

Public Document Pack

Date of issue: 8th June 2007

MEETING

STANDARDS COMMITTEE

CO-OPTED/INDEPENDENT MEMBERS:

Messrs Fred Ashmore, Mike Field and The Reverend Paul Lipscomb and one vacancy.

ELECTED MEMBERS:-

Councillors Mohammed Aziz, Sukjhit Dhaliwal, John Finn, Latif Khan, Mewa Mann and Patricia O'Connor.

PARISH COUNCIL MEMBER:-

Britwell Parish Councillor Nicoline Brandligt.

DATE AND TIME:

MONDAY, 18TH JUNE, 2007 AT **6.15 PM**

VENUE:

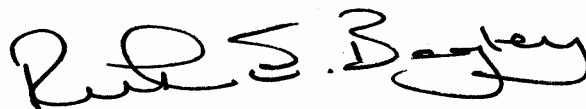
COMMITTEE ROOM 2, TOWN HALL, BATH ROAD, SLOUGH

DEMOCRATIC SERVICES OFFICER: (for all enquiries)

JUNE COOK
(01753) 875019

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



RUTH BAGLEY
Chief Executive

NOTE TO MEMBERS

This meeting is an approved duty for the payment of travel expenses.

AGENDA

PART I

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
	Apologies for absence.		
1.	Declarations of Interest (Members are reminded of their duty to declare personal and personal prejudicial interests in matters coming before this meeting as set out in the Local Code of Conduct)		
2.	Election of Chair		
3.	Minutes of the last Meeting of the Committee held on 2nd April 2007	1 - 4	
4.	Election of Vice-Chair		
5.	Appointment of Standards (Local Determination) Sub-Committee Pool Members i.e. 4 Independent Co-opted Members and 3 Elected Members		
6.	Minutes of the Standards (Local Determination) Sub-Committee Meeting held on 10th April 2007	5 - 8	
7.	Work Programme 2007/2008	9 - 12	
8.	Attendance at Parish and Borough Council Meetings	13 - 14	
9.	Adoption of New Local Code of Conduct/Standards Board for England Statutory Guidance	15 - 18	

Press and Public

You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. Special facilities may be made available for disabled or non-English speaking persons. Please contact the Democratic Services Officer shown above for further details.

Minicom Number for the hard of hearing – (01753) 875030



STANDARDS COMMITTEE – Meeting held on Monday, 2nd April, 2007.

Present:-

Co-opted Independent Members:-

The Reverend Paul Lipscomb (Chair), Messrs Fred Ashmore and Mike Field.

Elected Members:-

Councillors Mohammed Aziz, Latif Khan and Mewa Mann

Apologies for absence:- Councillors John Finn, and Lydia Simmons and Colnbrook with Poyle Parish Councillor Laurie Tucker

PART 1

23. Declarations of Interest

None.

24. Minutes

The Minutes of the meeting of the Committee held on 27th April, 2007 were approved as a correct record and signed by the Chair.

25. Future Committee Work Programme and Action

At the Standards Committee meeting held on 15th January, 2007, the Chair and Monitoring Officer had identified a number of matters which they proposed the Committee should pursue in the forthcoming municipal year. Detailed proposals in respect of each of these initiatives were submitted, and it was

Resolved –

- (a) That, in respect of its Annual Report for 2006/07 and future years the Committee adopt a similar format to that of South Gloucestershire's Standards Committee's Report.
- (b) That consideration be given to the Annual Report in its new format being distributed to all staff with their monthly pay slips.
- (c) That the Committee be actively involved in setting its aims and objectives for the forthcoming municipal year and based, upon these, a programme of work be drawn up, agreed and incorporated into the Committee's Annual Report.

