a complaint from the Labour Group on Slough Borough Council concerning the alleged conduct of Councillor Patrick Shine of the same authority. The following summarises the general nature of the allegation:

It was alleged that during a council meeting on 11 December 2007, Councillor Shine made a Nazi salute towards a fellow councillor and shouted "sieg heil".

Decision

We have already referred a complaint about this matter for investigation (SBE20993.08). As such, we will not refer this complaint for investigation as well. Instead, we have passed this new complaint to the ethical standards officer for their information. The ethical standards officer will then decide whether to forward this complaint to the investigator as background information. However, the investigator will only contact the complainant in this case if it will assist the investigation.

We notify all concerned parties in writing once we have assessed a complaint. This decision notice is sent to the person or persons making the allegation, the member against whom the allegation was made, the monitoring officer of the relevant authority and (if appropriate) the clerk to the parish or town council.

Terms of Reference

The Standards Board for England was established by the Local Government Act 2000 with a primary duty to consider written allegations. The Act also gave the Board a wide discretion to decide whether or not a written allegation should be referred to an ethical standards officer for investigation. The Local Government Act 2003 permitted the Standards Board for England to delegate this function to nominated officers. In doing this, the Board has established a careful checking and monitoring procedure. Only the information provided by the complainant is assessed. For this reason, and to avoid unnecessary anxiety for members, officers do not normally contact the parties before notifying them of the decision.

Additional Help

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice, require large print, or a Braille or taped transcript, or translated version of the information in this letter, we are able to assist you.

Signed B. Beale Date 31.8.08
Bridget Beale – Referrals Case Manager
(On behalf of the Standards Board for England)

3rd September, 2008

Department: Department of Resources
Legal Services
Contact Name: Jill Bell
Contact No: 01753 875031
Fax: 01753 875035
Email: Jill.bell@slough.gov.uk
Our Ref: JB/BC
Your Ref:

Mr S Bowken
[REDACTED]

Slough
Berkshire

Dear Mr Bowken

I refer to the complaint that you made to the Standards Board for England which has been referred to Slough Borough Council for investigation. I am the Deputy Monitoring Officer for the Council and I have been appointed as the investigating officer. I interviewed Councillor Shine concerning your letter of complaint and would now like to interview you. If possible I would like us to meet in order to do the interview, if this is not convenient then I can carry out the interview by telephone. The date I have available to do interviews are as follows:-

1. 08.09.08 any time between 10 and 1, or 3.30 and 7.
2. 09.09.08 10-12
3. 22.09.08 3.30 -7
4. 23.09.08 3.30 -7

If you prefer to do the interview by telephone then please let me have a contact number for you. We have made several telephone calls both to your home and your mobile in order to arrange the interview but have not had any success.

I look forward to meeting you.

Yours sincerely

Jill Bell
Deputy Borough Solicitor

5 November, 2008

Department: Resources – Legal Services
Contact Name: Jill Bell
Contact No: 01753 875031
FAX: 01753 875183
Email: jill.bell@slough.gov.uk
Our Ref: JB/012132-COR-275
Your Ref:

Mr S Bowken

[REDACTED]
Slough
Berkshire

Dear Mr Bowken,

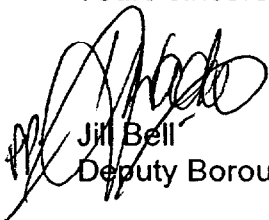
With regard to my letter of the 3rd September and the complaint that you have made to the Standards Board for England which I have been asked to investigate.

I would ask that you contact me as I would still like for us to meet or for me to interview you over the telephone to include you statement in my investigation.

I will however state that if you have not contacted me before the 14th November 2008 I will conclude my enquiries and report to the Standards Committee that you have not chosen to offer evidence in the enquiry.

Please contact PA Donna Wade on 01753 875031 for an appointment or convenient time to conduct a telephone interview.

Yours sincerely


Jill Bell
Deputy Borough Solicitor

012132-COR-275/65811

Statement of Councillor Patrick Shine.

1. I have read the complaint made to The Standards Board for England by Mr Surfraz Bowken concerning my behaviour at The Council Meeting on 11th December 2007.
2. I know that my behaviour at that meeting was wrong and I immediately apologised for it on the night. My apology was accepted. I still regret my actions on that night and I apologise to the Standards Committee for the trouble I have caused.
3. I would like to explain the reason for my conduct on 11th December 2007. The Council meeting started at the usual time but the atmosphere in the Council Chamber was extremely difficult. The opposition party was disruptive on all issues. At that time I was part of the ruling administration and the Chair of the Licensing Committee.
4. The Council began to debate the approval of the location of the polling stations. In previous years this had been difficult because members of the opposition had made unsubstantiated allegations against myself and Councillor S. Wright stating that we had intimidated votes at the polling station in Britwell. No complaint has ever been made to the Returning Officer concerning this so neither Councillor Wright or myself have had an opportunity to clear our names.
5. During the debate about the polling station at Britwell Councillor S. Dhaliwal said "all you white Councillors don't help the Asians." I took exception to this and I thought the Mayor Councillor R. Butt should have asked Councillor S. Dhaliwal to retract the statement but he didn't. When it was my turn to speak I raised this point and asked the Mayor to require Councillor Dhaliwal to retract the statement.
6. I accept that the Mayor may not have heard the statement when it was made due to the considerable noise in the Council Chamber which is why he did not take action then but even when I raised it in my speech he still did not take any action. I believe that the Monitoring Officer should then have asked the Mayor to intervene and should have explained to him what to do. I also believe that the Chief Executive and the Chair of the Standards Committee should have intervened when the Mayor failed to act.
7. Although I felt aggrieved that my point had been ignored I sat down at the end of my three minute speech. I was angry that such a remark was allowed to pass unchallenged as I personally helped people from the BME community as I do not distinguish on the grounds of race.
8. The debate on the polling stations continued and after about one hour Councillor R. Stokes the then Leader proposed that it move to a vote.

His proposal was seconded by Councillor D. Munkley but the Mayor allowed the debate to continue.

9. Throughout the proceedings Councillor P. Choudhry had made numerous points of order frequently jumping to his feet shouting point of order and stopping the debate. He was not identifying what his point of order was but was giving his views on the matter being debated. I calculated that he made about 20. When Councillor J. Edwards stood up with a point of order asking why Councillor P. Choudhry had affectively been allowed to speak on several occasions on the same agenda item. As Councillor J. Edwards spoke he was shouted down by the Labour members particularly by Councillor Choudhry.
10. The Mayor asked Councillor Edwards to sit down which he did. I was aggrieved that one of my fellow Councillors had raised a valid point of order and had been shouted down by the Labour group.
11. As Councillor Edwards was sitting down and before the debate would resume Councillor P. Choudhry jumped to his feet with another point of order. I was becoming quite angry at the inequality of treatment. As I looked up from my paperwork I could see little speckles of froth coming out of Councillor P. Choudhry's mouth and his arms and hands were flying all over the place. It reminded me of a newsreel of Hitler.
12. I reacted to his behaviour and my frustration that he was being allowed to behave like this when Councillor Edwards had been told to sit down and his point ignored. I said Seig Heil and raised my arm in a Nazi salute.
13. Councillor P. Choudhry stopped speaking and everything seemed to go into slow motion. Someone complained and I don't recall who. I realised what I had done was wrong. The Mayor said something to me and I don't recall what but I immediately stood up and apologised to the Mayor and to the other members of the Council. I apologised to Councillor P. Choudhry and he accepted my apology.
14. After the meeting I received several phone calls from the press. I made it clear that my conduct was wrong and I apologised to the whole of the Council and the people of Slough. On 14th December 2007 I wrote to the Standards Board for England explaining the event and apologised for my conduct.
15. I decided that I needed to deal with the issue of Councillor Dhaliwal's remarks and I contacted The Race Relations Board who advised me to take the matter up with the Chief Executive. I did this in a letter on 8th January 2008 (Document 21).
16. The Chief Executive explained in her reply that this was a matter for The Standards Board for England not The Council but by a decision notice dated 8th January 2008 The Standards Board for England

decided not to investigate because they did not believe the alleged conduct was serious enough to warrant an investigation. I asked for this decision to be reviewed but the decision was upheld.

