

SLOUGH BOROUGH COUNCIL

REPORT TO: Standards (Determination) Sub-Committee **DATE:** 28th March 2011

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 (SBC 2010/23)

1. Purpose of Report

- 1.1 The purpose of this report is to submit for consideration the Council's Investigating Officer's report on the results of her investigation into a complaint that Councillor Balwinder Dhillon has failed to comply with the Local Code of Conduct for Members (**Appendix A (1) & (2)**) and Councillor Dhillon's response thereto.

2. Recommendation/Action Required

- 2.1 The Sub-Committee is asked to consider the Investigating Officer's report and decide what further action, if any, is required.

3. Community Strategy Priorities

- 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 Standards 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.

5. Background Information

- 5.1 On 13th July 2010 the Standards (Assessment) Sub-Committee referred to the Council's Monitoring Officer for investigation a complaint that Councillor Balwinder Dhillon had failed to comply with the Local Code of Conduct. In accordance with the arrangement agreed by the Standards Committee, the Monitoring Officer delegated the conduct of the investigation to Kuldip Channa, Assistant Solicitor (Litigation) i.e. the Investigating Officer.
- 5.2 The complaint has been made by Mr Steve Wagner an officer of the Council. The general summary of the complaint against Councillor Dhillon is that during a telephone call by the Subject Member to the Complainant to discuss two cases he was interested in Councillor Dhillon became irate, raised his voice and was offensive and insulting to the Complainant. Mr Wagner will be available at the meeting should Members wish to clarify any matters with him.
- 5.3 To simplify the hearing process Councillor Dhillon was asked to complete and return the following pre-hearing forms by 15th February 2011.

Form A – Identification of any disputes of fact

Form B – Other Evidence to be taken into account at the hearing

Form D – Arrangements for the Standards (Determination) Sub-Committee Hearing

Form E – Details of any witnesses to be called.

On 16th February 2011 the Clerk to the Sub-Committee received by fax from Cllr Dhillon a signed witness statement from Mr Satpal Singh Grewal dated 15th February 2011. (**Appendix B, Document 1**).

Forms D and E completed, together with a witness statement by Councillor Dhillon, were faxed to the Council by NC Brothers & Co, Solicitors acting for the Subject Member on 24th February 2011 (**Appendix B, Document 2**). Subsequently, Councillor Dhillon on 15th March advised by telephone that Mr Derek Cryer will be attending the meeting to present his case. He will also be accompanied by his Solicitor, Mr Nigel Brothers.

Forms A & B have not been returned.

- 5.4 On the morning of the 28th February Councillor Dhillon faxed a letter from Mr Grewal dated 25th February indicating that due to ill health he would be unable to attend the hearing on the 28th February. (**Appendix B, Document 3**). In view of this, with the agreement of the Chair of the Sub-Committee and the Monitoring Officer, the meeting was postponed to a later date to enable Mr Grewal to attend the hearing as a witness. Subsequently, Councillor Dhillon has advised orally and by fax that Mr Grewal is too distressed to attend any hearing but that he would be prepared to have a witness statement taken from him by the Investigating Officer in his own home in the presence of an independent person or the Solicitor acting for Councillor Dhillon. Cllr Dhillon has advised that Mr Grewal has indicated that the Sub-Committee should have sufficient information or they can ask questions of him over the telephone or proceed without him (**Appendix B, Document 4**).

5.5 Following receipt of Mr Grewal's witness statement the Investigating Officer undertook additional investigative steps and attached as **Appendix A (2)** to her report i.e. Appendix A (1) is her supplementary report setting out the results of those investigations.

5.6 Enclosed for your attention and/or information are the following documents:

<u>Appendix</u>	<u>Document</u>
Appendix A (1) & (2)	Investigating Officer's Report and Supplementary Report with attachments
Appendix B	Completed Pre-hearing forms and other documents submitted by Councillor Dhillon and his Solicitor
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, Maria Memoli, Acting Borough Secretary and Solicitor.

6. Conclusion

6.1 The Sub-Committee is asked to consider the evidence presented and come to a decision as to what action, if any, should be taken in respect of this matter.