

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 BY JILL BELL, DEPUTY MONITORING OFFICER INTO AN ALLEGATION CONCERNING COUNCILLOR BALWINDER DHILLON.

1. Introduction

- 1.1 On 1st March 2006 Councillor M Dodds (MD) made a written complaint to the Standards Board for England (Document 1) which in summary alleged that Councillor Balwinder Dhillon (BD):
- a. As a Member 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.
- 1.2 In her complaint MD enclosed two documents to support her allegation namely:-
- Extract from the Local Code of Conduct for Members (Document 2)
 - Notice of Local Determination issued by Standards (Local Determination) Sub Committee 16.1.06 (Document 3)
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- 1.3 The complaint was considered by the Standards Board for England and referred to an Ethical Standards Officer on 22nd March 2006. The Ethical Standards Officer subsequently referred the matter to The Monitoring Officer on 7th April 2006. (Document 4)

2 The Process

- 2.1 The investigation was initially assigned to Assaf Chaudry Contract Solicitor and then Jill Bell Deputy Monitoring Officer.
- 2.2 As part of the investigation the following face to face interviews have been conducted and witness statements taken.
- a. The Complainant MD – witness statement (Document 5)
 - b. The Member complained of (BD) (witness statement Document 6)
 - c. Councillor M Aziz (MA) witness Statement (Document 7)
- 2.3 Telephone interviews were conducted with the following
- a. Councillor C Small (witness statement Document 8)
 - b. Councillor R Anderson (witness statement Document 9)
- 2.4 The following Councillors have also been approached by letter dated 24.8.06
- a. Councillor N Arnold who responded by e-mail (Document 10)
 - b. Councillor L Khan who did not respond at that time
 - c. Councillor S Wright who did not respond
 - d. Councillor R Stokes who did not respond
- 2.5 Councillor D Cryer was approached on 10th July 2006 and stated that he could not recall the incident. Councillor Swindlehurst was also approached on 10th July

2006 he could recall the incident but could not add anything to the accounts given by Councillors Anderson and Small. The following Councillors were approached by letter dated 6th December 2006 and were interviewed face to face.

- a. Cllr R Plimmer (witness statement Document 11)
- b. Cllr L Khan (witness statement Document 12)

A telephone interview was conducted with Councillor Grewal and a note of that interview is attached Document 13. Councillor Grewal has signed that note to show it is a true record.

- 2.6 At the interview with Councillor Dhillon on 30th June 2006 he produced the various documents.
- a. A statement in response to the allegation (Document 14)
 - b. A response from the Standards Board for England dated 3rd April 2006 regarding Councillors Swindlehurst, Zarait and Zeib and their conduct at the Council Meeting on 7th February 2006 (Document 15)
 - c. A letter written by him to the Standards Board for England dated 13th June 2006 concerning Councillor P Choudhry and his conduct at the Overview and Scrutiny Committee Meeting on 8th June 2006 (Document 16)
 - d. The response from the Standards Board for England dated 22nd June 2006 (Document 17)
- 2.7 The minutes of the Council Meeting of 7th February 2006 were also consulted (Document 18)

3. Statutory Framework

- 3.1 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”

“Duty to Uphold the Law

Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.”

- 3.2 The Council adopted its Local Code of Conduct for Members (the Code) in May 2002. The words in italics in the following paragraphs show the provisions adopted by Slough Borough Council which are additional to the model code issued by the Standards Board.
- 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 Paragraph 2.1 (b) of the Code states

2.1 A Member must:-

“b. treat others with respect and consideration, regardless of their gender, race, sexual orientation, age or religion”

3.5 Paragraph 14.1 of the Code states:-

4.1 A Member must not in his official capacity, or any other circumstance:-

a. Conduct himself in a manner which could reasonably be regarded as bringing his office or Authority into disrepute

b. *Make any vexatious or malicious complaints against any persons.*

3.7 It is against these General Principles and the provisions of the Code that the complaint had been investigated.

4 Material Findings

4.1 At the Local Elections held on 10th June 2004 BD was elected to the office of Member of Slough Borough Council and he accepted office on 14th June 2004.

4.2 He has attended training sessions on the Local Code of Conduct on 13th January 2005 (Lobby Groups/Dual Hatted Members), 5th December 2005 (Ethical Framework) and 9th May 2006 (Local Code of Conduct).

