

Public Document Pack

Date of issue: 30th March 2007

MEETING	STANDARDS (LOCAL DETERMINATION) SUB-COMMITTEE
	CO-OPTED/INDEPENDENT MEMBERS: Messrs Fred Ashmore, Mike Field and The Reverend Paul Lipscomb.
	ELECTED MEMBERS:- Councillors Aziz and Rasib
DATE AND TIME:	TUESDAY, 10TH APRIL, 2007 AT 6.30 PM
VENUE:	COUNCIL CHAMBER, TOWN HALL, BATH ROAD, SLOUGH
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	JUNE COOK 01753 875019

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



Dawn Warwick
Acting Chief Executive

NOTE TO MEMBERS

This meeting is an approved duty for the payment of travel expenses.

AGENDA

PART 1

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
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Apologies for absence.			
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AGENDA
ITEM

REPORT TITLE

PAGE

WARD

1. Appointment of Chair
2. Declarations of Interest

(Members are reminded of their duty to declare personal and personal prejudicial interests in matters coming before this meeting as set out in the Local Code of Conduct)
3. Minutes of the last Meeting of the Sub-Committee held on 20th November 2006 1 - 4
4. Alleged Breach of Local Code of Conduct - Councillor Balwinder Dhillon 5 - 72

Press and Public

You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. Special facilities may be made available for disabled or non-English speaking persons. Please contact the Democratic Services Officer shown above for further details.

Minicom Number for the hard of hearing – (01753) 875030

STANDARDS (LOCAL DETERMINATION) SUB-COMMITTEE – Meeting held on Monday, 20th November , 2006.

Present:-

Co-opted Independent Members:-

Messrs Fred Ashmore and Zahire Khan and The Reverend Paul Lipscomb.

Elected Members:-

Councillors John Finn and Mohammed Rasib.

Also Present:

Councillor Steven Burkmar, Jill Bell, Deputy Monitoring Officer, Assaf Chaudry, Investigating Officer, Elaine Crawford, Investigating Officer and June Cook (Administrator).

PART I

1. Election of Chair

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

(The Reverend Paul Lipscomb in the Chair).

2. Declarations of Interest

Councillor Rasib stated that he wished it to be known that he was a Member of the Labour Group of which Councillor Dhaliwal was also a Member. On the basis of the interest declared Councillor Rasib did not have a personal and prejudicial interest in this matter and was not debarred from participating in the hearing.

3. Minutes

The minutes of the Meeting of the Sub-Committee held on 19th July , 2006 were approved as a correct record and signed by the Chair.

4. Alleged Breach of Local Code of Conduct – Councillor Sukhjit Dhaliwal

The Sub-Committee considered an allegation made by Mrs Dawn Groom that Councillor Sukhjit Dhaliwal failed to declare an interest at a meeting of the Council's Licensing Committee held on the 2nd March 2005, during consideration of a public entertainment licence for The Flags Public House.

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The complainant alleged that a relative of Councillor Dhaliwal owned a public house called the Five Rivers. She stated that an application for an identical variation in licence to that applied for in respect of The Flags had been refused by neighbouring South Bucks District Council and was under appeal at the time of the Licensing Committee meeting. The complainant considered a conflict of interest arose because, if both establishments were granted the same licence variation, they would be in direct competition. The complainant alleged that Councillor Dhaliwal's alleged family and business connection in the other application would have warranted the disclosure of an interest when considering the application from The Flags Public House.

The allegation had been referred by the Standards Board for England to the Monitoring Officer for investigation and, in accordance with the procedure previously agreed by the Standards Committee, he had delegated the investigation to Assaf Chaudry, Solicitor (Contracts) i.e. the Investigating Officer.

The Investigating Officer's final written report outlining how he conducted his investigation, the evidence gathered, his findings and conclusion was submitted for consideration.

The Investigating Officer reported that he had not come across any evidence which refuted or contradicted the Member's signed written statement that she nor her husband were related to Mr Kulwinder Dhaliwal, (a director of the company which owned the Five Rivers Public House) as defined by paragraph 8.4(a) of the Local Code of Conduct and that she did not have an interest in the Five Rivers Public House as defined by paragraph 8.3(a) of the Code. Mr Kulwinder Dhaliwal had also confirmed in a written signed statement that he was neither related to Councillor Dhaliwal through marriage nor blood and neither she nor her husband had a financial interest in the Five Rivers Public House. On the evidence presented the Investigating Officer had concluded that Councillor Dhaliwal had not breached the Local Code of Conduct.

The Sub-Committee having considered the Investigating Officer's report

Resolved – That Councillor Dhaliwal has not failed to comply with the Council's Local Code of Conduct.

5. Alleged Breach of Local Code of Conduct – Councillor Steven Burkmar

The Sub-Committee considered an allegation made by Mr David Wood that Councillor Steven Burkmar had breached the Council's Local Code of Conduct in that:-

- (a) he had failed to declare in the Register of Financial and Other Interests, within the required 28 days that he no longer had a financial interest in the Star and Garter Public House;

Standards (Local Determination) Sub-Committee – 20.11.06

- (b) he had failed to declare in the Register of Financial and Other Interests, within the required 28 days that he was no longer employed by the Wellington Pub Co Ltd;
- (c) he had failed to declare in the Register of Financial and Other Interests, within the required 28 days that he had been made bankrupt;
- (d) he had wrongly declared in the Register of Financial and Other Interests that he was the “joint Licensee” of the Herschel Arms – in accordance with the new licensing legislation there is no such thing as “joint licensee” and
- (e) he had wrongly declared on his bankruptcy form dated 26th October 2005 and before the Guildford County Court that his occupation was that of a “salesman”.

The allegations had been referred by the Standards Board for England to the Monitoring Officer for investigation and, in accordance with the procedure previously agreed by the Standards Committee, he had delegated the investigation to Elaine Crawford, Solicitor (Contracts) i.e. the Investigating Officer.

The Investigating Officer’s final written report outlining the results of her investigation and her conclusions were submitted for consideration.

The Sub-Committee’s attention was drawn to the fact that allegation (a) above had already been investigated and determined by the Sub-Committee in relation to a complaint made by Councillor Christine Small and had therefore been omitted from the investigation. As regards the other allegations the Investigating Officer concluded the following:

1. That in respect of allegation (b) above, there had been no breach of the Code of Conduct as Councillor Burkmar had never been an employee of The Wellington Pub Co but merely a tenant as lease holder of the Star and Garter Public House and could therefore not make a declaration that he was no longer an employee.
2. That in respect of allegation (c) above, there had been no breach of the Code of Conduct as Part 3 of the Code which related to the Register of Members’ Financial and Other Interests set out clearly the nature of the interests that had to be registered and these did not include bankruptcy of a Member.
3. That in respect of allegation (d) above, there had been no breach of the Code as the Licensing Act 2003 did not preclude applications for premises licences being made in joint names and the Council’s Licensing Officer had confirmed that at the time of Mr Wood’s complaint Councillor Burkmar had been a joint licensee of the Herschel Arms Public House.

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4. That in respect of allegation (e) above, there had been no breach of the Code of Conduct as Councillor Burkmar's activities relating to his bankruptcy was a private matter which had nothing to do with his duties as a councillor and that there had been no breach with regard to failure to register an interest because he was not currently employed as a salesman.

The Sub-Committee, having considered the Investigating Officer's report and an address made by Councillor Burkmar regarding this matter,

Resolved – That Councillor Burkmar has not failed to comply with the Council's Local Code of Conduct.

Chair.

(Note: The Meeting opened at 6.30 p.m. and closed at 6.50 p.m.).

SLOUGH BOROUGH COUNCIL

REPORT TO: Standards (Local Determination) Sub-Committee **DATE:** 10th April, 2007

CONTACT OFFICER: June Cook
(For all Enquiries) Member Services Manager (01753) 875019

WARDS: N/A

PART I

FOR DECISION

**ALLEGED BREACH OF LOCAL CODE OF CONDUCT – COUNCILLOR
BALWINDER DHILLON**

1. Purpose of Report

1.1 The purpose of this report is to submit for consideration the results of the Council's Investigating Officer's investigation into a complaint that Councillor Balwinder Dhillon has failed to comply with the Local Code of Conduct for Members and Councillor Dhillon's response to that complaint.

2. Recommendation/Action Required

2.1 The Sub-Committee is asked to:

- (a) determine if there has been a failure to comply with the Local Code of Conduct for Members by Councillor Dhillon and
- (b) if the allegation is proven, the sanction which should be applied.

3. Key Policy Priority Implications

3.1 It is important that the public have confidence in all Members of the Council who are duty bound to abide by the provisions contained in the Local Code of Conduct for Members and the Council's own Ethical Framework. Furthermore, it is for the benefit of all Members that complaints made against them are fully investigated and dealt with in accordance with the procedure laid down by the Standards Board for England.

4. Other Implications

4.1 There are no direct financial or staffing implications arising out of this report. The process of hearing and determining the allegation will be in accordance with the requirements of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 (as amended) and guidance issued by the

Standards Board for England. Any potential human rights issues which might arise are addressed and provided for in the Hearing Procedure (**Appendix C**).

5. Background Information

5.1 The Standards Board for England, has referred to the Council's Monitoring Officer for investigation a complaint that Councillor Dhillon failed to comply with the Council's Code of Conduct. In accordance with the arrangement agreed by the Standards Committee, the Monitoring Officer delegated the conduct of the investigation to the Assistant Director (Legal & Procurement Services) (the Investigating Officer). The Investigating Officer has completed her investigation and a copy of her final report is attached as **Appendix A**.

5.2 The general summary of the complaint against Councillor Dhillon prepared by the Standards Board for England is as follows:

"It is alleged that at a meeting of Slough Borough Council on 7th February 2006, Councillor Dhillon had been instructed to read an apology to another Councillor by a local standards committee. However, it is alleged that he used the opportunity to call into question the decision of the committee, to call the intended recipient of his apology "childish" and "foolish", and during the course of this had told the complainant (who submitted this allegation) to "shut your mouth". It is alleged that Councillor Dhillon did read out his apology after this, but the complainant states that the previous behaviour had "negated" his apology. It is claimed that Councillor Dhillon failed to treat others with respect, brought his office into disrepute, and that the comments he is alleged to have made was vexatious as well as malicious."

5.2 The alleged breaches of the Local Code of Conduct are as follows

(a) As a Member Councillor Dhillon had failed to "treat others with respect and consideration regardless of their gender, race, sexual orientation, age or religion" Contrary to section 2.1(b) of the Local Code of Conduct by telling Councillor Dodds to "shut your mouth" at the Council Meeting on 7th February 2006.

(b) In his official capacity has "conducted himself in a manner which could reasonably be regarded as bringing his office or the Authority in disrepute" contrary to Section 4.1 (a) of the Local Code of Conduct by talking about the case determined by the Standards (Local Determination) Sub Committee before reading the pre-agreed apology as ordered by that Sub-Committee.

(c) In his official capacity he has made "vexations or malicious complaints against any persons" contrary to Section 4.1(b) by calling Councillor Grewal 'foolish' and 'childish' at the Council Meeting on 7th February 2006.

5.3 The Investigating Officer concludes in her report that she did not find a breach of the Code on points (a) and (c) above. However, she did find there was a

break of the code in regard to (b) above as Councillor Dhillon did not simply read the pre-agreed apology as directed by the Standards (Local Determination) Sub Committee of 9th January 2006. By beginning with an account of the issue his behaviour sought to negate the effect of the apology and to that extent he was guilty of conducting himself in a manner which could reasonably be regarded as bringing his office into disrepute.

