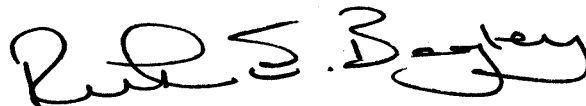


Date of issue: 7th March 2014

MEETING:	STANDARDS ADVISORY COMMITTEE (Councillors Grewal (Chair), A S Dhaliwal, M S Mann, Matloob, Minhas, Strutton) CO-OPTED INDEPENDENT MEMBERS Ronald Roberts and Alan Sunderland PARISH COUNCIL MEMBERS Councillor Scott Bryant (Colnbrook with Poyle) Councillor Janice Finn (Britwell) Councillor Harjinder Singh Gahir (Wexham Court) INDEPENDENT PERSON Fred Ashmore
DATE AND TIME:	TUESDAY, 18TH MARCH, 2014 AT 6.30 PM
VENUE:	MEETING ROOM 2, CHALVEY COMMUNITY CENTRE, THE GREEN, CHALVEY, SLOUGH, SL1 2SP
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	GREG O'BRIEN 01753 875013

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

AGENDA

PART I

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
	Apologies for absence.		
1.	Declarations of Interest <i>All Members who believe they have a Disclosable Pecuniary or other Pecuniary or non pecuniary Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 3 paragraphs 3.25 – 3.27 of the Councillors' Code of Conduct, leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with Paragraph 3.28 of the Code.</i> <i>The Chair will ask Members to confirm that they do not have a declarable interest.</i> <i>All Members making a declaration will be required to complete a Declaration of Interests at Meetings form detailing the nature of their interest.</i>		
2.	Minutes of the last meeting held on 3rd October 2014	1 - 4	
3.	Membership <i>To note that Colnbrook with Poyle Parish Council have appointed Scott Bryant as their representative in place of Charles Burke.</i>		
4.	The Localism Act 2013 - Raising the Standards?	5 - 8	
5.	Draft Annual Review May 2013 to March 2014	9 - 18	
6.	Independent Person Appointment <i>Advertising for the position of Independent Person for the Council commenced in February 2014, with a view to appointment of a successor to Mr Fred Ashmore by the time of the Annual Council on 5th June 2014.</i>		
7.	Members Attendance Record	19 - 20	
8.	Date of Next Meeting Wednesday 18 th June 2014		

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

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Standards Advisory Committee – Meeting held on Thursday, 3rd October, 2013.

Present:- Councillors Grewal (Chair), A S Dhaliwal, M S Mann, Matloob, Minhas and Strutton

Co-opted Independent Members:-

Ronald Roberts and Alan Sunderland

Parish Council Members:-

Councillor Harjinder Singh Gahir

Independent Person

Fred Ashmore

Apologies for Absence:- Parish Councillor Finn

PART 1**1. Declarations of Interest**

None was declared.

2. Minutes of the last meeting held on 18th April 2013

Resolved - That the minutes of the meeting of the Committee held on 18th April 2013 be approved as a correct record.

3. Welcome to New Members

The Committee noted two new Parish Council appointments to the Committee:

- Cllr Charles Burke, Colnbrook with Poyle Parish Council
- Cllr Janice Finn, Britwell Parish Council

Neither was present at the meeting.

4. Arrangements for Co-opted Member and Independent Person appointments

The Monitoring Officer made an oral report to the Committee on the position regarding the appointment of the Council's Independent Person.

The Committee was reminded that the Localism Act 2011 had introduced a new Standards regime, including provisions for the appointment of an Independent Person for the Council. The late Mike Field had been appointed to this position from 1st July 2012 and following his untimely death, had been succeeded by Fred Ashmore (formerly a Co-opted Independent member)

from October 2012. The intention of the legislation was that the Independent Person should not have been an elected or co-opted member of the Authority in the 5 years prior to appointment, but there had been transitional arrangements to allow such appointments for up to a year. It had been hoped that the transitional arrangements would be extended but this had not happened. As a result, it would be necessary for Fred Ashmore to stand down as the Independent Person and for the Council to commence the process to appoint a replacement.

