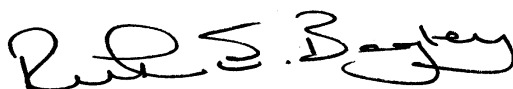


Date of issue: 11<sup>th</sup> April, 2012

<b>MEETING:</b>	<b>STANDARDS (DETERMINATION) SUB-COMMITTEE</b>
	CO-OPTED/INDEPENDENT MEMBERS Mr Mike Field (Chair), Mr Fred Ashmore and Mr Alan Sunderland
	ELECTED MEMBERS:- Councillors Minhas and Plenty
<b>DATE AND TIME:</b>	THURSDAY, 19TH APRIL, 2012 AT 6.30 PM
<b>VENUE:</b>	SAPPHIRE SUITE 4, THE CENTRE, FARNHAM ROAD, SLOUGH
<b>DEMOCRATIC SERVICES OFFICER: (for all enquiries)</b>	CATHERINE MEEK 01753 875011

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

AGENDA

PART 1

**AGENDA**  
**ITEM**

**REPORT TITLE**

**PAGE**

**WARD**

Apologies for absence.

**AGENDA**  
**ITEM**

**REPORT TITLE**

**PAGE**

**WARD**

- |    |   |         |     |
|----|---|---------|-----|
| 1. | Declarations of Interest<br><br>(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. | Minutes of the previous Meeting of the Sub-Committee held on 28th February 2012   | 1 - 2   |     |
| 3. | Alleged Breach of Local Code of Conduct - Councillors P Choudhry, Rasib and former Councillors Bal and Zarait (SBC 2010/25)   | 3 - 134 | All |

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.

**Standards (Determination) Sub-Committee – Meeting held on Tuesday, 28th February, 2012.**

**Present:-**                    **Co-opted Independent Members:-**

Mr Fred Ashmore and Mr Alan Sunderland

**Elected Members:-**

Councillors M S Mann and Minhas

**Also present:-**            Kevin Gordon (Monitoring Officer), Shabana Kauser  
(Administrator) and Councillor Sohal (Subject Member)

**Apologies for Absence:**    Mr Field

**PART 1**

**12. Chair of Meeting**

In the absence of Mr Field, Chair of the Standards Committee, the Vice-Chair of the Committee, Mr Ashmore took the Chair.

(Mr Ashmore in the chair)

**13. Declarations of Interest**

None were received.

**14. Minutes of the previous Meeting of the Sub-Committee held on 13th December 2011**

The Minutes of the Sub-Committee meeting held on 13th December 2011 were approved as a correct record.

**15. Alleged Breach of Local Code of Conduct - Councillor Sohal (SBC 2010/21)**

The Sub-Committee met to determine an allegation made by former Councillor MacIsaac that Councillor Sohal failed to comply with the Local Code of Conduct for members. The complaint had been referred for investigation by the Standards (Review) Sub-Committee on the 8<sup>th</sup> September 2010.

In accordance with the arrangement agreed by the Standards Committee the Monitoring Officer had delegated the conduct of the investigation to Kuldip Channa (Principal Litigation Lawyer) i.e. the Investigation Officer.

At the Chair's invitation introductions were made by all participants following which the Chair drew attention to the procedure that would be followed during

## **Standards (Determination) Sub-Committee - 28.02.12**

the hearing and all parties confirmed that they were aware of it. The Investigation Officer, Councillor Sohal and the Monitoring Officer agreed that there were no grounds for the Exclusion of the Press and Public from the meeting.

The Investigating Officer's final report detailing the outcome of the investigation and the conclusions reached were submitted together with the subject member's written responses thereto. The general summary of the complaint and alleged breach of the code identified by the Investigating Officer was that Councillor Sohal "waved a laminated card and shoved it in the complainant's face" with words to the effect that "people who call others traitor are ubiquitous bastards" and that this constituted a breach of paragraph 3(1) of the Local Code of Conduct "you must treat others with respect" and paragraph 3(2)(b) "you must not bully any person."

Mrs Channa presented her report and all parties were given an opportunity to ask questions for clarification. Mrs Channa indicated that she did not wish to call any witnesses.

Councillor Sohal presented his case. The Sub-Committee members and the Investigating Officer were given the opportunity to ask questions to clarify the evidence submitted. Councillor Sohal drew Members attention to the character references he had submitted within the agenda for the meeting. Whilst Councillor Sohal accepted that he had had a laminated card at the training session, he submitted that the card was not directed at Mr Maclsaac and that it was on the table so that anyone who wanted to read it could read it.

On completion of the presentation of both cases the Chair and Members of the Sub-Committee confirmed that they had sufficient information to determine whether or not there had been a breach of Local Code of Conduct. All parties withdrew from the room to enable the Sub-Committee to consider its decision.

On the evidence submitted the Sub-Committee found that Councillor Sohal had breached paragraph 3.1 of the Local Code of Conduct in that he had failed to treat Mr Maclsaac with respect. The Sub-Committee concluded that on the balance of evidence submitted Councillor Sohal's behaviour did not amount to bullying and therefore there had not been a breach of paragraph 3(2)(b) of the Local Code of Conduct.

Having regard to the above the Sub-Committee were of the view that Councillor Sohal should be censured for his actions. He was advised of his right of appeal in accordance with Regulation 21 of the Standards Committee (England) Regulations 2008. The Sub-Committee then

**Resolved** - That Councillor Sohal having been found in breach of paragraph 3(1) of the Local Code of Conduct be censured.

Chair

(Note: The Meeting opened at 7.55 pm and closed at 9.10 pm)

**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Standards (Determination) Sub Committee    **DATE:** 19<sup>th</sup> April 2012

**CONTACT OFFICER:** Catherine Meek  
**(For all Enquiries)**    Deputy Borough Secretary (01753) 875011

**WARDS:**                    N/A

**PART I**  
**FOR DECISION**

**ALLEGED BREACH OF LOCAL CODE OF CONDUCT – COUNCILLORS P  
CHOUDHRY AND RASIB AND FORMER COUNCILLORS BAL AND ZARAIT.**

1.    **Purpose of Report**

The purpose of this report is to submit for consideration the Council's Investigating Officer's report on the results of her investigation into a complaint that Councillors P Choudhry and Rasib and former Councillors Bal and Zarait failed to comply with the Local Code of Conduct for Members (**Appendix A**).

2.    **Recommendation/Action Required**

The Sub-Committee is asked to consider the Investigating Officer's report and decide what further action, if any, is required.

3.    **Community Strategy Priorities**

It is important that the public have confidence in all Members of the Council who are duty bound to abide by the provisions contained in the Local Code of Conduct for Members and the Council's own Ethical Framework. Furthermore, it is for the benefit of all Members that complaints made against them are fully investigated and dealt with in accordance with the procedure laid down by Standards for England.

4.    **Other Implications**

There are no direct financial or staffing implications arising out of this report. The process of hearing and determining the allegation will be in accordance with the requirements of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 (as amended) and guidance issued by the Standards Board for England. Any potential human rights issues which might arise are addressed and provided for in the hearing procedure.

## 5. **Background Information**

- 5.1 On 10<sup>th</sup> January 2011 the Standards (Assessment) Sub-Committee referred to the Council's Monitoring Officer for investigation a complaint that Councillors Bal, P Choudhry, Rasib and Zarait had failed to comply with the Local Code of Conduct. Although Mr Bal and Mr Zarait are not currently Members of the Council, they were at the time of the alleged breach. In accordance with the arrangement agreed by the Standards Committee, the Monitoring Officer delegated the conduct of the investigation to Kuldip Channa, Principal Litigation Solicitor i.e. the Investigating Officer.
- 5.2 The complaint has been made by former Councillor Maclsaac. The general summary of the complaint is that at the Planning Committee on 15 December 2010, Councillors Joginder Bal, Raja Zarait, Pervez Choudhry and Mohammed Rasib, were influenced by lobbying from the applicants and were predetermined in favour of two planning applications which the Planning Officers had recommended for refusal.
- 5.3 To assist the hearing process the Subject Members were asked to complete and return the following pre-hearing forms:

Form A – Identification of any disputes of fact  
Form B – Other evidence to be taken into account at the hearing  
Form C – Representations on any subsequent action  
Form D – Arrangements for the hearing  
Form E – Details of any witnesses to be called

Completed pre-hearing forms were received from Councillor Rasib, which are attached as **Appendix B**. Councillor P Choudhry and former Councillors Bal and Zarait did not return the pre-hearing forms.

The Investigating Officer received correspondence from Mr Bal on 2 April 2012 which is attached as **Appendix B (i)** requesting that the date of the Determination Sub Committee hearing be adjourned until after the local elections on 3 May 2012. The matter was brought to the attention of the Monitoring Officer and Chair of the Standards Determination Sub Committee, whom noted the request for an adjournment.

On the 2<sup>nd</sup> April 2012 Councillor P Choudhry sent an email to Democratic Services requesting a copy of the hand written notes of the Clerk in attendance at the Planning Committee on the 15<sup>th</sup> December 2010. The Clerk's notes of the meeting were posted out to all four Subject Members and the Complainant on Tuesday 3 April 2012, **Appendix B (ii)**

- 5.4 Enclosed for your attention and/or information are the following documents:

<b><u>Appendix</u></b>	<b><u>Document</u></b>
<b>Appendix A</b>	Investigating Officer's Report
<b>Appendix B</b>	Completed Pre-hearing forms submitted by Councillor Rasib

- Appendix B (i)** Correspondence from Mr Bal received on 2 April 2012
- Appendix B (ii)** Clerks hand written notes of 15<sup>th</sup> December 2010 Planning Committee
- Appendix C** Procedure for the hearing
- Appendix D** Standards Board advice on admission of press and public
- Appendix E** Categories of “exempt information”
- Appendix F** Sanctions available to the Sub-Committee

5.5 The procedure for the hearing will be as set out in **Appendix C** and any guidance and/or advice the Sub-Committee may require will be provided by the Monitoring Officer, Kevin Gordon, Assistant Director, Professional Services.

**6. Conclusion**

The Sub-Committee is asked to consider the evidence presented and come to a decision as to what action, if any, should be taken in respect of this matter.

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**SLOUGH BOROUGH COUNCIL****FINAL REPORT****Case Reference: SBC25**

REPORT OF AN INVESTIGATION UNDER SECTION 66  
OF THE LOCAL GOVERNMENT ACT 2000 AND  
REGULATION 5 OF THE LOCAL AUTHORITIES (CODE  
OF CONDUCT) (LOCAL DETERMINATION)  
REGULATIONS 2003 (AS AMENDED)

BY KULDIP CHANNA, (KC) (PRINCIPAL LITIGATION  
SOLICITOR) (STANDARD INVESTIGATION OFFICER)

APPOINTED AS INVESTIGATION OFFICER, BY KEVIN  
GORDON, THE MONITORING OFFICER INTO AN  
ALLEGATION CONCERNING

1. COUNCILLORS MOHAMMED RASIB and PERVEZ  
CHOUDHRY
2. FORMER COUNCILLORS JOGINDER BAL, and  
RAJA ZARAIT

**DATE: 2<sup>nd</sup> April 2012**

## 1. Introduction

- 1.1 A complaint dated 20th December 2010 was made by former Councillor David MacIsaac, the complainant, (referred to as "DM" ) against four Councillors of Slough Borough Council ("the Four Subject Members), alleging a breach of the Council's Code of Conduct for its Members (Document 1).
- 1.2 The complainant ceased being a Councillor of this Authority in May 2011. It needs to be noted that JB, and RZ ceased to be Councillors of this Authority in May 2011.
- 1.3 In summary, DM alleged that on 15 December 2010, at a Planning Committee, Councillors Joginder Bal (JB), Raja Zarait (RZ), Pervez Choudhry (PC) and Mohammed Rasib (MR), were influenced by lobbying from the applicants and were predetermined in favour of two planning applications which the Planning Officers had recommended for refusal. The two planning applications were:
- a) the proposed erection of a 2 bedroom detached house on land adjoining 68 Norway Drive Slough (P/14946/000);
  - b) retrospective planning permission for the change of use from b1(a) offices to car park for a temporary period on the Aspire 2 Site, corner of the Church Street and Herschel Street, Slough (P/01508/033).
- 1.4 On 10<sup>th</sup> January 2011, the Standards (Assessment) Sub-Committee, considered the complaint from DM and decided to refer the complaint for investigation. The Sub-Committee particularised the breaches of the Local Code of Conduct ("the Code") and as a consequence identified the following paragraphs which may apply to the alleged conduct:-
- (a) "You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute", contrary to paragraph 5.
- 1.5 The Summary of the Complaint is at Document 2. The Decision Notice issued on 14th January 2011 is at Documents 3.

## 2. The Process

As part of my investigation I conducted face to face interviews with the following:-

- (a) The Complainant DM Document 4.
- (b) Councillor Robert Plimmer (PL) Document 5.
- (c) Joginder Bal (JB) Document 6.
- (d) Raja Zariat (RZ) Document 7.
- (e) Councillor Mohammed Rasib (MR) Document 8.
- (f) Councillor Paul Sohal (PS) Document 9.
- (g) Councillor James Swindlehurst (JS) Document 10.
- (h) Wesley McCarthy (WM) Team Leader - Planning Officer – Document 11.
- (i) Chris Smyth (CS) Team Leader Special Projects - Planning – Document 12.

As part of my investigation I also contacted the following:-

- (j) Councillor Peter Dale-Gough (DG) - his email response is noted at Document 13.
- (k) Councillor Balwinder Bains (BB) – telephone interview – his response is noted at Document 14.
- (l) Councillor May Dodds (MS) – her response is at Document 15.
- (m) Roger Avevis - the Agent for the Aspire to Site - his response noted at Document 16.
- (n) Shabana Kauser (SK), Senior Democratic Services Officer, provided factual information from her hand written notes Document 17.
- (o) The Agent for 68 Norway Drive - no response was received to my correspondence
- (p) Councillor Azhar Qureshi (AQ) - no response was received to my correspondence
- (q) Legal Officer – I was unable to trace details of the Legal Officer and its possible that due to re-organisational changes this person may have left the employment of the Council.
- (r) Alexander Dean – Head of Highways Engineering, he was unable to recall any details about this matter.
- (s) Councillor Pervez Choudhry (PC).
  - (i) PC was sent two letters on 1 and 22 July 2011. My letter of the 22 July advised him that as I had not heard from him I was assuming that he “*did not wish to co-operate with the investigation*”. Although on 31 August 2011 he contacted Catherine Meek, Head of Democratic Services, however he has not provided a response to me as the Investigating Officer.
  - (ii) On 7 October 2011 Victoria King (who has assisted me in the later stages of this Standards Investigation) emailed PC requesting he contact her to arrange a convenient time for interview.
  - (iii) On 23 March 2012, I arranged for Victoria King, to contact PC and offer a final opportunity for an interview at a convenient time for him. However he declined it saying that he wished to complain and asked that Catherine Meek contact him. PC did not contact me as the Investigating Officer but chose to complain to Catherine Meek about this investigation.
  - (iv) Following receipt of these two telephone conversations with Victoria King and Catherine Meek I sent an email to PC explaining the Investigating Officer’s position on the matter.
  - (v) In order to progress this investigation I have therefore issued the draft report and note that PC will be able to respond with comments and observations to this draft report should he wish to do so. The letters dated 1 and 22 July 2011 and emails 23 March 2012 are at Document 18-18d.

2.1 I reviewed the Planning Reports and Minutes of the Planning meeting of 15 December 2010. The relevant Minutes of the Meeting are at Document 19.

2.2 I also reviewed the Planning files for both sites. My notes and the relevant information from the files is produced at Document 20 – 20e.

### 3 Statutory Framework

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

#### *Selflessness*

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

#### *Honesty and Integrity*

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

#### *Objectivity*

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

#### *Accountability*

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

#### *Openness*

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

#### *Personal Judgment*

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

#### *Leadership*

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

3.2 The Council adopted its current Local Code of Conduct for Members (“the Code”) on 21<sup>st</sup> May 2007.

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 I list below details of the elected terms and training received by each of the Subject Member and Former elected Members:

	MR	PC	RZ	JB
First elected	May 2006	May 2002	June 2001	May 2001
Signed the declaration of acceptance	9 <sup>th</sup> May 2006		13 <sup>th</sup> June 2001	11 <sup>th</sup> June 2001
Re-elected	May 2010	10 <sup>th</sup> June 2004	June 2004	10 <sup>th</sup> June 2004
Signed the declaration of acceptance	12 <sup>th</sup> May 2010	15 <sup>th</sup> June 2004	14 <sup>th</sup> June 2004	14 <sup>th</sup> June 2004
Re-elected		1 <sup>st</sup> May 2008	May 2007	May 2007
Signed the declaration of acceptance		7 <sup>th</sup> May 2008	9 <sup>th</sup> May 2007	9 <sup>th</sup> May 2007
Re-elected			May 2008	May 2008
Signed the declaration of acceptance			15 <sup>th</sup> May 2008	15 <sup>th</sup> May 2008
Training Attended				
Local Code of Conduct/Declarations of Interest	12 <sup>th</sup> May 2010	12 <sup>th</sup> May 2010	12 <sup>th</sup> May 2010	No records

### 3.5 The Code is split into three parts:-

Part 1 is relevant and entitled, "General Provisions" and "General Obligations" of which paragraph 5 is relevant for the purposes of this investigation. Paragraph 5 states:

#### **paragraph 5**

"You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute".

3.6 It is helpful to refer to the Code of Conduct, Guide for Members, May 2007, ("the Guidance"), from the Standards Board for England ("the Standards Board") on bringing the elected office or Council into disrepute.

3.7 The Members' Guide suggests that bringing the office into disrepute relates to "while acting in your official capacity" and that as an elected Member, "your behaviour and actions are subject to greater scrutiny than ordinary members of the public".

3.8 With Planning Applications the scrutiny is even greater. Public confidence needs to be retained in the planning process as the process does impact heavily on the local community and environment. **Part 5.2 of SBC's Constitution**, deals with the Planning Code of Conduct for Members and Officers. Paragraph 7.1 asserts the importance of ensuring Member integrity and "the public perception of the planning process". Further

at paragraph 7.7 it states that Members should “reach their own conclusions rather than be influenced by others”.

3.9 It is against the Guidance and these General Principles and the provisions of the Code that I have investigated the complaint.

3.10 When conducting this investigation, I have had regard to my obligations under the Data Protection Act 1998 and also to the Human Rights Act 1998.

3.11 I have also had regard to the guidance issued by the Standards Board for England on both the interpretation of the Code of Code and on how to conduct an investigation.

3.12 I believe I have considered the complaint in a fair and objective manner. My report sets out the reasoning for the finding I have reached. I have conducted the investigation proportionately.

### 3.13 **Practical approach to the investigation:**

3.14 For the sake of convenience, in some parts of this report reference is made to “four Subject Members”, whilst it is noted that RZ and JB are no longer Members they were Members at the time of this complaint. It would be too cumbersome to keep referring separately to elected Members and former elected Members.

3.15 In view of the number of Subject Members being investigated and the two planning applications, for ease of reference I have outlined the evidence from the complainant and then drawn up a table which summarises the pertinent points of evidence from each of the Subject Members. I have then considered the evidence from each of the other witnesses as well as any documentary evidence. This formulates the material findings of my report in respect of all the four Subject Members.

## 4. **Material Findings - “You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute”.**

4.1 From the written complaint I have noted that the principle allegations are that:

### **Planning Application for 68 Norway Drive**

The Four Subject Members were seen shaking hands and greet the applicant and his representative, Ward Councillor PS

The Four Subject Members were pre-determined and “fairly blatant” in wanting to approve the application regardless of any arguments

### **Planning Application for Aspire 2 Site**

The Four Subject Members were “very vocal in saying they wanted this approved despite any arguments”

The Four Subject Members had “already made their minds up and were responding to lobbying”

4.2 In his statement, DM states that:

a) He saw the Four Subject Members shake hands with the Ward Councillors PS and BB and speak in a language he did not understand. An application for social housing at 70 Norway Drive was refused; this was right next to 68 Norway Drive, which was delegated to Officers to approve if conditions were met. In respect of 68 Norway Drive, new information was circulated and this was unusual for Planning Committee.

b) PDG was seen to be “nudged” to vote with the four Subject Members There were substantial Officer concerns about the Aspire 2 Site, such as that there were sufficient car parking spaces in town; the Applicant already had permission for another car park in town next to this Application Site and, there was an Environmental Health Objection as he had not dealt with land surface drainage, but against this the Four Subject Members were determined to delegate this for approval; Officer advice was that the surface drainage should have been resolved before the Committee stage but no attention was paid to this by the Four Subject Members

c) He was aware from election time that:

- i) Applicant for 68 Norway Drive had assisted PS with his campaign
- ii) Applicant for Aspire 2 Site had lobbied BB and PS and donated funds to the Labour Party; and further he had witnessed PS and BB visit the Applicant at his business in the Village Centre on the High Street, Slough

4.3 The significant point which I note from DM’s complaint and evidence is that the allegation seems to encompass the view that the Ward Councillors, PS and BB have perhaps lobbied the four Subject Members. His email of 21 February 2011 (Document 4a) seems to suggest that MD, another Member of the Planning Committee was contacted by both PS and BB about the respective Planning Applications.

