

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Standards (Determination) Sub-Committee      **DATE:** 7<sup>th</sup> March 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 BALVINDER BAINS**

##### **1. Purpose of Report**

- 1.1 The purpose of this report is to submit for consideration the Council's Investigating Officer's report on the results of her investigation into a complaint that Councillor Balvinder Bains has failed to comply with the Local Code of Conduct for Members (**Appendix A**) and Councillor Bains'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 a complaint that Councillor Balvinder Bains had failed to comply with the Local Code of Conduct. In accordance with the arrangement agreed by the Standards Committee, the Monitoring Officer delegated the conduct of the investigation to Kuldip Channa, Assistant Solicitor (Litigation) i.e. the Investigating Officer.
- 5.2 The complaint has been made by Ms Fariba Ismat an officer of the Council. The general summary of the complaint is that the Subject Member's conduct at a planning pre-application meeting on the 23rd March 2010 with the applicant and his agent and other Councillors present was unacceptable as he was intimidating and insulting towards the Complainant. In summary the facts alleged are as follows:-
- (a) The Complainant's professional comments/opinions (as case officer) were ignored on at least two occasions at the meeting by the Subject Member who told the Complainant to "keep your comments aside and don't compare other streets to the subject street", and gave her no credit as a person with some authority within the Planning Department.
  - (b) The Complainant felt the Subject Member was indirectly telling her to shut up and let the rest of them concentrate on the application in hand, she felt the Subject Member felt less of her as he addressed the Complainant's line manager above her head.
  - (c) The Subject Member embarrassed the Complainant in front of her line manager, the applicant and the agent and she felt deeply insulted and offended by his attitude and the manner in which he spoke to her and that he created a sexist attitude/atmosphere by ignoring the complainant (she was the only female present at the meeting).
  - (d) The Subject Member was insistent on pushing the Complainant's Manager to compromise over an issue in discussion at the said meeting.
- 5.3 To simplify the hearing process Councillor Bains 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 D – Arrangements for the Standards (Determination) Sub-Committee Hearing
  - Form E – Details of any witnesses to be called. Councillor Bains has indicated that he will be calling Mr Taj Bansal as a witness.
- 5.4 Enclosed for your attention and/or information are the following documents:

<b><u>Appendix</u></b>	<b><u>Document</u></b>
<b>Appendix A</b>	Investigating Officer's Report

<b>Appendix B</b>	Pre-hearing forms submitted by Councillor Bains
<b>Appendix C</b>	Procedure for the hearing
<b>Appendix D</b>	Standards Board advice on admission of press and public
<b>Appendix E</b>	Categories of “exempt information”
<b>Appendix F</b>	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.