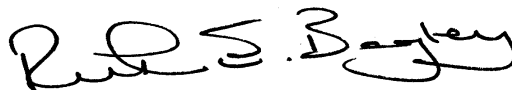


Date of issue: 17TH February, 2012

MEETING	STANDARDS (DETERMINATION) SUB-COMMITTEE
	CO-OPTED/INDEPENDENT MEMBERS Mr Field (Chair), Mr Ashmore and Mr Sunderland
	ELECTED MEMBERS:- Councillors M S Mann and Minhas
DATE AND TIME:	TUESDAY, 28TH FEBRUARY, 2012 AT 6.30 PM
VENUE:	SAPPHIRE SUITE 5, THE CENTRE, FARNHAM ROAD, SLOUGH
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	SHABANA KAUSER 01753 875013

NOTICE OF MEETING

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



RUTH BAGLEY
Chief Executive

AGENDA

PART 1

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
	Apologies for absence.		
1.	Declarations of Interest		

AGENDA
ITEM

REPORT TITLE

PAGE

WARD

(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 13th December 2011 | 1 - 2 | |
| 3. | Alleged Breach of Local Code of Conduct - Councillor Sohal (SBC 2010/21) | 3 - 70 | All |

Press and Public

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

Standards (Determination) Sub-Committee – Meeting held on Tuesday, 13th December, 2011.

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

Mr Mike Field (Chair), Mr Fred Ashmore and Mr Alan Sunderland

Elected Members:-

Councillor Basharat

Also present:- Councillor S Chaudhry (Subject Member), Kevin Gordon (Investigating Officer), Catherine Meek (Administrator) and Amardip Healy (Deputy Monitoring Officer).

Apologies for Absence: Councillor Coad

PART I

9. Declarations of Interest

None.

10. Minutes of the Meeting of the Sub-Committee held on 18th April 2011

The Minutes of the Sub-Committee meeting held on 18th April 2011 were approved as a correct record.

11. Alleged Breach of Local Code of Conduct - Councillors S Chaudhry, P Choudhry, S Dhaliwal, Rasib and Sohal (SBC 27/2011)

The Sub-Committee met to determine an allegation made by former Councillor MacIsaac that Councillors S Chaudhry, P Choudhry, S Dhaliwal, Rasib and Sohal failed to comply with the Local Code of Conduct for members. The complaint had been referred for investigation by the Standards (Assessment) Sub-Committee on the 28th March 2011.

In accordance with the arrangement agreed by the Standards Committee the Monitoring Officer had delegated the conduct of the investigation to Graham White (Interim Head of Legal Services) i.e. the Investigation Officer. Since conducting the investigation Mr White had left the Authority and Mr Kevin Gordon attended the hearing on behalf of the investigating 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 the hearing and all parties confirmed that they were aware of it. The Investigation Officer, Councillor Chaudhry and the Deputy Monitoring Officer agreed that there were no grounds for the Exclusion of the Press and Public from the meeting. The Chair placed on record the Sub-Committee's disappointment that Councillor S Dhaliwal, one of the subject members, had not given her apologies for the meeting.

Standards (Determination) Sub-Committee - 13.12.11

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 were that the subject members were pre-determined at a meeting of the Licensing Committee on 23rd February 2011, when they voted, against officer advice, referring for consultation the proposed amendments to the Council's policy on convictions and cautions used when determining the grant renewal suspension or revocation of hackney carriage or private hire drivers or operation licences and that this constituted a breach of paragraph 5 of the Local Code of Conduct bringing "an Office or Authority into disrepute".

Mr Gordon, on behalf of the Investigating Officer, presented the report and all parties were given an opportunity to ask questions for clarification. Mr Gordon indicated that he did not wish to call any witnesses. Mr Chaudhry, on behalf of the subject members, presented his case. The Sub-Committee members and the Investigating Officer were given the opportunity to ask questions to clarify the evidence submitted.

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 reconvening the hearing the Chair advised that, having carefully considered all the information available, the Sub-Committee had concluded that there was no clear evidence that the decision makers (subject members) were pre-determined and had closed minds when they voted at the Licensing Committee on the 23rd of February 2011. The Sub-Committee found that the subject members had not breached paragraph 5 of the Local Code of Conduct.

The Sub-Committee also recommended that reports to Committee should contain clear recommendations for action and that members should take, and act on, officer advice in all but exceptional circumstances.

Councillor Chaudhry indicated that he did wish the decision of the Sub Committee to be published in the local press.

Resolved –

- (1) That No further action be taken with regard to the complaint.
- (2) That officers take action to ensure the Sub-Committee's concerns with regard to clarity of reports and acceptance of officer advice are actioned.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.15 pm)

SLOUGH BOROUGH COUNCIL

REPORT TO: Standards (Determination) Sub Committee **DATE:** 28th February 2012

CONTACT OFFICER: Shabana Kauser
(For all Enquiries) Senior Democratic Services Officer (01753) 875013

WARDS: N/A

PART I
FOR DECISION

ALLEGED BREACH OF LOCAL CODE OF CONDUCT – COUNCILLOR P SOHAL

1. **Purpose of Report**

The purpose of this report is to submit for consideration the Council's Investigating Officer's report on the results of her investigation into a complaint that Councillor Sohal failed to comply with the Local Code of Conduct for Members (**Appendix A**).

2. **Recommendation/Action Required**

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

3. **Community Strategy Priorities**

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

4. **Other Implications**

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

5. Background Information

- 5.1 On 28th March 2011 the Standards (Assessment) Sub-Committee referred to the Council's Monitoring Officer for investigation a complaint that Councillor Sohal 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, Principal Litigation Solicitor i.e. the Investigating Officer.
- 5.2 The complaint has been made by former Councillor Maclsaac. The general summary of the complaint is that on 1st June 2010, following a Licensing training session Councillor Sohal "*waved a laminated card and shoved it in his face* (DM, the complainant's)" with words to the effect that, "*people who call others traitor are ubiquitous half wit bastards*".
- 5.3 To assist the hearing process the Subject Member was asked to complete and return the following pre-hearing forms and the completed forms are attached as **Appendix B**:

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:

<u>Appendix</u>	<u>Document</u>
Appendix A	Investigating Officer's Report
Appendix B	Completed Pre-hearing forms and other documents submitted by Councillor Sohal
Appendix B (1)	Mr Maclsaac's response to Investigating Officer's Final Report
Appendix C	Procedure for the hearing
Appendix D	Standards Board advice on admission of press and public
Appendix E	Categories of "exempt information"
Appendix F	Sanctions available to the Sub-Committee

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

6. Conclusion

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

FINAL REPORT

Case Reference: SBC2010/21

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

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

**APPOINTED AS INVESTIGATION OFFICER, BY KEVIN
GORDON, THE MONITORING OFFICER, INTO AN
ALLEGATION CONCERNING COUNCILLOR PAUL S.
SOHAL.**

DATE: 1st February 2012

Introduction

- 1.1 A complaint dated 2nd June 2010 was made by former Cllr David McIsaac, the complainant, (referred to as "DM") against a Slough Borough Council ("the Council") Member, Cllr Paul Sohal (referred to as "PS") alleging a breach of the Council's Code of Conduct for its members (Document 1). The complainant ceased being a Councillor of this Local Authority in May 2011.
- 1.2 The complaint alleges that on 1st June 2010, following a Licensing training session PS "*waved a laminated card and shoved it in his face* (DM, the complainant's)" with words to the effect that, "*people who call others traitor are ubiquitous half wit bastards*". (Doc.1.par4.)
- 1.3 The matter was referred to the Council's Standards Sub Committee for assessment.
- 1.4 The Sub Committee met on the 13th July 2010 and issued a Decision Notice, dated 22nd July 2011. The summary of the complaint is at Document 2. The Decision Notice is at 2a.
- 1.5 The Sub Committee decided that in relation to the allegation, the matter should be referred to the Monitoring Officer for other action, namely for the Monitoring Officer to speak to the Members concerned and to notify their respective Group Leaders about the outcome of her discussions.
- 1.6 By email dated 28th July 2010, DM requested a Review of the decision of the Standards (Assessment) Sub- Committee. His reasons for the Review were set out in his email (Document 3). In summary, the reasons being that:
 - a) he had already rejected the involvement of Group Leaders as he did not believe PS's Group Leader would reprimand him;
 - b) PS had made other remarks and had indicated he would continue to do so;
 - c) PS directed personal abuse at him;
 - d) he accepted that the relationship between PS and him may continue to be bitter but as an elected member PS should comply with the Local Code of Conduct ("the Code") and treat others with civility;
 - e) that unless action was taken PS will continue to believe his behaviour was acceptable;
 - f) that in the past the Standards (Assessment) Sub- Committee has agreed to investigate rude behaviour between Members.
- 1.7 On 8th September 2010, the Standards (Review) Sub Committee, considered the matter and referred the complaint for investigation. The Sub-Committee also particularised the breaches of the Code and 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)
- 1.8 The summary of complaint is contained within the Decision Notice. The Decision Notice of the Review Sub Committee dated 18th September is at Document 4.

