

STANDARDS (LOCAL DETERMINATION) SUB-COMMITTEE – Meeting held on Monday, 20th November , 2006.

Present:-

Co-opted Independent Members:-

Messrs Fred Ashmore and Zahire Khan and The Reverend Paul Lipscomb.

Elected Members:-

Councillors John Finn and Mohammed Rasib.

Also Present:

Councillor Steven Burkmar, Jill Bell, Deputy Monitoring Officer, Assaf Chaudry, Investigating Officer, Elaine Crawford, Investigating Officer and June Cook (Administrator).

PART I

1. Election of Chair

Resolved – That The Reverend Paul Lipscomb be appointed Chair of the Sub-Committee for this meeting.

(The Reverend Paul Lipscomb in the Chair).

2. Declarations of Interest

Councillor Rasib stated that he wished it to be known that he was a Member of the Labour Group of which Councillor Dhaliwal was also a Member. On the basis of the interest declared Councillor Rasib did not have a personal and prejudicial interest in this matter and was not debarred from participating in the hearing.

3. Minutes

The minutes of the Meeting of the Sub-Committee held on 19th July , 2006 were approved as a correct record and signed by the Chair.

4. Alleged Breach of Local Code of Conduct – Councillor Sukhjit Dhaliwal

The Sub-Committee considered an allegation made by Mrs Dawn Groom that Councillor Sukhjit Dhaliwal failed to declare an interest at a meeting of the Council's Licensing Committee held on the 2nd March 2005, during consideration of a public entertainment licence for The Flags Public House.

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The complainant alleged that a relative of Councillor Dhaliwal owned a public house called the Five Rivers. She stated that an application for an identical variation in licence to that applied for in respect of The Flags had been refused by neighbouring South Bucks District Council and was under appeal at the time of the Licensing Committee meeting. The complainant considered a conflict of interest arose because, if both establishments were granted the same licence variation, they would be in direct competition. The complainant alleged that Councillor Dhaliwal's alleged family and business connection in the other application would have warranted the disclosure of an interest when considering the application from The Flags Public House.

The allegation had been referred by the Standards Board for England to the Monitoring Officer for investigation and, in accordance with the procedure previously agreed by the Standards Committee, he had delegated the investigation to Assaf Chaudry, Solicitor (Contracts) i.e. the Investigating Officer.

The Investigating Officer's final written report outlining how he conducted his investigation, the evidence gathered, his findings and conclusion was submitted for consideration.

The Investigating Officer reported that he had not come across any evidence which refuted or contradicted the Member's signed written statement that she nor her husband were related to Mr Kulwinder Dhaliwal, (a director of the company which owned the Five Rivers Public House) as defined by paragraph 8.4(a) of the Local Code of Conduct and that she did not have an interest in the Five Rivers Public House as defined by paragraph 8.3(a) of the Code. Mr Kulwinder Dhaliwal had also confirmed in a written signed statement that he was neither related to Councillor Dhaliwal through marriage nor blood and neither she nor her husband had a financial interest in the Five Rivers Public House. On the evidence presented the Investigating Officer had concluded that Councillor Dhaliwal had not breached the Local Code of Conduct.

The Sub-Committee having considered the Investigating Officer's report

Resolved – That Councillor Dhaliwal has not failed to comply with the Council's Local Code of Conduct.

5. Alleged Breach of Local Code of Conduct – Councillor Steven Burkmar

The Sub-Committee considered an allegation made by Mr David Wood that Councillor Steven Burkmar had breached the Council's Local Code of Conduct in that:-

- (a) he had failed to declare in the Register of Financial and Other Interests, within the required 28 days that he no longer had a financial interest in the Star and Garter Public House;

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- (b) he had failed to declare in the Register of Financial and Other Interests, within the required 28 days that he was no longer employed by the Wellington Pub Co Ltd;
- (c) he had failed to declare in the Register of Financial and Other Interests, within the required 28 days that he had been made bankrupt;
- (d) he had wrongly declared in the Register of Financial and Other Interests that he was the “joint Licensee” of the Herschel Arms – in accordance with the new licensing legislation there is no such thing as “joint licensee” and
- (e) he had wrongly declared on his bankruptcy form dated 26th October 2005 and before the Guildford County Court that his occupation was that of a “salesman”.

The allegations had been referred by the Standards Board for England to the Monitoring Officer for investigation and, in accordance with the procedure previously agreed by the Standards Committee, he had delegated the investigation to Elaine Crawford, Solicitor (Contracts) i.e. the Investigating Officer.

The Investigating Officer’s final written report outlining the results of her investigation and her conclusions were submitted for consideration.

The Sub-Committee’s attention was drawn to the fact that allegation (a) above had already been investigated and determined by the Sub-Committee in relation to a complaint made by Councillor Christine Small and had therefore been omitted from the investigation. As regards the other allegations the Investigating Officer concluded the following:

1. That in respect of allegation (b) above, there had been no breach of the Code of Conduct as Councillor Burkmar had never been an employee of The Wellington Pub Co but merely a tenant as lease holder of the Star and Garter Public House and could therefore not make a declaration that he was no longer an employee.
2. That in respect of allegation (c) above, there had been no breach of the Code of Conduct as Part 3 of the Code which related to the Register of Members’ Financial and Other Interests set out clearly the nature of the interests that had to be registered and these did not include bankruptcy of a Member.
3. That in respect of allegation (d) above, there had been no breach of the Code as the Licensing Act 2003 did not preclude applications for premises licences being made in joint names and the Council’s Licensing Officer had confirmed that at the time of Mr Wood’s complaint Councillor Burkmar had been a joint licensee of the Herschel Arms Public House.

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4. That in respect of allegation (e) above, there had been no breach of the Code of Conduct as Councillor Burkmar's activities relating to his bankruptcy was a private matter which had nothing to do with his duties as a councillor and that there had been no breach with regard to failure to register an interest because he was not currently employed as a salesman.

The Sub-Committee, having considered the Investigating Officer's report and an address made by Councillor Burkmar regarding this matter,

Resolved – That Councillor Burkmar has not failed to comply with the Council's Local Code of Conduct.

Chair.

(Note: The Meeting opened at 6.30 p.m. and closed at 6.50 p.m.).