Standards Committee – 02.04.07

- (d) That twice a year after the formal business of the Standards Committee meeting is concluded, short training sessions be held for Committee Members, these to include looking at relevant Standards Board for England case studies.
- (e) That, when the necessary primary legislation is introduced giving Standards Committees responsibility for the initial assessment of all allegations of misconduct, an informal reconciliation / mediation process be drawn up in consultation with the Group Leaders for submission to the Committee for approval.
- (f) That the Officers submit to the Committee annually, for information, details of gifts/ hospitality registered by Members during the preceding municipal year.
- (g) That the Officers submit to the Committee regular progress reports on the implementation of the Committee's agreed Work Programme.
- (h) That the Committee at its next meeting consider and approve arrangements for Committee Members and the Monitoring Officer to attend Parish Council Meetings and for the Independent Co-opted Members to attend Council and Committee meetings of this Authority.
- (i) That a review of the Committee's current terms of reference be incorporated into its Work Programme for 2007/08.
- (j) That, subject to the agreement of the Member Panel on the Constitution, Council be recommended to amend paragraph 7 (relating to the Standards (Local Determination) Sub-Committee) of Article 9 of the Council's Constitution to read as follows:-

“7. The Standards (Local Determination) Sub-Committee shall be chaired by the Chair of the Standards Committee. In his/her absence the Chair for the hearing will be appointed from one of the non-elected Independent Members present”.

26. Audit Commission's Ethical Governance Report

Mike West and Rachael Cobley of the Audit Commission, the Council's External Auditors, attended the Meeting to present the results of the Ethical Governance Diagnostic Survey which had been commissioned by the Standards Committee in October 2005. The survey was carried out in January/February 2006 but only 11 Members and 97 Officers responded. This was too small a sample to be a representative and accordingly, the survey was re-run in September 2006 with Officer involvement being limited to the top three tiers. In the second survey 23 Members and 35 Officers responded.

The survey gave a snapshot of perceptions within the Council at a particular point in time and the results were benchmarked against a number of other authorities who had also completed the survey.

Standards Committee – 02.04.07

The main conclusions drawn from the results of the survey were that there were several good policies and practices in place in Slough and in a number of areas, relating to policy and training, Slough was near to the national benchmark, and in some cases exceeded the national average. However, where questions referred to Member behaviour, Slough was behind the benchmark in a several respects. Ethical Standards as a whole did not appear to have been embedded into the Council's culture especially in respect of Members.

In the light of these survey findings, the Auditors had made a number of recommendations which were as follows:-

1. Further training should be offered to all Members on the provisions of the Code of Conduct, in particular emphasising and exploring how the Council's ethical culture needs to be developed.
2. The Standards Committee should consider how it might use internal and external auditors to promote higher Ethical Standards across the Council.
3. The Standards Committee should promote its work more widely across the Council.
4. The Council should consider whether Member training could be made compulsory.
5. The Council should review training for Officers to include awareness of the Officer Code of Conduct and carry out a risk assessment of training required for legislation.
6. The Council should ensure that all Members are fully aware of the content of the Code of Conduct and the impact it has on their duties.

The Auditors recommended that the Council should have regard to the results of the survey and use them to inform the drawing up of an action plan with timescales. They also recommended that the Council should consider methods of training and raising of awareness of Officers and Members.

The survey results and actions recommended by the Auditors were considered and the following initial action was identified:-

- (i) That the Council's Internal Audit Section should take a more active role in the training and development of both Officers and Members e.g. provision of training on the Anti-Fraud and Corruption Strategy.
- (ii) That a meeting of the three Group Leaders, the new Chief Executive and new Chief Internal Auditor and Chair of the Standards Committee should be arranged to seek agreement to strong and effective action being taken to address the issues raised by the Survey, in particular the behaviour of Members and their poor record of attendance at training sessions.

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- (iii) That the Monitoring Officer should draw up an action plan based on the Auditors' findings and recommendations for consideration at the Standards Committee Meeting on 18th June, 2007.
- (iv) As a first step forward, the Auditors indicated that they were willing to run a training seminar for all Members in which scenarios showing how the Code could be applied in real life would be played through. It was suggested that this seminar be held in September after the local elections and completion of the Council's Member Induction Programme.

Attention was drawn the Committee's earlier consideration of its work programme and the future action it had agreed which would make a contribution towards addressing the issues raised by the survey.

Resolved –

- (a) That the Ethical Governance Report now submitted and the recommendations contained therein be noted and accepted.
- (b) That the actions now outlined above in (i) to (iv) above be approved and adopted.