17. In the letter the Chief Executive also dealt with my concerns about the conduct of the Council Meeting and my complaint that officers of the Council did nothing to protect me and other members from harassment and bullying. I strongly feel that the Monitoring Officer should intervene when members make inappropriate remarks or abuse the use of the right to make points of order and so disrupt the meetings.
18. The Chief Executive explained in her response to me that it is for the Mayor to control the meetings and no officer can intervene ahead of the Mayor. In order to intervene they require the express permission of the Mayor.
19. Whilst I totally accept that my conduct on 11th December was wrong I do feel it needs to be viewed in the context of that meeting. Had I not felt so aggrieved by the actions of the opposition I would not have lost control and acted so foolishly. Once again I apologise for my conduct.

Signed



Dated

5-12-2008

2



the
Standards Board
for England

PRIVATE AND CONFIDENTIAL

Councillor Patrick Shine
27 Pemberton Road
Britwell Estate
Slough
Berkshire
SL2 2JE

Fourth Floor
Griffin House
40 Lever Street
Manchester M1 1BB

T: 0161 817 5300
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Minicom: 0161 817 5449

15 February 2008

Dear Councillor Shine

enquiries@standardsboard.gov.uk
www.standardsboard.gov.uk

REFERENCE: SBE20993.08

I write further to Jeanette Bateman's letter of 29 February 2008 with regard to Mr Bowken's allegation that you may have failed to comply with Slough Borough Council's Code of Conduct. I confirm that the allegation has been referred to me under section 58 of the Local Government Act 2000.

The Standards Board for England is committed to local investigation wherever appropriate and, having reviewed this matter, I have decided to refer it to Mr Steven Quayle, the local monitoring officer, for investigation, under section 60(2) of the Local Government Act 2000. Before reaching this decision, I have carefully considered any comments received about the local investigation of this matter including those in your email of 31 January. However, on balance I have decided that it is appropriate for this matter to be referred to the monitoring officer for local investigation.

Although this matter has been referred for investigation, no view has been formed on whether the allegation is well founded. The investigation, including seeking information and documentation from you and other people, where relevant, will enable the monitoring officer to reach a conclusion on whether, in their opinion, there has been any failure to comply with Slough Borough Council's Code of Conduct.

The Standards Board for England has published information about the conduct of local investigation. You may wish to view these documents in the publications section of our website www.standardsboard.co.uk or please contact me if you would like me to send you hard copies.

Once the local investigation and determination have been completed we will be publishing details of the outcome on our website.

Mr Quayle will be contacting you shortly. If you have any queries regarding the investigation please contact them on 01753 475111.

Yours sincerely

Steven Kingston
Ethical Standards Officer

Confidence in loc

1st February 2008

Department: Chief Executive's Office
 Contact Name: Ruth Bagley
 Contact No: 01753 875000
 Fax: 01753 875058
 Email: Ruth.bagley@slough.gov.uk
 Our Ref:
 Your Ref:

Councillor P Shine
 Councillor's Mailbag

PRIVATE AND CONFIDENTIAL

Dear Cllr Shine

Complaint regarding Council meeting

I am writing in response to your letter handed to me on 8 January. I apologise for the long delay in replying. You may realise from the events of last week that I have been heavily involved in some very time consuming work during recent weeks.

In summary you have raised four things:

- that officers take action against Cllr Dhaliwal for her remarks at the pre Christmas Council meeting;
- your perception that favouritism was shown by the Mayor to the opposition in being allowed to speak more frequently or having their points of orders accepted;
- that officers should intervene in Council meetings;
- and for an explanation of comments you have been told I have made.

I have discussed the conduct of the meeting with colleagues and, although I am providing a written answer, I would be very happy to talk this through with you. I will also explain at the end how some of the general points your complaint raises are being addressed.

The Race Relations Board has advised you to ask the Council to consider action against Cllr Dhaliwal. Unfortunately their advice is inappropriate. All matters of conduct by councillors should be referred to the national Standards Board which will consider what action if any to pursue. The Council, the Council's Standards Committee and least of all the officers have no formal role in dealing with matters of member conduct unless the Standards Board refers the matter back. So the first step is to refer the matter to the Standards Board which decides whether there is an issue to pursue. I believe this has been done and the Board has decided not to pursue the matter. I am sorry but there is currently no process by which the Council's officers or the local Standards Committee can intervene.

Corp/cxletjan08/CllrShine
 01/02/2008 13:11:45

3
 3 PAGES

Regarding procedures at the meeting, clearly I cannot recall every detail, nor can the other staff present, but I will try to address the basis of your concerns. I would agree that Cllr Choudhry spoke on a number of occasions, however many of his interventions were on points of order rather than contributions to the debate. I know that Steven Quayle was keeping a careful note of contributions to the debate and he was sure that Cllr Choudhry's contributions to the debate were within the rules. Although I was not keeping such a careful count, I could see Steven's record and my impression is that he was correct. At one stage, with the Mayor's permission, Steven explained the sequence of events in order to explain the Mayor's decision to allow various contributions. Following this explanation Cllr Edwards continued to challenge the Mayor's decision. The Mayor asked him to sit down, particularly when he continued to talk over the Mayor when he stood up. In this respect the Mayor was enforcing his authority to control the meeting. I acknowledge that in a very heated meeting it is very difficult to keep track of the debate and for the Mayor to act swiftly, decisively and with clarity. In that environment it is extremely difficult for Steven to give advice and have it taken note of. The numerous points of order undoubtedly confuse the situation and the use of unspecified points of order makes the situation worse. I cannot comment on Cllr Choudhry's actions in detail since it would be improper of me to criticise a member of one political group to members of another or vice versa. I would acknowledge that Cllr Choudhry by force of personality gets his voice heard. But as far as I could see on all the points you raise the Mayor was doing his best in a difficult situation and that Steven was giving appropriate advice to him, even though it could not always be followed.

You imply in your letter that the officers of the Council and particularly Steven have been remiss in not intervening at points in the meeting, for example following Cllr Dhaliwal's remarks, or advising the Mayor to control Cllr Choudhry. I am sorry but I find that unfair for three reasons. Firstly it is the Mayor's constitutional right and responsibility to control the meeting. No officer can intervene ahead of the Mayor. Secondly it is the custom in Slough that officers say very little in Council meetings whether on the subject for debate or on process. I am told that in very recent years they were expected not to speak at all and certainly I have witnessed criticism of officers for seeking to advise the meeting. Even in my last Council, where officer advice on both process and main subject was frequently sought, welcomed and respected, an officer could never intervene without the express consent of the Mayor. So, in respect of the examples you have given, the only thing the officers can do is ask the Mayor to intervene. Steven often suggests intervention including in respect of persistent interruption and I have not observed that his advice favours either side. It is the Mayor's choice whether he takes action or does not. Finally given the nature of our Council meetings, the advice that an officer can give or the attention that the Mayor can pay to it is very limited. For a meeting to be managed effectively there needs to be instant understanding between the Mayor and the officer advising and sufficient patience, peace and quiet from the membership to allow that advice to be given. Neither of those is typical of our meetings, although I am sure that the vast majority of Members would wish that they were.