4.3 The complaint relates to Councillor Dhillon's actions when he was required to give an apology to Councillor Grewal by the Standards (Local Determination) Sub Committee on 9th January 2006. The wording of the apology had been agreed with the Chair of the Standards (Local Determination) Sub Committee and the Monitoring Officer and was due to be given at the Council meeting on 7th February 2006. Minute 62 of the Council meeting records that Councillor Dhillon did give the apology and the wording of the apology (P356 of Document 18).

4.4 As BD rose to make the apology it is clear from the accounts of Councillor Anderson, Small, Plimmer, Khan and Dodds that he began by talking about the matter.

4.5 It is clear from the accounts of all the Councillors that there was then a lot of noise in the Chamber so much so that Councillor Khan (the Mayor) recalls that he had to ask Councillor Dhillon to sit down several times. This is supported by Councillor Plimmer's statement,

4.6 Part of Councillor Dodd's complaint is that Councillor Dhillon called Councillor Grewal 'foolish' and 'childish' and disputed the findings of the Standards (Local Determination) Sub-Committee.

4.7 Councillor Aziz was sitting quite close to Councillor Dhillon and does not recall him saying anything directly to Councillor Grewal. Councillor Plimmer commented that there was so much noise in the Council Chamber it is hard to say if any comment

was aimed at any particular Councillor. Councillor Khan as Mayor was sitting facing Councillor Dhillon. He did not hear him call Councillor Grewal foolish and childish but agreed that there was a lot of noise in the Council Chamber as soon as Councillor Dhillon stood up.

- 4.8 Councillor Anderson does recall him calling Councillor Grewal 'a child' because of his complaint to The Standards Board.
- 4.9 Councillor Dhillon maintains that the Mayor accepted his apology and that he has heard nothing from Councillor Grewal to indicate that he has not accepted the apology and has not made any complaint to that effect.
- 4.10 Councillor Grewal has confirmed that he has not filed any complaint regarding the apology but he does say that he was not satisfied with the way the apology was given. He felt it was the responsibility of the Mayor to deal with Councillor Dhillon and to ask if Councillor Grewal had accepted the apology. Councillor Grewal also confirmed that he did not speak at the Council Meeting on 7th February 2006.
- 4.11 The second element of the complain is that Councillor Dhillon said the words "Shut your mouth" to Councillor Dodds. Councillor Dodds states that Councillor Dhillon was facing a barrage of comments and that she was trying to assist him by suggesting that he got on with his apology. She says that he turned viciously to her and told her to "Shut her mouth".
- 4.12 Councillor Aziz recalls Councillor Dhillon being unable to read his apology because of the noise coming from the Labour benches. He didn't hear him saying shut up. Councillor Plimmer recalls the Labour Group giving Councillor Dhillon 'a lot of stick' and Councillor Dodds and Dhaliwal both saying things to him which he responded with words like 'shut up'. Councillor Small recalls the words 'shut your mouth' as does Councillor Anderson.
- 4.13 Councillor Khan, the Mayor, recalled that he asked Councillor Dhillon to read his apology and Councillor Dhillon began by giving mitigating circumstances of how he had got to that stage. As he began to do this the Labour Members started shouting. The Mayor asked Councillor Dhillon to sit down and then asked the Labour Party Members to be quiet and let him speak. Each time Councillor Dhillon stood up he began by talking about the circumstances and there was a lot of noise from the Labour benches, this happened at least four times. Councillor Khan then asked the Monitoring Officer to confirm the wording of the apology and he told Councillor Dhillon just to read the apology which he did. Councillor Khan did hear Councillor Dhillon say "be quiet" but not "Shut your mouth". However, he does recall that it was not a good meeting and there was a lot of noise. As Councillor Dhillon did eventually read the apology in the terms agreed the Mayor accepted it.
- 4.14 Councillor Dhillon agrees that there was a lot of noise from the Labour Members. He recalls asking them to be quiet but denies that he told Councillor Dodds to "Shut your mouth".

Findings

- 5.1 It is clear from the witness statements that the meeting was very noisy. Several Members commented on this. It is also clear that the noise started when

Councillor Dhillon stood up to speak. The noise appears to have come from the Labour benches and appears to have started when Councillor Dhillon did not just read the pre-agreed apology; but began giving what has been termed background/mitigating circumstances/opening up the same issues/saying other things about the matter. Whilst there are different interpretations of what he said all agree he didn't just start with the pre agreed apology.