27. Vote of Thanks

Resolved – That the Committee place on record its thanks and appreciation to The Reverend Paul Lipscomb for the courtesy and impartiality he has demonstrated as Chair of the Committee during the past municipal year.

Chair

(Note: The Meeting opened at 6.15 pm and closed at 7.30 pm)

STANDARDS (LOCAL DETERMINATION) SUB-COMMITTEE – Meeting held on 10th April 2007

Present:-

Co-opted Independent Members:-

Messrs Fred Ashmore and Mike Field and The Reverend Paul Lipscomb.

Elected Member:-

Councillor Mohammed Rasib.

Also Present:

Councillor Balwinder Dhillon, Mr Amrik Dosanjh representing Councillor Dhillon, , Steven Quayle, Monitoring Officer, Jill Bell, Investigating Officer and June Cook (Administrator).

PART 1

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

None.

3. Minutes

The Minutes of the Meeting of the Sub-Committee held on 20th November, 2006 were approved as a correct record and signed by the Chair.

4. Alleged Breach of Local Code of Conduct - Councillor Balwinder Dhillon

The Sub-Committee met to determine an allegation made by Councillor May Dodds that Councillor Balwinder Dhillon had failed to comply with Council's Local Code of Conduct. The alleged breaches of the Local Conduct were that at the Council Meeting on 7th February 2006 Councillor Dhillon:-

- (a) had failed to “treat others with respect and consideration regardless of their gender, race, sexual orientation, age or religion” contrary to paragraph 2.1(b) of the Code by telling Councillor Dodds to “shut your mouth”;

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- (b) had “conducted himself in a manner which could reasonably be regarded as bringing his office or the Authority into disrepute” contrary to paragraph 4.1 (a) of the Code by failing to read out the pre-agreed apology as directed by the Standards (Local Determination) Sub-Committee in respect of a previous complaint without preamble or additional comment .
- (c) had made “vexations or malicious complaints against any persons” contrary to paragraph 4.1(b) by calling Councillor Grewal ‘foolish’ and ‘childish’.

The complaint 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 the Deputy Monitoring Officer i.e. the Investigating Officer.

The Investigating Officer’s final written report outlining the result of her investigation and her conclusions were submitted together with Councillor Dhillon’s written response thereto.

The Investigating Officer presented her report following which Councillor Dhillon declined the opportunity to ask questions thereon. Mr Dosanjh, representing Councillor Dhillon, then read out a short statement on his behalf welcoming the Investigating Officer’s finding that in respect of allegations (a) and (c) above there had been no breach of the Code and admitting the action set out in paragraph (b) above in respect of which he expressed his regret and apologies to the Sub-Committee.

The Sub-Committee, having heard all the evidence and being satisfied that it had sufficient information then deliberated in private.

On reconvening the hearing the Chair advised that the Sub-Committee had come to the following conclusions:-

- That there was insufficient evidence to show that Councillor Dhillon had made vexatious or malicious remarks against anyone at the Council meeting on 7th February, 2006 and any remarks he did make should be viewed in the context of the poor behaviour of a number of Members at that meeting. In the light of this the Sub-Committee concurred with the Investigating Officer’s findings that Councillor Dhillon had not breached paragraphs 2.1(b) or 4.1(b) of the Code.
- As regards the charge that Councillor Dhillon had breached paragraph 4.1(a) of the Code, based on his own admission and evidence produced by the Investigating Officer, the Sub-Committee found that he had failed to read out the pre-agreed apology as directed by the Standards (Local Determination) Sub-Committee without preamble or additional comment and that his failure to do so had contributed to the disruption at the Council meeting. Accordingly, the Sub-Committee

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found that Councillor Dhillon had breached the Local Code of Conduct in that he had conducted himself in a way which could reasonably be regarded as bringing his office and the Council into disrepute contrary to paragraph 4.1(a) of the Code.

Councillor Dhillon was asked whether he wished to make any representations before the Sub-Committee considered what sanction if any should be imposed and Mr Dosanjh briefly addressed the meeting on his behalf.