4.4 Summary of Subject Members’ responses to relevant questions:

	<b>RZ</b>	<b>JB</b>	<b>MR</b>	<b>PC</b>
<b>Training</b>	Attended every year; Chair for on year; Read the guidelines on lobbying;	Attended all training Understands need to have an open mind; Knows to take professional Officer advice but if he has good reasons he can depart from that advice	Attended annual training; understands decision has to be made on merit and not to do “favours” for anyone	unknown
<b>Membership of Planning committee</b>	2010-2011 2009-2010 2007-2008 2006-2007 2005-2006	2010-2011 2004-2005 2003-2004	2011-2012 2010-2011 2009-2010 2008-2009	2010-2011 2009-2010

	2003-2004			
<b>Greet Applicant 68 Norway Drive before meeting</b>	No – came in through the side door and went to meeting	Yes	No	unknown
<b>Greet BB before meeting</b>	No		No	unknown
<b>Greet PS before meeting</b>	No	Yes – said hello and shook hands; “normal procedure” Tradition with Asian Councillors	No	unknown
<b>Any relationship/ Knowledge of Applicant 68 Norway Drive</b>	none	none	Social acquaintance; met him at weddings; this in not necessary to disclose to anyone	unknown
<b>Any relationship/ Knowledge of Applicant Aspire to Site</b>	none	Knew of applicant by name only as he is well know businessman in the area; Has never spoken to him personally	None	unknown
<b>Any contact with/from Ward Councillors</b>	BB – regarding concerns about the Planning Officer’s email and whether BB could speak at committee	None	None	unknown
<b>Any lobbying from any party</b>	Not lobbied	Not lobbied; “I am interested to know who would have lobbied me in the case of 70, as presumably this would have been Slough Borough Council.” I asked all Members to	Not lobbied No contact from applicants or other Members; due to personal differences he has not spoken to AQ for three years;	unknown



		declare an interest when the question of lobbying was raised by DM		
<b>Chair's support for the applications at the meeting</b>	Believes he gave everyone a fair opportunity to speak; did not try to influence the decisions of other Members	Does not recall if RZ supported application at onset; Everyone was allowed to speak; BB was given limited time to speak by Chair	Chair did not mention he supported the application	unknown
<b>Reasons for voting in favour of application 68 Norway Drive</b>	Voted for a smaller property at 68 as one at number 70 was larger	Insufficient housing land in Slough; voted in favour of 70 Norway Drive too	Voted in favour of 68 and number 70; the minutes are wrong as the number 70 vote is not recorded properly	unknown
<b>Reasons for voting in favour of application Aspire to Site</b>	Temporary permission; the multi-storey is on the other side of town; another car park had been recently closed	Temporary permission only Car park would benefit town It would be redeveloped by the Applicant once the credit crunch was over	To encourage people to come to town and benefit businesses in town; the multi-storey car park is often full; numerous conditions were put on it	unknown
<b>Voting against Officer recommendation</b>	A casting vote can be used to support Officers' recommendation but did not chose to do so on this occasion; Officers cannot always be right; Members have voted against Officers recommendations before and Members decisions have been upheld on appeal	"I am aware I have voted against Officer advice, however I am entitled to do so and I had specific reasons for doing so in each circumstance. "	The decision "is up to me .....if there is a reason for doing so...I must make a decision independently of Officer recommendations "	

4.5 Witness Evidence:

Witness evidence	68 Norway Drive	Aspire 2 Site
	<p>There are no noted amendments or alterations on the document provided to the Committee in respect of this Application.</p>	<p>There was some additional information from the Crime Prevention Design Officer at Thames Valley Police.</p>
<p><b>RP</b></p>	<p>AQ attending the meeting although the 68 Norway Drive application was not in his Ward;            AQ greeted the Planning Committee Members;            68 Norway Drive – it was odd to allow additional information and a five minute adjournment to consider the information;            All information should be submitted with the application;            It was “bulldozed” through even though there were major reasons such as permitted development and parking issues;            Chair seemed very involved whereas the Chair should remain neutral, he seemed predetermined and wanted the approval;            It was uncomfortable as other options were not explored.</p>	<p>There were solid and sustainable reasons for recommendation particularly because of ground water issues;            There is an SBC policy on car parks and encouragement of greener methods to get into the town centre;            There is plenty of parking in town;            It seemed like a deal had gone on, major exemptions being made to accommodate the Application;            Members wanted Officers to find a way to approve the Applications;            This was very strange as Officers were suggesting enforcement action should be taken in relation to the site.</p>
<p><b>JS</b></p>	<p>The additional information which was circulated and was too readily accepted by the Chair, without “<i>applying any particular test to it</i>” (p1 par3). This either meant that the Chair had seen it or he had some other reason for allowing it. No advance copy of the information had been circulated before the meeting.            The Ward Member</p>	<p>Js states that there was a constructive discussion on this and on the whole Members addressed the planning concerns.            JS further indicates that this Application was approved by Members and there was just a difference of opinion between Members and Officers and it needs to be seen against the backdrop of other similar planning</p>

	<p>presenting the Item was “given a great deal of latitude” (p2 par4). He was permitted to, “forensically pick the Officer’s report in quite a forceful way” (p2 par4).</p> <p>JS is aware that he Chair knew the Applicant as in the past the Chair had lobbied JS about the Applicants planning matters.</p> <p>JS had been pressed by the Ward Member, PS to express planning concerns on behalf of the tenant at number 70 which in essence would have provided support for the Application at number 68.</p> <p>The social housing application at number 70 was rejected and the private landlord application was supported by both the Chair and PS.</p> <p>JS had sufficient concerns about the approval proposed by Members and therefore suggested a compromise position so that it could be delegated for Officers to resolve further planning issues before the Application was granted.</p> <p>“Some of the deficiencies in this application that were highlighted in the Officer’s report appeared to be entirely ignored by some Members, for example Councillor Bal; glossed over by others, for example Councillor Choudry and being positively dismissed by Councillor Zarait and Councillor Sohal.</p> <p>Moreover, the behaviour of the Chair and Councillor Sohal suggested that there was something particularly amiss about their approach to this Agenda item.” (p2</p>	<p>decisions by Officers.</p> <p>“The marginal difference in view between Officers and Members on this Agenda item has to be seen in the context of Officers having allowed two car park sites temporary permission under delegated authority quite close in time to this application arriving at Committee. I believe that Members simply felt that if these previous sites were acceptable in principle, so was the Aspire 2 Site which the Committee was being asked to determine.” (p4 par14).</p> <p>Further that,</p> <p>“Overall I do not think there was anything untoward about this particular Agenda item beyond a slight disagreement in approach between Members and Officers to resolve the planning issues on this site” (p4, par15).</p> <p>Js states that Members were of the view that enforcement action was weak and the site would have continued use if an appeal was put in by the Applicant and the environmental issues would not be addressed but by granting the application subject to the issues being resolved meant action was managed. And that this was only a temporary permission for two years.</p>
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	par10).	
<p><b>WM</b>  He states that he was not aware of <i>“any underlying issues or conflicts”</i> between Members and Officers. In conclusion he adds that, <i>“It was and remains my professional opinion that due to the negative implications of each of these applications they both should have been refused, as recommended.”</i> WM was sufficiently concerned about the decision making process on these two applications to mention the matter to his immediate line manager.</p>	<p>WM noted that the application for social housing, number 70 attracted very little discussion from Members whereas 68 drew a lot of attention from Members.</p>	<p>The reasons for refusal on policy grounds relating to such issues as sustainability were made clear. There was sufficient parking in the town centre. Similar applications had previously been refused. This would be contradictory decision and would put the <i>“Council in an awkward and somewhat embarrassing position.”</i> (p1 par4) Members were referred to and emphasis placed that previous similar refusals had been upheld at appeal by the Appeal Inspector. WM refers to the quote of the Appeal inspector, which was included in the committee report and stated <i>“the continued use of the site for car parking would tend to promote a continuation of existing travel behaviour in the Slough area and frustrate the achievement of sustainability objectives, contrary to the weight of national and adopted local planning policy.”</i> (p1 par5) WM states he was frustrated by the lack of understanding of the <i>“straightforward”</i> issues and this was either the explanations from Officers was not clear <i>“ or if members are motivated by something other than the information presented by officers.”</i></p>
<p><b>CS</b>  The planning notes used for the presentation of the</p>	<p>CS had wanted to present the 68/70 Norway Drive together as any decision on</p>	<p>There were <i>“solid policy grounds existed for the refusal of the application”</i></p>

<p>reports are clear about the reasons for refusal.</p> <p>Generally he states that he was not aware of any tensions between Members and Officers relating to Planning decisions or issues.</p>	<p>one would impact on the other.</p> <p>“this was an odd decision, both applications (reference to 70 Norway Drive), as both applications raised similar planning issues” (p1 par4).</p> <p>He does acknowledge that Members do not always follow Officer recommendation.</p> <p>CS did note that there was a named vote and that there was a difference of opinion between Members who supported the Application and those who did not.</p> <p><i>“however I do recall that those who disagreed with officer recommendations and supported the application for number 68 made their views known”.</i></p>	<p>(p2 par7).</p> <p>CS further adds that Officers had previously refused a similar Application which then went to Planning Appeal, however the Planning Inspectorate had upheld the Officers’s decision.</p> <p>There were <i>“no reasons to create additional parking”</i> 9p2 par8). The transport engineers had provided this advice.</p> <p>Further, CS states that, <i>“Other applications for temporary car parking have been refused by officers but were not subject to member call in.”</i> (p2 par8)</p>
<p><b>SK</b></p> <p>JB and PC left the meeting after the vote on both these matters.</p>	<p>The Committee was advised by the planning officers that the additional information submitted by Ward Councillor Sohal was not part of the formal application and should not be considered.</p> <p>PS represented the Applicant and stated, 68 was set back from 70 and so the visual gap was retained and the property would not be overbearing.</p> <p>The Parish Councillor spoke against approval and indicated parking problems. Whilst acknowledging the lack of social housing he stated that extension should be reasonable.</p> <p>JB stated that he was familiar with area and that in</p>	<p>BB represented the Applicant and stated that it would provide affordable parking given the loss of the bus station. Further it was a site which was safe and patrolled by security.</p> <p>PC stated the drainage issues need to be sorted out and that he would support temporary permission for 2 years.</p> <p>RP questioned whether revenue would be diverted away from Council owned car parks and whether the impact of the 2012 Olympics had been considered.</p> <p>Alex Deans, Head of Highways, informed the Committee that the Council was encouraging individuals</p>

	<p>his opinion parking was not a problem.</p> <p>Councillor PC informed the Committee that he supported the application, although did state his concern with regard to the property being used as a House of Multiple Occupancy (HMO) and stated that a condition be added to not allow the property to be used as a HMO.</p> <p>MR informed the Committee he was in support of the application, given that no objection had been received from highways. He stated that he had never been lobbied and in his opinion, there was no reason to refuse the application.</p>	<p>to use alternative uses of transport to the town centre.</p> <p>Paul Stimpson, Head of Planning, Policy and Projects stated that a temporary car park already existed opposite the Marks and Spencer store which was not being used. He also informed Members that once temporary permission has been granted, it would be difficult to justify the refusal to extend the use of the car park further.</p> <p>DM stated that if this application was approved, it would be difficult to refuse permission to other similar applications.</p> <p>JS voiced his opinion that the application should be refused. However, if approval is to be given, it should be provided for two years only and drainage problems must be resolved.</p>
<p><b>PDG</b> States that Members do occasionally vote against Officer recommendation. He does not recall how he voted on the applications. He does further comment that, "yes I do think that on occasions some members have known an applicant and that has been taken into account and their decisions have occasionally been influenced".</p>		
<p><b>BB</b></p>	<p>Not applicable to this planning application.</p>	<p>Does not recall any information other than that he did represent the Applicant.</p>

<b>PS</b>	<p>May have seen the Applicant canvassing at election time but cannot clearly recall;</p> <p>Following his election in May 2010 he was approached by the Applicant;</p> <p>The Agent seemed to be suggesting SBC was operating double standards as it has its own application for 70 Norway Drive but this Application for 68 had been ongoing for a number of years;</p> <p>He supported the application as it was corner plot and there were a number of corner plot developments in Slough with “no negative consequences” ;</p> <p>He confirms that he met AQ outside the Council Chamber but not any other Members. He shook hands with AQ. He believes it would be “uncivilised” not to do so;</p> <p>He may have shaken hands with RZ. This was done out of courtesy;</p> <p>He recalls DM saying Members had been lobbied and recalls JB saying something but cannot remember what he said.</p> <p>He remembers that a “full debate too place” .</p>	Not applicable to this planning application.

**4.6. Reasoning – “You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute”.**

**4.7 Lobbying –**

It is seems very unusual for a Ward Member to contact the Chair of the Planning Committee. BB did this. BB is an experienced Member and should have known that if

he needed information he could obtain this from Democratic Services. The Planning Code of Conduct covers this issue. All Members are provided with this information.

There is reference to an email sent to BB by the Planning Officer. BB was unhappy with this email and it appears from the evidence of RZ that he sent this to RZ. It is unclear why BB would need to send this to RZ.

Overall this gives a perception that there was discussion about the Aspire 2 Site between the Chair of Planning Committee and the Ward Councillor. To an ordinary member of the public this may suggest there may have been some response by the Chair to the lobbying by the Ward Councillor.

MD may have been contacted by PS and BB. However whilst her discussion with DM is recorded in his email to me of 21 February 2011 she however was not able to recall PS and BB contacting her about these Applications.

Applicants or their representatives do not appear to be known to Subject Members (except one Applicant who is a social acquaintance of MR). However the observations of JS need to be noted in that he had been lobbied by RZ on behalf of the Applicant for 68 Norway Drive on previous occasions.

MR has not spoken to AQ for three years so it is unlikely that MR would have been lobbied on behalf of the social acquaintance by AQ who appeared to have been supporting that Applicant.

It is accepted that JB did make a comment that any Members who had been lobbied should declare their interests and none were declared.

It is not unusual that there is no direct oral evidence of lobbying as in my view it is one of those situations where it is unlikely that such evidence would be available.

#### **4.8 Voting against Officers' recommendation**

Three Subject Member provided reasons for why they voted in favour of the application and believed they were entitled to exercise their own judgement on the merits of the Application.

Three Subject Member have advised me that they believed that there was an open debate.

In respect of 68 Norway Drive it has to be accepted that it was unusual for additional information to be permitted by the Chair. This step does create the potential for the perception that some degree of bias or favouritism has taken place at the meeting.

In respect of the Aspire 2 Site, the Officers views about the normal procedure which the Applicant should have followed to ensure the surface drainage was resolved prior to the Committee stage appears to have been ignored by the Four Subject Members. Although JS states that there was a difference of opinion between Members and Officers regarding how to resolve this matter however it does nevertheless create the potential for the perception that this Applicant is being treated favourably. It may be difficult for a member of the public to accept that the views of elected Members should take precedence over established local and national policy on car parking in the town centre. I am inclined to accept that an ordinary member of the public will not find their reasons for



voting in favour of this application very convincing. I am inclined to conclude that this is dangerously close to being over the edge where pre-determination could be established. Where two applications are considered against Officer recommendation and supported to such a degree at the same Planning Committee it can raise suspicions about the conduct of the Four Subject Members voting in favour of these applications.

Some Subject Members have queried as to why no complaint was made against PDG as he also voted against Officers' recommendation. It has to be accepted this is a fair comment/observation by them, although not relevant towards the assessment of their conduct in respect of the complaint that has been made. I also note that DM states that he saw PDG being "nudged" to partake in the vote for approval. This in itself has connotations of influencing and its possible DM may have simply considered that as he saw it PDG was not a party to the substantive actions as the four Subject Members.

Both Planning Officers, CS and WM noted the tensions between the Members who supported the Application and those who did not. Those not voting in favour seemed to formulate some impression of bias on the part of the Four Subject Members.

RP notes that it is odd that the business needs of an Applicant took precedence over the local and national policies.

I note JB voted for both number 70 and number 68, however a sceptical member of the public could view this negatively it too and simply see it as a disguised move to protect the actions regarding the vote on number 68.

JB and PC left the meeting following the vote on these two Applications. Whilst I have to accept they may have had other business to conduct elsewhere, in view of that voting, it could appear to an ordinary member of the public that they attended specifically to fulfil a role for the purposes of these two Applications.

The evidence is balanced to a degree however, reviewing it from the perspective of an ordinary member of the public does tip the balance more towards the fact that the actions may have brought the authority into disrepute.

#### **4.9 Greeting the Ward Councillors and Applicants**

There is contradictory evidence on this point and therefore no conclusions can be drawn from it. RP recalls PQ and the Applicant coming into the Council Chamber, before and after the meeting and shaking hands with some of the four Subject Members. Whilst DM believes he saw all four Members shake hands and speak to each other in another language, MR and RZ deny that they shook hands with anyone before the meeting. JB accepts he shook hands with various parties. He provides the explanation for this by saying that it is normal practice for Asian Members to greet each other with a handshake. If this is to be accepted then there is nothing untoward about it. However it is difficult to comment on whether this is common practice or not amongst Asian Members without further evidence on the point.

I would make the observation that prior to a Planning Committee this may actually create an impression in the mind of an ordinary member of the public that there may be a potential of bias as the shaking of hands can be seen as "sealing a transaction". It creates an expression of closeness between the parties and that therefore Planning Committee Members ought to refrain from this practice.

## 5. Comments from both Complainant and Sub Member on the Draft Report:

Comments were received from both DM. No other comments were received. For ease of reference the comments are reproduced in the table below with any additional information/observations on those comments:

### 5.1

	<b>DM's comments - (Quoted from email dated )</b>	Investigating Officer's information/views on the comments
1	Document 4a I do remember clearly May Dodds telling me in car the Councillors had spoken to her to vote for She is a Councillor with Integrity and I know she would not be doing anything unethical. If she can not recall the conversation I am willing to leave it as I know she is not well at present. I have a lot of respect for her.	The information has been provided as part of the investigation and it is relevant. It is accepted that MS may not recall details about the matter.
2	Document 8 Page 2 number 8 I think on reflection I should have mentioned Peter Dale -Gough as to me he was obviously influenced at meeting. Up to being nudged By Pervez Choudry he seemed to be for officers recommendation until he was whispered to which gave me the impression he was not involved in the pre determination as I suspected others were. The fact they are Asian Councillors I have complained about is irrelevant. I have worked with many other Asian Councillors who are of highest integrity but in my view the Subject Members were doing the wrong thing regardless of Race.	Noted.
3	Document 7 Ex Councillor Zarait states he came through side door to Council which he did as we came in together but I definitely saw him shake hands and speak with applicant in the lobby before I went upstairs and I stand by that.	Noted.
4	Document 10 Although Councillor Choudhry put in a condition that the house 68 Norway Drive would not be used as an HMO this would be difficult to prove and enforce as I stated at meeting On Item 14 of Document 15 I would point out that officers were not given full delegated powers to refuse. It was clearly stated, and should be reflected in the minutes ,that even if officers could not resolve the drainage issues it would still be for officers to bring it back to Committee so pressure to approve. I am concerned that JS is less concerned about this application then	Noted.

	the other as I believe the applicant makes donations to Labour Party.	
5	<p>3 other general points</p> <p>I do always declare any interests even if vague contact .If I feel compromise like with Castle View Application I withdraw. With any others I declare it is for full transparency and explain why I can still stay and vote.e,g Spoken to by phone but told clearly I can only listen and will make up my mind on day. I was Chair of Planning for 2 years, Mayor of Slough and Part Of Standards Committee. and always acted impartial.</p> <p>I am happy with all comments now but if there is any other feedback from others to this draft report I would like a chance to reply if relevant for me to do so. I am willing to come and speak to Standards Committee.</p>	<p>Points 1 and 2 noted.</p> <p>Re point 3 – the procedure for Standards is that the Investigator presents the Report and may only call witnesses if absolutely necessary. At present I do not believe that witnesses are required, however it may change should I receive additional comments from the Subject Members.</p>
	<b>PC (Quoted from email dated 2/4/12 11:54)</b>	
1	<i>Further to your email of 23/03/12, to date I have left quite a few messages for you that I need to talk to you but no response.</i>	I have not received any messages from PC since I have sent the Draft report.
2	<i>I did receive a call from Victoria King who indicated to me that you wanted to interview me that day.</i>	The opportunity was for an interview at PC's convenience but as soon as possible.
3	<i>I view of the fact that I had not received the papers in relation to this complaint, it would be fruitless to discuss the matter. And it would not be fair or proper to the investigation or the investigating officer, that I would not be able to answer all the questions.</i>	Noted.
4	<i>I was ill and bed bound last year when in August I received my mail from Town hall, one of the letter i received was your reminder letter, I immediately contacted your office to inform and asked for the copy of the original documents to be sent directly to me. And I also contacted Catherine Meek to convey the same.</i>	I have no information about this contact other than that PC has contacted Catherine Meek. Contact was made with PC again in October 2011 for an interview. No response was received to the email dated 7 October 2011 (Document 18c).
5	<i>I did speak to Victoria King on 23rd but I was concerned that the proper procedure was not being adopted i.e. the papers were not being made available before the interview, and I was being forced to give an interview on the Friday 23rd march 2012, when I was not available for the interview.</i>	Noted but papers have been made available sent with letter of 1 July 2011. There was no pressure to do the interview that day but an opportunity was provided to give an interview.
6	<i>I did raised my above concerns with Catherine Meek, including lack of progress</i>	Noted.

7	<p><i>and sudden un-necessary haste.</i></p> <p><i>I would inform you that I am unable to comment on your report as I would require to see first notes Shabana Kauser had been relying upon. Kindly make those notes available to me so I am able to make proper comments on your report.</i></p>	<p>Noted. Shabana Kauser has provided a statement. The investigation relies upon the statement. PC can make comments on the Final Report.</p>

## 6. Conclusions and Recommendations

6.1 From the general information available to me I note that it would appear that Members, if they are unhappy with the pending recommendations by the Planning Officers feel obliged to call in the application and anticipate that by calling it in it is more likely to be approved. This may or may not be indicative of lobbying practice. However it should also be noted that calling in of applications is a normal established process at the Council.

6.2 PDG's comment that on occasions Planning Committee Members have known an Applicant and have been influenced is of concern and suggests that perhaps there ought to be greater scrutiny of this Committee in order to ensure continued public confidence in the system and protection of the Council's reputation.

6.3 There is some reference in the statements for example statements of JS and ZR about Members' views about the planning decisions of Officers. And further that the decision on these two Applications should be measured against that background. *"It is important to remember that Officers cannot always be right, and despite their recommendations it doesn't always mean that this should be accepted. This has been proven in circumstances where cases have gone to appeal and investigators have sided with the decision of Members".* (ZR – p2 par3). *"The marginal difference in view between Officers and Members on this Agenda item has to be seen in the context of Officers having allowed two car park sites temporary permission under delegated authority quite close in time to this application arriving at Committee. I believe that Members simply felt that if these previous sites were acceptable in principle, so was the Aspire 2 Site which the Committee was being asked to determine – subject to the environmental issues on this site being addressed"* (JS – p4 par14).

6.4 However in my view despite any differences of opinion between elected Members and Officers each Planning Application needs to be considered on its own merits. The views of the ordinary member of the public looking at the actions of the Members at the Committee are important rather than any degree of difference between the opinions of Officers and Members. During this meeting the perception clearly comes across that some Members were overly supportive of particular Planning Applications.

6.5 **68 Norway Drive – conclusions – breach by RZ, PC, MR, JB in that they did conduct themselves in manner a manner which could reasonably be regarded as bringing their office or authority into disrepute.**

6.6 The manner in which the Four Subject Members supported this Application at the Planning Committee and then made the decision to grant is an area of concern. The Chair permitting the additional information to be circulated and Member support for the Application without much clarity about the real planning issues of this particular site in the case raises questions. It is noted that JB supported Applications at 68 and 70 and his overall culpability may be less as a result but the perception to the public remains the same. On the balance of probabilities, I conclude that there is evidence of a breach of the Code in respect of the approval of this Application.

6.7 **Aspire 2 Site – Conclusions - breach by RZ, PC, MR, JB in that they did conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute”.**

6.8 The manner in which the four Subject Members supported this Application in the face of the contrary professional advice being given and without following local and national Planning Guidelines, preference for the business needs of the Applicant is of deep concern. In view of this on the balance of probabilities I conclude that there is evidence of a breach of the Code in respect of the approval of this Application.

## 7. Overall conclusions

7.1 The decision making process in the Planning regime is subject to close public scrutiny and therefore how an ordinary member of the public views these actions by the four Subject Members is of paramount significance. It is my conclusion that there are significant actions such as:

- BB's contact with RZ;
- permitting additional material at the last minute;
- preference for the Application of a private landlord over the Application for Social housing when clearly only one Application could be approved due to the close proximity of the sites, (although it needs to be noted that PC did indicate that the property should not be used as a HMO but he did still support the application),
- on the Aspire 2 Site ignoring Planning Officer advice about environmental and drainage issues which ought to have been resolved by the Applicant prior to the Committee stage,
- the significant concern for the business needs of the Aspire 2 Site Applicant
- Ignoring local and national Policy Guidelines,
- at least two of the four Subject Members leaving the meeting after the vote on these two applications,
- all of which do create a perception that gives the appearance of bias.

