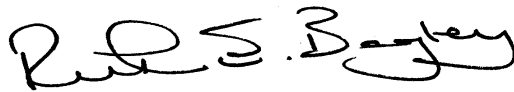


Date of issue: 18th February 2011

MEETING	STANDARDS (DETERMINATION) SUB-COMMITTEE
	CO-OPTED/INDEPENDENT MEMBERS The Reverend Paul Lipscomb (Chair), Mr Mike Field and Dr Henna Khan
	ELECTED MEMBERS:- Councillors Bal and Maclsaac
DATE AND TIME:	MONDAY, 28TH FEBRUARY, 2011 AT 6.30 PM
VENUE:	MAYOR'S CONFERENCE ROOM, TOWN HALL, BATH ROAD, SLOUGH
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	JUNE COOK 01753 875019

NOTICE OF MEETING

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



RUTH BAGLEY
Chief Executive

AGENDA

PART 1

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
	Apologies for absence.		
1.	Declarations of Interest (Members are reminded of their duty to declare personal and personal prejudicial interests in matters coming before this meeting as set out in the Local Code of Conduct)		
2.	Minutes of the previous Meeting of the Sub-Committee held on 2nd February 2011	1 - 4	
3.	Alleged Breach of Local code of Conduct - Councillor Balwinder Dhillon (SBC 2010/23)	5 - 56	

Press and Public

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

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

Standards (Determination) Sub-Committee – Meeting held on Wednesday, 2nd February, 2011.

Present:-

Co-opted Independent Members:-

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

Elected Members:-

Councillors M S Mann

Also present:-

Kuldip Channa (Investigating Officer), Maria Memoli (Monitoring Officer) and Catherine Meek (Administrator)

PART I

1. Declarations of Interest

None.

2. Minutes of the previous Meeting of the Sub-Committee held on 31st March 2010

The minutes of the Sub-Committee meeting held on 31st March, 2010 were approved as a correct record and signed by the Chair.

3. Alleged Breach of Local Code of Conduct - Councillor Balwinder Dhillon (SBC 2010/15 & 16)

The Sub-Committee met to consider the Investigating Officer's report into two complaints relating to the same incident that Councillor Balwinder Dhillon had failed to comply with the Local Code of Conduct for Members. The complaints had been referred to the Council's Monitoring Officer for investigation by the Standards (Assessment) Sub-Committee on 28th April 2010.

In accordance with the arrangement agreed by the Standards Committee, the Monitoring Officer had delegated the conduct of the investigation to Kuldip Channa, Assistant Solicitor (Litigation) i.e. the Investigating Officer.

The general summary of the complaints against Councillor Dhillon was that his conduct at a meeting of the Health and Scrutiny Panel on the 22nd March 2010, attended by several representatives from outside bodies and guests, was unacceptable because he was intimidating and insulting towards the Chair of the Panel, Councillor A Dhaliwal.

The facts alleged in the two complaints that had been lodged by Councillor A Dhaliwal and Councillor Small were as follows:-

Standards Local (Determination) Sub-Committee - 02.02.11

Councillor A Dhaliwal's complaint

- (a) The Subject Member repeatedly asked irrelevant questions directly of Wexham and Heatherwood Hospital Trust representatives in an embarrassingly aggressive tone, despite being asked by the Complainant, as Chairman of the Panel, to address questions through the Chair, thereby ignoring his requests.
- (b) Was rude by referring to a particular Councillor as "She" rather than by name or "Councillor".
- (c) Was intimidating and rude to the Complainant pointing at the Complainant and addressing those present saying "I have something against him regarding his brother's car-park and Councillor Planning Committee grudges".
- (d) The above derogatory comments were made at the said public meeting in the presence of outside bodies, guests and the press and the Complainant feels his reputation and dignity has been damaged and his political reputation has been affected.
- (e) The Subject Member repeatedly refused to leave the meeting when asked to do so by Chairman of the Panel, because of the Subject Member's bad behaviour.

Councillor Small's complaint:

- (a) The Subject Member accused the board/trust of improprieties in a bullying and threatening manner.
- (b) The Subject Member became more angry and irate, shouted waved his arms and argued with the Chairman of the panel and refused to leave the meeting room when asked by the Panel Chairman saying "I am not going to leave and who is going to make me".

The Investigating Officer's final written report outlining the result of her investigation and her conclusions were submitted together with Councillor Dhillon's written response thereto. In addition to the papers circulated with the agenda the Investigating Officer tabled two further documents:

- An email from Cllr Dhillon to the Investigating Officer dated 28th December 2010 which included an unreserved apology for the offense caused by him at the Health Scrutiny Panel on 22nd March 2010. This document should have been included in the papers for the Sub Committee.
- An email from Councillor Small to the Investigating Officer dated 21st December 2010 correcting an error in Document 11 (page 58 of the

Standards Local (Determination) Sub-Committee - 02.02.11

agenda) in that there was no allegation that Councillor Dhillon had been bullying or threatening towards Councillor Small.

A number of minor typographical errors were also corrected.

The Investigating Officer presented her report following which Councillor Dhillon declined the opportunity to ask questions thereon. Councillor Dhillon indicated that he had nothing further to add to the papers and that the Complainant had personal issues with him. The Chair advised Councillor Dhillon that whilst he accepted that this may have caused high feeling this was not relevant to the hearing.

The Chair put the Investigating Officer's conclusions to Councillor Dhillon for comment and Councillor Dhillon indicated that he accepted them.

The Sub-Committee having heard all the evidence and being satisfied that it had sufficient information withdrew to deliberate.

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

The Sub Committee concluded that Councillor Balwinder Dhillon:-

- (a) Had breached Paragraph 3 of the Local Code of Conduct in that he had failed to show respect to the Chair of the Health Scrutiny Panel and the Chief Finance Officer of Heatherwood and Wexham Park Hospital at the Health Scrutiny Panel meeting on 22 March 2010.
- (b) Had breached Paragraph 5 of the Local Code of Conduct in that he had conducted himself in a manner which could reasonably be regarded as bringing his office and authority into disrepute at the Health Scrutiny Panel meeting on 22 March 2010
- (c) Had not breached paragraph 3(1)(b) of the Local Code of Conduct Code, in that he had not bullied the Chair of the Health Scrutiny Panel or the Chief Finance Officer of Heatherwood and Wexham Park Hospital at the Health Scrutiny Panel meeting on 22 March 2010.

In respect of (a) to (c) above the Sub Committee accepted the material findings and conclusions of the Investigating Officer. The Sub Committee found that the balance of evidence showed that Councillor Dhillon had not treated the Chair and Chief Finance Officer of Heatherwood and Wexham Park Hospital with respect at the meeting of the Health Scrutiny Panel on 22 March 2010 and the manner and tone used by Councillor Dhillon was not of an acceptable standard expected of a Member. The Sub Committee found Councillor Dhillon's conduct at that meeting also fell short of the standard of conduct expected of an elected member at a public meeting. The Sub

Standards Local (Determination) Sub-Committee - 02.02.11

Committee found that Councillor Dhillon had breached Paragraph 3 and 5 of the Code.

In respect of (c) above the Sub Committee found that there was insufficient evidence to show that Cllr Dhillon's conduct at the Health Scrutiny Panel meeting on 22 March 2010 amounted to bullying of either the Chair of the Panel or the Chief Finance Officer of Heatherwood and Wexham Park Hospital. The Sub-Committee found that Cllr Dhillon had not breached paragraphs 3(1)(b) of the Code of Conduct.

Councillor Dhillon was asked whether he wished to make any representations before the sub committee considered what sanction, if any, should be imposed. Councillor Dhillon indicated that he had nothing further to add.

The Sub Committee then deliberated in private. The Monitoring Officer was asked for advice on the sanction that was to be imposed and the extent to which training could be left to the discretion of the Monitoring Officer. On reconvening the hearing the Chair advised that the Sub Committee had resolved as follows:

Resolved - That Councillor Dhillon, having been found in breach of Paragraph 3 and 5 of the Code of Conduct, be suspended for a period of two months with immediate effect and that during this period he should be provided with training in accordance with the recommendations of the Investigating Officer, at the discretion of the Monitoring Officer.

Councillor Dhillon was advised of his right to appeal against the Sub-Committee's decision to the First-tier Tribunal.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.40 pm)

SLOUGH BOROUGH COUNCIL

REPORT TO: Standards (Determination) Sub-Committee **DATE:** 28th February 2011

CONTACT OFFICER: June Cook
(For all Enquiries) Member Services Manager (01753) 875019

WARDS: N/A

PART I

FOR DECISION

ALLEGED BREACH OF LOCAL CODE OF CONDUCT – COUNCILLOR BALWINDER DHILLON (SBC 2010/23)

1. Purpose of Report

1.1 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 Balwinder Dhillon has failed to comply with the Local Code of Conduct for Members (**Appendix A**) and Councillor Dhillon's response thereto.

