

SLOUGH BOROUGH COUNCIL

REPORT TO: Standards (Determination)
Sub-Committee

DATE: 2nd February 2011

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

WARDS: N/A

PART I

FOR DECISION

ALLEGED BREACH OF LOCAL CODE OF CONDUCT – COUNCILLOR BALWINDER DHILLON

1. Purpose of Report

- 1.1 The purpose of this report is to submit for consideration the Council's Investigating Officer's report on the results of her investigation into two complaints that Councillor Balwinder Dhillon has failed to comply with the Local Code of Conduct for Members (**Appendix A**) and Councillor Dhillon's response thereto.

2. Recommendation/Action Required

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

3. Community Strategy Priorities

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

4. Other Implications

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

5. Background Information

- 5.1 On 28th April 2010 the Standards (Assessment) Sub-Committee referred to the Council's Monitoring Officer for investigation two complaints relating to the same incident that Councillor Balwinder Dhillon had failed to comply with the Local Code of Conduct. In accordance with the arrangement agreed by the Standards Committee, the Monitoring Officer delegated the conduct of the investigation to Kuldip Channa, Assistant Solicitor (Litigation) i.e. the Investigating Officer.
- 5.2 The complaints have been made by Councillors Arvind Dhaliwal and Christine Small. The general summary of the complaints against Councillor Dhillon is that his conduct at a meeting of the Health and Scrutiny Panel on the 22nd March 2010, attended by several representatives from outside bodies and guests, was unacceptable because he was intimidating and insulting towards the Chairman of the Panel, Councillor A Dhaliwal. The facts alleged are as follows:-

Councillor A Dhaliwal's complaint

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

Councillor Small's complaint:

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

5.3 To simplify the hearing process Councillor Dhillon has been asked to complete and return the following pre-hearing forms and his 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 C – Representations as to actions to be taken in respect of any breach of the Code

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	Pre-hearing forms submitted by Councillor Dhillon
Appendix C	Procedure for the hearing
Appendix D	Standards Board advice on admission of press and public
Appendix E	Categories of "exempt information"
Appendix F	Sanctions available to the Sub-Committee

5.5 The procedure for the hearing will be as set out in **Appendix C** and any guidance and/or advice the Sub-Committee may require will be provided by the Monitoring Officer, Maria Memoli, Acting Borough Secretary and Solicitor.

6. Conclusion

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