

Standards (Determination) Sub-Committee – Meeting held on Tuesday, 30th July, 2013.

Present:-

Co-opted Independent Members:-

Mr Alan Sunderland and Mr Ronald Roberts

Elected Members:-

Councillors M S Mann (Chair), A S Dhaliwal and Minhas

Independent Person:-

Mr Fred Ashmore

Also present:- Councillors Bains and Strutton.

PART 1

1. Appointment of Chair

Resolved - That Cllr M S Mann be appointed to Chair the meeting.

2. Declarations of Interest

Cllrs A S Dhaliwal and M S Mann declared a personal interest in that they had known Cllr Bains, the subject Member, as a friend and colleague over a long period. The Monitoring Officer advised that provided Members considered the business in an open and independent manner, this would not preclude them taking part in the Sub-Committee's deliberations.

3. Minutes of the last Meeting of the Sub-Committee held on 19th April 2012

Resolved - That the minutes of the last meeting of the Sub-Committee held on 19th April 2012 be approved as a correct record.

4. Complaint of Failure to Observe the Councillors' Code of Conduct - Councillor Balvinder Bains

The Sub-Committee met to determine an allegation made by Councillor Strutton that Councillor Bains (the subject Member) had breached the Council's Code of Conduct by failure to disclose pecuniary interest/s on his notification of Disclosable of Pecuniary Interests form dated 9th January 2013.

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At the invitation of the Chair, introductions were made by all parties present. Attention was drawn to the procedure to be followed during the hearing and all parties confirmed their understanding of it.

Mrs Amardip Healy, the Investigating Officer appointed to look into the complaint, presented her report and outlined the background to the new Standards regime introduced by the Government with effect from July 2012. This included a revision of the procedure in relation to Members' interests requiring the completion of a form of notification of Disclosable Pecuniary Interests (DPI) by all Members. Pecuniary Interests included business interests (for example employment or trade, any contract or company interests) and wider financial interests (for example trusts, investments and assets including land and property) for both the Member and his/her spouse/partner. The Regulations detailing the new requirements had been issued very late in the day leaving local authorities very little time to prepare Members to comply with their new statutory duties.

The Investigation report concluded that the subject Member had failed to notify a Disclosable Pecuniary Interest relating to his employment. The subject Member had also failed to disclose his membership of a Trade Union, but since this was not carried out for profit or gain, it was not a Disclosable Pecuniary Interest. The Investigating Officer's report also referred to a subsequent allegation made by the complainant that the subject Member had failed to declare properties within the Borough in which he had a beneficial interest. The subject Member's notification disclosed ownership of three properties in the Borough; the subject Member had confirmed there were no other properties in his ownership in the Borough and no evidence had been presented to the contrary. The Investigating Officer confirmed that there was no evidence that the failure to declare was deliberate or malicious. Neither was there any evidence that the subject Member had derived any gain arising from the non-disclosure or that his position on any Committee where he was present had been compromised.

In a statement to the Committee, Cllr Bains apologised for the error made on completion of his notification of DPI form, which he indicated had been a genuine oversight on his part. He had disclosed his employment with BAA (where he had worked for 23 years) on previous interests forms but had mistakenly omitted this from the new DPI form. A corrected DPI form had since been submitted by Cllr Bains and added to the Register of Interests.

The Sub-Committee retired to consider its decision. After consideration of all the evidence, and having established that Cllr Bains had no further comment to make, the Sub-Committee

Resolved - To record a finding that the subject Member had breached the Code of Conduct by failure to correctly complete his notification of Disclosable Pecuniary Interests (relating to his employment).

The Sub-Committee retired again to consider what action (if any) to take. On resumption it was

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Resolved - That having accepted the apology of the subject Member, the following action be taken:

- To publish the finding of failure to notify Disclosable Pecuniary Interests in the normal way that decisions of the Council are published.
- To report the findings to the next meeting of the Standards Advisory Committee.

The Sub-Committee further recommended that all Councillors be reminded to review their notification of Disclosable Pecuniary Interests forms to ensure these are correct, and request any assistance, if required, from the Monitoring Officer or Democratic Services.

In accordance with the agreed procedure, the foregoing would be set down in a Decision Notice issued by the Monitoring Officer, in consultation with the Chair, and sent to the complainant and the subject Member.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.20 pm)