In respect of my own remarks there has been some confusion. In a conversation with the Leader I observed that as a result of your salute the Mayor would have been entitled to call

for your exclusion, if you had not immediately apologised. Since you instantly regretted and subsequently unreservedly apologised for your action I know you appreciate the seriousness of your action. My remarks also need to be set into the context that I was making a distinction between how relatively easy it is to identify and tackle isolated incidents of poor behaviour and how much more difficult it is for the Mayor to tackle the collective impact of repeated interruptions and challenges which may be provocative. As in a football match, it is often obvious retaliation which gets penalised but not the persistent niggling which provokes it. My other concern was that your action would inevitably become the focus of a debate about member behaviour. This would make it much more difficult to tackle the persistent poor behaviour of a few members.

As you may be aware both Paul Lipscomb, the Chairman of our Standards Committee, and I are deeply concerned about conduct at Council meetings and are discussing various issues with the Group Leaders. This resulted in some agreement before the Extraordinary meeting which was shared with members and made a modest improvement to aspects of that meeting. We have met again, reinforced the original agreement and agreed more guidelines. I hope that further modest improvement can be achieved but I know that it will take some effort to achieve a permanent improvement.

Finally, you have several times suggested in your letter that Council officers favour the Labour group. I can assure you that that is not the case. Council officers are in fact working hard in very difficult circumstances to support the Mayor to run the meeting fairly and efficiently. They are often demoralised by the outcome and certainly should not be blamed for the way in which meetings are conducted.

I realise I have not given you some of the answers you want but I will be happy to talk this through with you.

Yours sincerely



Ruth E Bagley
Chief Executive

Cc Paul Lipscomb

1 February 2008



Cllr. Patrick Shine
27 Pemberton Road
Britwell Estate
Slough
Berkshire
SL2 2JE

Fourth Floor
Griffin House
40 Lever Street
Manchester M1 1BB

T: 0161 817 5300
F: 0161 817 5499
Minicom: 0161 817 5449

enquiries@standardsboard.gov.uk
www.standardsboard.gov.uk

4

Dear Cllr Shine

SBE20695.07

Thank you for your email of 31 January 2008 asking that the Chief Executive of the Standards Board for England review the decision not to investigate your complaint.

The Chief Executive will now review the case to check that it was handled according to our procedures and that the decision was reasonable. He will write to you in due course to tell you the outcome.

Yours sincerely

Harvinder Kaur
Referrals Administrator

31 January 2008



Cllr Patrick Shine
27 Pemberton Road
Britwell Estate
Slough
Berkshire
SL2 2JE

Fourth Floor
Griffin House
40 Lever Street
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T: 0161 817 5300
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Minicom: 0161 817 5449

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www.standardsboard.gov.uk

Dear Councillor Shine

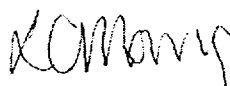
SBE21042.08



We recently received an allegation about you in relation to the Code of Conduct.

The attached notice summarises the allegation and shows our decision. Our procedures are also explained. Please contact me if you would like clarification.

Yours sincerely



Lucy Morris
Principal Referrals Case Manager

Direct line: 01618 175 439
lucy.morris@standardsboard.gov.uk

Confidence in

Replied
E-MAIL
30-1-2008



Fourth Floor
Griffin House
40 Lever Street
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PRIVATE AND CONFIDENTIAL

Councillor Patrick Shine
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enquiries@standardsboard.gov.uk
www.standardsboard.gov.uk

29 January 2008

Dear Councillor Shine

6

REFERENCE: SBE20993.08

I refer to James Harrigan's letter dated 25 January 2008 regarding the allegation that you may have failed to comply with the Slough Borough Council's Code of Conduct.

I confirm that under section 58 of the Local Government Act 2000, the Standards Board has referred the allegation to an ethical standards officer (ESO), for investigation.


The Standards Board is firmly committed to sending cases locally for investigation wherever possible. The ESO will be reviewing the allegation and will either allocate it internally to an investigator or will be sending it to the Monitoring Officer of Slough Borough Council unless there is significant reason not to do so. There is also the possibility that the ESO could issue a direction to the Monitoring Officer.

If you are aware of any significant reason as to why the Monitoring Officer could not undertake the investigation, should the ESO decide to refer the case for local investigation, please put these reasons to me in writing by 5 February 2008.

Please note the contents of the *Guide to the Investigation Process* which has been previously sent to you by our Referrals Unit, and is also available on the Standards Board for England's website. If you would like further clarification of the process please telephone me.

If you have any queries please contact me on 0161 817 5376 or by sending an e-mail to jeanette.bateman@standardsboard.gov.uk.

Yours sincerely


Jeanette Bateman
Investigations Manager

Confidence in



the
Standards Board
for England

Decision Notice

Reference SBE20993.08

7 2 pages

The Complaint

The Standards Board for England recently received a complaint from Mr Surfraz Bowken concerning the alleged conduct of Councillor Patrick Shine of Slough Borough Council. It was decided to refer the allegations for investigation. The following summarises the general nature of the allegation:

The complainant reported that during a council meeting on 11 December, Councillor Shine made a Nazi salute towards a fellow councillor and shouted "siege heil".

Decision

It was decided to refer the allegation to an ethical standards officer.

Potential breaches of the Code of Conduct identified

We have identified below the paragraph of the Code of Conduct that may apply to the alleged conduct. The investigator will determine which paragraphs are relevant during the course of the investigation.

The Code of Conduct 2007

- Bringing office or authority into disrepute

Further information

This is contained in our booklet "A guide to our investigations process", which has been sent to the complainant and the member with this notice. An officer from our investigations department will be in touch with the parties shortly.

We notify all concerned parties in writing once we have assessed a complaint. This notice is sent to the person or persons making the allegation, the member against whom the allegation was made, the monitoring officer of the relevant authority and (if appropriate) the clerk to the parish or town council.

Terms of Reference

The Standards Board for England was established by the Local Government Act 2000 with a primary duty to consider written allegations. The Act also gave the Board a wide discretion to decide whether or not a written allegation should be referred to an ethical standards officer for investigation.

The Local Government Act 2003 permitted the Standards Board for England to delegate this function to nominated officers. In doing this, the Board has established a careful checking and monitoring procedure. Complainants may have their

complaints reviewed by a senior manager if they are dissatisfied with the decision made by nominated officers.

At this stage, only the information provided by the complainant is assessed to decide whether there should be an investigation. For this reason, and to avoid unnecessary anxiety for members, officers do not normally contact the parties before notifying them of the decision. It should be noted that the Standards Board makes no finding of fact at the assessment stage; it only decides whether an allegation should be investigated. This assessment process is separate and distinct from the investigative role of an ethical standards officer.

Additional Help

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. We can supply copies of documents in large print, Braille, a taped transcript, or a translated version.

Signed  Date 25/1/08

**Kathy Farrand – Head of Referrals
(On behalf of the Standards Board for England)**

*M.P. SUSPENDED FOR 80 days
RE PATRICK SHINE etc*

25 January 2008



Cllr Patrick Shine
27 Pemberton Road
Britwell Estate
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Berkshire
SL2 2JE

Fourth Floor
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Minicom: 0161 817 5449

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www.standardsboard.gov.uk

Dear Councillor Shine

SBE20993.08



We recently received an allegation about you in relation to the Code of Conduct.

The attached notice summarises the allegation and shows our decision. Our procedures are also explained. Please contact me if you would like clarification.

Yours sincerely

James Harrigan
Referrals Case Manager

Direct line: 01618 175 436
james.harrigan@standardsboard.gov.uk



the
Standards Board
for England

Decision Notice

Reference SBE20695.07

9 2 PAGES

The Complaint

The Standards Board for England recently received a complaint from Councillor Patrick Shine concerning the alleged conduct of Councillor Sukhjit K Dhaliwal of Slough Borough Council. Officers conducted an assessment and decided not to refer the complaint for investigation. The following summarises the general nature of the allegation:

The complainant refers to a council meeting held on 11 December 2007 and alleged that Councillor Dhaliwal said "You white councillors do nothing for the Asians". The complainant stated that he was offended by this remark and did not like the racial connotations expressed by Councillor Dhaliwal. The complainant mentioned that when he was allowed to speak, he made reference to what Councillor Dhaliwal said and responded that this was not the case and if she wanted proof of this he would supply names and addresses of Asians he has helped in his ward.

