

**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 2003 (AS AMENDED) BY ELAINE CRAWFORD, SOLICITOR (CONTRACTS) INTO AN ALLEGATION CONCERNING COUNCILLOR BALWINDER DHILLON**

## **1. Introduction**

- 1.1 On 1<sup>st</sup> November 2007 Mrs Margaret Lenton, Principal of Slough Grammar School, made a written complaint to the Standards Board for England (Document 1) which in summary alleged that Councillor Balwinder Dhillon had ***failed to treat others with respect***.
- 1.2 The complaint was considered by the Standards Board for England and a Decision Notice was issued on 19<sup>th</sup> November 2007 (Document 2) confirming that the complaint would be investigated and identifying the relevant paragraph of the Code of Conduct.
- 1.3 The Investigation was subsequently referred to Slough Borough Council's Monitoring Officer for investigation pursuant to section 60 (2) of the Local Government Act 2000 by a letter dated 29<sup>th</sup> November 2007 (Document 3) and subsequently delegated to myself for investigation.
- 1.4 Mrs Lenton contacted me by telephone on 11<sup>th</sup> January 2008 to confirm that she did not want 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 Standards Board.
- 1.5 Mrs Lenton subsequently sent me a letter dated 11<sup>th</sup> January 2008 withdrawing the complaint (Document 4).
- 1.6 I have spoken to the Standards Board for England and they have confirmed that there are no provisions in the legislation relating to the withdrawal of a complaint once the investigative process has started. The Standards Board has advised me 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.

## **2. The Process**

- 2.1 As part of my investigation I have interviewed Councillor Dhillon face to face (In the presence of Councillor Dexter Smith) and his statement is attached as Document 5.
- 2.2 Although I have not formally interviewed the staff and governor of Slough Grammar School (for the reasons outlined above), Mrs Lenton has supplied me with written statements taken from members of school staff and a governor who witnessed the events that were the subject of the complaint. These statements are attached as Document 6.

## **3. Statutory Framework – Failure to Treat Others With Respect**

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.*

### Respect for Others

*Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.*

- 3.2 The Council adopted its Local Code of Conduct for Members (the Code) in May 2007.
- 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 The Code is split into three parts and in Part 1 entitled "General Provisions" paragraph 3(1) states as follows:-  
  
"You must treat others with respect."
- 3.6 It is against the above General Principles and the above provision of the Code that I have investigated the complaint.

### **4. Material Findings – Failure to Treat Others With Respect**

- 4.1 It is clear that Councillor Dhillon visited Slough Grammar School with a member of the public without first making an appointment (a fact that he admits in paragraph 16 of his witness statement).
- 4.2 Councillor Dhillon states that he was visiting Mrs Lenton in his private capacity and not as a Councillor (paragraph 8 of his witness statement). However, it is clear that Councillor Dhillon was visiting Slough Grammar School in the interests of his member casework. Paragraph 2(1)(a) of the Local Code of Conduct for Members states that members must comply with the Local Code of Conduct for Members whenever a member:  
  
".....conducts the business of the authority.."
- 4.3 Therefore, the Local Code of Conduct for Members will apply to Councillor Dhillon in respect of his visit to Slough Grammar School because he was conducting the business of the authority by carrying out member casework. This is clearly evidenced by the fact that Councillor Dhillon attended the School with a person who was not known to him other than as a constituent of Councillor Dhillon's ward.
- 4.4 In respect of the events that occurred during Councillor Dhillon's visit to Slough Grammar School on 31<sup>st</sup> October 2007 I am unable to determine any material findings of fact because I have been unable to interview the witnesses to the events other than Councillor Dhillon.

**5. Reasoning - Failure to Treat Others With Respect**

5.1 With regard to the allegation that Councillor Dhillon has breached the Local Code of Conduct for Members by failing to treat others with respect my findings are inconclusive.

**6. Conclusions and Recommendations**

6.1 I would like to record my thanks to all parties for the co-operation I have received in investigating this complaint.

6.2 In summary my findings are inconclusive due to the withdrawal of the allegation and subsequent inability to interview witnesses to the alleged events.

6.3 In light of Councillor Dhillon's letter of apology (as set out in Exhibit BD/4 of his witness statement) and Mrs Lenton's subsequent withdrawal of the complaint; I recommend that no further action is necessary in respect of this complaint.

**Date: 26<sup>th</sup> February 2008**

**Elaine Crawford  
Solicitor (Contracts)**

## **Documents**

1. Margaret Lenton's letter of complaint to the Standards Board for England dated 1<sup>st</sup> November 2007.
2. Letter from the Standards Board for England dated 19<sup>th</sup> November 2007 with attached Decision Notice.
3. Letter from the Standards Board for England dated 29<sup>th</sup> November 2007 referring the investigation to the Monitoring Officer of Slough Borough Council.
4. Letter from Margaret Lenton dated 11<sup>th</sup> January 2007 withdrawing the Complaint.
5. Signed Witness Statement of Councillor Balwinder Dhillon dated 5<sup>th</sup> February 2008.
6. Witness statements of various members of staff at Slough Grammar School as drafted by the School.