The Committee expressed its regret at losing the services of Fred Ashmore, but noted he would remain available to advise and assist in the run up to appointment of a replacement. The Council would be required to advertise the position of Independent Person, for persons interested to make application, and for candidates to be interviewed by Group Leaders prior to approval of an appointment by the Council. The Monitoring Officer also reported he was looking into whether there was any scope for sharing the services of an Independent Member with a neighbouring authority.

Resolved –

- (a) That the Monitoring Officer be asked to begin the process to recruit and appoint a new Independent Person for the Council.
- (b) That a formal vote of thanks be offered to Fred Ashmore for his work for the Committee over a number years, both as Independent Person and previously as a Co-opted Independent Member.

5. Standards (Determination) Sub-Committee held on 30th July 2013

The Committee noted that the Standards (Determination) Sub-Committee had met on 30th July 2013 to determine an allegation that Cllr Bains had breached the Council's Code of Conduct by failure to disclose pecuniary interest/s on his notification of Disclosable Pecuniary Interests form.

The Committee received the Notice of Determination issued by the Sub-Committee containing its findings.

Resolved – Noted.

6. Schedule of Activity - Code of Conduct

The Committee considered a report containing an update of the activity undertaken by the Monitoring Officer in relation to complaints received under the Code of Conduct.

As part of the new arrangements for dealing with complaints coming into effect from 1st July 2012, the Council had delegated to the Monitoring Officer the initial decision on whether a complaint required investigation, subject to consultation with the Independent Person. This included an opportunity for the Monitoring Officer to seek to resolve a complaint informally where a formal investigation did not appear to be merited.

The report contained a schedule summarising the 7 complaints received in the period February to September 2013. This distinguished between complaints against Borough and Parish Councillors, and specified the nature of the complaint/area of the Code alleged to have been breached. A number of the complaints related to issues at Parish Councils which, as indicated by the Monitoring Officer, could be resolved through good Chairmanship of meetings backed by the support of a Parish Clerk with a good knowledge of their role. Useful advice, assistance and access to training was available from the National Association of Local Councils and the local Berkshire Association of Local Councils and complainants and Parishes had been reminded of the this.

The Committee noted that with one exception, none of the complaints had merited formal investigation and subsequent referral to the Sub-Committee for determination. Where complaints were settled informally, they were usually completed with three weeks of receipt, avoiding the substantial use of time and resources. There were two cases where the Monitoring Officer had declined to take matters further unless corroborating evidence of the alleged misconduct could be provided by the complainant. In neither case had this been received. The Committee considered there was merit in giving a deadline for the receipt of such evidence.

Resolved - That the report be noted.

7. Openness and Transparency on Personal Interests

[The Chairman allowed this as an urgent item since it concerned new Guidance issued since the agenda was published].

The Committee was informed that the Department for Communities and Local Government (DCLG) had just issued amended guidance on openness and transparency on personal interests – to include registration of trade union membership. This made two minor revisions to the guidance as previously issued, and referred to the requirement to make a specific disclosure of your trade union membership, in adherence with the Seven Principles of Public Life. A copy of the new Guidance was tabled for the Committee.

The Committee noted that the amended Guidance raised no issue not covered by the Council's existing arrangements. The form for notification of Disclosable Pecuniary Interests (DPI) already had a note indicating that under 'Sponsorship', any payment or financial benefit from trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 should be declared. The separate form for non-statutory interests – pecuniary and non-pecuniary interests included a section for registering membership of 'Any body one of whose principal purposes includes the influence of public opinion or policy', with a specific note that this should include any political party or trade union.

A general discussion ensued and Members expressed views about need for declarations of interests in certain circumstances.

Resolved –

- (a) That the new Guidance be noted; and
- (b) That a general reminder be issued through the Members' Bulletin, drawing attention to the new Guidance and requesting Members to ensure that their notifications for the register of interests are accurate and up to date.

8. Members Attendance Record

Resolved - That the Members' attendance record be noted.

9. Date of Next Meeting

The date of the next meeting was confirmed as 21st January 2013.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.28 pm)

SLOUGH BOROUGH COUNCIL

REPORT TO: Standards Advisory Committee

DATE: 18th March 2014

CONTACT OFFICER: Greg O'Brien, Democratic Services Officer
01753 875013

WARD(S): All

PART I

FOR INFORMATION AND COMMENT

THE LOCALISM ACT 2011 – RAISING THE STANDARDS?