Decision

It is recognised that in the course of their duties members are likely to encounter occasional ill-considered or rude commentary and they can sometimes get carried away and resort to other disruptive or disrespectful behaviour. However as a fellow politician, the complainant has a public platform from which to defend himself and has the opportunity to respond in appropriate forums, including through council procedures and the media. Indeed, the complainant has put over his rebuttal to Councillor Dhaliwal's alleged remark.

While it is noted that the complainant has taken exception to Councillor Dhaliwal's alleged conduct, the Standards Board for England has decided that the allegation should not be referred to an ethical standards officer for investigation. Having taken account of the available information we do not believe the alleged conduct is serious enough to justify an investigation. We have made no finding of fact at this stage and no judgment is being made about whether the alleged events actually occurred in the way the complainant says in the absence of any investigation.

We notify all concerned parties in writing once we have assessed a complaint. This decision notice is sent to the person or persons making the allegation, the member against whom the allegation was made, the monitoring officer of the relevant authority and, if appropriate, the clerk to the parish or town council.

Review

At the request of the complainant, the Standards Board's Chief Executive or, in his absence, another senior officer can review and change a decision not to refer an allegation for investigation. However, he will generally only do this if he is persuaded

that the decision was unreasonable in law. This would be if the decision was flawed because of the irregular way in which we processed the allegation, or because we made an irrational judgement on the reported facts.

A request for the Chief Executive to conduct a review has to be made in writing. We must receive the complainant's written request within 30 days of the date of this notice, explaining in detail on what grounds our decision should be reviewed.

If we receive a request for a review, we aim to deal with it within two weeks of receipt. We will write to all the parties mentioned above, notifying them of the outcome.

Terms of Reference

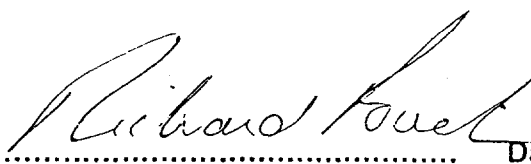
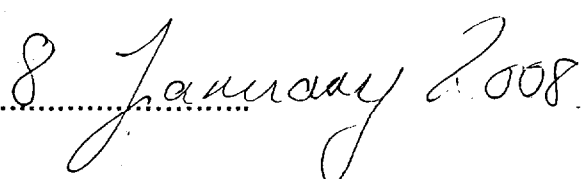
The Standards Board for England was established by the Local Government Act 2000 with a primary duty to consider written allegations. The Act also gave the Board a wide discretion to decide whether or not a written allegation should be referred to an ethical standards officer for investigation.

The Local Government Act 2003 permitted the Standards Board for England to delegate this function to nominated officers. In doing this, the Board has established a careful checking and monitoring procedure.

Only the information provided by the complainant has been assessed. For this reason, and to avoid unnecessary anxiety for members, officers do not normally contact the parties before notifying them of the decision.

Additional Help

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. We can supply copies of documents in large print, Braille, a taped transcript, or a translated version.

Signed  Date 

**Richard Buck – Referrals Case Manager
(On behalf of the Standards Board for England)**

14 February 2008



the
Standards Board
for England

Fourth Floor
Griffin House
40 Lever Street
Manchester M1 1BB

Cllr. Patrick Shine
27 Pemberton Road
Britwell Estate
Slough
Berkshire
SL2 2JE

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enquiries@standardsboard.gov.uk
www.standardsboard.gov.uk

14 Feb

10 2 (AGE)

Dear Councillor Shine

SBE20695.07

Thank you for your email dated 31 January 2008 asking me to review the handling of your complaint. I have carefully considered your further comments.

I note that you are disappointed with my officers' decision not to refer the matter for investigation. The contents of your letter to the chief executive of Slough Borough Council have also been noted. While I acknowledge that Councillor Dhaliwal's alleged conduct has caused you offence, I agree with my officers' conclusion that the matter should not be referred for investigation. We recognise that in the context of political life, it is inevitable that members will subject each other to criticism. However unlike members of the public, councillors have a variety of platforms on which to respond publicly to such criticism and to put over their own viewpoints or rebuttals.

In general, allegations of simple name-calling, political point-scoring or mild rude and inappropriate language would not be serious enough to refer for investigation by an ethical standards officer. Further to this, your authority will have its own internal protocols for the conduct of meetings and it is for the individual chairing the meeting to enforce these and act accordingly.

The approach of the Standards Board is that only the more serious allegations should be referred to an Ethical Standards Officer for investigation. Accordingly, the threshold for such a referral is quite high. This inevitably means that we cannot pursue every complaint brought to our attention and that some complainants will be left feeling that the issues they have raised have not been fully addressed. However, since the Board is

Confidence in k

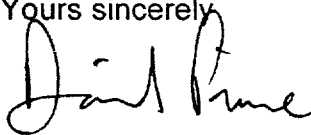
publicly funded it must consider both the views of the complainant and the wider public interest, and strike an appropriate balance.

I note that you consider that my officers' decision on this case gives the impression such conduct is acceptable if it occurs in council. I would like to assure you that this is not the case. My officers consider every complaint on its individual merits to determine whether the alleged conduct is serious enough to warrant an investigation. In this case, my officers considered that the alleged conduct disclosed a potential failure to comply with the Code of Conduct but that it was not serious enough to warrant an investigation. In addition, the Board makes no finding of fact at this stage; it only decides whether the allegation should be investigated. Based on the information provided, I am not persuaded that the matter should be referred for investigation.

In reviewing your complaint I looked at whether the original decision was reasonable and was reached in accordance with our procedures. I consider that the final decision was reasonable and that the case was handled correctly.

I realise that you may be disappointed with the results of my review. However, our review process is there to ensure that reasonable decisions are made and that the relevant procedures have been followed. Now that process is complete, I regret that I will not be able to engage in further correspondence or discussion on this case.

Yours sincerely



David Prince
Chief Executive

8 January 2008

RECEIVED

e.mail

30-1-2008

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Dear Councillor Shine

SBE20695.07

I refer to the recent allegation of a breach of the Code of Conduct which you made to the Standards Board for England.

Our decision is set out in the attached notice, which also explains the relevant procedures, including your right to seek a review of the decision. If you decide to exercise this right, we must receive your written request and any supporting information by 7 February 2008.

Yours sincerely

Christina Gnanapragasam
Referrals Case Manager

Direct line: 01618 175 432
christina.gnanapragasam@standardsboard.gov.uk

Confidence in local

NOT ALL BUSINESS WAS RECORDED
PROPERLY

Issues re minutes for council meeting in Feb.

I have three issues regarding the minutes of the council meeting in Dec

1st I believe this council condoned racism by ignoring a racist accusation by a councillor and should have reported this in the minutes.

2nd This council allowed a member to be shouted down when he was making a valid point about a councillor speaking on motions more than once. This should be in the minutes.

3rd It was not recorded that during a debate on polling station that had gone on for over an hour the head of the council Councillor Richard Stokes proposed a motion to go to the vote now and was seconded by councillor D Munkley this was heard by all, the motion was noted by the Mayor then totally ignored by the Mayor and monitoring officer. The mayor should have made a decision and either refused the proposal or allowed it this was not done. This should have been in the minutes.

I consider these to be pertinent to the business transacted and should be in the minutes.

TURNED DOWN.

