

Standards (Determination) Sub-Committee – Meeting held on Monday, 7th March, 2011.

Present:-

Co-opted Independent Members:-

The Reverend Paul Lipscomb (Chair), Mr Fred Ashmore and Dr Henna Khan

Elected Members:-

Councillor Munkley

Also present:-

Councillor Balvinder Bains (Subject Member), Kuldip Channa (Investing Officer), Elizabeth Jenkins (Deputy Monitoring Officer) and June Cook (Administrator)

Apology for Absence:- Councillor P K Mann

PART I

4. Declarations of Interest

None.

5. Alleged breach of Local Code of Conduct - Councillor Balvinder Bains (SBC 2010/17)

The Sub-Committee met to determine an allegation made by Ms Fariba Ismat, an Officer of the Council, that Councillor Balvinder Bains had failed to comply with Council's Local Code of Conduct. The complaint had been referred for investigation by the Standards (Assessment) Sub-Committee on 28th April 2010. In accordance with the arrangement agreed by the Standards Committee, the Monitoring Officer had delegated the conduct of the investigation to Kuldip Channa, Assistant Solicitor (Litigation) i.e. the Investigating Officer.

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

The Investigating Officer's final written report outlining the result of her investigation and her conclusions were submitted together with Councillor Bains's written response thereto. The general summary of the complaint and alleged breaches of the Code identified by the Investigating Officer were that:-

- (1) Contrary to Paragraph 3(1) of the Local Code of Conduct Councillor Bains had failed to treat the Complainant with respect by

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- (i) ignoring her professional comments/opinions (as the planning case officer); giving her no credit as a person with some authority within the Planning Department and indirectly telling her “to shut up and let the rest of them concentrate on the application in hand” and addressing her line manager above her head
 - (ii) embarrassing the Complainant in front of her line manager, the applicant and his agent (she had felt deeply insulted and offended by his attitude and the manner in which he spoke to her) and by creating a sexist attitude/atmosphere by ignoring the complainant (she was the only female present at the meeting)
- (2) Contrary to Paragraph 3(2)(b) of the Code the Subject Member was insistent on pushing the Complainant’s Manager to compromise over an issue in discussion at the said meeting.
- (3) Contrary to Paragraph 5 of the Code had brought his office or the Authority into disrepute.

The Investigating Officer presented her report following which Councillor Bains presented his case during which they and the Sub-Committee Members were given the opportunity to ask questions to clarify the evidence submitted.

On completion of the presentation of both cases, the Chair and Members of the Sub-Committee confirmed that they had sufficient information to determine whether or not there had been a breach of the Local Code of Conduct and all parties withdrew from the room to enable the Sub-Committee to consider its decision.

On reconvening the hearing, the Chair advised that the Sub-Committee in determining the allegations had taken into account the following:-

- (a) That the evidence submitted was inconclusive that Councillor Bains had failed to treat the Complainant with respect or that he had displayed a sexist attitude towards her.
- (b) That there was no evidence that Councillor Bains failed to treat the Complainant’s Manager with respect.
- (c) There was no evidence to show there was any bullying by Councillor Bains at the Meeting or that he had brought his office or the Authority into disrepute.
- (d) That Councillor Bains, on being advised about the complaint had indicated that he had not appreciated her role at the meeting believing that she was present as the note taker and had offered to apologise to the Complainant for any offence his actions may have caused.

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Having regard to the above the Sub Committee

Resolved –

- (a) That Councillor Bains had not breached Paragraph 3(2)(b) of the Local Code of Conduct.
- (b) That Councillor Bains had not breached Paragraph 5 of the Local Code of Conduct.
- (c) That there was insufficient evidence to prove that Councillor Bains had failed to treat the Complainant with respect contrary to Paragraph 3(1) of the Local Code of Conduct.
- (d) That in the future Members and Officers should fully comply with the requirements of Paragraph 5.8 of Part 5.5 of the Council's Constitution relating to the taking of written notes of meetings of this kind and that there should be a greater degree of formality with proper introductions being made at the start of meetings.
- (e) That senior management and any other relevant parties facilitate ways to improve the relationship between the subject member and the complainant.

Chair

(Note: The Meeting opened at 7.00 pm and closed at 8.22 pm)