

Standards (Determination) Sub-Committee – Meeting held on Wednesday, 2nd February, 2011.

Present:-

Co-opted Independent Members:-

The Reverend Paul Lipscomb, Mr Fred Ashmore and Mr Mike Field

Elected Members:-

Councillors M S Mann

Also present:-

Kuldip Channa (Investigating Officer), Maria Memoli (Monitoring Officer) and Catherine Meek (Administrator)

PART I

1. Declarations of Interest

None.

2. Minutes of the previous Meeting of the Sub-Committee held on 31st March 2010

The minutes of the Sub-Committee meeting held on 31st March, 2010 were approved as a correct record and signed by the Chair.

3. Alleged Breach of Local Code of Conduct - Councillor Balwinder Dhillon (SBC 2010/15 & 16)

The Sub-Committee met to consider the Investigating Officer's report into two complaints relating to the same incident that Councillor Balwinder Dhillon had failed to comply with the Local Code of Conduct for Members. The complaints had been referred to the Council's Monitoring Officer for investigation by the Standards (Assessment) Sub-Committee on 28th April 2010.

In accordance with the arrangement agreed by the Standards Committee, the Monitoring Officer had delegated the conduct of the investigation to Kuldip Channa, Assistant Solicitor (Litigation) i.e. the Investigating Officer.

The general summary of the complaints against Councillor Dhillon was 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 Chair of the Panel, Councillor A Dhaliwal.

The facts alleged in the two complaints that had been lodged by Councillor A Dhaliwal and Councillor Small were as follows:-

Standards Local (Determination) Sub-Committee - 02.02.11

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 Chair, thereby ignoring his 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 and addressing those present saying "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 the Complainant feels his reputation and dignity has been damaged and his political reputation has been affected.
- (e) The Subject Member repeatedly refused to leave the meeting when asked to do so by Chairman of the Panel, because of the Subject Member's 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".

The Investigating Officer's final written report outlining the result of her investigation and her conclusions were submitted together with Councillor Dhillon's written response thereto. In addition to the papers circulated with the agenda the Investigating Officer tabled two further documents:

- An email from Cllr Dhillon to the Investigating Officer dated 28th December 2010 which included an unreserved apology for the offense caused by him at the Health Scrutiny Panel on 22nd March 2010. This document should have been included in the papers for the Sub Committee.
- An email from Councillor Small to the Investigating Officer dated 21st December 2010 correcting an error in Document 11 (page 58 of the

Standards Local (Determination) Sub-Committee - 02.02.11

agenda) in that there was no allegation that Councillor Dhillon had been bullying or threatening towards Councillor Small.

A number of minor typographical errors were also corrected.

The Investigating Officer presented her report following which Councillor Dhillon declined the opportunity to ask questions thereon. Councillor Dhillon indicated that he had nothing further to add to the papers and that the Complainant had personal issues with him. The Chair advised Councillor Dhillon that whilst he accepted that this may have caused high feeling this was not relevant to the hearing.

The Chair put the Investigating Officer's conclusions to Councillor Dhillon for comment and Councillor Dhillon indicated that he accepted them.

The Sub-Committee having heard all the evidence and being satisfied that it had sufficient information withdrew to deliberate.

On reconvening the Chair advised that the Sub Committee had come to the following conclusions:

The Sub Committee concluded that Councillor Balwinder Dhillon:-

- (a) Had breached Paragraph 3 of the Local Code of Conduct in that he had failed to show respect to the Chair of the Health Scrutiny Panel and the Chief Finance Officer of Heatherwood and Wexham Park Hospital at the Health Scrutiny Panel meeting on 22 March 2010.
- (b) Had breached Paragraph 5 of the Local Code of Conduct in that he had conducted himself in a manner which could reasonably be regarded as bringing his office and authority into disrepute at the Health Scrutiny Panel meeting on 22 March 2010
- (c) Had not breached paragraph 3(1)(b) of the Local Code of Conduct Code, in that he had not bullied the Chair of the Health Scrutiny Panel or the Chief Finance Officer of Heatherwood and Wexham Park Hospital at the Health Scrutiny Panel meeting on 22 March 2010.

In respect of (a) to (c) above the Sub Committee accepted the material findings and conclusions of the Investigating Officer. The Sub Committee found that the balance of evidence showed that Councillor Dhillon had not treated the Chair and Chief Finance Officer of Heatherwood and Wexham Park Hospital with respect at the meeting of the Health Scrutiny Panel on 22 March 2010 and the manner and tone used by Councillor Dhillon was not of an acceptable standard expected of a Member. The Sub Committee found Councillor Dhillon's conduct at that meeting also fell short of the standard of conduct expected of an elected member at a public meeting. The Sub

Standards Local (Determination) Sub-Committee - 02.02.11

Committee found that Councillor Dhillon had breached Paragraph 3 and 5 of the Code.

In respect of (c) above the Sub Committee found that there was insufficient evidence to show that Cllr Dhillon's conduct at the Health Scrutiny Panel meeting on 22 March 2010 amounted to bullying of either the Chair of the Panel or the Chief Finance Officer of Heatherwood and Wexham Park Hospital. The Sub-Committee found that Cllr Dhillon had not breached paragraphs 3(1)(b) of the Code of Conduct.

Councillor Dhillon was asked whether he wished to make any representations before the sub committee considered what sanction, if any, should be imposed. Councillor Dhillon indicated that he had nothing further to add.

The Sub Committee then deliberated in private. The Monitoring Officer was asked for advice on the sanction that was to be imposed and the extent to which training could be left to the discretion of the Monitoring Officer. On reconvening the hearing the Chair advised that the Sub Committee had resolved as follows:

Resolved - That Councillor Dhillon, having been found in breach of Paragraph 3 and 5 of the Code of Conduct, be suspended for a period of two months with immediate effect and that during this period he should be provided with training in accordance with the recommendations of the Investigating Officer, at the discretion of the Monitoring Officer.

Councillor Dhillon was advised of his right to appeal against the Sub-Committee's decision to the First-tier Tribunal.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.40 pm)