2. The Process

- 2.1 As part of my investigation I conducted a face to face interview with the following:-
- (a) The Complainant DM – interview statement dated 2nd February 2011 and amended on 25th January 2012, (Document 5).
 - (b) Former elected Member Balwinder S Dhillon (BD) – interview statement dated 11th July 2011 (Document 6)
 - (c) Councillor Mohammad Rasib (MR) – interview statement dated 6th July 2011 (Document 7)
 - (d) Councillor Roger Davis (RD)– interview statement dated 13th October 2011 (Document 8)
 - (e) The Subject Member PS – the first interview took place on 14th October 2011. There were several meetings and the final interview statement is dated 19th December 2011 (Document 9) . PS provided me with a number of documents during his first interview: It is agreed that the only relevant document is the copy of the laminated sheet referring to the “TRAITOR” message. This is at Document 9a.
- 2.2 I also contacted various other SBC Members and Officers, their details and responses are noted below:
- a) Councillor Julia Long – she was not aware of this incident and unable to recall any details about this training session.
 - b) Councillor Sukhjit K Dhaliwal – who initially indicated she would be interviewed but then advised me that she was unable to recall any details about this incident.
 - c) Michael Sims, Licensing Manager and various Licensing Officers – however I was advised that none were aware of any details about this incident.
 - d) Various Legal Officers – I was not able to establish who had been present at the training session. It is possible that no Legal Officer was present as it was a Member Training session or the person attending the session may have left SBC in the re-organisational changes.
 - e) Committee Services Clerk - was not present as this was a training session.
- 2.3 The Draft Report was issued on 21st December 2011. It was sent to the MD and PS on 23rd December 2011. Comments were received from both DM and PS. A copy of the email dated 23rd December 2011 with the comments from DM is at document 10.
- 2.4 In view of one particular disputed fact by DM regarding his actions at the May 2010 election count, I sought further clarification from RD, one of the witnesses in the investigation. RD's email response is dated 25th January and it is at document 8a.
- 2.5 At the request of PS a further meeting was held with PS on 13th January 2012. A copy of the email dated 19th January 2012 with comments from PS is at document 11.

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 one appears relevant to the complaint in question. These are:-

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 PS was first elected to the Council on 1st May 1997 and signed his declaration of acceptance of office on 5th May 1997. His term of office ended in May 1999. He was re-elected on 6th May 2010 and made his declaration of acceptance of office on 12th May 2010.
- 3.4 PS has attended the following training sessions on the Code: 12th May 2010 - Local Code of Conduct and Appointment to Outside Bodies
- 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 bullying and treating others with respect.
- 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 When conducting this investigation, I have had regard to my obligations under the Data Protection Act 1998 and also to the Human Rights Act 1998.
- 3.9 I have also had regard to the guidance issued by the Standards Board for England's on both the interpretation of the Code of Code and on how to conduct an investigation.
- 3.10 I believe I have considered the complaint in a fair and objective manner. My report sets out the reasoning for the finding I have reached. I have conducted the investigation proportionately.

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

- 4.1. PS was aware of being called a traitor, although in his evidence he states he did not know who was saying this about him. He states that he did not know it was DM nor was he told by anyone that it was DM, *“No one told me that Mr Maclsaac had been calling me a traitor.”* (Doc.9 page 2 para 6). Further at para 13, *“I refute anyone who suggests that I was of the opinion that the person who had called me a Traitor was Mr Maclsaac.”*
- 4.2. PS does not accept that, *“anything happened”* with him at the training session on 25th May 2010 (Doc.9 page1 para3). Although he clearly states at paragraph 12, *“I had this card on me at every meeting in those days...”*.
- 4.3. PS does accept that he had a laminated card with him at the training session on 1st June 2010; Doc.9 page 1 par4, *“I had a piece of card at the meeting.”*
- 4.4. PS has provided a copy of the laminated card which he states he had with him at the training session. The words on the card being, *“For a Good Cause In the Name of His Almighty God Don't Mind If You Are Called a TRAITOR by Unscrupulous, Sick Minded and Low Life Creatures”* (Doc.9, page1, para 4)
- 4.5. PS accepts that he had a laminated card on the table in front of him during the session on 1st June 2010.
- 4.6. PS does not accept that the words recalled by DM were the words on the laminated card. PS does not accept the word *“Bastards”* *“half wit”* or *“ubiquitous”* were on the card.
- 4.7. PS accepts that he may have picked it up when he was sorting his papers. He *“may have occasionally turned it around and lifted in slightly”*, page1 para 5.
- 4.8. PS does not accept that he waved it at anyone or showed it to anyone. He states that if, *“I had it on the table so that anyone who wanted to could read it”* (Doc.9 page3 para13). It is also needs to be noted that BD in his evidence states that he did see the card and the word *“Traitor”* on it, Doc6, p1, para4.
- 4.9. Further RD states at Doc.8, page 1, par1, of his statement that, *“I know he flashed the card to show others”*. BD also states at Doc6,page1, para4, *“Councillor Sohal held the sign up on the table, with the words facing towards Mr Mclsaac (ex Councillor).”*

- 4.10. PS does not accept that the card was directed at DM, *"I did not direct this at Mr Maclsaac. I had this card on me at every meeting in those days, including meetings that he did not attend. As far as I am concerned I don't have any feeling against him."* (Doc.9, page2 para12)
- 4.11. PS states that the words on the laminated card were a general comment, and describes it as a political statement, *"I wanted to convey a message back to these people who had been calling me names, by winning the election with a massive majority."* (Doc.9, page3 para 11)
- 4.12. Other Members at the training session were aware of the laminated card and believed it was directed at DM; RD is aware it is directed at DM and so is BD.
- 4.13. Other Members were amused by the incident. RD states at Doc8, page 2, para 4 that, *"I was aware that a number of Members did have a laugh over what was written on the laminated card"*. And further he states, *"I don't think it was done in spite, but rather as a joke"*.
- 4.14. From the list of elected Members at the Licensing Training session, I note DM was the only Member present from the Independent Group. He was the only Member at whom this message could have been directed as clearly other Members are noted in the evidence as simply being amused by it.

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

I find that on balance of the evidence that PS did not treat DM with respect for the reasons set out below:

- (a) PS was attending the training session in an official capacity as an elected Member and as such the Code applies to his behaviour at that training session,
- (b) The training session was a neutral meeting and not a political forum,
- (c) PS attended the training session with a prepared laminated card and by his own admission at Doc.9, page 3 par13, *"I had it on the table so that anyone who wanted to could read it. I do not deny it was on top of my papers"*.
- (d) the words written on it relate to the use of the word "Traitor". PS accepts that he is aware someone called him a Traitor.
- (e) PS's explanation that this was a political statement is difficult to accept as it does not refer to any political matters,
- (f) The words, in particular "Unscrupulous, Sick Minded and Low Life Creatures" are insulting,
- (g) Others were aware the laminated card was directed at DM,
- (h) PS's explanation that the laminated card was not directed at DM is difficult to accept since RD is aware that it relates to DM and therefore it could not apply to any of the other elected Members at the meeting;
- (i) The words of PS seem very clear that he was not directing this card at DM nor that he bore any ill will towards DM, however from the evidence including evidence from the statement of PS, his actions paint a very different picture. He appears to convey a genuine belief in his actions relating to the laminated card being a political message and not directed at anyone. It is possible that PS is not aware of his actions or the impact of them on DM or others. It may be a situation where PS

has allowed the enthusiasm of his election victory carry him away and he has not fully reflected upon the consequences of his actions and his duty towards other elected Members once he himself has become an elected Member.

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

- 5.1 The issue here being: Could PS's conduct amount to bullying of DM?
- 5.2 Other members were aware of the laminated card and believed it was directed at DM.
- 5.3 Other Members found the situation amusing. This would be humiliating for a person, but it is apparent that other Members knew of the personal history between PS and DM and this is what they may have found amusing rather than the card or the words upon it. There is not much evidence that any of the other Members saw precisely the words on the card.
- 5.4 DM's view is that this was a repetitive act by PS; there is no independent evidence of this type of incident occurring at other times.
- 5.5 DM does state that he believed that PS's behaviour was bullying, (Doc.5, page 2 par7. It is clear that DM found the words, "*threatening and abusive*" (Doc.5, page 2 par5).

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

I find that on balance of the evidence that PS did not bully DM for the reasons set out below:

- 5.6 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.
- 5.7 It is possible that an incident of this type scratches at the surface of becoming a bullying situation.
- 5.8 I am inclined to accept that PS was reacting to the fact that he had noted he had been called a traitor. He did not believe himself to be traitor. Whilst acknowledging PS's explanation that he did not know who had called him a traitor it is difficult to accept that other Members did not mention the name of the person referring to PS as a traitor. Indeed at the election count the evidence of RD states DM held up a sign with the word on it so it was very public who was saying this about PS. It is only natural that there will be a flow of such information between individuals. Indeed it is quite apparent from PS's own statement and the witnesses that other Members certainly knew of the political fallout between PS and DM including the use of the word traitor by DM.
- 5.9 I think that had PS continued with his laminated card approach to DM in the longer term then it could most certainly be regarded as bullying.

6 Comments from both Complainant and Sub Member on the Draft Report:

As referred to above in paragraph 2.3 comments were received from both DM and PS. For ease of reference the comments are reproduced in the table below with any additional information/observations on those comments:

6.1

	DM's comments	Investigating Officer's information/views on the comments
1	<i>I am alleged to have been seen walking around with a piece of paper saying Traitor at the Election Count and this Councillor Sohal justifies for retaliation. I utterly refute this lie and this seems to be a smear campaign to undermine my complaint. I have never done this or would ever consider doing so although I admit I was unhappy to see Councillor Sohal win.</i>	In view of this comment by DM and having reviewed the statement of RD I felt obliged to clarify RD's evidence on the point because it was unclear if he had witnessed this incident himself or he if he simply heard about it from someone else. RD has further confirmed by email dated 25 January 2012 that he witnessed this incident himself. (Document 8a). I cannot comment any further on this matter other than to indicate that there is a dispute as to the facts on this point.
2	<i>I have read Councillor Rasib statement with interest as I have no recollection of any conversation where I called Councillor Sohal traitor with him although I did indicate we were no longer friends to Councillor Rasib and Labour were welcome to have him back. As they are both in the same group and it seems part of a similar comment from Councillor Sohal I suspect some collusion between the 2 to support Councilor Sohal. I would also point out that Councillor Rasib has been the subject of complaints by myself as well so is motivated to undermine my complaint</i>	I note this comment but the evidence of MR is that he had a conversation with DM. I cannot comment any further other than to indicate that there is a dispute as to the facts on this point. It is not appropriate for the Investigation Officer to comment on the motivation of MR. He has provided a witness statement. It also needs to be noted that at par6 of his statement MR states that: <i>"I have nothing against both of them. They are both human beings. What I have said is the truth as I remember it".</i>
3	<i>The first incident was on 25th May Training session Councillor Sohal had it hidden under his papers and not on open view as he stated. As I got up and passed by him he deliberately flashed the card at me. That is when I told him not to be childish. If he had stopped them I would have let it go but he did it again in June session and indicated he would continue to do so- which is why I feel personally it does come under second category of bullying. It was only when I put the complaint in that his behaviour stopped.</i>	I have reconsidered the details of the complaint. The incident referred for investigation was the one which occurred on 1 June 2010. Whilst DM makes reference in his email dated 2 June 2010, to the incident of the 25 May 2010, it appears to me to be supportive evidence about his complaint on 1 June 2010. The remit of this Investigation was to investigate the incident of 1 June 2010. I am unable to consider matters beyond this framework.
4	<i>I accept that the card you have seen does</i>	I note this point and I have already

