

STANDARDS (LOCAL DETERMINATION) SUB-COMMITTEE – Adjourned Meeting held on Monday, 15th August, 2005.

Present:-

Co-opted Independent Members:-

Messrs Mike Field (Chair), Fred Ashmore and Zahire Khan.

Elected Members:-

Councillors Neil Arnold and Sumander Khan.

Also Present:- Paul Janik (representing Councillor Balwinder Dhillon), Councillor Mann
[Paul Janik indicated that he was representing Councillor Dhillon in a private capacity and not as a fellow Councillor and wished to be referred to as Mr Janik.]

PART I

3 Alleged breach of Local Code of Conduct – Councillor Balwinder S Dhillon

The Chair reminded all those present that this was a re-convened meeting of the Standards (Local Determination) Sub-Committee that had been held on the 20th July 2005 and was meeting to hear a complaint made by Mr M Khan regarding the conduct of Councillor Dhillon.

The Sub-Committee had adjourned on the 20th July to enable all persons and witnesses to attend so that the Sub-Committee could hear their accounts of events at first hand.

The Chair drew attention to the procedure that would be followed that evening and all parties confirmed that they were aware it. The Investigating Officer, Mr Janik and the Monitoring Officer agreed that there were no grounds for the exclusion of the press and public from the meeting.

The Chair reminded all parties present that the Sub-Committee's Determination process would be in two stages –

1. To decide whether or not Councillor Dhillon had failed to comply with the Local Code of Conduct as set out in the Investigators report and
2. If the Sub-Committee considered that a breach of the Local Code of Conduct had occurred, what action (if any) the Sub-Committee should take.

The Chair reminded all parties present that the Sub-Committee had received and read all of the witness statements and supporting documentation which formed part of the Agenda papers. These papers had been re-circulated

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following the meeting of the 20th July and that there was therefore no need for anyone to repeat the details of the evidence which the Sub-Committee had studied in detail. The Investigating Officer and Mr Janik were asked to confine themselves to exploring any inconsistencies within the evidence and to draw those to the attention of the Sub-Committee.

The Investigating officer and Mr Janik (on behalf of Councillor Dhillon) both presented their cases during which they and the Sub-Committee Members were given the opportunity to ask questions to clarify the evidence submitted. The Investigating Officer called two witnesses, Mr Mohammed Khan and Councillor Mann. Mr Janik called Mr M Stanmore and Councillor Dhillon. Mr Janik indicated that he did not wish to call any further witnesses, but the Investigating Officer questioned Sukhdeep Dhillon (Councillor Dhillon's nephew). He was also questioned by Mr Janik with regard to incidents in the Town Hall car parks on 14th March 2005.

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 for Members and all parties withdrew from the room to enable the Sub-Committee to consider its decision.

On reconvening the hearing the Chair advised that the Sub-Committee:-

- Had considered all the evidence and noted the conflicting views of the witnesses.
- Had agreed to completely disregard Mrs Asher's evidence as it had not been able to be tested.
- Were concerned at the apparent collaboration there had been between Councillor Dhillon and Mr S Dhillon in producing their statements.
- Had agreed unanimously that, on the balance of probabilities, Councillor Dhillon had breached the Council's Local Code of Conduct for Members in that he conducted himself in a manner which could reasonably be regarded as bringing his office or Authority into disrepute in breach of paragraph 4.1 (a) of the Local Code.

The Investigating officer was asked to submit his recommendations on the sanctions which should be imposed upon Councillor Dhillon and he responded thereto.

The Sub-Committee, having heard the recommendations with regard to sanctions and being satisfied that it had sufficient information to make an informed decision as to the sanction, asked all parties to withdraw to enable it to consider its decision.

On re-convening the hearing the Chair advised all parties of the sanctions to be applied. The Chair advised Councillor Dhillon of his right of appeal to the

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President of the Adjudication Panel for England in accordance with Part 3 of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003.

Resolved - That Councillor Dhillon be censured for his conduct following the informal Planning Meeting on the 14th March 2005 and that he submit a written apology to all Members of the Council in a form acceptable to the Chair of this Sub Committee within 14 days of the date of the hearing.

Chair.

(Note: The Meeting opened at 6.30 p.m. and concluded at 9.05 p.m).