- 5.4 A letter was sent by hand to Councillor Dhillon on 6th March formally notifying him of the allegation and enclosing a copy of the Investigating Officer's Report. To simplify the hearing process Councillor Dhillon was requested to identify any matters of fact within the Investigating Officer's report with which he disagreed.
- 5.5 Councillor Dhillon has submitted his response to the Investigating Officer's findings which is attached as **Appendix B**. Councillor Dhillon has indicated that he will be present at the hearing and that he will present his own case. He does not propose to call any witnesses and does not want any of the documents to be withheld from public inspection.
- 5.6 In addition to **Appendices A & B** , I enclose for your attention and/or information the following documents:

<u>No.</u>	<u>Document</u>
Appendix C.	Procedure for the hearing
Appendix D.	Standards Board advice on admission of press and public
Appendix E.	Categories of exempt information"
Appendix F.	Sanctions available to the Sub-Committee

- 5.7 The procedure for the hearing will be as set out in **Appendix C** and any guidance and/or advice the Sub-Committee may require will be provided by the Monitoring Officer, Steven Quayle, Director of Law and Corporate Governance.

6. **Conclusion**

- 6.1 The Sub-Committee is asked to consider the evidence presented to it and come to a decision as to whether there has been a failure to observe the Local Code of Conduct and, if this is proven, what sanction, if any, should be applied to the Member.

7. **Appendices**

Appendix A	Investigating Officer's Report
Appendix B	Councillor Dhillon's response to the Investigating Officer's findings
Appendix C	Procedure for the hearing
Appendix D	Standards Board advice on admission of press and public
Appendix E	Categories of exempt information"
Appendix F	Sanctions available to the Sub-Committee

SLOUGH BOROUGH COUNCIL

REPORT OF AN INVESTIGATION UNDER SECTION 66 OF THE LOCAL GOVERNMENT ACT 2000 AND REGULATION 5 OF THE LOCAL AUTHORITIES (CODE OF CONDUCT) (LOCAL DETERMINATION) REGULATIONS BY JILL BELL, DEPUTY MONITORING OFFICER INTO AN ALLEGATION CONCERNING COUNCILLOR BALWINDER DHILLON.

1. Introduction

- 1.1 On 1st March 2006 Councillor M Dodds (MD) made a written complaint to the Standards Board for England (Document 1) which in summary alleged that Councillor Balwinder Dhillon (BD):
- a. As a Member had failed to “treat others with respect and consideration regardless of their gender, race, sexual orientation, age or religion” Contrary to section 2.1(b) of the Local Code of Conduct by telling Councillor Dodds to “shut your mouth” at the Council Meeting on 7th February 2006.
 - b. In his official capacity has “conducted himself in a manner which could reasonably be regarded as bringing his office or the Authority in disrepute” contrary to Section 4.1 (a) of the Local Code of Conduct by talking about the case determined by the Standards (Local Determination) Sub Committee before reading the pre-agreed apology as ordered by that sub-committee.
 - c. In his official capacity he has made “vexations or malicious complaints against any persons” contrary to Section 4.1(b) by calling Councillor Grewal ‘foolish’ and ‘childish’ at the Council Meeting on 7th February 2006.
- 1.2 In her complaint MD enclosed two documents to support her allegation namely:-
- Extract from the Local Code of Conduct for Members (Document 2)
 - Notice of Local Determination issued by Standards (Local Determination) Sub Committee 16.1.06 (Document 3)
 -
- 1.3 The complaint was considered by the Standards Board for England and referred to an Ethical Standards Officer on 22nd March 2006. The Ethical Standards Officer subsequently referred the matter to The Monitoring Officer on 7th April 2006. (Document 4)

2 The Process

- 2.1 The investigation was initially assigned to Assaf Chaudry Contract Solicitor and then Jill Bell Deputy Monitoring Officer.
- 2.2 As part of the investigation the following face to face interviews have been conducted and witness statements taken.
- a. The Complainant MD – witness statement (Document 5)
 - b. The Member complained of (BD) (witness statement Document 6)
 - c. Councillor M Aziz (MA) witness Statement (Document 7)
- 2.3 Telephone interviews were conducted with the following
- a. Councillor C Small (witness statement Document 8)
 - b. Councillor R Anderson (witness statement Document 9)
- 2.4 The following Councillors have also been approached by letter dated 24.8.06
- a. Councillor N Arnold who responded by e-mail (Document 10)
 - b. Councillor L Khan who did not respond at that time
 - c. Councillor S Wright who did not respond
 - d. Councillor R Stokes who did not respond
- 2.5 Councillor D Cryer was approached on 10th July 2006 and stated that he could not recall the incident. Councillor Swindlehurst was also approached on 10th July

2006 he could recall the incident but could not add anything to the accounts given by Councillors Anderson and Small. The following Councillors were approached by letter dated 6th December 2006 and were interviewed face to face.

- a. Cllr R Plimmer (witness statement Document 11)
- b. Cllr L Khan (witness statement Document 12)

A telephone interview was conducted with Councillor Grewal and a note of that interview is attached Document 13. Councillor Grewal has signed that note to show it is a true record.

- 2.6 At the interview with Councillor Dhillon on 30th June 2006 he produced the various documents.
- a. A statement in response to the allegation (Document 14)
 - b. A response from the Standards Board for England dated 3rd April 2006 regarding Councillors Swindlehurst, Zarait and Zeib and their conduct at the Council Meeting on 7th February 2006 (Document 15)
 - c. A letter written by him to the Standards Board for England dated 13th June 2006 concerning Councillor P Choudhry and his conduct at the Overview and Scrutiny Committee Meeting on 8th June 2006 (Document 16)
 - d. The response from the Standards Board for England dated 22nd June 2006 (Document 17)
- 2.7 The minutes of the Council Meeting of 7th February 2006 were also consulted (Document 18)

3. Statutory Framework

- 3.1 The Relevant Authorities (General Principles) Order 2001 sets out the principles which are to govern the conduct of Members and two appear relevant to the complaint in question. They are:-

“Honesty and Integrity

Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour”

“Duty to Uphold the Law

Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.”

- 3.2 The Council adopted its Local Code of Conduct for Members (the Code) in May 2002. The words in italics in the following paragraphs show the provisions adopted by Slough Borough Council which are additional to the model code issued by the Standards Board.
- 3.3 All Members who are elected to office must sign a “Declaration of Acceptance of Office” before they can officially act as a Councillor. In that declaration they undertake to observe the Code as to the conduct which is expected of Members of the Council.

3.4 Paragraph 2.1 (b) of the Code states

2.1 A Member must:-

“b. treat others with respect and consideration, regardless of their gender, race, sexual orientation, age or religion”

3.5 Paragraph 14.1 of the Code states:-

4.1 A Member must not in his official capacity, or any other circumstance:-

a. Conduct himself in a manner which could reasonably be regarded as bringing his office or Authority into disrepute

b. *Make any vexatious or malicious complaints against any persons.*

3.7 It is against these General Principles and the provisions of the Code that the complaint had been investigated.

4 Material Findings

4.1 At the Local Elections held on 10th June 2004 BD was elected to the office of Member of Slough Borough Council and he accepted office on 14th June 2004.

4.2 He has attended training sessions on the Local Code of Conduct on 13th January 2005 (Lobby Groups/Dual Hatted Members), 5th December 2005 (Ethical Framework) and 9th May 2006 (Local Code of Conduct).

4.3 The complaint relates to Councillor Dhillon's actions when he was required to give an apology to Councillor Grewal by the Standards (Local Determination) Sub Committee on 9th January 2006. The wording of the apology had been agreed with the Chair of the Standards (Local Determination) Sub Committee and the Monitoring Officer and was due to be given at the Council meeting on 7th February 2006. Minute 62 of the Council meeting records that Councillor Dhillon did give the apology and the wording of the apology (P356 of Document 18).

4.4 As BD rose to make the apology it is clear from the accounts of Councillor Anderson, Small, Plimmer, Khan and Dodds that he began by talking about the matter.

4.5 It is clear from the accounts of all the Councillors that there was then a lot of noise in the Chamber so much so that Councillor Khan (the Mayor) recalls that he had to ask Councillor Dhillon to sit down several times. This is supported by Councillor Plimmer's statement,

4.6 Part of Councillor Dodd's complaint is that Councillor Dhillon called Councillor Grewal 'foolish' and 'childish' and disputed the findings of the Standards (Local Determination) Sub-Committee.

4.7 Councillor Aziz was sitting quite close to Councillor Dhillon and does not recall him saying anything directly to Councillor Grewal. Councillor Plimmer commented that there was so much noise in the Council Chamber it is hard to say if any comment

was aimed at any particular Councillor. Councillor Khan as Mayor was sitting facing Councillor Dhillon. He did not hear him call Councillor Grewal foolish and childish but agreed that there was a lot of noise in the Council Chamber as soon as Councillor Dhillon stood up.

- 4.8 Councillor Anderson does recall him calling Councillor Grewal 'a child' because of his complaint to The Standards Board.
- 4.9 Councillor Dhillon maintains that the Mayor accepted his apology and that he has heard nothing from Councillor Grewal to indicate that he has not accepted the apology and has not made any complaint to that effect.
- 4.10 Councillor Grewal has confirmed that he has not filed any complaint regarding the apology but he does say that he was not satisfied with the way the apology was given. He felt it was the responsibility of the Mayor to deal with Councillor Dhillon and to ask if Councillor Grewal had accepted the apology. Councillor Grewal also confirmed that he did not speak at the Council Meeting on 7th February 2006.
- 4.11 The second element of the complain is that Councillor Dhillon said the words "Shut your mouth" to Councillor Dodds. Councillor Dodds states that Councillor Dhillon was facing a barrage of comments and that she was trying to assist him by suggesting that he got on with his apology. She says that he turned viciously to her and told her to "Shut her mouth".
- 4.12 Councillor Aziz recalls Councillor Dhillon being unable to read his apology because of the noise coming from the Labour benches. He didn't hear him saying shut up. Councillor Plimmer recalls the Labour Group giving Councillor Dhillon 'a lot of stick' and Councillor Dodds and Dhaliwal both saying things to him which he responded with words like 'shut up'. Councillor Small recalls the words 'shut your mouth' as does Councillor Anderson.
- 4.13 Councillor Khan, the Mayor, recalled that he asked Councillor Dhillon to read his apology and Councillor Dhillon began by giving mitigating circumstances of how he had got to that stage. As he began to do this the Labour Members started shouting. The Mayor asked Councillor Dhillon to sit down and then asked the Labour Party Members to be quiet and let him speak. Each time Councillor Dhillon stood up he began by talking about the circumstances and there was a lot of noise from the Labour benches, this happened at least four times. Councillor Khan then asked the Monitoring Officer to confirm the wording of the apology and he told Councillor Dhillon just to read the apology which he did. Councillor Khan did hear Councillor Dhillon say "be quiet" but not "Shut your mouth". However, he does recall that it was not a good meeting and there was a lot of noise. As Councillor Dhillon did eventually read the apology in the terms agreed the Mayor accepted it.
- 4.14 Councillor Dhillon agrees that there was a lot of noise from the Labour Members. He recalls asking them to be quiet but denies that he told Councillor Dodds to "Shut your mouth".

Findings

- 5.1 It is clear from the witness statements that the meeting was very noisy. Several Members commented on this. It is also clear that the noise started when

Councillor Dhillon stood up to speak. The noise appears to have come from the Labour benches and appears to have started when Councillor Dhillon did not just read the pre-agreed apology; but began giving what has been termed background/mitigating circumstances/opening up the same issues/saying other things about the matter. Whilst there are different interpretations of what he said all agree he didn't just start with the pre agreed apology.