	<p><i>not have the word bastard in it. I thought for sure it did- or it may have been something he said with it but at this point of time I can not fully recall although the words he has shown the officer are clearly intended to provoke me. It is also possible he changed the card but I cant totally be sure of that.</i></p> <p><i>It was however not on open show as he says and his whole manner with grinning and then covering up confirms this He also did refuse to let me look closely at card and pulled it away while laughing at me.</i></p>	<p>observed at paragraph 7.3. that it may or may not be the same card as no copy was taken of it on the 1 June 2010.</p> <p>Furthermore whether the card was on open display or not is a disputed fact between DM and PS.</p>
5	<p><i>The only thing I can agree on is that is bad it has taken so long for this to be dealt with-.I hope this is not a delay to wait for the changes to Standard hearings I only became aware of at last hearing.</i></p>	<p>I have already referred to the delay in this matter in paragraph 8 of this report. The reason suggested by DM has no bearing on the delay.</p>

6.2

	PS comments	Investigation information/views on the comments	Officer's
1	<p><i>The documents that I produced at my 1st interview are not relevant to my witness statement signed on 19 December 2011. Therefore I would like to request you to remove this list from the report except viii) Copy of laminated sheet referring to "TRAITOR" message.</i></p>	<p>This point is noted. Reference to all other documents has been removed from this Report. The document viii) is referred to as Document 9a.</p>	
2	<p><i>On 19 December 2011 I was advised by Mr Kevin Gordon (Monitoring Officer) to restrict my statement to 1st June 2010 and do not mention anything that has been going on between Mr David Maclsaac and myself. On Mr Gordon's advice I altered my original witness statement. In your draft report I find DM's witness statement high lighting the points that had been going on between us before. Therefore, I have concerns about paragraph 1 to 4 of DM's statement. His witness statement needs to be re-recorded as per Mr Gordon's advice.</i></p>	<p>Following the meeting with PS on 13th January 2012, I contacted DM via telephone and email and asked him to reconsider paragraphs 1 to 4 in his statement. He did this and his amended statement is dated 25th January 2012.</p>	
3	<p><i>Document 6, Ex Councillor Dhillon's witness statement. I would like to inform you that on 6 May 2011 at the counting of votes at The Centre, Farnham Road Slough, after the result of Upton ward was declared, Mr Dhillon started arguing with me and threatened me that he is going to make a statement against me to the Standards. He was abusive and seems to be under the influence of alcohol at that time. He was</i></p>	<p>The parties have an obligation to point out any discrepancies about facts to me and more particularly at the Draft Report stage. BD has provided a witness statement. I have noted PS's comments. It is not appropriate for the Investigation Officer to comment on the motivation of a witness.</p>	

	<i>thrown out of the hall by the security officer. Therefore his statement against me is originated out of personal grudges and also there are some discrepancies in his statement. I will point these out at the Standards's Sub Committee meeting.</i>		
4	<i>Document 8, Councillor Roger Davies's witness statement. In paragraph 2 Cllr Davies states "Councillor Maclsaac had been seen at this election count walking around with a piece of A4 paper with the word 'traitor' on it. I am surprised to note this and will be bringing it out at the Standard's sub committee meeting.</i>	This is noted. It is a comment on the evidence and there is no further information I can add to this point.	
5	<i>Though Cllr Sukhjit Dhaliwal has declined to give witness statement. Therefore, she is not one of the witnesses but I need to speak to her just to confirm with her the seating arrangements. I need your permission to contact her in this regard.</i>	SD was provided with an opportunity to provide evidence in this investigation. SD initially indicated she would be interviewed but then advised me that she was unable to recall any details about this incident	
6	<i>Once the date of Standards sub committee meeting has been arranged and the final report circulated after that I will inform the Democratic Services about the witnesses I will be bringing with me if I feel there is a need to produce witnesses</i>	I have undertaken interviews with relevant witnesses and conducted this Investigation in a proportionate manner. There is an obligation on all parties to ensure the Investigation Officer is made aware of other witnesses who may have relevant evidence in respect of this Investigation. None have been disclosed to me at any of the interviews with PS.	

6.3 I have reconsidered the evidence in the light of the comments by both DM and PS. I have provided above additional observations or information about their comments. I do not believe that any of the comments by DM or PS have any significant impact on my original conclusions or recommendations.

7. Conclusions and Recommendations

7.1 Overall I have formulated the impression that PS has misjudged the situation and whilst accepting that he had a laminated card, he has sought to distance himself from it with the explanation that it was a political statement and not directed at anyone in particular. There appears to be confusion by PS about what is appropriate to direct at another elected Member when they are both acting in an official capacity and attending a neutral forum such as a training session. There is a particularly aggravating feature about the conduct of PS on 1st June 2012, in that on 12th May 2010, he had attended the training on the Code of Conduct, therefore how to treat others including other elected Members ought to have been still fresh in his mind.

7.2 PS may not have properly reflected upon how his actions appear to others or DM. He still conveys a genuine belief that it was a political message and not directed at anyone. This is difficult to reconcile with witness evidence.

- 7.3 PS has disputed the recollection by DM of the words on the laminated card. PS states they have not been accurately reported by DM. I do not consider this to be a relevant issue in the investigation. It is natural and expected that a brief sight of information may lead to some differences in recollection. All the witnesses including PS and DM agree that the word "traitor" was somewhere on the card. DM may have interpreted the words on the card and/or used his own words to describe what was on the card. DM does state at Doc.5, page2, para 5, "*and words to that effect*". Furthermore no copy of the laminated card was taken on 1st June. It is difficult to assess whether the laminated card is precisely the same one which DM saw on 1st June or whether it could be any number of different cards which PS carries with him.
- 7.4 The evidence points quite clearly to the fact that this is not a political statement and that it could only be directed at one particular person, that is DM. The training session was not a political forum.
- 7.5 On balance the evidence is that PS did "over step the mark", by his behaviour at the training session.
- 7.6 I also make the following observation: Comments relating to DM's motivation in making a complaint is not relevant for the purposes of this Investigation. The remit of this Investigation was to consider the facts of the incident of 1st June and draw conclusions from the evidence and there is no provision to consider the motivation of the complainant, indeed it is positively discouraged to consider such matters in an investigation of this nature. This Investigation can only consider the facts about the conduct of PS on 1st June.
8. I would like to formally record my sincerest apologies to all the parties including the Standards Committee for the delays in submitting the Final Investigation Report. The delay has been due to collation of witness evidence and unavoidable work pressures and organisational restructures.
9. Finally I record my thanks to all parties for the co-operation I have received in investigating this complaint.
10. **In summary I conclude that:-**
- a. PS has breached paragraph 3 of the Code in that he has failed to show respect for DM during the training session on 1 June 2010.
 - b. PS has **not** breached paragraph 3(1)(b) of the Code, during the training session on 1 June 2010

Date: 1st February 2012

**Kuldip K Channa,
(Principal Litigation Solicitor)
Standards Investigation Officer,
For and on behalf of the Monitoring Officer**

LIST OF DOCUMENTS ANNEXED TO REPORT

- 1) Email David Mclsaac (DM) dated 2nd June 2010
- 2) Summary of Complaint dated 13th July 2010
- 2a) Decision Notice dated 22nd July 2010
- 3) Email from David Mclsaac dated 28th July 2010
- 4) Summary and Decision Notice dated 18th September 2010
- 5) Interview Statement of David Mclsaac dated 2nd February 2011 amended 25th January 2012
- 6) Interview statement of Balwinder S Dhillon (BD) dated 11th July 2011
- 6a) Plan of training room layout as drawn by Balwinder S Dhillon on 11th July 2011
- 7) Interview statement Councillor Mohammad Rasib (MR) dated 6th July 2011
- 8) Interview statement Councillor Roger Davis (RD) dated 13th October 2011
- 8a) Email dated 25th January 2012 from Councillor Roger Davis
- 9) Interview statement Councillor Paul S. Sohal (PS) dated 19th December 2011
- 9a) Copy of laminated sheet referring to "TRAITOR" message
- 10) Email dated 23rd December 2011 from David Mclsaac
- 11) Email dated 19th January 2012 from Councillor Paul S Sohal

Licensing Training 25.5.10
Session 1.6.10

From: David MacIsaac [mailto: [REDACTED]]
Sent: 02 June 2010 09:59
To: Meek Catherine
Cc: Cook June
Subject: Standards complaint against Councillor Paul Sohal

Could this be copied to Chair of Standards Committee and the New Standards Monitoring Officer whose name I forget.

To start with there is a history between me and Councillor Sohal. When he was kicked out the Labour Party, he supported the Independents in elections for many years before deciding to re join the Labour Party for personal gain as he told us last year. I did say he betrayed his friends and colleagues by doing this to his face and have no regrets about saying that.

He fought the election and won. I will never like him or trust him again but I will be civil and follow professional behavior now he is an elected Councillor as I do with others I dont like but follow the Code Of Conduct by being professional.

