

Members' local code of conduct - complaints form

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

Document 1

1. Your details

Title:*
First name:*
Last name:*
Address line 1:*
Address line 2:*
Town:*
County:*
Postcode:*
Daytime telephone:
Evening telephone:
Mobile number:

Ms
Fariba
Ismat
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
1753477360
[REDACTED]
[REDACTED]

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

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

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

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

2. Please tell us which complainant type best describes you:

An elected or co-opted member of an authority

3. Equalities monitoring

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

4. Making your complaint

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

First name
Last name
Council or authority name
First name
Last name
Council or authority name
First name
Last name
Council or authority name
First name
Last name
Council or authority name

Balvinder
Bains
Councillor

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

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

- * You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said
- * You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe
- * You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible
- * You should provide any relevant background information

Please provide us with the details of your complaint:*

This formal complaint is filed against Cllr. Balvinder Bains behaviour/attitude towards me on a pre-application meeting held on Tuesday 23/03/2010. Present at the meeting were, Chris Smyth,
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Cllr. Bains, Mr. Bansal (the applicant) and his agent Mr. Mackrory and of course myself.

The meeting was in relation to a planning application for no. 17 Lascelles Road which we were going to refuse it. Cllr Bains came to the meeting by the of request of the applicant to support his application which was consequently called in to the planning committee.

Chris Smyth (my line manager) was leading the meeting and I as the case officer was giving my opinion as and when I thought was necessary and appropriate. However; Cllr. Bains did not appreciate my comments/opinions and ignored me fist time round after which Chris elaborated on my comments and tried to get my point across to them. The second time I raised an issue which was very relevant to the argument they were making, Cllr. Bains actually told me keep my comments aside and that we should not compare other streets to the subject street and that we should only concentrate on no. 17 Lascelles Road.

I felt that in an indirect way he was telling me shut up and let the rest of them to concentrate on the application in hand. I also got the feeling that he thought of me as a less important person and only pushed Chris to think again and again and make a compromise.

He embarrassed me in front of Chris, the applicant and his agent. I felt deeply insulted and offended by his attitude and the manner he spoke to me.

I felt he created a sexist attitude/atmosphere in the room by ignoring me the only female in the meeting room and by just getting the men involved in the discussions.

He did not give me any credit as a case officer or someone with some authority in the planning department.

I also got the feeling that he thought he was above the planning system and that he could push Chris to think again and again over an issue that he knew we were not going to compromise as the issue was totally against the recently adopted guidelines - something he himself voted for approval.

I am not sure what the next step is; however I would like to make it clear that I expect a full written apology from Cllr. Bains for his insulting attitude towards me in that meeting.

Kind regards

Fariba Ismat

Additional Help

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

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

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

Equalities monitoring form

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

Gender:

Age:

Do you consider yourself to have a disability?:

Religion and Belief:

If other, please specify:

Your ethnic background/origin

White:

If other, please specify:

Mixed:

If other, please specify:

Asian or British Asian:

If other, please specify:

Black or Black British:

If other, please specify:

Chinese or other ethnic group:

If other, please specify:

I do not wish to give this information:

Document 2

SLOUGH BOROUGH COUNCIL
STANDARDS (ASSESSMENT) SUB-COMMITTEE

DECISION NOTICE

Reference: 2010/SBC17

1. Complaint

On 28th April 2010 the Standards Committee of this Council considered a complaint from Fariba Ismat concerning the alleged conduct of Cllr Balvinder Bains, a Member of this Authority.

A general summary of the complaint is set out below:

The Complainant alleges that the Subject Member's conduct at a pre-application meeting with the applicant and his agent and other Councillors present on the 23rd March 2010 was unacceptable as he was intimidating and insulting towards her. 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 to 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; thereby feeling deeply insulted and offended by the Subject Member's attitude and the manner in which he spoke to the Complainant and he created a sexist attitude and manner when he spoke to 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.

2. Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Assessment Sub-Committee of the Standards Committee decided to refer the allegation to the Monitoring Officer for investigation.

I identify below the paragraphs of the Local Code of Conduct which may apply to the alleged conduct. The investigator will determine which paragraphs are relevant during the course of the investigation:-

- (a) failing to treat others with respect,
- (b) bullying, and
- (c) bringing an office or authority into disrepute.