The Sub-Committee then deliberated in private and on reconvening the hearing

Resolved –

- (a) That Councillor Dhillon, having been found in breach of paragraph 4.1(a) of the Code of Conduct, be suspended from attending all Council, Committee, Sub-Committee and Panel meetings for the period 11th April to 25th April 2007 inclusive and payment of any allowances due to him for this period should cease.
- (b) That the Sub-Committee views with great concern the poor behaviour of the elected Members of the Council and the general lack of respect they show each other, as evidenced by the Investigating Officer's report, accompanying documentation and subsequent reoccurrences. Accordingly it calls upon the Group Leaders to take collective, strong, immediate and effective action to address this issue for the future and instructs the Monitoring Officer, in consultation with the Chair of this Committee, to prepare a report on this matter for submission to the Council setting out its concerns.
- (c) That the report to Council referred to in (b) above include the recommendation that should there be a reoccurrence of the kind of behaviour which occurred at the Council Meeting on 7th February, 2006, the Mayor should immediately suspend the meeting to allow a "cooling off" period.

(Councillor Dhillon was advised of his right of appeal in accordance with Part 3 of the Local Authorities (Local Code of Conduct) (Local Determination) Regulations 2003)

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.23 pm)

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SLOUGH BOROUGH COUNCIL**REPORT TO:** Standards Committee**DATE:** 18th June 2007**CONTACT OFFICER:** June Cook, Member Services Manager
(For all Enquiries) (01753) 875019**WARD(S):** All**PART I
FOR DECISION****WORK PROGRAMME 2007/2008****1. Purpose of Report**

To consider the aims and objectives of the Committee for the forthcoming municipal year and based upon these approve a work programme for 2007/2008.

2. Recommendation(s)/Proposed Action

- 2.1 The Committee is asked to consider and endorse the attached work programme for the Committee for 2007/2008 (**Appendix A**).

3. Key Priorities – Taking Pride in Slough and Making a Difference to Communities and our Environment

Priority 5 – Maintaining excellent governance within the council to ensure it is efficient, effective and economic in everything it does.

- 3.1 By adopting the action now proposed the Council will help ensure that governance of the highest order is maintained which will also contribute to achieving the Council's other key priorities.

4. Other Implications

- 4.1 There are no financial, nor any direct legal (including human rights) implications arising from this report. There may be some staffing implications in terms of increased work load for certain members of staff.

5. Supporting Information

- 5.1 At the Standards Committee's meeting held on 2nd April 2007 the Committee, amongst a number of other decisions, resolved that the Committee should be actively involved in setting its aims and objectives for the forthcoming municipal year and based upon these a programme of work be drawn up, agreed and incorporated into the Annual Report.
- 5.2 At the same Meeting the Committee received the results of the ethical governance survey conducted by the Audit Commission, the Council's External Auditors. In the light of the survey results the External Auditors made a number of recommendations which were as follows:

1. Further training should be offered to all Members on the provisions of the Code of Conduct, in particular emphasising and exploring how the Council's ethical culture needs to be developed.
 2. The Standards Committee should consider how it might use internal and external auditors to promote higher Ethical Standards across the Council.
 3. The Standards Committee should promote its work more widely across the Council.
 4. The Council should consider whether Member training could be made compulsory.
 5. The Council should review training for Officers to include awareness of the Officer Code of Conduct and carry out a risk assessment of training required for legislation.
 6. The Council should ensure that all Members are fully aware of the content of the Code of Conduct and the impact it has on their duties.
- 5.3 In response to the Auditors' Report several initial actions were approved and these together with the other actions agreed by the Committee at the Meeting have been incorporated into a draft work programme for 2007/2008 which is attached as **Appendix A** .

6. Background Papers

Reports submitted to and Minutes of the Standards Committee Meeting held on 2nd April 2007.