However since becoming a Councillor again Paul Sohal does not seem to want to follow that. At the first Licene Training session we were on together, when it had finished he was waving a laminated card and shoved it under my face. Basically it said people who call others Traitor (underlined) are Ubiquitous half wit bastards or words to that effect and it was clearly intended to provoke me and Deputy Mayor Suki Daliwal was sitting next to him giggling and clearly was in on it.

I told him not to be so childish and left it at that. I would have left it as a one off but he did it again the next week on the 1st June at the second training session and declared his intention to bait me whenever he can. This breaks the Code by showing lack of respect for others and bringing council into disrepute as others saw this and it is not behaviour suitable for Councillors to do once elected.

I dont have a lot of faith in Standards taking action against him but is a legitimate complaint and if nothing else a complaint may deter him from repeating this behaviour. I also hope it may embarrass him with some of his colleagues who may agree with me that this type of behaviour is unacceptable.

Councillor Dhillon is a witness to what the card said and Councillor Long saw the back of the card being waved as I am sure others did at same training session.

SLOUGH BOROUGH COUNCIL

SUMMARY OF COMPLAINT (SBC 2010/21)

1. **Complainant:** Cllr MacIsaac
2. **Subject Matter:** Cllr Sohal
3. **Date(s) of Alleged Breach:** 25th May 2010 and 1st June 2010
4. **Précis of the Complaint:**

The allegation stated in the Complainant's e-mail dated 2nd June 2010 appears to be as follows:

At the end of a Licensing Training Session on 1st June 2010 the Subject Matter was waving a laminated card and shoved it under the Complainant's face. It said people who call others traitor are ubiquitous half-wit "bastards" or words to that effect and it was clearly intended to provoke the Complainant. The Complainant told the Subject Matter not to be so childish and left it at that. On the second training session on 1st June 2010 the Subject Matter did it again and declared his intention to bait the Complainant whenever he can.

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 Borough Council into disrepute).

6. **Supporting Papers**

Complainant's e-mail dated 2nd June 2010.

SLOUGH BOROUGH COUNCIL
STANDARDS (ASSESSMENT) SUB-COMMITTEE

DECISION NOTICE

Reference: 2010/SBC21

1. Complaint

On 13th July 2010 the Standards Assessment Sub-Committee of this Council considered a complaint from Cllr David Maclsaac concerning the alleged conduct of Cllr Paul Sohal, a Member of this Authority.

A general summary of the complaint is set out below:

At the end of a Licensing Training Session on 1st June 2010 Councillor Sohal was waving a laminated card and shoved it under the Complainant's face. It said people who call others traitor are ubiquitous half-wit "bastards" or words to that effect and it was clearly intended to provoke the Complainant. The Complainant told the Subject Member not to be so childish and left it at that. On the second training session on 1st June 2010 the Subject Member did it again and declared his intention to bait the Complainant whenever he can.

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 that no action should be taken on the allegation.

3. Reasons for the Decision

In reaching its decision the Sub-Committee had regard to its Policy Guidance on the Assessment and Review of Complaints and decided not to refer the complaint for investigation but to ask the Acting Borough Secretary and Solicitor as Monitoring Officer to speak to the Members concerned and to notify their respective Leaders of the outcome of her discussions.

This Decision Notice is sent to the person or persons making the allegation and the Member against whom the allegation was made.

4. Right of Review

At the written request of the Complainant, the Standards Committee can review and change a decision not to refer an allegation for investigation or other action. A different Sub-Committee to that involved in the original decision will undertake the review.

We must receive the Complainant's written request within 30 days from the date of this Decision Notice, explaining in detail on what grounds the decision should be reviewed.

If we receive a request for a review, we will deal with it within a maximum of three months of receipt. We will write to all the parties mentioned above, notifying them of the outcome of any such review.

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.

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

Date: 22nd July 2010

APPENDIX B

From: David MacIsaac [mailto:~~XXXXXXXXXXXXXXXXXXXX~~]
Sent: 28 July 2010 11:13
To: Memoli Maria
Cc: Cook June
Subject: Re 2010/SBC 21

Thank you for informing me of Sub-Committee decision. I wish to exercise my right of an appeal for reasons stated below.

1 I note that it was considered that this could be dealt with by discussion by Group Leaders. This was suggested to me before but I rejected it as I did not believe that Councillor Anderson would reprimand his own party member. In fact sources have told me he just laughed and thought it was funny when told which is the reaction I thought would happen.

2. I have other snide remarks made to me by Councillor Sohal at meetings which indicates he will probably continue. I did not go to Mayors Reception because he heard he was planning to make comments to me there and I considered I wouldn't expose my wife to this.

3. There is a principle involved here. While it is acceptable in rough and tumble of politics to have some critical debate and attack, this is personal abuse and a point should be made.

4 I don't expect the bitterness between us to ever change because of the past but now he is an elected Councillor again he has to follow Code of Conduct of Civility in meetings as I have to do with Councillors I don't like

5. It is my belief that unless he receives some form of censure he will continue to believe this behaviour is acceptable. I would point out that other panels have asked for investigations for possible action against Councillor Dhillon for being rude to Councillor Dodds and Councillor O'Connor. While that principle was right there it should not be seen as one rule for Labour members and a different rule for anyone else.

I respectfully request for a review of decision on these grounds.

Document 4

SLOUGH BOROUGH COUNCIL
STANDARDS (REVIEW) SUB-COMMITTEE

DECISION NOTICE

Reference: 2010/SBC21

1. Complaint

The Complainant, Councillor MacIsaac alleged that at the end of a Licensing Training Session on 1st June 2010 Councillor Sohal was waving a laminated card and shoved it under his face. It said people who call others traitor are ubiquitous half-wit "bastards" or words to that effect and it was clearly intended to provoke the Complainant. The Complainant told the Subject Member not to be so childish and left it at that. On the second training session on 1st June 2010 the Subject Member did it again and declared his intention to bait the Complainant whenever he can.

The complaint was considered by the Standards (Assessment) Sub-Committee on 13th July 2010 and it decided not to refer the complaint for investigation but to ask the Acting Borough Secretary and Solicitor as Monitoring Officer to speak to the Members concerned and to notify their respective Leaders of the outcome of her discussions.

Councillor MacIsaac has requested a review of the decision by an email dated 28th July 2010 and a summary of his reasons are as follows:

- (a) That the involvement of the Group Leaders in the matter had been proposed before he had formally submitted his complaint but he had rejected this proposal as he did not believe that Councillor Sohal's Group Leader would reprimand him.
- (b) That Councillor Sohal had made other snide remarks to Councillor MacIsaac at meetings which indicated that he would probably continue to do so.
- (c) That while it was acceptable to have some critical debate and attack in the rough and tumble of politics the abuse directed at him by the Subject Member was personal abuse.
- (d) That, while he accepted that the bitterness between him and the Subject Member was unlikely to change, Councillor Sohal was an elected member and he should abide by the Code of Conduct and treat others with civility.
- (e) That unless action was taken the Subject Member would continue to believe his behaviour was acceptable.

- (f) That the Standards (Assessment) Sub-Committee had agreed investigations of complaints made by other Members regarding the rude behaviour towards them of a fellow Member and it should not be seen that there was one set of rules for certain members and a different set for others.

2. Decision

On 8th September 2010 the Standards (Review) Sub-Committee considered the complaint and decided to refer the allegation to the Monitoring Officer for investigation.

The paragraphs of the Local Code of Conduct which may apply to the alleged conduct are:

- (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. Reasons for the Decision

The Sub-Committee was of the view that the alleged words used by Councillor Sohal to Councillor MacIsaac were totally unacceptable and from Councillor MacIsaac's account of events there was the implication that he was being bullied by the Subject Member.

Signed: 
The Reverend Paul Lipscomb
Chair of the Standards (Review) Sub-Committee

Dated: 18 September 2010

SLOUGH BOROUGH COUNCIL - STANDARDS INVESTIGATION**STATEMENT OF WITNESS**

Amended 25.1.12

STATEMENT OF: ^{former} Councillor David McIsaac

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

POSITION HELD: Elected Member

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

This witness statement is in respect of the Standards Investigation regarding a Code of Conduct matter in the case of Councillor Paul Sohal - Compliant reference SBC21 in relation to an allegation that Councillor Sohal breached the Code of Conduct following a Licensing Committee Training Session on 1 June 2010.

1. In May 2110, Councillor Sohal won the election as a Labour councillor. I was disappointed that he was elected, because of " past difficulties " we had had but ,while we could not be friends, I would treat him with courtesy as an elected Councillor and I expected him to do the same.
2. At the first Licensing Committee Training in May 2010, when the session finished, Councillor Sohal, pushed a laminated card into my face and on it were printed the words, "people who call people traitors, are bastards" and other words to that effect. This was clearly intended to be threatening and abusive to me. I was aware of other Labour councillors sitting next to him who thought this was funny and giggled and in particular I recall Councillor Sukhi Dhaliwal simlling and laughing. I told Councillor Sohal not to be so childish and left it at that. If he had not done it again I would have let the matter drop.
3. At the next Licensing Committee Training on 1st June 2010, at the end of the session he did it again with the same card and stated his intention that he would do it each time he saw me. Again I was aware of other Labour councillors who saw this and were laughing. I was also told by Councillor Dhillon that Councillor Sohal had shown him the card thinking he would join in the joke. Councillor Dhillon told me that he said to Councillor Sohal that this was wrong. Councillor Long said she saw the

back of the card being pushed towards me but did not see what was said on the card.