3. **Reasons for Decision**

Please see the attached guide on the investigations process.

4. **Terms of Reference/Right of Review**


The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000, which now provides for the local assessment of new complaints that members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of authority members and requirements for dealing with this.

The regulations set out the framework for the operation of a locally based system for the assessment, referral and investigation of complaints of misconduct by members of authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committee) Regulations 2001, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, as amended.

5. **Additional Help**

If you need additional support in relation to this or future contact with us, please let us know as soon as possible by contacting June Cook, Member Services Manager on (01753) 875019 or by e-mail at june.cook@slough.gov.uk. If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

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

Signed:  Date: 6th May 2010
Maria Memoli, Monitoring Officer, for and on behalf of the Sub-Committee



Document 3

STATEMENT OF WITNESS

STATEMENT OF: Fariba Ismat

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

POSITION HELD: Planning Technician, Green and Built Environment, Slough Borough Council,

This witness statement is in respect of the Standards Investigation regarding a Code of Conduct matter in the case of Councillor Bains - Compliant reference SBC17 in relation to his conduct at a pre-application planning meeting on 23 March 2010.

1. On the 23 March 2010, a meeting took place between myself, Chris Smyth, the Applicant, the Agent and Councillor Bains. It was to discuss the possibility of finding a compromise or a middle ground to enable approval of the planning application in respect of 17 Lascelles Road. It is normal procedure for me to discuss the application with Chris in order to get his view and inform him about the planning issues prior to the meeting.
2. The meeting was at St Martin's Place. I met the Applicant, Agent and Councillor Bains in the reception area. Chris was with me as well. I had met the Applicant before but I cannot remember if there were any formal introductions. It is normal practice for Applicants to request the support of their Ward Councillor and therefore prior to the meeting I was made aware that Councillor Bains was going to attend the meeting. I had not met Councillor Bains before 23 March.
3. In the meeting room I sat next to Chris in order to assist him with the discussions and papers. I sat to the left of Chris. Councillor Bains was directly opposite Chris. The Applicant and Agent sat next to each other on the right side of Chris and directly opposite to me. I cannot recall if there were any formal introductions at this stage but generally Chris does introductions at the start of a meeting. I had not met the Agent before but I had met the Applicant when I went to a site visit.
4. The meeting began with me opening the file and unfolding the plan. Chris started the discussion. He is my Manager and I always let him talk and I only express my opinion if and when I need to supplement our argument in support of our decision. Chris referred to policies and guidelines in support of our decision.
5. When Chris started the discussion I listened to the points being made. I did not make any notes at this meeting. I am aware that Chris makes notes of the meeting at the end and these are the notes which are relied on I do not therefore usually make notes in these meetings unless I am attending the meeting without Chris. At the interview at the request of the Standards Investigator I have checked the Planning file and there are no notes of the meeting of 23 March on the file. I am therefore sure that I did not take any notes at the meeting.

6. The Applicant and Councillor Bains made most of the points. Chris was responding to them and referring them to the policies and especially the guidelines adopted in January 2010. This new guideline in relation to the "set in" of the first floor side extension by one metre from the boundary line was proving to be quite controversial and had never been applied before and Applicants were having difficulty in accepting it.
7. The Agent did not really join the discussion much and only talked about the technical issues as when they arose.
8. During the discussion sometimes I looked at the person speaking, sometimes at the plans and sometimes at the table but continuing to concentrate on the discussion.
9. The first time I tried to make a point in the meeting Councillor Bains ignored me. I was sitting on his right and he made no eye contact with me and no effort to listen to what I had to say about the application. I think Chris noticed Councillor Bains' dismissive attitude towards me as he continued to elaborate my point in the discussion and support my argument.
10. Then during the middle of the discussion, I made another point about another application in a nearby street which was going through the same issues based on the January 2010 guidelines. I wanted to make this point because Councillor Bains and the Applicant had spent a long time resisting the new guidelines to this application. I wanted to make them aware that we were applying these guidelines on other applications as well and the fact that the nearby street character was similar as the Lascelles Road.
11. In my view as a Councillor, he should encourage people to have more consideration to the planning authorities' policies and guidelines as well giving the Applicant a fair chance to have the extension they want. Having experienced Councillor Bains "pushy" attitude to try and persuade my Manager to compromise, that is basically to allow the larger first floor side extension despite the policy guidelines made me wonder what was his motivation.
12. After I had just finished making this point Councillor Bains put his hand towards me indicating a stop gesture and said "*keep my comments aside and that we should not compare other streets to the subject street and that we should only concentrate on number 17 Lascelles Road.*" At this point I felt belittled and embarrassed. I felt that he was being dismissive of me and my point again. Whatever I said was not important and that he only needed to persuade Chris to make a compromise. I felt Councillor Bains was telling me to "be quiet woman". There were four men in the room and although I felt Chris was supportive of me I did however feel that Councillor Bains' attitude towards me was saying let the men do the talking.
13. Councillor Bains did not know my name and did not make an effort to know who I was. He did not know I was the Case Officer for this application. I feel that as an elected Member who attends planning meetings like this one regularly, he should have known that I was the Case Officer as it is normal practice for the Case Officer and the Manager to attend these types of meetings.
14. After this second comment by Councillor Bains, I decided to keep quiet for the rest of the meeting. The meeting finished with Chris giving the Applicant the various options to progress the case as no compromise could be made on this application. Chris made some notes in his notebook for his record of the case. The meeting finished and we saw them out to the reception area.
15. Chris and I came back to the office and Chris noticed that I was upset by the way in which Councillor Bains had been dismissive of me at the meeting. He was