2. Recommendation/Action Required

2.1 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

3.1 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

4.1 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 13th July 2010 the Standards (Assessment) Sub-Committee referred to the Council's Monitoring Officer for investigation a complaint that Councillor Balwinder Dhillon had failed to comply with the Local Code of Conduct. In accordance with

the arrangement agreed by the Standards Committee, the Monitoring Officer delegated the conduct of the investigation to Kuldip Channa, Assistant Solicitor (Litigation) i.e. the Investigating Officer.

- 5.2 The complaint has been made by Mr Steve Wagner an officer of the Council. The general summary of the complaint against Councillor Dhillon is that during a telephone call by the Subject Member to the Complainant to discuss two cases he was interested in Councillor Dhillon became irate, raised his voice and was offensive and insulting to the Complainant.
- 5.3 To simplify the hearing process Councillor Dhillon has been 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 D – Arrangements for the Standards (Determination) Sub-Committee Hearing

Form E – Details of any witnesses to be called.

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

Appendix

Document

Appendix A

Investigating Officer's Report

Appendix B

Pre-hearing forms submitted by Councillor Dhillon - **TO FOLLOW**

Councillor Dhillon has indicated that he will be attending the hearing and that he intends to call a witness. Further detailed submissions along with a witness statement will be circulated as soon as possible.

Councillor Dhillon will be represented at the hearing by a Solicitor.

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, Maria Memoli, Acting Borough Secretary and Solicitor.

6. Conclusion

- 6.1 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.

SLOUGH BOROUGH COUNCIL

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) (LITIGATION SOLICITOR) APPOINTED AS INVESTIGATION OFFICER, BY MARIA MEMOLI, THE MONITORING OFFICER INTO AN ALLEGATION CONCERNING COUNCILLOR BALWINDER SINGH DHILLON (SBC23).

1. Introduction

- 1.1 Steve Wagner, Grants Renewals Manager (SW) made a written complaint to the Monitoring Officer of Slough Borough Council (SBC). The complaint is dated 7 June 2010. (Document 1).
- 1.2 In summary SW alleged that on 26 May 2010, Councillor Balwinder Dhillon's (BD) conduct, during a telephone conversation was unacceptable. BD had telephoned the Private Sector Housing Team (PSH) at approximately 17:30/17:45 that day to enquire about two ongoing grant cases. During the conversation regarding one of the cases, BD became, "irate, raised his voice and was offensive and insulting" towards SW.
- 1.3 On 13 July 2010, the Standards (Assessment) Sub-Committee, considered the complaints from SW and decided to refer the complaint for investigation. The Sub-Committee also noted that SW had not 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 treat others with respect", - paragraph 3(1)
 - (b) "You must not bully any person", - paragraph 3(2)(b)
- 1.4 The summary of complaint is at Document 2 and the Decision Notice is at Documents 3.

2. The Process

- 2.1 As part of my investigation I conducted a face to face interview with the following:-
 - (a) The Complainant SW on 22 March 2010 – interview statement (Document 4). SW also provided the following documents:
 - (i) Email dated 18 May 2010 from BD to SW, referring to information about the case,
 - (ii) Email dated 25 June from Manju Dhar, Private Sector Housing Manager (MD) to SW, (incorporating email response dated 24 June 2010 to BD from Denise Alder, Strategic Director of Green and Built, (DA); and an email from BD to Finbar McSweeney, Corporate Complaints Officer (FM) dated 26 May 2010)
 - (iii) SW's note of the telephone conversation on 26 May 2010
- 2.2 There was no face to face interview with BD as he advised me that he would provide me with a written response to the allegation:
 - a) 21 October 2010 – I initially wrote to BD providing him with the complaint documents and the process to be followed in the investigation. I received no response from BD. (Document 5)
 - b) 9 November 2010 – I was made aware by SW that he had received a direct letter of apology from BD as a consequence of which I wrote to BD to advise him that he should not be approaching SW directly about this complaint. (Document 6). I was also made aware that around about the

same week BD had also tried to contact SW by telephone, although the precise details of that are unknown as the call could not be taken by SW and BD did not leave a message.

- c) 15 November 2010 – I received an email letter from BD stating that he would like to make a written statement in respect of the complaint. BD's response was also noted in the same letter. (Document 7). The documents provided by BD consisted of 9 pages :
- i. Page 1 of 9 -Letter dated 15 November 2010. It consists of 4 paragraphs of BD's response to the allegation,
 - ii. Page 2 of 9- Letter dated 20 May 2010 from SW to Applicant,
 - iii. Page 3 of 9 – continuing paragraphs 5 to 7 of BD's response to the allegation,
 - iv. Page 4 of 9– BD's email to Denise Alder referring to her response about BD's complaint about SW,
 - v. Page 5 of 9 – further copy of letter dated 20 May 2010 from SW to the Applicant, plus paragraphs 8 to 10 of BD's response to the allegation,
 - vi. Page 6 of 9 – paragraph 11 to 21 of BD's response to the allegation,
 - vii. Page 7 of 9 – mostly blank except some email address details,
 - viii. Page 8 of 9 – BD's complaint to FM,
 - ix. Page 9 of 9 – paragraphs 22 to 24 of BD's response to the allegation.

2.3 I note that BD did not provide a copy of DA's email response to his complaint about SW. Considering the sequence of nine pages sent to me and page 7 of 9 being mostly blank I wonder whether DA's response should be noted there?

2.4 19 November 2010 I received an email confirmation sent on behalf of SW which stated that he would like to proceed with his complaint. (Document 8). I understood this to mean that SW did not accept BD's apology (BD letter of 25 October to SW) and he wanted me to carry on with the Standards investigation.

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 two appear relevant to the complaint in question. These are:-

“Selflessness

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

Respect for Others

Members should promote equality by not discriminating

unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees."

- 3.2 The Council adopted its current Local Code of Conduct for Members ("the Code") on 21st May 2007.
- 3.2 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.
- 3.3 BD was first elected to the Council on 10 June 2004 and signed his declaration of acceptance of office on 14 June 2004. He was re-elected on 3 May 2007 and made his declaration on 9 May 2007.
- 3.4 BD has attended the following training sessions on the Code:
13th January 2005 Lobbying & Dual Hattedness
5th December 2005 (Ethical Framework)
9th May 2007 Revised Local Code of Conduct & Member/Officer Relations Code
3rd November 2008 Local Code of Conduct
12th May 2010 Local Code of Conduct & Member/Officer Relations Code
- 3.5 The Code is split into three parts:-
Part 1 is relevant and entitled, "General Provisions" and "General Obligations" of which paragraphs 3 is relevant for the purposes of this investigation. Paragraphs 3 states:

paragraph 3(1)

"You must treat others with respect"

paragraph 3(2)(b)

"You must not, bully any person",

- 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 treating others with respect and bullying.
- 3.7 It is against the Guidance and these General Principles and the provisions of the Code that I have investigated the complaints.
- 3.8 I have also considered SBC's Constitution, Part 5.5 Local Code Governing Relations between elected Members and Council Employees. In particular Paragraphs 3.2 (d), (f) (g) (h) and 5.3 and 5.6:

Paragraph 3.2 (d), (f), (g) and (h) states:

“Officers can expect from Members.

(d) Respect, dignity and courtesy.

(f) Not to be subject to bullying or to be put under undue pressure. Members should have regard to the seniority of officers in determining what are reasonable requests, having regard to the power relationship between Members and Officers, and the potential vulnerability of Officers, particularly at junior levels.

(g) That Members will not use their position or relationship with Officers to advance their personal interests or those of others or to influence decisions improperly.

(h) That Members will at all times comply with the relevant Codes of Conduct.”

Paragraph 5.3 states

“Members are elected to represent the interests of their constituents, but they should not seek special treatment for any individual. When dealing with Officers, they must declare any special relationships they have with the constituents concerned.”

Paragraph 5.6 states that:

“Members should not bring or attempt to bring undue influence to bear on an Officer to take any action that is:capable of being interpreted as intimidation or bullying.”