4. I decided to make a complaint to Standards Committee because even if we dislike each other this is not acceptable behaviour for a Councillor to do to do to another elected Member. I would say the same thing if one of my political group were to behave in this way. In my view once you become an elected councillor there is a proper way to behave towards other elected members even if you don't like them or you are in opposing political groups, and this showed a lack of respect and bullying and disregard for the Code of Conduct. Councillor Sohal had been a councillor previously and so should be fully aware of how he should behave.
5. When I raised this complaint with June Cook, Standards Committee Officer, she suggested that she could bring it up with the Labour Group Leader, Councillor Anderson. However I heard from someone within the Labour Group that Councillor Anderson had heard about this incident and thought it was funny and apparently congratulated Councillor Sohal. Being aware of this I felt I had no alternative but to bring the complaint to the Standards Committee and advised June Cook of this.

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

Signed:

Date: 2/2/2011

Amended: 25 January 2012



STATEMENT OF WITNESS

Document 6

STATEMENT OF: Ex Councillor **DILLON**

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

POSITION HELD: Elected Member

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

This witness statement is in respect of the Standards Investigation regarding a Code of Conduct matter in the case of Councillor Sohal - **Complaint SBC21 regarding Councillor Sohal's breach of the Members' Code of Conduct following a Licensing Training Session on 1st June 2010**

1. I was attending the Licensing Training meeting and when the meeting finished we were all gathered together at the end.
2. I do not know precisely which Committee room it was. A plan has been drawn on an A4 sheet. There were long tables. Councillor Sohal was sitting to the left of me. I think that I was standing at the side of him. Other members were on the opposite side of Councillor Mclsaac and me.
3. I asked Councillor Sohal a question about Mr Mclsaac. The question I think asked was "I thought he was your friend, don't you talk to him?".
4. Councillor Sohal did not reply to me. Councillor Sohal took a sign out of the side pocket of his small black bag. It was a laminated A4 sheet with words written on it. The words were, "TRAITOR". The words were in capital letters. The words were in the middle of the page. This is the only word I saw. I do not know if there were any other words on it. Councillor Sohal held the sign up on the table, with the words facing towards Mr Mclsaac (ex Councillor). Councillor Sohal was showing me the sign as well because it was slightly facing towards me as well. I felt that Councillor Sohal wanted me to see the sign. I may have seen it as he was taking it out his bag.
5. I was horrified at this as I thought that Councillor Sohal was Mr Mclsaac's friend. I was horrified that Councillor Sohal was carrying this laminated sign around with him and how he was treating his friend. I understand that Councillor Sohal is a Magistrate and sits on the local bench here in Slough, Maidehead and Bracknell. As a Councillor and someone in his position should treat others with

respect. I think that this seemed like he was bullying someone. If you show a sign like this to someone I think it is like bullying.

6. Councillor Sohal just showed the laminated sign quickly and put it away.
7. Members were leaving the session and had moved to the front of the room near the Trainers. I cannot remember if there were any other members near me or Councillor Sohal.
8. I cannot remember if I went to see Mr Sims, the Licensing Manager at the end of the session.
9. Mr Mclsaac is a very nice man. I always found him to be nice and polite. If Councillor Sohal had done this to me I may have lost my temper but Mr Mclsaac did not do this. He is a gentleman.
10. I am aware that Councillor Sohal and Mr Mclsaac were friends at one point. I understood that Councillor Sohal had in the past helped Mr Mclsaac when he was standing as an Independent in Wexham ward
11. Councillor Sohal and I have not worked together before and I have no personal problem with him or Mr Mclsaac.

I hereby declare that this a true and accurate record of the interview on 11 July 2011 and this is an agreed record of that interview. There are 2 pages.

I understand that it will form part of the Investigation Report.

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.

Any copy of this Statement is being provided to me solely to confirm the accuracy of the interview and I confirm that 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.

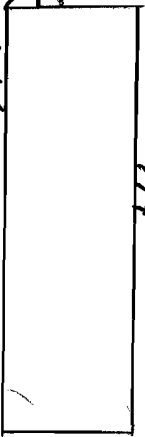
Signed:

Date: 11th July 2011

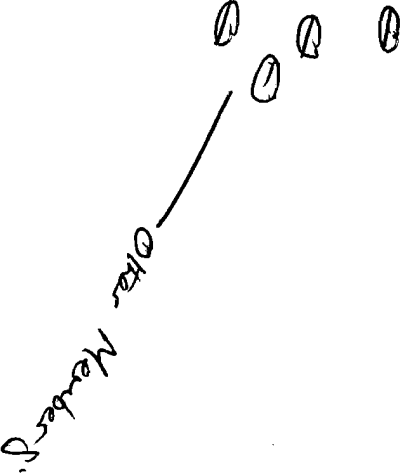
CORPORATION



Mr. Director's Office



possible Mr. Helson
of Mr. Helson



B.S. Whallon
11th July 2011

DOCUMENT 6a



STATEMENT OF WITNESS

Document 7

STATEMENT OF: Councillor Mohammad Rasib

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

POSITION HELD: Elected Member

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

This witness statement is in respect of the Standards Investigation regarding a Code of Conduct matter in the case of Councillor Sohal - **Complaint SBC21 regarding Councillor Sohal's breach of the Members' Code of Conduct following a Licensing Training Session on 1st June 2010**

1. I do not remember Councillor Sohal doing anything alleged in the complaint by Mr Mclsaac. I do not remember seeing Councillor Sohal wave a piece of paper at Mr Mclsaac.
2. It is my belief that Councillor Sohal is a very polite, honest and "soft" person. I do not believe he would have said anything like this to Mr Mclsaac.
3. I know that there is some things between Councillor Sohal and Mr Mclsaac when he was a Councillor himself. I think Councillor Sohal left Mr Mclsaac's group.
4. I remember on one time, Mr Mclsaac and myself were sitting waiting for a licensing meeting of which he was a member and I am also a member. I asked him "how are you?" He said "I'm alright, apart from one traitor". And I said "Who is the traitor?" And he said "You know who I am talking about". I said "Honestly I don't know". And then he said the name, "Paul Sohal". I think this meant that because Paul left Mr Mclsaac's group they regard him as a "traitor". I think this is all in Mr Mclsaac's imagination.
5. I do not believe that even if Councillor Sohal knew Mr Mclsaac said this then he would not say anything bad back to him. I did not tell Councillor Sohal what Mr Mclsaac had said to me. I have not said anything except what I have told the Standards Investigator today in this Statement.

6. I have nothing against both of them. They are both human beings. What I have said is the truth as I remember it.

I hereby declare that this a true and accurate record of the interview on 6 July 2011 and this is an agreed record of that interview. There are 2 pages.

I understand that it will form part of the Investigation Report.

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.

Any copy of this Statement is being provided to me solely to confirm the accuracy of the interview and I confirm that 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: 06/07/11

SLOUGH BOROUGH COUNCIL - STANDARDS INVESTIGATION



STATEMENT OF WITNESS

Document 8

STATEMENT OF: *Councillor ROGER DAVIS*

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

POSITION HELD:

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

This witness statement is in respect of the Standards Investigation regarding a Code of Conduct matter in the case of Councillor Paul Sohal - Compliant reference SBC21 in relation to an allegation that Councillor Sohal breached the Code of Conduct following a Licensing Committee Training Session on 1 June 2010

1. It is difficult for me to record the events fully as it was a long time ago. I do remember Councillor Sohal having a laminated piece of card, however I do not know what was on it. I know that he flashed the card to show others.
2. This would be a week or two after he had won his seat in Wexham. Councillor Sohal left the Labour Party when we became a unitary authority, after which he assisted the Independent candidates. He re-joined the Labour party and won this seat in May 2010. Councillor Maclsaac had been seen at this election count walking around with a piece of A4 paper with the word 'traitor' on it. I am unaware of any incident that occurred with Councillor Sohal and Maclsaac but was told of the conflict via someone else (who I can not recall).
3. This particular incident would have occurred approximately the first time we had all been together since the election. On this particular day we all attended for training and it was here that Councillor Sohal had the piece of laminated card we are speaking about.

4. I was aware that a number of Members did have a laugh over what was written on the laminated card. I agree that this behaviour should have been forgotten, I don't think it was done in spite, but rather as a joke. I do agree that another Member may be feel ridiculed as a result of this behaviour.
5. Councillor MacIsaac has suggested that people have come to meetings predetermined on a number of occasions. I do however agree that Councillor Sohal should not have brought this issue back inside the Councillor. I don't for a minute think that it had been carried out with any kind of malice.

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

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

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

Signed: —

Date: 13.10.11

Channa Kuldip

Document 8a

From:**Sent:** 25 January 2012 21:20**To:** Channa Kuldip**Subject:** Re: re Standards Investigation - SBC21 - confirmation of election campaign incident - private and confidential

Kuldip

In reference to the email below. I can confirm that I saw Councillor McIsaac hold up an a4 sheet of paper with the word traitor written on it.

Kind regard
Councillor Davus

Sent from Samsung tablet

Channa Kuldip <Kuldip.Channa@slough.gov.uk> wrote:

Dear Councillor Davis,

Further to our telephone conversation, I am writing to request confirmation about paragraph 2 of your statement dated 13 October 2011. I attach the statement and I have produced below a copy of the relevant paragraph for your information:

"This would be a week or two after he had won his seat in Wexham. Councillor Sohal left the Labour Party when we became a unitary authority, after which he assisted the Independent candidates. He re-joined the Labour party and won this seat in May 2010. Councillor MacIsaac had been seen at this election count walking around with a piece of A4 paper with the word 'traitor' on it. I am unaware of any incident that occurred with Councillor Sohal and McIsaac but was told of the conflict via someone else (who I can not recall)."

I would be grateful if you can confirm whether you recall seeing Mr McIsaac with the A4 paper with the word "traitor" on it. Please also confirm if you were told about this incident or whether you saw it yourself.

I am hoping to finalise my report on Monday 30 January so I would be grateful for a response by return email if at all possible.

Many thanks and I look forward to hearing from you.