- supportive of me and disapproved of Councillor Bains' attitude towards me in the meeting and said that if I felt I needed to I could make a formal complaint.
16. Following this meeting, I had another meeting arranged with Councillor Bains and an Applicant and my Manager on the nearby street planning application which was the example I was trying to give at the meeting on 23 March. I went to meet Councillor Bains in the reception of St Martin's Place. The Applicant had made a mistake and gone to the Town Hall for the meeting and arrived a few minutes late. From my observations Councillor Bains was very rude to the Applicant about just being five minutes late. The fact that it was similar planning issues as before and due to his attitude to the Applicant and my previous experience during the meeting of 23 March, I felt that it was best that I did not attend this meeting with Councillor Bains. I discussed this with my Manager and he agreed for me not to attend the meeting as he had sufficient information and decision making powers to attend the meeting on his own. It is not unusual for a Manager to attend the meeting without the Case Officer.
17. When my complaint was made known to Councillor Bains by the Investigator, I was contacted by her to advise me that Councillor Bains had made an offer of an apology to me in front of my manager. She advised me that he said that he thought I was the note taker at the meeting. I thought about the offer of an apology but the more I thought about it the more I was offended by the fact that Councillor Bains was trying to justify his attitude towards me because he thought I was a note taker. My point is that as an elected Member he should have equal respect for any Officer of the Council regardless of their status.

I hereby declare that this a true and accurate record of the interview on 17 September 2010 and this is an agreed record of that interview. There are 3 pages. I consent for any details to be used for this investigation. 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 for any other purpose.

Signed: *Fariba Ismat*

Date: 22/09/2010

NAME: *Fariba Ismat*

SLOUGH BOROUGH COUNCIL - STANDARDS INVESTIGATION



Document 4

STATEMENT OF WITNESS

STATEMENT OF: Chris Smyth

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

POSITION HELD: Development Control Team Leader (East Side), Green and Built Environment, Slough Borough Council,

This witness statement is in respect of the Standards Investigation regarding a Code of Conduct matter in the case of Councillor Bains - Compliant reference SBC17 in relation to his conduct at a pre-planning meeting on 23 March 2010.