STANDARDS COMMITTEE WORK PROGRAMME 2007/2008

<u>Date</u>	<u>Action</u>	<u>Lead Officer(s)</u>
1 st October 2007	Repeat of training session on the Local Code of Conduct and Member/Officer Relations Code which was held on 9 th May 2007 for those Members who did not attend.	Director of Law & Corporate Governance / Member Services Manager
10 th October 2007	<ol style="list-style-type: none"> 1. Approve Standards Committee Annual Report 2006/2007 2. Consider Members' Attendance/Performance Records 2006/2007 3. Consider and approve Action Plan in response to the External Auditors' findings and recommendations. 4. Report back on results of meeting between Standards Committee Chair, Group Leaders', Chief Executive and Monitoring Officer held to discuss issues raised by the External Auditors. 5. Work Programme update 	<p>Director of Law & Corporate Governance</p> <p>Member Services Manager</p> <p>Director of Law & Corporate Governance</p> <p>Director of Law & Corporate Governance</p> <p>Member Services Manager</p>
5 th November 2007	Workshop for all Members on the practical application of the new Local Code of Conduct.	Audit Commission, External Auditors/ Member Services Manager

APPENDIX A

14 th January 2008	<ol style="list-style-type: none">1. Review Committee's terms of Reference2. Review Ethical Framework Documentation3. Work Programme update4. Standards Board for England Case Study Training5. Report back on Committee Members' visits to Parish Council and Slough Borough Council Meetings	Director of Law and Corporate Governance Director of Law and Corporate Governance Member Services Manager Director of Law and Corporate Governance Committee Members/ Director of Law and Corporate Governance/ Member Services Manager
31 st March 2007	Report on Gifts and Hospitality declared by Members over the last 12 months. Work Programme update	Member Services Manager Member Services Manager

SLOUGH BOROUGH COUNCIL**REPORT TO:** Standards Committee**DATE:** 18th June 2007**CONTACT OFFICER:** June Cook, Member Services Manager
(For all Enquiries) (01753) 875019**WARD(S):** All**PART I
FOR DECISION****ATTENDANCE AT PARISH AND BOROUGH COUNCIL MEETINGS****1. Purpose of Report**

To consider and approve arrangements for Committee Members and the Monitoring Officer to attend Parish and Borough Council Meetings.

2. Recommendation(s)/Proposed Action

- 2.1 The Committee is asked to agree which Members should attend which Borough and Parish Council Meetings.

3. Key Priorities – Taking Pride in Slough and Making a Difference to Communities and our Environment

Priority 5 – Maintaining excellent governance within the council to ensure it is efficient, effective and economic in everything it does.

- 3.1 By adopting the action now proposed the Council will help ensure that governance of the highest order is maintained which will also contribute to achieving the Council's other key priorities.

4. Other Implications

- 4.1 There are no financial, nor any direct legal (including human rights) implications arising from this report. There may be some staffing implications in terms of increased work load for certain members of staff.

5. Supporting Information

- 5.1 In accordance with the provisions of Section 55 of the Local Government Act 2000 the Council's Standards Committee has the same functions in relation to the Parish Councils for which the Council is the responsible authority and the Members of those Parish Councils. The Chair is keen that the Committee should become more involved in the work of the Parish Councils and is proposing that, periodically, selected Members of the Standards Committee and the Monitoring Officer should attend meetings of Parish Councils to observe their procedures and the behaviour of their Members. He also suggests that this should be extended to Council and Committee meetings of this Authority and that the Independent members should periodically attend these meetings.

5.2 At the Standards Committee's meeting held on 2nd April 2007, the Committee approved the Chair's proposals and resolved that the Committee at its next meeting should consider and approve arrangements for Committee Members and the Monitoring Officer to attend Parish Council Meetings and for the Independent Co-opted Members to attend Council and Committee meetings of this Authority.

5.3 The dates of the Parish Council Meetings are set out below:

Britwell Parish Council

18th July 2007
19th September 2007
17th October 2007
14th November 2007
16th January 2008
13th February 2008
12th March 2008
16th April 2008

Wexham Court Parish Council

10th July 2007
11th September 2007
9th October 2007
6th November 2007
11th December 2007
12th February 2008
11th March 2008
8th April 2008

Colbrook with Poyle Parish Council

10th July 2007
11th September 2007
9th October 2007
6th November 2007
8th January 2008
12th February 2008
11th March 2008
8th April 2008

5.4 Members are asked to indicate which Parish Council Meetings and Borough Council Meetings they would wish to attend to observe their proceedings during the forthcoming municipal year.