Kind Regards,

Kuldip

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

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

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

Telephone: 01753 875189

Fax: 01753 478642

Document: 013387/135827

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Document 9



STATEMENT OF WITNESS

SLOUGH BOROUGH COUNCIL			
20 DEC 2011			
LEGAL SERVICES			

STATEMENT OF: Councillor Sohal

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

POSITON HELD: Councillor Sohal

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

20 DEC 2011

This witness statement is in respect of the Standards Investigation regarding a Code of Conduct matter in the case of Councillor Paul Sohal - Compliant reference SBC21 in relation to an allegation that Councillor Sohal breached the Code of Conduct following a Licensing Committee Training Session on 1 June 2010

1. There were two training sessions, one on 25th May and one on 1st June. Councillor Dhillion's name does not appear on the Members Bulletin which lists expected attendees of the 1st June. I would like to know who attended these meetings.
2. When reading Mr Maclsaacs email he refers to the first training session 25th May. His complaint, however, refers to June 1st. It isn't clear which day Mr Maclsaac is complaining about. I would like to establish did the whole thing happen again or did something different happen at the second meeting. It seems there is some sort of contradiction. I can't understand that the same thing happened twice.
3. I don't recall that anything happened on 25th May 2010. I think the complainant has been confused with regard to the dates. For example Councillor S Dhaliwal was sitting next to me at the meeting of 1st June, but was not sitting next to me on 25th May, as stated within his complaint.
4. On 1st June, I had a piece of card at the meeting stating "For a Good Cause In the Name of His Almighty God Don't Mind If You Are Called a TRAITOR by Unscrupulous, Sick Minded and Low Life Creatures".
5. On 1st June I had this sheet in front of me on the table with other papers. I might have happened to pick it up when I was sorting my papers, I may have occasionally turned it around and lifted it up slightly. At the end of the meeting Mr Maclsaac walked all the way around to behind me to read

the card. I stood up and said to him "What are you doing" He told me he was reading the card. I picked it up, showed him and told him he could read it properly, to which he responded "Oh don't be childish". I simply told him to "Go away".

6. I carry this around with me because a number of friends have said that people have called me a traitor. I don't know who it was that had said this. It might have been a Member any other political party or group. I simply wanted to state that I was not a traitor. None of the words on the card are offensive. I think that people who call others a traitor, without any valid reason, are sick minded.
7. There is no offensive language on this piece of card. He must have read the card properly as I gave the opportunity to do so. I don't know why he has mentioned the word "Bastard" in his complaint – unless maybe the words were too difficult for him?
8. I had had my Members training Code of Conduct by this time. I have been a Councillor before for ten years so am aware of my responsibilities. I wasn't doing anything in public I shouldn't have been doing. I must act responsibly, know my duties, don't over step the mark, behave at Committee Meetings and Council Meetings (don't start fights for example or use uncivilised language while in the Council Chamber), I must treat fellow Councillors with respect.
9. I did not show the card directly to him. He came and looked at it.
10. As far as I am concerned this card was a political message for anyone, because I have been told that people have called me a traitor, which I don't believe I am. I don't think that rejoining the Labour party is an act of a traitor. Why would someone say these things about someone who joined a party, obviously the person who would say this is sick minded.
11. I wanted to convey a message back to these people who had been calling me names, by winning the election with a massive majority.
12. I don't see anything wrong with the card, it was just a political message that I wanted to send to those who had called me a traitor as a result of me joining the Labour Party. I didn't provide others with a copy, I simply had it on me. I don't think the card is disrespectful, unless left on someone's desk deliberately, or if passed on to someone. If it is in your possession, it is not disrespectful. It is simply your opinion if you consider that the card is disrespectful or aimed at you. I did not direct this at Mr Maclsaac. I had this card on me at every meeting in those

days, including meetings that he did not attend. As far as I am concerned I don't have any feeling against him.

13. I refute anyone who suggests that I was of the opinion that the person who had called me a Traitor was Mr MacIsaac. My card is directed at everyone and is a political message and is directed to the people. Other people would have seen the card, as it was left on the table with my papers. I had it on the table so that anyone who wanted to could read it. I do not deny that it was on top of my papers. He was the only person who asked me to see the card and I showed him.
14. I am a responsible elected Member for this authority and a Justice of Peace Since 2001. I have been active in the Local Community for the last 28 years. I have held a number of positions in addition to this one, including County Councillor, Unitary Councillor, Non-executive director of the NHS Trust, for example. All of these positions, I worked hard and served the local community to earn their trust. I am a law abiding and *fearing* god feeling person who is certainly not a bully. I did not use the word Bastard. I am a polite person and have had the opportunity to meet the Queen and other members of the Royal family including the Queen of the Netherlands. I feel that a lot of time and money has been exhausted to investigate this trivial matter.
15. I categorically state that this was a political message not directed at anyone else or intended to hurt any body's feelings.
16. I reserve my right to seek legal advice on this matter, against the legal department for causing harassment, distress and grief for hanging this complaint over my head for ~~16~~ months.

18

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

Signed:

Date: 19.12.2011

FOR A GOOD CAUSE

IN THE NAME OF HIS ALMIGHTY GOD

DON'T MIND IF YOU ARE CALLED A

TRAITOR

BY

UNSCRUPULOUS, SICK-MINDED AND LOW LIFE CREATURES

Document 9 (viii)
Document 9a

Channa Kuldip

Document 10

From: David MacIsaac [REDACTED]
Sent: 23 December 2011 18:57
To: Channa Kuldip
Subject: Re: re SBC21 Private & Confidential - draft report

I have several comments to make.

1) I am alleged to have been seen walking around with a piece of paper saying Traitor at the Election Count and this Councillor Sohal justifies for retaliation. I utterly refute this lie and this seems to be a smear campaign to undermine my complaint. I have never done this or would ever consider doing so although I admit I was unhappy to see Councillor Sohal win.

2) I have read Councillor Rasib statement with interest as I have no recollection of any conversation where I called Councillor Sohal traitor with him although I did indicate we were no longer friends to Councillor Rasib and Labour were welcome to have him back. As they are both in the same group and it seems part of a similar comment from Councillor Sohal I suspect some collusion between the 2 to support Councillor Sohal.

I would also point out that Councillor Rasib has been the subject of complaints by myself as well so is motivated to undermine my complaint.

3) The first incident was on 25th May Training session Councillor Sohal had it hidden under his papers and not on open view as he stated. As I got up and passed by him he deliberately flashed the card at me. That is when I told him not to be childish. If he had stopped then I would have let it go but he did it again in June session and indicated he would continue to do so - which is why I feel personally it does come under second category of bullying. It was only when I put the complaint in that his behaviour stopped.

4) I accept that the card you have seen does not have the word bastard in it. I thought for sure it did - or it may have been something he said with it but at this point of time I can not fully recall although the words he has shown the officer are clearly intended to provoke me. It is also possible he changed the card but I can't totally be sure of that.

It was however not on open show as he says and his whole manner with grinning and then covering up confirms this. He also did refuse to let me look closely at card and pulled it away while laughing at me.

5) The only thing I can agree on is that is bad it has taken so long for this to be dealt with - I hope this is not a delay to wait for the changes to Standard hearings I only became aware of at last hearing. On Fri, 23/12/11, Channa Kuldip <Kuldip.Channa@slough.gov.uk> wrote:

From: Channa Kuldip <Kuldip.Channa@slough.gov.uk>
 Subject: re SBC21 Private & Confidential - draft report
 To: "z Cllr David MacIsaac" <[REDACTED]>
 Date: Friday, 23 December, 2011, 14:47

Dear Mr McIsaac,

Please find attached a letter and draft report for your attention.

I look forward to hearing from you by 17 January 2012.

Kind Regards,

Kuldip

Kuldip K Channa

Principal Litigation Solicitor

Solicitor Advocate (All Proceedings)

For the Head of Legal Services

Legal Services (SMP 1st Floor East)

Slough Borough Council

Direct Dial: 01753 875189

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Channa Kuldip

Document 11

From:**Sent:** 19 January 2012 14:01**To:** Channa Kuldip**Subject:** Re: re SBC21 - private & confidential - draft report

Dear Mrs Channa,

Thank you very much for sending me the draft report of your Standards Investigation SBC 21. I have read the report and would like to make the following observations:

1. The documents that I produced at my 1st interview are not relevant to my witness statement signed on 19 December 2011. Therefore I would like to request you to remove this list from the report except
viii) **Copy of laminated sheet referring to "TRAITOR" message.**
2. On 19 December 2011 I was advised by Mr Kevin Gordon (Monitoring Officer) to restrict my statement to 1st June 2010 and do not mention anything that has been going on between Mr David MacIsaac and myself. On Mr Gordon's advice I altered my original witness statement. In your draft report I find DM's witness statement high lighting the points that had been going on between us before. Therefore, I have concerns about paragraph 1 to 4 of DM's statement. His witness statement needs to be re-recorded as per Mr Gordon's advice.
3. Document 6, Ex Councillor Dhillon's witness statement. I would like to inform you that on 6 May 2011 at the counting of votes at The Centre, Farnham Road Slough, after the result of Upton ward was declared, Mr Dhillon started arguing with me and threatened me that he is going to make a statement against me to the Standards. He was abusive and seems to be under the influence of alcohol at that time. He was thrown out of the hall by the security officer. Therefore his statement against me is originated out of personal grudges and also there are some discrepancies in his statement. I will point these out at the Standards's Sub Committee meeting.
4. Document 8, Councillor Roger Davies's witness statement. In paragraph 2 Cllr Davies states "Councillor MacIsaac had been seen at this election count walking around with a piece of A4 paper with the word 'traitor' on it. I am surprised to note this and will be bringing it out at the Standard's sub committee meeting.
5. Though Cllr Sukhjit Dhaliwal has declined to give witness statement. Therefore, she is not one of the witnesses but I need to speak to her just to confirm with her the seating arrangements. I need your permission to contact her in this regard.