- 5.2 The level of noise appears to have been considerable. Councillor Aziz states he could hear Councillor Dhillon properly because he was standing next to him but he does not know how Members on the Labour Benches could, as they were at least six feet away. Councillor Plimmer commented that there was a lot of noise in the chamber so it is hard to say if any comment was aimed at any particular Councillor but he was sitting at the other side of the Council Chamber. Councillor Anderson is clear what he heard as he was in close proximity because of the layout of the chamber. Councillor Dodds, Small, and Anderson describe the manner in which the words were spoken as being offensive/highly insulting/unpleasant/vicious.
- 5.3 From all the Members' accounts it is clear that this was not a good meeting. The Mayor had to ask Councillor Dhillon to sit down 'at least four times'. The noise appears to have come mainly from the Labour Benches and was so substantial other Members could not hear what was being said.
- 5.4 Councillor Plimmer said in his statement that this was not a case of one Member not treating other with respect. He is indicating a general lack of respect within the Chamber as Councillor Dhillon was receiving "a lot of flack" from the Labour Group Members.
- 5.5 At his interview Councillor Dhillon raised the question of the standard of behaviour he was to be judged against. He produced copies of a letter he had written to the Standards Board complaining about another Member and two responses to complaints he had made about Members' conduct.
- 5.6 In both cases although on the face of it the conduct complained of was far more serious than that alleged against Councillor Dhillon in this matter, the Standards Board declined to investigate.
- 5.7 Councillor Dhillon has raised the issue of whether or not two standards of behaviour are being adopted.

Conclusion

- 6.1 The balance of the evidence is such that I find Councillor Dhillon caused the uproar at the Council Meeting because he did not just read the apology but began with other comments on the decision.
- 6.2 However, Councillor Dhillon was not the only Member not to treat others with respect and consideration at that meeting. The noise and turmoil was such the Mayor had to ask him to sit down at least four times to restore order. The Mayor took the correct action by finding out what wording had been agreed and explaining to Councillor Dhillon that he simply needed to read the apology.

- 6.3 The differing accounts of what he said and the evident difficulties in hearing above the noise mean this it is hard to come to a conclusion about the words he used. A Councillor standing next to him says he did not use them, the Mayor did not hear them but two Councillors say he did use them. Without clear evidence on the words it is also difficult to come to a conclusion that he made vexatious or malicious complaints against any person.
- 6.4 However, even if he did use the words 'foolish and childish' and 'shut your mouth' those words in themselves are not vexatious or malicious complaints, although they are certainly not pleasant. They have to be viewed in the context of the behaviour of all Members at the Council Meeting that night. In one of the responses to Councillor Dhillon's complaints the Standards Board have stated that in the course of their duties Members are likely to be the subject of occasional ill considered and rude commentary from other Members. (Document 15)
- 6.5 I therefore do not find there has been a breach of the Code on points 1.1a and 1.1c. I do find that there was a break of the code in regard to point 1.1b as Councillor Dhillon did not simply read the pre agreed apology as directed by the Standards (Local Determination) Sub Committee of 9th January 2006. By beginning with an account of the issue his behaviour sought to negate the effect of the apology and to that extent he was guilty of conducting himself in a manner which could reasonably be regarded as bringing his office into disrepute.
- 6.6 I should like to record my thanks to all the parties for their cooperation in the investigation

.....
Jill Bell
Deputy Monitoring Officer
5.3.07

List of Documents Annexed to Report

Document 1	Complaint by Councillor Dodds 1.3.06
Document 2	Extract from Local Code of Conduct
Document 3	Notice of Local Determination 16.1.06
Document 4	Letter 7.4.06 Standards Board for England to Monitoring Officer
Document 5	Statement of Councillor May Dodds 20.2.07
Document 6	Statement of Councillor Balwinder Dhillon 8.2.07
Document 7	Statement of Councillor Aziz 21.9.06
Document 8	Statement of Councillor Small 8.1.07
Document 9	Statement of Councillor R Anderson 15.1.07
Document 10	E-mail Councillor Neil Arnold 11.9.06
Document 11	Statement Councillor R Plimmer 10.1.07
Document 12	Statement Councillor L Khan 10.1.07
Document 13	Note of conversation with Councillor Grewal Signed 17.2.07
Document 14	Statement of Councillor B Dhillon
Document 15	Notification of new allegation received by Standards Board for England 3.4.06
Document 16	Letter Councillor B Dhillon to Standards Board for England 13.06.06
Document 17	Notification of new allegation received by Standards Board for England 22.6.07
Document 18	Extract from Minutes of Council Meeting 7.2.06

The Standards Board for England
First Floor
Cottons House
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RECEIVED
06 MAR 2006

Cllr May Dodds
3 Nicholas Gardens
Slough
Berkshire
SL1 5TT

-----RU-----

06 MAR 2006

RECEIVED

Wednesday, 01 March 2006

Dear Sir or Madam:

I am writing to express my concern about the conduct of a fellow councillor at Slough Borough Council. It is my belief that councillor Balvinder Dhillon breached the Local Code of Conduct on three counts relating to the treatment of others with respect: 2.1 b, 4.1a&b. I have attached the relevant sections as Appendix A.

The incident took place at a meeting of the Full Council on 7th February 2006. At this meeting Cllr Dhillon was to read out a pre-agreed apology to Cllr Jagjit Grewal following the ruling of the Standards Board Local Determination Committee (This ruling is attached as Appendix B). However, Cllr Dhillon instead used this as an opportunity to talk about the case. He ignored the Mayor's attempts to call him to order and proceeded to call Cllr Grewal 'foolish', 'childish' and again tried to dispute the findings of the Local Determination Committee.

Cllr Dhillon in the course of this speech turned to me personally and said to me "shut your mouth". It was some time before Cllr Dhillon was persuaded by the Mayor to read the apology. However, it is my opinion that by this time Cllr Dhillon had negated the apology by his conduct.

This was a public meeting of the Council, with members and senior officers present and is open to the public. I believe that Cllr Dhillon's comments to the councillor he was supposed to apologise and those directed at myself were vexatious as well as malicious, brought the office of councillor into disrepute and demonstrate a failure to treat others with respect.

I feel these breaches are of a serious nature and I hope that the issue can be resolved swiftly. I look forward to hearing from you in the near future.

Yours sincerely



Cllr May Dodds

1.3 A Member must observe the Authority's Code of Conduct wherever he:-

- (a) conducts the business of the Authority;
- (b) conducts the business of the office to which he has been elected or appointed, or
- (c) acts as a representative of the Authority

and references to a Member's official capacity shall be construed accordingly.

1.4 This Code of Conduct shall not, apart from Paragraphs 4.1 and 5.1 (a) below, have effect in relation to the activities of a Member undertaken other than in an official capacity.

1.5 Where a Member acts as a representative of the Authority:-

- (a) on another relevant authority, he must, when acting for that other authority, comply with that other authority's code of conduct; or
- (b) on any other body, he must, when acting for that other body, comply with the Authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

1.6 In this code, "Member" includes a Co-opted Member of an authority.

1.7 "Co-opted Member" in relation to a relevant authority, means a person who is not a Member of the Authority but who:-

- (a) is a Member of any Committee or Sub-Committee of the Authority, or
- (b) is a Member of, and represents the Authority on, any joint Committee or joint Sub-Committee of the Authority.

GENERAL OBLIGATIONS

2.1 A Member must:-

- (a) promote equality by not discriminating unlawfully against any person,
- * (b) treat others with respect and consideration, regardless of their gender, race, sexual orientation, age or religion and
- (c) not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

- 2.2 *Members and employees are servants of the public and they are indispensable to one another. However, their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Employees are responsible to the Council and their job is to give advice to Members and the Council and to carry out the Authority's work under the direction and control of the Council, its Committees, Sub-Committees and the Executive (Cabinet).*
- 2.3 *Members must not do or threaten to do anything which compromises or which is likely to compromise the impartiality of an employee of the Authority.*
- 2.4 *The law and Council rules (standing orders) lay down rules for the appointment, discipline and dismissal of employees. Members must ensure that they observe these scrupulously at all times. Special rules apply to the appointment of assistants to political groups. In all other circumstances, if a Member is called upon to take part in appointing an officer, the only question which he should consider is which candidate would best serve the whole Council. Members should not let their political or personal preferences influence their judgement. They should not canvass the support of colleagues for any candidate and should resist any attempt by others to canvass theirs. In consequence, Members should not provide references in support of applications for employment by the Council.*
- 3.1 *As a Councillor or a Committee or Sub-Committee Member, Members necessarily acquire much information that is confidential to the Authority or to individuals, is commercially confidential or has not yet been made public. It is a betrayal of trust to breach such confidences.*
- 3.2 A Member must not:-**
- (a) **disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so, nor**
 - (b) **prevent another person from gaining access to information to which that person is entitled by law.**
- 4.1 A Member must not in his official capacity, or any other circumstance:-**
- * (a) **conduct himself in a manner which could reasonably be regarded as bringing his office or Authority into disrepute.**
 - * (b) *make any vexatious or malicious complaints against any persons.*
- 5.1 A Member :-**
- (a) **must not, in his official capacity, or any other circumstance, use or threaten to use his position as a Member improperly to confer on or secure for himself or any other person, an advantage or disadvantage; and**

SLOUGH BOROUGH COUNCIL

STANDARDS (LOCAL DETERMINATION) SUB-COMMITTEE

NOTICE OF LOCAL DETERMINATION

The Standards (Local Determination) Sub-Committee, at a hearing held on Monday, 9th January, 2006 determined an allegation that Councillor Balwinder S Dhillon failed to comply with Slough Borough Council's Local Code of Conduct in that on 26th April 2005 he behaved in an aggressive and threatening way towards Councillor Jagjit S Grewal.

The Sub-Committee, in determining the allegation, had regard to the fact that Councillor Dhillon has not contested that he raised his fist and voice against Councillor Grewal and this was corroborated by an Officer of the Council and Councillor Dhillon has been found previously in breach of the Code for a similar offence.

The Sub-Committee found that Councillor Dhillon has breached the Local Code of Conduct in that he failed to treat others with respect as required by paragraph 2.1(b) and conducted himself in a way which could reasonably be regarded as bringing his office and the Council into disrepute in breach of paragraph 4.1(a) of the Local Code.

The sanction imposed upon Councillor Dhillon is that he be censured and required to submit a written apology to Councillor Grewal and to make a formal oral apology to full Council, both in terms acceptable to the Sub-Committee Chair.

Councillor Dhillon may apply to the President of the Adjudication Panel for England for permission to appeal against this finding in accordance with Part 3 of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003.

The Standards (Local Determination) Sub-Committee was chaired by The Reverend Paul Lipscomb (Independent Co-opted Member) and comprised Messrs Mike Field and Zahir Khan (Independent Co-opted Members) and Councillor Neil Arnold.

Date: 16th January, 2006

Steven Quayle, Director of Law and Corporate
Governance and Monitoring Officer



the
Standards Board
for England

7 April 2006

PRIVATE & CONFIDENTIAL

Mr Steven Quayle
Monitoring Officer Slough Borough Council
Town Hall, Bath Road
Slough
Berkshire
SL1 3UQ

1st Floor
Cottons Centre
Cottons Lane
London SE1 2QG

Enquiries: 0845 078 8181
Fax: 020 7378 5155

enquiries@standardsboard.co.uk
www.standardsboard.co.uk

Dear Mr Quayle

RE : SBE 14324.06

I refer to Helen Hobson's letter dated 22 March 2006 with regard to Councillor Dodds allegation that Councillor Dhillon may have failed to comply with Slough Borough Council's Code of Conduct.