1. Purpose of Report

There have been a number of pieces of work, most notably a survey undertaken by the journal *Local Government Lawyer*, looking at how well the revised standards regime introduced by the Localism Act 2011 has worked out in practice. This report summarises the main conclusions of the research undertaken and other reports/guidance issued recently.

2. Recommendations

The Committee is invited to consider the report, take a view on experience of the new regime in Slough, and whether there are any lessons which could be learnt.

3. Slough Joint Wellbeing Strategy Priorities

The delivery of the Joint Wellbeing Strategy priorities is dependent on good governance arrangements being in place in order that the Council has a transparent and accountable process for effective decision-making. This is underpinned by the Code of Conduct, which forms the bedrock of the conduct regime for Members and aims to ensure that ethical behaviour and governance of the highest order is maintained.

4. Other Implications

(a) Financial

There are no financial implications of this report.

(b) Human Rights Act and Other Legal Implications

The Council is under a statutory duty to adopt a code of conduct maintain a register of members' interests.

5. Supporting Information

Local Government Lawyer Survey

5.1 The Local Government Lawyer magazine has published the results of a survey of its readers around the dismantling of the old standards regime (including abolition of the Standards Board) and its replacement with a 'lighter touch' system including disclosable pecuniary interests (DPIs) and independent persons. Ministers had claimed that the old regime had led to "an explosion in petty, partisan and malicious complaints that dragged down the reputation of local government, as well as suppressing freedom of speech".

5.2 The verdict from respondents to the survey was mixed; while 22% said that the new measures had led to a fall in the number of vexatious complaints, 63% were of the opinion that they had made no difference. The new rules had been criticised for being too weak and 85% of local authority lawyers and governance officers had said that the current sanctions available to deal with member misconduct were inadequate (with only 13% saying they were about right). The following comments made give a flavour of the views expressed:

- Complaints by members about members have decreased – complaints from the public have increased.
- Some members feel there is no point in complaining, given that "there are no teeth in the new system".
- There's a false assumption that vexatious complaints rise or fall dependent on the complaint regime in place. "Your average vexatious complainant will complain whatever is in place".
- Parishes feel increasingly that they are only accountable to themselves and the district/borough has no power to control them or to sanction any individual member.
- While the new regime enables complaints to be dealt with more quickly (good in the case of trivial complaints) it does not work in the case of more serious complaints where the public perception is that nothing is being done about these.

5.3 Most frequent among the suggestions for improvements was the call for the introduction of a wider range of meaningful sanctions, and in particular the re-introduction of a power to suspend a member. A sanction that would enable the unreasonable behaviour of some members towards staff to be tackled was also referred to. Respondents would also like to see greater clarity in relation to DPIs and personal interests.

Thanet Council Report

5.4 At Thanet Council, where the authority had been described as dysfunctional with members' behaviour and internal squabbles threatening to adversely affect the delivery of services, the four independent members of the Standards Committee had issued a report calling for action to tackle the low esteem in which the Council was held. The report concluded that there was an overall impression that council members were distrustful of each other, and of the public, and displayed a 'siege mentality' contributing to behaviour falling short of the stated aim of high standards of conduct.

5.5 The independent members report called on all councillors to demonstrate respect in all aspects of their work, including their dealings with each other, with officers of

the council, and crucially with the public. In summary it concluded that to take no action and allow the current situation to continue carried considerable risk; the leaders of the political groups could address the behaviour of their members but this risked a lack of consistency across the council; the preferred action was training for all elected members, which to be effective should be compulsory.

Committee on Standards in Public Life

- 5.6 The Committee on Standards in Public Life had issued a report calling for greater openness by (Government, Parliament and) Local Government around lobbying of public office holders. This arises from suspicions that some lobbying may take place in secret and if it is not known who is influencing decisions, there is no opportunity for those who take a different view to rebut arguments or submit their own views. Also, there is concern that some individuals or organisations may have greater access to policy makers or because of the way lobbying may be carried out, accompanied for instance by entertainment or other inducement.