Once the date of Standards sub committee meeting has been arranged and the final report circulated after that I will inform the Democratic Services about the witnesses I will be bringing with me if I feel there is a need to produce witnesses.

I trust that you will give due consideration to my observations before finalising your report and sending it to the Democratic Services for circulation.

with kindest regards

Paul Sohal
Councillor for Wexham Lea

Slough Borough Council - Local Determination of Complaints

FORM A Councillor Sohal

SBC 2010/21

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

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

Paragraph number from the MO's report	Reasons for disagreeing with the findings of fact provided in that paragraph	Suggestion as to how the paragraph should read
7.1	<p>--- aggravating feature about " the conduct of PS on 1st June 2012,</p>	<p>After a procedure on my right shoulder on 17.05.2012 I was on sick leave and I don't know what did I do on 1st June 2012 that the MO finds my conduct unreasonable or what ever.</p>
7.3	<p>--- It is difficult to assess whether the laminated cards precisely the same one which DM saw on 1st June 2012</p> <p>I strongly object to these remarks, it questions my integrity.</p>	<p>I invite MO to get my Computer checked by the experts to, verify if the original wording has been ever tempered with.</p>
6.1 - 1	<p>When RD is saying he saw DM with A.4 sheet with TRAITOR written on it, why didn't MO go back to DM to clarify why was he carrying that</p>	<p>The MO needs to explain to the members of the Sub-Committee about the wording of TRAITOR & why it was being used and for whom</p>

Continued overleaf

Slough Borough Council - Local Determination of Complaints

Paragraph number from the MO's report	Reasons for disagreeing with the findings of fact provided in that paragraph	Suggestion as to how the paragraph should read
6.1 3	DM is Complaining the first incident was on 25th may but providing no independent witnesses. why MO has failed to ask DM for the evidence?	The MO should clarify to the Sub-committee if there is no evidence about any incident that took place on 25 may, that means DM is either confused or lying.
4.12	"RD is aware it is directed at DM and so is BD." MO has failed to clarify with RD ^{was} the card was worked at this training session or earlier meeting?	The MO should clarify with RD when did the actually saw PS waived that laminated sheet?

Please attach additional sheets if necessary

Signed.....

Dated..... 14. 01. 2012

Slough Borough Council - Local Determination of Complaints

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

SBC 2010/21

Councillor Sohal

FORM B

Other evidence relevant to the allegation

Paragraph number	Details of the evidence
Document 1	Contradictions in Dim's Complaint I will point out these at the hearing.
Document 3	I was out of country and not present at Mayor's reception, will bring this out at the hearing
Document 5	Dim's statement mentions Clerk Long & the Leader Cllr. Anderson. I will be questioning his statement about these 2 Councillors

Continued overleaf

Slough Borough Council - Local Determination of Complaints

Paragraph number	Details of the evidence
Document 6	<p>Chv Dhillon's witness statement full of conf contradictions. There are 2 character reference letters to prove that he is not a reliable witness. Also his beating plan is totally ^{totally} fictitious*.</p>
Document 8	<p>RD's statement paragraph 3 only reads 'Chv Sohal had the piece of laminated card' but was never mentions that PS waived at this training session.</p>

Please attach separate sheets if necessary

*: my version of beating plan is enclosed.

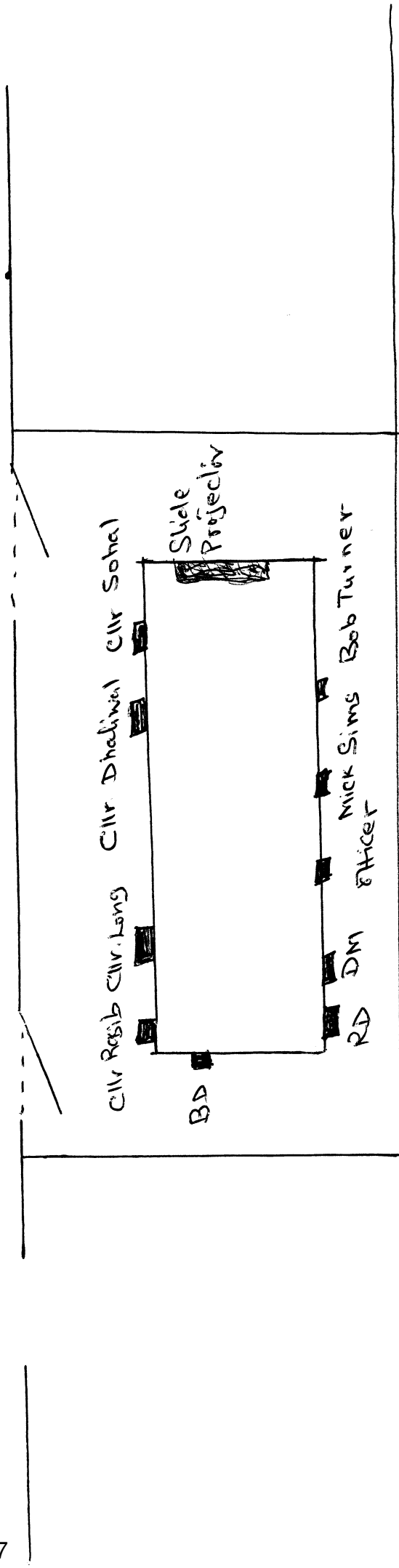
Signed -

Dated 14.02.2012

Seating Plan as on 1st June 2010

Committee Room 2

Corridor First Floor Town Hall



Form D Councillor Sohal SBC 2010/21

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

Please circle correct answer

<p>1</p>	<p>The proposed date for the Standards Sub-Committee hearing is given in the accompanying letter. Are you planning to go to the hearing?</p> <p>If "No", please explain why.</p>	<p><input checked="" type="radio"/> YES ↓ <input type="radio"/> NO ↓</p>	<p>Reason:</p>
<p>2</p>	<p>Are you going to present your own case?</p>	<p><input checked="" type="radio"/> YES ↓ <input type="radio"/> NO ↓</p>	
<p>3</p>	<p>If you are not presenting your own case, will a representative present it for you?</p> <p>If "Yes", please state the name of your representative.</p>	<p><input type="radio"/> YES ↓ <input type="radio"/> NO ↓</p>	<p>Name:</p> <p>N/A</p>
<p>4</p>	<p>Is your representative a practising solicitor or barrister?</p> <p>If "Yes", please give his or her legal qualifications. Then go to question 6.</p>	<p><input type="radio"/> YES ↓ <input type="radio"/> NO ↓</p>	<p>Qualifications:</p> <p>N/A</p>

5	<p>Does your representative have any connection with the case?</p> <p>If "Yes", please give details.</p>	<p>YES ↑</p> <p>NO ↑</p>	<p>Details:</p> <p>N/A</p>
6	<p>Are you going to call any witnesses?</p> <p>If "Yes", please fill in Form E.</p>	<p>YES ↑</p> <p>NO ↑</p>	<p>There are 4 character reference letters enclosed with these documents, which I request to be placed before the Sub-Committee</p>
7	<p>Do you, your representative or your witnesses have any access difficulties (for example, is wheelchair access needed?)</p> <p>If "Yes", please give details</p>	<p>YES ↑</p> <p>NO ↑</p>	<p>Details:</p> <p>N/A</p>
8	<p>Do you, your representative or your witnesses have any special needs (for example, is an interpreter needed?)</p> <p>If "Yes", please give details</p>	<p>YES ↑</p> <p>NO ↑</p>	<p>Details:</p> <p>N/A</p>
9	<p>Do you want any part of the hearing to be held in private?</p> <p>If "Yes", please give reasons.</p>	<p>YES ↑</p> <p>NO ↑</p>	<p>Reasons:</p> <p>I believe in openness and transparency in public life.</p>

<p>10</p>	<p>Do you want any part of the documents to be withheld from public inspection?</p> <p>If "Yes", please give reasons.</p>	<p>YES ↑</p> <p>NO ↑</p>	<p>Reasons:</p>
------------------	---	----------------------------------	-----------------

Please attach separate sheets if necessary.

Signed

Dated..... 14.02.2012

Slough Borough Council - Local Determination of Complaints

Details of proposed witnesses to be called Councillor Sohal SBC 2010/21

FORM E

<p>Name of witness or witnesses Character reference letters</p>	<p>1 2 3 4.</p>	<p>MR Brian Hewitt (Ex-Councillor & chair of BILD Group) MR Latif Khan (Ex-Councillor & former Mayor) MR Mohan Singh Sohal (Ex-Councillor & vice chair of Labour Party) MR Rashid Khan (Agent for the Election of Wexham Independent councillors)</p>
<p>WITNESS 1</p> <p>a</p> <p>Will the witness give evidence about the allegation? If "Yes", please give an outline of the evidence the witness will give</p>	<p>YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p>	<p>Outline of evidence:</p>
<p>b</p> <p>Will the witness give evidence about what action the Standards Sub-Committee should take if it finds that the Code of Conduct has not been followed? If "Yes", please provide an outline of the evidence which the witness will give.</p>	<p>YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p>	<p>Outline of evidence:</p>

Latif Khan

9th February 2012

Mrs Shabana Kauser
Senior Democratic Services officer
Democratic and Members Services
Slough Borough Council
St Martin's Place
Slough

Dear Shabana

I would be most grateful if you could pass this character reference in respect of Cllr Paul Sohal to the members of the Standards (Determination) Sub Committee when they consider a complaint against him for breach of Local Code of Conduct.

I have known Cllr Sohal since 1993 when we both became elected members of the Royal County of Berkshire. We were there from May 1993 to March 1998. He was Secretary of the County Labour Group and I served as a Chief Whip.

In December 1998 we resigned from the Labour Party and formed an Independent Group. We campaigned in Wexham Lea ward and won all three seats in 2004 election. Paul Sohal was our election organiser and worked hard get us three councillors elected. I became member of the Cabinet during 2004/5 and the Mayor for 2005/6. During my six year period of Wexham Lea representative, Paul has never interfered or influenced us to get anything done.