Subject to section 60(2) of the Local Government Act 2000, I have decided to refer the matter to you for investigation.

Please find enclosed a copy of the allegation. I also enclose a copy of our local investigation guidance for monitoring officers (please note on page 7 of this guidance, once you have completed your investigation, a copy of your final report should be sent to me), and guidance on how to conduct an investigation. Both of these documents are also available on our website www.standardsboard.co.uk.

I am writing to Councillor Dodds and Councillor Dhillon to let them know of this referral. I have not sent the member a copy of the allegation. The matter is now within your jurisdiction and both Councillor Dodds and Councillor Dhillon have been informed that you will be in touch with them shortly.

If you have any queries please contact Stephen John on 020 7378 5146 or email stephen.john@standardsboard.co.uk, who will be able to assist you throughout your investigation.

Yours sincerely

Nick Marcar
Ethical Standards Officer

Enc.

Notification of a new allegation received by the Standards Board for England

SBE allegation reference no.	SBE14324.06
Name of person making the allegation:	Councillor M Dodds
Name of person allegation is against:	Councillor B Dhillon
Name of relevant authority:	Slough Borough Council

Introduction

The Local Government Act 2000 established the Standards Board for England and gave it a primary duty to consider written allegations. The Act also gave the Standards Board a wide discretion to decide whether or not a written allegation should be referred to an Ethical Standards Officer (ESO) for investigation.

Under powers granted by Section 112 of the Local Government Act 2003 the Board decided to delegate this function to nominated officers. In doing this, the Board has established a careful checking and monitoring procedure which involves final approval by a senior manager.

Allegation recently considered

The Standards Board for England recently received an allegation and officers conducted an assessment to decide whether to refer it for investigation. The following is a general summary of the allegation:

It is alleged that at a meeting of Slough Borough Council on 7 February 2006, Councillor Dhillon had been instructed to read an apology to another councillor by a local standards committee. However, it is alleged that he used the opportunity to call into question the decision of the committee, to call the intended recipient of his apology "childish" and "foolish", and during the course of this had told the complainant (who submitted this allegation) to "shut your mouth". It is alleged that Councillor Dhillon did read out his apology after this, but the complainant states that the previous behaviour had "negated" his apology. It is claimed that Councillor Dhillon failed to treat others with respect, brought his office into disrepute, and that the comments he is alleged to have made were vexatious as well as malicious.

Decision

It was decided to REFER the full allegation(s) to an Ethical Standards Officer.

Further information

The Ethical Standards Officer will determine whether the matter should be

handled locally or centrally. If the ESO determines that the matter should be handled locally, he or she will notify the parties and send the relevant information to the monitoring officer. The ESO may refer the matter to the monitoring officer for investigation or direct the monitoring officer to deal with the matter in another manner. If the ESO decides to investigate the matter centrally, the ESO has the power to review the remit of an investigation at any point and can extend it if appropriate. This power arises under section 59(1)(b) of the Local Government Act 2000. Should this happen, the investigations department will inform the member at an appropriate time.

At the conclusion of an ESO investigation the ESO may come to one of four findings:

1. There is no evidence that the member has broken any part of their local Code of Conduct;
2. No further action needs to be taken in relation to the matter investigated;
3. The matter should be referred to the monitoring officer (usually the chief legal adviser) of the relevant authority for determination by the local Standards Committee; or
4. The matter should be referred to the Adjudication Panel for England for determination.

A member of the Ethical Standards Officer's staff will contact the parties in due course.

A copy of this notification letter has been sent to the person making the allegation(s), the member against whom the allegation was made, the monitoring officer of the relevant authority, and the clerk to the parish council (where applicable). It is the policy of the Standards Board to notify all the above parties in writing once we have received and assessed an allegation. Our assessment is made on the basis of the written allegation summarised in this notification. The assessment role of the Standards Board is separate and distinct from the investigative role of an Ethical Standards Officer. Consequently the Board makes no finding of fact at this stage; it only decides whether an allegation should be investigated.

If you have any form of disability, or special need, which means you will require additional support in respect of this or future contact with the Board, please let us know as soon as possible. If you have any difficulty reading this letter and require a large print, Braille, tape or translated version of the information please let us know.

Signed

.....


Date: 21/03/2006

**Lucy Nickless – Principal Referral Case Manager
(On behalf of the Standards Board for England)**

Statement of Councillor May Dodds

I, Cllr May Dodds of 3 Nichloas Gardens, Slough SL1 5TT will say as follows:

1. I have been a Member of the Slough Borough Council since I was elected since, I am also a trained Mediator.
2. I attended the Council meeting of the Borough of Slough held at the Town Hall on the 7th February 2006. I was sitting on the Labour bench which was at right angle to the party in administration which sits on the bench facing the Mayor. Cllr Dhillon was seated at the edge of this bench and was literally next to me.
3. I have known Cllr Dhillon for over three years, my dealings with him have been always of a civil nature and I have always treated him with respect.
4. The circumstances in which the complaint arose was following the apology that Cllr Dhillon was suppose to deliver arising from the outcome of the standards subcommittee .Instead of delivering the pre agreed apology he proceeded to verbally attack Cllr Grewal and repeated the finding of the case. This went on for some time and resulted in an uproar within chambers and Members were urging the Mayor to report him back to the standards committee. Cllr Dhillon would take no heed of this advise and continued to attack Cllr Grewal. He described him a childish and started to challenge the Standards determination.
5. I felt pity for him given the barrage of comments that were emanating from the many Members I tried to assist him by suggesting that he should just give the apology and get this over and done with. I must have used word to the effect that he needs to swallow his pride and get on with it. This was said in the sprit of helping him, despite the same, he turned viciously towards me and told me to "shut my mouth "
6. I found Cllr Dhillons behaviour most shocking, although I have heard abusive language used among Members I have never used such language to address other people or for that matter been subject to such offensive remarks bearing in mind the context in which the remarks were made ,he was after all suppose to read an apology to Cllr Grewal and what does he do treats me with disrespect. I do not expect Cllrs to use such language and I found his statement most disturbing.

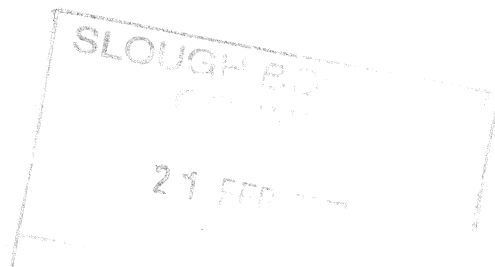
Statement of Truth

I believe that the facts stated in this witness statement are true,

Signed May Dodds

Cllr May Dodds

Dated 20/2/07



I Balwinder Dhillon of 67 London Road Slough will say as follows:-

1. I have been a member of Slough Borough Council since I was elected on 10th June 2004
2. I attended the Council Meeting at the Town Hall on 7th February 2006 where I was due to give a pre-agreed apology in respect of a determination from the Standards Sub-Committee of the 9th January 2006.
3. The apology had been agreed in writing with the Monitoring Officer before the meeting.
4. I was sitting at the left hand side of the Conservative Bench. Councillor Aziz was sitting on my right hand side.
5. Opposite me was the dias on which the Mayor was seated.
6. On my left hand side were the Labour benches. I recall that Councillor Grewal was sitting at the rear of the benches quite far away from me I think he was sitting in the back row. Councillor Dodds was sitting closer to me.
7. The Meeting on the 7th February started quietly enough with the formal items. The next item was for me to make my apology. The Mayor asked me to read my apology but as I started to speak there was a lot of noise coming from the Labour benches. I was unable to make my self heard.
8. I had agreed the apology in advance with the Monitoring Officer and was reading from that document. When I tried to read out my statement the Labour Group made so much noise that I was unable to do so. I recall that I asked them to be quiet I don't recall trying to dispute any of the findings. Eventually I was able to read out the statement.
9. My apology was accepted by the Mayor Councillor Latif Khan and I have heard nothing from Councillor Grewal to suggest that he has not accepted my apology. I have also not heard anything from the Chief Executive or The Monitoring Officer to that effect.
10. Before my interview with the Deputy Monitoring Officer as part of the investigation into Councillor Dodds complaint, I made a statement which I produced to her and that is attached as Document 7a.
11. I was very concerned about the behaviour of Members at the council Meeting on 7th February after I had given my apology and I made a complaint to the Standards Board for England about the behaviour of Councillors Swindlehurst, Zarait and Zeib. The response of the Standards Board is attached as Document 7b.
12. I later made a further complaint to the Standards Board about the behaviour of Councillor P Choudhry and my letter dated 13th June 2006 is attached as document 7c. There response dated 22nd June 2006 is attached as document 7d.
13. I believe that the manner in which my complaints and the complaint of Councillor Dodds have been dealt with by the Standards Board show discrimination. Councillor Dodds complained that I had told her to "shut your mouth" and allegation which I deny. The behaviour that I complained of, of the four Labour Members was in my judgement far worse the Standards Board have not seen fit to investigate the matter. In particular the notification dated 3rd April 2006 says "Members are

likely to be subject of occasional ill considered and rude commentary from other Members and have the appropriate platforms from which to counter such conduct”

- 13 I believe that I am being discriminated against because when I make a complaint no further action is taken when a complaint is made against me for allegedly less confrontational behaviour investigations are commenced.

Statement of truth

I believe that the facts stated in this witness statement are true

Signed .....
Councillor B Dhillon

Dated 8th Jan 2007.....

I Councillor Aziz of 104 Wellesley Road, Slough Berks SL1 1UR Will say as follows:

1. I have been a Member of Slough Borough Council since I was elected in 10th June 2004. I attended the Council Meeting held at the Town Hall on the 7th February 2006. I was sitting on the Conservative Bench which was at right angles to the Labour Bench. The Mayor was sitting on the podium directly opposite me. I was the Councillor sitting the nearest to Councillor Dhillon who was on my left. He sits apart from the administration but in between it and the Labour Party Members.
2. I recall that as usual there was a lot of noise at the meeting during the course of the meeting the noise would start and then stop. When Councillor stood up to make the apology there was a lot of noise directed at him. He was trying to read his apology but was unable to do so because of the noise coming from the Labour Benches. I recall The Mayor saying something to the effect of "Let him read his apology".
3. Councillor Dhillon said that he wouldn't read the apology whilst there was noise going on. I don't know if he said this to one person or to all but he said words to the effect of "will you be quiet and let me read my apology".
4. I didn't hear him use the words 'shut up' but him do recall him asking them to be quiet, but when he did so they made more noise. The Mayor eventually made everyone be quiet and Councillor Dhillon started reading the apology. The noise then started again and Councillor Dhillon asked them to be quiet but they made more noise. The noise was coming from the Labour Benches. I don't recall him saying anything directly to Councillor Grewal, however, although I was the nearest Councillor to Councillor Dhillon with so much noise in The Council Chamber it was actually hard to hear what Councillor Dhillon was saying. I don't understand how anyone else could have heard him say anything as I was I was the nearest to him. I do not believe that he said anything else accept the apology.
5. I have been told of Councillor Anderson's account of the event, but he was sitting behind Councillor Dodds and that Councillor Dhillon called Councillor Grewal childish and then there was uproar and Councillor Dodds said "just swallow your pride and give the apology" and that Councillor Dhillon then said "shut your mouth!". I have also been informed that Councillor Small said that she was sitting behind Councillor Dodds and that Councillor Dhillon started with an explanation of why he was giving the apology and Councillor Dodds said "boy give it up and give the apology" to which to Councillor Dhillon turned and said "shut your mouth". Neither of these is my recollection of the events in The Council Chamber that night. There was a lot of noise in The Council Chamber and to a certain extent because this is common we get used to it. I certainly don't understand when so much noise was coming from The Labour Benches they were able to hear these things. Councillor Dhillon was actually standing next to me when he was making the apology and I could~~nt~~ hear him properly. They were at least six feet away.