3.9 Information established during the investigation about the circumstances of the telephone conversation:

- a. SW states that on 26 May 2010 at about 17:30/17:45, Private Sector Housing (PSH) received a telephone call from BD and SW answered the telephone as he was the only one in the office at the time;
- b. BD states that on 26 May 2010 at about 17:40, he received a telephone call from SW;
- c. SW was concerned about his telephone conversation with BD and wrote a note about it and sent it to MD, his Manager. The note is dated 26 May 2010.
- d. BD wrote a letter of complaint about the case and the telephone conversation with SW to FM. The complaint letter is dated 26 May 2010. (DA, responded to this complaint on 24 June 2010).
- e. BD’s query concerned an application for a Disability Facilities Grant (DFG) from the Home Improvement Agency (HIA) based in the PSH Section at Slough Borough Council (SBC). The grant is for adaption of a residential property for use by a disabled person.
- f. The DFG process commences with the submission of an application by a disabled Applicant. Various assessments are made including occupational health and financial.
- g. The Applicant is placed on a waiting list which usually means several years on that list. Applicants are made aware that there may be a long waiting period before a grant is available.
- h. The HIA will undertake adaptation works through approved contractors if Applicants request it. The HIA charges a fifteen percent fee for this service. Applicants can also arrange a private contractor if formalities are completed with the HIA for example the provision of three quotations from reputable contractors. The grant funds are paid directly to the Applicants if a private contractor is used. If direct payment is made to the Applicant the HIA is obliged to ensure that there is proper use of the funds since public money is being provided for the works. It is clear that it is inevitable the

process will take time. SW states that on average most grant authorisations where the Applicant wants to use a private contractor are completed within six months. The reason for this appears to be because of the need for technical specification of the works and various planning and building regulation requirements.

- i. The Applicant in this case had been on the waiting list since November 2007. A change of circumstances was notified to the HIA in December 2009.
- j. This Applicant's initial financial assessment was on 25 January 2010. From the papers I note that BD made enquiries about it on 18 and 26 May 2010. This case was still within the six month time limit of the HIA process when BD made enquiries about it.
- k. This Applicant wanted the works done by their own private contractor. HIA would provide the technical specifications.
- l. HIA sent a letter to the Applicant on 20 May 2010. HIA expected a response from the Applicant that the conditions set out in the letter were agreed. The letter does not contain an explicit sentence requiring the Applicant's agreement.
- m. During the telephone conversation, SW attempted to explain the HIA's process and that the Applicant had to accept the conditions set out by the HIA and the Council's obligations about ensuring that the relevant building control, planning and other specifications are followed by the Applicant.
- n. BD states that he was trying to say that he had permission from the family to say that they agreed to the terms. However in BD's view the letter did not say that a written response was expected from them confirming their acceptance of the terms.
- o. BD believes that the DFG had been delayed due to HIA Officers being, "*often un-contactable, not available or on leave*" (Response p1) . BD felt disappointed by what he believed was the lack of progress about this grant application. He believed the Applicant had been on the waiting list for four/five years which was a long time.
- p. SW states that BD told him what his job should be and what he should do to "*move the project along*" (SW's telephone record 26 May 2010).
- q. BD believes he was asking SW to ensure the HIA sent the technical specifications as soon as possible since the family had waited long enough and they needed those specifications to obtain the estimates.
- r. BD does not accept he was "*speaking over*" SW. (Response p5)
- s. SW states that BD kept "*cutting him off mid sentence*". (SW's telephone record 26 May 2010).
- t. During the conversation SW comments that BD had said during the conversation that he did not understand "his grammar" although BD did not elaborate on this when SW asked what he meant by this comment. SW himself states that he had difficulty in understanding BD because of his accent.
- u. SW states that BD raised his voice and then proceeded to make the comment that "*the only nice person in the team*", was MD, at which point SW was offended as he felt it was an unacceptable comment about him and the HIA team members. He stated he would put the telephone receiver down and then he did so. (SW interview p3 par10).
- v. There was confusion in the case as it was unclear if the Applicant wanted to deal directly with the HIA or whether he was represented by BD. Both seemed to be contacting the HIA about the same issue.

- w. From general SBC knowledge, I understand the HIA is a recognised Agency and an award winning Section of PSH at SBC.

4(A). Material Findings – You must treat others with respect

4.1.

- (a) SW states that he attempted to explain the grants process to BD (page 2, par.7), however BD *“kept on cutting me off mid sentence...”*; further that he *“raised his voice”*;
- (b) SW states at page 3, paragraph 10 that he believes that *“the manner in which he approached the casewas very disrespectful...”* BD’s tone of voice was aggressive and that, *“indeed this aggressive tone had commenced almost immediately during my conversation with him”*; further that he detected *“anger”* in his voice,,
- (c) SW felt *“deeply offended”* by BD’s reference to another Manager as being the only *“nice person”* in his team. He felt it was a particular *“insult”* to his team.

4.2. **The conclusions which SW drew from BD’s comments were that:**

- (a) BD did not understand the HIA’s process;
- (b) BD believed it was a *“simple case”* when it was not and needed to follow a set process;
- (c) BD wanted the HIA to *“escalate the process in respect of this case, (p1, par.2);* he felt this was an inappropriate intervention on a particular case by an elected Member;
- (d) BD thought some staff were *“nice”* and others were not and he felt this view held by an elected Member was insulting to him and the HIA team as whole.
- (e) SW felt that a process could not be *“short circuited on the say so of an elected member”*, (p2, par.9);
- (f) SW further believes that the approach of BD was such that it was of a level where it was *“bullying”* as a junior member of staff may not have been able to deal with this attitude, (p3, par9).

4.3. **BD states that he was attempting to:**

- (a) Request an update for the progress of the case;
- (b) Say that the letter of 20 May 2010 to the Applicant did not state it required a response from Applicant;
- (c) Say that the process had already taken too long, as the Applicant had waited four to five years;
- (d) That he had authority from *“the family”* to confirm acceptance of the conditions and SW should proceed to supply the specifications since without them the family could not obtain the relevant quotes;
- (e) That his dealings with MD have always gone well.

4.4. **The conclusions which BD drew were that:**

- (a) The family had already had to wait too long for the DFG,
- (b) The work was straightforward with some draining, plumbing and a front window,
- (c) HIA Officers had further delayed the process by not being available or contactable or on annual leave; the *“Officers were not as helpful as they could have been”*; (Response p9).

- (d) HIA process is “inadequate”, there is too much paperwork and dealt with in a “*drip feeding*” manner and that the family feel, “fobbed off by the Council”; (Response p9).
- (e) Letter of 20 May 2010 was not clear that the family needed to advise the HIA they accepted the conditions,

4(B). Reasoning – “You must treat others with respect”

4(B).1. I find that on balance of the evidence BD did not treat SW with respect for the reasons set out below:

- (a) SW is a senior member of staff and an officer with some ten years experience at SBC and used to dealing with elected Members including Members of Parliament, and therefore SW is clearly able to assess situations involving elected Members and his evidence is that he found the manner and approach of BD aggressive and unacceptable;
- (b) SW’s evidence further points to the lack of understanding by BD about the grants process and this is confirmed in BD’s own emails about the case. BD did not understand the process and did not attempt to do so. The reference to the family and their authorisation is of concern since the DFG is available to a disabled Applicant not the family. BD makes no reference to the Applicant at all.
- (c) The email evidence from DA about the work of the HIA would show that it is difficult to accept that it is an inadequate system;
- (d) The evidence points to BD having “overstepped the mark”, whilst it is accepted he might want to make enquiries on behalf of a constituent, however it seemed more of a demand about what SW should do to progress the case; this point is particularly more acute because it is clear from DA’s email of 26 May, that MD had already explained the full facts and process to BD that same day.
- (e) BD’s comments are contradictory. If he wishes to maintain his point that the letter of 20 May does not indicate that a response is required from the family, then it seems a little odd that his next point in the telephone conversation with SW, is that he is authorised to indicate to the HIA that the family will accept the conditions as set out in the HIA letter. He could not have had that authority if they did not understand the letter required a response.
- (f) By his own admission BD states that he felt the family had waited long enough and that HIA progress was slow and all he wished to do was to get the HIA Officers to bring it to a conclusion. He was representing the family who wanted “*to speed up the process*”. (email dated 18 May from BD to SW).

5(A). Material Findings – “you must not bully any person”

5.1 The issue here being: Could BD’s conduct amount to bullying of SW?

5.2 SW is a Senior Officer and used to dealing with Members’ questions about individual cases;

- 5.3 SW himself was of the view that BD's attitude would have made a junior member of staff feel "bullied" (p3, par.9);
- 5.4 SW states BD's tone was aggressive from the onset;
- 5.5 SW believes that BD wanted SBC to escalate the process on this case,
- 5.6 BD states that he found SW's attitude, "*very offensive, distressing and intimidating*" (Response letter p8 of 9); BD himself comments on SW's conduct as being offensive and is concerned about it when SW deals with "vulnerable members" of the community.
- 5.7 There may have been some communication difficulties during this telephone conversation so this may have created more misunderstanding/misinterpretation than usual between BD and SW.

