

STANDARDS (LOCAL DETERMINATION) SUB-COMMITTEE – Meeting held on Monday, 9th January, 2006.

Present:-

Co-opted Independent Members:-

Messrs Mr Mike Field, Zahir Khan and The Reverend Paul Lipscomb

Elected Member:-

Councillor Neil Arnold

Also Present:

Councillor Balwinder Dhillon; Ms Kate Olley, Counsel representing the Standards Board for England; Steven Quayle, Monitoring Officer and June Cook, Administrator.

Apology for Absence:- Councillor Sumander Khan

PART I

1. Election of Chair

Resolved – That The Reverend Paul Lipscomb be appointment Chair of the Sub-Committee for this meeting.

(The Reverend Paul Lipscomb in the Chair)

2. Declarations of Interest

Councillor Neil Arnold indicated that he wished to declare the same interest as he declared at the Standards (Local Determination) Sub-Committee meeting held on Wednesday, 20th July, 2005.

3. Minutes

The minutes of the Meetings of the Sub-Committee held on 12th and 20th July, 2005 and 15th August, 2005 were approved as a correct record and signed by the Chair.

4. Exclusion of Press and Public

Resolved - That the Press and Public be excluded from the Meeting during consideration of additional evidence submitted by Councillor Dhillon as there would be disclosure of exempt information relating to Councillor Dhillon's personal circumstances as defined within Paragraph 17 of Part 1 of Schedule 12A of the Local Government Act 1972

Standards (Local Determination) Sub-Committee - 09.01.06

5. Alleged Breach of Local Code of Conduct – Councillor Balwinder S Dhillon

The Sub-Committee met to determine an allegation made by Councillor Jagjit Grewal that Councillor Balwinder Dhillon had failed to comply with the Council's Local Code of Conduct. In summary, it was alleged that, during a break in the Council Meeting held on 26th April, 2005 Councillor Dhillon behaved in an aggressive and threatening way towards Councillor Grewal by raising his voice and fist and thus failed to treat him with respect contrary to paragraph 2.1(b) of the Code of Conduct and acted in a way which could reasonably be regarded as bringing his office or the Authority into disrepute contrary to paragraph 4.1 of the Code.

The allegation had been investigated by Mr Nick Marcar, an Ethical Standards Officer of the Standards Board for England and a copy of his final written report outlining the results of the investigation and his conclusions were submitted together with Councillor Dhillon's response thereto.

Counsel representing the Standards Board for England presented the Ethical Standard Officer's case and called two witnesses, Mr Dave Kingham, Facilities Officer who had witnessed the incident and Councillor Jagjit Grewal. The Sub-Committee and Councillor Dhillon were given the opportunity to question both witnesses. Councillor Dhillon circulated a written submission in support of his case and he was questioned by both Counsel and Members of the Sub-Committee. The Sub-Committee having heard all the evidence and being satisfied that it had sufficient information withdrew to consider its decision.

On reconvening the hearing, the Sub-Committee indicated that, on the evidence presented, it found Councillor Dhillon in breach of the Local Code of Conduct in that he had failed to treat others with respect and consideration as required by paragraph 2.1(b) and had conducted himself in a manner which could reasonably be regarded as bringing his office and the Council into disrepute in breach of paragraph 4.1 of the Code. The Sub-Committee's finding was based upon the fact that Councillor Dhillon had not contested that he had raised his voice and his fist to Councillor Grewal and this was corroborated by Mr Kingham. The Sub-Committee considered that Councillor Dhillon had acted aggressively and in such a way that Councillor Grewal would have felt threatened by his action and manner. The Sub-Committee also had regard to the fact that Councillor Dhillon had previously been found in breach of the Local Code of Conduct for verbally and physically threatening behaviour during an incident that took place on 14th March 2005.

Counsel was asked whether she wished to submit any recommendation on the sanction (if any) which should be imposed upon Councillor Dhillon and she indicated that it was not the Standards Board for England's policy to do so. Councillor Dhillon made no comment on the sanction which should be imposed upon him.

All parties then withdrew to enable the Sub-Committee to consider its decision.

On reconvening the hearing, the Chair advised all parties of the sanctions to be applied and Councillor Dhillon of his right of appeal in accordance with Part III of the Local Authority's (Local Code of Conduct) (Local Determination) Regulations 2003.

Standards (Local Determination) Sub-Committee - 09.01.06

Resolved:-

- (a) That Councillor Balwinder Dhillon, having been found in breach of the Local Code of Conduct, be censured and be required to submit a written apology to Councillor Grewal by the end of January and to make a formal oral statement of apology to full Council at the next Council Meeting he attends, both in forms acceptable to the Chair of the Standards Committee.
- (b) That all Members of the Council be reminded that they should at all times behave in a mature and controlled manner even when they feel provoked or aggrieved.

Chair

(Note: The Meeting opened at 6.30 p.m. and closed at 8.15 p.m.)