

STANDARDS COMMITTEE – Meeting held on Thursday, 20th January, 2005.

Present:-

Co-opted Independent Members:-

The Reverend Paul Lipscomb (Chair) and Mr Mike Field.

Elected Members:-

Councillors Neil Arnold, Pauline Key, Mewa Mann and Lydia Simmons.

Also present under Rule 29:- Councillor Balwinder Dhillon.

Apologies for Absence:- Councillor Sumandar Khan, Mr Fred Ashmore and Mr Zahire Khan.

PART I

16. Declarations of Interest

None.

17. Minutes

The minutes of the meeting of the Committee held on 23rd November, 2004 were approved as a correct record and signed by the Chair.

During consideration of the minutes, attention was drawn to Minute 11 and the Committee was advised that a training session on the implications of the Guidance issued by the Standards Board for England on Lobby Groups, Dual-Hatted Members and the Code of Conduct had been held on 13th January but that only eight elected Members had attended. The Committee expressed its extreme disappointment at the poor attendance and the apparent lack of interest shown by Members in this important matter.

In respect of Minute 13 relating to the Monitoring Officer's investigation into the unauthorised disclosure of the draft Audit Commission's Report on Overview and Scrutiny in Slough, the Committee was informed that a reply from one Member was still awaited but that from the evidence received to-date it was highly unlikely that the person responsible for the leak would be identified.

The Committee was reminded that within its current agreed work programme was the review of the Council's Policy Statement on Access to Information incorporating guidance on access to Social Services confidential matters. The Committee was advised that it was proposed to defer consideration of this matter pending receipt of the result of the Government's current review of Schedule 12A of the Local Government Act 1972 in the light of other recent legislation relating to the access of information, i.e. the Freedom of Information Act and the Data Protection Act.

In respect of the Freedom of Information Act the Chair of the Committee referred to a recent press article he had read alleging some local authorities had been shredding documents to circumvent the legislation. He reported that he had asked

Standards Committee - 20.01.05

the Monitoring Officer to confirm with the Assistant Chief Executive, Policy and Performance that this would not happen with Slough Borough Council.

Resolved –

- (a) That the training session on the Standards Board for England Guidance on Lobby Groups and Dual-Hatted Members and the Code of Conduct be repeated in May/June 2005 and all Members who failed or were unable to attend the training session in January be required to attend this session.
- (b) That if no further progress is made in respect of the Monitoring Officer's investigation into the leak of the Audit Commission's draft Report on Overview and Scrutiny in Slough no further action be taken on this matter.
- (c) That the amendment to the Committee's current work programme as now reported be noted.

18. Appointment of Standards (Local Determination) Sub-Committee

In accordance with the provisions of Part III of the Local Government Act 2000 (as amended) and the Regulations made thereunder the Director of Law and Corporate Governance submitted for consideration proposals for the appointment of a Sub-Committee of the Standards Committee to hear and determine the results of investigations into allegations of Member misconduct conducted by the Ethical Standards Officers and the Monitoring Officer or his/her nominee.

The Committee was advised that the Parish Councils had been consulted on the proposal. One Member from Wexham Court Parish Council had objected to the suggested quorum for the Sub-Committee which was three Members, two of whom to be non/elected Independent Members. The Parish Councillor advocated that no group of Members should have a prescribed majority. The Committee was reminded that it had always been the Council's view that the Independent Members acting together should be able to outvote any group of Members belonging to the same party on the Committee. This was a view that the Members of the current Committee endorsed.

The Committee considered the proposed composition and terms of reference of the Sub-Committee, amended to take into account representations made since the report had been published. The main change proposed was the appointment of seven Members of the Standards Committee, including the Chair, to form a pool from which the five Members of the Sub-Committee would be drawn. The Chair of the Committee would be a standing Member of the Sub-Committee and the four remaining Members would be drawn from the pool in alphabetical order in strict rotation. The seven Members in the pool would comprise the four independent co-opted Members and three elected Members.

