

## SLOUGH BOROUGH COUNCIL

**REPORT TO:** Standards (Local Determination) Sub-Committee      **DATE:** 17<sup>th</sup> December, 2008

**CONTACT OFFICER:** June Cook  
**(For all Enquiries)** Member Services Manager (01753) 875019

**WARDS:** N/A

### PART I

### FOR DECISION

### ALLEGED BREACH OF LOCAL CODE OF CONDUCT – COUNCILLOR PATRICK SHINE

#### 1. Purpose of Report

- 1.1 The purpose of this report is to submit for consideration the Council's Investigating Officer's report on the results of her investigation into a complaint that Councillor Patrick Shine has failed to comply with the Local Code of Conduct for Members (**Appendix A**).

#### 2. Recommendation/Action Required

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

#### 3. Community Strategy Priorities

- 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 procedure 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 the allegation 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. This complaint was submitted prior to the publication of the Standards Committee (England) Regulations 2008 and the new local assessment procedure did not apply. Any potential human rights issues which might arise are addressed and provided for in the hearing procedure.

## **5. Background Information**

- 5.1 On 25<sup>th</sup> January 2008 the Standards Board for England referred to the Council's Monitoring Officer for investigation a complaint that Councillor Patrick Shine 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 the Deputy Monitoring Officer, Jill Bell.
- 5.2 The general summary of the complaint against Councillor P Shine is that he brought his office as a Councillor and the Authority into disrepute by his actions at a Council Meeting on 11th December 2007 when he made a Nazi salute and said 'Seig Hiel' to Councillor P Choudhry.
- 5.3 The complaint was made by Mr Surfraz Bowken who had read about the incident in a local newspaper. Mr Bowken has confirmed by telephone that he has nothing to add to the complaint to The Standards Board for England.
- 5.4 To simplify the hearing process Councillor P Shine was asked to identify any matters of fact within the Investigating Officer's report with which he disagreed. He has confirmed that he does not dispute any of the findings. He has submitted a number of documents and these have been incorporated in the Investigating Officer's Report. Councillor Shine has also submitted copies of the following correspondence which he has requested should be submitted to the Sub-Committee for information (**Appendix B**):
- Letter dated 25<sup>th</sup> November 2008 from Mr Latif Khan, Chair of the Slough Hackney Carriage Association (not the same person as Councillor Latif Khan)
  - Letter dated 28<sup>th</sup> November 2008 from Councillor Sean Wright
  - Email dated 1<sup>st</sup> December 2008 from Councillor David Maclsaac
- 5.5 Councillor P Shine has indicated that he will be present at the hearing and that he will present his own case. He does not want any of the documents to be withheld from public inspection.
- 5.6 I enclose for your attention and/or information the following documents:

<b><u>Appendix</u></b>	<b><u>Document</u></b>
<b>Appendix A</b>	Investigating Officer's Report
<b>Appendix B</b>	Additional copy correspondence submitted by Councillor Shine
<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

5.2 The procedure for the hearing will be as set out in **Appendix C** and any guidance and/or advice the Sub-Committee may require will be provided by the Monitoring Officer, Steven Quayle, Borough Secretary and Solicitor.

**6. Conclusion**

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