5(B). Reasoning - "you must not bully any person"

- 5.8 Bullying can be a one off incident. Bullying can be offensive, intimidating, malicious, insulting or humiliating behaviour directed towards a weaker person. It can include undermining comments.
- 5.9 Undue pressure being the use of power over another to induce a compromise, to use more than what is reasonable, suitable or necessary to attempt to persuade someone by trying to use influence to further that cause.
- 5.10 I find that on the balance of the evidence BD did not bully SW but that he did place undue pressure upon him. The reasons are set out below:
- 5.11 It was a formal request for information. BD requested that information in his capacity as an elected Member.
- 5.12 SW states he was able to deal with the situation, however he does state that a junior member of staff may not have been able to do so. However, in view of the fact that SW felt offended by BD's comment and he put the receiver down I am inclined to conclude that the tone of the conversation had more of an impact on him than he may wish to admit.
- 5.13 It is possible to see how a comment by a elected Member about one Manager being "*nice*" could be seen as undermining to SW and others in the same team. The tone of BD's email to FM on 26 May has a negative undercurrent in that BD has "*never had any difficulty*" with MD, this can be interpreted as saying that there are difficulties with others. BD's use of language and expression may not be helpful in these circumstances.
- 5.14 BD's conduct is borderline between undue pressure and bullying towards SW. Whilst SW was able to deal with the situation at the time, it left him concerned enough to put in a formal complaint as he felt obliged to consider the impact of such behaviour by an elected Member on another less experienced member of staff.

- 5.15 DA's email of 24 June 2010 which deals with the investigation of BD's complaint about SW shows that BD had contacted the HIA about the same issues on "*numerous times and have spoken to a number of staff*" (par4). Further at paragraph 3 that all correspondence had been actioned within SBC's guidelines. At paragraph 2, DA states that earlier on 26 May MD had advised BD about the DFG process as well as the fact that the specifications would take a few weeks since the Surveyor was on annual leave. And that the Council has to prioritise resources and it does sometimes mean that vulnerable people may be waiting a long time for adaptation changes to their home. However late in the evening on 26 May BD continues to raise the issues again with the HIA office trying to push this case through again. It does not seem reasonable that having had the explanations from MD during the day BD then raises the issues again in the evening. From that email it is evident that BD had raised it with different Officers over a short period of time.
- 5.16 Whilst accepting that BD was anxious to ensure the progress of the Applicant's DFG, I conclude that BD did badger the HIA Officers about this case and that on that particular evening he tried to put undue pressure on SW to take a particular course of action. The evidence shows that his conduct did "overstep the mark" particularly with regard to the impression that SW formulated that he should escalate the HIA procedure on the case.

6. Conclusions and Recommendations

- 6.1 Overall I have formulated the impression that BD has tried to use his elected position to confer an advantage to a particular constituent. I do not get the impression that this was a simple Member enquiry about how a case was progressing but more a push to get the HIA to bring it to conclusion quickly in favour of the family. The case was clearly still within the normal time limit of six months. It would have come to a natural conclusion soon anyway.
- 6.2 By his own admission BD states that he felt the progress was slow and all he wished to do was to get the HIA Officers to bring it to a conclusion. BD did not understand the process for example he felt the Applicant had waited for some four or five years. This waiting time seems to be part of the normal process and Applicants are made aware of it. The evidence points to BD requiring action to be taken on it there and then. BD appears to be trying to force or drive SW to a conclusion.
- 6.3 I cannot draw any conclusion about whether BD telephoned SW or SW telephoned BD, as there is no independent evidence on this point. However, for the purpose of this investigation I have considered that BD may have made a mistake when he wrote his email to FM. SW is clear that he answered the telephone call that evening. There does not appear to be any evidence that SW had a reason or a message to telephone BD about this case. Indeed DA's email supports the view that SW would have no reason to telephone BD since his Manager MD had already spoken to BD during the day on 26 May about the case.
- 6.4 SW alleges BD raised his voice and he was asked to lower his tone. BD alleges that SW was "*shouting and screaming*" towards the end of the conversation. I am unable to draw any conclusions about who raised his voice or who was shouting since it was a conversation between two people on a telephone and there could be no witnesses

who could clarify the point. Both BD and SW felt compelled to complain about the telephone conversation. Overall I think the evidence points to the fact that it was probably a heated discussion between BD and SW.

6.5 On balance the evidence is that BD did “over step the mark”, was trying to drive the case to a conclusion without any regard for the processes involved and was therefore putting undue pressure on SW.

6.6 I also make the following observation:

BD has a valid point that the letter of 20 May 2010 does not make it clear that a response is required from the Applicant. The HIA may wish to consider ensuring that the letters requiring a response from Applicants clearly state that a response is required and provide a time limit within which it should be submitted. In my view best practice may be to send a duplicate letter which is required to be signed and returned to the HIA within a set time frame.

7 I would recommend that specific formal training for BD in the following is considered:

- a. What constitutes making relevant Member enquiries on behalf of constituents and how to progress them legitimately with Officers
- b. Interpersonal skills about interaction or expressing personal views to Officers,

8. I would like to record my thanks to all parties for the co-operation I have received in investigating these complaints.

9. In summary I conclude that:-

- a. BD has breached paragraph 3 of the Code in that he has failed to show respect for SW during the telephone conversation on 26 May 2010.
- b. BD has not breached paragraph 3(1)(b) of the Code, however he did put undue pressure on SW during the telephone conversation on 26 May 2010.

Date: 12th January 2011
Kuldip K Channa,
(Litigation Solicitor)
Standards Investigation Officer,
For and on behalf of the Monitoring Officer

LIST OF DOCUMENTS ANNEXED TO REPORT

- 1) Steve Wagner's Complaint dated 7 June 2010
- 2) Summary of Complaint dated 26 May 2010
- 3) Decision Notice SBC23 dated 26 May 2010
- 4) Interview Statement of Steve Wagner plus:
 - a) Email dated 18 May 2010 from BD to SW, referring to information about the grant,
 - b) Email dated 25 June from Manju Dhar, Private Sector Housing Manager (MD) to SW, (incorporating email response dated 24 June 2010 to BD from Denise Alder, Strategic Director of Green and Built, (DA) to BD; and an email from BD to Finbar McSweeney, Corporate Complaints Officer (FM) dated 26 May 2010)
 - c) SW's note of the telephone conversation on 26 May 2010
- 5) Letter dated 25 October 2010 from Councillor Dhillon to Steve Wagner
- 6) Letter dated 10 November 2010 from Investigator to Councillor Dhillon
- 7) Councillor Dhillon's written response to the allegation dated 15 November 2010 plus
 - i. Page 1 of 9 -Letter dated 15 November 2010. It consists of 4 paragraphs of BD's response to allegation,
 - ii. Page 2 of 9- Letter dated 20 May 2010 from SW to Applicant,
 - iii. Page 3 of 9 – continuing paragraphs 5 to 7 of BD's response to the allegation,
 - iv. Page 4 of 9– BD's email to Denise Alder referring to her response about BD's complaint about SW,
 - v. Page 5 of 9 – further copy of letter dated 20 May 2010 from SW to the Applicant, plus paragraphs 8 to 10 of BD's response to the allegation,
 - vi. Page 6 of 9 – paragraph 11 to 21 of BD's response to allegation,
 - vii. Page 7 of 9 – mostly blank except some email address details,
 - viii. Page 8 of 9 – BD's complaint to the Corporate Complaints Officer,
 - ix. Page 9 of 9 – paragraphs 22 to 24 of BD's response to the allegation.
- 8) Email dated 19 November 2010, sent on behalf of Steve Wagner to the Investigator

7th June 2010

Members' local code of conduct - complaints form

Important: Please read attached guidance notes before completing this form.

1. Your details

Title:*

Mr

First name:*

Steve

Last name:*

Wagner

Address line 1:*

[Redacted]

Address line 2:*

[Redacted]

Town:*

[Redacted]

County:*

[Redacted]

Postcode:*

[Redacted]

Daytime telephone:

1753875262

Evening telephone:

[Redacted]

Mobile number:

[Redacted]

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- * the Monitoring Officer of the authority
- * the parish clerk (only if the complaint concerns a Parish Councillor)

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it.

2. Please tell us which complainant type best describes you: Other council officer or authority employee

3. Equalities monitoring

It would be helpful for us to know about your background so we can check that we are meeting the needs of the whole community. Please do complete the equalities monitoring section further down.