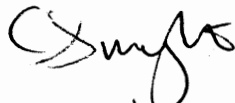
1. A meeting to discuss the planning application in respect of 17 Lascelles Road was requested by Applicant. I am unsure if the request was made to Fariba Ismat, (Planning Case Officer), or myself however either way there is little difference as the meeting was arranged for 23 March 2010 at the Council Offices at St Martins Place. Both Fariba and myself were aware that Councillor Balvinder Bains would be attending the meeting with the Applicant.
2. At the meeting as I recall, I was seated opposite the Applicant, the Architect and Councillor Bains. Fariba was sitting at the end of the table to the left. There were probably no formal introductions at the start of the meeting other than the usual introductions when we met them at the reception area.
3. From the start of the meeting the majority of the discussion was directed at me and I responded as well. Fariba did not take part in the discussion for the majority of the time. Fariba and I had already discussed the case prior to the meeting and as her Line Manager I was aware of all the relevant issues in the case. Fariba was listening and taking notes. My view is that Fariba was happy with the way the discussion was going but would have contributed more had the need arisen.
4. About half through the meeting, Fariba's contribution to the discussion was when she raised a relevant point because it was about a similar case relating to another property. Councillor Bains responded immediately to her and was very abrupt and dismissive of her view. His tone was quite aggressive in that it was not threatening but had an elements of abrasiveness in his tone. Fariba went quiet. I think I pursued the point further.
5. I think that Councillor Bains' point to Fariba was about sticking to the merits of the case rather than comparing it with another case relating to a property in different street. I think that there was perhaps some validity to his point however that the manner in which he responded to her was unacceptable.
6. I have been in meetings with Councillor Bains on various occasions and I am aware of his style and the manner in which he puts his points across. From my experience of attending Planning Committee I am aware that he can be quite abrupt with anyone and forthright in his views. At the meeting on 23 March, I think

he belittled a member of staff in front of Applicant, Architect and myself. I was uncomfortable with the way in which Councillor Bains spoke to Fariba, however it was not appropriate to challenge him in front of the people. I only recall this one exchange during the course of the meeting.

7. After the meeting I spoke to Fariba about how she felt about the way Councillor Bains spoke to her in the meeting and that if she was unhappy she should make a formal complaint.
8. Generally Councillor Bains' approach to these types of planning meetings is to try to obtain a compromise but this is not always possible. At the meeting I did not feel any more pressure than usual to change my views or relax the planning guidelines.
9. At the meeting I recall that Councillor Bains referred to Fariba as "Officer". He called me "Chris" as he knows me from previous meetings and Committee meetings. I do not recall any overt sexist language used by Councillor Bains in any references to Fariba.
10. It is not unusual for me as the Line Manager to take the lead in these types of meetings. This was a difficult case and I was familiar with the issues so was leading this discussion.

I hereby declare that this a true and accurate record of the interview on 15 September 2010 and this is an agreed record of that interview. There are 2 pages. I consent for any details to be used for this investigation. 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 for any other purpose.

Signed:



Date:

16/9/2010

NAME:

Christopher Smyth



STATEMENT OF WITNESS

Document 5

STATEMENT OF: Mr Taj Bansal

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

POSITION HELD: Planning Applicant, (17 Lascelles Road, Slough)

This witness statement is in respect of the Standards Investigation regarding a Code of Conduct matter in the case of Councillor Bains - Compliant reference SBC17 in relation to his conduct at a pre-application planning meeting on 23 March 2010.

1. On the 23 March 2010, I attended a meeting with Chris Smyth and Fariba Ismat. Councillor Bains came to the meeting with me as well as my Architect Pat MacKroy.
2. I knew Fariba Ismat as the planning case officer. I had spoken to Chris Smyth on the telephone before the meeting.
3. When we came to the reception area at the Council I asked for Mr Smyth. He came out to meet us with Fariba.
4. At the reception I think that we all shook hands but I am not sure if there were any formal introductions. It is a long time ago now and I cannot remember all the information in detail. I remember that there was some confusion about which room the meeting was going to be held.
5. When we got to the meeting room, I think that Pat, sat on my right. It was a "squarish" table. Councillor Bains sat to my left. I think that Fariba and Chris sat opposite us.
6. I had taken some plans and photographs to support my arguments about my planning application and how it was suitable to be approved. I had evidence to put forward in my case.
7. I introduced why we were at the meeting, about what I could or could not do. I had already had some feedback from Fariba about the planning application, some of the objections that there were to it by the Officers. I brought along the planning guidelines as well.
8. I think that everyone contributed to the meeting. There was no one person talking more than the other. It was an open discussion. Pat, spoke and said the application of the rules were not appropriate to my application.

