

SLOUGH BOROUGH COUNCIL

REPORT TO: Standards (Determination) Sub Committee **DATE:** 30th July 2013

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WARDS: N/A

PART I **FOR DECISION**

COMPLAINT OF FAILURE TO OBSERVE THE COUNCILLORS' CODE OF CONDUCT **- COUNCILLOR BALVINDER BAINS**

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 Councillor Balvinder Bains failed to comply with the Councillors' Code of Conduct (**Appendix A**).

2. **Recommendation/Action Required**

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

3. **Wellbeing 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 Councillors' Code of Conduct and the Council's own Ethical Framework. Furthermore, it is a prime function of the Standards Advisory Committee to promote and maintain high standards of conduct by Members.

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 procedure for conduct of a Sub-Committee hearing set out in the Council's constitution. Any potential human rights issues which might arise are addressed and provided for in the hearing procedure.

5. **Background Information**

- 5.1 On 23rd April 2013 a complaint was referred to the Council's Monitoring Officer alleging that Councillor Bains had failed to make an accurate notification of his Disclosable Pecuniary Interests (DPI), as showing on the Council's Register of Interests, and had consequently breached the Councillors' Code of Conduct. The complaint was submitted by Councillor Strutton.

- 5.2 The Monitoring Officer, having consulted the Council's Independent Person as required in the Complaints Process, referred the complaint for investigation. He appointed Mrs Amardip Healy, Head of Legal Services, as Investigating Officer to conduct the investigation into the complaint. The Monitoring Officer considered the Investigating Officer's final report and decided that it should be sent for determination by the Standards (Determination) Sub-Committee.
- 5.3 To assist the hearing process, Councillor Bains was asked to complete some pre-hearing enquiries. He has confirmed that he does not disagree with the findings of fact contained in the Investigating Officer's report.
- 5.4 Councillor Bains has made the following representation to be brought to the attention of the Committee:

"I would like to offer apologies for the genuine oversight in completing the new disclosure form. This was a genuine error, which I corrected. I received no gain and had no intention of committing any breach to the code of conduct. I have always in the past completed my declarations which are available to view".

- 5.4 Enclosed for consideration of the Sub-Committee are the following documents:

<u>Appendix</u>	<u>Document</u>
Appendix A	Investigating Officer's Report
Appendix B	Investigation and Determination of Complaints (including Procedure for conduct of a Sub-Committee hearing)

- 5.5 The procedure for the hearing will be as set out in **Appendix B** 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. The Procedure for the Sub-Committee (**Appendix B**) sets out what conclusions the Sub-Committee may come to (paragraph 6.13) and what action it may take (paragraph 6.14).

7. Background Papers

None.