4. Making your complaint

Please provide us with the name of the Member(s) you believe have breached the Code of Conduct and the name of their authority:

First name

[Redacted]

Last name

Dhillon

Council or authority name

[Redacted]

First name

[Redacted]

Last name

[Redacted]

Council or authority name

[Redacted]

First name

[Redacted]

Last name

[Redacted]

Council or authority name

[Redacted]

First name

[Redacted]

Last name

[Redacted]

Council or authority name

[Redacted]

5. Please explain in this section what the Member has done that you believe breaches the Code of Conduct.

If you are complaining about more than one member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Standards (Assessment) Sub-Committee when it decides whether to take any action on your complaint. For example:

* You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said

* You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe

* You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible

* You should provide any relevant background information

Please provide us with the details of your complaint:*

On 26/05/10 at around 17:45 Cllr Dhillon called me to discuss 2 cases that he has expressed an interest in. One of these cases is not in his ward. Cllr Dhillon has spoken to various different team members about these cases but because he was not happy with

the answers he was given, then tried another officer. On this occasion I was trying to explain the process and system we work to but he was not interested. He kept cutting me short and at one point said that he did not understand my grammar. I asked him to explain what he meant as I did not know whether he was referring to the written form or perhaps my diction/accent. I have some difficulty understanding Cllr Dhillon's accent sometimes but always asked him to repeat or explain what he means respectfully. After refusing to hasten the works that he requested due to our procedures he then got very irate and said to me that Manju Dhar (my line manager) was the only nice person in the team. This I took as a direct insult at me and the rest of the team. Because of this and his raising of his voice I told him that I was putting the phone down and did. At the time of the call there were two officers (not in my team), sitting across the gangway who did appear to have heard the call. I do not know their names but I can get them if required.

Additional Help

6. Complaints must be submitted in writing. This includes fax and electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any help in completing this form, please contact June Cook, Member Services Manager, 01753 875019 or email: CouncillorComplaints@slough.gov.uk.

Equalities monitoring form

It would be helpful for us to know about your background so we can check that we are meeting the needs of the whole community. If you feel that the group you identify with is not listed, please feel free to write this in.

Gender:	<input type="text"/>
Age:	<input type="text"/>
Do you consider yourself to have a disability?:	<input type="text"/>
Religion and Belief:	<input type="text"/>
If other, please specify:	<input type="text"/>
Your ethnic background/origin	<input type="text"/>
White:	<input type="text"/>
If other, please specify:	<input type="text"/>
Mixed:	<input type="text"/>
If other, please specify:	<input type="text"/>
Asian or British Asian:	<input type="text"/>
If other, please specify:	<input type="text"/>
Black or Black British:	<input type="text"/>
If other, please specify:	<input type="text"/>
Chinese or other ethnic group:	<input type="text"/>
If other, please specify:	<input type="text"/>
I do not wish to give this information:	<input type="text"/>

SLOUGH BOROUGH COUNCIL

SUMMARY OF COMPLAINT (SBC 2010/23)

1. **Complainant:** Mr Steve Wagner
2. **Subject Matter:** Councillor B Dhillon
3. **Date(s) of Alleged Breach:** 26th May 2010
4. **Précis of the Complaint:**

The allegations stated in the Complainant's complaint form which was received electronically on 7th June 2010 appear to be as follows:-

A telephone call by the Subject Matter to the Complainant to discuss two cases the Subject Matter was interested in. The Subject became irate, raised his voice and was offensive and insulting to the Complainant.

The complaint is within jurisdiction. The Subject Member was a Member of the Council at the time of the alleged breach.

5. **Other relevant information/documentation**

The Complainant does not particularise the breach(es) of the Local Code of Conduct but the conduct might be considered to be a breach of paragraph 3(1) (treat others with respect), or paragraph 5 (bringing his office or the Council into disrepute).

6. **Supporting Papers**

Complaint form received 7th June 2010.

SLOUGH BOROUGH COUNCIL
STANDARDS (ASSESSMENT) SUB-COMMITTEE

DECISION NOTICE

Reference: 2010/SBC23

1. Complaint

On 13th July 2010 the Standards Assessment Sub-Committee of this Council considered a complaint from Mr Steve Wagner, a Council employee, concerning the alleged conduct of Cllr Balwinder Dhillon, a Member of this Authority.

A general summary of the complaint is set out below:

During a telephone call by Cllr Dhillon to the Complainant to discuss two cases he was interested in Councillor Dhillon became irate, raised his voice and was offensive and insulting to the Mr Wagner.

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 identified below the paragraphs of the Local Code of Conduct which may apply to the alleged conduct:

- (a) failing to treat others with respect and
- (b) bullying

The investigator will determine which paragraphs 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.

Signed:

Maria Memoli, Interim Monitoring Officer for and on behalf of the Sub-Committee

Date: 22nd July 2010

SLOUGH BOROUGH COUNCIL - STANDARDS INVESTIGATION
STATEMENT OF WITNESS

STATEMENT OF: Steve Wagner

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

POSITION HELD: Grants Renewals Manager

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 Councillor Dhillon - Compliant reference SBC23 in relation to an allegation that Councillor Dhillon breached the Code of Conduct during a telephone conversation with me at proximately 17:30 on 26 May 2010.

1. The background to the telephone conversation is that the telephone rang on that evening after 5pm and I answered it. The caller introduced himself as Councillor Dhillon and asked to speak to Manju Dhar, the Manager of Private Sector Housing and my Line Manager. I explained I was the only one in the office and asked if I could help him.
2. Councillor Dhillon asked me to explain who I was, which I did. He queried why the Grants Team had not made any further progress with a disabled facilities grant for a Client at [redacted]. I was aware of this grant application, however before I had an opportunity to explain, he proceeded to tell me what my job was and what I needed to do to move it along. My impression of what Councillor Dhillon was saying was that he wanted me to escalate the process for him.
3. The Client of [redacted] had been referred by the Occupational Health team for adaptation which meant that a level access shower needed to be installed. If a Client wants to build their own extension or in this case convert an existing garage, then funds are provided for the adaptation works only but it means the Client has to arrange the building and planning applications etc.

4. There are inevitable delays when the Client wants to undertake the works. It is not possible for example to do the specification of works until we have sight of the plans. But before all of this the client had to have a financial assessment to establish if they meet the qualification criteria for a grant.
5. With this application the first referral was on 1 November 2007. The client was placed on a waiting list at 109. A further referral was made on 3 December 2009 as the Client's needs had changed. A financial assessment was confirmed on 25 January 2010. From this point the case then is referred to the Surveyors and generally works are completed within six months. However if there are queries raised or any misunderstandings by the Client about things as was the case here, then the case can take a little longer. Generally as the Manager I aim to have the case completed in six months.
6. I was aware that Councillor Dhillon had already made a complaint to Manju Dhar about the length of time taken to carry out the process and that she was dealing with his complaint.
7. Every time I tried to explain the process or the stage at which the case was at he kept on cutting me off mid sentence. I was surprised with his attitude as I have always got on very well with Councillor enquiries in the past and really I was just trying to help him. I was trying to get my point across to him that I had not yet received a response from the Client about accepting the conditions I had set out in my letter of 20 May 2010. At this point he raised his voice and he said he did not understand my grammar. I asked him what he meant by this but he would not elaborate.
8. During the telephone conversation Councillor Dhillon had a general lack of understanding what the Agency's process was and would not allow me to explain what is necessary. He kept stating that it was a simple case but I was trying to explain the Council's obligations to make sure all the relevant specifications and plans and building regulation notices are followed to ensure the safety of the adaptation and future use. In an email from Councillor Dhillon on 18 May 2010 to myself and Manju, he actually states that "...it is a straightforward plumbing and draining job only with window in the front side..". This confirms to me that he did not understand the process and formalities.
9. He insisted that I process the grant immediately. I consider that this was an abuse of his elected position. There is a process in place which cannot and should not be short circuited on the say so of an elected Member. I felt that I was able to deal with his attitude as a

Senior Manager but I am convinced that a junior member of staff may have felt bullied by his attitude.