Transparency International UK report on corruption in local government

- 5.7 This organisation had issued a report with the key recommendation to Government that the changes taking place in local government should be reviewed, to ensure that they do not inadvertently create an enabling environment for corruption. Specific recommendations were also included regarding such matters as introducing a statutory requirement for local authorities to have an Audit Committee, requiring private companies operating services in the public interest to comply with Nolan principles, for local authorities to carry out a periodic corruption risk assessment in relation to their own functions and operations and for further research to be carried out to quantify the scale of corruption in UK local government. It is proposed that a more detailed report is prepared on this for the further consideration of this Committee and the Audit and Risk Committee, possibly at a joint meeting.

6. Conclusion

- 6.1 Each of the foregoing pieces of research/reports highlights areas of practice and procedure which call for the good conduct of members both individually and collectively. The Committee is invited to consider how local practice and conduct measures up, and whether there are any steps which could be recommended with a view to the promotion and maintenance of high standards of conduct.

7. Background Papers

1. Local Government Lawyer Magazine article – December 2013
2. Thanet District Council Independent Members report on standards – November 2013
3. Committee on Standards in Public Life report: “Strengthening Transparency around lobbying” – November 2013
4. Transparency International UK report: “Corruption in UK Local Government” – October 2013

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SLOUGH BOROUGH COUNCIL

REPORT TO: Standards Advisory Committee

DATE: 18th March 2014

CONTACT OFFICER: Greg O'Brien, Democratic Services Officer
01753 875013

WARD(S): All

PART I

FOR DECISION

STANDARDS ADVISORY COMMITTEE DRAFT ANNUAL REVIEW 2013/14

1. Purpose of Report

The purpose of this report is to submit the draft Annual Review May 2013 to March 2014 of work completed and proposed within the purview of the Committee.

2. Recommendations

The Committee is requested to approve the draft Annual Review as attached at Appendix A together with any amendments or additions that Members may wish to make.

3. Slough Joint Wellbeing Strategy Priorities

The delivery of the Joint Wellbeing Strategy priorities is dependent on good governance arrangements being in place in order that the Council has a transparent and accountable process for effective decision-making. This is underpinned by the Code of Conduct, which forms the bedrock of the conduct regime for Members and aims to ensure that ethical behaviour and governance of the highest order is maintained.

4. Other Implications

(a) Financial

There are no financial implications of this report.

(b) Human Rights Act and Other Legal Implications

There are no human rights or other legal implications.

5. Supporting Information

5.1 The Council's Constitution requires the Committee to produce an Annual Review of its work. The draft Annual Review attached at Appendix A seeks to summarise

the activity and action over the last year and looks ahead to activities planned in the year ahead and includes:

- Introduction by the Chair
- Roles and functions of the Committee
- Activity and action in 2013/14
- Committee Membership 2013/14
- Complaints activity
- Future training

5.2 The Committee is invited to comment on the draft Annual Review and put forward any changes it wishes to make.

5.3 Once approved, it suggested the Annual Review be made widely available and accessible to the Council's partners, stakeholders and the public at large through publication on the website and intranet and available in local libraries.

6. **Appendices Attached**

Appendix A - Annual Review May 2013 to March 2014

SLOUGH BOROUGH COUNCIL

STANDARDS ADVISORY COMMITTEE

ANNUAL REVIEW

MAY 2013 TO MARCH 2014

THE STANDARDS ADVISORY COMMITTEE

Membership of the Standards Advisory Committee is as follows:

Elected Members

Councillor Jagit Grewal (Chair)
Councillor Arvind Dhaliwal
Councillor Mewa Mann (Vice-Chair)
Councillor Fiza Matloob
Councillor Harjinder Minhas
Councillor Wayne Strutton

Co-Opted Independent Members

Ronald Roberts
Alan Sunderland

Parish Council Members

Charles Burke / Scott Bryant (Colnbrook with Poyle Parish Council)
Janice Finn (Britwell Parish Council)
Harjinder Singh Gahir (Wexham Court Parish Council)

Independent Person (Observer only)

Fred Ashmore

Note

Parish Councillors Charles Burke and Janice Finn were newly appointed to the Committee by their respective Parish Councils in May/June 2013. In March 2014 Colnbrook with Poyle Parish Council appointed Scott Bryant in place of Charles Burke.

