

Standards (Determination) Sub-Committee – Meeting held on Monday, 18th April, 2011.

Present:-

Co-opted Independent Members:-

The Reverend Paul Lipscomb (Chair) and Mr Mike Field

Elected Members:-

Councillors Maclsaac

Also present:-

Councillors Dhillon (Subject member), Kuldip Channa (Investigating Officer), Shabana Kauser (Administrator) and Maria Memoli (Monitoring Officer)

Apologies for absence:-

Dr Henna Khan

PART I

6. Declarations of Interest

The Reverend Paul Lipscomb and Councillor Maclsaac declared that they both knew Mr Cryer who was in attendance at the meeting to assist Councillor Dhillon in presenting his case.

7. Minutes of the previous Meetings of the Sub-Committee held on 2nd February 2011 and 7th March 2011

The minutes of the Sub-Committee meetings held on 2nd February 2011 and 7th March 2011 were approved as a correct record.

8. Alleged Breach of Local Code of Conduct - Councillor Balwinder Dhillon (SBC 2010/23)

The Sub-Committee met to determine an allegation made by Mr Steve Wagner former employee of the Council, that Councillor Balwinder Dhillon had failed to comply with the Council's Local Code of Conduct. The complaint had been referred for investigation by the Standards (Assessment) Sub-Committee on 30th July 2010. In accordance with the arrangement agreed by the Standards Committee, Monitoring Officer had delegated the conduct of the investigation to Kulip Channa (Assistant Solicitor, Litigation) i.e. Investigation Officer.

At the Chairs invitation introductions were made by all participants following which he drew attention to the procedure that would be followed during the hearing and all parties confirmed that they were aware of it. The Investigating Officer, Councillor Dhillon and the Monitoring Officer agreed that there were no grounds for the exclusion of the press and public from the meeting.

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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. The general summary of the complaint and alleged breaches of the Code identified by the Investigating Officer were that

- (1) Contrary to paragraph 3 (1) of the Local Code of Conduct Councillor Dhillon had failed to treat the complainant with respect, and
- (2) Contrary to paragraph 3 (2) (b) the subject member had treated the complainant in a bullying and threatening manner.

The Investigating Officer presented her report and called Mr Wagner as a witness to the hearing. All parties were given an opportunity to ask questions for clarification.

Mr Cryer, on behalf of Councillor Dhillon, presented his case. 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 the 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 concluded that Councillor Dhillon:

- (a) Had breached Paragraph 3(1) of the Local Code of Conduct in that he had failed to show respect to Mr Wagner during a telephone conversation on 26 May 2010.
- (b) Had not breached Paragraph 3(1)(b) of the Local Code of Conduct, in that he had not bullied Mr Wagner during a telephone conversation on 26 May 2010.

The Sub-Committee determined that in respect of (a) above on the balance of probabilities Councillor Dhillon had failed to show respect to Mr Wagner during a telephone conversation on 26 May 2010.

The Sub-Committee gave little weight to the witness statements provided by Mr Grewal, given that the previous meeting had been adjourned in order to allow him to attend. The Sub-Committee understood that Mr Grewal would be in attendance at the hearing on 18 April but again failed to appear without adequate explanation.

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It was also noted that although a written apology had been given by Councillor Dhillon, following questioning at the hearing, Sub-Committee Members felt that it was not sincere.

Given the thorough investigation carried out by the Investigating Officer and subsequent questioning of all parties at the hearing, it was agreed that Councillor Dhillon had failed to show respect to Mr Wagner.

It was considered the comments made by Councillor Dhillon about Mr Wagner were disrespectful, for example in comparing him to his manager and other officers. Following questioning of both parties at the hearing, more weight was given to Mr Wagner's statement of events.

Having regard to the above the Sub Committee

Resolved – That Councillor Dhillon be censured.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 8.30 pm)