I didn't hear him saying shut up.

*M. Aziz
26.9.2006*

6. Eventually Councillor Dhillon did make the apology and it was accepted by The Mayor.

Statement of Truth

I believe that the facts in this witness statement are true.


.....
Signed Councillor Aziz

21-09-2006
.....
Dated



I Councillor Christine Small of
follows:

Slough Berks will say as

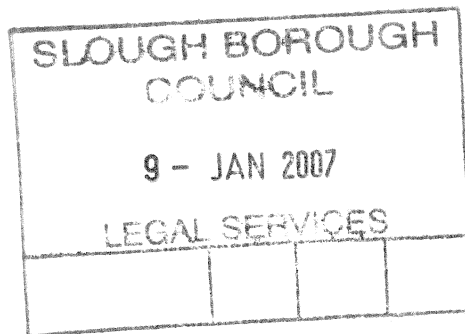
1. I attended the Council Meeting held at the Town Hall on the 7th February 2006. I was sitting on the Labour Benches behind Councillor Dodds.
2. I recall Councillor Dhillon was giving an apology to the Council for events arising from an investigation involving Councillor Grewal.
3. It seemed to me that he was opening up the same issues and the Councillors were telling the Mayor that he should just apologise.
4. Councillor Dodds who was sitting adjacent to Councillor Dhillon told him words to the effect " Boy give it up and give the apology so that we can get on with the meeting".
5. It was at this point that Councillor Dhillon turned to Councillor Dodds and said "Shut your mouth". It was the context and the manner in which it was delivered which I found to be offensive.

Statement of Truth – I believe that the facts stated in this witness statement are true signed.....

Councillor C Small

C. R. Small ...


Dated 8th January 07
.....

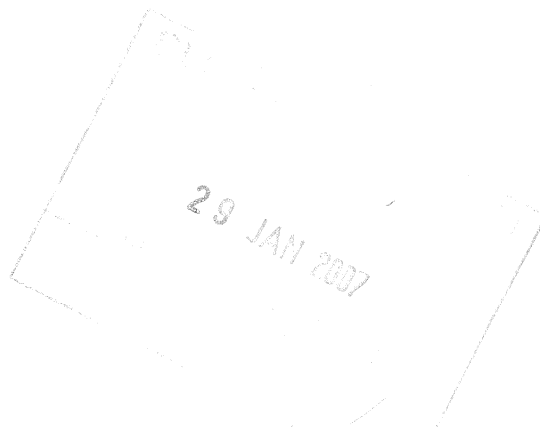


I, Councillor Robert Anderson of 15 Dovehouse Crescent Slough will say as follows:-

1. I attended the council Meeting held at the Town Hall on the 7th February 2006. I was sitting on the Labour Bench which was at right angles to the Conservative bench on which Cllr Dhillon was seated. I was sitting directly behind Cllr Dodds.
2. Cllr Dhillon was requested to read out his apology as directed by the standards board regarding his threatening behaviour towards Cllr Grewal at a previous meeting. Rather than give the apology Cllr Dhillon attempted to open the matter all over again and began insulting Cllr Grewal calling him 'a child' because of his complaint to Standards.
3. At this point the meeting descended into chaos with the Mayor unable to control him and several other members failing to get him to simply give his apology. Amongst many other things said by others Cllr Dodds said 'just swallow your pride and give the apology'
4. At this Cllr Dhillon turned directly to her and said 'you shut your mouth'. He was at close proximity because of the layout of the chamber and given his volatile character and the context in which the words were uttered i.e. that he was supposed to be apologising as well as the manner in which they were used was highly insulting and unpleasant.

Statement of Truth – I believe that the facts stated in this witness statement are true.


.....
Signed Councillor R. Anderson
Dated 15th January 2007



DOCUMENT 10**Bell Jill**

From: Langley Residents [langley.residents@virgin.net]
Sent: 11 September 2006 11:23
To: Bell Jill
Subject: Ref:- 06-270

Dear Jill

I am receipt of your memo of 24th August concerning a Standards Investigation request re Cllr B S Dhillon.

My geographical position in the Council chamber is adjacent to the press benches and diagonally opposed to where Cllr B S Dhillon used to sit. (He now sits in front of me by the press benches).

From this area, it was difficult to hear correctly and observe what behaviour was going on in the corner of the Council Chamber. Therefore I **cannot** act as a witness to the events of the evening 7th February.

However, I am firmly of the opinion that the Labour group operate a tightly constructed campaign at every major meeting at the Council (and other committees), and events are highly choreographed. Statements read by the less erudite of the labour group are all controlled and executed in pursuit of exerting pressure on certain elected members for political gain.

It is my belief that the labour group have targeted Cllr B S Dhillon in order to exploit him and earn political kudos as a result of his reaction to their tactics. This sadly may have been the case with the two previous Standards cases against him too.

Again I would stress that this is my personal opinion and I am not in a position to present evidence to substantiate my theories.

Please note that I am holiday this week and will return to work/Council duties next week.

Regards

Councillor Neil Arnold
Independent Langley Residents
Councillor for Langley St Mary's Ward
Telephone Slough (01753) 670318
Fax 0871 733 4601
E-mail langley.residents@virgin.net

I Councillor Robert Plimmer of 149 Weekes Drive Cippenham Slough Berks SL1 2YW will say as follows:

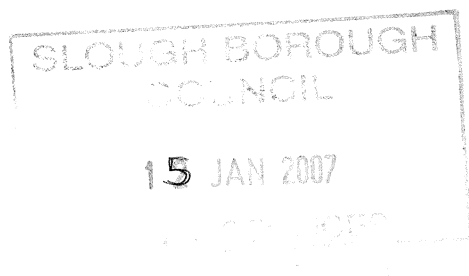
1. I have been a Member of Slough Borough Council since I was elected in June 2004.
2. I attended the Council Meeting at the Town Hall on the 7th February 2006. I was sitting on the BILLD Group Bench which was directly opposite the Labour Group Benches and my seat was fairly close to the Dias.
3. The meeting began fairly quietly and the Mayor asked Councillor Dhillon to read his apology. Councillor Dhillon was supposed to read a pre-agreed statement but he appeared to begin to say other things about the matter and some of the Labour Group Members started heckling him.
4. The Mayor asked Councillor Dhillon to sit down three or four times because of the noise from the Labour benches. Councillor Dhillon seemed to be changing the words and the Labour Group Members were heckling that this wasn't what was agreed.
5. I believe that either Councillor Anderson or Councillor Swindlehurst, I am not sure which because of the noise, called a point of order to the effect that if Councillor Dhillon was not going to read the agreed statement he should leave the meeting. Councillor Dodds and Councillor Dhaliwal were both saying things to Councillor Dhillon and he responded with words like shut up. The Labour Group was giving him a lot of stick and was then calling a point of order at the Mayor saying that Councillor Dhillon was changing this to a reserved apology.
6. Eventually the Mayor got the meeting under order and Councillor Dhillon then read the agreed wording.
7. In my opinion this was not a case of one Member not treating others with respect because of the flack Councillor Dhillon was receiving from the Labour Group Members. I also do not believe that he could be described as conducting himself in a manner which could reasonably be regarded as bringing his office into disrepute given the actions of other members particularly later on in the meeting. I don't recall him making any vexatious or malicious complaints about any one else.
8. I have been asked if I recall him using the words foolish and childish. There was a lot of noise in the chamber so it is hard to say if any comment was aimed at any particular Councillor. I was at the opposite side of the Chamber from Councillor Dhillon and from my location it was hard to understand who any remark would have been aimed at. I certainly do not recall Councillor Grewall's name being used in conjunction with the words foolish and childish.

Statement of Truth – I believe that the facts stated in this witness statement are true signed.....

Councillor Robert Plimmer
Dated.....

10/01/2007

Robert Plimmer



JB

I Councillor Latif Khan of
follows:

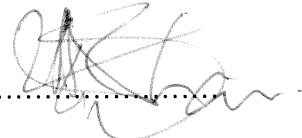
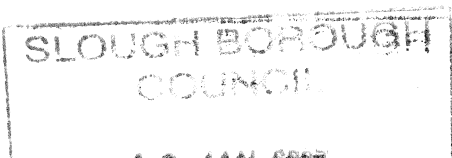
Slough Berks will say as

1. At the Council Meeting held at the Town Hall on the 7th February 2006 as serving Mayor of the Borough I was chair of the meeting. On the podium directly opposite the Conservative bench and Councillor Dhillon was sitting at a separate table slightly to my right of the Conservative bench. At right angles to the podium and to Councillor Dhillon where the three Labour Party benches.
2. I recall that the meeting started quite normally and there was nothing controversial. We went through the declarations of interest, the minutes of the previous meeting and my communications as usual I reminded Members of the requirement for them to notify any changes in the register of financial and other interests to the Monitoring Officer and to register any services they might receive or apply for from the Council.
3. I then dealt with two commendations and the third item on my communications was scheduled to be the apology from Councillor Dhillon.
4. I asked Councillor Dhillon to read his apology. He began by giving the mitigating circumstances of how he had got to that stage. As he began to do this everyone from the Labour benches started shouting. No one else was interested at that point.
5. I asked Councillor Dhillon to sit down and then asked the Labour Party Members to be quiet and asked them to let him speak.
6. Councillor Dhillon then at my invitation got up again but he again started on the circumstances and there was the same uproar from the Labour Party benches. I stopped him for a second time asked him to sit down and then asked the Labour Party Members to be quiet and allow him to speak. As far as I can recall this happened at least four times.
7. I was very unhappy with this behaviour and I asked the monitoring officer what wording Councillor Dhillon had agreed to read out because he was going back into the circumstances of the case. The Monitoring Officer wrote out the agreed wording which was required for the apology.
8. I then asked Councillor Dhillon to give the apology that had been agreed and I explained that I now had the words that I knew he was supposed to be reading.
9. Councillor Dhillon then stood up and read the statement which is recorded in the minutes of the Council Meeting of the 2nd February.
10. The circumstances for the giving of the apology was not ideal there was a lot of noise before Councillor Dhillon even opened his mouth, just as he stood up. It was not the normal amount of noise at Council Meeting and infact on the whole this was not a good meeting the disturbances carried on.
11. I recall that he mentioned Councillor Grewal's name but this was when he was going into the background of the circumstances I did not hear him call Councillor Grewal foolish and childish. I did hear Councillor Dhillon "be quiet" but did not hear him say the words "Shut your mouth".
12. When Councillor Dhillon finally got to read his apology the noise had subsided and I could hear him and I therefore accepted the apology because it was almost word for word what the Monitoring Officer had written down for me.

Statement of Truth – I believe that the facts stated in this witness statement are true signed.....

Councillor Latif Khan

Dated.....

Jill Bell

Telephone Attendance Note

Telephone Conversation with Councillor Grewal on Friday 5th January 2007.

