

Date of issue: 10<sup>th</sup> June 2014

<b>MEETING:</b>	<b>STANDARDS ADVISORY COMMITTEE</b> (Councillors M Holledge (Chair), A S Dhaliwal, Dhillon, Matloob, Sandhu and Usmani)  <b>CO-OPTED INDEPENDENT MEMBERS</b> Ronald Roberts and Alan Sunderland  <b>PARISH COUNCIL MEMBERS</b> Councillor Scott Bryant (Colnbrook with Poyle) Councillor Harjinder Singh Gahir (Wexham Court) Britwell Parish Council Representative - TBA  <b>INDEPENDENT PERSON</b> Fred Ashmore
<b>DATE AND TIME:</b>	WEDNESDAY, 18TH JUNE, 2014 AT 6.30 PM
<b>VENUE:</b>	MEETING ROOM 2, CHALVEY COMMUNITY CENTRE, THE GREEN, CHALVEY, SLOUGH, SL1 2SP
<b>DEMOCRATIC SERVICES OFFICER:</b> (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**

Apologies for absence.



<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
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. 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 18th March 2014	1 - 4	
3.	Introduction to the Role of the Committee  Presentation by Kevin Gordon, Monitoring Officer.  [Copy of Article 9 of the Constitution setting out terms of reference for the Committee is appended]	5 - 8	All
4.	Appointment of Independent Person ( <i>REPORT TO FOLLOW</i> )	-	-
5.	Review of Standards Training for Members	9 - 10	All
6.	Schedule of Activity - Code of Conduct	11 - 12	All
7.	Members Attendance 2013/14	13 - 14	-
8.	Date of Next Meeting – 10 <sup>th</sup> September 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.

The Council allows the filming, recording and photographing at its meetings that are open to the public. Anyone proposing to film, record or take photographs of a meeting is requested to advise Democratic Services before the start of the meeting. Filming or recording must be overt and persons filming should not move around the meeting room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non hand held devices, including tripods, will not be allowed unless this has been discussed with Democratic Services Officer prior to the meeting and agreement has been reached on how it can be done without disrupting the meeting.

**Standards Advisory Committee – Meeting held on Tuesday, 18th March, 2014.**

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

**Co-opted Independent Members:-**

Ronald Roberts and Alan Sunderland

**Parish Council Members:-**

Parish Councillors Bryant and Gahir

**Apologies for Absence:-** Councillor Minhas, Fred Ashmore and Parish Councillor Finn

**PART 1**

**10. Declarations of Interest**

None was declared.

**11. Minutes of the last meeting held on 3rd October 2013**

**Resolved -** That the minutes of the meeting of the Committee held on 3<sup>rd</sup> October 2013 be approved as a correct record.

**12. Membership**

The Committee welcomed Cllr Scott Bryant, appointed by Colnbrook with Poyle Parish Council, to his first meeting.

**13. The Localism Act 2013 - Raising the Standards?**

Consideration was given to a report covering a number of pieces of work and research undertaken, looking at how the standards regime was working, in particular since the changes introduced by the Localism Act 2011.

The Local Government Lawyer magazine had published the results of a survey of its readers around the dismantling of the old standards regime and its replacement with a 'lighter touch' system. The verdict from respondents was mixed but a majority considered the change had not affected the number of complaints submitted. 85% of local government lawyers and governance officers had said that the current sanctions available to deal with member misconduct were now inadequate. For Slough it was considered that the overall number of complaints had not significantly changed under the new system, with approximately 50% of complaints from the public and about 50% from members about members.

The report referred to the position in Thanet Council, where the four Independent members on the Standards Committee had considered that the

**Standards Advisory Committee - 18.03.14**

behaviour of councillors in being distrustful of each other and of the public was so poor that they had issued a report to the Council calling on all members to demonstrate respect in all their dealings with each other and the public in order to restore confidence and esteem in the conduct of councillors.

The most recent report from the Committee on Standards in Public Life called for greater openness by (Government, Parliament and) Local Government around lobbying of public office holders arising from a concern that some individuals or organisations may have greater access to policy makers because of the way lobbying may be carried out. The Committee noted that in Slough, the locally adopted Code of Conduct for Councillors and Officers in relation to planning and licensing matters contained clear guidance for members on how they should respond to lobbying.

The fourth piece of work referred to related to a report from Transparency International UK on corruption in local government. This warned that care was required to ensure that some of the changes taking place in local government were not inadvertently creating an enabling environment for corruption. It was recommended that authorities should consider carrying out periodic corruption risk assessments in relation to their own functions and operations. It was proposed to the Committee that a more detailed report on this should be prepared for consideration both by this and the Audit and Risk Committee, possibly at a joint meeting.

