

SLOUGH BOROUGH COUNCIL

**REPORT OF AN INVESTIGATION UNDER SECTION 66 OF
THE LOCAL GOVERNMENT ACT 2000 REGULATION 5 OF THE LOCAL
AUTHORITIES (CODE OF CONDUCT) (LOCAL DETERMINATION) REGULATIONS
2003 (AS AMENDED) BY JILL BELL, DEPUTY BOROUGH SOLICITOR INTO AN
ALLEGATION CONCERNING COUNCILLOR PATRICK SHINE.**

1. Introduction

- 1.1 On 21st January 2008 Mr Surfraz Bowken made a written complaint to the Standards Board for England (Document 1) which in summary stated that according to an account in the Slough Express Councillor Patrick Shine had made a Nazi Salute and had shouted Sieg Heil to a fellow Councillor. Mr Bowken's complaint was that as a Councillor and as Chairman of the Licensing Committee Councillor Shine's behaviour was inappropriate particularly as the majority of taxi and private hire drivers and local off-licence shops are owned by people of ethnic background. He attached a copy of the article from the Slough Express (Document 2) and also wrote to the Mayor (Document 3).
- 1.2 The complaint was considered by the Standards Board for England and referred back to Slough Borough Council's Monitoring Officer by a letter dated 15th February 2008 (Document 4) and subsequently delegated to myself for investigation. The potential breach identified by the Standards Board for England was "Bringing office or authority into disrepute".
- 1.3 Councillor Shine had produced a Decision Notice from the Standards Board for England dated 31st August 2008 (Document 5) showing that a further complaint regarding the same events at the Council Meeting on 11th December 2007 was made by the Labour Group of Slough Borough Council. The Standards Board decided that the two complaints could be dealt with together, but did not formally refer the Labour Group's complaint to the Monitoring Officer.

2. The Process

- 2.1 Members should note that this matter is being dealt with under the old procedure due to the date of the complaint.
- 2.2 As part of my investigation I sought to interview Mr Bowken and three phone calls were made to his home telephone number detailed on the complaint form and a further call to his mobile number but there was no reply. The last of these phone calls were made on the 23rd July. On 3rd September 2008 I wrote to him offering four dates when I could conduct an interview and I offered to conduct the interview over the telephone if that was more convenient (Document 6). No response was received. On 5th November 2008 I sent a further letter (Document 7) advising that if I did not hear from him by 14th November I would conclude my enquiries and report to the Standards Committee that he had not chosen to offer evidence in the enquiry. No response has been received. Mr Bowken telephoned the office on 14th November and confirmed that he had nothing to add to the complaint he had submitted to the Standards Board for England.
- 2.3 I interviewed Councillor Shine on 9th September 2008 and notes of the interview are attached (Document 8). Councillor Shine was invited to submit further paperwork which he did in Documents 5, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22. These documents and the notes of the interviews were combined into a statement which Councillor Shine has approved (Document 23).

- 2.4 In order to seek corroboration of the events of the Council Meeting on 11th December 2007 I also interviewed Councillor Derek Cryer and Councillor Pervez Choudhry. Notes of those interviews are in Documents 24 and 25.

3. Statutory Framework – Bringing Office or Authority into Disrepute

- 3.1 The Relevant Authorities (General Principles) Order 2001 sets out the principles which are to govern the conduct of Members and two appear to be relevant to the complaint in question.

They are:-

Accountability – Holders of public officer are accountable for their decision and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Leadership – Holders of public office should promote and support these principles by leadership and example.