The Committee met two occasions during the year, on 3rd October 2013 and 18th March 2014. It is pleasing to note that matters around Member Conduct were sufficiently light to enable two Committee meetings during the year to be cancelled owing to insufficient business. Committee agenda papers, reports and minutes are available on the Council's website at www.slough.gov.uk

Kevin Gordon, Assistant Director Professional Services, is the Council's Monitoring Officer, with whom the Committee has joint responsibility to produce this Annual Review.

Introduction by the Chair

2013/14 has been a time for consolidation of the arrangements introduced in the Localism Act 2011 for the regulation of standards of conduct for elected and co-opted members of the Borough Council and Parish Councils. This has allowed a period for Members familiarise themselves with their responsibilities under the new arrangements and in particular the new statutory duty for Members to register their 'Disclosable Pecuniary Interests'. These declarations, together with those arising from the locally imposed duty to notify the Monitoring Officer of other pecuniary and non-pecuniary interests, form the public Register of Members' Interests, available for viewing on the Council's website.

The Standards Advisory Committee has an important role in overseeing the investigation and determination of any complaints against Members where a failure to comply with the Code of Conduct has been alleged. I wish to thank the Members and Co-opted Members of the Committee, and the Independent Person, for their assistance over the year and hope that we may continue to work together to promote and maintain high standards of conduct by all Members.

Councillor Jagit Grewal

Roles and Functions of the Committee

The Committee's main roles and functions revolve around:

- Promoting and maintaining high standards of conduct and assisting Members to observe these as set out in the Council's Ethical Framework and the Code of Conduct.
- Advising and training Members in all matters relating to the Ethical Framework, monitoring the operation of it and Members' performance against it.
- Keeping under review the Code of Conduct and the Whistle-Blowing policy and making recommendations to the Council when revisions are considered to be ready.
- The determination of any written complaints against a Member and the taking of any appropriate action.

Activity and Action in 2013/14

The Localism Act 2011 placed a duty on the Council to adopt a Code of Conduct which must be, when viewed as a whole, consistent with the following principles:

- (a) selflessness;
- (b) integrity;
- (c) objectivity;
- (d) accountability;
- (e) openness;
- (f) honesty;
- (g) leadership.

These principles, known as the Seven Principles of Public Life, were developed by the Committee on Standards in Public Life (originally known as the Nolan Committee), an independent public body which advises government on ethical standards across the whole of public life. The Borough Council in common with most local authorities and other public bodies incorporated the Seven Principles into its Code of Conduct adopted in June 2012, together with the description of each Principle. In its 14th report the Committee on Standards in Public Life set out revised descriptions to a number of the Seven Principles, which generally strengthened the wording and in some cases widened their scope. The Council adopted the revised wording of the Seven Principles for the Code of Conduct on 16th May 2013, on the recommendation of the Standards Advisory Committee.

A further development in the body of advice available to Members came in the shape of the issue by the Department for Communities and Local Government (DCLG) of a revision to its guide for Councillors entitled "Openness and Transparency on Personal Interests". The Guide contained background information on why the Government had brought in the new standards arrangements, and gave useful advice about personal interests, Disclosable Pecuniary Interests, and how a Member affected should act. Two additions to the guide concerned the requirement for a Member to make a specific disclosure of trade union membership. The Committee took the view that the amended guidance raised no issue that was not already covered by the Council's existing arrangements. The Guide was made available to Members and a general reminder was issued through the Members' Bulletin drawing attention to it requesting Members to ensure that their notifications for the register of interests are accurate and up to date.

Committee Membership 2013/14

As noted above, Britwell and Colnbrook with Poyle Parish Councils appointed new representatives to sit on the Committee.

Although not formally a member of the Committee, the Council's Independent Person, Mr Fred Ashmore, was due to stand down during the year as his appointment under the transitional arrangements of the Localism Act became time expired. Steps were taken to advertise for persons interested in taking

up the position of Independent Person, who was expected to work closely with the Monitoring Officer, and be consulted at various stages of the Standards process. The aim was to complete the recruitment process in time for the appointment of the recommended candidate to be confirmed at the Annual Meeting in May 2014.