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To the standard Board of England. 14 Dec 2007

At a council meeting on the 11th Dec in Slough Borough Council the following happened. As councillors were debating an agenda item regarding Polling stations when Labour Cllr Dhaliwal in her 3 min slot to speak said the following. She accused the white Councillors of not doing anything for the Asians. I was offended by this and did not like the racist connotations expressed. I in my 3 minutes allowed made reference to what she said and to prove to her I said, this was not the case and if she wanted proof of this I would supply names and address of Asians I have helped in my ward. I consider this to be a racial slur on the white councillors and I would like the Standards Board to look into this.

The debate continued and the leader Cllr Richard Stokes saw the meeting was getting out of hand proposed and was seconded that we should take the vote, however the Mayor ignored this proposal and by default let the debate continue. Later on in the debate which by this time had developed into a slanging match Labour Cllr Pervez Choudhry was giving his views in his 3 min allocation. He immediately started to shout and then progressed to screaming, I saw froth coming out of his mouth, he also was waving his hands around presumably to emphasise his points which I construed to be a gesture., at this point while looking at him he reminded me of old Newsreels I have seen over the years where the Fanatic Hitler gave his speeches during the war and used these methods to enthuse and bully the audience. I do not consider this bullying a proper way to behave so could you please look into this behaviour.

To my everlasting regret in trying to put across to councillor P Choudhry this was what he was doing I raised my hand and said Zeig Heil. After this incident where I let my mouth off. I immediately realised what I had said could be construed as an insult, I immediately apologised for this out of character atrocious gesture to the whole council and Cllr P Choudhry accepted my apology.

If I have offended anybody I apologise unreservedly.

Regards
Cllr P Shine

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1
 PELLINGO BY HAND
 8th JAN 2008

Mr Patrick Shine
 27 Pemberton Road
 Britwell Estate
 Slough SL2 2JE
 Berkshire

14
 2 PAGES

To Ruth Bagley
 Chief Executive of Slough Borough Council.

I am going to make a complaint to the Race Relations board regarding the procedures and actions at the Council Meeting at Slough Council Chamber on 11 12 2007.

The advice I have received is before I take any action I should approach the council first to see if they are going to do anything about it.

My complaint is the officers of the council did nothing to **protect me and all the other white councillors from the racial Harassment from councillor Dhaliwals racist remarks**

“All you white councillors do nothing for the Asians”

I construed this as an accusation against me and all the other white councillors. I accept the council did not have the opportunity to stop her prior to her saying it. However once she had said it the council ignored it, and by doing this they condoned **Racial Harassment**. The Monitoring officer should have intervened and asked through the mayor for no repetition of such conduct and an apology. This course of action was not taken and as a result the debate descended into a debacle.

The council were negligent in that when Cllr J Edwards rose to make a point of order regarding the amount of times Cllr P Choudhry spoke on the debate regarding polling stations. He was told to sit down with no consideration to his point of order. In actual fact cllr P Chaudhry as a disruption tactic rose several times while others were speaking quoting point of order. he never identified his point of order but still carried on as if he was still debating. He also bullies the meeting by shouting and screaming his discourse to the meeting. To my recollection he spoke on the amendment twice and on the substantive motion twice. The monitoring officer should have advised the mayor that cllr Edwards was right and tell Cllr Chaudhry to sit down. This was not done. I put it to you there was preferential treatment allotted to Cllr Chaudhry and cllr Edwards had every right to make his point. When it became obvious to all and sundry that the meeting was denigrating into a shambles The leader Cllr R Stokes Proposed that we should take the vote and was seconded by Cllr D Munkley this proposal was ignored by the Mayor, the monitoring officer should have informed the mayor that he should make note of the proposal and make a decision on whether to accept it at this point or not and inform the meeting of his decision, this was not done. The mayor let the next debater address the meeting.

Eventually Cllr P Chaudhry rose again and proceeded to address the council. He started to scream his points, I saw froth coming out of his mouth, I consider the monitoring officer should have told the mayor to control the antics of councillor Chaudhry, this did not happen. To my eyes Cllr Chaudhry was behaving like Hitler at one of his rallies. As a result that nobody appeared to be controlling the meeting, and due to the extreme provocation I to my everlasting regret bit and gave an inexcusable gesture.

I rightly was asked by the mayor to retract the gesture and apologise. I done this straight away and it was accepted in good grace by Cllr P Chaudhry. I take exception that you think I and Councillor Edwards should have been removed from the meeting. When you see my opinion of the provocation white councillors and I had to endure do you condone what was done?

I will say that after this incident the meeting progressed in a reasonable manner

The apparent bias and leniency to the labour side of the chamber infuriated me in that the debate should be fair and democratic, in my opinion this was not the only time labour have acted inappropriately in council meetings. The council officers should have intervened at several junctures.

As stated above the Race Relation Council web site advises constructive communication between the council and me.

Thanking you in anticipation of a speedy response.

Regards

Councillor Pat Shine

MINUTES OF THE GROUP LEADERS' MEETING WITH THE CHAIR OF THE STANDARDS COMMITTEE HELD ON THURSDAY, 3RD JANUARY, 2008.

Present: The Reverend Paul Lipscomb, Chair of the Standards Committee (Chair)
Councillors Rob Anderson, Dexter Smith and Richard Stokes
Ruth Bagley, Chief Executive and Jill Bell, Deputy Monitoring Officer

MEMBERS' CONDUCT AT MEETINGS

The meeting was called by the Chief Executive, in consultation with the Chair of the Standards Committee, to discuss the ongoing issue of poor behaviour of Members at Council meetings. Although the meeting had already been planned, the issue had been brought to a head by events at the Council Meeting on the 11th December, 2007 and the Chair of the Standards Committee was anxious to see a marked improvement in the Members' behaviour at the Extraordinary Council Meeting on 8th January, 2008.

The Meeting discussed at length the perceived causes for Members' bad behaviour which included:-

- Prior agreements reached between the Group Leaders being disregarded.
- Members making personal ongoing attacks on other Members.
- Constant mocking and undertone ridicule when other Members are speaking.
- Members talking across each other; repeatedly interrupting with unjustified points of order or points of personal explanation etc.
- Disregard and disrespect for the authority of the Mayor.

There was concern that bad behaviour by Members at full Council Meetings was institutionalised and that it was spreading to other Meetings and the Licensing Committee Meeting of 7th November, 2007 was cited as an example.

The role of the Mayor, adherence to rules of debate and good manners as means of moderating Members' behaviour was also considered. Possible measures which might assist in improving behaviour which were suggested included:-

- Officers intervening without being asked to by the Mayor at "flashpoints" in Meetings
- Amendment of the rules of debate to allow the Mayor to exclude a Member misbehaving without having to go to the vote on the matter.
- Group Leaders speaking to members of their group who were known by their behaviour to cause friction at meetings.
- Members giving the Mayor time to take advice from Officers and make rulings during debates.
- Respect for Officers' advice.
- Members "policing" their colleagues behaviour

The Leaders agreed that poor behaviour was at times exhibited by some Members of all Groups and responsibility for addressing it was shared by all of them. With the agreement of those present, the Chair of the Standards Committee undertook to address the Members at the start of the Extraordinary Council Meeting on the matter of their behaviour.

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• The Meeting also agreed:

- (a) That the Group Leaders, Chief Executive, Chair of the Standards Committee and Monitoring Officer should meet at least three times a year to review Members' behaviour at all Council and Committee Meetings, identifying/highlighting what went well at Meetings and what did not go so well. These Meetings were to be scheduled well in advance to ensure that all concerned could attend.
- (b) The adoption of the following ground rules which all Members would be expected to follow at Council Meetings:-
 - 1. That the Office of the Mayor be respected.
 - 2. That the Mayor's rulings and authority be respected and observed by all Members.
 - 3. Members should wait to be called to speak and not interrupt others especially with spurious points of order.
 - 4. There should be only one speaker at any time - Members should respect each other and remain silent while another Member is speaking. There should be no secondary meetings, undercurrent of noise and/or background chatter.
 - 5. If Members have points of personal explanation they should wait until the end of the debate.
 - 6. Members should respect the fact that the Mayor and the Officers are trying to keep the meeting running smoothly and should support not undermine the Officers when providing advice to the Mayor and to the meeting.
- (c) That each of the Leaders would seek the support of their Members to follow these rules.