I telephoned Councillor Grewal on 675719 and left a message for him to contact me regarding Councillor Dhillon's apology at the Council Meeting on the 7th February 2006. Councillor Grewal returned my call and we discussed the matter. Councillor Grewal said that he had not filed any complaint. However, he did say that the apology given was not just the apology that Councillor Dhillon had said other words including words to the effect that the other party was at fault as well. Councillor Grewal was not satisfied about the way the apology was given, but he did not take it up with anyone afterwards, he felt it was the responsibility of the Mayor to deal with Councillor Dhillon, to ask Councillor Grewal if he accepted the apology. This was not done Councillor Grewal did not speak at the Council Meeting.

After we had had the conversation I repeated what I had written down to Councillor Grewal and he agreed that, that was what he had said. I explained that the matter would be going back to the Standards Sub-Committee probably in February and that I would be compiling a report on it. The telephone conversation ended at 16.30.

Jill Bell
Assistant Director Legal & Procurement Services

J. S. Grewal 17/02/2007

Cllr J. S. Grewal



I, Councillor Balwinder Dhillon, of 67 London Road, Langley, Slough SL3 7RS wish to submit this statement in response to the unfounded and malicious allegation made against me by Cllr May Dodds.

Cllr May Dodds allegations are not only untrue, but yet another example of harassment by Labour Group Members. Also on this accession I believe that the actions taken by Cllr May Dodds are discriminating. I believe that Cllr May Dodds is motivated to act in this way against me because of my race.

It is clear to me that I am being treated less favourably when it comes to the issue of lodging complaints. When I previously lodged a complaint against misconduct by Cllr Swindlehurst, Cllr Zairat and Cllr Zeib.

I was informed on 03.04.06 by Lucy Nickless that:

'It was considered that, with the course of their duties, members are likely to be the subject of occasional considered and rude commentary from other members and have the appropriate platforms from which to counter such conduct'.

Then to conclude: 'no further action'.

When the complaint comes from me 'no further action' is taken, but when it is against me, for allegedly less confrontational behaviour its "lets proceed". This cannot be right and it is **discriminatory**.

Moving to the specific allegation by Cllr Dodds in her letter dated 1.3.06:

- (1) My apology was accepted in full by the council.
- (2) My apology was accepted in full by the **Mayor Cllr Latif Khan**.
- (3) The Standards Sub-Committee made no further allegation or comments as regards to my apology.

I submit the minutes of the Council Meeting of 7th February 2006 as evidence of the fact that:

- a) The apology was read out as requested
- b) There are no comments or details to counter my assertion that I complied with the Standards Sub-Committee instructions.
- c) There is no complaint from Cllr Grewal
- d) Cllr Dodds has no standing in this matter and her conduct is vexatious and malicious
- e) I made no comments of any descriptions towards or to Cllr Dodds. It is absolutely untrue.
- f) I wish to point out at this stage that Cllr Dodds does not cite any witness to substantiate her claims. If Cllr Dodds now cities anyone it would be a fabrication. As far as Cllr Grewal is concerned, I have seen nothing to suggest that he has any supporting evidence.
- g) I submit there is no case to answer and that Cllr Dodds is being vexatious and malicious.

Cllr Balwinder Dhillon

Notification of a new allegation received by the Standards Board for England

SBE allegation reference no(s).	SBE14496.06 – SBE14498.06
Name of person(s) making the allegation:	Councillor B S Dhillon
Name of person allegation is against:	Councillor Swindlehurst SBE14496.06 Councillor Zarait SBE14497.06 Councillor Zeib SBE14498.06
Name of relevant authority/ies:	Slough Borough Council

Introduction

The Local Government Act 2000 established the Standards Board for England and gave it a primary duty to consider written allegations. The Act also gave the Standards Board a wide discretion to decide whether or not a written allegation should be referred to an Ethical Standards Officer (ESO) for investigation.

Under powers granted by Section 112 of the Local Government Act 2003 the Board decided to delegate this function to nominated officers. In doing this, the Board has established a careful checking and monitoring procedure which involves final approval by a senior manager.

Allegation recently considered

The Standards Board for England recently received an allegation and officers conducted an assessment to decide whether to refer it for investigation. The following is a general summary of the allegation:

The complainant, a member of the authority, alleged that at a meeting of the council held on 7 February 2006, a motion was passed requesting that Councillor Swindlehurst withdraw from the meeting for alleged disruptive behaviour. The complainant alleged that Councillor Swindlehurst's political group left the meeting as a consequence. The complainant alleged that on leaving the meeting, Councillor Swindlehurst made a rude hand gesture in the direction of the complainant. The complainant further alleged that Councillors Zarait and Zeib, on leaving the chamber stated to him that he would be suspended and 'thrown out of this council very shortly'.

Decision

It was considered that, in the course of their duties, members are likely to be the subject of occasional ill-considered and rude commentary from other members and have the appropriate platforms from which to counter such conduct. While it was acknowledged that the alleged conduct may constitute a potential breach of paragraph 2(b) of the Code of Conduct (failure to treat

others with respect), in all the circumstances, it was considered that the alleged conduct (even if it were found to have occurred) is not of such significance of itself to justify investigation and any consequent action.

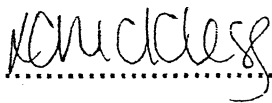
Accordingly, the decision was that this allegation should NOT BE INVESTIGATED.

A copy of this notification letter has been sent to the person(s) making the allegation(s), the member against whom the allegation was made, the monitoring officer of the relevant authority, and the clerk to the parish council (where applicable).

It is the policy of the Standards Board to notify all the above parties in writing once we have received and assessed an allegation. Our assessment is made on the basis of the written allegation summarised in this notification. The assessment role of the Standards Board is separate and distinct from the investigative role of an Ethical Standards Officer. Consequently the Board makes no finding of fact at this stage; it only decides whether an allegation should be investigated.

If you have any form of disability, or special need, which means you will require additional support in respect of this or future contact with the Board, please let us know as soon as possible. If you have any difficulty reading this letter and require a large print, Braille, tape or translated version of the information please let us know.

Signed


.....

Lucy Nickless – Principal Referral Case Manager
(On behalf of the Standards Board for England)

Date: 03/04/2006

The Standards Board for England
First Floor, Cotton House
Cottons Lane, London, SE1 2QG

13 June 2006

Dear Sir/Madam

I am writing regarding my concerns about a fellow member – Cllr P Choudhry – recent conduct on Thursday, 8th June 2006 between 6.30-6.40 P.M.

I strongly believe Cllrs Choudhry breached the Local Code of Conduct on three accounts relating to the treatment of the Council Officers and others with due respect: 2.1 b and 4.1a/b. I have attached these sections as appendix 1.

This incident took place at our first *OVERVIEW & SCRUTINY COMMITTEE* meeting for this year 2006/7. The following Councillors were present: Arnold, Bal, Burkmar, Choudhary, Plimmer, Shine, Small & myself. Cllr R Anderson wasn't present. It was chaired by Mr KEVIN BARRETT (Committee Service Manager) and Assistant Chief Executive, Liz Terry, with senior officers present to start the proceeding to elect a Chairman for this Committee, as well as many members of the public in the Public Gallery.

There were many interruptions by Cllr P Choudhary. He would not listen, nor seek permission from the chair (Kevin Barrett) to speak. The treatment of officers by shouting at them, challenging their authority and competency, was disgraceful conduct of the worst nature that I and many other Cllrs, including members of the public, have ever witnessed. Cllr Neil Arnold was proposed and seconded. He was elected as the new Chair with unanimous majority, but the Labour Councillors abstained.

Cllr P Choudhary's behaviour was unruly. This was a public meeting of the Council with members of the public and senior officers present. The language used by Cllr Choudhary, directed at the chair, was vexatious and malicious.

I very strongly believe that his behaviour has brought the office of Councillors into disrepute and has demonstrated a failure to treat others with respect. These breaches are of a serious nature and I hope that the issue can be resolved very swiftly. I would request that Cllrs Arnold, Burkmar, Plimmer and Shine be approached to substantiate my allegation. I am looking forward to hearing from you soon.

Yours Truly,



Cllr B S Dhillon
(67 London Rd, Slough, Berkshire, SL3 7RS – 07836 535219)

Appendix 1

1.3 A Member must observe the Authority's Code of Conduct wherever he:-

- (a) **conducts the business of the Authority;**
- (b) conducts the business of the office to which he has been elected or appointed, or
- (c) act as a representative of the Authority

and references to a Member's official capacity shall be construed accordingly.

GENERAL OBLIGATIONS

2.1 A Member must:-

- (a) promote equality by not discriminating unlawfully against any person,
- (b) treat others with respect *and consideration, regardless of their gender, race, sex orientation, age or religion and*

4.1 A Member must not in his official capacity, or any other circumstances:-

- (A) **conduct himself in a manner which could easily be regarded as bringing his office or authority into disrepute.**
- (b) *make any vexatious or malicious complaints against any persons*

Notification of a new allegation received by the Standards Board for England

SBE allegation reference no.	SBE15271.06
Name of person making the allegation:	Councillor B S Dhillon
Name of person allegation is against:	Councillor S Chaudhry
Name of relevant authority:	Slough Borough Council

Introduction

The Local Government Act 2000 established the Standards Board for England and gave it a primary duty to consider written allegations. The Act also gave the Standards Board a wide discretion to decide whether or not a written allegation should be referred to an Ethical Standards Officer (ESO) for investigation.

Under powers granted by Section 112 of the Local Government Act 2003 the Board decided to delegate this function to nominated officers. In doing this, the Board has established a careful checking and monitoring procedure which involves final approval by a senior manager.

Allegation recently considered

The Standards Board for England recently received an allegation and officers conducted an assessment to decide whether to refer it for investigation. The following is a general summary of the allegation:

It is alleged that at the first overview and scrutiny meeting of the 2006/7 municipal year, Councillor Chaudhry behaved in an unruly manner. It is alleged that he would not listen, would not seek permission from the chair to speak, shouted at officers, and questioned their authority and competency. It is alleged that the language he used towards the chair was both vexatious and malicious. The complainant states that this took place in front of other councillors, officers and members of the public.

Decision

Officers considered the allegation and whether it should be referred for investigation. They took the view that the information provided was insufficient to make a decision as to whether it should be referred. In particular it was noted that whilst the behaviour of Councillor Chaudhry was allegedly rude and disrespectful, no details of what was actually said to officers or members was provided.

If this information is provided, we will consider afresh whether the matter

should be referred for investigation. However, this should not be taken as an indication of the decision the Standards Board is likely to take.

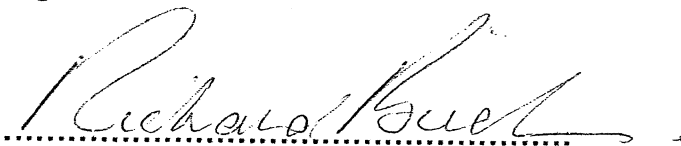
Until further information is received, the Board will take no further action on this allegation.

A copy of this notification letter has been sent to the person making the allegations, the member against whom the allegation was made, the monitoring officer of the relevant authority, and the clerk to the parish council (where applicable).

It is the policy of the Standards Board to notify all the above parties in writing once we have received and assessed an allegation. Our assessment is made on the basis of the written allegation summarised in this notification. The assessment role of the Standards Board is separate and distinct from the investigative role of an Ethical Standards Officer. Consequently the Board makes no finding of fact at this stage; it only decides whether an allegation should be investigated.

If you have any form of disability, or special need, which means you will require additional support in respect of this or future contact with the Board, please let us know as soon as possible. If you have any difficulty reading this letter and require a large print, Braille, tape or translated version of the information please let us know.