7.2 There appears to be an atmosphere about the Committee meeting that the process of the decision making was somewhat flawed or suspect. At the meeting there was a real sense of discomfort by both Officers and other Members with perceptions of something not being right and something untoward was being manufactured by the four Subject Members. I have therefore formulated the view that an ordinary member of the public who observed these actions by the four Subject Members, could reasonably have concluded that there was a degree of bias and prejudice in the minds of the four Subject Members when they made the decision about these Applications.

7.3 This being the case then it is inevitable that the local authority's reputation will be brought into disrepute in the minds of the public. I refer back to paragraph 3.7 above in that Paragraph 7.1 of the Planning Code of Conduct for Members and Officers which asserts the importance of ensuring Member integrity and “the public perception of the

planning process” and that Members should “reach their own conclusions rather than be influenced by others”.

7.4 The Standards Sub Committee and the Monitoring Officer may wish to consider additional training for all Members around Planning Committee decisions and the Planning Code as well as the Code itself.

7.5 I would like to record my sincerest apologies to all the parties for the length of time taken to complete this investigation but it has been largely due to difficulties liaising and interviewing witnesses alongside other work commitments and re-organisational changes.

7.6 I would like to record my thanks to all parties for the co-operation I have received during the investigation of this complaint.

7.7 In summary I conclude that:-

There **has** been breach of paragraph 5 of the Code in that the four Subject Members have conducted themselves in a manner which can reasonably be regarded as bringing their office and authority into disrepute

Date: 26<sup>th</sup> March 2012  
Kuldip K Channa,  
(Principal Litigation Solicitor)  
Standards Investigation Officer,  
For and on behalf of the Monitoring Officer

## **LIST OF DOCUMENTS ANNEXED TO REPORT**

1. 20th December 2010 Complaint by David Maclsaac
2. 2010/25 - Summary of the Complaint
3. 4 January 2011 - The Decision Notice
4. February 2011 – interview statement of the Complainant, David Maclsaac (DM)
- 4a. 21 February 2011 – email from David Maclsaac (DM)
5. 23 March 2012 - interview statement of Councillor Robert Plimmer (RP)
6. 13 October 2011 - interview statement of Joginder Bal (JB)
7. 7 October 2011 – interview statement of Raja Zariat (RZ)
8. 14 November 2011 - interview statement of Councillor Mohammed Rasib (MR)
9. 19 December 2011 - interview statement of Councillor Paul Sohal (PS)
10. 16 January 2012 – interview statement of Councillor James Swindlehurst (JS)
11. 26 March 2012 - interview statement of Wesley McCarthy (WM) - Planning Officer
12. 22 March 2012 – statement of Chris Smyth (CM) plus presentation notes for Committee
13. 10 August 2011 - Councillor Peter Dale-Gough (PDG) - his email response
14. 6 October 2011 - Councillor Balwinder Bains (BB) – telephone interview response
15. 10 August 2011 - Councillor May Dodds (MS) – telephone interview response
16. 10 October 2011 - The Agent for the Aspire to Site - telephone interview response
17. 8 December 2011 – statement of Shabana Kauser (SK), Democratic Services Officer
18. to 18d - Councillor Pervez Choudhry (PC) – letters:
  - a. 1 July 2011
  - b. 22 July 2011
  - c. 07 October 2011 - 14:14 – email
  - d. 23 March 2012 – 16:14 - email
19. 15 December 2010 - Planning Minutes
20. Investigator's notes on review of the two Planning files plus information from the files:
  - a. 7 September 2011 – notes on 68 Norway Drive P/14946/000
  - b. 6 October 2010 – note from Councillor Sohal to Planning Officer
  - c. 7 October 2010 – email from Councillor Sohal to Planning Officer
  - d. 7 September 2011 – notes on Aspire 2 Site P/01508/033
  - e. 19 August 2010 – note from Councillor Bains to Planning Officer

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## APPENDIX 1

**From:** David MacIsaac  
**Sent:** 20 December 2010 10:17  
**To:** Cook June  
**Cc:** Elahee Maria  
**Subject:** Standards Report of Councillors at planning committee

I formally wish to put in a complaint to Standards Committee on behaviour of councillors Bal, Rasib, Zurait, and Choudry at Planning Committee on 15th Dec. There were 2 items on agenda both call ins by Councilor Sohal and Bains seperately. One was for a 3 bedroom detached house at 68 Norway Drive called in by Councilor Sohal on behalf of a Mr Mehmood who has HMOs there. I saw the 4 councillors shake hands and greet the applicant and Councillor Sohal before the meeting started in the hallway outside. I was aware that the applicant has been involved in helping Councilors get elected by working with the above named Councilors with his HMO houses and election campaigns.

During the debate the 4 named Councilors ignored the officers recommendations to refuse and appeared clearly to be wanting to support the applicant. A similar application for 70 Norway Drive was refused which would have effected the 68 Norway Drive one but although the same criteria , in a named vote ,refusal was turned down and a compromise vote was made to look at new plans tabled on night for officers to consider but to still bring back to committee if still wanting to refused. It was fairly blatant that these 4 Councillors wanted to get this approved regardless of any arguments. and was pre determined

Later there was an application for an illegal parking site in High Street that officers wanted to be refused and have enforcement This was called in by Councillor Bains, The 4 named Councillors were very vocal in saying they wanted this approved despite any arguments. There was a clear problem as drainage had not been done and I pointed out that it could not be appoved especially on these grounds. A amended motion was put forward to to give time for officers to negoitate drainage but not to be allowed power to refuse but to come back to committee. It was clear from debate that those 4 councillors had already made their minds up and were responding to lobbying.

I wondered whether to keep silent as difficult to prove but have decided after taking time to consider that this was so blatant that I have to report it. Maybe I hope that even getting it reported may deter this behaviour in future which is unacceptable even though they denied pre determination

**SLOUGH BOROUGH COUNCIL**

**SUMMARY OF COMPLAINT (SBC 2010/25)**

1. **Complainant:** Cllr David Maclsaac
2. **Subject Matter:** Cllrs Joginder Bal, Pervez Choudhry, Mohammed Rasib and Raja Zarait
3. **Date(s) of Alleged Breach:** 15<sup>th</sup> December 2010.
4. **Précis of the Complaint:**

The allegation stated in the Complainant's email dated 20<sup>th</sup> December 2010 appears to be as follows:

That at the Planning Committee on 15th December 2010 Councillors Bal, P Choudry, Rasib and Zarait, and were influenced by lobbying from the applicants and were predetermined in favour of two applications which the Officers had recommended for refusal.

The applications in question were in respect of:

- the proposed erection of a 3 bedroom detached house on land adjoining 68 Norway Drive (P/14946/000) and
- retrospective planning permission for change of use from b1(a) offices to car park for a temporary period on the Aspire 2 Site, corner of Church Street &, Herschel Street, Slough (P/01508/033)

Both applications were delegated to the Officers to determine but were called in by Ward Members, Cllr Sohal in respect of the 68 Norway Drive application and Cllr Bains in respect of the Aspire 2 Site, for determination by the Planning Committee.

The complaint is within jurisdiction. The Subject Members were Members of the Council at the time of the alleged breach.

5. **Other relevant information/documentation**

The First-tier Tribunal (Local Government Standards in England) in case reference 0352 has looked at the relationship between the Code of Conduct and predetermination and has given an indication that where such issues arise there is a potential paragraph 5 **Code breach** (bringing

his/her office or the Borough Council into disrepute) The outcome is likely to depend on the individual circumstances of a case and any other Code issues and breaches. This is because a councillor who renders the decision of a council unlawful due to predetermination could reasonably be regarded as bringing that authority or his office into disrepute.

6. **Supporting Papers**

Complainant's email dated 20<sup>th</sup> December 2010 (Attached).

Copy of the Committee Reports on the planning applications referred to in the Complainant's email. (Attached)

Copy of the Minutes of the Planning Committee Meeting held on the 15<sup>th</sup> December 2010 (Attached)

Extract from the Planning Code of Conduct for Members and Officers (Part 5.2 of the Council Constitution) relating to the lobbying of Members.

**SLOUGH BOROUGH COUNCIL**  
**STANDARDS (ASSESSMENT) SUB-COMMITTEE**

**DECISION NOTICE**

**Reference: 2011/SBC25**

**1. Complaint**

On 10<sup>th</sup> January 2011 the Standards Assessment Sub-Committee of this Council considered a complaint from Councillor David MacIsaac concerning the alleged conduct of Cllrs Joginder Bal, Pervez Choudhry, Mohammed Rasib and Raja Zarait, Members of this Authority.

A general summary of the complaint is set out below:

That at the Planning Committee on 15th December 2010 Councillors Bal, P Choudry, Rasib and Zarait, were influenced by lobbying from the applicants and were predetermined in favour of two applications which the Officers had recommended for refusal.

The applications in question were in respect of:

- the proposed erection of a 2 bedroom detached house on land adjoining 68 Norway Drive (P/14946/000) and
- retrospective planning permission for change of use from b1(a) offices to car park for a temporary period on the Aspire 2 Site, corner of Church Street &, Herschel Street, Slough (P/01508/033)

**2. Decision**

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Assessment Sub-Committee of the Standards Committee decided to refer the allegation to the Monitoring Officer for investigation.

I identify below the paragraph of the Local Code of Conduct which may apply to the alleged conduct:-

Paragraph 5 - bringing an office or authority into disrepute.

The investigator will determine which paragraph(s) are relevant during the course of the investigation.

**3. What happens now?**

Please see the attached guide on the investigations process.

**4. Terms of Reference**

The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000, which now provides for the local assessment of new complaints that members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of authority members and requirements for dealing with this.

The regulations set out the framework for the operation of a locally based system for the assessment, referral and investigation of complaints of misconduct by members of authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committee) Regulations 2001, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, as amended.

**5. Additional Help**

If you need additional support in relation to this or future contact with us, please let us know as soon as possible by contacting June Cook, Member Services Manager on (01753) 875019 or by e-mail at [june.cook@slough.gov.uk](mailto:june.cook@slough.gov.uk).

**Signed:**

**maria memon, monitoring Officer for and on behalf of the Sub-Committee**

**Date: 14<sup>th</sup> January 2011**

**SLOUGH BOROUGH COUNCIL - STANDARDS INVESTIGATION**



Document 4

**STATEMENT OF WITNESS**

**STATEMENT OF:** Councillor David McIsaac

**AGE OF WITNESS:** Over 21  
(if over 21, enter "over 21")

**POSITION HELD:** Elected Member

**ADDRESS:** Slough Borough Council, Town Hall, Bath Road, Slough,  
Berkshire SL1 3UQ

This witness statement is in respect of the Standards Investigation regarding a Code of Conduct matter in the case of Councillors Bal, Choudry, Rasib and Zarait - Compliant reference SBC25 in relation to an allegation that Councillors Bal, Choudry, Rasib and Zarait breached the Code of Conduct at a Planning Committee on 15 December 2010.

1. The background is that as a Councillor I am aware that during election time promises can be given to individuals in return for votes. In particular I am aware of landlords of houses in multiple occupation (HMO) can put pressure on their tenants with postal votes and to vote in favour of whoever the landlord says they should vote for. When Councillor Sohal was previously with me helping to canvas for Independent Votes, he would suggest to me that I promise to get planning applications through in return for votes. I always said I would not do that.
2. During the May 2010 elections I was aware of a landlord of a known HMO was assisting Councillor Sohal with his election. This is relevant as the same landlord was the Applicant involved with one of the allegations I am raising.
3. For the Planning Committee of 15 December 2010, Councillor Sohal had called in an application in respect of 68 Norway Drive, for erection of an attached two storey three bedroom end of storey house on land adjacent to 70 Norway Drive, on behalf of the Applicant above, as Officers were recommending refusal and he wanted the Planning Committee to approve. There was also an application by the Asset Management of the Council to approve the same structure for social housing on the same bit of land. Both applications were recommended for refusal by Officers on the same criteria.

4. Prior to the meeting to discuss both these applications I witnessed the following Planning Committee Members, Councillors Rasib, Zarait, Choudry and Bal, meet with Councillor Sohal and the Applicant in the corridors outside and there was shaking of hands and smiling and talking in a language I did not understand.
5. In the meeting the first application for the Council was discussed and refused with a named vote. The second application for the private housing, although being the same type of application and the same reasons why Officers were recommending for refusal the four above mentioned Councillors were arguing for approval and appeared to be ignoring all the arguments being put forward. One of the comments by me was that they had refused the first application which was for social housing and now saying they needed to approve this private application because for further need for housing which contradicted their arguments in my view. A named vote was taken to support the Officers refusal and the four Councillors mentioned all voted against refusal. Councillor Dale-Gough also voted against but I did observe Councillor Choudry nudging and talking to him before the vote.
6. An amendment was put by Councillor Swindlehurst who voted for refusal that the application be taken back for Officers to consider on the new information presented at the meeting by Councillor Sohal where the Applicant was trying to demonstrate that parking problems would be managed. Strictly speaking we should not have even considered this new information as it was not in the application before us which I stated at the meeting. The amendment to Officers was to consider for approval but if they were still inclined to refuse it was to come back to the Planning Committee for the final decision. A named vote was taken again with the above named Councillors clearly insisting it should be approved. During discussion of this application it was clear that the four Councillors I have mentioned were clearly in favour for approval despite any arguments being presented and the previous Council application which was the same criteria had been refused. In fact if that had been approved then the second application could not have been approved.
7. At the same Planning Committee meeting, there was an application for SP Car Parking Ltd for approval for a car park which had been operating illegally. The Officers recommending refusal and permission for enforcement action. This had been called in to the Planning Committee by Councillor Bains for requesting approval on behalf of the Applicant.
8. The background to this is the Applicant was a Mr Koser(?), who owns the Village in the Town Centre, had had development plans fall through and was using the land as a car park without planning permission to help with

income. I am aware from election time that Mr Koser? had been lobbying Councillors for permission and also aware that he had donated money to the Labour Party election funds and frequently saw Councillors Sohal and Bains visiting him at the Village premises when I was in town.

9. Prior to the meeting on 15 December 2010, starting I saw Councillor Rasib, Zarait, Bal and Choudry talking with Councillor Bains and the Applicant in the corridors outside the Committee room and they shaking hands and smiling and talking in a language which I did not understand.
10. For this Agenda item in the Committee the four above named Councillors were arguing strongly for this application to be approved despite arguments against by Officers and other councillors. For example it was pointed out there were sufficient car parking spaces in town, he already had permission for another car park in town next to this application site and, there was an environmental health objection as he had not dealt with land surface drainage. The four councillors in particular I have named were very clearly in favour for approval of the application. It went to a named vote for the Officers refusal and the four named councillors voted against refusal and I again I noticed that Councillor Dale-Gough was being nudged by Councillor Choudry who was sitting next to him.
11. It was then put by Councillor Swindlehurst that it be delegated back to Officers to see if problems with drainage could be resolved but bring it back to Committee if they were still minded to approve. I would point out that Officers stated that drainage problems should have been sorted before the Applicant stated to use the site as a car park in the first place and it will be difficult to meet these requirements now. The four councillors I have named were still insisting that it come back to Committee to decide and not allow the Officers to decide a refusal on their own even though they have delegated powers to do so.
12. In both these applications I believe that there were promises to get the applications through for the Applicants. I believe investigations should follow as clear breach of the Slough's Planning Code of Conduct in my view and I hope that even by raising it may prevent this type of behaviour occurring again.



**I hereby declare that this a true and accurate record of the interview on 2<sup>nd</sup> February 2010 and this is an agreed record of that interview. There are 2 pages. I confirm that I have been advised that the investigation is subject to rules of confidentiality and disclosure under the provisions of the Local Government Act 2000. The record is being provided to me solely to confirm the accuracy of the interview and it will not be disclosed or used by me for any other purpose. I consent for any details of the interview to be used for this investigation.**

**Signed:**

**Date:**

Document 4a

**Channa Kuldip**

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**From:** David Maclsaac  
**Sent:** 21 February 2011 11:05  
**To:** Channa Kuldip  
**Cc:** kuldip.chana@slough.gov.uk  
**Subject:** Re planningcomplaint

Havent heard from you if you want me to sign statement. Councillor Dodds just admitted to me in a car that Paul Sohal and Balvinder Bains rang her to support the 2 applications we discussed. She refused but was too ill to attend that day. I hope it is being progressed and not buried.

## **SLOUGH BOROUGH COUNCIL - STANDARDS INVESTIGATION**



### **STATEMENT OF WITNESS**

**STATEMENT OF:** Councillor Plimmer

**AGE OF WITNESS:** Over 21  
(if over 21, enter "over 21")

**POSITION HELD:** Elected Member

**ADDRESS:** Slough Borough Council, St Martin's Place, Bath Road, Slough, Berkshire SL1 3UF

This witness statement is in respect of the Standards Investigation regarding a Code of Conduct matter in the case of Councillors Bal, Choudry, Rasib and Zarait - Compliant reference SBC25 in relation to an allegation that Councillors Bal, Choudry, Rasib and Zarait breached the Code of Conduct at a Planning Committee on 15 December 2010.

1. I attended the Planning Committee on 15 December 201<sup>0</sup>~~2~~. I arrived early and was in the Council Chamber before the meeting.
2. One of the first things I recall is that before the meeting Councillor Qureshi came into the Council Chamber and spoke to various Planning Committee Members. The Councillors he spoke to were, Councillors Bal, Choudry and Rasib. I recall that they all shook hands with each other. I cannot recall if Councillor Qureshi spoke to former Councillor Zarait. I also remember that Councillor Qureshi sat in the public gallery throughout the meeting. I felt he was present for one of the Planning Applications which are the subject of this investigation, however I am not sure which one it was. I was a little puzzled by his presence I did not think the applications were in his Ward as he represents Bayliss and Stoke Ward. My recollection is that it was strange that he came to the meeting and chatted to certain other Asian Members of the Planning Committee. It was unusual.
3. I also remember that after the meeting Councillor Qureshi came into the Council Chamber after the meeting. He shook hands with one of the Applicants, however I am not sure which one. I think this was the same Applicant who was in the public gallery throughout the meeting. Councillor Qureshi also shook hands with Councillor Rasib. I think this same Applicant may also have shaken hands with former Councillor Zariat.

## **Norway Drive – Item 10 on the Agenda**

4. This Application was recommended for refusal by the Planning Officers. The Planning Committee also had a letter of objection from the Parish Council. Indeed Parish Councillor Davis spoke to support the Planning Officers' recommendation.
5. Firstly the Chair permitted Councillor Sohal, the Ward Member who spoke on the Application to circulate additional papers. This was unusual. It was odd that the meeting was adjourned for a few minutes so that Members could review the information. Generally it is not permitted to circulate additional papers at the Committee itself. If there was additional information from the Applicant it is more usual for the Application to be referred to the next Committee meeting cycle. This allows the professional Officers to properly review and assess the new information in planning terms.
6. As the Agenda Item came open for debate the Chair former Councillor Zariat immediately indicated to everyone that the Planning Officers' recommendation need not be followed. It was clear to me that he was stating that he against the Planning Officers' recommendation. This seemed particularly odd to me especially as I and everyone else is aware that there is a traditional protocol that the Chair takes a neutral position. The protocol ensures that the Chair does not get into a difficult situation if there is an appeal.
7. My impression of the debate and in particular of the Members who supported this Application was that it was being pushed through deliberately against Planning Officers' recommendation. In particular I felt that the Chair "bulldozed" it through. There were major issues around the development of the site such as parking and visual impact as well effects on the neighbouring property. The Planning Application could have been deferred to the next meeting. There was definitely an air of "discomfort" about the way in which this Application was forced through with little consideration or exploration of other options. It seemed that for certain Members it had to be granted.
8. I have been a member of the Planning Committee since 2006. I have been present for other decision which involve high emotive issues for Members such as Castleview or the Colnbrook waste transfer station. I aware that at times there can be very significant differences between the views of elected Members and Planning Officers. The correct level of transparency and protocol has been maintained for example the Chair's neutral position is preserved regardless of the issues. However on this

occasion I certainly had the impression that the Chair was predetermined along with other Members too. The atmosphere of the meeting I can only describe as tense and uncomfortable as the decision and decision making process seemed just did not seem right. This view was taken by a number of Members independently of each other. I felt strongly enough about this issue that following the meeting I discussed my concerns with other Members such as former Councillor Mclsaac and Councillor Swindlehurst. Councillor Mclsaac did report the situation standards.

### **Aspire to Site**

9. Councillor Bains spoke to this Agenda Item. He was the Ward Councillor.
10. With this Application I noted again that there were solid planning reasons for refusal. I think there were environmental and sustainability reasons about the recommendation for refusal. There is a local and national policy on car parks in the town centre. Slough Council wants to encourage more greener ways to enter the town centre. There was plenty of other parking in the town for example the Observatory, Tesco, Herschel Street and Hadfield carparks. I accept that say for example at Christmas time there may be pressure on parking in the town centre so a temporary solution can be permitted for a few weeks to support the local economy for that short period. Further there were other examples of temporary permissions which have become permanent for example Church Street. There was every reason to support the Officers' recommendation and very little to support the Application.
11. This debate was also rather strange and difficult to understand how when the Officers' recommendation was to refuse and take enforcement action, some Members seemed determined to approve it! The contaminated land issues were not explored or considered, it was clearly identified that the Applicant had financial losses which seemed totally irrelevant to planning issues. Exemptions were made to sound planning policies for little valid reasons in planning terms. It felt like there was deal going on to steam roll this Application through the Committee.
12. I remember that when I and former Councillor Mclsaac expressed our objections on planning grounds the views of those in support was to find ways around to approve the Application without proper consideration for those issues. It seemed more important to some Members that the Applicant should be permitted to carry on his business regardless of the planning policy regime.

13. **In conclusion** I would say that I am convinced that Members had lobbied other Members regarding both these Applications. The stance taken by some Members about these Applications is very odd and the manner in which they were both forced through that Committee leaves lots of doubtful question marks about the position of the Members who supported the Applications, particularly those who are the subject of this complaint to Standards.

**I hereby declare that this a true and accurate record of the interview on 7<sup>th</sup> September 2011 and this is an agreed record of that interview. There are 4 pages.**

**I confirm that I have been advised that the investigation is subject to rules of confidentiality and disclosure under the provisions of the Local Government Act 2000. The record is being provided to me solely to confirm the accuracy of the interview and it will not be disclosed or used by me for any other purpose. I consent for any details of the interview to be used for this investigation.**

**Signed:**

**Date:**

23<sup>rd</sup> MARCH 2012

**SLOUGH BOROUGH COUNCIL - STANDARDS INVESTIGATION**



Document 8

**STATEMENT OF WITNESS**

**STATEMENT OF:** Councillor JOGANDRA BAL

**AGE OF WITNESS:** Over 21  
(if over 21, enter "over 21")

**POSITION HELD:** Former Councillor Bal

**ADDRESS:** Slough Borough Council, St Martin's Place, Bath Road, Slough,  
Berkshire SL1 3UF

This witness statement is in respect of the Standards Investigation regarding a Code of Conduct matter in the case of Councillors Bal, Choudry, Rasib and Zarait - Compliant reference SBC25 in relation to an allegation that Councillors Bal, Choudry, Rasib and Zarait breached the Code of Conduct at a Planning Committee on 15 December 2010.