The Committee discussed a range of issues and asked a number of questions in relation to the transparency of decision making, decisions on reports subsequently found to be inaccurate or having insufficient information, and around decisions relating to planning or licensing matters. In relation to the Transparency International UK report, the Committee took the view that it (and the Audit and Risk Committee) should have the opportunity to consider a report from its own perspective, followed by a joint meeting of the two Committees.

**Resolved –**

- (a) That the more detailed report about the recommendations as regards anti-corruption measures be prepared for consideration of the Committee at its next meeting in June (and by the Audit and Risk Committee), to be followed by a joint meeting shortly thereafter.
- (b) That further information be provided as to the possibility of introducing a maximum period for service on Planning Committee as opposed to the advantages of continuity of service.

**14. Draft Annual Review May 2013 to March 2014**

The Committee considered a report containing a draft Annual Review 2013/14, to meet the requirement in the Council's Constitution for an Annual Review of its work to be produced.

The draft summarised the activity and action over the last year, looked ahead to activities planned in the year ahead and included:

**Standards Advisory Committee - 18.03.14**

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

It was reported that the last two complaints referred to in the Complaints Activity section, each of which had been referred for investigation, were now close to being finalised. The Committee was concerned to note that complaints where an investigation was involved tended to take in the region of three months to complete. It was suggested that if it was possible to appoint an external investigator (rather than rely on the limited resources of the Head of Legal Services) this could assist in speeding up the time taken to deal with complaints.

**Resolved –**

- (a) That the draft Annual Review 2013/14 be approved for submission to the Council.
- (b) That consideration be given to making resources available for the appointment of an external investigator, where appropriate, to carry out investigations expeditiously.

**15. Independent Person Appointment**

The Committee was informed that advertisement of the position of Independent Person for the Council had commenced in February 2014, with a view to appointment of a successor to Mr Fred Ashmore, to be confirmed at the Annual Council on 5<sup>th</sup> June 2014.

**16. Members Attendance Record**

**Resolved –** That the Members' attendance record be noted.

**17. Date of Next Meeting**

The date of the next meeting was confirmed as 18<sup>th</sup> June 2014.

**18. Last Meeting**

As this was the last meeting of the municipal year, the Committee recorded its thanks to the Chair, Cllr Grewal, for his leadership over the past two years, to the Vice-Chair, Cllr M S Mann (who was not standing for re-election to the Council in May 2014), and to the officers for their support to the Committee.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.25 pm)

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**ARTICLE 9 – THE STANDARDS ADVISORY COMMITTEE (SAC)**

**Standards Advisory Committee**

1. The Council will establish a Standards Advisory Committee (SAC) as a Committee of the Council.

**Composition**

2. General

The SAC will comply with the political proportionality rules set out in Section 15 of the Local Government and Housing 1989 Act.

Parish Council business will be conducted through the main committee and this arrangement will be reviewed as necessary.

3. Membership

The Standards Advisory Committee will comprise:

- (a) Six elected Members (not the Leader, Commissioners, Mayor and Deputy Mayor, Chairs and Vice Chairs of Planning and Licensing Committee and Group Leaders)
  - (b) Three persons who are not Members or Officers of the Council or any other body having a Standards Advisory Committee (Independent Members).
  - (c) One Member from each of the three Parish Councils wholly or mainly in the Council's area (a Parish Member).
  - (d) The Council's Independent Person (as an observer).
4. Independent Members, and the Parish Council Members and, in his/her absence, his/her Standing Deputy will not be entitled to vote at meetings.
  5. Parish Members.
    - (a) At least one Parish Member must be present when matters relating to those Parish Councils or their Members are being considered.
    - (b) Each of the Parish Councils will nominate the Parish Council Member to serve on the Committee. In the event of more than one nomination being received in respect of the Parish Council Member the matter will be referred to the Council for agreement on the recommendation of the Standards Advisory Committee.

**Quorum**

6. The quorum of the Committee shall be a minimum of four Members including at least one Co-opted Member. Where matters solely relating to parish councils or their members are to be considered one of the three Parish Council Members must be present.

