

WARWICK DISTRICT COUNCIL

REPORT OF AN INVESTIGATION UNDER SECTION 59 OF THE LOCAL GOVERNMENT ACT 2000 BY PETER KEITH-LUCAS, ACTING AS INVESTIGATING OFFICER ON BEHALF OF ANDY JONES, MONITORING OFFICER, INTO AN ALLEGATION OF MISCONDUCT ON THE PART OF COUNCILLOR PRABHJIET “BOB” DHILLON

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Ref – 88087/02

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1 Executive Summary

2 Details of the Allegation

The allegation is set out in a letter from Chris Elliott, Chief Executive of Warwick District Council, to [REDACTED], the Monitoring Officer to the Council, dated 20th August 2010 (Appendix A to this report), as follows -

“Dear [REDACTED]

Referral to Standards Committee of Councillor Dhillon

I regret that I need to draw the attached documents to the attention of the Standards Committee which might indicate that Councillor Dhillon has breached the Code of Conduct relating to Members.

There have been several incidents over the past year or two where his approach to officers has been, in my view, a breach of the Code of Conduct.

I have tried to bear in mind his inexperience as a councillor and on previous occasions I have simply asked him to apologise. However, at a meeting on the 12th May this year and in the presence of Councillor Doody, Leader of the Conservative Group and Leader of the Council, I advised Councillor Dhillon that if he behaved this way in future I would have no other option but to refer him to the Standards Committee. At that meeting I advised him, as I had done previously in writing, that if he ever felt that he had any problems with officers' behaviour or that information had been withheld, there were appropriate avenues for him to use. He has not done so.

As evidence of the history leading up to this referral, and as referred to above, I attach some e-mails and a note covering the period as follows:

Appendix 1 - September 2008

Appendix 2 - May 2009

Appendix 3 - September to early November 2009

Appendix 4 - October 2009

Appendix 5-July 2010

Appendix 6 - August 2010

I have not included the Issue which arose in May 2009 which became the subject of an Independent Investigation as that did not relate to Member/Officer Issues.

In my view all of this amounts to continuous bullying behaviour towards staff and a general disrespect which is not conducive to good Member/Officer relations.

I make this referral with sadness that despite having given advice to Councillor Dhillon on what course of action he could have taken to deal with the Issues he thought he was facing, that advice sadly has been always been ignored.

Yours sincerely

Chris Elliott
Chief Executive”

His letter is accompanied by copies of emails relating to 4 of the 6 incidents and [REDACTED]'s notes of the Overview and Scrutiny Committee meeting of 27th July 2010 (Appendix B).

3 The Parties Concerned

The individuals mentioned in this report are as follows –

- 3.1 Officer A, Warwick District Council
- 3.2 Officer B, Warwick District Council
- 3.3 Officer C, Warwick District Council
- 3.4 Officer D, Warwick District Council
- 3.5 Councillor Linda Bromley – Warwick District Councillor (from 22nd July 2010) and Warwick Town Councillor
- 3.6 Councillor Les Caborn – Warwickshire County Councillor, Warwick District Councillor and Deputy Leader of Warwick District Council
- 3.7 Ms S -Member of the Public
- 3.8 **Councillor Prabhjiet “Bob” Dhillon** – Warwick District Councillor, Warwick Town Councillor and the Respondent, Chairman of Racing Club of Warwick
- 3.9 **Councillor Michael Doody** – Warwickshire County Councillor, Warwick District Councillor and Leader of Warwick District Council
- 3.10 Officer E Warwick District Council
- 3.11 **Chris Elliott** – Chief Executive of Warwick District Council and the Complainant
- 3.12 Councillor Susan Gallagher – Warwick District Councillor
- 3.13 **Councillor William Gifford** –Warwick District Councillor
- 3.14 **Officer F**, Warwick District Council
- 3.15 **Councillor Elizabeth Higgins** – Warwick District Councillor and Warwick Town Councillor
- 3.16 **Officer G**, Warwick District Council
- 3.17 Officer H, Warwick District Council
- 3.18 Andrew Jones – Deputy Chief Executive and Monitoring Officer of Warwick District Council
- 3.19 Councillor Michael Kinson – Warwick District Councillor, Warwick Town Councillor and Mayor of Warwick
- 3.20 **Councillor Bertie MacKay** –Warwick District Councillor, Chairman of Planning Committee
- 3.21 Officer J, Warwick Town Council

- 3.22 **Councillor Anne Mellor** – Warwick District Councillor and Warwick Town Councillor, and President of Racing Club of Warwick
- 3.23 Councillor Trudy Offer – Warwick Town Councillor
- 3.24 Officer K, Warwick District Council
- 3.25 – **Officer L**, Warwick District Council

4 The Progress of the Allegation

The Monitoring Officer reported the allegation to the Standards Assessment Sub-Committee at its meeting on 3rd September 2010, which meeting resolved to refer the matter to the Monitoring Officer for investigation under Section 57A(2) of the Local Government Act 2000.