1. I was of the impression that this issue had previously been to the Standards Committee. It was raised to the Committee that I had informed all Members at the Planning Committee that, had anyone been lobbied they must declare this. At the same time, I also stated that I did not know any of the applicants. I had been informed that this issue would not be investigated further.
2. I attended all training that was available whilst a Councillor. I was a member of the Planning Committee for six years, I always attended the training. At the training we were told that if we were ever in doubt we should take professional advice from Officers. We were however, also told that decision making is always down to the Councillors and should we wish to depart from the advice of Officers, we could vote against it.
3. In preparation for the meeting, I would read the agenda prior to the meeting and then would partake in a debate whilst at the meeting. Once this had been carried out we would make a decision. As a Councillor, I think we must be fair to everyone whilst also respecting the rules of the authority. I am aware of the need to have an open mind.
4. At this particular meeting I came in through the front of the town hall. I believe I spoke to Councillor Sohal and Qureshi. I shook hands with

them and said "hello". There were a number of other people in the lobby but I was unaware who they were. I think it is normal procedure for Members to shake hands with each other, this is a traditional behaviour of the Asian Councillors in particular. I do not remember anyone coming into the Chamber and shaking hands with Members. I am not certain of where Councillor Qureshi went but he may have gone to sit in the lobby.

### Aspire 2 Site

5. I knew the applicant by name only, simply because he was a well known business man in the area. I had never spoken to him personally.
6. Councillor Bains spoke about this issue first as the ward Councillor. The Chair then opened discussion up the Members. Councillor Bains requested to speak again however was informed that he was unable to as he had spoken for his allowed period of time. I do not recall the Chair stating his opinion with regard to the matter when he opened the debate. I do think that Councillor Bains raised his voice on a number of occasions; he appeared frustrated that he was not allowed to speak further by the Chair.
7. A recorded vote took place as there was detailed discussion with regard to this matter. I was of the opinion that the use of this car park may temporarily benefit the town. I was aware that Officers had suggested that the site was unsafe; however the applicant had suggested that once he had raised money he would redevelop the land. I was happy to allow this application as it was a temporary basis and thought that it would be of benefit due to the credit crunch.

### 68 Norway Drive

8. I did not know the applicants in this case or any of their representatives. This application took place in addition to an application regarding number 70 Norway Drive. I voted for both applications to be approved despite Officer recommendation. My reasoning being that there is not enough brown land in this town, and the housing within Slough need to be built.
9. When the debate began Councillor Maclsaac declared that he knew the objectors, but he was open minded. Immediately upon Councillors stating that they were not for this application, Councillor Maclsaac stated that they had been lobbied. It was at this point that I asked all Members to declare interests. I am interested to know who would



have lobbied me in the case of number 70, as presumably this would have been Slough Borough Council?

10. I would also like to raise that five Councillors voted as I did. Only four however were complained about. I am unsure why he thinks that Councillor Dale-Gough was not lobbied. I was not lobbied by any other Members and no one had called me at home. I have been a member of the Planning Committee for six years and always informed people that I was not able to speak to them.
11. When I heard of this complaint I was offended. I do not feel there was a reason for him to report us and if he genuinely did have a reason I think he should have reported all five of us. Councillor MacIsaac behaved aggressively about this particular issue.
12. I am aware that I voted against Officer advice, however I am entitled to do so and I had specific reasons for doing so in each circumstance.
13. I would appreciate it if the Committee Clerk could be asked if she remembers that I asked all Members to declare interests at this particular meeting.

**I hereby declare that this a true and accurate record of the interview on 2011 and this is an agreed record of that interview. There are 3 pages.**

**I confirm that I have been advised that the investigation is subject to rules of confidentiality and disclosure under the provisions of the Local Government Act 2000. The record is being provided to me solely to confirm the accuracy of the interview and it will not be disclosed or used by me for any other purpose. I consent for any details of the interview to be used for this investigation.**

**Signed:**

**Date:**

**SLOUGH BOROUGH COUNCIL - STANDARDS INVESTIGATION**



Document 7

**STATEMENT OF WITNESS**

**STATEMENT OF:** Raja Zarait

**AGE OF WITNESS:** Over 21  
(if over 21, enter "over 21")

**POSITION HELD:** Former elected Member

**ADDRESS:** Slough Borough Council, St Martin's Place, Bath Road, Slough,  
Berkshire SL1 3UF

This witness statement is in respect of the Standards Investigation regarding a Code of Conduct matter in the case of Councillors Bal, Choudry, Rasib and Zarait - Compliant reference SBC25 in relation to an allegation that Councillors Bal, Choudry, Rasib and Zarait breached the Code of Conduct at a Planning Committee on 15 December 2010.

1. Whilst an elected member I attended training for Planning Committee every year. This is compulsory after the new Council is elected each year. I had a meeting with head of Planning with regard to chairing the meeting. I have only chaired the Planning Committee for one year. I was informed that I must take the interests of the Council, into account, in addition to the Code of Conduct and the local framework. I believe that there was a statutory duty to understand and follow the Code of Conduct. Decisions were based upon the paperwork. It would be this which I would base my judgement on. There was no party whip in the case of the Planning Committee.

2. As Chair would allow anyone who raised their hand if they wished to speak. I always gave all Members full opportunity to speak when they wanted. I had read guidelines with regard to lobbying. People did ring me, but I would simply inform them that I could not speak to them as a conflict of interest may arise. Where appropriate I would suggest that they would speak to an alternative Councillor.
3. I arrived approximately five minutes before the meeting. Every meeting I attended there were members of the people within the gallery. I cannot recall anyone coming into the Council Chamber. I always entered the Building through the side door of the town hall. Before all Planning meeting there was always a briefing. It is important to remember that Officers cannot always be right, and despite their recommendations it doesn't always mean that this should be accepted. This has been proven in circumstances where cases have gone to appeal and investigators have sided with the decision of Members.

### Aspire 2 Site

4. As the Chair I would always invite Officers to speak with regard to the matter. As this item had been called in I allowed the Ward Councillor to speak with regard to the item. As far as I can say there was nothing that was going which raised my suspicion that anyone was speaking improperly. I did not introduce the item by stating that I supported the application.
5. Before the application was submitted an email was received stating that it was highly unlikely that the application would be successful. I had been informed about this by the ward Councillor and was concerned that a decision like this had been made by a Planning Officer without having fully considered the decision. Consequently the application was called in.
6. This Applicant was asking for Temporary planning permission. This was a key reason why I decided to vote against Officer recommendation. I believe that a car park within the locality had recently been closed. The multi-storey car park is situated on the other side of the town.
7. I do not know the applicant with regard to the car park. No other Member of SBC had contacted me prior to the meeting. No one contacted me on behalf of the applicant. I had spoken to the ward Councillor who had contacted me asking if he was able to speak. I had received discussion from the Committee clerk with regard to this

and she had confirmed that he was able to speak. I cannot recall the conversation that I had with the ward Councillor, other than the fact that he would like to call the item in. I do not believe that it was discussed in great detail. He did provide me with a copy of the email which had been sent by the Planning Officer and raised his concerns to me.

### 68 Norway Drive

8. I confirm again that I had not discussed this matter with any other Councillors. I am aware the Councillor Qureshi was at the meeting, I can not recall whether or not he said hello to me. I did not see the applicant with him however do remember that he was sitting in the gallery.
9. I believe that this complaint is completely baseless. I believe that the Councillor who made this complaint has a habit of doing so and I have no understanding as to why he would have done so in this case. [REDACTED]  
[REDACTED]. I wonder why a complaint was not made against Councillor Dale-Gough, despite him having also voted in the same way. [REDACTED]  
[REDACTED] I believe that the complainant was not willing to respect others opinions. I have never made a complaint about a Councillor – I appreciate that part of the role is to undertaken debates and discussion during committee meetings, but once a meeting is over it is important to set this aside and act appropriately towards each other. I am angry that a complaint has not been made against Councillor Dale-Gough. I am aware that this allegation is serious, however I was a Councillor for ten years and had not had a complaint made against me. It is important to me that my name be cleared with regard to this matter.
10. Councillor Maslsaac suggested at the meeting that Members had been lobbied, after which (former) Councillor Bal swiftly requested that anyone who had been lobbied declare this. There have been circumstances Councillor Maclsaac has declared an interest with regard to an application but then voted with regard to the same matter when it has returned at a further meeting.
11. I left the Council in April and did not intend to make a complaint to the Council. [REDACTED]  
[REDACTED], however I am not the type of person who will raise a complaint. I believe Councillor

Maclsaac did not stand this year because he was aware that certain people were of this opinion. This complaint would seem much fairer had it also been made against Councillor Dale-Gough.

12. The Councillor ward nor any other Members had approached me about this matter. I do not know either the applicant or the agent. Mr Mehmood is not an acquaintance of mine and no one approached me on their behalf. 70 Norway Drive was for a larger property than this and due to the issue with regard to car parking it was requested that this come back to the Committee but I believe that it was resolved and so was not raised again.
13. I did not as Chair state that I supported these applications while introducing them and prior to allowing others to have raising their concerns. Each Councillor is entitled to speak and I would often allow Councillor Maclsaac to speak frequently. At each meeting I would always state the Officers recommendation and then simply ask for Members to vote for or against. I did not attempt to influence the decision of other Members. Having been a Councillor for ten years and spent a year as Major, I was aware of the importance of my role and gave maximum time to all Councillors who wished to speak.
14. As a Chair I had a casting vote should there be equal number of votes for and against. I had never had the opportunity to use my vote in this way at any of the meetings I had chaired. I am aware that it is tradition to cast my vote as Chair as recommended by Officers.
15. Again I would like to stress that I think if this complaint was genuine it should also have been made against Councillor Dale-Gough. This was a cross party vote, which suggest that the people who voted in favour of the application did so with an open mind. I often discussed matters with the Officers and did my best to support them whenever possible.

**I hereby declare that this a true and accurate record of the interview on 2011 and this is an agreed record of that interview. There are ? pages.**  
**I confirm that I have been advised that the investigation is subject to rules of confidentiality and disclosure under the provisions of the Local Government Act 2000. The record is being provided to me solely to confirm the accuracy of the interview and it will not be disclosed or used by me for any other purpose.**  
**I consent for any details of the interview to be used for this investigation.**

**Signed:**

**Date:**

**SLOUGH BOROUGH COUNCIL - STANDARDS INVESTIGATION**



Document 8

STATEMENT OF WITNESS

<b>SLOUGH BOROUGH COUNCIL</b>			
15 NOV 2011			
<b>LEGAL SERVICES</b>			

STATEMENT OF: *Councillor M Rasib*

AGE OF WITNESS: Over 21  
(if over 21, enter "over 21")

POSITION HELD:

ADDRESS: Slough Borough Council, St Martin's Place, Bath Road, Slough, Berkshire SL1 3UF

This witness statement is in respect of the Standards Investigation regarding a Code of Conduct matter in the case of Councillors Bal, Choudry, Rasib and Zarait - Compliant reference SBC25 in relation to an allegation that Councillors Bal, Choudry, Rasib and Zarait breached the Code of Conduct at a Planning Committee on 15 December 2010.

Aspire 2 Site

1. I attend Planning Committee training annually. I have learnt that I must make decisions based upon merit and it is important not to do any favours for anyone and listen to all opinions and ask questions before making decisions. I am aware I can ask questions of objectors if I think that this is necessary.
2. I don't remember in detail, the decisions made at this particular meeting. I have never met the Applicant or any representative of Aspire 2 previously and had no idea who they are.
3. Whilst in the Council Chamber waiting for the meeting to start, neither the applicant, agent or any other Councillor came to the room and spoke to me with regard to the agenda item. I am certain of this and confirm that I shook hands with no one prior to the meeting taking place. It may have been possible that someone else came into the room while I was reading the papers, but I certainly did not see anyone.
4. I am unable to recall much detail with regard to the debate which took place surrounding the Aspire 2 Site. I believe that I agreed the item as there were numerous conditions which were made if the application was to be agreed. I am aware that the Council recommended the item for refusal, however it is up to me as a

Councillor to think if I think that there is a reason for doing so or not. For example, the Beachwood Garden application was recommended for approval however we voted against approval. I must make a decision independently of Officer recommendations. The applicant appealed against the decision and the inspector refused the appeal.

5. I am aware that the Council are trying to encouraging people to use public transport, however I would like to encourage more people to come into the town which I think will be beneficial to the businesses within the town centre.
6. When making a decision I must take into account whether this is in the best interests of the community and the Planning Law. I attended with an open mind, as I have done each time that I have attended the Planning Committee. I confirm I had not discussed this application with any other Members. If I am ever contacted with regard to an issue prior to a meeting I will not discuss the issue. I don't think on this occasion anyone had contacted me, certainly none of the Councillors contacted me with regard to the matter. I haven't spoken to Councillor Qureshi for three years for personal reasons.
7. I believed that this car park would be beneficial to Slough as the current multi-storey car parks are often fully booked by various companies.
8. I wonder why Councillor Dale-Gough has not been complained about despite also voting in favour of this application in respect of 68 Norway Drive.
9. I have been a councillor for six years, I read all planning applications at home prior to attending meetings and look up anything I do not understand prior to the meeting. I do not know why I would support any applicant in particular. I believe that this complaint has been made because Councillor MacIsaac has made these complaints and do not believe that there is any justification with regard to this complain.

#### Land Adjacent to 70 Norway Drive

10. I had not met the applicant on the day prior to the meeting. I can confirm that I do know that applicant, Mr Mehmood with regard to this item and I have previously met him at social events such at weddings and would describe him as a social acquaintance. Despite knowing him, I did not believe that this is necessary to disclose this to anyone. It is important part of my role that I keep all information confidential. I

don't believe that any member of the public would consider any harm with this. I have never carried out a favour for anyone person for the whole time that I have sat on the Planning Committee.

11. I do remember the debate which took place, there were a number of issues such as parking. I believe that the minutes which were taken with regard to number 70 Norway Drive are inaccurate as they state that I voted against this application, which is not the case. I in fact voted in favour of the application.
12. I always visit the site prior to meeting with the Committee. I believed that there was sufficient space for the development of the property.
13. [REDACTED]  
[REDACTED], [REDACTED]  
[REDACTED] he didn't complain about Councillor Dale-Gough. I have never made any allegations against any other Councillors including Councillor Maclsaac. [REDACTED]. I have noticed that Councillor Maclsaac changes his opinion of people very quickly. He was a frustrating person to work with and it has been commented to me that other Councillors are grateful that he is no longer a Councillor.
14. The Chair of the meeting is able to have the casting vote, but there is no tradition which would mean that they vote as the Officer has suggested. I believe that it is important to consider that Officer may not always be right. It is my job to look after the members of the public in addition to the Council. I appreciate that the Planning Officers are better qualified than some of the Councillors, but even in these circumstances it is important for me to read documentation and make my own decisions.
15. No one, including Members had contacted me with regard to Norway Drive prior to the meeting and I did not shake anyone's hand prior to the meeting with regard to this matter.
16. I believe that Councillor Zariat was Chair at the particular meeting and he allowed Councillor Maclsaac to speak. I was of the impression that he expected all Members to agree with him once spoken. Councillor Zariat introduced the application and asked the objector and applicant time to speak. Each Member who wanted to speak would raise their fingers to I am not believe that Councillor Zariat as Chair, mentioned whether or not he was in support of either of the applications for 68 or 70 Norway Drive in his opening speech to the Committee.



17. With regard to this application I believe that I made the most of all of my experiences and I am satisfied that I have never made a mistake with regard to the decisions that I have made to any planning application. I am very aware of the need to declare my interests when necessary and have done so.

18. I have to say that I feel sorry for Councillor MacIsaac.

**I hereby declare that this a true and accurate record of the interview on 2011 and this is an agreed record of that interview. There are 4 pages.**  
**I confirm that I have been advised that the investigation is subject to rules of confidentiality and disclosure under the provisions of the Local Government Act 2000. The record is being provided to me solely to confirm the accuracy of the interview and it will not be disclosed or used by me for any other purpose.**  
**I consent for any details of the interview to be used for this investigation.**

Signed:

Date: 14/11/11

Document 9

**SLOUGH BOROUGH COUNCIL - STANDARDS INVESTIGATION**



<b>SLOUGH BOROUGH COUNCIL</b>			
<b>20 DEC 2011</b>			
<b>LEGAL SERVICES</b>			

**STATEMENT OF WITNESS**

**STATEMENT OF:** Councillor Sohal

**AGE OF WITNESS:** Over 21  
(if over 21, enter "over 21")

20 DEC 2011

**POSITION HELD:**

**ADDRESS:** Slough Borough Council, St Martin's Place, Bath Road, Slough, Berkshire SL1 3UF

This witness statement is in respect of the Standards Investigation regarding a Code of Conduct matter in the case of Councillors Bal, Choudry, Rasib and Zarait - Compliant reference SBC25 in relation to an allegation that Councillors Bal, Choudry, Rasib and Zarait breached the Code of Conduct at a Planning Committee on 15 December 2010.

68 Norway Drive

1. I was elected in May 2010, in approximately September one of my constituents contacted me and asked to discuss his planning application with me. I told him that I was not on the Planning Committee and was not fully aware of Planning Laws. He told me he just wanted to show me some paper work, which I agreed to. He visited my place and discussed the property number 68 Norway Drive with me. He told me that his agent had been under discussions with Officers with regard to building a two bedroom house on this plot. Officers had given him various advice, some conflicting. He showed me a number of emails between Officers and his agent starting from approximately August 2009. He told me that he was aware that there was going to be a planning application for plot number 70, Norway Drive for a three bedroom house. I told him to leave the paper work with me and I would contact the Officer. I had a meeting with Chris Smyth. He informed me at the time that the property was not in the applicant's name and there was a legal problem with the application. The applicant confirmed that this had been sorted. The application was submitted to the Committee in December.
2. I had not had any previous connection with the applicant, but may have seen him while canvassing at election time, although I do not recall this. He approached me as he thought he was having problems with the Planning Department and believed the Council was working to

double standards. I thought it was reasonable to find out why his agent's negotiation regarding pre-planning advice had been going on for a number of years, yet the Council had also applied to develop the corner plot of number 70 Norway Drive that recently been made available.

3. I was aware of the reasons why Officers had suggested the application should be declined, but I am aware of places where houses are built closely together and I didn't think was an issue. Mr Mehmood did not mention that he had seen any other Councillors with regard to this planning application. I informed him that this was the first time that I had presented such an issue to the Planning Committee.
4. I met Mr Mehmood just outside the Council Chamber, at which point he gave me a revised copy of the plan which accommodated two parking places. The Planning Officer did not have these copies. There were other people outside of the Council Chamber, although I can't recall exactly who was present. I didn't meet any Member of the Planning Committee outside the meeting other than Councillor Qureshi, who may have been with someone else, although I do not recall anyone in particular. I would have shaken hands with Councillor Qureshi, it would be uncivilised not to do so. I don't recall Mr Mehmood shaking hands with anyone, he simply showed me the revised plans his architect had produced. I went into the Council Chamber a couple of minutes before the Meeting started. I saw Councillor Bains and sat next to him ready for the meeting. The only person I think I may have said hello and shook hands with was Councillor Zarait who was Chairing the meeting. I simply did so out of courtesy, this is normal practice for me. I am not aware of where Mr Mehmood or Councillor Qureshi were at this time. I did not see Mr Mehmood come into the Chamber at any time.
5. Prior to this agenda item being discussed a number of other items were heard. We then heard the application for number 70 Norway Drive. Two people arrived from Wexham Court Parish Council. The item in question then came up. I don't remember how the agenda item was introduced; I don't think that any Chair from the outset would state that they are in favour. I don't remember exactly what happened this day though.
6. I remember the Chair called Mr Smyth first. He then called my name, at this point I think I requested that the new papers be submitted. The Chair took advice and informed that this was possible. The meeting

was adjourned for five or ten minutes to allow Officers to look at the revised application.

7. I had decided to support the application as it was a corner plot. I have lived on the estate for 27 years and have seen a number of corner plots developed over the years with no negative consequences.
8. I tried to speak again a number of times, however was told by the Chair that this was not possible as I had my full time. I remember Councillor Maclsaac stating that the Members had been lobbied. Councillor Bal said something to the Chair about this. I don't recall exactly what was said.
9. Councillor Maclsaac did not direct any remarks towards me, he did not mention any particular Member's names, but made a general remark. A number of Members spoke, including Councillors Swindlehurst and Dale-Gough, and a full debate took place with regard to the matter. It was decided that if the issue with regard to parking was not resolved it would come back to the Committee.
10. I left after this item, returned Mr Mehmood's paper work to him, outside the town hall, and he thanked me. He informed me that in January/February he had been successful in gaining the planning application.

**I hereby declare that this a true and accurate record of the interview on \_\_\_\_\_ 2011 and this is an agreed record of that interview. There are ? pages.**

**I confirm that I have been advised that the investigation is subject to rules of confidentiality and disclosure under the provisions of the Local Government Act 2000. The record is being provided to me solely to confirm the accuracy of the interview and it will not be disclosed or used by me for any other purpose.**

**I consent for any details of the interview to be used for this investigation.**

Signed:

Date: 19.12.2011



**STATEMENT OF WITNESS**

**STATEMENT OF:** Councillor James Swindlehurst

**AGE OF WITNESS:** Over 21  
(if over 21, enter "over 21")

**POSITION HELD:** Elected Member

**ADDRESS:** Slough Borough Council, St Martin's Place, Bath Road, Slough,  
Berkshire SL1 3UF

**This witness statement is in respect of the Standards Investigation regarding a Code of Conduct matter in the case of Councillors Bal, Choudry, Rasib and Zarait - Compliant reference SBC25 in relation to an allegation that Councillors Bal, Choudry, Rasib and Zarait breached the Code of Conduct at a Planning Committee on 15 December 2010.**

1. I served as a member of the Planning Committee in both the municipal year in which the above meeting occurred and in the current municipal year. I have been a Councillor for ten years and, with the exception of a very brief break, I have been on the Planning Committee nearly continuously for those ten years. Since my political group came to control the council in 2008, I have been the Commissioner for Planning in the Council's Cabinet.
2. I was a little late to the Planning meeting on 15<sup>th</sup> December 2010, due to transport difficulties so I am not aware of anyone or anything happening in the corridor or outside or inside of the meeting area before the commencement of the meeting. I recall that the application for number 70 Norway Drive was in progress when I entered the meeting room.

**68 Norway Drive**

3. I recall that when the Chair introduced this Agenda item and Councillor Sohal put in additional information about the site, I felt the Chair was rather accommodating in taking the request almost instantly. He did not demonstrate the same sort of rigour as one would normally expect for some new information being tabled; because generally it would be expected that the Chair would examine the material before allowing it to be circulated. On this occasion he did not do so which suggested two things to me, either that he had seen the information already or two, he was already minded to facilitate the tabling of the information for some reason. From my experience of having served on the Planning Committee for several years, the way in which this new information was tabled by the Chair made me believe the Chair may have read it already; as he was not applying any particular test to it. This was unusual as it was Councillor Sohal, the Ward

Member who was tabling the information on the night. I was not aware that some advance copy had existed because it was not in the supplementary papers that update Members and also contain the Officer's comments on information produced since the publication of the Agenda papers.