## **Chair**

7. The Chair of the Committee will be an elected Member of the Council.

## **Roles and Functions**

8. The SAC will have the following roles and functions:
  - (a) Promoting and maintaining high standards of conduct by Members, (i.e. Elected and Co-opted)
  - (b) Assisting Members to observe the Council's Ethical Framework including the Code of Conduct.
  - (c) Advising the Council on the adoption or revision of the Council's Ethical Framework including the Code of Conduct.
  - (d) Monitoring the operation of the Council's Ethical Framework including the Code of Conduct.
  - (e) Advising, training or arranging to train Members on matters relating to the Council's Ethical Framework including the Code of Conduct.
  - (f) The determination of written complaints made against a Member (including a Parish Council Member) alleging a breach of the Code of Conduct and taking any action that is deemed appropriate and permitted under the Localism Act 2011 and Regulations thereunder.
  - (g) The exercise of (a) to (f) above in relation to the Parish Councils wholly or mainly in its area and the Members of those Parish Councils.
  - (h) Keep under review and make recommendations to the Council on the Whistle-Blowing Policy and Procedure.
  - (i) In conjunction with the Monitoring Officer to produce an Annual Review of work completed and proposed within the purview of the Committee and to submit it to Council for information purposes only.
  - (j) To put in place and keep under review arrangements for monitoring Members' performance.
  - (k) To receive and consider reports on individual Members' performance.
  - (l) To decide any requests from a Member or Officer for indemnity as set out in the Council's adopted Policy on Terms of Indemnity.

## **Working Arrangements**

9. The Committee must meet at least twice a year but may hold such other meetings, as it considers necessary.
10. The Committee will be subject to the statutory access to information provisions. The press and public may be excluded and papers withheld from access only if they meet statutory definitions of exempt or confidential information.



11. All Members of the Council and Members of the press and public can attend the Committee when it is discussing business in Part I of the agenda. When the Committee is discussing exempt or confidential information (Part II) only Members of the Committee and Members of the Council (with the consent of the Committee given by majority resolution) can attend.
12. The Committee will appoint a Determination Sub Committee to determine complaints following an investigation.
13. Agenda and reports will meet and be distributed in accordance with statutory and corporate standards and formats.
14. The Committee and its Sub Committee may require Members of the Council and Officers of the Authority to attend before it to answer questions.
15. The Committee or its Sub Committee may require the production of any document or record in the possession of the Council to be submitted to it, unless to do so would involve a breach of data protection or other statutory provisions.
16. The Committee may require the Monitoring Officer or his/her nominee to investigate on its behalf allegations of impropriety referred to the Committee.
17. The Committee will not take any executive action on behalf of the Council.

### **Determination Sub-Committee**

#### **1. Terms of Reference**

The Sub-Committee is established to consider and determine complaints following an investigation. Following a hearing the Committee will make one of the following findings:

- (a) That the Member who was the subject of the hearing had not failed to comply with the Code of Conduct of the relevant Authority concerned;
  - (b) That the Member who was the subject of the hearing had failed to comply with the Code of Conduct of the relevant Authority concerned, but that no action needs to be taken in respect of the matters which were considered at the hearing; or
  - (c) That the Member who was the subject of the hearing had failed to comply with the Code of Conduct of the relevant Authority concerned and that a sanction should be imposed.
2. If the Sub-Committee makes a finding under paragraph 1(c) in respect of a person who is no longer a Member of any authority that the SAC has responsibility for it shall censure that person.
  3. If the Sub-Committee makes a finding under paragraph 1(c) in respect of a person who is a serving Member of any authority that the Standards Advisory Committee has responsibility for, it shall impose any of, or a 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 relevant Authority or the resources of the relevant Authority provided that those restrictions:
  - i. are reasonable and proportionate to the nature of the breach;
  - ii. do not unduly restrict the person's ability to perform the functions of a Member.
- (c) that the Member submits a written apology in a form specified by the Sub-Committee;
- (d) that the Member undertakes such training as the Sub-Committee specifies;
- (e) that the Member participate in such conciliation as the Sub-Committee specifies;

#### 4 Appointment and Composition of the Sub-Committee

- (a) The Monitoring Officer is required to establish and/or convene the Sub-Committee from the membership of the SAC Committee as necessary. The Sub-Committee will therefore not have a fixed membership.
- (b) In the case of a complaint against an elected member of the Council the Sub-Committee shall comprise five Members, of whom a maximum of three shall be elected members and no more than two should be Co-Opted Independent Members of the Standards Advisory Committee.
- (c) The Sub-Committee shall elect a Chair at each hearing. The Chair will be an elected Councillor.
- (d) The appointment and composition of the Sub-Committee shall increase to include a Parish Member of the Standards Advisory Committee where the Sub-Committee is considering a report or recommendations that relate to a Parish Council Member.