Chair

Report re: Investigation into complaint about the conduct of Councillor P Shine

Councillor Shine was interviewed on Thursday, 24th July by Jill Bell, Deputy Monitoring Officer at St Martin's Place. The allegation made by Mr S Bowken was read out with Councillor Shine and he was asked to give his account of the events complained of.

He said that the events took place at the Council meeting on the 11th December, 2007 which started at the usual time. The atmosphere in the Council Chamber was extremely difficult. The opposition party were disruptive on all issues.

By the time the agenda item regarding the polling stations came up tempers were short. The issue concerning the Britwell polling station had been brought up on at least two occasions during the last 3 years to Councillor Shine's knowledge. Unsubstantiated allegations had been made that voters were intimidated when they went to vote at the polling station which was in the same building as at the Britwell Youth Project. None of these incidents are to Councillor Shine's knowledge recorded as being reported to the Returning Officer. One event which Councillor Shine recalls was when he, Councillor Dodds and Councillor Wright were all tellers at the polling stations. Earlier in the day Councillor Shine had given Councillor Wright a document. He had put it in his coat rolled up so the content wasn't visible. Councillor Dodds had complained about this and said that he wasn't allowed to do it. She looked very angry about this. She verbally attacked Councillor Wright.

Each time the issue of the polling stations was discussed this incident was brought up but to Councillor Shine's knowledge no formal complaint was made to the Returning Officer about the Britwell polling station and it had remained at the Britwell Youth Project Building.

The matter before the Council on the 11th December 2007 was to approve polling stations and there were objections once again about the Britwell polling station at the Britwell project.

During the discussion about the polling station at Britwell Councillor S Dhaliwal said "all you White Councillors don't help the Asians". Councillor Shine took exception to this and brought it up in his allotted 3 minute speech but the point was not answered. Councillor Shine felt that Councillor Dhaliwal's remark was racist. He has helped people from the BME community both Taxi Drivers/Private Hire Vehicle Drivers and his constituents, he doesn't distinguish on the grounds of race. He was aggrieved that his point made in his 3 minute speech wasn't picked up. He felt that what should have happened is that the Mayor, Councillor Butt should have asked Councillor Dhaliwal to retract the statement as it was made. He accepts that due to the noise in the Chamber the Mayor may not have heard the statement but he did hear Councillor Shine refer to it in his 3 minute speech. Councillor Butt wasn't a strong personality as Mayor and Councillor Shine accepts that his lack of ability/knowledge/judgement may have resulted in him not knowing what to do. Councillor Shine is of the firm opinion that what should have happened is that the Monitoring Officer should have asked the Mayor to intervene and should have explained to him what to do. He felt that the situation was compounded by the fact that neither the Chief Executive nor the Chair of the Standards Committee took any action.

Although Councillor Shine felt aggrieved that his point had been ignored he did sit down at the end of the speech and the meeting continued.

Throughout the proceedings Councillor Pervez Choudhry had in Councillor Shine's opinion been jumping up and down all night making points of order. He calculated that he'd made about twenty that evening. At some point Councillor Edwards stood up to make an issue of the fact that Councillor Choudhry had been allowed to talk more than once on various items on the agenda. As Councillor Edwards spoke he was shouted down by the Labour Members particularly Councillor Choudhry.

The Mayor asked Councillor Edwards to sit down which he did. Councillor Shine felt further aggrieved that Councillor Edwards had raised a valid point of order and had been shouted down by the Labour group. At that point Councillor Choudhry got up with another point of order. By that time Councillor Shine had become quite irate at the inequality of treatment. As Councillor Shine looked up from his paperwork he could see little speckles of froth coming out of Councillor Choudhry's mouth and his arms and hands were flying all over the place. He was screaming and shouting. It reminded Councillor Shine of a newsreel of Hitler. As a reaction to his behaviour and the frustration that he wasn't being stopped he didn't think and just reacted to Councillor Choudhry's actions by saying 'Seig Heil' and raising his arm. He doesn't recall standing he believes he was still sitting down at that time.

Councillor Choudhry stopped speaking and everything seemed to go into slow motion. Someone complained, he doesn't recall who. Councillor Shine realised what he had done and immediately stood up and apologised. He apologised for making such a stupid remark to Councillor Choudhry who accepted the apology on the night. He also apologised to the Council Chamber including the Mayor.

Later on he was interviewed on the phone by various members of the Press and he apologised to the whole of the Council and to the whole of the people of Slough.

Councillor Shine was extremely concerned that the remark made by Councillor Dhaliwal was very offensive to him and that her remark could have a significant impact on him given the makeup of the population of the town. He also felt that the remark was very unjust. When Councillor Shine first joined the Licensing Committee he became aware of the issue that certain members of the BME community were not able to get Hackney Carriage badges. He was informed that one Asian man had been on the list for a Hackney Carriage badge for 20 years. He felt that this wasn't fair and he worked over the years to delimit the control on Hackney Carriage licences. As Chair of the Licensing Committee he had pushed forward this initiative. He completely denies the allegation that Councillor Dhaliwal made that he doesn't help Asian members of the community.

Councillor Shine is still aggrieved at the inequality of treatment of himself and Councillor Dhaliwal. He did make a complaint to the Standards Board about her behaviour and was informed that this was all part of the debate in Council Chambers.

Report re investigation into complaint about the conduct of Cllr P Shine**Interview with Cllr D Cryer 9.9.2008**


Jill Bell explained the allegations that had been made concerning Cllr Shine and went through the interview notes of the interview with Cllr Shine on the 24th July. Cllr Cryer said that he believed this was a reasonably accurate account according to his memory of events. He was aware of the bad feeling from the start of the meeting and said that it was a very unpleasant evening. He stated that when bad behaviour starts in meetings he tends to switch off.

This means that although he was aware that Cllr Dhaliwal made a statement he did not hear the content and asked Cllr Dexter Smith what had been said. He felt that the events that followed Cllr Dhaliwal's statement had pushed Cllr Shine into a situation where he felt let down and it was clear he was seeking protection from Officers and the Mayor. He had been provoked and was clearly feeling that his and Cllr Edward's treatment was not favourable. This pushed him into a situation where he felt let down and he then exploded. Cllr Shine had taken 'a lot of stick'. Cllr Choudhury's behaviour of making numerous points of order and constantly standing up and then sitting down was very disruptive.

Cllr Shine immediately recognised that what he had said was incorrect and he apologised straight away. The apology was accepted and Cllr Shine then left the Council Chamber for a break because he was upset.

The issue that had provoked Cllr Shine was the Polling Station issue. Cllr Cryer said that Cllr Shine is not a political animal. He is an independent and has become a victim of the Polling Station Issue. Although there are no official complaints about the location of the Polling Station there is always a lot of rumour and chatter about it. This adds to Cllr Shine's frustration because the allegations are unsubstantiated and he can do nothing about them.

His behaviour was out of character and to his credit he recognised immediately that his behaviour was wrong and apologised.


14/9/08
D.E. CRYER

From: Cllr Choudhry [mailto:]
Sent: 27 November 2008 18:10
To: Cook June
Subject: Re: Statement for Standards (Local Determination) Sub-Committee

Hi June,
I confirm this is my statement which has gone missing in post.
Many thanks

Sent from my iPhone

On 27 Nov 2008, at 14:11, "Cook June" <june.cook@slough.gov.uk> wrote:

Dear Cllr Choudhry

I confirm that the Council has not received the signed copy of the statement you made to Jill Bell regarding the complaint made in respect of Cllr Shine to the Standards Board for England and can only assume it has been lost in the post.