4. Following the presentation of the Officer's report, Councillor Sohal spoke on behalf of the Applicant. I felt that Councillor Sohal was pursuing an agenda to try to get this application full planning permission on that evening despite the Officer's recommendation. Fundamentally he was trying to control the agenda item. The Chair was accommodating him and Councillor Sohal was given a great deal of latitude to summarily dismiss the Officer's professional opinion. I understand that, as the Applicant is the owner of a house in Councillor Sohal's constituency, Cllr Sohal does have a role in making representations as the Ward Member on that individual's behalf. However I felt that Councillor Sohal was going beyond his duty as a Ward Member to represent the Applicant in that he was forensically picking apart the Officer's report in quite a forceful way.
5. One of my main reasons for concern about this Application was that Councillor Zarait had on a number of occasions lobbied me about various planning applications for this particular Applicant, Mr Mehmood. I have avoided becoming heavily embroiled in these matters and generally responded simply by facilitating meetings with the Planning Officers. It is for this reason that I am aware that Councillor Zarait knew the Applicant well.
6. I am also aware that Councillor Sohal had pressed me on behalf of the tenant of number 70 to express concerns about an application for the attached dwelling proposed at number 70 (which was refused by the Planning Committee as the first item that evening); whereas he was supporting the application for a similar proposal at number 68. I also recall both Councillor Zarait and Councillor Sohal having conversations with me previously, questioning why the Council was bringing forward its planning application for number 70. In summary, they had both claimed that it was not natural justice and it was unfair, as Mr Mehmood had had an earlier proposal which was not supported – I had pointed out that the application at number 70 was a Housing Department proposal, and I had no idea what the planning officers' assessment of it would be.
7. The information in paragraph 6 and 7 above lead me to conclude that both Councillors Zarait and Sohal were acting on behalf of the Applicant who owned number 68 in these conversations. Their view surprised me, in view of the fact that both these Members knew about the shortage of social housing, particularly in Wexham Lea Ward, yet both were effectively complaining about the Council's attempt to supply additional social accommodation at number 70, while neither ever expressed concerns about the private proposal from Mr Mehmood, a builder and landlord with several properties.
8. In the meeting a vote was taken on the Officers' recommendation for refusal. When that vote fell, Councillor Zarait then seemed to suggest that this meant that the Application was given permission. I intervened and said this was not the case, committee members had simply not agreed the refusal. I then went on to suggest that we move recommendations to address outstanding planning issues named in the report; particularly parking - perhaps by delegating the final decision to Officers to ensure those issues were resolved before they granted consent, if committee was minded to accept the proposal in principle. Councillor Zarait

intervened and Councillor Sohal tried to speak again. The Committee Clerk had to advise Councillor Zarait that he could not take any further comment from Councillor Sohal whereas he had seemed to be willing to allow him to speak again. This was odd as Councillor Zarait should know the rules but on this occasion seemed to be waiving them in favour Cllr Sohal who had already spoken in favour of approving the application.

9. At this point I strongly asserted that if Members were minded to move this Planning Application forward, they must really take account of their duty to ensure the scheme met the Council's standards before it was approved. I again suggested that we move to delegate this to Officers to resolve the remaining planning issues. I believe at this point Councillor Rasib supported my argument at the very least by speaking and possibly by seconding me, saying that the parking issue was resolvable, so we should seek to tidy that up prior to approval. Other Members began to accept this proposal and so I felt comfortable that it was not being given approval without conditions. However I still abstained from the vote because personally I did feel the Planning Application should have been refused. I felt I my arguments had pushed Members back into a reasonable place which ensured that a scheme recommended for refusal was not given a 'blanket' permission, but instead further negotiations would have to occur to address outstanding planning issues and, given the tone of the committee, this was the best that could have been achieved at this meeting.
10. In their consideration of this Planning Application it seemed to me that some Members of the Committee were not giving appropriate consideration to the issues raised in the Officer's report such as parking which had not achieved a satisfactory layout by the time of the Committee meeting. Some of the deficiencies in this application that were highlighted in the Officer's report appeared to be entirely ignored by some Members, for example Councillor Bal; glossed over by others, for example Councillor Choudry and being positively dismissed by Councillor Zarait and Councillor Sohal. Moreover, the behaviour of the Chair and Councillor Sohal suggested that there was something particularly amiss about their approach to this Agenda item.

### **Aspire2 Site**

11. The Officer's original recommendation was for refusal and enforcement action - mainly because, if the site was to be used for an extended temporary period, Officers felt a number of drainage and environmental issues needed to be addressed and they had not been in the proposal presented.
12. Councillor Bains as the Ward Member represented the Applicant. He spoke on in favour of there being a requirement for more car parking spaces near the town centre shops and in support of the Applicant's request for a three year temporary permission. After a reasonably full discussion Members decided to allow a two year temporary continuation of the car park use subject to the environmental and drainage issues being addressed. This was in the context of another temporary car park having been allowed by Officers under a delegated decision on a nearby site, and a shorter temporary permission having been previously allowed in this area.

13. My personal view of the nature of this discussion was that it was constructive and Members did seek to address the original concerns that had led to the Officer's recommendation for refusal/enforcement in their decision. With the environmental issues delegated to Officers to resolve, there was no "in principle" reason why the car park could not exist for a temporary period.
14. The marginal difference in view between Officers and Members on this Agenda item has to be seen in the context of Officers having allowed two car park sites temporary permission under delegated authority quite close in time to this application arriving at Committee. I believe that Members simply felt that if these previous sites were acceptable in principle, so was the Aspire 2 Site which the Committee was being asked to determine – subject to the environmental issues on this site being addressed. Getting the drainage and environmental issues resolved was the reasoning the Officers put to Committee Members as justifying their recommendation. My view is that Members felt this could be achieved just as acceptably by insisting that these were conditions that had to be met prior to any approval and the Committee left Officers the delegated authority to refuse the Application if those issues were not satisfactorily resolved.
15. Overall I do not think there was anything untoward about this particular Agenda item beyond a slight disagreement in approach between Members and Officers to resolve the planning issues on this site. Members were of the view that as enforcement law was weak and action took a long time to deliver it was more effective to incentivise the Applicant to resolve the drainage issue with the prospect of permission following that than it would have been to "punish" the Applicant for not having addressed the issues previously. I think that Members felt that it was inevitable that the Applicant would appeal any enforcement action which would mean he would probably carry on with the car park business on the site and the Council would have little redress except to await the outcome of that appeal process whereas with the Members decision on this Agenda item meant that it allowed the Officers control to refuse the Application or grant it for a limited two year period only.

**I hereby declare that this a true and accurate record of the interview on 12<sup>th</sup> January 2012 and this is an agreed record of that interview. There are 4 pages. I confirm that I have been advised that the investigation is subject to rules of confidentiality and disclosure under the provisions of the Local Government Act 2000. The record is being provided to me solely to confirm the accuracy of the interview and it will not be disclosed or used by me for any other purpose. I consent for any details of the interview to be used for this investigation.**

**Signed:**

**Date:**

16<sup>TH</sup> JANUARY 2012



**SLOUGH BOROUGH COUNCIL - STANDARDS INVESTIGATION**



Document 11

**STATEMENT OF WITNESS**

**STATEMENT OF:** Wesley McCarthy

**AGE OF WITNESS:** Over 21  
(if over 21, enter "over 21")

**POSITION HELD:** Planning Team Leader / DEVELOPMENT CONTROL MANAGER

**ADDRESS:** Slough Borough Council, St Martin's Place, Bath Road, Slough, Berkshire SL1 3UF

This witness statement is in respect of the Standards Investigation regarding a Code of Conduct matter in the case of Councillors Bal, Choudry, Rasib and Zarait - Compliant reference SBC25 in relation to an allegation that Councillors Bal, Choudry, Rasib and Zarait breached the Code of Conduct at a Planning Committee on 15 December 2010.

1. I attended the meeting of the Planning Committee on 15<sup>th</sup> December 2010, and was the most senior member of staff from the planning department in attendance. It is usual practice that I turn up early to these meetings in order to set up equipment used during the meeting. I was therefore not privy to the conversations or actions of Members outside the Council Chamber.

Aspire 2 Site

2. This application had been called-in by Councillor Bains.
3. Mr Maclsaac appeared to be frustrated by the comments of other committee Members and requested that a named vote be minuted in the case of this application. Officers clearly expressed their opinion that this application should be refused, and I believe this added to Mr Maclsaac's frustration.
4. To approve the application would have been against Council policy. Similar applications relating to land within the town centre had previously been refused and this contradictory decision, in my opinion, puts the Council in an awkward and somewhat embarrassing position.
5. The presenting officer referred Members to paragraph 8.7 of the Planning Officer's report, which made reference to the similarities between this site and a previous site in question, 1B – 9 Albert Road. It was emphasized that the decision to refuse this application had

been upheld at appeal by the Appeal Inspector – I refer to the quote of the Appeal inspector, which was included in the committee report and stated *“the continued use of the site for car parking would tend to promote a continuation of existing travel behaviour in the Slough area and frustrate the achievement of sustainability objectives, contrary to the weight of national and adopted local planning policy.”*

6. Since this meeting similar applications have been refused on the basis that they do not comply with Council policies. The decision taken at this meeting therefore undermines this previous decision which had been upheld at appeal.
7. At the time of this meeting sufficient parking facilities were available within the borough. As far as I was aware, no car parks were closed or unavailable. Members were informed by officers that the provision of additional parking facilities would undermine the Council’s encouragement for the public to increase their use of sustainable transport.
8. I am not aware of any underlying issues or conflicts that were being experienced between Members and officers.
9. Despite this matter being relatively straightforward the opinions expressed by the Members at the meeting did not seem to reflect this. These circumstances are particularly frustrating and lead me to question whether the information I provide the members is sufficiently clear, or if members are motivated by something other than the information presented by officers.
10. Some time before this meeting, I have been concerned about the approach of some members, when taking decisions at planning committee, which I pointed out to my line manager, the Interim Head of Planning.

#### 68/70 Norway Drive

11. I can’t recall the exact order that this agenda item was taken in. I believe that the Planning Officer attempted to present the applications for both properties as one agenda item, but it was requested by the Chair that each item be considered separately.
12. Both applications were recommended by the Planning department for refusal. The recommendation with regard to the first application for number 68, which had been made by the Council, was agreed by members with very little discussion.

13. When the Committee was presented with information regarding number 70 Norway Drive lengthy discussions took place during which Mr MacIsaac became increasingly frustrated.
14. It was and remains my professional opinion that due to the negative implications of each of these applications they both should have been refused, as recommended.

**I hereby declare that this a true and accurate record of the interview on 28/2/2012 and this is an agreed record of that interview. There are 3 pages.**  
**I confirm that I have been advised that the investigation is subject to rules of confidentiality and disclosure under the provisions of the Local Government Act 2000. The record is being provided to me solely to confirm the accuracy of the interview and it will not be disclosed or used by me for any other purpose.**  
**I consent for any details of the interview to be used for this investigation.**

Signed:

Date: 26/3/2012



**STATEMENT OF WITNESS**

**STATEMENT OF:** Chris Smyth

**AGE OF WITNESS:** Over 21  
(if over 21, enter "over 21")

**POSITION HELD:** Team Leader

**ADDRESS:** Slough Borough Council, St Martin's Place, Bath Road, Slough,  
Berkshire SL1 3UF

This witness statement is in respect of the Standards Investigation regarding a Code of Conduct matter in the case of Councillors Bal, Choudry, Rasib and Zarait - Compliant reference SBC25 in relation to an allegation that Councillors Bal, Choudry, Rasib and Zarait breached the Code of Conduct at a Planning Committee on 15 December 2010.

1. Due to the time that has passed since the meeting, I am unable to recall it in any great detail, however I am able to provide my notes which state what I presented at the meeting. (Attached at Appendix 1).

**68 and 70 Norway Drive**

2. Initially I was intending to present both applications together, as they were interrelated, but making it clear to Members that separate decisions were to be made for each application. However I was advised by the legal officer at the meeting that they should each be considered separately. The application regarding number 70 was considered first and the recommendation for refusal was upheld by the Committee.
3. The second application pertaining to number 68 Norway Drive was approved in principle, but delegated back to the Head of Planning Policy and Projects for resolution of outstanding car parking issues.
4. In my opinion this was an odd decision, both applications raised similar planning issues, however the Planning Committee does not always follow officers' recommendations and does not always share the same views as officers.
5. I recall that a named vote was requested with regard to these two applications. I am unable to recall which way each member voted, however I do recall that those who disagreed with officer recommendations and supported the application for number 68 made their views known.
6. I presented to the Committee reasoned arguments as to why neither of these applications could be approved.

**Aspire 2 Site**

7. This application had been recommended for refusal on the basis that the proposals were contrary to national and local planning policies rather than on grounds of physical impact. I do not recall if any reasons were given by the Members for their decision to approve the application, but then they are not required to do so.
8. Solid policy grounds existed for the refusal of the application and this approach by the Planning Officers has been upheld previously when a similar case went to appeal. At the time of the application the Council's transport engineers advised that sufficient car parking was available within Slough and there was no reason to create any additional parking. Other applications for temporary car parking have been refused by officers but were not subject to member call in
9. I was not aware of any ill feeling between Members and Officers at the time of this application.
10. I do not recall that anything unusual took place between Members outside the Council Chamber, however I usually would arrive at the meeting at 6pm and spend the time before the meeting reading through my notes in the Council Chamber.

**I hereby declare that this a true and accurate record of the interview on 2 March 2012 and this is an agreed record of that interview. There are 2 pages.**

**I confirm that I have been advised that the investigation is subject to rules of confidentiality and disclosure under the provisions of the Local Government Act 2000. The record is being provided to me solely to confirm the accuracy of the interview and it will not be disclosed or used by me for any other purpose.**

**I consent for any details of the interview to be used for this investigation.**

Signed:

Date: 23<sup>rd</sup> March 2012

NOTES FOR PLANNING COMMITTEE - 15<sup>th</sup> December 2010

S/00666/000 – Land Adjacent to 70 Norway Drive

Members should note that this application needs to be considered in the context of Planning Application P/14946/000 relating to the neighbouring site at 68 Norway Drive. That application has been brought forward in the Agenda, but members are reminded that they are separate applications and as such do require separate decisions.

This application is submitted by the Borough Council for the development land that it owns adjacent to 70 Norway Drive, for the erection of an end of terrace house. This application is before Committee for decision as an objection has been received from the Parish Council

SLIDE 1 – THE PROPERTY IN CONTEXT

SLIDE 2 - EXISTING VISUAL BREAK BETWEEN TERRACES

The land in question forms part of an open break between two terrace blocks, the neighbouring terrace of which is set back behind the rear elevation of the host property. At present nos 68 and 50 Norway Drive are separated by a break of about 12.5 metres. Such breaks are recognised as being important and provide welcome visual relief in an otherwise densely built up area.

SLIDE 3 – SITE CHARACTERISTICS

When considered on its own merits and in isolation from the concurrent planning application on the neighbouring site at 68 Norway Drive, the proposals tick all the right boxes in terms of the dwelling's siting, proportions and external appearance. The proposals also comply with both amenity space guidelines and parking standards, providing 2 no. spaces both for the existing and proposed houses. There is further no significant breach of any 45 degree line of sight in relation to either neighbouring property.

The erection of an attached house would reduce the open break to approximately 7 metres and not 9 metres as referred to in the Officers report. Nonetheless, this would still a significant enough separation distance to avoid any issues of enclosure of the gap or visual terracing and not result in a development which does not respect the character and appearance of the area.

However, the concurrent application which has been submitted for land adjoining 58 Norway Drive, now means that both planning applications have to be considered in tandem. The result is that they effectively cancel each other out by creating negative impacts both on the street scene and on the residential amenities of the future occupiers.

SLIDE 4 – REDUCTION IN VISUAL GAP

The objections are set out in the two reasons for refusal and relate to firstly, an unacceptable degree of enclosure, whereby the visual gap between the two proposed properties would be reduced down to only two metres and from certain vantage points, give the juxta position of the units involved, may give the impression of complete enclosure; secondly, given their siting and relative juxta position there would be a significant loss of outlook and overbearing impact for the future occupants of the proposed dwelling.

Turning to the Amendment Sheet, written representations have been received from the agent acting for Assets and Valuation, in further support of the application.

The thrust of the representations relate to an assessment of the proposals in relation to *BS8206/Part 2, Code of practice for daylighting* and BRE guidance for sunlight to guidance. The agent advises that the proposals comply with both sets of guidance.

In response officers advise that the concerns relate to enclosure of the gap and overbearing impact/loss of outlook for the future residents of the properties rather than issues of sunlight and daylight.

There is no change to the recommendation which is to refuse.

P/14946/000 – Land Adjacent to 68 Norway Drive

Members should note that this application needs to be considered in the context of the previous item Planning Application S/0066/000 relating to the neighbouring site at 70 Norway Drive. As with the previous application Members are reminded that they are separate applications and as such do require separate decisions.

This application is submitted for the development land adjacent to 68 Norway Drive, for the erection of an end of terrace house. The applicant has submitted Certificate B with the application confirming that notice has been correctly served on the owner of the subject property. This application is before Committee for decision as it has been called in for decision by Councillor Paul Sohal, on the grounds that a positive decision given in respect of 70 Norway Drive would effectively preclude any future development potential in respect of land adjacent to no. 68.

#### SLIDE 1 – SHOWS THE PROPOSAL PROPERTY IN CONTEXT

As with the previous application, the land in question forms part of an open break between two terrace blocks, the neighbouring terrace of which forward of the front elevation of the host property. At present nos 68 and 50 Norway Drive are separated by a break of about 12.5 metres. Such breaks are recognised as being important and provide welcome visual relief in an otherwise densely built up area.

#### SLIDE 2 – SHOWS SITE PROPOSALS

#### SLIDE 3 - SHOWS ELEVATIONS

When considered on its own merits and in isolation from the concurrent planning application on the neighbouring site at 68 Norway Drive, the proposals tick all the right boxes in terms of the dwelling's siting, proportions and external appearance. The proposals also comply with both amenity space guidelines. There is further no significant breach of any 45 degree line of sight in relation to either neighbouring property. However, unlike the previous application the applicant is unable to demonstrate on site car parking provision.

The erection of an attached house would reduce the open break to approximately 7 metres and not 9 metres as referred to in the Officers report. Nonetheless, this would still be a significant enough separation distance to avoid any issues of enclosure of the gap or visual terracing and not result in a development which does not respect the character and appearance of the area.

However, the concurrent application which has been submitted for land adjoining 58 Norway Drive, now means that both planning applications have to be considered in tandem. The result is that they effectively cancel each other out by creating negative impacts both on the street scene and on the residential amenities of the future occupiers.

The objections are set out in the three reasons for refusal and relate to firstly, an unacceptable degree of enclosure, whereby the visual gap between the two proposed properties would be reduced down to only two metres and from certain vantage points, give the juxta position of the units involved, may give the impression of complete enclosure; secondly, given their siting and relative juxta position there would be a significant loss of outlook and overbearing impact for the future occupants of the proposed dwelling. Thirdly, the applicant does not control the lands necessary to obtain vehicular access to the site from the public highway. As such he is unable to provide car parking to comply with the Council's standards.

There is no change to the recommendation which is to refuse.



P/01508/033 Change of Use from B1(A) offices to Car park for a Temporary Period (Retrospective)

Members are advised that the operator of this car is the same as the one who was operating a similar car park on the site on the south side of High Street and bounded by Church Street and Buckingham Gardens, for which a temporary three year planning permission was granted. It should be noted that use of that land as a surface car park appears to have been suspended, although there is nothing to prevent the operator from re-commencing its use at any time during the 3 year period.

#### SLIDES 1 & 2 – CAR PARK IN OPERATION& SITE PROPOSALS

The current site benefits from planning permission for a major office redevelopment scheme. The previous buildings have been demolished and the site cleared. The site has been used as an unauthorised surface car park since 5<sup>th</sup> July 2010. There are limited details submitted with this application. Plans show parking for 100 cars, with vehicular access from Church Street. The site itself is enclosed by 1.2 metre high hoardings with visibility mesh over, taking the total height to 2.4m.

The proposal is assessed against national regional and local planning and transport policies. It is clear that the car park operator is targeting long stay commuter car parking, which is conflict with such policies at all levels and with the Council's Integrated Transport Strategy which seeks to reduce the levels of in commuting into the town centre by encouraging the use of alternative modes of transport other than the private motor car. The most effective way of achieving this is by reducing destination parking for commuters.

Advice from the Council's own parking section is that further car parks in the town centre are not required as there is significant capacity within the Council's existing public multi storey car parks to satisfy demand.

Members attention is drawn to an appeal decision of 2007 following a refusal of planning permission for the continued use of a temporary car park on land in Albert Street. That proposal had marked similarities to the current application in that it was targeting long stay commuter parking. The Inspector dismissed that appeal arguing that it went against the thrust of national and local planning and transport policy. It is the opinion of Officers that this provides a sound judgement for determining other similar such applications within the town centre area. It is clear that in the current economic climate that if planning permission was to be granted for this current application, that it would set an undesirable precedent and weaken the Council's case in determining any future such applications which may come forward.

Turning to the Amendment Sheet, comments have been received from Thames Valley police offering no objections to the proposals. However, comments have also been received from the Council's Principle Drainage and Lighting Engineer who raised concerns that no detail has been provided with the application to demonstrate that adequate steps have been taken to prevent pollution of groundwater and that the site can be adequately drained to meet a 1:100 year storm.

As such a further reason for refusal is proposed:

*A holding objection is raised on the grounds that the applicant has failed to demonstrate that adequate steps have been taken to prevent the pollution of groundwater and that the method of surface water drainage is adequate to meet a 1 : 100 year storm. The development is thereby contrary to Planning Policy Statements 23 and 25.*

Members are also advised of a drafting error in the first reason for refusal which should refer to Core Policy 7 and not Core Policy 6 as stated.

There is no change to the recommendation which is to refuse, but that an added reason for refusal be added.

Document 13

**Channa Kuldip**

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**From:**

**Sent:** 10 August 2011 12:21

**To:** Channa Kuldip

**Subject:** Re Planning Meeting in December 2010

Dear Kuldip,

It is not often but occasionally Members of the Planning Committee do reject the views of Officers and make their own mind up.

On this occasion Cllr Mclsaac was dismayed when a number of Members went against the recommendations of Officers on one particular Planning Application and really was annoyed by the actions of others. He almost always accepted Officers recommendations

I think that I abstained ( I CANNOT REMEMBER) However Officers recommendations are not always taken.

