

Standards (Determination) Sub-Committee – Meeting held on Thursday, 19th April, 2012.

Present:-

Co-opted Independent Members:-

Mr Mike Field, Mr Fred Ashmore and Mr Alan Sunderland

Elected Members:-

Councillors Minhas and Plenty

Also present:-

Councillors P Choudhry and Rasib, Mr Bal and Mr Zarait (former Councillors), Kuldip Channa (Investigating Officer), Teresa Clark and Catherine Meek (Democratic Services Officers) and Kevin Gordon (Monitoring Officer)

Witnesses:- Councillors Dodds and Swindlehurst (for Councillor Rasib)

PART I

16. Declarations of Interest

Mike Field declared a personal interest in that in a former occupation he was a property consultant and was involved with discussions around the Aspire Site for some years.

Alan Sunderland declared that in his role employment as a Bank Manager he had met Mr Koser, (the applicant in the subject planning application) occasionally in a business capacity but had not seen him for over a year and did not view this as detrimental in his role as a member of the Sub-Committee.

Councillor Plenty declared that he is an Auditor for the Labour Party accounts in Slough and therefore has sight of all donations received.

17. Minutes of the previous Meeting of the Sub-Committee held on 28th February 2012

The Minutes of the previous meeting of the Sub-Committee held on 28th February, 2012 were approved as a correct record.

18. Alleged Breach of Local Code of Conduct - Councillors P Choudhry, Rasib and former Councillors Bal and Zarait (SBC 2010/25)

The Sub-Committee met to determine an allegation made by former Councillor Maclsaac that Councillors P Choudhry, Rasib and former Councillors Bal and Zarait had failed to comply with the Local Code of Conduct. At its meeting on 10th January, 2011, the Standards (Assessment) Sub-Committee considered the complaint and decided to refer the matter to the Standards (Determination) Sub-Committee for investigation. In

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accordance with the arrangement agreed by the Standards Committee the Monitoring Officer appointed Kuldip Channa, Principal Lawyer as the Investigating Officer.

At the Chair's invitation introductions were made by all participants following which the Chair drew attention to the procedure that would be following during the hearing and all parties confirmed that they were aware of it. The Investigation Officer, the subject members and former members indicated that there were no grounds for the exclusion of the press and public from the meeting.

The Investigating Officer's final report detailing the outcome of the investigation and the conclusions reached were submitted along with the subject members written responses thereto. Prior to the commencement of the hearing of evidence Mr Bal and Mr Zarait requested that the Sub-Committee adjourn the hearing so that they could instruct a legal representative to present their case. Councillor P Choudhry also requested an adjournment of hearing and stated that he had not yet had an opportunity to be interviewed by the Investigating Officer and would also seek to appoint legal representation and call witnesses.

(The meeting of the Sub-Committee adjourned at 6.45pm to consider the requests for adjournment and reconvened at 7.20pm).

The Sub-Committee considered the requests for adjournment and decided unanimously that the respective individuals had had ample opportunity to appoint legal representation if required (and call witnesses) and had all received an invitation to discuss their case with the Investigation Officer. The Sub-Committee decided that it would proceed to determine the complaint. In response to a question as to whether a Member could have his case considered individually, the Sub-Committee was advised by their Legal Advisor, Ms Healy that whilst the complaint had been raised against the four Members/ former Members as a group, the Sub-Committee should also have regard to the circumstances relating to those Members individually.

The Investigating Officer's final report detailing the outcome of the investigation and the conclusions reached were considered together with the subject members written responses thereto. Ms Channa placed on record her sincere apologies for the time it had taken to bring the case to the Sub-Committee and she thanked all those who had fully co-operated with the investigation. The general summary of the complaint and alleged breach of the Code identified by the Investigating Officer was that Paragraph 5 of the Code had been breached in that the four subject members had conducted themselves in a manner which could reasonably be regarded as bringing their office and authority into disrepute. Ms Channa presented the case and all parties and their witnesses were given the opportunity to address the Sub-Committee and ask questions. The Sub-Committee was given the opportunity to ask questions to clarify the evidence submitted.

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On completion of the presentation, the Sub-Committee confirmed that they had sufficient information to determine whether or not there had been a breach of the Local Code of Conduct. All parties withdrew from the room to enable the Sub-Committee to consider its decision.

(The meeting adjourned at 10.15 pm and reconvened at 10.35 pm)

(Councillor P Choudhry left the meeting at 10.15 pm)

On reconvening the hearing, the Chair advised that the Sub-Committee had carefully considered all of the evidence presented and the Investigating Officer's report. Whilst there were some serious areas of concern, on the balance of probability, having given Members the benefit of the doubt, the Sub-Committee determined that the requirement under Paragraph 5 of the Local Code of Conduct that, "You must not conduct yourself in a manner which could reasonably be regarded as bringing your office into disrepute", had not been breached and that the case against the subject members had not been proven.

The Sub-Committee recommended that the Local Authority review its Planning processes and Member training procedures.

The subject Members/ former Members were asked whether they wished the decision of the Sub-Committee to be published formally in the local press and they confirmed that that they did not wish the decision of the Sub-Committee to be formally published in this manner.

Resolved –

- (a) That no further action be taken with regard to the complaint.
- (b) That Officers take action to review the Authority's planning processes and member training procedures.

(Note: The Meeting opened at 6.35 pm and closed at 10.40 pm)

Chair