9. Councillor Bains gave some reasons as to why my application should be granted. When I engaged his help I had already spoken to him about the Officers' objections. He had agreed that the guidelines were not that clear and that they did not seem to apply to my case. There were other developments on the same road and I was not asking for anything more or above and beyond what others had done on the road. Councillor Bains supported my application as I had asked for his help.
10. I remember that Councillor Bains did say lets use the meeting to see if we could reach a compromise between the parties, to find a way forward. This was his main thrust at the meeting. There was no need to be poles apart and then have to take the case to the planning committee.
11. Fariba talked about her site visit and the visual gap between the properties. Chris had not been to the site. He was relying on information from me and Fariba. This was why I had brought lots of photographs to the meeting. On the road there is not much visual gap between the houses, other properties are developed. My application was more or less in scale to what was already on the road.
12. I think that both parties were able to put their case forward. There were different views and interpretations but everyone at the meeting were able to put their points forward.
13. I do not recall that Fariba was prevented from putting forward her points. No, I do not believe Councillor Bains prevented her from saying what she wanted to say. She was the Case Officer and she put the Council's case. I do not think she was treated differently to anyone else at the meeting. Everyone was able to put their points, that's what the meeting was for, it was an open discussion.
14. Generally I think that Councillor Bains has a loud voice. He is quite animated when he speaks. I have met him during the elections and his mannerisms are always the same. Some people may think he is brash but that's just him. I think that he spoke at the meeting in the same way as I have seen him do at other times. It was no different.
15. From what I remember, Councillor Bains wanted to use the meeting to get a resolution. Reference was made to other properties. He wanted the Officers to consider the other properties and the guidelines, that is the merits of my planning application. He was asking the Officers to look at the case and reach a resolution. I felt that we were going around in circles for a lot of the meeting. I think we could have sat there all day. The Officers were saying that the rules had changed and they did not want to set a precedent. We were saying that precedents had already been set on the road. I had put in my planning application only a few days after the rules had changed. I felt I had been disadvantaged and the goal posts had been changed. I think that even with the new planning guidelines I felt that they were

being applied to my case more harshly. In the end I had to take the case to the Planning Committee. I used the same evidence at the Planning Committee as I brought to this meeting and I made the same points. The Planning Committee agreed with me as my case was unique and this is what we were trying to say to the Officers at the meeting.

16. The meeting with the Officers was frustrating for me as the meeting was not moving on. I thought it could have been more productive and we could have reached a middle ground. It was very frustrating for me to go to the Planning Committee and have to wait another four or five months for a decision. The decision could have been made at the meeting with the Officers. I feel my case was not treated on its merits but the Officers were too worried about safeguarding not setting a precedent and protecting a policy. I think they could have acted a lot better about my planning application.
17. I do not think Councillor Bains treated Fariba differently or that he spoke to her in a different way to anyone else at the meeting. I did not come out of the meeting thinking that there was something wrong or someone was excluded from the meeting, absolutely not. There were differences of opinion about the policy guidelines and how they applied to my case. I do not recall Councillor Bains saying to Fariba to let Chris speak. I do not recall Councillor Bains excluding Fariba from the discussion.
18. I did not respond to the first letter the Investigation Officer sent to me because due to work commitments, the time given in the letter to respond had passed. I have not spoken to Councillor Bains about this investigation. The last time I saw Councillor Bains was sometime during the elections.
19. I am really surprised about the complaint. In my professional work I have been to meetings where people have behaved very badly, this was not the case here at all. There was nothing untoward about this meeting. There was nothing to suggest anything out of the ordinary about this meeting except just the two parties' differences of opinion about the planning application.

I hereby declare that this a true and accurate record of the interview on 12 October 2010 and this is an agreed record of that interview. There are 3 pages. I consent for any details to be used for this investigation. 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.

Signed:

Date:

NAME:

Slough Borough Council
Iken Quicknote

Document 6

Date: 11 October 2010

Client: SBD Resources Directorate

Matter: 013091-COR-288 - Standards Investigation SBC17 Councillor Bains 23 March 2010

Name: Kuldip K Channa (T: 01753 875189 E: kuldip.channa@slough.gov.uk)

tele message recieved on
8/10/10 at 4:30pm
from Mr MacKroy
[REDACTED]

re incident of 23 March
he did not respond to letter as he did not recieve letter until after 23 August, the date by
which a response was expected.

And
"as to an incident, I can't think of any incident at the meeting I was at; it was a perfectly
normal planning meeting;
you are welcome to contact me if you want;
telephone number supplied - [REDACTED]."
KKC.

Tele call to Mr MacKroy, voicemail – left message for him to contact me.
KKC.