#### 5 **Quorum**

The quorum for a meeting of the Sub-Committee shall be three Members, two of whom must be elected Members and at least one Independent Member. When considering a matter relating to the conduct of a Member as Parish Councillor at least one Parish Council representative shall also be present to enable the meeting to be quorate.

#### 6 **Frequency of Meetings**

The Sub-Committee shall meet as and when required to enable it to undertake its functions.

**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Standards Advisory Committee

**DATE:** 18<sup>th</sup> June 2014

**CONTACT OFFICER:** Kevin Gordon, Monitoring Officer  
01753 875213  
Taran Panesar, Organisational Development Officer  
01753 875073

**WARD(S):** All

**PART I**  
**FOR INFORMATION**

**REVIEW OF STANDARDS TRAINING FOR MEMBERS**

**1. Purpose of Report**

This report updates the Committee on the level of training received by Members in relation to standards and the Code of Conduct and reviews what the needs might be for ongoing and refresher training.

**2. Recommendation(s)/Proposed Action**

The Committee is requested to note the report.

**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 by seeking to ensure 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**

- 5.1 A Member development session on *Standards Training and the Code of Conduct* was held 3<sup>rd</sup> June 2014 specifically targeted at newly elected Councillors, but open to all members to attend. The session was attended by all 13 newly elected Members and 18 re-elected Members.
- 5.2 The presenters - Kevin Gordon, Assistant Director, Professional Services and Catherine Meek, Head of Democratic Services – facilitated a practical 1½ hour session using case studies supported by slides with references to the constitution on the modern.gov pages via members' iPads.
- 5.3 To support the formal facilitated sessions we are developing informal learning activities, including e-learning, to reinforce good practices. We will continuously evaluate the confidence of members in adhering to the code and principles of public life and use these assessments to shape future training on standards.
- 5.4 A dedicated Members' portal is currently being set up which members will be able to conveniently access for viewing relevant resources, documents and materials on the slough.gov website.

## **6. Conclusion**

Having considered the level of training undertaken by Members, the Committee are invited to comment on future requirements.

## **7. Background Papers**

None.

**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Standards Advisory Committee

**DATE:** 18<sup>th</sup> June 2014

**CONTACT OFFICER:** Kevin Gordon, Monitoring Officer  
01753 875213  
Greg O'Brien, Democratic Services Officer  
01753 875013

**WARD(S):** All

**PART I**  
**FOR INFORMATION**

**SCHEDULE OF ACTIVITY – CODE OF CONDUCT**

**1. Purpose of Report**

This report updates members of the Standards Advisory Committee on the activity undertaken by the Council's Monitoring Officer in relation to complaints received under the Code of Conduct.

**2. Recommendation(s)/Proposed Action**

The Committee is requested to note the report.

**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 in ensuring 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.

(c) Equalities Impact Assessment

It is important to ensure measures taken under the standards regime do not impact disproportionately on any group. The Monitoring Officer retains a detailed list of subject Members and carries out a periodic audit check to ensure that

application of the regime is equitable across specific groups of members having regard to race, gender or political group.

## **5. Supporting Information**

- 5.1 In its approved complaints process, the Council has agreed arrangements to delegate to the Monitoring Officer the initial decision on whether a complaint requires investigation, subject to consultation with the Independent Person. In appropriate cases the Monitoring Officer may seek to resolve the complaint informally without the need for a formal investigation. When a complaint is referred for investigation, the Investigating Officer's report will be reviewed by the Monitoring Officer, who will either send it for determination to a Standards Determination Sub-Committee set up for the purpose, or decide that no further action is required.
- 5.2 The following table contains a summary of the complaints received in the calendar year 2014 to date:

Ref	Subject Member – Borough / Parish	Complainant	Area of Code	Outcome
2014/01	Borough Councillor	Borough Councillor	2.3 – bringing office into disrepute	Referred for investigation. No breach of Code found – no further action.
2014/02	Borough Councillor	Member of staff	2.1 – failure to treat others with respect	Referred for investigation. Investigating Officer's report awaited.

## **6. Conclusion**

The Committee will note that just two complaints within a period of 5½ months is relatively low. There is an impact on officer time/resources in dealing with complaints, in particular where they are referred for investigation

## **7. Background Papers**

None.

**MEMBERS' ATTENDANCE RECORD 2013/14**

**STANDARDS ADVISORY COMMITTEE**

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

P = Present for whole meeting  
 Ap = Apologies given

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

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