Signed



Richard Buck – Acting Principal Referral Case Manager
(On behalf of the Standards Board for England)

Date:

22 June 2006

MINUTES OF COUNCIL PROCEEDINGS

At a Meeting of the Council of the Borough of Slough held at the Town Hall, Slough on Tuesday, 7th February, 2006.

Present:- The Worshipful the Mayor (Councillor Latif Khan) in the Chair; Councillors Anderson, Arnold, Aziz, Buchanan, Burkmar, Butt, Chohan, Choudhry, Cryer, Dhaliwal, Dhillon, Dodds, Edwards, Grewal, Haines, Hewitt, Howard, Jenkins, S Khan, Long, Maclsaac, Mann, Munkley, Parmar, Plimmer, Pond, Shine, Simmons, Small, Smith, Stokes, Swindlehurst, Wright, Zarait and Zeib.

Apologies for Absence:- Councillors Holledge, Janik and Key.

PRAYERS

At the request of the Mayor, his Chaplain, the Reverend Allen Walker, said prayers.

PART I

60. Declarations of Interest

Councillor Stokes declared a personal interest in agenda item 9(D) (Motion on the Probation Service) as he was a member of the Thames Valley Probation Board. He would however remain in the meeting, speak and vote on the item.

61. Minutes

The minutes of the meetings of the Council held on 29th November and 13th December, 2005 were approved as a correct record and signed by the Mayor.

62. Mayor's Communications

Register of Member Interests

At the request of the Standards (Local Determination) Sub-Committee, the Mayor reminded all Members that under paragraph 14.3 of the Local Code of Conduct, any changes to their entry in the Register of Financial and Other Interests must be notified in writing to the Monitoring Officer within 28 days of them becoming aware of the change. They were also reminded of the need to register any services they might receive or apply for from the Council which were not provided equally to all residents and any changes of address or purchases of property within the Borough.

Council – 7.2.06Mayor's Commendations

The Mayor presented two Mayoral Commendations as follows:-

He congratulated the Council's Trading Standards Team for their excellent work in raising awareness of the service. He drew attention to their achievements in the past year which included the launch of the 'citizen proof of age card' for school children, some very successful counterfeit goods seizures, electric blanket testing for elderly residents, child car seat safety checks and alcohol 'sting' operations. Members of the Team received their certificate from the Mayor.

The Mayor also presented a commendation to AURAT Enterprise which had only been running for a short time but had already transformed the lives of many women from minority ethnic backgrounds in Slough. The Team had shown commitment, innovation and performance beyond what was expected of them and this had contributed to the project's success. Since 2003, nearly 400 women had taken part in AURAT courses including English as a second language, ICT, business start up and self-confidence. Four businesses had been set up as a result of their work. The aim of AURAT was to raise self-esteem and improve the long term employment, education and training opportunities for some of the most vulnerable sections of the town's black and minority ethnic communities. Representatives of the Team stepped forward to receive their commendation.

Apology – Councillor Dhillon

Councillor Dhillon made the following statement to the Council:-

"In the light of the decision of the Standards (Local Determination) Sub-Committee at its meeting on Monday, 9th January, 2006 that I behaved in an aggressive and threatening manner towards Councillor Grewal whilst taking a break from the Council meeting on 26th April, 2005 I would like to tender my unreserved apology to the Mayor and to my fellow Members for bringing, by my actions, both my office of Councillor and the Council into disrepute. I sincerely regret my actions."

63. Questions from Residents/Electors under Procedure Rule 9

The Mayor advised that a number of questions had been received from electors, copies of which were tabled. The Leader of the Council and the Commissioners for Housing and Planning, Transportation, Legal and Democratic Services replied to the questions and to two supplementary questions asked by the one questioner present at the meeting. Copies of the replies would be forwarded to all Members of the Council as well as to the press and to the questioner.

64. Questions from Members on the Thames Valley Police Authority under Procedure Rule 10

None received.

Council – 7.2.06

65. Recommendation of the Licensing Committee of 26th January, 2006 – Review of Policy on Sex Establishments

It was moved by Councillor Shine,
Seconded by Councillor Hewitt,

“That the recommendation as set out in the report be approved and adopted.”

The recommendation was put and carried by 20 votes to 7 votes with 8 abstentions.

Resolved - *That the revised policy on sex establishments be approved and adopted as set out in Appendix 1 to the report to Council.*

66. Review of Polling Arrangements – Central and Cippenham Green Wards

It was moved by Councillor Munkley,
Seconded by Councillor Hewitt,

- “(a) That the polling place for Polling District CD in the Central Ward be designated as the portakabin, Tesco car park, Wellington Street.
- (b) That the polling place for Polling District EB in the Cippenham Green Ward be designated as the 2nd Cippenham Scout Hut, Mercian Way.
- (c) That in the event that either of these polling places cannot be used for any reason the Returning Officer be authorised to determine alternative polling places in Polling Districts CD and EB in consultation with the local Ward Members.”

It was moved as an amendment by Councillor Swindlehurst,
Seconded by Councillor Dodds,

“That recommendation (b) be amended to read as follows:-

‘That Slough Borough Council replace the former polling place at Western House School either with a portakabin in the car park of the British Legion in Brook Path or in the car park of the Kings Head public house, subject to assessment of the sites by the Elections Officer and discussion with the site owners.’ “

The amendment was put and lost by 11 votes to 21 votes with 1 abstention.

The substantive motion was then put and carried by 20 votes to 10 votes with 2 abstentions.

Resolved -

- (a) That the polling place for Polling District CD in the Central Ward be designated as the portakabin, Tesco car park, Wellington Street.

Council – 7.2.06

- (b) That the polling place for Polling District EB in the Cippenham Green Ward be designated as the 2nd Cippenham Scout Hut, Mercian Way.
- (c) That in the event that either of these polling places cannot be used for any reason the Returning Officer be authorised to determine alternative polling places in Polling Districts CD and EB in consultation with the local Ward Members.”

67. Calendar of Meetings 2006/07

It was moved by Councillor Stokes,
Councillor by Councillor S Khan,

“That the recommendations as set out in the report be approved and adopted.”

Members requested that, in future years, account be taken of the dates of the major religious festivals celebrated by Slough’s communities when drawing up the calendar.

Resolved -

- (a) That the Calendar of Meetings for the 2006/07 municipal year be approved and adopted as submitted to Council.
- (b) That the Assistant Director (Democratic Services) be authorised to make amendments to the Calendar resulting from any constitutional changes that may be agreed, in accordance with the provisions of the Constitution.

68. Motions Submitted under Procedure Rule 13**(A) Muslim Burial Chambers**

It was moved by Councillor Choudhry,
Seconded by Councillor Swindlehurst,

“This Council;-

Is proud of Slough’s multicultural society and the wide-ranging community services the Council provides, including burial services.

Reaffirms its commitment to equal opportunities and recognises its responsibility to treat all people with respect and consideration.

Therefore:

Promises to rationalise prices for Muslim burial chambers, in order to ensure that this is a viable option for residents.”

It was moved as an amendment by Councillor Buchanan,
Seconded by Councillor Edwards,

Council – 7.2.06

“That the motion be amended by the deletion of the final paragraph and its replacement with the following:-

‘Undertakes to continue to provide choices for burial services, including Muslim burial chambers.’ “

In the course of the subsequent debate on this issue it was moved by Councillor Stokes and seconded –

“That Councillor Swindlehurst be expelled from the meeting.”

This procedural motion was put and carried by 20 votes to 0 votes. At 8.47 p.m., on the conclusion of this vote Councillors Anderson, Chohan, Choudhry, Dhaliwal, Dodds, Grewal, Mann, Parmar, Simmons, Small, Swindlehurst, Zarait and Zeib left the meeting.

A Member requested and the Council agreed that it be recorded in the minutes that a number of Members had witnessed Councillor Swindlehurst making an abusive gesture as he left the Chamber.

The amendment was put and carried by 19 votes to 1 vote with 2 abstentions.

The substantive motion was then put and carried by 18 votes to 1 vote with 3 abstentions.

Resolved - “This Council:-

Is proud of Slough’s multicultural society and the wide-ranging community services the Council provides, including burial services.

Reaffirms its commitment to equal opportunities and recognises its responsibility to treat all people with respect and consideration.

Therefore:-

Undertakes to continue to provide choices for burial services, including Muslim burial chambers.

(B) Commemoration of the Anniversary of the Abolition of Slavery

In the absence of the mover and seconder of this motion, the motion fell.

(C) Identity Cards

It was moved by Councillor Stokes,
Seconded by Councillor Haines,

“This Council:-

Council – 7.2.06

Notes the government's plans to introduce compulsory identity cards for all UK citizens.

Believes that this scheme would offer little, if any, benefit to the people of Slough.

Believes that the proposed scheme is far too expensive. The London School of Economics estimates that the bill to the British taxpayer for implementing the government's proposals could be as much as £24bn over ten years. Such massive costs are completely unjustifiable, especially at a time when local authorities such as Slough are under serious financial pressures and suffering from under-funding.

Believes that the scheme will do little, if anything, to prevent terrorism, crime or fraud. Indeed, the government's proposals for a national database of personal information to underpin the ID card scheme may actually facilitate criminal fraud, terrorism and potential state abuses of human rights.

Calls upon Slough MPs, in particular Fiona Mactaggart, as a Home Office Minister, to use their best endeavours to encourage the government to reconsider its decision to proceed with this scheme."

The motion was put and carried by 20 votes to 0 votes with 3 abstentions.

Resolved – This Council:-

Notes the government's plans to introduce compulsory identity cards for all UK citizens.

Believes that this scheme would offer little, if any, benefit to the people of Slough.

Believes that the proposed scheme is far too expensive. The London School of Economics estimates that the bill to the British taxpayer for implementing the government's proposals could be as much as £24bn over ten years. Such massive costs are completely unjustifiable, especially at a time when local authorities such as Slough are under serious financial pressures and suffering from under-funding.

Believes that the scheme will do little, if anything, to prevent terrorism, crime or fraud. Indeed, the government's proposals for a national database of personal information to underpin the ID card scheme may actually facilitate criminal fraud, terrorism and potential state abuses of human rights.

Calls upon Slough MPs, in particular Fiona Mactaggart, as a Home Office Minister, to use their best endeavours to encourage the government to reconsider its decision to proceed with this scheme.

(D) The Probation Service

It was moved by Councillor Stokes,
Seconded by Councillor Howard,

Council – 7.2.06

“This Council:-

Expresses its opposition to the government’s plans to privatise the Probation Service in England and Wales. These plans, which would see the supervision, management and rehabilitation of offenders contracted out to several different private companies, are unnecessary and offer no benefit to the people of Slough.

Recognises that the Probation Service is a key public service which is entirely viable in its current form and which should remain both controlled by and accountable to the communities it serves.

Notes the recent heavy criticism that has greeted the government’s plans to privatise the Probation Service in England and Wales and welcomes the government’s recent decision to put its privatisation plans ‘on hold’ in response to this criticism.

Nevertheless calls upon the MP for Slough and Home Office Minister, Fiona Mactaggart, to use her best endeavours to ensure that the Probation Service in England and Wales remains a publicly administered and accountable service both now and in the future.”

The motion was put and carried by 20 votes to 0 votes with 2 abstentions.

Resolved – “This Council:-

Expresses its opposition to the government’s plans to privatise the Probation Service in England and Wales. These plans, which would see the supervision, management and rehabilitation of offenders contracted out to several different private companies, are unnecessary and offer no benefit to the people of Slough.