- 3.2 The Council adopted its Local Code of Conduct for Members (The Code) in May 2002.
- 3.3 All Members who are elected to office must sign a “Declaration of Acceptance of Office” before they can officially act as a Councillor. In that declaration they undertake to observe the code as to the conduct which is expected of Members of the Council.
- 3.4 The relevant extract to the Code is paragraph 4.1 which provides as follows:-
“A Member must not in his official capacity or in any other circumstance:
- a) conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute”

4. Material Findings

- 4.1 Councillor Shine has admitted that he did give a Nazi salute and shouted Seig Heil at Councillor P Choudhry, so there is no dispute that the event took place.
- 4.2 In my interview with Councillor Shine on 24th July 2008 it was clear that Councillor Shine deeply regretted the incident. He immediately apologised to the Mayor, Councillor Choudhry and all Members in The Council Chamber. When he was interviewed on the phone by various members of the press after the event, he stated that he had again apologised to the whole of the Council and the whole of the people of Slough. In his letter to the Chief Executive delivered by hand on 8th January 2008 (and which pre-dates the complaint to the Standards Board of England on 21st January 2008) Councillor Shine states “I, to my everlasting regret, bit and gave an inexcusable gesture. I was rightly asked by the Mayor to retract the gesture and apologise. I did this straight away and it was accepted in good grace by Councillor Choudhry”.
- 4.3 Councillor Shine’s explanation for his conduct is that it came during a difficult Council Meeting, when there was a lot of ill temper in the Council Chamber. This account of the meeting is supported by Councillor Cryer.

- 4.4 Conduct at Council meetings has been a concern for some time and is an issue that the Standards Committee has discussed at length. Indeed the Chair of the Standards Committee took part in the Group Leader's meeting on 3rd January 2008 which was called to discuss the ongoing poor behaviour of Members at Council Meetings. That Meeting did result in an agreement to meet at least three times a year to review Members' behaviour at all Council and Committee Meetings and the adoption of some ground rules. The Independent Members of the Standards Committee have sat in on several meetings to observe whether or not these ground rules have been followed (Document 22).
- 4.5 It is clear from the accounts of the meeting on 11th December 2007 that it quickly developed into an ill tempered meeting. The item on the agenda was approval of the sites for polling stations. This should be a routine matter but according to Councillor Shine it has caused ill feeling for the last three years. The reason for this is that although no formal complaint has been made to the Returning Officer, Councillor Shine and Councillor Wright have been accused of intimidating voters at the Britwell Polling Station. Unsubstantiated allegations continue to be made at Council Meetings and he is aggrieved that they are unable to clear their names. It was brought up again on 11th December 2007.
- 4.6 Councillor Shine in his statement explains that whilst he understands that he should not have made the gesture or the remark he was provoked. In Documents 19 – 20 he sets out the three issues which provoked him namely:-
- i) Councillor Dhaliwal had accused "white Councillors of not doing anything for Asians" which Councillor Shine found offensive and untrue. The debate on the polling stations had gone on for over an hour and Councillor Stokes proposed a motion to go to the vote. This was seconded by Councillor Munkley. The motion was noted by the Mayor but no vote was taken and the debate carried on.
 - ii) When Councillor Edwards was trying to raise a point of order about the number of points of order raised by Councillor P Choudhry and the fact that he was allowed to speak more than once on various items on the agenda he was shouted down by the Labour Members and was asked to sit down by The Mayor. Councillor Edwards did sit down but in Councillor Shine's opinion the issue Councillor Edwards had raised was not dealt with. Councillor P Choudhry then immediately made another point of order and Councillor Shine reacted by the Nazi salute gesture and saying "Seig Heil".
- 4.7 Councillor Shine raised the first of these issues with the Standards Board for England but they decided not to investigate as they did not "believe the alleged conduct is serious enough to justify investigation "(Document 16)
- 4.8 In her letter of 1st February 2008 (Document 10 page) the Chief Executive deals with the last issue and makes the point that it is the Mayor's constitutional right and responsibility to control the meeting and no Officer can intervene ahead of the Mayor.

- 4.9 Councillor D Cryer's interview shows that he agreed that it was not a pleasant meeting and he says that Councillor Shine had taken 'a lot of stick'. He also confirmed that Councillor Choudhry's behaviour of making numerous points of order and constantly standing up and sitting down was very disruptive.
- 4.10 Both Councillors Cryer and P Choudhry have confirmed that Councillor Shine made an immediate apology and Councillor P Choudhry has confirmed that although the incident was shocking he accepted the apology.

