

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Standards (Local Determination) Sub-Committee      **DATE:** 8<sup>th</sup> April, 2008

**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 Council's Investigating Officer's report on the results of her investigation into a complaint, which has subsequently been withdrawn, that Councillor Balwinder Dhillon has failed to comply with the Local Code of Conduct for Members.

##### **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. 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 On 29<sup>th</sup> November 2007 the Standards Board for England referred to the Council's Monitoring Officer for investigation a complaint that Councillor Dhillon had 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 Solicitor (Contracts) (the Investigating Officer).
- 5.2 The general summary of the complaint against Councillor Dhillon prepared by the Standards Board for England is as follows:
- “Councillor Dhillon allegedly made racist remarks to the complainant's secretary, asking her if she spoke or understood English. He allegedly also “harassed” a school governor who attempted to intervene and “abused and harassed” an assistant head teacher. The alleged conduct is reported to have occurred on 31<sup>st</sup> October 2007 when Councillor Dhillon came to the school in connection with a tree owned by the Council. ....”
- 5.2 The alleged breach of the Local Code of Conduct is that Councillor Dhillon failed to treat others with respect.
- 5.3 On 11<sup>th</sup> January 2008 the complainant, Mrs Lenton, contacted the Investigating Officer by telephone and indicated that she did not wish to put her staff through the investigative process and had agreed with Councillor Dhillon that if he wrote a letter of apology she would withdraw her complaint to the Board. Mrs Lenton subsequently sent a letter dated 11<sup>th</sup> January withdrawing the complaint.
- 5.4 The Standards Board for England were consulted and they indicated that there was no provision in the relevant legislation covering the withdrawal of a complaint once the investigative process had started. The Board advised that a report stating findings of fact must still be prepared and a hearing must take place; albeit to recommend to the Standards (Local Determination) Sub-Committee that the matter requires no further action
- 5.5 In accordance with the Board's advice, the Investigating Officer completed her investigation and a copy of her final report is attached as **Appendix A**.
- 5.6 The Investigating Officer has indicated that her findings are inconclusive due to the withdrawal of the allegation and subsequent inability to interview witnesses to the alleged events and recommends no further action in respect of this complaint.
- 5.7 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. He has confirmed that he does not dispute any of the findings in the Investigating Officer's Report but has requested that a statement made by the constituent on whose behalf he had visited the school should be submitted to the Sub-Committee and a copy is attached as **Appendix B**.

- 5.8 Councillor Dhillon has indicated that he will be present at the hearing and that he will present his own case. He proposes to call his constituent as a witness and does not want any of the documents to be withheld from public inspection.
- 5.9 In addition to **Appendices A & B** , I enclose for your attention and/or information the following documents:

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

- 5.10 Names and other information by which witnesses may be identified by the public have been removed from documents accompanying this report. Unedited and original copies of these documents will be available at the meeting for inspection by the Sub-Committee Members only.
- 5.11 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 what action, if any, should be taken in respect of this matter.

## **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