Yes I do think that on occasions some members have known an applicant and that has been taken into account and their decisions have occasionally been influenced

I hope that this e mail is useful to you

Regards

Cllr Peter Dale-Gough

**Date:** 06 October 2011

**Client:** SBS Democratic Services

**Matter:** 013555 - COR - Standards Investigation SBC25 - Cllors Bal, Choudry, Rasib and Zarait

**Name:** Kuldip K Channa (T: 01753 875189 E: kuldip.channa@slough.gov.uk )

---

**tele call from cllor Bains;**

**he had difficulty in recalling the application but did eventually remember it;**

**he accepted he called it in because he was asked by the applicants to do so and it was in his ward;**

**he supported the application as the applicants had expressed concerns about their business and livelihood to him;**

**he spoke on the application;**

**he sat through the questions and answers at the meeting;**

**he does not recall much more about it than this;**

**he will email to confirm his recollection;**

**KKC**

Slough Borough Council  
Iken Quicknote

**Date:** 10 August 2011

Document 15

**Client:** SBS Democratic Services

**Matter:** 013555 - COR - Standards Investigation SBC25 - Cllors Bal, Choudry, Rasib and Zarait

**Name:** Kuldip K Channa (T: 01753 875189 E: kuldip.channa@slough.gov.uk )

---

**tele call from Councillor Dodds**

**re SBC25 - investigation -**

**advised her of the details of the meeting of 15 Dec 2010 and the two applications;**

**she recalled the application for the car park because it was in Church Street;**

**she could not recall the other application;**

**she was not present at the meeting in December;**

**she confirmed that she was not approached by any other members about these**

**applications and that even if she was approached, she would have made up her own mind**

**on considering the application information; she is assertive enough would not permit her**

**decisions to be influenced in this way.**

**KKC.**

# Slough Borough Council

## Iken Quicknote

**Date:** 10 October 2011

Document 16

**Client:** SBS Democratic Services

**Matter:** 013555 - COR - Standards Investigation SBC25 - Cllors Bal, Choudry, Rasib and Zarait

**Name:** Kuldip K Channa (T: 01753 875189 E: kuldip.channa@slough.gov.uk)

---

**TELE call to Roger Aveis - let voicemail for him**

**KKC**

Telecall - Roger Aveis -

- General discussion re planning process.
- Advised of confidentiality points
- Asked questions about lobbying and contact with planning committee
- He was not aware of anything like that.
- He assisted Applicant with issues relating to drainage etc.
- He is not aware if Applicant had any verbal contact
- He provided professional support.
- Advised of confidentiality.

Agreed may contact him again if necessary.

Saying many thanks.

**SLOUGH BOROUGH COUNCIL - STANDARDS INVESTIGATION**



**STATEMENT OF WITNESS**

Document 17

**STATEMENT OF:** Shabana Kauser

**AGE OF WITNESS:** Over 21  
(if over 21, enter "over 21")

**POSITION HELD:** Senior Democratic Services Officer

**ADDRESS:** Slough Borough Council, St Martin's Place, Bath Road, Slough,  
Berkshire SL1 3UF

This witness statement is in respect of the Standards Investigation regarding a Code of Conduct matter in the case of Councillors Bal, Choudry, Rasib and Zarait - Complaint reference SBC25 in relation to an allegation that Councillors Bal, Choudry, Rasib and Zarait breached the Code of Conduct at a Planning Committee on 15 December 2010.

**68 Norway Drive**

1. The meeting began by the Planning Officer introducing the report and the amendment sheet to the Planning Committee.
2. Wexham Court Parish Councillor Davis, addressed the Committee stating that he noted that there was a lack of affordable housing in Slough but extensions should be within reason. Submitted that there were parking problems associated with the area.
3. Councillor Sohal, as Ward Member addressed the Committee and presented additional information to the Committee to consider. The Chair allowed Members 5 minutes to read through the additional information. Councillor Sohal stated that in his opinion number 68 was set further back than number 70 Norway Drive which ensured that the visual gap was retained and the property would not be overbearing.
4. The Committee was advised by the planning officers that the additional information submitted by Ward Councillor Sohal was not part of the formal application and should not be considered.
5. Councillor MacIsaac stated that he knew the area very well and that the proposed development would affect the visual gap and he would therefore not be supporting the application. He added that the applicant was welcome to submit an amended application if they wanted to.

6. Councillor Bal stated that he was familiar with area and that in his opinion parking was not a problem.
7. Councillor Swindlehurst spoke of the need for consistency and that this application should be refused.
8. Councillor P Choudhry informed the Committee that he supported the application, although did state his concern with regard to the property being used as a House of Multiple Occupancy (HMO) and stated that a condition be added to not allow the property to be used as a HMO.
9. Councillor Rasib informed the Committee he was in support of the application, given that no objection had been received from highways. He stated that he had never been lobbied and in his opinion, there was no reason to refuse the application.
10. Councillor Swindlehurst suggested that the decision be delegated to Officers subject to them being satisfied that parking met the required standards and that the property was not subdivided.
11. Councillor MacIsaac reiterated his concern that traffic problems already existed within the area and that the proposed development constituted over-development.
12. Councillor Choudhry seconded Councillor Swindlehurst's proposal.
13. I can confirm that during the discussion of 70 Norway Drive, Councillor Bal stated that he had not been lobbied and he informed any Committee member who had been lobbied that they needed to have declared an interest.

### Aspire 2 Site

1. The Planning Officer introduced the report, reminding the Committee and that a decision regarding a similar car park and application had been considered at appeal in 2007. The appeal had been dismissed. The Planning Officer informed that if the application was approved, a precedent would be set for allowing similar applications in the future. Details on the amendment sheet were outlined.



2. Councillor Bains, as Ward Member, informed the Committee of his support for the application, stating that affordable parking would be provided, which was of benefit to the town given the loss of the bus station car park. He went on to state that it was a safe site and was regularly patrolled.
3. Councillor Maclsaac stated that he believed the car park to be an eyesore and that there were sufficient car parking spaces within the town without the need of this additional car park. If permission were granted, there would be little incentive to develop the site properly. Councillor Maclsaac stated he supported officer's recommendation.
4. Councillor Choudhry stated the drainage issues need to be sorted out and that he would support temporary permission for 2 years.
5. Councillor Plimmer questioned whether revenue would be diverted away from Council owned car parks and whether the impact of the 2012 Olympics had been considered.
6. Alex Deans, Head of Highways, informed the Committee that the Council was encouraging individuals to use alternative uses of transport to the town centre.
7. Paul Stimpson, Head of Planning, Policy and Projects stated that a temporary car park already existed opposite the Marks and Spencer store which was not being used. He also informed Members that once temporary permission has been granted, it would be difficult to justify the refusal to extend the use of the car park further.
8. Councillor Maclsaac stated that if this application was approved, it would be difficult to refuse permission to other similar applications.
9. Councillor Swindlehurst voiced his opinion that the application should be refused. However, if approval is to be given, it should be provided for two years only and drainage problems must be resolved.

**I hereby declare that this is a true and accurate record of the interview on 7<sup>th</sup> December 2011 and this is an agreed record of that interview. There are 3 pages. I confirm that I have been advised that the investigation is subject to rules of confidentiality and disclosure under the provisions of the Local Government Act 2000. The record is being provided to me solely to confirm the accuracy of the interview and it will not be disclosed or used by me for any other purpose. I consent for any details of the interview to be used for this investigation.**

Signed:

Date: 8 December 2011.

Document 18a

.....  
Our Ref:  
Your Ref:

KKC/013555/COR

Councillor Pervez Choudhry  
c/o Town Hall,  
Bath Road  
Slough  
Berkshire SL1 5UQ  
**PRIVATE & CONFIDENTIAL**

**MEMBER POST**

Dear Councillor Choudhry,

**Re: Standards Investigation SBC25- Councillors Rasib and Choudhry and former Councillors Bal and Zarait  
Allegation of breaches of the Code of Conduct at a Planning meeting on 15 December 2010**

I write to advise you that I am instructed to undertake a Standards Investigation in respect of a complaint made against you by former Councillor David McIsaac. It is alleged that on 15 December 2010, your conduct failed to comply with the Council's Code of Conduct, in that you and others were influenced by lobbying from the applicants and were predetermined in favour of two applications which Planning Officers had recommended for refusal. The Standards (Assessment) Sub Committee considered this matter on 10 January 2010 and has referred it for investigation. There has been some delay in progressing this investigation due to organisational changes and other competing priorities.

My original appointment to investigate these allegations was made by Maria Memoli, Slough Borough Council's Acting Monitoring Officer. You may be aware that Maria Memoli ceased to be employed by the Council on 19 May, and that Kevin Gordon has been appointed the Council's Monitoring Officer and my appointment continues as the Standards Investigation Officer.

I would like to assure you that although the Standards (Assessment) Sub Committee has referred the allegation for investigation, the Standards (Assessment) Sub Committee has

013387/115749

formed no view on the matters set out in the allegation. The investigation will enable the Standards Committee to reach a conclusion on whether there has been any failure to comply with the Council's Code of Conduct. This will also include the Planning Code of Conduct. Part of the investigation will include seeking information and documentation from you and other people, where relevant.

I enclose a copy of the documents which make up the allegation made against you. These include the following:

- 1) Councillor McIsaac's Complaint email dated 20 December 2010,
- 2) 2010/SBC/25, a copy of the Monitoring Officer's summary of the allegation
- 3) Decision Notice dated 14 January 2010,
- 4) Copy of the Planning Officer's reports in respect of:
  - a) P/00666/000 – 2 bedroom house adjoining 6 Norway Drive
  - b) P/01508/033 – retrospective change of use from b1(a) offices to car park for a temporary period on the Aspire 2 site on the corner of Church Street and Herschel Street
- 5) Minutes of the Planning Committee held on 15 December 2010,
- 6) Extract from the Planning Code of Conduct for Members & Officers

You may disclose these documents to your Solicitor or other representative, should you choose to appoint one, for the purposes of seeking advice in relation to this investigation. The documents should not be disclosed to anyone else.

You are advised to treat any information provided to you during the course of this investigation as confidential. In addition, there are statutory restrictions on the disclosure of information obtained during an investigation. This is covered by Section 63 of the Local Government Act 2000 and disclosure of information contrary to this is a criminal offence.

You are welcome to provide me with your initial response to the allegation should you wish to do so at this point.

You will note that there has been some delay in this matter which has been largely due to re-organisation and limited resources within the Legal Section. I hope to complete the investigation within six to eight weeks, although this is of course dependent on the progress of interviews etc. I anticipate that the matter can go before the committee in September. In order to assist in the progress of the investigation could you please let me know of any periods of time, such as holidays, when you will not be available?

I want to keep you informed of the progress of the investigation and I will endeavour to accommodate your wishes as to how you wish to be contacted about the progress of the case. Please let me know any specific ways in which you would or would not like to be advised of the progress of the case, email, telephone or standard postal letters.

I anticipate undertaking interviews immediately. I would be grateful if you can contact me upon receipt of this letter to arrange a mutually convenient date and time for the interview. If I do not hear from you by 4pm Friday 8 July I will assume that you do not wish to co-operate with this investigation.

If you have any queries I can be contacted directly on 01753 875189 (or on the main legal telephone line 01753 875031) by e-mailing [Kuldip.Channa@slough.gov.uk](mailto:Kuldip.Channa@slough.gov.uk). Please quote the reference on all correspondence.

I look forward to hearing from you.

Yours sincerely

Kuldip K Channa  
Standards Investigation Officer  
Principal Litigation Lawyer  
Solicitor Advocate (All Proceedings)  
On behalf of the Monitoring Officer  
Encs.

Document 18b

22 July, 2011

<b>Department:</b>	<b>Department of Borough Secretary &amp; Solicitor</b>
<b>Contact Name:</b>	<b>Kuldip K Channa</b>
<b>Contact No:</b>	<b>01753 875189</b>
<b>FAX:</b>	<b>01753 478642</b>
<b>Email:</b>	<b>kuldip.channa@slough.gov.uk</b>
<b>Our Ref:</b>	<b>KKC/013555/COR</b>
<b>Your Ref:</b>	

Councillor Pervez Choudhry  
c/o Town Hall,  
Bath Road  
Slough  
Berkshire SL1 5UQ  
**PRIVATE & CONFIDENTIAL**

**MEMBER POST**

Dear Councillor Choudhry,

**Re: Standards Investigation SBC25- Councillors Rasib and Choudhry and former Councillors Bal and Zarait  
Allegation of breaches of the Code of Conduct at a Planning meeting on 15 December 2010**

I note that I have not had a response to my letter of 1 July. I am therefore assuming that you do not wish to co-operate with this Standards Investigation.

If you change your mind or if you have any queries I can be contacted directly on 01753 875189 (or on the main legal telephone line 01753 875031) by e-mailing [Kuldip.Channa@slough.gov.uk](mailto:Kuldip.Channa@slough.gov.uk). Please quote the reference on all correspondence.

Yours sincerely

Kuldip K Channa  
Standards Investigation Officer  
Principal Litigation Lawyer  
Solicitor Advocate (All Proceedings)  
On behalf of the Monitoring Officer

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**From:** King Victoria  
**Sent:** 07 October 2011 14:14  
**To:** Choudhry Pervez;  
**Subject:** Standards Investigation - Interview

Hi Councillor Choudhry

Kuldip Channa, Principal Litigation Solicitor, has asked me to organise a number of Standards Investigation interviews. We will need to conduct an interview with you, which will take approximately one hour.

Please will you contact me so we can arrange a mutually convenient time to carry out the interview and so that I can let you know the details.

I am hoping to arrange the interviews on either the afternoon of Wednesday 12<sup>th</sup> October or the morning of Thursday 13<sup>th</sup> October.

Kind regards

**Victoria King**  
**Trainee Democratic Services Officer**

Slough Borough Council  
T. 01753 875120  
E. [victoria.king@slough.gov.uk](mailto:victoria.king@slough.gov.uk)

**Slough Borough Council**  
**Iken Quicknote**

**Name:** Victoria King (T: 01753 875120 E: victoria.king@slough.gov.uk)

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**Tele call with Cllr Choudry.**

Unwilling to discuss the possibility of arranging an interview with me as he did not receive previous information about the investigation.

Insisted on speaking to Catherine Meek to complain about the length of time the investigation had taken despite being told that Kuldip Channa of Legal Services was conducting the investigation and he would need to get in contact with her.

Raised concern that the local elections were imminent and that the outcome of the standards investigation may impact upon election.

Confirmed email address as:

**From:** Channa Kuldip  
**Sent:** 23 March 2012 16:14  
**To:**  
**Subject:** re Standards Investigation SBC25 - Private and Confidential  
**Importance:** High

Dear Councillor Choudhry,

I write further to your telephone conversation of this afternoon with Victoria King and Catherine Meek from Democratic Services.

I note that you have advised Victoria King that you did not receive any papers and you have stated to her that you are not prepared to discuss the possibility of an interview with the Investigating Officer. I appreciate you may be frustrated by the length of time this investigation has taken, however there are valid reasons for this and I am happy to explain those to you should you wish.

I also understand from Catherine Meek that you have expressed your concerns about this investigation being too close to the elections. Please note this is an ongoing investigation as the complaint was made in December 2010 and does therefore need to be concluded as soon as practicable.

In terms of previous communications, as you may recall, you were sent the decision of the Standards Assessment Committee dated 14th January 2011, advising you that a complaint had been referred on for investigation. I was then appointed by the Monitoring Officer as the Investigating Officer and I wrote to you on 1 July 2011 and then on the 22<sup>nd</sup> July 2011.

On the 31<sup>st</sup> August 2011 you contacted Catherine Meek confirming receipt of my letter of the 22 July, although to date you have not contacted me.

As a matter of courtesy an attempt was made to provide you with a final opportunity to attend an interview next week at your convenience. However you have declined this opportunity and discussed your concerns about this investigation with Catherine Meek.

I confirm that I have now concluded my investigation and have produced a draft report. Irrespective of whether or not a Member has participated in the process, a draft report is sent to him. You have the opportunity to comment on the draft report. I am therefore advising you that the draft report will be sent to you shortly.

If I can be of any further assistance please do not hesitate to contact me.

Kind Regards,

*Kuldip*

Kuldip K Channa  
Principal Litigation Solicitor  
Solicitor Advocate (All Proceedings)  
For the Head of Legal Services  
Legal Services (SMP 1st Floor East)  
Slough Borough Council

Direct Dial: 01753 875189  
Legal Office: 01753 875031  
Fax: 01753 478642

[Mailto:kuldip.channa@slough.gov.uk](mailto:kuldip.channa@slough.gov.uk)

Telephone: 01753 875189

Fax: 01753 478642

Document: 013555 - COR/139294



Date of issue: 7<sup>th</sup> January, 2010

<b>MEETING</b>	<b>PLANNING COMMITTEE</b> (Councillors Zarait (Chair), Dodds, Bal, P Choudhry, Dale-Gough, Maclsaac, Plimmer, Rasib and Swindlehurst)
<b>DATE AND TIME:</b>	TUESDAY, 18TH JANUARY, 2011 AT 6.30 PM
<b>VENUE:</b>	COUNCIL CHAMBER, TOWN HALL, BATH ROAD, SLOUGH
<b>DEMOCRATIC SERVICES OFFICER:</b> (for all enquiries)	SHABANA KAUSER 01753 875013

**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

**AGENDA**

**PART 1**

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
	Apologies for absence.		
	<b>CONSTITUTIONAL MATTERS</b>		
1.	Declaration 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).		



<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
2.	Minutes of the Last Meeting held on 15th December 2010	1 - 6	
3.	Human Rights Act Statement	7 - 8	
<b>PLANNING APPLICATIONS IN THE WESTERN PART OF THE BOROUGH</b>			
4.	P/09770/070 - Land North & South of extension of Eltham Avenue, Slough	9 - 18	Cippenham Meadows
<b>PLANNING APPLICATIONS IN THE EASTERN PART OF THE BOROUGH</b>			
5.	P/01664/023 - 10 Parlaunt Road, Slough	19 - 28	Foxborough
6.	P/11133/013 - Aggregate Depot, Colnbrook By Pass, Slough.	29 - 50	Colnbrook with Poyle
<b>MATTERS FOR INFORMATION</b>			
7.	Proposed Changes to fees for Pre-Planning Application Advice	51 - 56	All
8.	Authorised Enforcement and Prosecutions	57 - 70	
9.	Members' Attendance Record	71 - 72	

**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.



**Planning Committee – Meeting held on Wednesday, 15th December, 2010.**

**Present:-** Councillors Zarait (Chair), Bal (left at 8.50pm), P Choudhry (left at 8.50pm), Dale-Gough, Maclsaac, Plimmer, Rasib and Swindlehurst (from 6.42pm)

**Apologies for Absence:-** Councillor Dodds

**PART I**

**73. Declaration of Interest**

Councillor Maclsaac declared that agenda item 6 (S/00666/000 70 Norway Drive) and 10 (P/14946/000 68 Norway Drive) were situated in his ward. Councillor Maclsaac stated that he had attended the Wexham Court Parish Council meeting when the applications were considered but had not participated in their discussions. Councillor Maclsaac stated that he would remain, speak and vote on these items.

**74. Minutes of the Last Meeting held on 16 November 2010**

The minutes of the planning committee held on 16<sup>th</sup> November, 2010 were approved as a correct record.

**75. Planning Applications**

Oral representations were made to the Committee by local Members prior to the planning applications being considered by the Committee as follows:

S/00666/000 - Land Adjacent to No 70 Norway Drive, Slough. Councillor Davies, Chairman of Wexham Court Parish Council addressed the Committee.

P/14946/000 - Land Adjacent to No 68 Norway Drive, Slough. A ward Member and Councillor Davies, Chairman of Wexham Court Parish Council addressed the Committee.

P/01508/033 – Aspire 2 Site, Corner of Church Street and Herschel Street, Slough. A ward Member addressed the Committee.

With the agreement of the Chair, the order of business was varied to ensure that applications where objectors/applicants and/or local members had indicated a wish to address the Committee were taken first.

Details were tabled in the amendment sheet of alterations and amendments received to applications since the agenda was circulated.

Norway Drive, Slough – Erection of an attached two storey three bedroom end of terrace house with hipped and pitched roof.

A recorded vote was requested for this item and was noted as follows:

For Refusal: Councillors P Choudhry, Dale-Gough, Maclsaac, Plimmer and Rasib.

Against Refusal: Councillor Bal

(Councillor Swindlehurst did not take part in the discussion or vote on the above item as he was not present when the Officer introduced the report to the Committee)

**77. P/14946/000 - Land Adjacent 68 Norway Drive, Slough**

**Application**

P/14946/000 - Land Adjacent 68 Norway Drive, Slough – Erection of a two storey attached two bedroom house together with parking and amenity space.

**Decision**

Delegated to the Head of Planning, Policy and Special Projects for approval in order to include standard conditions and a condition to remove the Permitted Development Rights of the property to be used as a small HMO (Class C4) and to resolve the parking provision at the site; if this is not resolved, the application is to be referred back to the Planning Committee.

The Chair allowed the submission of additional information to be circulated by the ward member in respect of planning application P/14946/000 - Land Adjacent to No 68 Norway Drive, Slough. The meeting was adjourned for five minutes to allow Committee Members to read the information.

A recorded vote was requested for this item and was noted as follows:

For Refusal: Councillors Maclsaac, Plimmer and Swindlehurst.

Against Refusal: Councillors Bal, P Choudhry, Dale-Gough, Rasib and Zarait.

For Delegation: Councillors Bal, P Choudhry, Dale-Gough, Rasib and Zarait.

Against Delegation: Councillors Maclsaac and Plimmer

Abstention: Councillor Swindlehurst

**Planning Committee - 15.12.10**

**78. P/01508/033 - Aspire 2 Site, Corner of Church Street and Herschel Street, Slough**

**Application**

P/01508/033 - Aspire 2 Site, Corner of Church Street and Herschel Street, Slough – Change of use from B1(a) offices to car park for a temporary period retrospective.

**Decision**

Delegated to Head of Planning, Policy and Special Projects to grant temporary planning permission for two years, subject to measures being implemented which demonstrate that adequate steps have been taken to prevent the pollution of ground water and that the method of surface water drainage is adequate to meet a 1:100 year storm.

A three month period given for negotiations to take place to achieve agreement on the issue regarding drainage and a further three month period given for implementation of the necessary works. Should an agreement not be achieved or implemented within the timeframes stipulated, the application will be refused.

A recorded vote was requested for this item and was noted as follows:

For Refusal: Councillors Maclsaac, Plimmer and Swindlehurst.

Against Refusal: Councillors Bal, P Choudhry, Dale-Gough, Rasib and Zarait.

For Delegation: Councillors Bal, P Choudhry, Dale-Gough, Rasib, Swindlehurst and Zarait.

Abstention: Councillors Maclsaac and Plimmer.

(Councillors Bal and P Choudhry left the meeting)

## ATTENDANCE NOTE

**Client:** SBS Democratic Services

**Matter:** Standards Investigation SBC25 - Cllors Bal, Choudry, Rasib and Zarait

**Date:** 07 September 2011

**File:** 013555 - COR  
Standards Investigation SBC25 - Cllors Bal, Choudry, Rasib and Zarait

68 Norway DriveP/14946/000

Applicant – Nasser Mehmood

6 Oct 2010 - Hand written note on file – cllor Sohal to Chris Smyth  
Call in both 68 and 70 Norway Drive

7 Oct 2010 – email from cllor Sohal to Chris Smyth – thanking him for time re planning issues

Application held in abeyance as registered owner is different to applicant  
Registered Owner – Raja Muhammad Fayaz – 68 Norway Drive (20.10.2005)

Email response from CS to Cllor Sohal – advised of ownership issues and will keep him informed of the situation

Certificate of ownership – B  
Raja Muhammad Fayaz - – address same as Mr Mehmood

Highway – reasons for refusal –  
No car parking in accordance with SBC policy  
Access unsatisfactory – no in accordance with SBC Vehicular Footway Crossing policy  
Inadequate provision for parking and vehicle movements – reversing on and off highway hazard

Agent information addressing concerns by SBC

Decision:

Delegation to HoP

Standard conditions plus

No HMO use permitted

Resolve parking at the site (if unresolved to refer to planning committee).

Matters resolved.

