

## **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 CHOUHRY 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.