

STANDARDS COMMITTEE – Meeting held on Monday, 20th June, 2005.

Present:-

Co-opted Independent Members:-

Mr Fred Ashmore, Mr Mike Field and The Reverend Paul Lipscomb.

Elected Members:-

Councillors Michael Holledge, Pauline Key, Mewa Mann and Lydia Simmons.

Parish Council Representative:-

Wexham Court Parish Councillor Barbara Turner

Also Present under Rule 29:-

Councillor Balwinder Dhillon (for part of the Meeting only).

Apologies for Absence:- Councillor Neil Arnold and Mr Zahire Khan.

PART I

1. Declarations of Interest

Wexham Court Parish Councillor Barbara Turner indicated that she had a personal interest in the item regarding the recommendations of the Adjudication Panel for England arising from their consideration of the complaint against Councillor Joginder Bal. She indicated that her husband had been employed by the Council as the Taxi Licensing Officer at the time Councillor Bal's failure to disclose previous criminal offences had been discovered. She stated that he had not discussed the matter with her and that she had had no prior knowledge of the case and accordingly, would remain, speak and vote when this item was considered.

2. Election of Chair

Resolved - That The Reverend Paul Lipscomb be appointed Chair of the Committee for the current municipal year.

(The Reverend Paul Lipscomb in the Chair).

3. Minutes

The minutes of the Meeting of the Committee held on 6th April, 2005 were approved as a correct record and signed by the Chair.

4. Election of Vice-Chair

Resolved - That Mr Mike Field be appointed Vice-Chair of the Committee for the current municipal year.

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5. Recommendations from the Adjudication Panel for England – Complaint against Councillor J S Bal

The Director of Law and Corporate Governance reported that in June, 2004 the Standards Board for England had received a complaint that Councillor Bal might have breached the Local Code of Conduct for Members. The complaint was investigated by an Ethical Standards Officer and on 18th January, 2005 she referred her report and the matter to the Adjudication Panel for England for adjudication. A copy of the Case Tribunal's detailed decision setting out the history of the complaint, the investigation thereof and the findings of the Tribunal was submitted to the Committee for information.

The Case Tribunal in determining this matter had made two recommendations to the Council which were that:-

- (i) Hackney Carriage Driver Licence application forms should be made available in appropriate languages other than English;
- (ii) Clear guidance should be made available to applicants including the necessity to disclose all previous convictions.

Under Section 80 of the Local Government Act 2000 the Council was required to consider any recommendations made by a Case Tribunal and prepare a report for the Standards Board for England giving details of what action it had taken or was proposing to take as a result of those recommendations. The Standards Committee was being asked to consider and make appropriate recommendations to the Council on the action recommended by the Case Tribunal. The Committee was not being asked to comment upon the Tribunal's decision in respect of the complaint made against Councillor Bal.

The Council's Taxi Licensing Officer advised the Committee that the Council was a member of the National Association of Licensing and Enforcement Officers and that she had consulted the other member authorities of the Association regarding the Tribunal's recommendations and had found that only one other local authority provided application forms in another language. The authority was situated in Wales and their forms were produced in Welsh as well as English. She indicated that it was a requirement that Hackney Carriage and Private Hire vehicle drivers should be able to speak English in order to be able to communicate with their passengers, read road signs and issue receipts. She also indicated that in Slough there was likely to be in excess of 20 different languages spoken and that it would be impracticable to issue application forms in each of these languages. There was also the likelihood that if the forms were produced in other languages they would be completed in those languages which would present problems for the Licensing Officers. It was further pointed out that the knowledge test which all applicants were required to pass was in English and that a number of other local authorities had, as part of their application process, a written and spoken English test.

For the reasons outlined above, the Officers recommended that application forms for Hackney Carriage and Private Hire vehicle drivers' licences should continue to be issued in English only but that guidance notes on completion of the forms should be made available in the five main ethnic minority languages spoken in Slough.

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With a view to identifying in which ethnic minority languages the guidance should be produced, it was proposed that the Officers would consult the Hackney Carriage Federation and the Private Hire Association. In addition, the Officers would, wherever practicable, ensure that help was available to those applicants who spoke other languages in the completion of their application forms.

In response to a question from a Member, the Officers indicated that the application forms were to be revised as part of the wider review currently being undertaken of the Private Hire and Hackney Carriage services and that the new forms would make it clear that drivers were required to give details of all previous convictions including those which were classed as being spent under the Rehabilitation of Offenders Act (as amended).

Recommended –

- (a) That the Case Tribunal's recommendation that application forms for a Hackney Carriage driver's licence be made available in appropriate languages other than English be not acceded to for the reasons now given.
- (b) That clear guidance notes on completing the application forms be made available in the five main ethnic minority languages spoken in Slough; these languages to be identified in consultation with the Hackney Carriage Federation and the Private Hire Association.
- (c) That the Director of Law and Corporate Governance prepare a report detailing the action the Council proposes to take in respect of the Case Tribunal's recommendations for submission to the Standards Board for England.

Resolved -

- (d) That when available copies of the revised Hackney Carriage/Private Hire vehicle driver's licence application forms be sent to the Members of the Standards Committee for information.