8 Feb 2011 - Permission granted with conditions.

Kuldip K Channa  
Litigation Solicitor

FAO MR CHRIS SMYTH

Memorandum to	Ilan McMillen (Head of Planning and Strategic Policy)	30 <sup>th</sup> September 2010	SLOUGH BOROUGH COUNCIL
Subject	request that application(s) ref. P1149461000 No. 68. Address. No. 68. Slough SL2 5QW	30 OCT 2010	
①	.....be brought before the Planning Committee my concerns are.....		
②	If planning permission is granted to No. 68. Slough it would make it difficult for No. 68 to develop. Both the application should be considered at the same time. The owner of No. 68 has been in contact with SBC since AVS 2009.		
	Cllr PAUL SOHIAH WEXHAM LEA.	(Please print) Dated 06.10.2010	
	ACTION:		

Please bring both the application at the December meeting as I am going to be away in November.

Main Reception: 01753 552288  
Minicom: 01753 875030  
DX: 42270 Slough (west)

Slough Borough Council  
Town Hall, Bath Road  
Slough, Berkshire SL1 3UQ



Document 20c

Dear Councillor Sohal,

The application for no. 68 Norway drive as it currently stands is not valid. According to Land registry records the applicant is no the sole owner of the house. I have requested that the agent ensures that notice is served on the owner of the property or that evidence be provided

Chris Smyth  
Team Leader - East Side  
Development Control  
01753 875856  
chris.smyth@slough.gov.uk

---

**From:**

**Sent:** 07 October 2010 13:15

**To:** Smyth Chris

**Subject:** Re: Call-in 68 Norway Drive

Dear Mr Smyth,

Once again I would like to thank you for the time you have spared for me yesterday to discuss various planning issues. I have posted the slip for Call-in regarding planning application of 68 Norway Drive, Wexham, Slough. May I request if you could put forward both the planning applications of No.68 & No.70 at the same time in December's Planning Committee meeting as I am going abroad next week and may not the back by November meeting.  
kind regards

Paul Sohal  
Councillor for Wexham Lea

## ATTENDANCE NOTE

**Client:** SBS Democratic Services

**Matter:** Standards Investigation SBC25 - Cllors Bal, Choudry, Rasib and Zarait

**Date:** 07 September 2011

**File:** 013555 - COR  
Standards Investigation SBC25 - Cllors Bal, Choudry, Rasib and Zarait

Review of planning file P/01508/033 –Aspire 2 Site

Bundle of letters to occupiers –

24.08.10 – email from police re approval of proposed development

03.08.10 – Capital Car parks – objection letter – allegation that applicant “can play” SBC“ along and operate without PP; wants SBC to stop illegal activities.

06.10.10 – call in slip from cllor Bains

Refusal reasons:

Use of land for car park contrary to National and local transport strategy

Car provision increase reliance on car usage in area; effective management of other car parks

Delegated to HoP

Grant temporary permission for 2 yrs subject to pollution and drainage management issues.

Various documents relating to negotiations for resolution of issues.

Permission granted on 8 August 2011

Various conditions

Kuldip K Channa  
Litigation Solicitor

Document 200

Memorandum	Alan McMillen (Head of Planning and Strategic Policy) 19 <sup>th</sup> August 2010
No	I request that application(s) ref. P/01508/CSS
Address	Address: ASPARK 2, ST. PETER'S, KERSCHER ST., SLOUGH.
Subject	.....be brought before the Planning Committee my concerns are THIS IS FOR A TEMPORARY USE & WILL NOT MATERIALLY IMPACT ON THE LOCAL AREA OBJECTIVES OF PROMOTING A GREEN TRAVEL POLICY & IN THESE WINTER MONTHS THE COUNCIL SHOULD BE BACKING ALL LANDS WHICH USES THAT BEST ACCESS TO THE ROAD OF, AND INDEED THE HIGH STREET ITSELF.
Author	Cllr B S BAINS (Please print) Dated 6/10/10
Action	ACTION:

Word, Pacis on Saturn, Admin, Fortnightly Lists, Councillors letter

Slough Borough Council  
Town Hall, Bath Road  
Slough, Berkshire SL1 3UQ

Main Reception: 01753 552288  
Minicom: 01753 875030  
DX: 42270 Slough (west)

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Slough Borough Council - Local Determination of Complaints

FORM A Councillor RASIB [MR] SBC 2010/25

Please enter the number of any paragraph where you disagree with the findings of fact in the MO's report, and give your reasons and your suggested alternative

Member's response to the evidence set out in the Monitoring Officer's or his Nominee's (MO) report

Paragraph number from the MO's report	Reasons for disagreeing with the findings of fact provided in that paragraph	Suggestion as to how the paragraph should read
<p><del>P.17</del>                      PARA 4.9                      + OTHER REFS                      TO "MR" SHAKING                      HANDS WITH                      APPLICANT + AQ.</p>	<p>I ASSERTED IN MY STATEMENT THAT I DID NOT GREET (SHAKE HANDS WITH THE APPLICANT, WITH AZHAR QUESHI OR ANY OF THE APPLICANTS' GROUP. THE PUMMER CANNOT RECALL WHICH OF THE FOUR MEMBERS HE OBSERVED DOING THIS AND I AGAIN ASSERT THAT THE CLAIM IS SIMPLY INCORRECT TO CLAIM I DID THIS. I HAVEN'T SPOKEN TO AQ FOR 3 YRS</p>	<p>REFERENCES TO "MR" BEING INVOLVED IN GREETING/SHAKING HANDS SHOULD BE REMOVED</p>
<p>P6                      PARA 4.1</p>	<p>"THE FOUR SUBJECT MEMBERS WERE SEEN SHAKING HANDS &amp; GREETING THE APPLICANT. I HAVE REPEATEDLY ASSERTED I WAS NOT INVOLVED IN THIS GREETING. THE CLAIM IS FACTUALLY UNTRUE. (SEE 'ME' COLUMN, P8)</p>	<p>'SOME OF THE FOUR SUBJECT MEMBERS...'</p>
<p>P.17</p>	<p>COUNCILLOR MACISAAC CLAIMS "PD-G" ALSO VOTED IN THE SAME WAY AS THE 4 MEMBERS IN HIS COMPLAINT. IN DMS' RESPONSE TO EVIDENCE HE SAYS "ON REFLECTION I SHOULD HAVE MENTIONED PD-G, AS HE WAS CLEARLY INFLUENCED AT THE MEETING". WHY AM I THE SUBJECT OF QUESTIONS ABOUT MY CONDUCT WHEN PD-G IS NOT, IF WE CONTINUED OVERLEAF BOTH, APPARENTLY, BEHAVED IN THE SAME WAY? THIS MAKES THE COMPLAINT AGAINST ME UNJUST AND UNFAIR.</p>	<p>PETER DALE - GOUAH SHOULD BE INCLUDED IN COMPLAINT, OR THE COMPLAINT AGAINST OTHER 4 MEMBERS SHOULD NOT PROCEED.</p>

Slough Borough Council - Local Determination of Complaints

Paragraph number from the MO's report	Reasons for disagreeing with the findings of fact provided in that paragraph	Suggestion as to how the paragraph should read
6.5	<p>I DID NOT MEET THE APPLICANT OR HIS PARTY, GREET OR SHAKE HANDS WITH THEM, AND AS I SAY ON PG OF REPORT, I WAS NOT LOBBIED. I ALSO SPOKE IN FAVOUR OF DELEGATING THESE APPS TO OFFICERS TO RESOLVE OUTSTANDING ISSUES APPEAL TO ANY POSSIBLE APPROVAL (- SEE 'JS' EVIDENCE ON THIS BASIS I CHALLENGE THE CONCLUSION THAT I WAS ACTING IN A WAY THAT COULD HAVE BROUGHT MY OFFICE INTO DISREPUTE .</p>	<p>REMOVE "ME" FROM CONCLUSION IN 6.5 AS EVIDENCE IS NOT ADEQUATE TO SUPPORT MY INCLUSION IN THIS CONCLUSION</p>
—		

Please attach additional sheets if necessary

Signed..

.....

Dated.....10/04/12.....

.....

Slough Borough Council - Local Determination of Complaints

Please set out below, using the numbered paragraphs, any other evidence you feel is relevant to the allegation made about you

SBC 2010/25

Councillor RASIB (ME)

FORM B

Other evidence relevant to the allegation

Paragraph number	Details of the evidence
<p>JS EVIDENCE, PARA 9.</p>	<p>CLL SWINDLEHURST POINTS OUT THAT I SUPPORTED HIS PROPOSAL VOCALLY, THAT THE DRIVEWAY PARKING ISSUES AT 68 NORWAY DRIVE SHOULD BE RESOLVED BEFORE ANY APPROVAL COULD BE CONSIDERED - ON THAT BASIS THE SCHEME WAS DELEGATED TO OFFICERS FOR FURTHER NEGOTIATION (NOT APPROVED). WHY WOULD I DO THIS IF I WAS IN SOME WAY FAVORING THE APPLICANT. THIS EVIDENCE SHOWS I WAS TRYING TO CONSIDER AND ADDRESS ISSUES ON THE SITE, NOT GIVE SOME SORT OF 'BLANKET' APPROVAL.</p>
<p>JS EVIDENCE - PARA 12</p>	<p>I ALSO SUPPORTED CLL SWINDLEHURST'S PROPOSAL THAT DRAINAGE HAD TO BE RESOLVED ON THE "ASPRE 2" SITE BEFORE ALLOWING THE TEMPORARY CAR PARK USE TO CONTINUE - AND THE DECISION ON THIS ITEM DELEGATED THE SCHEME TO OFFICERS TO AGREE WITH THE APPLICANT SATISFACTORY DRAINAGE MEASURES (OR TO REFUSE THE SCHEME IF THESE WERE NOT ACHIEVED); AGAIN I ASSEET THIS TO DEMONSTRATE THAT I WAS TRYING TO TAKE LEGITIMATE</p>

Continued overleaf PLANNING DECISIONS TO STOP AN APPROVAL PROCEEDING WITHOUT THE PLANNING ISSUES BEING OVERCOME

Paragraph number	Details of the evidence
	<p>PLEASE ALSO SEE / INCLUDE THE FINAL AGREED DECISIONS ON BOTH PLANNING CITEE AFENDA ITEMS - AS NEITHER APPLICATION WAS APPROVED ON THE NIGHT, RATHER DELEGATED TO OFFICERS FOR FURTHER WORK.</p>
	<p>I SUPPORTED BOTH PROPOSALS WHICH INSISTED THE PLANNING ISSUES RAISED WERE RESOLVED BEFORE ANY POSSIBLE APPROVAL COULD BE GIVEN.</p>

Please attach separate sheets if necessary

Signed .. [Redacted] .....

Dated ..... 10/04/17 .....



Planning Committee – Meeting held on Wednesday, 15th December, 2010.

**Present:-** Councillors Zarait (Chair), Bal (left at 8.50pm), P Choudhry (left at 8.50pm), Dale-Gough, Maclsaac, Plimmer, Rasib and Swindlehurst (from 6.42pm)

**Apologies for Absence:-** Councillor Dodds

**PART I**

**73. Declaration of Interest**

Councillor Maclsaac declared that agenda item 6 (S/00666/000 70 Norway Drive) and 10 (P/14946/000 68 Norway Drive) were situated in his ward. Councillor Maclsaac stated that he had attended the Wexham Court Parish Council meeting when the applications were considered but had not participated in their discussions. Councillor Maclsaac stated that he would remain, speak and vote on these items.

**74. Minutes of the Last Meeting held on 16 November 2010**

The minutes of the planning committee held on 16<sup>th</sup> November, 2010 were approved as a correct record.

**75. Planning Applications**

Oral representations were made to the Committee by local Members prior to the planning applications being considered by the Committee as follows:

S/00666/000 - Land Adjacent to No 70 Norway Drive, Slough. Councillor Davies, Chairman of Wexham Court Parish Council addressed the Committee.

P/14946/000 - Land Adjacent to No 68 Norway Drive, Slough. A ward Member and Councillor Davies, Chairman of Wexham Court Parish Council addressed the Committee.

P/01508/033 – Aspire 2 Site, Corner of Church Street and Herschel Street, Slough. A ward Member addressed the Committee.

With the agreement of the Chair, the order of business was varied to ensure that applications where objectors/applicants and/or local members had indicated a wish to address the Committee were taken first.

Details were tabled in the amendment sheet of alterations and amendments received to applications since the agenda was circulated.

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
2.	Minutes of the Last Meeting held on 15th December 2010	1 - 6	
3.	Human Rights Act Statement	7 - 8	
<b>PLANNING APPLICATIONS IN THE WESTERN PART OF THE BOROUGH</b>			
4.	P/09770/070 - Land North & South of extension of Eltham Avenue, Slough	9 - 18	Cippenham Meadows
<b>PLANNING APPLICATIONS IN THE EASTERN PART OF THE BOROUGH</b>			
5.	P/01664/023 - 10 Parlaunt Road, Slough	19 - 28	Foxborough
6.	P/11133/013 - Aggregate Depot, Colnbrook By Pass, Slough.	29 - 50	Colnbrook with Poyle
<b>MATTERS FOR INFORMATION</b>			
7.	Proposed Changes to fees for Pre-Planning Application Advice	51 - 56	All
8.	Authorised Enforcement and Prosecutions	57 - 70	
9.	Members' Attendance Record	71 - 72	

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.



Norway Drive, Slough – Erection of an attached two storey three bedroom end of terrace house with hipped and pitched roof.

A recorded vote was requested for this item and was noted as follows:

For Refusal: Councillors P Choudhry, Dale-Gough, MacIsaac, Plimmer and Rasib.

Against Refusal: Councillor Bal

(Councillor Swindlehurst did not take part in the discussion or vote on the above item as he was not present when the Officer introduced the report to the Committee)

**77. P/14946/000 - Land Adjacent 68 Norway Drive, Slough**

**Application**

P/14946/000 - Land Adjacent 68 Norway Drive, Slough – Erection of a two storey attached two bedroom house together with parking and amenity space.

**Decision**

Delegated to the Head of Planning, Policy and Special Projects for approval in order to include standard conditions and a condition to remove the Permitted Development Rights of the property to be used as a small HMO (Class C4) and to resolve the parking provision at the site; if this is not resolved, the application is to be referred back to the Planning Committee.

The Chair allowed the submission of additional information to be circulated by the ward member in respect of planning application P/14946/000 - Land Adjacent to No 68 Norway Drive, Slough. The meeting was adjourned for five minutes to allow Committee Members to read the information.

A recorded vote was requested for this item and was noted as follows:

For Refusal: Councillors MacIsaac, Plimmer and Swindlehurst.

Against Refusal: Councillors Bal, P Choudhry, Dale-Gough, Rasib and Zarait.

For Delegation: Councillors Bal, P Choudhry, Dale-Gough, Rasib and Zarait.

Against Delegation: Councillors MacIsaac and Plimmer

Abstention: Councillor Swindlehurst

Planning Committee - 15.12.10

78. P/01508/033 - Aspire 2 Site, Corner of Church Street and Herschel Street, Slough

**Application**

P/01508/033 - Aspire 2 Site, Corner of Church Street and Herschel Street, Slough  
– Change of use from B1(a) offices to car park for a temporary period retrospective.

**Decision**

Delegated to Head of Planning, Policy and Special Projects to grant temporary planning permission for two years, subject to measures being implemented which demonstrate that adequate steps have been taken to prevent the pollution of ground water and that the method of surface water drainage is adequate to meet a 1:100 year storm.

A three month period given for negotiations to take place to achieve agreement on the issue regarding drainage and a further three month period given for implementation of the necessary works. Should an agreement not be achieved or implemented within the timeframes stipulated, the application will be refused.

A recorded vote was requested for this item and was noted as follows:

For Refusal: Councillors Maclsaac, Plimmer and Swindlehurst.

Against Refusal: Councillors Bal, P Choudhry, Dale-Gough, Rasib and Zarait.

For Delegation: Councillors Bal, P Choudhry, Dale-Gough, Rasib, Swindlehurst and Zarait.

Abstention: Councillors Maclsaac and Plimmer.

(Councillors Bal and P Choudhry left the meeting)

Slough Borough Council - Local Determination of Complaints

FORM C Councillor RASIB 'MR' SBC 2010/25

Please set out below, using the numbered paragraphs, any factors that the Standards Committee should take into account if it finds that a member has failed to follow the Code of Conduct

Representation to be taken into account if a member is found to have failed to follow the Code of Conduct

Please note that no such finding has been made yet

Paragraph number	Factor for the Standards Committee to take into account when deciding whether or not to order any censure, restriction of resources or allowances, suspension or partial suspension
<p>JS EVIDENCE PARAS 9 &amp; 12 AND MY OWN STATEMENT - ASSESSING I DID NOT SPEAK TO OR HAVE ANY RELATIONSHIP WITH AD - (MAKING THE CLAIM I RECEIVED HIM ASSUMED)</p>	<p>I HAVE ALWAYS TRIED TO UPHOLD HIGH STANDARDS AS A COUNCIL AND RESPECT THE CODE OF CONDUCT. I SUPPORTED PROPOSALS TO ADDRESS THE PLANNING ISSUES AT BOTH OF THESE SITES, BEFORE ANY POTENTIAL APPROVAL COULD BE CONSIDERED - I VOTED TO DELEGATE THESE APPLICATIONS TO OFFICERS TO SEE IF AGREEMENT COULD BE REACHED ON THE ISSUES RAISED IN THE REPORT AND THEN BRING REVISED PROPOSALS BACK TO US IF OFFICERS WERE NOT FULLY CONVINCED. I NEVER MOVED OR SUPPORTED ANY PROPOSAL OR ARGUMENT FOR AN UNCONDITIONAL APPROVAL - I WAS ATTEMPTING TO TAKE MY PLANNING RESPONSIBILITIES SERIOUSLY AND CONSIDER ALL THE ISSUES RAISED IN THE MEETING. I BELIEVE, THEREFORE, THAT I HAVE NOT BROUGHT MY OFFICE INTO DISREPUTE. IF, HOWEVER, THE STANDARDS SUB-COMMITTEE DISAGREES, I WISH MEMBERS TO KNOW I WILL SUBMIT TO ANY ADDITIONAL TRAINING ETC AS THE COMMITTEE REQUIRES; AS I WISH TO CARRY OUT MY OFFICE TO THE HIGHEST STANDARDS, BE EFFECTIVE FOR RESIDENTS AND MAINTAIN HIGH STANDARDS OF BEHAVIOUR FOR SBC &amp; THE COMMUNITY</p>

Continued overleaf

**Slough Borough Council - Local Determination of Complaints**

Paragraph number	Factor for the Standards Committee to take into account when deciding whether or not to order any censure, restriction of resources or allowances, suspension or partial suspension

**Please attach separate sheets if necessary**

**Signed ..** .....

**Dated.....** 1.9.19 (1.7.19) .....

Form D Councillor SBC 2010/25

Arrangements for the Standards (Local Determination) Sub-Committee hearing

Please circle correct answer

<p>1</p>	<p>The proposed date for the Standards Sub-Committee hearing is given in the accompanying letter. Are you planning to go to the hearing?</p> <p>If "No", please explain why.</p>	<p>YES <input checked="" type="radio"/></p> <p>NO <input type="radio"/></p>	<p>Reason:</p>
<p>2</p>	<p>Are you going to present your own case?</p> <p><del>SEE COMMENTS:</del> - I WILL DO SO IF MY REP CANT COME BUT WOULD PREFER TO NAME ANOTHER REP.</p>	<p>YES <input type="radio"/></p> <p>NO <input checked="" type="radio"/></p>	<p>SEE 3 BELOW, I HAVE ASKED A REPRESENTATIVE TO SPEAK FOR ME, BUT HAVE NOT YET HAD CONFIRMATION AS I BELIEVE SHE IS AWAY; IF SHE</p>
<p>3</p>	<p>If you are not presenting your own case, will a representative present it for you?</p> <p>If "Yes", please state the name of your representative.</p>	<p>YES <input checked="" type="radio"/></p> <p>NO <input type="radio"/></p>	<p>Name: <u>CANNOT REPRESENT ME, I WILL SPEAK FOR MYSELF OR NAME AN ALTERNATIVE REP.</u></p> <p>I HAVE ASKED CLLR MAY DODD'S TO ATTEND AND MAKE REPRESENTATIONS FOR ME - SHE HAS NOT YET CONFIRMED. I INTEND HER TO BE</p>
<p>4</p>	<p>Is your representative a practising solicitor or barrister?</p> <p>If "Yes", please give his or her legal qualifications. Then go to question 6.</p>	<p>YES <input type="radio"/></p> <p>NO <input checked="" type="radio"/></p>	<p>Qualifications: MY "REP", BUT WILL NAME ANOTHER IF SHE CANT ATTEND</p> <p>SHE IS A MEDIATOR AND TRADE UNION REPRESENTATIVE, HAVING MUCH EXPERIENCE AS A REP IN EMPLOYMENT DISPUTES ETC.</p>

<p>5</p>	<p>Does your representative have any connection with the case?</p> <p>If "Yes", please give details.</p>	<p>YES  <input type="radio"/></p> <p>NO  <input type="radio"/></p>	<p>Details:</p> <p>MAY HAS BEEN CHAIR OF PLANNING CTTEE, BUT WAS NOT AT THAT MEETING OR INVOLVED IN THESE APPLICATIONS. SHE HAS CHARGED HER LAST PLANNING CTTEE + RETIRED FROM THE COUNCIL THIS MONTH</p>
<p>6</p>	<p>Are you going to call any witnesses?</p> <p>If "Yes", please fill in Form E.</p>	<p><input checked="" type="radio"/> YES  <input type="radio"/> NO</p>	<p>ONE, IF REQUIRED</p>
<p>7</p>	<p>Do you, your representative or your witnesses have any access difficulties (for example, is wheelchair access needed?)</p> <p>If "Yes", please give details</p>	<p>YES  <input type="radio"/></p> <p><input checked="" type="radio"/> NO  <input type="radio"/></p>	<p>Details:</p>
<p>8</p>	<p>Do you, your representative or your witnesses have any special needs (for example, is an interpreter needed?)</p> <p>If "Yes", please give details</p>	<p>YES  <input type="radio"/></p> <p><input checked="" type="radio"/> NO  <input type="radio"/></p>	<p>Details:</p>
<p>9</p>	<p>Do you want any part of the hearing to be held in private?</p> <p>If "Yes", please give reasons.</p>	<p>YES  <input type="radio"/></p> <p><input checked="" type="radio"/> NO  <input type="radio"/></p>	<p>Reasons:</p>



<p>10</p>	<p>Do you want any part of the documents to be withheld from public inspection?</p> <p>If "Yes", please give reasons.</p>	<p>YES i</p> <p>NO i</p>	<p>Reasons:</p>
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Please attach separate sheets if necessary.

Signed ....

Dated.....10.104.12.....