Recognises that the Probation Service is a key public service which is entirely viable in its current form and which should remain both controlled by and accountable to the communities it serves.

Notes the recent heavy criticism that has greeted the government’s plans to privatise the Probation Service in England and Wales and welcomes the government’s recent decision to put its privatisation plans ‘on hold’ in response to this criticism.

Nevertheless calls upon the MP for Slough and Home Office Minister, Fiona Mactaggart, to use her best endeavours to ensure that the Probation Service in England and Wales remains a publicly administered and accountable service both now and in the future.”

69. Questions from Members under Procedure Rule 10

A number of questions from Members together with responses from the relevant Commissions were tabled.

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67 London Road
Langley
Slough
SL3 7RS

Ms June Cook
Member Services Manager
Law and Corporate Governance
Slough Borough Council
Town Hall
Bath Road
Slough
SL1 3UQ

19th March 2007

Dear Ms Cook,

Re: Compliant – Local Code of Conduct.

I have had the opportunity to read through the report. In essence there are two elements. As regards the breach of code on points 1.1a and 1.1c I agree with the findings that there has been no breach as I did not behave in the manner alleged. I am pleased therefore that Ms Jill Bell agrees.

As regards Code 1.1b with hindsight I regret that I should have followed a different approach, namely I should have read the apology out first without any preamble and then asked for the Mayor's permission to raise issues arising from it. I should have obtained that permission first, so I do not wish to contest that point. I honestly believed that so long as I read out the apology I was abiding by the code. I apologise for this misunderstanding.

I have no objection to this letter being made public prior to the Standard Sub-Committee meeting.

Yours sincerely

A handwritten signature in black ink, appearing to be "B Dhillon".

Councillor B Dhillon

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SLOUGH BOROUGH COUNCIL

Standards (Local Determination) Sub-Committee

Local Hearing Procedure

Interpretation:

“Member” means the Member of the Council who is the subject of the allegation(s) being considered by the Sub-Committee, unless stated otherwise. It also includes the Member’s nominated representative (if any).

“Investigator” means the Ethical Standards Officer (ESO) who referred the report to this Council or the Monitoring Officer and includes his or her nominated representative.

1. Preliminaries

1.1 The Chair will:-

- (a) ask the Members/Officers present to introduce themselves.
- (b) ask the Member Services Manager (or her representative) to confirm that the Sub-Committee is quorate.
- (c) ask the Investigator and the Member if they are to call any witnesses and if so who.
- (d) ask all present to confirm they know the procedure which the Sub-Committee will follow.
- (e) ask the Member, the Investigator and the Monitoring Officer (or his representative) whether there are any reasons to exclude the press and public from the meeting and if so on what grounds
- (f) advise the Sub-Committee that the determination process is in two stages:-
 - (i) whether or not the Member has failed to comply with the Local Code of Conduct as set out in the Investigator’s report and
 - (ii) if the Sub-Committee consider that a breach of the Local Code of Conduct has occurred what action (if any) the Sub-Committee should take.

- 1.2 The Chair will explain how the Sub-Committee is going to run the hearing and remind everyone that the Sub-Committee have received and read all of the witness statements and supporting documentation which form part of the agenda papers. Thus the Investigator and the Member should confine themselves to exploring any inconsistencies within the evidence and draw that to the attention of the Sub-Committee.
- 1.3 The Chair will emphasise that the proceedings are inquisitorial in nature not adversarial so cross-examination is not permitted.

2. Making Findings of Fact/Has there been a Breach? – Stage 1

- 2.1 The Monitoring Officer (or his representative) shall present the report submitted to the Sub-Committee together with the supporting documentation. Confirmation will then be sought from the Member as to whether there are any other additional points i.e. new ones which are not contained in the documentation.
- 2.2 The Investigator will present his case in the presence of the Member and may call witnesses to support the relevant findings of fact in the report.
- 2.3 The Member, will have the opportunity to ask questions of any witnesses the Investigator may call.
- 2.4 The Sub-Committee may ask questions of the Investigator and witnesses.
- 2.5 The Member will present his case in the presence of the Investigator and call such witnesses as he wishes to support his version of the facts.
- 2.6 The Investigator will have the opportunity to ask questions of the Member and his witnesses.
- 2.7 The Sub-Committee may ask questions of the Member and his witnesses.
- 2.8 The Chair shall then seek confirmation from the Members of the Sub-Committee that sufficient information is now available to determine whether there has been a breach of the Code.
- 2.9 At the discretion of the Chair the Investigator and the Member shall be given an opportunity to sum up their case (no more than five minutes each).

- 2.10 The Sub-Committee may, at any time, question anyone involved on any point they raise in their representations.
- 2.11 The Sub-Committee shall then in private identify the material findings of fact and decide whether the Member did fail to comply with the Local Code of Conduct (All parties to leave room except Member Services Manager (or her representative) who will minute). The standard of proof is the balance of probabilities.
- 2.12 Once the Members of the Sub-Committee have come to a decision then all parties shall return to hear the material findings of fact, whether the allegation has been proven and what recommendations they have for the Council to promote high standards of conduct. Reasons will be given for the decision.
- 2.13 If the Sub-Committee find that the case is not proven the meeting must ask the Member whether he wishes the Council not to publish a statement of its findings in a local newspaper. Then the meeting is closed.
- 2.14 If the case has been proven then the Sub-Committee will proceed to Stage 2.

3. What Sanction should be Imposed? – Stage 2

- 3.1 If the Sub-Committee decide that the Member **has** failed to follow the Local Code of Conduct, then it will consider:-
 - (i) whether or not the Sub-Committee should set a penalty; and
 - (ii) what form any penalty should take (see attached)
- 3.2 The Sub-Committee may question the Investigator and Member and take legal advice if appropriate.
- 3.3 The Sub-Committee will then retire to consider whether or not to impose a penalty on the Member, and if so, what the penalty should be.
- 3.4 The Sub-Committee will return and the Chair will announce the Sub-Committee's decision and will provide a short written decision on the day.
- 3.5 The Chair will inform the Member of his right of appeal to the Adjudication Panel for England.

4. Post Hearing Procedure

- 4.1 A full written decision will be issued within 14 days of the end of the hearing which will include full reasons for its decision.

- 4.2 The Sub-Committee will arrange to publish a summary of its findings, the decision reached and where appropriate the penalty set in one or more newspapers (independent of the Council).

Notes

- A. All Members of the Sub-Committee have the right to ask questions/seek clarification once the Investigator and the Member have presented their respective cases.
- B. The Complainant has no right to speak.

APPENDIX D

Admission of Press and Public to Standards (Local Determination) Sub-Committee Hearings

The Standards Board for England recommends that hearings should be held in public where possible to make sure that the hearing process is open and fair. However, there may be some circumstances where parts of the hearing should be held in private.

- 1 At the hearing, the Sub-Committee will consider whether or not the public should be excluded from any part of the hearing, in line with Part VA of the Local Government Act 1972 (as modified in relation to local determinations by Standards Committees). If the Sub-Committee considers that 'confidential information' is likely to be revealed during the hearing, the Sub-Committee must exclude the public by law. 'Confidential information' is defined for these purposes to mean information that has been provided by a Government department under the condition that it must not be revealed, and information that the law or a court order says cannot be revealed.
- 2 The Sub-Committee also has the discretion to exclude the public if it considers that 'exempt information' is likely to be revealed during the hearing. The categories of 'exempt information' are set out in Document 4. The Sub-Committee should act in line with Article 6 of the *European Convention on Human Rights*, which gives people the right to a fair trial and public hearing by an independent and unbiased tribunal. The Sub-Committee also has a duty to act fairly and in line with the rules of natural justice.
- 3 Article 6 says that the public may be excluded from all or part of the hearing if it is in the interest of:
 - (a) Morals;
 - (b) public order;
 - (c) justice;
 - (d) natural security in a democratic society; or
 - (e) protecting young people under 18 and the private lives of anyone involved.
- 4 There should be a public hearing unless the Sub-Committee decides that there is a good reason, which falls within one of the five categories above (3a to e), for the public to be excluded.
- 5 The Sub-Committee must also act in line with Article 10 of the *European Convention on Human Rights*, which sets out the right for people to 'receive and impart information and ideas without interference by public authority'. Any restrictions on this right must be 'prescribed by law and.....necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the

reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary’.

- 6 Conflicting rights often have to be balanced against each other. The Sub-Committee must act in line with Article 8 of the *European Convention on Human Rights*. Article 8 says that everyone has the right to respect for their private and family life, home and correspondence. It says that no public authority (such as the Sub-Committee) may interfere with this right unless it is:-
- (a) in line with the law; and
 - (b) necessary in a democratic society in the interests of:
 - (i) national security;
 - (ii) public safety;
 - (iii) the economic well-being of the country;
 - (iv) preventing crime or disorder;
 - (v) protecting people’s health and morals (which would include protecting standards of behaviour in public life); or
 - (vi) protecting people’s rights and freedoms.

There is a clear public interest in promoting the probity (integrity and honesty) of public authorities and public confidence in them. For these reasons the hearing should be held in public unless the Sub-Committee decides that protecting the privacy of anyone involved is more important than the need for a public hearing.

- 7 In relation to people’s rights under both Articles 8 and 10 of the *European Convention on Human Rights*, it should be remembered that any interference with or restriction of those rights must be ‘necessary’ if it meets ‘a pressing social need’, and any restriction on people’s rights must be ‘proportionate’.
- 8 The Standards Board for England recommends that a Standards Committee/Sub-Committee should move to a private room when considering its decisions. It is not considered that this will conflict with the rights under the *European Convention on Human Rights* or the duty to act fairly.

Categories of “Exempt Information” under Schedule 12A of the Local Government Act 1972 (as modified in relation to local determinations by Standards Committees)

- 1** Information relating to any individual
- 2** Information which is likely to reveal the identity of an individual.
- 3** Information relating to the financial or business affairs of any particular person (including the authority holding that information)
- 4** Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- 5.** Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6.** Information which reveals that the authority proposes—
 - a. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - b. to make an order or direction under any enactment.
- 7.** Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
- 7A** Information which is subject to any obligation of confidentiality
- 7B** Information which relates in any way to matters concerning national security
- 7C** The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.

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SLOUGH BOROUGH COUNCIL

Standards (Local Determination) Sub-Committee

The Local Authority (Code of Conduct) (Local Determination) (Amendment)

Penalties

Under these Regulations, Standards Committees/Sub-Committees can impose one, or any combination, of the following:-

- censure the Member;
- restrict the Member's access to the premises and resources of the relevant authority for up to three months, ensuring that any restrictions are proportionate to the nature of the breach and do not unduly restrict the Member's ability to perform his or her duties as a Member;
- order the Member to submit a written apology in a form satisfactory to the Sub-Committee;
- order the Member to participate in a conciliation process* specified by the Sub-Committee;
- suspend, or partially suspend, the Member for up to three months;
- suspend, or partially suspend the Member for up to three months, or until such time as the Member submits a written apology that is accepted by the Sub-Committee;
- suspend, or partially suspend, the Member for up to three months, or until such time as the Member undertakes any training or conciliation ordered by the Sub-Committee.

* **Any conciliation process should have an agreed timeframe for resolution. The process may be of an informal or formal nature, involving elements of training and mediation that will lead to an effective and fair conclusion of the matter. Any decisions reached during the process regarding future behaviour of the Member concerned, and measures to prevent a repetition of the circumstances that gave rise to the initial allegation, should be agreed by all parties.**

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