10. I fully understand the responsibilities of an elected Member to represent and make enquiries on behalf of the member of the public but I am concerned about the manner in which he approached me about the case. I felt Councillor Dhillon was very disrespectful. His language was at times difficult to understand. He has a strong accent and I think that I asked him to repeat things to me as I could not make out what he was saying. The tone of his voice was aggressive. It continued in that tone throughout, indeed this aggressive tone had commenced almost immediately during my conversation with him. I wear hearing aids and they are automatic and need no adjustments. I can detect anger in a voice easily as I am fully aware of what a normal conversation sounds like to me. I was deeply offended by Councillor Dhillon's comment that the only nice person in the team was Manju Dhar. This was an insult to me and my team. At this point I advised Councillor Dhillon that I was not prepared to discuss it with him anymore and would be putting the telephone down, which is what I did. In the last 10 years I have had a lot of experience with members face to face, verbally and in writing. I also respond directly to enquiries from Fiona Mactaggart MP. I have never had an incident such as this before, and in the past have been praised for the service and response provided.
11. Before I left the office that evening I wrote to Manju explaining what had happened and that in view of Councillor Dhillon's "total lack of respect for me and the agency and how we work" I was no longer prepared "to talk to him again under these conditions". Subsequently I made a formal complaint to the Monitoring Officer.

I hereby declare that this a true and accurate record of the interview on 3 November 2010 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:

Channa Kuldip

From: Wagner Steve
Sent: 03 November 2010 17:13
To: Channa Kuldip
Subject: FW: Mr
Hi Kuldip

FYI

Regards

Steve Wagner TMIET
Manager & Senior Home Improvement Surveyor

Slough Home Improvement Agency
2008 Home Improvement Agency of the Year

From: B Dhillon [mailto:balwinderdhillon@hotmail.com]
Sent: 18 May 2010 13:22
To: Wagner Steve; Dhar Manju
Subject: FW:

Mr Steve Wagner/Ms Manju Dhar
Manager Private Sector Housing
Slough Borough Council

Ref;

Hi Mr Steve Wagner and Ms Manju Dhar

I have been contacted by

I have been informed by the family that he has been assessed by OT team and they have offered them the lift facilities and for other reasons and safety of young children family doesn't wish to have lift facilities at all and instead they would like to convert their Garage into bedroom with other DFG for Shower, toilet and washing facilities and window etc

For your information they already have built up garage next to their house and it will be a straight forward plumbing and draining job only with window in the front side

Family have been told the SB Council may charge 15% handling fees and they like to speed up the process and like to know if they can use their own builder/plumber to complete the job on a very competitive price or they may end up paying unnecessary high charges to any other Council's contractors

I will be very grateful if you could kindly give me any update and speed up the process as Mr G does need these facilities as soon as possible

Thank you and kind regards

Cllr Balwinder S Dhillon

Get a new e-mail account with Hotmail - Free. [Sign-up now.](#)

Get a free e-mail account with Hotmail. [Sign-up now.](#)

Channa Kuldip

From: Wagner Steve
Sent: 03 November 2010 17:06
To: Channa Kuldip
Subject: FW:
Hi Kuldip

See email below where Cllr Dhillon states that I phone him. This is a lie as he phoned me!

Today 26th May 2010 I received a telephone call from Mr Steve Wagner Grants Manager at around 1740hrs to say that he need confirmation from the G family that they agree with their terms and I try to explain to him that your letter dated 20th May 2010 does not suggest or indicate that you are looking to hear from them for any acceptance at all.

Regards

Steve Wagner TMIET
Manager & Senior Home Improvement Surveyor

Slough Home Improvement Agency
2008 Home Improvement Agency of the Year

From: Dhar Manju
Sent: 25 June 2010 09:08
To: Wagner Steve
Subject: FW:

Steve - this is the response to his complaint.

I understand that Maria is intending to call you regarding your complaint and but I don't know the outcome. I'll check and come back to you

Regards

Manju

From: Alder Denise
Sent: 24 June 2010 17:52
To: Heer Charanjit; Dhar Manju
Subject: FW:

fyi

Kind regards,

Denise Alder
Strategic Director the Green and Built Environment
Slough Borough Council
Tel: 01753 875202
www.slough.gov.uk

 Think green! Save paper. Only print this email if you have to.

From: Prendergast Caroline **On Behalf Of** Alder Denise
Sent: 24 June 2010 16:44
To: 'balwinderdhillon@hotmail.com'
Cc: McSweeney Finbar
Subject:

Dear Councillor Dhillon

Ref:

Following your complaint regarding [redacted] on the 26th May 2010, I have now investigated the situation and can respond to the issues raised in your letter.

1. I understand the reasons for the long wait and the way that the Private Sector Housing team operates its waiting list has been explained to you by Mrs Dhar and also by Mrs Dhar to Charanjit Heer, who I understand has also explained it to you. Unfortunately the Council has to prioritise its resources and this can result in disabled or vulnerable people waiting long times for changes to their homes.
2. Mrs Dhar spoke with you on the 26th May and explained not only the process for DFG's but also explained that it would be a few weeks before the specification would be sent to the client as the Surveyor was on leave. I can confirm that the specification was sent on the 18th June.
3. Despite the fact that you were acting as the agent for Mr G [redacted], Mr G [redacted] has also been directly in contact with Mr Wagner and all correspondence has been responded to within the Council guidelines. The e-mail to Mr G [redacted] explained all his queries and that e-mail response was forwarded to you by Mrs Dhar.
4. Your complaint about Mr Wagner's behaviour has been investigated. Mr Wagner's recall of the conversation is that you did not give him an opportunity to explain or respond to your questions as you were constantly talking over him. He therefore warned you that if you continued that he would put the telephone down. This he then did and raised the matter formally with Mrs Dhar. I also understand that you have contacted the office numerous times and have spoken to a number of staff reporting the same issues. Whilst I can understand your frustration, this is not helpful and it is important that you allow Officers time to answer your queries.

I am sorry that you found the behaviour of any staff member offensive, distressing and intimidating but this was not the intention.

As you will be aware Mr G [redacted] has now been sent the specification of works and I look forward to receiving the estimates for the works as outlined in the letter to Mr G [redacted]

It would be also be helpful and cause less confusion for the Officers if you could clarify with Mr G [redacted] if he still wishes for you to act as his agent or to deal with the Council directly.

Yours sincerely

Denise Alder
 Strategic Director the Green and Built Environment
 Slough Borough Council
 Tel: 01753 875202
www.slough.gov.uk

From: B Dhillon [mailto:balwinderdhillon@hotmail.com]
Sent: 26 May 2010 19:14
To: McSweeney Finbar; choudhry; Charanjit Heer2
Subject:

26th May 2010

Mr Finbar McSweeney

Corporate Complaint Department
Chief Executive
Slough Borough Council
Bath Road Slough

Ref;

Dear Finbar

As you may know that I have been approached by Mr [redacted] to chase the Private Sector Housing for their DFG and they have been going through the nightmare from the last two years and still no where near to any end at all.

Last week on 25th May 2010 I have spoken to Ms Manju Dhar the manager from Private sector Housing about the progress and I have been advised by Ms Manju Dhar that her office will advise the family concerned about the specification will be drawn up by a Slough Home Improvement Surveyor and they will require 3 quotations for the work and the winning contractor will have to demonstrate they have sufficient skills and insurance cover for these types of work.

I also have got a copy of letter sent on 20th May 2010 to Mr [redacted] and the family is still waiting for a specification from them and can't get their drawing amended and can't get any estimate done accordingly

Today 26th May 2010 I received a telephone call from Mr Steve Wagner Grants Manager at around 1740hrs to say that he need confirmation from the G [redacted] family that they agree with their terms and I try to explain to him that your letter dated 20th May 2010 does not suggest or indicate that you are looking to hear from them for any acceptance at all.

I have requested him (Mr Steve Wagner to go ahead and send them your specification and all your requirements need for Disable Facilities Grants etc, so that family can get their drawing amended accordingly and can ask any builder of their own choice to provide them estimate for the required work to satisfy the Private Sector Housing's surveyors as per their specification I further explained to him that I have spoken to one of your lady called Ms Manju Dhar who is very nice and pleasant lady to deal with all the time and I never had any difficulty with Ms Manju Dhar within last several years I have dealt with her.

Mr Steve Wagner found this to be very offensive and he was shouting and screaming at me and put his telephone down.

I personally found this very offensive, distressing and intimidating attitude behaviour from Mr Steve Wagner manager who is dealing with very vonurable members of our communities who are desperately waiting for our assistance for Disabled Facilicities Grants

I hope you can help me to understand their letter sent out on 20th May 2010 which I will be sending you as well

Thank you and kind regards

BS Dhillon Upton Ward

Get a free e-mail account with Hotmail. [Sign-up now.](#)

Channa Kuldip

From: Wagner Steve
Sent: 03 November 2010 16:30
To: Channa Kuldip
Subject: Telephone conversation with Cllr Dhillon 26
Attachments: Telephone conversation with Cllr Dhillon 26.doc

Hi Kuldip

FYI

Regards

Steve Wagner TMIET
Manager & Senior Home Improvement Surveyor

Slough Home Improvement Agency
2008 Home Improvement Agency of the Year

Telephone conversation with Cllr Dhillon 26/05/10

I was the last person in the office from our team.