SLOUGH BOROUGH COUNCIL - STANDARDS INVESTIGATION



Document 7

STATEMENT OF WITNESS

STATEMENT OF: Councillor Balvinder Singh Bains

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

POSITION HELD: Elected Member, Slough Borough Council,

This witness statement is in respect of the Standards Investigation regarding a Code of Conduct matter in the case of Councillor Bains - Compliant reference SBC17 in relation to his conduct at a pre-application planning meeting on 23 March 2010.

1. On the 23 March 2010, I attended a meeting with Chris Smyth, another Council Officer (who I now know was Fariba Ismat), the Applicant, and the Agent regarding the planning application in respect of 17 Lascelles Road. If requested to do so it is normal for me to represent constituents at these types of meetings with Officers at the Council.
2. I am not hundred percent sure but I think that both the Officers met us at the reception. I certainly remember Chris guiding us to the room. I do not remember formal introductions. I knew Chris from my previous planning meetings and also that he was a Senior Planning Officer. I did not know Fariba. I am not sure if Chris introduced her as the Case Officer as I cannot remember because it was too long ago. I had not met Fariba before this meeting.
3. I am not sure if there were any formal introductions in the meeting room. It was a long time ago and I do not remember all the details.
4. It was not a big room. I cannot recall who sat where at the meeting.
5. I think that I or the Agent or Mr Bansal may have started the meeting. I am not sure as it was so long ago now. At these sorts of meetings I am not the spokesperson but just there to facilitate the meeting to see if the Applicant and the Council can come to some mutually agreed solution instead of wasting the Planning Committee's time by putting a "call in". This means that the Planning Committee would need to consider the application.
6. I think that I said to Chris he should visit the property and see the different properties on that road as they were all individually extended to the maximum. I think Chris may have said this was long time ago and some of the properties were overlooked. There were some

photographs which Mr Bansal brought to the meeting. I think I said to Chris to look at the photographs and that all the properties were extended differently. I was not asking Chris to override anything. I was just asking him to look at the example of different properties and then make a decision.

7. I am not sure but I think that Fabira may have said something about the extension.
8. I said to her "Officer, please let Chris speak." I said this on the understanding that Chris was the Senior Officer. My view is that the Agent and Applicant had already discussed the Planning Application with a Case Officer so this was an opportunity to discuss it with the Senior Manager. However I would like to stress that I did not realise she was the Case Officer. I thought that we were at the meeting to discuss the case with the Senior Manager and that she was the note taker. I knew Chris as the Senior Officer and the meeting was with the Senior Manager. I made the assumption that she was the note taker. I did not realise that she was the Case Officer as I had not met her before as part of the planning meetings at any time.
9. I only remember one occasion as described above in paragraph 8 that I asked her to let Chris speak. I do not remember any other occasion at the meeting. I was not abrupt and I did not raise my voice. However generally my voice is strong and loud and it may have come across differently to people at meeting. I did not mean to offend her by asking her to let Chris speak. I was not asking Chris to change his mind but to take another look at the application again and meet the Applicant half way. I know that Chris has to act under the planning guidelines and regulations. At no time was I putting any pressure on Chris to change his mind. I was just trying to avoid wasting the full planning committee's time with the "call-in". I feel that I was trying to act in the best interests of my constituent and the Council's time.
10. Finally, the planning application had to be "called in" by me and the Planning Committee decided the application in favour of the Applicant.
11. I would like to say that in my full time employment I am a full time Trade Union side Secretary for four Unions at Heathrow. I do not feel I treated Fariba any differently because she was a woman because I deal with so many different people of different gender, caste, creed, and religion. I know how important it is to respect an individual. We all have to respect each other. Also being a public figure in the community as an elected Member, Trustee of Sikh Temple (Singh Sabha) and being a member of the Thames Valley Police Authority I have to represent so many different types of individuals. As a Sikh by faith I have been brought up to have the deepest respect for women and their rights as equals in all walks of life. I feel "gutted" that this allegation of sex discrimination has been made against me as this is

the first time this has happened to me in my entire working life and I pride myself in being so careful to treat everyone with respect.

12. As soon as I received the complaint papers I was so concerned that Fariba felt I had treated her differently that I immediately contacted the Investigation Officer and made an offer of a face to face apology. I understand that the Investigation Officer did inform Fabira about this but that she did not accept my offer.