5. Reasoning Bringing Office or Authority into Disrepute

- 5.1 There is no doubt that the actions complained of by Mr Bowken did take place. Mr Bowken does not appear to have witnessed them himself his complaint is based upon an account in the Slough Express.
- 5.2 A complaint was also made by the Labour Group concerning Councillor Shine's behaviour to the Standards Board for England. The Decision Notice (Document 5) states that it has been referred to the Ethical Standards Officer for their information. As this complaint has not been passed onto the Monitoring Officer and the actual complainant is not identified no interviews have been conducted on this second complaint.
- 5.3 The actions of Councillor Shine on 11th December 2007 are admitted.

6. Conclusions and Recommendations

- 6.1 I should like to record my thanks to all parties for the co-operation I have received in investigating this complaint.
- 6.2 I find that Councillor Shine by his by actions at the Council Meeting on 11th December 2007 brought his office and the Authority into disrepute.

List of Documents Annexed to the Report

No	Document Description	Dated
1.	Complaint to Standards Board from Mr Sufraz Bowken	21.01.08
2.	Copy of article from Slough Express	18.01.08
3.	Letter Mr S Bowken to The Mayor - Slough Borough Council	21.01.08
4.	Letter – Standards Board for England to Monitoring Officer Re: Complaint SBE20993.08	15.02.08
5.	Decision Notice issued by Standards Board for England re complaint – SBE 21042.08	31.08.08
6.	Letter – Jill Bell to Mr S Bowken	03.09.08
7.	Letter – Jill Bell to Mr S Bowken	05.11.08
8.	Statement of Councillor P Shine	05.12.08
9.	Letter – Standards Board for England to Councillor P Shine	15.02.08
10.	Letter Re: Complaint SBE 20993.08 Chief Executive to Councillor P Shine	01.02.08
11.	Letter – Standards Board for England to Councillor P Shine Re: Complaint SBE 20695.07	01.02.08
12.	Letter Standards Board for England to Councillor P Shine Re: Complaint SBE 21042.08	31.01.08
13.	Letter Standards for England to Councillor P Shine Re: Complaint SBE 20993.08	29.01.08
14.	Decision Notice issued by Standards Board for England Re: Complaint SBE 20993.08	25.01.08
15.	Letter Standards Board for England to Councillor P Shine Re: Complaint SBE 20993.08	25.01.08
16.	Decision Notice issued by Standards Board for England Re: Complaint SBE 20695.07	08.01.08
17.	Letter Standards Board for England to Councillor P Shine Re: Complaint SBE 20695.07	14.02.08
18.	Letter Standards Board for England to Councillor P Shine Re: Complaint SBE 20695.07	08.01.08
19.	Councillor P Shine's note on issues re: minutes for Council Meeting in February	

20.	Letter – Councillor Shine to Standards Board for England	14.12.07
21.	Letter – Councillor P Shine to Chief Executive	08.01.08
22.	Minutes of Group Leaders’ Meeting with Chair of Standards Committee	03.01.08
23.	Notes of interview with Councillor P Shine	24.07.08
24.	Notes of Interview with Councillor D Cryer	14.11.08
25.	Notes of Interview with Councillor P Choudhry	27.11.08

Key to Complaints to Standards Board for England

SBE 20695.07 Councillor Shine’s complaint about Councillor Dhaliwall made on 14.2.07 (Document 20) Decision not to investigate made 8.1.08 Document 16 – reviewed the request 31.1.08, correspondence Documents 11,17 & 18.

SBE 20993.08 Mr Bowken’s complaining about Councillor Shine (the subject matter of this investigation) made on 21.1.08 Document 1, decision to refer to Monitoring Officer 25.1.08. Document 14 Correspondence Documents 9, 13 & 15.

SBE 21042.08 Labour Group’s complaint about Councillor Shine, not referred to Monitoring Officer. Decision Notice dated 31.8.08 Document 5. Correspondence Document 12.