

SLOUGH BOROUGH COUNCIL

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

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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