- 5.2 The level of noise appears to have been considerable. Councillor Aziz states he could hear Councillor Dhillon properly because he was standing next to him but he does not know how Members on the Labour Benches could, as they were at least six feet away. Councillor Plimmer commented that there was a lot of noise in the chamber so it is hard to say if any comment was aimed at any particular Councillor but he was sitting at the other side of the Council Chamber. Councillor Anderson is clear what he heard as he was in close proximity because of the layout of the chamber. Councillor Dodds, Small, and Anderson describe the manner in which the words were spoken as being offensive/highly insulting/unpleasant/vicious.
- 5.3 From all the Members' accounts it is clear that this was not a good meeting. The Mayor had to ask Councillor Dhillon to sit down 'at least four times'. The noise appears to have come mainly from the Labour Benches and was so substantial other Members could not hear what was being said.
- 5.4 Councillor Plimmer said in his statement that this was not a case of one Member not treating other with respect. He is indicating a general lack of respect within the Chamber as Councillor Dhillon was receiving "a lot of flack" from the Labour Group Members.
- 5.5 At his interview Councillor Dhillon raised the question of the standard of behaviour he was to be judged against. He produced copies of a letter he had written to the Standards Board complaining about another Member and two responses to complaints he had made about Members' conduct.
- 5.6 In both cases although on the face of it the conduct complained of was far more serious than that alleged against Councillor Dhillon in this matter, the Standards Board declined to investigate.
- 5.7 Councillor Dhillon has raised the issue of whether or not two standards of behaviour are being adopted.

Conclusion

- 6.1 The balance of the evidence is such that I find Councillor Dhillon caused the uproar at the Council Meeting because he did not just read the apology but began with other comments on the decision.
- 6.2 However, Councillor Dhillon was not the only Member not to treat others with respect and consideration at that meeting. The noise and turmoil was such the Mayor had to ask him to sit down at least four times to restore order. The Mayor took the correct action by finding out what wording had been agreed and explaining to Councillor Dhillon that he simply needed to read the apology.

- 6.3 The differing accounts of what he said and the evident difficulties in hearing above the noise mean this it is hard to come to a conclusion about the words he used. A Councillor standing next to him says he did not use them, the Mayor did not hear them but two Councillors say he did use them. Without clear evidence on the words it is also difficult to come to a conclusion that he made vexatious or malicious complaints against any person.
- 6.4 However, even if he did use the words 'foolish and childish' and 'shut your mouth' those words in themselves are not vexatious or malicious complaints, although they are certainly not pleasant. They have to be viewed in the context of the behaviour of all Members at the Council Meeting that night. In one of the responses to Councillor Dhillon's complaints the Standards Board have stated that in the course of their duties Members are likely to be the subject of occasional ill considered and rude commentary from other Members. (Document 15)
- 6.5 I therefore do not find there has been a breach of the Code on points 1.1a and 1.1c. I do find that there was a break of the code in regard to point 1.1b 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.
- 6.6 I should like to record my thanks to all the parties for their cooperation in the investigation

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Jill Bell
Deputy Monitoring Officer
5.3.07

List of Documents Annexed to Report

Document 1	Complaint by Councillor Dodds 1.3.06
Document 2	Extract from Local Code of Conduct
Document 3	Notice of Local Determination 16.1.06
Document 4	Letter 7.4.06 Standards Board for England to Monitoring Officer
Document 5	Statement of Councillor May Dodds 20.2.07
Document 6	Statement of Councillor Balwinder Dhillon 8.2.07
Document 7	Statement of Councillor Aziz 21.9.06
Document 8	Statement of Councillor Small 8.1.07
Document 9	Statement of Councillor R Anderson 15.1.07
Document 10	E-mail Councillor Neil Arnold 11.9.06
Document 11	Statement Councillor R Plimmer 10.1.07
Document 12	Statement Councillor L Khan 10.1.07
Document 13	Note of conversation with Councillor Grewal Signed 17.2.07
Document 14	Statement of Councillor B Dhillon
Document 15	Notification of new allegation received by Standards Board for England 3.4.06
Document 16	Letter Councillor B Dhillon to Standards Board for England 13.06.06
Document 17	Notification of new allegation received by Standards Board for England 22.6.07
Document 18	Extract from Minutes of Council Meeting 7.2.06