Slough Borough Council - Local Determination of Complaints

Councillor SBC 2010/25

Details of proposed witnesses to be called

FORM E

Name of witness or witnesses		1	CLLR JAMES SWINDLEHURST
		2	
		3	
<b>WITNESS 1</b>			
<b>a</b>	Will the witness give evidence about the allegation?	YES <input checked="" type="checkbox"/>	<p>IF THE CTTEE REGARDS IT TO BE USEFUL IN DETERMINING THE COMPLAINT, JS CAN CLARIFY POINTS FROM HIS STATEMENT THAT I SPOKE UP FOR &amp; SUPPORTED HIS PROPOSALS TO ENSURE PLANNING ISSUES ON THESE SITES WERE ADDRESSED, DELEGATING BOTH DECISIONS TO OFFICERS (WHEN THE "REFUSALS" FELL) FOR FURTHER NEGOTIATION (I.E. NOT APPROVING THE SCHEMES). I ASSECT THAT THIS SHOWS I WAS TRYING TO WAHOLD THE PLANNING + BEHAVIOUR CODES (- SEE ALSO PLANNING CTTEE DECISION SHEET FROM 15/12/10)</p>
	If "Yes", please give an outline of the evidence the witness will give	NO <input type="checkbox"/>	
<b>b</b>	Will the witness give evidence about what action the Standards Sub-Committee should take if it finds that the Code of Conduct has not been followed?	YES <input type="checkbox"/>	<p>DON'T KNOW.</p>
	If "Yes", please provide an outline of the evidence which the witness will give.	NO <input checked="" type="checkbox"/>	

Slough Borough Council - Local Determination of Complaints

**FORM E**

**WITNESS 2**

**a**

Will the witness give evidence about the allegation?  
 If "Yes", please give an outline of the evidence the witness will give

YES  NO

Outline of evidence:

**b**

Will the witness give evidence about what action the Standards Sub-Committee should take if it finds that the Code of Conduct has not been followed?  
 If "Yes", please provide an outline of the evidence which the witness will give.

YES  NO

Outline of evidence:

Slough Borough Council - Local Determination of Complaints

**FORM E**

**WITNESS 3**

<p><b>a</b></p> <p>Will the witness give evidence about the allegation? If "Yes", please give an outline of the evidence the witness will give</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Outline of evidence:</p>
<p><b>b</b></p> <p>Will the witness give evidence about what action the Standards Sub-Committee should take if it finds that the Code of Conduct has not been followed? If "Yes", please provide an outline of the evidence which the witness will give.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Outline of evidence</p>

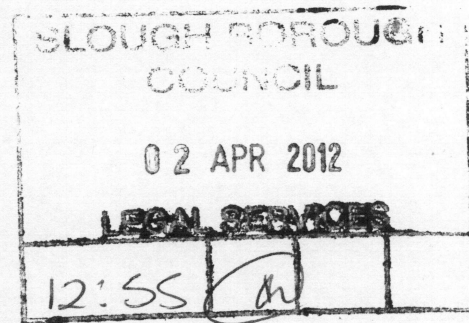
Please attach separate sheets if necessary

Signed.. ..

Dated.....(10/05/12).....

Mrs Kuldip Kaur Channa  
Principal Litigation Solicitor  
Slough Borough Council  
Slough

02 April 2012



Dear Mrs Channa,

**Re: Case reference: SBC25**

Thank you very much for sending me a copy of the draft report of your investigation regarding a complaint lodged by Mr David MacIsaac (former councillor) against myself and 3 other people. I would like to raise the following points:

In your findings you have failed to mention the distinction between the 2 Planning applications in question. Both the planning applications were not identical. 70 Norway Drive was for a 3 bedroom where as 68 Norway Drives was for 2 bedroom. I voted for both the applications which are evident from the minutes of the planning committee meeting Document 19.

Mr MacIsaac has suggested in his complaint that he saw Cllr Peter Dale Gough being NUDGED to vote. Cllr Dale Gough is a responsible elected member of this authority. If he voted at the planning committee meeting after being NUDGED, it is serious matter and needs to be highlighted and further investigated. Cllr Dale Gough has claimed, "I think that I Abstained (I cannot remember)," document 13. However from the minutes of this meeting, document 19 clearly states that a named vote was taken and Cllr Dale Gough voted for the said applications,

I refute the allegation made by Mr MacIsaac that I shook hand with Cllr Balwinder Bains and spoke to him in the language that Mr MacIsaac did not understand. When I went inside the Council Chamber Cllr Bains had already been sitting there.

I also refute what Mr MacIsaac has said in his witness statement on page 3 paragraph 9 that prior to the meeting I saw Councillors Rasib, Zarait, Bal and Choudhry talking with Cllr Bains and the applicant. Before the meeting stated at no time four of us were together. I went inside the council chamber alone and some of the members were already seated there. I also confirm that I did not see or meet the applicant of the Car Park application. I would like to ask you before you finalise your report please get in touch with the Car Park applicant to ask him if he was present at this meeting on 15 December 2010 or not.


I strongly object to your observation that shaking of hands can be seen as "sealing a transaction". Nothing was done behind closed doors. Outside Council Chamber Mr Qureshi was standing with some people, whom I did not know as I was going in I just shook hands with him and others out of sheer curtsey and a normal tradition of our culture. I categorically state that I did not know at that time the applicant of 68 Norway Drive as mentioned in your observations.

In response to your observation on page 17 paragraph (p) I would like to emphasise that I voted for the planning application of 70 Norway Drive as it was taken up earlier on the agenda and on its own merits. At that point I did not have any clue about what sort of discussion regarding 68 Norway Drive will take place. I did not have any hidden motives as stated in your observation.

Finally I would like to let you know that I will be attending the Standards Sub-committee meeting as and when it takes place. I am standing in the local elections for the Farnham Ward and going to be busy with the electioneering campaign for the next 4 weeks, therefore I would like to request if the meeting is held after 3 May 2012. Please forward my request to the Democratic Services to arrange this meeting anytime after May 3<sup>rd</sup>.

Thanking you.

Yours sincerely,

  
Joginder Singh Bal

PLANNING COMMITTEE15 DECEMBER 2010Apologies:- Cllr Roddick (Cirencester)Dec's of Interest:- Cllr MacLachlan - agenda item 6 + 10 - as per dec. form.Minutes - 16 NOV 2010 approved as correct record.S/00666/000 - 70 Norway Drive.

Mr Smyth - intro. report.

- Parish Council objected  $\rightarrow$  rep. to Cttee.
- non accept. degree of enclosure.
- visual gap b/w existing props greatly reduced.
- amend. sheet  $\rightarrow$  agent supp. applicn.
- recom. for refusal.

Cllr Davis

Parish Council (Wexham) - object to applicn.

- No 70 hv detrimental impact. - loss of car parking spaces
- over development.

Alex Deans - proposals mean prop in front of 70 + new build.

- parking req's wld be met.
- wld be a shared driveway.

Cllr MacLachlan - destroy character of the area

- endorse officers recom.

Cllr P. Choudhry - clarification - 68 has parking out front and how access?

Smyth - is access from other side

Alex Deans - footprint bn widened + shared access.

Cllr P. Choudhry - is highway adj. no 70?

Alex - common to hv buildings nxt to path - not a busy road. No no for 1m hve gap

air Bal - surprised. Land available for hsq develop + is need for it.

air Rasib - visited the site. Is ample space for new build there. Hsq w. luv is great + is a need for it.

air P chadhry - 3 bkr wld be too big. Inclined to supp. a bkr building. Against this

air Mudduac - aware lobbying of members ren place bkr hv to hick to avr policies.

air Bal - not bn lobbied by anyone! others shld hv dec. an interest.

Rashid chadhry -

Named vote: Bal - Against off. recom.

officers recom → C - supp. refusal.

D - supp. ref

M - " "

P - " "

Rasib - " "

Edraik - " "

(Sinhov - x vote as arrived part way through.)

Refused

14946/000 - 68 Norway Drive.

Smyth - intro. report as previously.

- visual gap is essential.

- amend. sheet - smy report pg 96 - 3<sup>rd</sup> reason then avr (only 1 + 2 reasons for refusal)

- negative impact on the street scene.

- overbearing impact.

air Davis - Wexham Court Parish Council.

- many properties bng wd as HMO. Probs of avr pop<sup>m</sup> + traffic probs.

- aware of lack of affordable hsq in Slough - extensions shld be within reason and affordable.



air school (ward member)

- additional info. Adj 5 mins to read.
- this is for a b/v dwelling.
- pg 85 - no objects rec. from any neighbours.
- WC Punsh and objected - is their right. Pg 86 - condition x be HMO if approved.
- rear window rep by window/door to allow access to garden.
- this is further set back than that prop. by 70 Norway Drive.
- popular estate - is demand for this type of housing.
- e poll incl - air shurst - motion - not affordable hsg.
- like 68 Norway Drive on own merits.
- Pg 93, point 7.2.
- visual gap will be retained. Not air bearing dominant.
- plenty of parking space.
- urge approval of pl. permission.

Stimpson - plan circulated to cttee, x part of the formal appln + x be consid.

Smyth - officers appr'd this + 70 Norway Drive with sm angle.

Stimpson - plan is a dir M layout.

air Madjadac - know the area v. well.

- uncomfortable with late plans job. Not fair as officers x no opp<sup>n</sup> to consider
- will affect the visual gap.
- Bel. not to maintain cond. 3 for refusal.
- Not supp. the appln. Welcome to submit another appln if it wants to.

Alex Deans - did not to invest on site the dimensions given on late info.

air shurst - not to be consistent - refuse the appln.

- hv potential develop. but as extensions, not new build.

- not to uphold our policies, but this is not social housing - a private dwelling!!

\* => - no subdivision added in anyway.

air Bal - know area. Parking x prob -> is a wide road.

- x talk about indiv's character

- not resid. property in area.

dir P chadling - HC on own merits.

- support applic as is a 2 bfr dwelling. slightly concerned -> if HMO.

- put condition on not use as HMO, or sub divisions.

Alex Deans - access road is public hwy, not be used as private driveway. shared community driveway

dir Rawls - is enough of a gap

- no objns from hwy. No reason to refuse. NVR bn lobbied.

dir Jhurst - shortage of public social housing! NOT private shortage!

-> del. to officers - satishy prog requirements are adequate.

\*\*\* - move delegated to officers + cond. x be subdivided.

Wesley - single fam. hse - C3. small HMO - C4 (3-6 occupants)

- x necess. for a condition, be it 7 or more nds planning perm anyway.

\*\*\* - remove perm. develop. rights to mv from C3 to C4

dir Madhuc - is shortage of social hsg.

- are probs of traffic, esp in evenings. is over development.

\*\* P. chadling - II dir Jhurst

Simpson - recom. is refusal.

O. recom - Bal : X

C - X

D - X

M - ✓

P - ✓

R - X

S - ✓

Z - X

Del - B - ✓

C - ✓

Dg - ✓

M - X

P - X

R - ✓

S - Abitain

Z - ✓

dir Jhurst -> - Del. to officers, assess parking & develop + is to Council stands. if x satisfied - bring back to Ctee.

dir Dg - II

Delegated

P/01508/033 - Aspire 2 site.

Chris Smyth - intro. the report.

- vehicular access w/pm church street.
- applicant targeting LT commuters - against our policies.
- 2007 appeal decision highlighted. Inspector dismissed appeal.
- if allowed - set precedent.
- take obs. outlined. - add. reason for refusal.

Alv Bains (ward member) - credit crunch affecting all.

- providing service - reasonable prices.
- low bus stop car park.
- is a safe site. Reg. patrolled. Is need for pple of Slough.

Alv Muddac - is an eyesore.

- if gr perm. little incentive to do site develop.
- enough car park spaces in town.
- supp. o. recom.

Alv Choudhry - surprised abundance of car park spaces!!

- need drainage sorted out.
- OK for temp. permission -> go for 2 years.

Alv Plimmer - Hkg revenue away from SBC car parks.

- covid. 2012 olympics?

Alex Deans - cap. on no<sup>o</sup> of TC park spaces.

- shd be encouraging ATM uses of transport
- for 2012 ATM sites bng explored.

Alv Bal - py ss - why using policy that bn abandoned by Sec. of state??

- is temp. permission - shd be allowed.

Shimpton - SE Plan is currently in place.

- Brunel Bus Station has temp. park permission.
- opp. m95 temp. car park - x bng used.
- once perm. gvn, diffc to prove why x kind for future

air maduac - if allow, x able to say no to others!

air Bul - temp. planning permission ok.

air shurstv - correct to refuse application. Inspector upheld similar decision recently

- revenue x planning consideration. Got perm. for car park opp. m 4 sparks!!

↳ - should be for 2 years e most. + drainage condition.

air Dale-Gough - if grant temp. perm. how difficult to stop it?

Shmpson - hv to show change in circumstances.

air maduac - support o. recom. once gm perm. v. diffc. if no change to repure in future.

o. recom - refuse + enforce :- Bal - x

C - x

DG - x

M - ✓

P - ✓

R - x

S - ✓

Z - x

air choudhry propose + shurstv II =>

Apprv for 2 yr + cond. re drainage be satisfied within 3 months -

if unresolved dealt with accordingly - refused.

air choudhry - w/d about now. shurstv II

→ Del to HPP to apprv for 2 yrs, 3 months for agreem. re drainage.

If no agreem - refuse. + 3 months to implement.

↳ FOR → -6. AG - 0. Absention - 2 (maduac + Plimmer)

(air Bul left - 8.50pm)

+ air choudhry left - 8.50pm)

P/04296/014 - 478-480 Bath rd.

+ 1015 - 478-480.

Nesley - info. report.  
- recom. change.

(AG) - deleg.

22 Swabey Rd - S/06669/000.

Chris Smyth - intro. report.

- take obs reported.

- no objections by SBC tree officer.

- Highways - objections.

(Ret) unanimous.

air musicac - visited site, prob. room for one dwelling but not 2.

Wexham Court Primary School - P/05008/02

Chris Smyth - introduced.

- take obs - change to recom. - rel. to HPPPP subj. to receipt of revised Htr

(AG) unanimous.

Local Devel. Framework - AMR 2009

Paul Simpson - intro. report.

- 09/10 only built 275 dwellings but cont'd. will exceed no. req. to build.

- para 5.5.

(AG)

Temporary Public Path Div. order Footpath 1, C1 Brook

Jex Dean - intro. report.

(AG)

Appeal Decision - noted.

Auth. Enforcement - queries re hrs 10/12/10.

members Attendance - noted.

END - 9.15pm.

Chair - merry Xmas. Happy New Yr

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## SLOUGH BOROUGH COUNCIL

### Standards (Local Determination) Sub-Committee

#### Local Hearing Procedure

#### Interpretation:

**“Member”** means the Member of the Council who is the subject of the allegation(s) being considered by the Sub-Committee, unless stated otherwise. It also includes the Member’s nominated representative (if any).

**“Investigator”** means the Ethical Standards Officer (ESO) who referred the report to this Council or the Monitoring Officer and includes his or her nominated representative.

#### 1. Preliminaries

##### 1.1 The Chair will:-

- (a) ask the Members/Officers present to introduce themselves.
- (b) ask the Member Services Manager (or her representative) to confirm that the Sub-Committee is quorate.
- (c) ask the Investigator and the Member if they are to call any witnesses and if so who.
- (d) ask all present to confirm they know the procedure which the Sub-Committee will follow.
- (e) ask the Member, the Investigator and the Monitoring Officer (or his representative) whether there are any reasons to exclude the press and public from the meeting and if so on what grounds
- (f) advise the Sub-Committee that the determination process is in two stages:-
  - (i) whether or not the Member has failed to comply with the Local Code of Conduct as set out in the Investigator’s report and
  - (ii) if the Sub-Committee consider that a breach of the Local Code of Conduct has occurred what action (if any) the Sub-Committee should take.

- 1.2 The Chair will explain how the Sub-Committee is going to run the hearing and remind everyone that the Sub-Committee have received and read all of the witness statements and supporting documentation which form part of the agenda papers. Thus the Investigator and the Member should confine themselves to exploring any inconsistencies within the evidence and draw that to the attention of the Sub-Committee.
- 1.3 The Chair will emphasise that the proceedings are inquisitorial in nature not adversarial so cross-examination is not permitted.

## **2. Making Findings of Fact/Has there been a Breach? – Stage 1**

- 2.1 The Monitoring Officer (or his representative) shall present the report submitted to the Sub-Committee together with the supporting documentation. Confirmation will then be sought from the Member as to whether there are any other additional points i.e. new ones which are not contained in the documentation.
- 2.2 The Investigator will present his case in the presence of the Member and may call witnesses to support the relevant findings of fact in the report.
- 2.3 The Member, will have the opportunity to ask questions of any witnesses the Investigator may call.
- 2.4 The Sub-Committee may ask questions of the Investigator and witnesses.
- 2.5 The Member will present his case in the presence of the Investigator and call such witnesses as he wishes to support his version of the facts.
- 2.6 The Investigator will have the opportunity to ask questions of the Member and his witnesses.
- 2.7 The Sub-Committee may ask questions of the Member and his witnesses.
- 2.8 The Chair shall then seek confirmation from the Members of the Sub-Committee that sufficient information is now available to determine whether there has been a breach of the Code.
- 2.9 At the discretion of the Chair the Investigator and the Member shall be given an opportunity to sum up their case (no more than five minutes each).



- 2.10 The Sub-Committee may, at any time, question anyone involved on any point they raise in their representations.
- 2.11 The Sub-Committee shall then in private identify the material findings of fact and decide whether the Member did fail to comply with the Local Code of Conduct (All parties to leave room except Member Services Manager (or her representative) who will minute). The standard of proof is the balance of probabilities.
- 2.12 Once the Members of the Sub-Committee have come to a decision then all parties shall return to hear the material findings of fact, whether the allegation has been proven and what recommendations they have for the Council to promote high standards of conduct. Reasons will be given for the decision.
- 2.13 If the Sub-Committee find that the case is not proven the meeting must ask the Member whether he wishes the Council not to publish a statement of its findings in a local newspaper. Then the meeting is closed.
- 2.14 If the case has been proven then the Sub-Committee will proceed to Stage 2.

### **3. What Sanction should be Imposed? – Stage 2**

- 3.1 If the Sub-Committee decide that the Member **has** failed to follow the Local Code of Conduct, then it will consider:-
  - (i) whether or not the Sub-Committee should set a penalty; and
  - (ii) what form any penalty should take (see attached)
- 3.2 The Sub-Committee may question the Investigator and Member and take legal advice if appropriate.
- 3.3 The Sub-Committee will then retire to consider whether or not to impose a penalty on the Member, and if so, what the penalty should be.
- 3.4 The Sub-Committee will return and the Chair will announce the Sub-Committee's decision and will provide a short written decision on the day.
- 3.5 The Chair will inform the Member of his right of appeal to the First-Tier Tribunal.

### **4. Post Hearing Procedure**

- 4.1 A full written decision will be issued within 14 days of the end of the hearing which will include full reasons for its decision.

- 4.2 The Sub-Committee will arrange to publish a summary of its findings, the decision reached and where appropriate the penalty set in one or more newspapers (independent of the Council).

**Notes**

- A. All Members of the Sub-Committee have the right to ask questions/seek clarification once the Investigator and the Member have presented their respective cases.
- B. The Complainant has no right to speak.

## APPENDIX D

### Admission of Press and Public to Standards (Local Determination) Sub-Committee Hearings

The Standards Board for England recommends that hearings should be held in public where possible to make sure that the hearing process is open and fair. However, there may be some circumstances where parts of the hearing should be held in private.

- 1 At the hearing, the Sub-Committee will consider whether or not the public should be excluded from any part of the hearing, in line with Part VA of the Local Government Act 1972 (as modified in relation to local determinations by Standards Committees). If the Sub-Committee considers that 'confidential information' is likely to be revealed during the hearing, the Sub-Committee must exclude the public by law. 'Confidential information' is defined for these purposes to mean information that has been provided by a Government department under the condition that it must not be revealed, and information that the law or a court order says cannot be revealed.
- 2 The Sub-Committee also has the discretion to exclude the public if it considers that 'exempt information' is likely to be revealed during the hearing. The categories of 'exempt information' are set out in Document 4. The Sub-Committee should act in line with Article 6 of the *European Convention on Human Rights*, which gives people the right to a fair trial and public hearing by an independent and unbiased tribunal. The Sub-Committee also has a duty to act fairly and in line with the rules of natural justice.
- 3 Article 6 says that the public may be excluded from all or part of the hearing if it is in the interest of:
  - (a) Morals;
  - (b) public order;
  - (c) justice;
  - (d) natural security in a democratic society; or
  - (e) protecting young people under 18 and the private lives of anyone involved.
- 4 There should be a public hearing unless the Sub-Committee decides that there is a good reason, which falls within one of the five categories above (3a to e), for the public to be excluded.
- 5 The Sub-Committee must also act in line with Article 10 of the *European Convention on Human Rights*, which sets out the right for people to 'receive and impart information and ideas without interference by public authority'. Any restrictions on this right must be 'prescribed by law and.....necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the

reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary’.

- 6 Conflicting rights often have to be balanced against each other. The Sub-Committee must act in line with Article 8 of the *European Convention on Human Rights*. Article 8 says that everyone has the right to respect for their private and family life, home and correspondence. It says that no public authority (such as the Sub-Committee) may interfere with this right unless it is:-
- (a) in line with the law; and
  - (b) necessary in a democratic society in the interests of:
    - (i) national security;
    - (ii) public safety;
    - (iii) the economic well-being of the country;
    - (iv) preventing crime or disorder;
    - (v) protecting people’s health and morals (which would include protecting standards of behaviour in public life); or
    - (vi) protecting people’s rights and freedoms.

There is a clear public interest in promoting the probity (integrity and honesty) of public authorities and public confidence in them. For these reasons the hearing should be held in public unless the Sub-Committee decides that protecting the privacy of anyone involved is more important than the need for a public hearing.

- 7 In relation to people’s rights under both Articles 8 and 10 of the *European Convention on Human Rights*, it should be remembered that any interference with or restriction of those rights must be ‘necessary’ if it meets ‘a pressing social need’, and any restriction on people’s rights must be ‘proportionate’.
- 8 The Standards Board for England recommends that a Standards Committee/Sub-Committee should move to a private room when considering its decisions. It is not considered that this will conflict with the rights under the *European Convention on Human Rights* or the duty to act fairly.

## APPENDIX E

### Categories of “Exempt Information” under Schedule 12A of the Local Government Act 1972 (as modified in relation to local determinations by Standards Committees)

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes—
  - a. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - b. to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
- 7A Information which is subject to any obligation of confidentiality
- 7B Information which relates in any way to matters concerning national security
- 7C The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.

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## SLOUGH BOROUGH COUNCIL

### Standards (Local Determination) Sub-Committee

#### The Local Authority (Code of Conduct) (Local Determination) (Amendment)

##### Penalties

Under these Regulations, Standards Committees/Sub-Committees can impose one, or any combination, of the following:-

- censure the Member;
- restrict the Member's access to the premises and resources of the relevant authority for up to three months, ensuring that any restrictions are proportionate to the nature of the breach and do not unduly restrict the Member's ability to perform his or her duties as a Member;
- order the Member to submit a written apology in a form satisfactory to the Sub-Committee;
- order the Member to participate in a conciliation process\* specified by the Sub-Committee;
- suspend, or partially suspend, the Member for up to three months;
- suspend, or partially suspend the Member for up to three months, or until such time as the Member submits a written apology that is accepted by the Sub-Committee;
- suspend, or partially suspend, the Member for up to three months, or until such time as the Member undertakes any training or conciliation ordered by the Sub-Committee.

\* **Any conciliation process should have an agreed time frame for resolution. The process may be of an informal or formal nature, involving elements of training and mediation that will lead to an effective and fair conclusion of the matter. Any decisions reached during the process regarding future behaviour of the Member concerned, and measures to prevent a repetition of the circumstances that gave rise to the initial allegation, should be agreed by all parties.**

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