As agreed I attach a copy of the statement and a copy is also set out below. Please will you confirm that the statement is accurate.

Statement of Councillor Pervez Choudhry.

1. I am aware of the complaint made to The Standards Board of England concerning the conduct of Councillor Shine at the Council meeting on 11th December 2007.
2. I recall that I was making a point of order when Councillor Shine said Seig Heil and gave a Nazi salute addressed to me.
3. I was shocked and horrified and immediately stopped speaking. The whole of the Council Chamber went quiet. The Mayor asked Councillor Shine to apologise which he did and I accepted his apology
4. I do not believe this was acceptable conduct on the part of Councillor Shine but I was and still am prepared to accept his apology which I believe was genuine.

Thank you

June Cook
Member Services Manager
Slough Borough Council

SLOUGH BOROUGH COUNCIL.

TOWN HALL.

BATH ROAD

SLOUGH. SL1 3VQ

SLOUGH.

25-11-2008.

FOR THE ATTENTION OF THE LICENSING COMMITTEE,
OR STAND BOARDS.

RE- COUNCILLOR PATRICK SHINE.

1. AS CHAIRMAN OF SLOUGH HACKNEY CARRIAGE ASSOCIATION, AND INDEED AS AN INDIVIDUAL PERSON, I LATIF KHAN WISH TO INFORM BOTH THE CHAIRMAN AND FELLOW COMMITTEE MEMBER COUNCILLORS, AS FOLLOWS:-

A) IN MY HUMBLE OPINION OVER A LONG PERIOD OF TIME COUNCILLOR SHINE HAS ALWAYS ACTED IN A FRIENDLY AND GENTLEMANLY MANNER TOWARDS ALL OTHER PEOPLE REGARDLESS OF THEIR ETHNIC ORIGIN, RELIGIOUS FAITH, POLITICAL PERSUASION, OR RACIAL ORIGIN.

B) ACCORDINGLY I TAKE THIS OPPORTUNITY TO SUPPORT COUNCILLOR SHINE IN HIS DEFENCE OF ANY ALLEGED CHARGE OR CHARGES OF RACISM

C) THIS STATEMENT OF SUPPORT HAS BEEN MADE ON AN ENTIRELY VOLUNTARY BASIS IN THE HOPE THAT JUSTICE IS DONE AND THAT COUNCILLOR SHINE'S DEFENCE IS UPHOLD ACCORDINGLY.
 YOURS FAITHFULLY LATIF KHAN (CHAIRMAN)

Councillor Sean Wright,
15 Garrard Road,
SLOUGH,
Berks
SL2 2QW.

Tel: 01753 579456

28th November 2008.

To Whom It May Concern.

I would like to make you aware of the incident that arose during a council debate at a full Council Meeting held on 11th December 2007 held at the Town Hall.

The agenda item concerned was regarding proposed change of venue for Poling Stations.

Quite early in the debate Cllr Dhaliwel said " all you white councillors did not help the Asians" . Councillor Shine took exception at this remark and referred to it during his allotted time, he did not get any satisfaction from the Mayor or officers for this racist remark. Cllr J Edwards stood up with a point of order and was shouted down by the labour party councillors. Richard Stokes proposed that we go to the vote as the meeting was getting out of hand and this was seconded by Councillor D Munkley this was ignored. The labour party wanted to change the venue from community buildings to possible use of religious premises Cllr Maclsacc thought that this being the case some voters would not be comfortable with this. At this point there was a considerable amount of shouting/jeering from some Labour Councillors, so much so that in particular one Labour Councillor resembled Adolph Hitler with his rhetoric and hysterics. Councillor Shine then stood up and done a Nazi salute. Immediately after this action Councillor Shine realised his error and apologised to all present in the Council Chamber and after made further apologies in the local newspapers.

I have known Councillor Shine for 30 years and have never known him to be racist, he is a hard working Councillor for Britwell which has a diverse community. He represents all people despite their ethnic origin.

Yours Sincerely,



Councillor Sean Wright.

Patrick Shine

From: David MacIsaac [REDACTED]
Sent: 01 December 2008 20:23
To: Shine Patrick
Subject: statement for code of conduct

In the case of complaint against Councillor Patrick Shine, I wish to state the following.

In the Council Debate it was me and not Councillor Shine who stated that some Asian Voters would object to voting in a place of worship such as a church and not Councillor Shine.

I stand by that statement as, even if not Christian, many Asians would think it was disrespectful to vote in a place of worship by any faith.

In the debate Councillor Choudry was doing a lot of shouting and gesturing in the chamber. He did look like Adolph Hitler did when preaching to his Nazi Supporters in Germany from newsreels. In this particular case although we all thought that, Councillor Shine did a silly thing by standing up and doing a Nazi salute. He apologised straight after and also in the press. It was an emotional reaction but certainly does not mean he is racist.

Councillor Shine is not Racist and has never said anything to make me believe he is. He has my permission to use this statement in his defence.

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SLOUGH BOROUGH COUNCIL

Standards (Local Determination) Sub-Committee

Local Hearing Procedure

Interpretation:

“Member” means the Member of the Council who is the subject of the allegation(s) being considered by the Sub-Committee, unless stated otherwise. It also includes the Member’s nominated representative (if any).

“Investigator” means the Ethical Standards Officer (ESO) who referred the report to this Council or the Monitoring Officer and includes his or her nominated representative.

1. Preliminaries

1.1 The Chair will:-

- (a) ask the Members/Officers present to introduce themselves.
- (b) ask the Member Services Manager (or her representative) to confirm that the Sub-Committee is quorate.
- (c) ask the Investigator and the Member if they are to call any witnesses and if so who.
- (d) ask all present to confirm they know the procedure which the Sub-Committee will follow.
- (e) ask the Member, the Investigator and the Monitoring Officer (or his representative) whether there are any reasons to exclude the press and public from the meeting and if so on what grounds
- (f) advise the Sub-Committee that the determination process is in two stages:-
 - (i) whether or not the Member has failed to comply with the Local Code of Conduct as set out in the Investigator’s report and
 - (ii) if the Sub-Committee consider that a breach of the Local Code of Conduct has occurred what action (if any) the Sub-Committee should take.

- 1.2 The Chair will explain how the Sub-Committee is going to run the hearing and remind everyone that the Sub-Committee have received and read all of the witness statements and supporting documentation which form part of the agenda papers. Thus the Investigator and the Member should confine themselves to exploring any inconsistencies within the evidence and draw that to the attention of the Sub-Committee.
- 1.3 The Chair will emphasise that the proceedings are inquisitorial in nature not adversarial so cross-examination is not permitted.

2. Making Findings of Fact/Has there been a Breach? – Stage 1

- 2.1 The Monitoring Officer (or his representative) shall present the report submitted to the Sub-Committee together with the supporting documentation. Confirmation will then be sought from the Member as to whether there are any other additional points i.e. new ones which are not contained in the documentation.
- 2.2 The Investigator will present his case in the presence of the Member and may call witnesses to support the relevant findings of fact in the report.
- 2.3 The Member, will have the opportunity to ask questions of any witnesses the Investigator may call.
- 2.4 The Sub-Committee may ask questions of the Investigator and witnesses.
- 2.5 The Member will present his case in the presence of the Investigator and call such witnesses as he wishes to support his version of the facts.
- 2.6 The Investigator will have the opportunity to ask questions of the Member and his witnesses.
- 2.7 The Sub-Committee may ask questions of the Member and his witnesses.
- 2.8 The Chair shall then seek confirmation from the Members of the Sub-Committee that sufficient information is now available to determine whether there has been a breach of the Code.
- 2.9 At the discretion of the Chair the Investigator and the Member shall be given an opportunity to sum up their case (no more than five minutes each).

