

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Standards (Local Determination)  
Sub-Committee

**DATE:** 8<sup>th</sup> April, 2008

**CONTACT OFFICER:** Steven Quayle  
**(For all Enquiries)** Director of Law & Corporate Governance (01753) 875004

**WARDS:** N/A

### **PART I**

#### **FOR DECISION**

#### **ALLEGED BREACH OF LOCAL CODE OF CONDUCT – COUNCILLOR BRIAN HEWITT**

##### **1. Purpose of Report**

- 1.1 The purpose of this report is to submit for consideration the Council's external investigators, LGA in Practice (Investigations) ("LGA") report on the results of its investigation into a complaint made by Pauline Key (when a councillor), that Councillor Brian Hewitt had failed to comply with the Local Code of Conduct for Members.

##### **2. Recommendation/Action Required**

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

##### **3. Key Policy Priority Implications**

- 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 procedures 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 allegations 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. Any potential human rights issues which might arise are addressed and provided for in the Hearing Procedure.

## **5. Background Supporting Information**

5.1 On 23<sup>rd</sup> August 2006 the Standards Board for England referred to the Council's Monitoring Officer for investigation a complaint that Councillor Hewitt 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 LGA a firm which specialises in these matters.

5.2 The general summary of the complaint against Councillor Hewitt prepared by the Standards Board for England is as follows:

“The Complainant reports of a meeting of the Council's schools organisation committee to discuss an issue relating to the siting of a Muslim school. The complainant reports that this was a highly emotive issue, and given the tensions surrounding it, it was decided by all councillors that the discussion and vote would be taken in the strictest confidence and would not be disclosed to any member outside this group. It is reported that after this had taken place, they delivered their decision to the open meeting. However, the complainant alleges that after the meeting Councillor Hewitt was seen discussing who had voted for and against the school with people who had not attended the private session.”

5.3 The alleged breach of the Local Code of Conduct is that Councillor Hewitt did not comply with the confidentiality requirements.

5.4 On 23<sup>rd</sup> May 2007 LGA were instructed to investigate the complaint but they have been unable to pursue it with the complainant for the reasons set out in **Appendix A** to this report. However other councillors were said by the complainant to be privy to the alleged breach of confidentiality.

5.5 The Standards Board for England were consulted and they indicated that there was no provision in the relevant legislation covering the withdrawal of a complaint once the investigative process had started. The Board advised that a report stating findings of fact must still be prepared and a hearing must take place; for the Standards (Local Determination) Sub-Committee to determine what action should be taken, if any.

5.6 In addition to **Appendix A**, your attention is directed to the following documents appended to **Agenda Item 3**:

<b><u>No.</u></b>	<b><u>Document</u></b>
<b>Appendix C</b>	Procedure for the hearing
<b>Appendix D</b>	Standards Board advice on admission of press and public
<b>Appendix E</b>	Categories of exempt information
<b>Appendix F</b>	Sanctions available to the Sub-Committee

5.7 The procedure for the hearing will be as set out in **Appendix C to Agenda Item 3** and any guidance and/or advice the Sub-Committee may require will be provided by the Monitoring Officer, Steven Quayle, Director of Law and Corporate Governance.

**6. Conclusion**

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

**7. Appendices**

Appendix A      LGA's Report