The Director of Law and Corporate Governance reported receipt of notice of a complaint to be referred by one of the Standards Board for England's Ethical Standards Officers to the Monitoring Officer for investigation. The complaint was in respect of an allegation that a Member had failed to disclose a personal and prejudicial interest. The Council had three months to complete the investigation and

Standards Committee - 20.01.05

determine the matter and in order to meet this tight timetable, meetings of the Sub-Committee might need to be called at short notice. As previously agreed, the complaint had been delegated for investigation to the Deputy Monitoring Officer (or her nominee) so that the Monitoring Officer could advise the Sub-Committee without any perceived conflict of interest.

Resolved –

- (a) That a Standards (Local Determination) Sub-Committee be appointed with the composition and terms of reference as set out in Appendix 1 to these Minutes and the Committee's terms of reference be amended accordingly.
- (b) That the following Members be appointed to form a pool from which Members will be drawn to serve on the Standards (Local Determination) Sub-Committee for the remainder of the current municipal year:-

Elected Members:-

Councillors Neil Arnold, Sumandar Khan and Mewa Mann.

Independent Co-opted Members:-

Messrs Fred Ashmore, Mike Field and Zahire Khan and The Reverend Paul Lipscomb.

- (c) That appropriate training be arranged for Members of the Sub-Committee.
- (d) That membership of the Sub-Committee be dependent upon the Member having undergone appropriate and up-to-date training.

19. Review of the Planning Code of Conduct

With the agreement of the Committee this item was withdrawn.

20. Licensing Code of Conduct for Members and Officers

The Committee's attention was drawn to the fundamental changes to the licensing system brought about by the Licensing Act 2003 and the new duties and responsibilities placed on Members and Officers.

Licensing together with planning had been recognised by the Standards Board for England as particularly sensitive areas. In dealing with these matters Members and Officers acted in a judicial or quasi-judicial way and were required to follow proper procedures which accorded with the rules of natural justice and the Articles of the European Convention on Human Rights, in particular Article 6 relating to the Right to a Fair Trial.

The Licensing Act 2003 put local authorities firmly in the centre of decision making upon licences for regulated entertainment and the provision of alcohol, as well as late night refreshments. The Local Authorities Co-ordinators of Regulatory Services had reported concerns regarding this shift in responsibility. These concerns had

Standards Committee - 20.01.05

centred around doubts regarding the impartiality of Councillors, especially those who would determine applications. This concern arose from a view that Councillors were subject to local political pressures and a belief that they would regard the views of local residents as taking precedence over the other interests of their communities.

The role of an elected Member on the Licensing Committee would involve balancing the multiple needs and interests of the local community, whilst prioritising the licensing objectives of the Licensing Act 2003. It was essential that elected Members maintained their impartiality and, as public perception of probity was critical, their appearance of impartiality during the decision making process. To assist Members and Officers achieve this, thereby protecting them and the Council from accusations of maladministration or judicial review proceedings, a draft Licensing Code of Conduct had been drawn up by the Officers a copy of which was submitted to the Committee for consideration and approval.

The Committee was informed that the views of the Licensing Committee would also be sought on the proposed Code of Conduct.

Recommended -

- (a) That, subject to the concurrence of the Licensing Committee, the Council approve the Licensing Code of Conduct for Members and Officers now submitted and it be incorporated into the Local Code of Conduct and the Council's Constitution.

Resolved –

- (b) That the Director of Law and Corporate Governance in consultation with the Chair of the Standards Committee be authorised to consider and approve on behalf of the Standards Committee any minor amendments made by the Licensing Committee prior to its submission to Council.
- (c) That in the event of the Licensing Committee proposing any major changes to the Code it be referred back to the Standards Committee for further consideration.

Chair

(Note: The meeting opened at 6.15 p.m. and closed at 6.58 p.m.)