At around 5:30pm I took a call from Councillor Dhillon regarding

He asked me why we had not made further progress with the DFG application. He then proceeded to tell me what my job was and what I should be doing to move the project along. Every time I tried to explain the process he cut me off mid sentence. I was trying to get the point across that I had not been notified that the client had accepted the conditions as stated in my letter to Mr G dated 20/05/10. He raised his voice and told me that he did not understand my grammar. As I understand it grammar refers to the written word and I asked him what part of my grammar he did not understand. However he did not elaborate but kept repeating himself over and over. I asked him to lower his tone and give me a chance to try to make him understand both the current situation and the process, which he ignored. He was not interested and insisted that I process the grant immediately. He went on to say that Manju Dhar was the only nice person in the team. As the manager I found that to be an insult to both me and my team. I told Cllr Dhillon that I was not prepared to discuss the matter with him anymore due to his attitude. I warned him I was putting the phone down and did.

There were 2 other people working at their desks across the gangway from me who I believe did hear my side of the conversation.

Rec'd 9/11/10
from Swagart (Kee)

Date: 25th October 2010

PRIVATE
SECTOR

NOV 2010
HOUSING

Councillor Balwinder Dhillon
67 London Road
Slough
Berkshire
SL3 7RS

Steve Wagner
Home Improvement Agency/Grants Manager
Green & Built Environment
St Martins Place, 51 Bath Rd
Slough
SL1 3UF

Dear Steve

Re: Telephone calls 26th May 17:45pm - 2010

After some considerable reflection I have concluded that I would like to apologise if I caused you any offence or distress. I at no point intended to cause any upset to you or any other members of your team. I acknowledge that I may have approached you in a way which may have caused misunderstanding.

I unreservedly apologise for any of my actions which impacted you in any way. I have agreed to put all queries regarding your department through the Conservative Group Political Officer to prevent any incidents occurring in the future. I hope this is satisfactory to yourself and your colleagues.

Yours sincerely



Councillor Balwinder Dhillon

10 November, 2010

Department:	Law & Corporate Governance
Contact Name:	Kuldip K Channa
Contact No:	01753 875189
FAX:	01753 478642
Email:	kuldip.channa@slough.gov.uk
Our Ref:	KKC/013250
Your Ref:	

Councillor Balwinder S Dhillon,
67 London Road,
Slough,
Berkshire, SL3 7RS

PRIVATE & CONFIDENTIAL

Dear Councillor Dhillon,

Re: Standards Investigation Complaint Reference SBC23 regarding Code of Conduct matter on 26 May 2010

I note from my investigation file that I have not had a response to my letter of 21 October. I would be grateful if you can kindly contact me to arrange an interview appointment as soon as possible.

On 9 November, it has also been drawn to my attention that on 8 November you tried to contact Mr Wagner by telephone. Furthermore on the same day, Mr Wagner provided me with a copy of a letter of apology which he had received from you. The letter is dated 25 October and it was received in the Private Sector Housing Team on 5 November. The letter was not marked private and confidential and was opened in the ordinary course of business and given to Mr Wagner.

It is of great concern to me as the appointed Standards Investigator that you have failed to contact me about this matter but you have directly approached Mr Wagner. You have been made fully aware of the investigation and as an elected Member you are familiar with the appropriate protocol during an investigation. Any communication from you to a witness or Complainant should in the first instance be referred to the Standards Investigator. This is as much for your protection as it is for the witness or Complainant and the preservation of the independence of the evidence. I advise you in the strongest of possible terms that it is not acceptable for you to contact the Complainant directly when you know that an investigation is taking place. Direct contact with witnesses and the Complainant can be interpreted as your attempts to intimidate them or circumvent the

investigation process. Indeed your failure to contact me to date about this matter would force any independent observer to draw that very conclusion! I would strongly advise you not to contact Mr Wagner or any other witness directly about this matter.

You will also be aware that once an investigation has been commenced then even if the Complainant accepts the apology and withdraws the complaint, the matter still needs to be reported to the Standards Assessment Sub-Committee and it is for them to make a decision about the outcome of the complaint.

Mr Wagner is considering your letter of apology and whether he wishes to withdraw his complaint in the light of that letter. I therefore confirm that at present the investigation is ongoing and I would be grateful if you can provide a response to my letter of 21 October. Please provide a response by 4pm on Wednesday 17 November. If I do not hear from you by that date I will assume that you are unwilling to discuss this matter with the Standards Investigator.

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. Please quote the reference on all correspondence.

I look forward to hearing from you.

Yours sincerely,

Kuldip K Channa,
Litigation Solicitor,
On behalf of the Acting Monitoring Officer

Channa Kuldip

From: B Dhillon [balwinderdhillon@hotmail.com]
Sent: 15 November 2010 17:11
To: Channa Kuldip
Subject: FW: SBC23 Written Statement

Date: 15th November 2010

Councillor B Dhillon
67 London Road
Slough
Berkshire
SL3 7RS

Ms Kuldip Chana
Law and Corporate Governance
St Martin's Place
Bath Road
Slough
SL1 3UF

Dear Ms Chana

Re: SBC23 – written statement

In response to your letter dated the 10th November, I apologise for a delay in my response. However I have chosen to make a written statement which you will find below.

On the 26th May 2010 I contacted the Corporate Complaints Officer regarding a casework I was dealing with on behalf of a resident. They had been in the process of applying for a Disabled Facilities Grant through the SBC private sector Housing Team and had experienced difficulty with the number of requests from the department and the length of time it had taken to complete the paperwork (from June 2006 till November 2010 and on-going). Mr G was asked to use a Council contractor who would have charged the family up to £15,000 and a £1,500 handling fees by Private Sector Housing. At the time the family felt this was unreasonable as they wished to use their own contractor.

They provided me with written authority to deal with the case on their behalf to assist them. I then approached SBC Private sector Housing, asking Ms Manju Dhar's office why the family did not have the choice as to whether they could use their own contractor. I was then advised by Ms Dhar that the Council would be happy to consider allowing the family to bring their own contractor, but that they would have to go through the Council's own specification list. In the last 6 years of dealing with Ms Manju Dhar and her office I have always had a satisfactory and professional relationship with any officer I have spoken to.

This specification took some time to prepare given that officers were often un-contactable, not available or on leave, finally they managed to get their specifications by 20th May 2010 (please find email below).

Date: 20/05/10

Department: Green & Built Environment
 Section: Private Sector Housing
 Contact Name: Steve Wagner
 (Contact No: 01753 875262
 (Fax: 01753 474109
 Email: Steve.wagner@slough.gov.uk
 Our Ref: HG 070688/VNE
 Your Ref:
 Postal Address: Private Sector Housing,

Mr

Green & Built Environment,
 Slough Borough Council,
 Ground Floor West, St Martins Place,
 Slough
 51 Bath Road, Slough,
 Berkshire SL1 3UF

Re:

Dear Mr G

I understand that you are now planning to carry out your own building works that will include facilities as recommended by your Occupational Therapist. I can confirm that we be able to offer you grant funding for the cost of the adaptations deemed necessary to meet your needs.

However I would like to advise you that the grant will also be dependant on the works meeting the following conditions:

- The specification will be drawn up by a Slough Home Improvement Surveyor.
- All planning, building control, legal and architects fees are your responsibility.
- No change to the specification whatsoever without consultation with both the surveyor and occupational therapist, and only with their agreement.
- We will require 3 quotations for the work and the winning contractor will have to

demonstrate they have sufficient skills and insurance cover for these types of work.

- **Funding will be for works in direct respect of the adaptations and installation of necessary equipment only, and will only be passed for payment following inspection by the surveyor and occupational therapist.**

If you require further clarity please call me on the number above.

Yours sincerely,

Steve Wagner TMIET

Grants/Renewals Manager

Since then, the family was asked to provide three estimates and the Council would select one of these estimates. They were quite willing to engage in the process, I was merely chasing up the case. On the 26th May 2010 I received a telephone call from Mr Steve Wagner Grants Manager at around 1740hrs to say that he need confirmation from the family that they agree with their terms and I try to explain to him that your letter dated 20th May 2010 does not suggest or indicate that you are looking to hear from them for any acceptance at all.

I provided this confirmation on behalf of the family as I was given permission to act on their behalf quite clearly. However Mr Wager and I disagreed regarding this. I felt disappointed that the department seemed to be inefficient in dealing with residents given that those applying for these grants are vulnerable members of our community and are entitled to whatever help we can give them. Hence we should do our best as a council to smooth their path.