- 2.10 The Sub-Committee may, at any time, question anyone involved on any point they raise in their representations.
- 2.11 The Sub-Committee shall then in private identify the material findings of fact and decide whether the Member did fail to comply with the Local Code of Conduct (All parties to leave room except Member Services Manager (or her representative) who will minute). The standard of proof is the balance of probabilities.
- 2.12 Once the Members of the Sub-Committee have come to a decision then all parties shall return to hear the material findings of fact, whether the allegation has been proven and what recommendations they have for the Council to promote high standards of conduct. Reasons will be given for the decision.
- 2.13 If the Sub-Committee find that the case is not proven the meeting must ask the Member whether he wishes the Council not to publish a statement of its findings in a local newspaper. Then the meeting is closed.
- 2.14 If the case has been proven then the Sub-Committee will proceed to Stage 2.

3. What Sanction should be Imposed? – Stage 2

- 3.1 If the Sub-Committee decide that the Member **has** failed to follow the Local Code of Conduct, then it will consider:-
 - (i) whether or not the Sub-Committee should set a penalty; and
 - (ii) what form any penalty should take (see attached)
- 3.2 The Sub-Committee may question the Investigator and Member and take legal advice if appropriate.
- 3.3 The Sub-Committee will then retire to consider whether or not to impose a penalty on the Member, and if so, what the penalty should be.
- 3.4 The Sub-Committee will return and the Chair will announce the Sub-Committee's decision and will provide a short written decision on the day.
- 3.5 The Chair will inform the Member of his right of appeal to the Adjudication Panel for England.

4. Post Hearing Procedure

- 4.1 A full written decision will be issued within 14 days of the end of the hearing which will include full reasons for its decision.

- 4.2 The Sub-Committee will arrange to publish a summary of its findings, the decision reached and where appropriate the penalty set in one or more newspapers (independent of the Council).

Notes

- A. All Members of the Sub-Committee have the right to ask questions/seek clarification once the Investigator and the Member have presented their respective cases.
- B. The Complainant has no right to speak.

APPENDIX D

Admission of Press and Public to Standards (Local Determination) Sub-Committee Hearings

The Standards Board for England recommends that hearings should be held in public where possible to make sure that the hearing process is open and fair. However, there may be some circumstances where parts of the hearing should be held in private.

- 1 At the hearing, the Sub-Committee will consider whether or not the public should be excluded from any part of the hearing, in line with Part VA of the Local Government Act 1972 (as modified in relation to local determinations by Standards Committees). If the Sub-Committee considers that 'confidential information' is likely to be revealed during the hearing, the Sub-Committee must exclude the public by law. 'Confidential information' is defined for these purposes to mean information that has been provided by a Government department under the condition that it must not be revealed, and information that the law or a court order says cannot be revealed.
- 2 The Sub-Committee also has the discretion to exclude the public if it considers that 'exempt information' is likely to be revealed during the hearing. The categories of 'exempt information' are set out in Document 4. The Sub-Committee should act in line with Article 6 of the *European Convention on Human Rights*, which gives people the right to a fair trial and public hearing by an independent and unbiased tribunal. The Sub-Committee also has a duty to act fairly and in line with the rules of natural justice.
- 3 Article 6 says that the public may be excluded from all or part of the hearing if it is in the interest of:
 - (a) Morals;
 - (b) public order;
 - (c) justice;
 - (d) natural security in a democratic society; or
 - (e) protecting young people under 18 and the private lives of anyone involved.
- 4 There should be a public hearing unless the Sub-Committee decides that there is a good reason, which falls within one of the five categories above (3a to e), for the public to be excluded.
- 5 The Sub-Committee must also act in line with Article 10 of the *European Convention on Human Rights*, which sets out the right for people to 'receive and impart information and ideas without interference by public authority'. Any restrictions on this right must be 'prescribed by law and.....necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the

reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary’.

- 6 Conflicting rights often have to be balanced against each other. The Sub-Committee must act in line with Article 8 of the *European Convention on Human Rights*. Article 8 says that everyone has the right to respect for their private and family life, home and correspondence. It says that no public authority (such as the Sub-Committee) may interfere with this right unless it is:-
- (a) in line with the law; and
 - (b) necessary in a democratic society in the interests of:
 - (i) national security;
 - (ii) public safety;
 - (iii) the economic well-being of the country;
 - (iv) preventing crime or disorder;
 - (v) protecting people’s health and morals (which would include protecting standards of behaviour in public life); or
 - (vi) protecting people’s rights and freedoms.

There is a clear public interest in promoting the probity (integrity and honesty) of public authorities and public confidence in them. For these reasons the hearing should be held in public unless the Sub-Committee decides that protecting the privacy of anyone involved is more important than the need for a public hearing.

- 7 In relation to people’s rights under both Articles 8 and 10 of the *European Convention on Human Rights*, it should be remembered that any interference with or restriction of those rights must be ‘necessary’ if it meets ‘a pressing social need’, and any restriction on people’s rights must be ‘proportionate’.
- 8 The Standards Board for England recommends that a Standards Committee/Sub-Committee should move to a private room when considering its decisions. It is not considered that this will conflict with the rights under the *European Convention on Human Rights* or the duty to act fairly.

APPENDIX E

Categories of “Exempt Information” under Schedule 12A of the Local Government Act 1972 (as modified in relation to local determinations by Standards Committees)

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes—
 - a. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - b. to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
- 7A Information which is subject to any obligation of confidentiality
- 7B Information which relates in any way to matters concerning national security
- 7C The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.

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SLOUGH BOROUGH COUNCIL Standards (Local Determination) Sub-Committee

The Standards Committee (England) Regulations 2008

Penalties

1. Under these Regulations, Standards Committees/Sub-Committees can impose one, or any combination, of the following sanctions:-
 - a) censure of that member;
 - b) restriction for a period not exceeding six months of that member's access to the premises of the authority or that member's use of the resources of the authority, provided that those restrictions—
 - (i) are reasonable and proportionate to the nature of the breach; and
 - (ii) do not unduly restrict the person's ability to perform the functions of a member;
 - c) partial suspension of that member for a period not exceeding six months;
 - d) suspension of that member for a period not exceeding six months;
 - e) that the member submits a written apology in a form specified by the standards committee;
 - f) that the member undertakes such training as the standards committee specifies;
 - g) that the member participate in such conciliation as the standards committee specifies;*
 - h) partial suspension of the member for a period not exceeding six months or until such time as the member submits a written apology in a form specified by the standards committee;
 - i) partial suspension of the member for a period not exceeding six months or until such time as the member has undertaken such training or has participated in such conciliation as the standards committee specifies;
 - j) suspension of the member for a period not exceeding six months or until such time as the member has submitted a written apology in a form specified by the standards committee;
 - k) suspension of the member for a period not exceeding six months or until such time as that member has undertaken such training or has participated in such conciliation as the standards committee specifies.
2. Subject to paragraph (3) below and regulation 21 (relating to appeals) any sanction imposed under this regulation shall commence immediately following its imposition by the standards committee.

3. A standards committee may direct that the sanction imposed under any of sub-paragraphs (b) to (k) of paragraph (1) or, where a combination of such sanctions is imposed, such one or more of them as the committee specifies, shall commence on such date, within a period of six months after the imposition of that sanction, as the committee specifies.

- **Any conciliation process should have an agreed time frame for resolution. The process may be of an informal or formal nature, involving elements of training and mediation that will lead to an effective and fair conclusion of the matter. Any decisions reached during the process regarding future behaviour of the Member concerned, and measures to prevent a repetition of the circumstances that gave rise to the initial allegation, should be agreed by all parties.**

November 2008