I hereby declare that this a true and accurate record of the interview on 6 October 2010 and this is an agreed record of that interview. There are 3 pages. I consent for any details to be used for this investigation.

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 for any other purpose.

Signed:



Date:

13/10/10

NAME:

B. S. BAINES

Slough Borough Council
Iken Quicknote

Document 8

Date: 28 June 2010

Client: SBD Resources Directorate

Matter: 013091-COR-288 - Standards Investigation SBC17 Councillor Bains 23 March 2010

Name: Kuldip K Channa (T: 01753 875189 E: kuldip.channa@slough.gov.uk)

Councillor Bains, trade union rep at Heathrow airport and very customer focused;

I am not a person like this; she was only female in the room and I would not treat her like this;

she kept on coming in and I said let the officer deal with it; it was Chris Smyth

I did not mean it like that - sexist or anything like that; I just was keen to get on with the case;

I am not person like this and I work in a place where is very customer focus;

I represent hundreds of people and do have to be fair; I am not a person like this at all.

Will she accept an apology?;

asking if he will apologise in front of all the people at the meeting; he did not think this was reasonable;

he would apologise in front of Chris Smyth, and happy to have investigator present;

saying I had made an approach to her but she had been unwilling but since he has called

I will ask her again as I think that is only fair that I should relay his views to her about an apology;

he said if I could do this and if it can be dealt with like this it will be fine; otherwise he will need to defend himself and if he has to then he will do so; he is not a person like this at all and she has misunderstood he has a loud voice and this can sometimes make him come across a bit different and sometimes people take offence by it; he is willing to apologise and she has simply misunderstood.

Saying that I will write to her and let him know her answer in a few days.

KKC.

willing to apologise;

Evening meeting with Councillor Bains on another matter and he referred to the investigation and advised me of the following:

He asked if I had contacted Fariba; I said I had not had the chance yet but will be emailing today if possible.

He said this was ok. He then went on to say he thought she was the note taking assistant and he does accept that on this basis he did refer to Chris Smyth. Although there were introductions at the beginning of the meeting he did not appreciate her role in this application and he thought that Chris Smyth was the main person dealing with it. He is not a person who would want to cause offence in this way. He feels sorry that he has offended her. He did not know she felt this way. He is customer focused. He asked me to ask her and I said I will email her before I go home tonight. He was fine with this.

KKC.

Channa Kuldip

Document 9

From: Channa Kuldip
Sent: 13 July 2010 13:28
To: Ismat Fariba
Subject: RE: re Standards Investigation - cllor Bains - decision to accept apology

Dear Fariba,
Many thanks and I will contact you to start the formal process rolling.
Kind regards

Kuldip

Kuldip K Channa
Litigation Solicitor
For the Borough Secretary & Solicitor
Legal Services (SMP 1st East)
Town Hall, Bath Road, Slough
Berkshire, SL1 3UQ

DX 42270 Slough (West)

Direct Tel: 01753 875189
Legal Tel: 01753 875031
Reception: 01753 475111
Legal Fax: 01753 875183

From: Ismat Fariba
Sent: 13 July 2010 11:43
To: Channa Kuldip
Subject: RE: re Standards Investigation - cllor Bains - decision to accept apology

Dear Kuldip

Sorry for not getting back to you yesterday; it was a rather chaotic day and I had to finish early too. I have thought about Cllr. Bains offer of an apology and must admit I am half hearted whether to go for it or the other way round.

However; I still believe that taking the issue all the way through the formal channel would be more appropriate. I know the consequences that I may not get the satisfactory result, still the fact that I make myself heard and that in future the Councillors would be more cautious and mindful as to how they treat a woman or a third party in the meeting apart from the manager would be enough for me.

Frankly speaking his apology would not mean much to me, the damaged is already done. He belittled me in front of three people and no matter what he does would not reverse the situation. In a way he belittled himself too by showing his true nature and his respect for a woman in the meeting. Despite that I think he needs to learn a lesson.

Therefore; I would like to inform you that I wish to proceed with the formal complaint and would like to see it all the way to the end. Please do inform me of my rights and when and for how long I could speak in front of the subcommittee about my views of the Cllr.

Many thanks

Kind regards

Fariba Ismat