I retired from my employment on 30th November 2008 and went to Pakistan in February 2009. I came back in May 2009 and had to go back to Pakistan in two weeks time as my brother was taken ill.

While I was in Pakistan Paul Sohal rang me and told me that some of the officers of the Labour Party has approached him and asked if all of us would like to come back to the Labour Party. I told him to consult with the members who are present and as far as I am aware he did consult. I do know that some members of our group were not happy however I told him categorically that I would not rejoin the Labour Party or for that matter any other party but I would have no problem him rejoining the Labour Party. I believe this was a matter of personal choice and wished him best of luck.

I found Paul a respectful and trustworthy person who has been serving the local community selflessly for a long time. He has always shown respect and love for others. He gets on well with people from different communities.

Kind Regards

Latif Khan

Ms Shabana Kauser
Senior Democratic Services Officer
Democratic & Members Services
Slough Borough Council
Slough

10 February 2012

Dear Ms Kauser,

I would like to ask if you could present this character reference to the Standards (Determination) Sub Committee which is going to discuss a complaint of failure to observe the Local Code of Conduct against Cllr Paul Sohal.

I am Brian G L Hewitt and live at [redacted] I was member of Slough Unitary Authority from May 2004 to May 2010, representing Haymill ward as a Liberal Councillor. During this time I was Chair of BILLD Group, chair of Planning Committee & chair of Employment Committee.

I have known Cllr Paul Sohal since 1992 when we use to work at I C I Paints, Slough in the Resins department's Control Laboratory. As we were of the similar political views, I helped him during his county council election in May 1993 and again in May 1997. He left the Labour Party in October 1998 and set up an Independent Group in Wexham along with his other friends. I supported this Independent Group and helped them in the election campaigns during the local council elections. I was so impressed by his political campaigning skills and admire him that he helped others to get elected as Independent Councillors from Wexham Lea ward.

Having left the Labour Party in 1999, I joined the Liberal Party and won election in May 2004. Though I was in a different political party but we still remained in touch with each other. In June 2009 Paul contacted me and asked me for a meeting. When we met he told me that he has been approached by the Local Labour Party and has been asked to re-join. As I had been one of his staunch supporters he wanted to know my views about him going back to his roots. I told him that if you want to re-join the Labour Party I will have no problem, we will still be friends and I will support you, help you wherever I can. He was open, straight forward and honest with me. He did not mention about any deal with the Labour Party or if anything has been offered to him in return for joining the Labour Party. He also told me that he has informed all his friends and supporters of the Wexham Independent Group. I do not think that he has done anything wrong. He did not deceive anybody. During all those years he helped others but never wanted to be a councillor himself. He worked day and night to get others elected as councillors. I do not regard his act as of a TRAITOR. Once he joined the Labour Party, subsequently I was aware that some members of the Wexham Independent Group were bitter with him, calling him all sorts of names and accusing him of betraying them.

As far as I have known him, he is an honest, hard working community activist who is always eager to help others irrespective of their caste, colour or creed. He has always been respectful to others and gets on well with others. He is a responsible mature person who will never indulge in any anti social behaviour. I wish him well in life.

I myself have re-joined the Labour Party in March 2011.

If I could be of any further assistance in this regard please do not hesitate to contact me.

Yours sincerely,

Brian Graham Lacey Hewitt

*Mrs Shabana Kauser
Senior Democratic Services Officer
Democratic & Members Services
Slough Unitary Authority
ST. Martin's Place, Slough*

11-02-2012

Dear Mrs Kauser,

I have been asked by Cllr Paul Sohal to confirm an incident that took place on Friday 6 May 2011 at The Centre, Farnham Road, ~~and~~ Slough.

I would like to let the members of the Standards Sub Committee know that I represented Central Ward as a Labour Party Councillor from May 1995 to May 2000. I was vice chair of Education Committee of the newly established Unitary Authority.

I am vice chair of the Slough Labour Party and I was present at the counting of ballot papers of local elections. Shortly after the result of the Upton ward was declared I heard some shouting and when I turned around I saw Mr Balwinder Dhillon arguing with one of our Labour Councillors i.e. Cllr Paul Sohal. I went there to ask Paul what was going on.

Mr Balwinder Dhillon was swearing at Paul Sohal. He seems to be very angry. I heard him saying that "I will see you; I will put you in trouble. I will give evidence against you to the standards". I try to pacify Mr Dhillon but he would not stop. As he was shouting so loudly the security officer who was standing outside came in and took Mr Dhillon away. He was virtually thrown out of the Counting Hall and I did not see him afterwards.

I also confirm that Cllr Paul Sohal has been an active member of the Slough Community for the last 27 years. He has held responsible positions at various levels and has always shown respect and regards for others.

If you require any further clarification or information please do not hesitate to contact me.

*Mohan Singh Sahota
Vice chair Slough Labour Party
Labour Memorial Hall
Chalvey, Slough*

Ms Shabana Kauser
Senior Democratic Services Officer
Democratic & Members Services
Slough Borough Council
Slough

12-02-2012

Dear Ms Shabana Kauser,

I am writing to request you to bring it to the attention of the members of the Standards Sub Committee my written statement in support of Cllr Paul Sohal.

I have known Paul Sohal since 1995 when he was chair of Lea Infant School and I was an elected parent governor and vice chair of the Board of School Governors. Both of us were members of the Labour Party that we left in October 1998 with some other members of Wexham Lea branch. We campaigned together in local elections and helped Tony Haines, David MacIsaac and Latif Khan to get elected as Independent Councillors for Wexham Lea Ward. Paul Sohal was instrumental in organising election campaigns and mobilising voters to vote for the Independent candidates. He is well known, well respected and down to earth person. When he was a county councillor for this area he did so much work for the local community that people were always prepared to listen to him and support him.

In the summer of 2009 he came to see me and told me that some officers of the Labour Party have asked him to rejoin the Labour Party. He wanted all of us to get together and discuss this if we should go back or not. I arranged a meeting at my house where only Tony Haines turned up. Paul Sohal explained how he was asked by our local MP to come back to the Labour party and recently he had a visit from the chair of the party who has persuaded him to rejoin. He also mentioned that if Cllr Latif Khan wishes to rejoin he would be considered to go on the panel of candidates for next year's local council elections, as he is a sitting councillor. There was nothing else said about any deal or offers made by the party. Cllr Tony Haines was reluctant to rejoin, I was in favour of it and we decided to ask other members as well. Paul Sohal offered to contact Cllr Latif Khan who was in Pakistan at that time. Paul and I joined the Labour Party in July 2009. I come to know that some of our friends were very angry with Paul. I am also aware that one of our friends sent an email to Paul Sohal on the New Year's Eve accusing him of betrayal and selling out to the Labour Party.

I would like to make it clear that we were not paid members of Wexham Independent Group. We helped others to get elected as councillors voluntarily. We did not ask for any favours from any of the councillors we supported. We did not stab anybody in the back. We told everyone what was going on, about all the discussions that have been taking place. Paul Sohal never lied to us. He has always been open with us. He is an honest and trustworthy person who has always helped others. I never had any doubts about his integrity. He has always shown high regards and respect for others. He is well behaved, well mannered and sensible person who will never get involved in any anti social activity.

I would also like to bring it to the notice of the Sub Committee members that on Friday 6 May 2011 when we were at the count at The Centre, former Cllr Balwinder Dhillon started an argument with Cllr Paul Sohal. Cllr Dhillon seemed to be upset as the result of Upton ward went into Labour Party's favour. He was accusing Cllr Sohal for interfering in Upton Ward. He said something about David Maclsaac's complaint and threatened him that he will give statement against him to put him into trouble. I can also confirm that as Mr Dhillon was abusive towards Cllr Sohal and shouting loudly, the vice chair of the Slough Labour party intervened and Mr Dhillon was led away from the hall by the security staff.

Rashid Khan

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From: David MacIsaac

Sent: 06 February 2012 15:10

To: Kauser Shabana

Cc: Channa Kuldip

Subject: Re Paul Sohal papers

Received today. There appears to have been some problems photocopying.

Page 7, 5(A) the papers seem to have got crinkled and 5.1 to 5.3 inclusive are not shown. The last sentence is Members saw precisely the words on the card and then it just goes to 5.4

Document 6 Page 2 of Councillor Dhillon's statement is missing from my pack.

If they were all photocopied together then maybe others have the same problem. You could either send me the missing pages as inserts or do a fresh pack which ever is easiest.

Comments

I was shocked to see Roger Davies e-mail saying he actually saw me with a paper with Traitor printed on it. I had heard from Tony Haines that he said it had been reported to him but he seems to have gone one further. For the record I want to state again that I never had any paper with the word Traitor on it at the court. As the investigation has taken so long I can only assume that stories have been added to justify the behaviour.

I see I am not allowed to speak again at meeting but Councillor Sohal seems to suggest he will bring witnesses in his last comments. For the record I want to state that this would be grossly unfair and against natural justice if he is allowed, where I am not allowed to speak or defend myself against anything he or his colleagues might say. I remember the last committee hearing where the licence officers were criticised for their report and I was not allowed to object as I wanted to say that the officers at that Licence meeting had explained the situation 3 times.

I could go on but these are the most important comments I wanted to add. If you get me the right pages and add these 2 comments then that will be it and I will attend on night.

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SLOUGH BOROUGH COUNCIL

Standards (Local Determination) Sub-Committee

Local Hearing Procedure

Interpretation:

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

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

1. Preliminaries

1.1 The Chair will:-

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

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

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

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

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

3. What Sanction should be Imposed? – Stage 2

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

4. Post Hearing Procedure

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

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

Notes

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

APPENDIX D

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

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

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

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

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

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

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

APPENDIX E

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

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

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SLOUGH BOROUGH COUNCIL

Standards (Local Determination) Sub-Committee

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

Penalties

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

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

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

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