A vacancy also exists for a third co-opted Independent Member to be appointed and it was the intention to consider this further in the light of interest received in the Independent Person position.

Complaints Activity

It is satisfactory to note that there has been a relatively low level of complaints activity during the year.

There were five complaints pending at the end of the last year which were awaiting initial assessment by the Monitoring Officer. Three of the complaints were in relation to issues involving both Parish and Borough Councillors (where the Borough Councillors were twin-hatted) and the other two related to Borough Councillors. A summary of the complaints and the outcome (in each case reached after consultation with the Independent Person) is:

Complaint about	No.	Outcome
Interests [Section 3 of Code] Queries about decision of Parish Council	2	Minutes record that interests were declared. No breach of Code. Queries about decision referred to Parish Clerk.
Verbal abuse by Councillor – treating others with respect [2.1 of Code]	1	Considered complaint was motivated by malice, tit-for-tat or politically motivated. No further action.
Behaviour not open, honest or genuine at a public meeting – maintaining high standards of conduct [2.4 of Code]	1	Reminder about good conduct sent to subject councillor and Group Leader. Complainant declined to provide further evidence of breach of code.
Alleged behaviour in relation to Union colleague in breach of the Principles of Public Life and the Code of Conduct [1.4 to 1.6 of the Code]	1	Allegation did not relate to activity in the role of Councillor. No further action.

There were seven complaints received in the year, five of which related to Parish Councillors and two related to a Borough Councillor. A summary of the complaints and the outcome (in each case reached after consultation with the Independent Person) is:

Complaint about	No.	Outcome
Failure to treat others with respect [2.1 of Code]	1	Reminder about good conduct sent to subject councillor. No further action.
Bullying/harassment - failure to treat others with respect [2.1 of Code]	1	Considered not appropriate since complaint submitted by a third party.
Non disclosure of Disclosable Pecuniary Interest [3.4 of Code]	1	Referred for investigation. Considered by Standards (Determination) Sub-Committee – found that the Code had been breached although Member had rectified the notification of his DPI.
Bullying; rude and abusive behaviour; failure to treat others with respect [2.1 of Code]	1	Reminder letter to Parish Councillor drawing attention to those parts of the Code which his behaviour placed him in breach of.
Procedural matters relating to the running of Parish Council meetings	1	Not considered to fall within the Code. Response sent to complainant with comments from the Parish Clerk.
Non Disclosure of Disclosable Pecuniary Interest [3.4 of Code]	1	Referred for investigation.
Offensive email; bringing the office into disrepute [2.3 of the Code].	1	Referred for investigation.

Future Training

In order to promote and maintain high standards of conduct, there is an ongoing need to provide training and guidance for Members, to refresh and renew understanding of and compliance with best practice on standards issues and good governance. There is also a need to bear in mind new Members coming into office through normal electoral turnover. With whole Borough elections programmed for May 2014 it is proposed to build relevant standards training into the induction programme for the new Council.

Further Information

For further information on Standards matters generally or advice in relation to the Code of Conduct, please contact either:

Kevin Gordon, Monitoring Officer	Catherine Meek, Head of Democratic Services
01753 875213	01753 875011
kevin.gordon@slough.gov.uk	catherine.meek@slough.gov.uk

MEMBERS' ATTENDANCE RECORD 2013/14

STANDARDS ADVISORY COMMITTEE

		3.10.13	18.03.14
COUNCILLORS	A S Dhaliwal	P	
	Grewal	P	
	M S Mann	P	
	Matloob	P	
	Minhas	P	
	Strutton	P	
INDEPENDENT MEMBERS	Ron Roberts	P	
	Alan Sunderland	P	
PARISH COUNCILLORS	H S Gahir	P	
	Scott Bryant	--	
	Charles Burke	Ab	--
	Janice Finn	Ap	
INDEPENDENT PERSON	Fred Ashmore	P	

P = Present for whole meeting
 Ap = Apologies given

P* = Present for part of meeting
 Ab = Absent, no apologies given

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