6. Background Papers

Future Work Programme and Action Report submitted to and Minutes of the Standards Committee Meeting held on 2nd April 2007.

SLOUGH BOROUGH COUNCIL

REPORT TO: Standards Committee **DATE:** 18th June, 2007

CONTACT OFFICER: Steven Quayle
Director of Law & Corporate Governance
(01753) 875004

WARDS: All

PART I
FOR DECISION**ADOPTION OF NEW LOCAL CODE OF CONDUCT FOR MEMBERS / STANDARDS BOARD FOR ENGLAND'S STATUTORY GUIDANCE****1. Purpose of Report**

- 1.1 The purpose of this report is to advise Members of the publication by the Government of the long awaited revised Model Code of Conduct for Local Authorities and the subsequent adoption of that Model with some local provisions by the Council in May this year.
- 1.2 The Standards Board for England have also issued guidance for Members entitled Model Code of Conduct – Guide for Members (May 2007) which seeks to give guidance on the interpretation and application of the Codes' provisions.

2. Recommendation

- 2.1 Members of the Committee are asked to note that the Council have adopted the new Model Code of Conduct for Members with local provisions and the publication of the Standards Board for England's Statutory Guidance the latter of which has been circulated to all Members.
- 2.2 That the Committee resolve that further compulsory training on the application of the new Code be held for all Members (including co-opted and Independent Members) in October 2007 as set out in the Committee's Work Programme 2007/2008 which is the subject of a further report on this agenda.

3. Key Priorities

- 3.1 The trust and confidence of the public and those who work for the Council and the way it and Members conduct themselves has a direct impact on how services are delivered to the community.
- 3.2 The Model Code of Conduct and the supporting documentation which has recently been adopted by the Council will form part of the ethical framework which ensures openness and transparency in decision making.

4. Human Rights, other Legal and Workforce Implications

- 4.1 All Members (including co-opted and Independent Members) who have been elected/appointed to the Council are duty bound under local government legislation to undertake and abide by the Council's Local Code of Conduct for Members and all of the relevant statutory processes have now been completed.
- 4.2 If Members breach the Local Code of Conduct for Members then any individual can make a complaint to the Standards Board for England.

5. Background/Supporting Information

- 5.1 The new/revised Model Code of Conduct for Members was published by the Government in April this year in the Local Authorities (Model Code of Conduct) Order 2007 and the Council adopted it with some local provisions (see below) at the adjourned Annual General Meeting on Monday, 21st May, 2007.
- 5.2 All elected, co-opted and Independent Members of Local Authorities, including Parish Councils are covered by the Model Code of Conduct and they have already signed the relevant undertaking to abide by the provisions within the Code.

The local provisions which apply to Slough Borough Council only incorporate the following documents as part of its Local Code namely:-

- a) Planning Code of Conduct for Members and Officers.
- b) Local Code of Conduct governing relations between elected Members and Council employees.
- c) Whistle Blowing Policy and Procedure.

- 5.3 This means that any breach of the provisions within those documents will automatically be considered to be a breach of the Local Code. The major changes from the former 2001 Code are:-

- Abolition of the duty of Members to report all alleged breaches of the Code, however minor.
- The introduction of a new provision on bullying and intimidation.
- Amendments in the way confidential information can be handled.
- Important changes to the definition of Personal and Prejudicial Interests.
- Introduction of special categories of interest e.g. gifts and hospitality and sensitive information.

- 5.4 It is considered that in overall terms the new Model Code of Conduct is an improvement on the 2001 version although the new definitions of personal and prejudicial interests are more complicated and Members and Officers will need to pay particular attention to the detail. However the goal of seeking to permit Members to represent the views of their constituents despite having a personal interest is to be welcomed.

6. Conclusion

- 6.1 The new Model Code of Conduct issued in April 2007 now applies to all Local Authorities but whether its interpretation and application is easier for Members and Officers to apply remains to be seen. The statutory guidance issued by the Standards Board for England is helpful although somewhat lengthy.

7. Background Papers – New Model Code of Conduct for Members

The Standards Board for England's Guidance entitled "The Code of Conduct – Guide for Members (May 2007).

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