6. Minutes of the Standards (Local Determination) Sub-Committee

The minutes of the Standards (Local Determination) Sub-Committee Meeting held on 7th April, 2005 were noted.

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

Resolved - 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 current municipal year:-

Elected Members

Councillors Neil Arnold, Sumander Khan and Mewa Mann.

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Independent Co-opted Members

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

8. Membership of the Standards (Local Determination) Sub-Committee

The Committee was advised that since the appointment of the Standards (Local Determination) Sub-Committee in January, 2005 three complaints had been referred to the Monitoring Officer by the Standards Board for England for investigation and subsequent determination by the Sub-Committee. One complaint had already been determined by the Sub-Committee and the other two complaints were to be heard in July.

Due to the timetable set by the Standards Board for England for the consideration of referred complaints and the crowded calendar of Council meetings it had been difficult to identify dates which all the Members of the Sub-Committee could attend. The quorum of the Sub-Committee was three Members, two of whom had to be non-elected independent Members. In the event of one of the independent Members whose turn it was to serve on the Sub-Committee being unable to attend there was the danger that if one of the other independent Members could not attend due to sickness or some other unforeseen circumstance the Sub-Committee would not be quorate.

To avoid this happening it was proposed that in the event of a Member of the Sub-Committee being unable to attend a meeting another Member of the pool of appointed Members should be asked to attend in his/her place. If an independent Member was unable to attend, the remaining independent Member in the pool would be appointed in his/her place. In the event of an elected Member being unable to attend the remaining elected Member or independent Member in the pool, in that order, would be appointed in his/her place.

Resolved -

- (a) That the proposed amendment to the constitution of the Standards (Local Determination) Sub-Committee now proposed be approved and adopted.

Recommended –

- (b) That the Council's Constitution be amended to reflect the above change in the Standards (Local Determination) Sub-Committee's constitution.

9. Monitoring Members' Performance

The Member Services Manager reported that the Council's Independent Remuneration Panel which had recently reviewed the Members' Allowances Scheme had recommended that the Council through its Standards Committee should consider putting in place appropriate arrangements for monitoring Members' performance. This recommendation was approved by full Council on 26th April, 2005. The Panel recognised that the majority of Members carried out their roles and responsibilities fully and conscientiously but that there were a small minority

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who did not. Rather than tailor the Members' Allowances Scheme with these Members in mind, the Panel was of the view that appropriate performance monitoring arrangements should be put in place which would address the matter of Members who failed to meet the standards expected.

It was suggested that the first step in this process might be to ensure that there were clear roles and responsibilities set for Members so that they were certain about what was expected of them and, secondly, that there were relevant, practical, accurate and objective indicators against which Members' performance might be measured.

In November 1999 the then Cabinet Committee had approved revised roles and responsibilities for Members and a number of indicators against which Members' performance could be measured. It was proposed that these should be reviewed to ensure that the roles and responsibilities were still accurate and relevant and the performance indicators were objective and measurable. The performance indicators also need to be reviewed to determine whether they should be added to and/or deleted; how they might be recorded/collected; to whom they should be reported, the frequency of those reports and what action, if any, should be taken in respect of those Members who did not meet the agreed standards.

It was suggested that the Committee might wish to consult the Group Leaders and other Members of the Council on these issues and with this in mind it might wish to appoint a small Member Panel to be charged with undertaking this exercise and reporting back its proposals to the Committee for consideration.

Resolved - That a Panel comprising the following Members be appointed to draw up proposals for monitoring Members' performance for submission to the Standards Committee for consideration:-

Elected Members

Councillors Michael Holledge, Pauline Key, Mewa Mann and Wexham Court Parish Councillor Barbara Turner.

Independent Co-opted Members

Messrs Fred Ashmore and Mike Field.

10. Standards Committee Draft Annual Report 2004/2005

The Director of Law and Corporate Governance submitted for consideration and approval the draft Annual Report of the Standards Committee for 2004/2005. The report set out the composition of the Committee, its current terms of reference, its achievements over the last municipal year, its work programme for the forthcoming year, developments within the Standards Board for England and the development and maintenance of the Council's own Ethical Framework.

Recommended - That the Annual Report of the Standards Committee for the municipal year 2004/2005 now submitted be approved by the Council.

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11. Work Programme 2005/2006

The Officers submitted for consideration the proposed work programme for the Standards Committee for 2005/2006.

The Director of Law and Corporate Governance drew the Committee's particular attention to the proposed Ethical Audit of Members and Officers of the Council. The Audit would take the form of a questionnaire which would be sent to Members and Officers in September to ascertain the level of their knowledge and understanding of the Council's Ethical Framework. The results and any action recommended would be reported to the Committee.

Resolved - That the proposed work programme for 2005/2006 now submitted be approved.

12. Standards Board for England Road Show 2005

The Chair reported orally that he had attended the Standards Board for England Road Show 2005 held in Birmingham on 9th June, 2005 and he briefly outlined the main issues which had been raised and discussed by the delegates who had attended.

Chair.

(Note: The meeting opened at 6.15 p.m. and closed at 7.03 p.m.)