

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

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

Mr Fred Ashmore and Mr Alan Sunderland

Elected Members:-

Councillors M S Mann and Minhas

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

Apologies for Absence: Mr Field

PART 1

12. Chair of Meeting

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

(Mr Ashmore in the chair)

13. Declarations of Interest

None were received.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair

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