I felt at the time that officers were being uncompromising and slightly un-empathetic to the family concerned given the almost 5 year wait they have had to endure. I felt the process should have been simpler and less complicated as it seemed to have held the family back from completing essential works. I felt that officers were not necessarily being clear with residents. I have pasted in a portion of an email I sent to Denise Alder on the 1st July 2010.

From: balwinderhillon@hotmail.com
To: denise.alder@slough.gov.uk
Subject: FW:
Date: Thu, 1 Jul 2010 06:07:55 +0000

Dear Ms Alder,

Thank you for your email.

I would like to respond to point 4 of your email (highlighted below):

"My complaint about Mr Steve Wagner's behaviour has been investigated. Mr Wagner's recall of the conversation is that I did not give him an opportunity to explain or respond to my questions as I was constantly talking over him."

s is not true. I was simply requesting to Mr Wagner that the e-mail sent out by him on 20 May 2010 to Mr said that "the specification will be drawn up by a Slough Home Improvement Surveyor" (please see the email below).

Date:	20/05/10	Department:	Green & Built Environment
		Section:	Private Sector Housing
		Contact Name:	Steve Wagner
		(Contact No:	01753 875262
		(Fax:	01753 474109
		Email:	Steve.wagner@slough.gov.uk
		Our Ref:	HG 070688/VNE
		Your Ref:	
		Postal Address:	Private Sector Housing, Green & Built Environment, Slough Borough Council,

Mr

Slough

Ground Floor West, St Martins Place,
51 Bath Road, Slough,
Berkshire SL1 3UF

Re:

Dear Mr G

I understand that you are now planning to carry out your own building works that will include facilities as recommended by your Occupational Therapist. I can confirm that we be able to offer you grant funding for the cost of the adaptations deemed necessary to meet your needs.

However I would like to advise you that the grant will also be dependant on the works meeting the following conditions:

- The specification will be drawn up by a Slough Home Improvement Surveyor.
- All planning, building control, legal and architects fees are your responsibility.
- No change to the specification whatsoever without consultation with both the surveyor and occupational therapist, and only with their agreement.
- We will require 3 quotations for the work and the winning contractor will have to demonstrate they have sufficient skills and insurance cover for these types of work.
- Funding will be for works in direct respect of the adaptations and installation of necessary equipment only, and will only be passed for payment following inspection by the surveyor and occupational therapist.

If you require further clarity please call me on the number above.

Yours sincerely,

Steve Wagner TMIET
Grants/Renewals Manager

these specification will be sent out to Mr _____ Mr Steve Wagner was telling me that without any written confirmation to that point from Mr _____ and he is not prepared to send out any specifications at all. simply advising him that there was no mention in his email that they need to confirm that they want to proceed and I advise him that I can confirm on behalf of Mr _____ that they are happy to proceed and awaiting to see your specifications list and please send your specification list as soon as possible, as the Mr _____ and family have been waiting nearly 4 years. ed him that I can confirm on behalf of Mr _____ family that they have agreed to your suggested specification, but without the specification they cannot obtain an estimate. I also advised Mr Wagner that I already spoken to another senior manager (Ms Manju Dhar - who is very polite and helpful) and he hung up the telephone. I was surprised that Mr Wagner hung up. I would like to reiterate that I was not speaking over him.

Point 4 on your email continued...

"He therefore warned you that if you continued that he would put the telephone down. This he then did and raised the matter formally with Mrs Dhar."

tried to speak with Mrs Dhar again to clarify to the effect and she agreed with me to confirm that if I can put that in writing to her department then that should be enough.

"I also understand that you have contacted the office numerous times and have spoken to a number of staff reporting the same issues. Whilst I can understand your frustration, this is not helpful and it is important that you allow Officers time to answer your queries."

With regards to allowing officers time to answer queries, please note that Mr G has been waiting for the grant since June 2006 (this has taken approx 4 years so far).

"I am sorry that you found the behaviour of any staff member offensive, distressing and intimidating but this was not the intention."

"As you will be aware Mr G has now been sent the specification of works and I look forward to receiving the estimates for the works as outlined in the letter to Mr ."

Mr G informed me today that he is still awaiting the specification and has not received as of yet.

"It would be also be helpful and cause less confusion for the Officers if you could clarify with Mr Grewal if he still wishes for you to act as his agent or to deal with the Council directly."

As far as I am concerned, Mr G has requested me to deal with this matter on his behalf. Your department still asks him to re-confirm again and again that I am dealing with this matter on his behalf. At this point, I have no issue whether the Council deal with Mr G directly or via myself. I will be asking Ms Charanjit Heer (our political officer) to handle the matter while my complaint is being investigated.

I am very disappointed from your findings and it will not be very helpful in our current credit crunch climate when there are some officers, who are trying to waste unnecessary time for the SB Council's resources and disable and vulnerable members of our communities who needs our help

I have brought it for your attention and it is your department and I am happy to leave it in your capable hands, whether to accept my version of events or to your employee Mr Steve Wagner and I am also very concerned amount of time we have spent on this case work from June 2006 until now

Thank you.

Kind regards,

Clr Balwinder Dhillon Upton Ward SB Council

I have also added below my original email to Finbar McSweeney

From: B Dhillon [mailto:balwinderdhillon@hotmail.com]

Sent: 26 May 2010 19:14

To: McSweeney Finbar; choudhry; Charanjit Heer2

Subject:

26th May 2010

**Mr Finbar McSweeney
Corporate Complaint Department
Chief Executive
Slough Borough Council
Bath Road Slough**

Ref;

Dear Finbar

As you may know that I have been approached by Mr [redacted] to chase the Private Sector Housing for their DFG and they have been going through the nightmare from the last two years and still no where near to any end at all.

Last week on 25th May 2010 I have spoken to Ms Manju Dhar the manager from Private sector Housing about the progress and I have been advised by Ms Manju Dhar that her office will advise the family concerned about the specification will be drawn up by a Slough Home Improvement Surveyor and they will require 3 quotations for the work and the winning contractor will have to demonstrate they have sufficient skills and insurance cover for these types of work.

I also have got a copy of letter sent on 20th May 2010 to Mr [redacted] and the family is still waiting for a specification from them and can't get their drawing amended and can't get any estimate done accordingly

Today 26th May 2010 I received a telephone call from Mr Steve Wagner Grants Manager at around 1740hrs to say that he need confirmation from the G [redacted] family that they agree with their terms and I try to explain to him that your letter dated 20th May 2010 does not suggest or indicate that you are looking to hear from them for any acceptance at all.

I have requested him (Mr Steve Wagner to go ahead and send them your specification and all your requirements need for Disable Facilities Grants etc, so that family can get their drawing amended accordingly and can ask any builder of their own choice to provide them estimate for the required work to satisfy the Private Sector Housing's surveyors as per their specification

I further explained to him that I have spoken to one of your lady called Ms Manju Dhar who is very nice and pleasant lady to deal with all the time and I never had any difficulty with Ms Manju Dhar within last several years I have dealt with her.

Mr Steve Wagner found this to be very offensive and he was shouting and screaming at me and put his telephone down.

I personally found this very offensive, distressing and intimidating attitude behaviour from Mr Steve Wagner manager who is dealing with very vonurable members of our communities who are desperately waiting for our assistance for Disabled Facilicities Grants

I hope you can help me to understand their letter sent out on 20th May 2010 which I will be sending you as well

Thank you and kind regards

BS Dhillon Upton Ward

I believe there is a genuine problem in the way that SBC processes grants, I do believe the system to be inadequate but I do not blame individual officers for what is essentially a problem with process.

I am very disappointed this complaint was made by the Officer given that the residents have had to wait so long and have been asked to fill in never ending reams of paperwork. I would expect that the process would have been much faster if the department had requested all the paperwork in one go rather than drip feeding requests which added to the confusion and the burden on the family.

I am very disappointed, I feel that I and the family have been let down by Slough Borough Council. The family themselves feel like they have been fobbed off by the Council and I feel that there were barriers to completing this casework successfully which were beyond my control and I felt that officers were not as helpful as they could have been.

Kind regards,

Cllr Balwinder Dhillon

Channa Kuldip

From: Ford Keith

Sent: 19 November 2010 15:33

To: Channa Kuldip

Kuldip

Steve Wagner has asked me to e-mail you to confirm that he wishes to proceed with the complaint

Regards

Mr K Ford

Housing Standards Manager

Private Sector Housing
Slough Borough Council

Town Hall

Bath Road

Slough

Berkshire

SL1 3UQ

Direct Line: 01753 875263

This page is intentionally left blank

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.

This page is intentionally left blank

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.**

This page is intentionally left blank