The Monitoring Officer appointed me to act as Investigating Officer for this matter on his behalf and, after an initial discussion, my appointment was confirmed on 23rd November 2010.

As the key facts are set out in the Emails and correspondence, I decided to conduct a limited number of interviews to confirm those facts and to gain an understanding of the background and context, and to enable Councillor “Bob” Dhillon to respond to the allegations, but not to interview every person who is mentioned in the correspondence. The persons whom I have interviewed are named in bold type above. These interviews have not revealed any substantial dispute as to the events which are the subject of this investigation, and accordingly I have not extended my interviews beyond those persons. However, I have also had the benefit of telephone conversations with Councillor Linda Bromley (who kindly sent me copies of notes and minutes of meetings) and Officer J.

I wish to record that I am grateful to have received the full co-operation of all those whom I have spoken to.

5 The relevant Sections of the Council’s Code of Conduct for Members

5.1 The Code of Conduct

The Council adopted the revised Model Code of Conduct for Members without amendment following the Local Authorities (Model Code of Conduct) Order 2007. The authority’s Code of Conduct for Members states as follows –

3(1) You must treat others with respect

3(2) You must not –
(b) bully any person.

5 You must not conduct yourself in a manner which might reasonably be regarded as bringing your office or authority into disrepute.

5.2 Standards For England Guidance

In their Guidance on the Code of Conduct, Standards For England describe “bullying” as follows –

“We characterise bullying as offensive, intimidating, malicious, insulting or humiliating behaviour which attempts to undermine, hurt or humiliate an individual or group. It can have a damaging effect on a victim’s confidence, capability and health.

Bullying conduct can involve behaving in an abusive or threatening way, or making allegations about people in public, in the company of their colleagues, through the press or in blogs, (but within the scope of the Code of Conduct).

It may happen once or be part of a pattern of behaviour, although minor isolated incidents are unlikely to be considered bullying. It is also unlikely that a member will be found guilty of bullying when both parties have contributed to a breakdown in relations.”

5.3 The Member/Officer Relations Protocol

The Council has adopted a non-statutory Member/Officer Relations Protocol which sets out the expectations of both members and officers, and can be used to amplify the relevant provisions of the Code of Conduct for Members. The Protocol is included as part of the Council’s Constitution and is available on the Council’s website. The relevant paragraphs of the Protocol are as follows -

1 The Role of Members

1.5 The Officers of the Council will support all Members to enable them to perform these roles effectively in the interests of the Council and the public. They will provide support, information and advice to Members to help them in these roles in accordance with these protocols.

4 The Role of Officers

4.1 Officers can also have a variety of roles -

- They are responsible for the operational management of the Council.
- They advise Members to help them to take decisions in the Executive, committee, sub-committee and Council.

4.6 Officers should:

- pursue every known lawful policy of the Council
- implement the decisions of Council, the Executive, committees and sub-committees
- inform Members through their head of service of any decision that they cannot fully implement and the reasons for this
- be helpful and respectful to Members

6 Monitoring the Performance of Officers

6.1 Members should set the parameters for Council work and then let Officers deliver services within these whilst guaranteeing that strong scrutiny and performance management systems are in place.

6.2 Members have a right to criticise reports or the actions taken by Officers, but they should always:

- avoid personal attacks on Officers
- ensure that criticism is constructive and well founded

- 6.3 Complaints about Officers or Council services should be made to the Head of Service where a Member feels the fault lies. Members have a duty to raise any issues that they have reason to think might involve fraud or corruption of any sort.
- 6.4 Members should avoid undermining respect for Officers at committee meetings, or in any public forum including the media. This would be damaging both to effective working relationships and to the public image of the Council. In general Officers are unable to answer back or defend themselves against criticism in a public forum.”

6 Background Issues

6.1 My approach to the allegations

I note that the events which are the subject of the allegations cover a long period of time, from September 2008 through to August 2010. I note the Guidance provided by Standards for England in respect of complaints about matters which are alleged to have occurred a considerable time before the allegation was submitted. This is now contained in the Guidance on Criteria for the Initial Assessment of allegations, and identifies that the passage of time is a material consideration.

Against that background, I take the view that Incidents One and Two, occurring more than 12 months before the submission of the allegations may be material as evidence of a course of conduct, but should not be considered as breaches of the Code of Conduct in their own right.

6.2 Warwick Town Council

I have received evidence that there has been a breakdown of trust between some members of Warwick Town Council and Warwick District Council. I do not believe that this is common to all members and officers of the Town Council, or that it is reciprocated by members and officers of the District Council. The reasons for this breakdown of trust may include –

- The tensions which might be expected between a large Town Council and a District Council, particularly over planning and the provision of amenity services;
- A feeling that Warwick District Council’s focus is in Leamington Spa (where its offices are located) and the wealthier rural areas of the District, rather than upon some of the less prosperous areas of Warwick; and
- Some of the personalities involved.

This background is important in that it has caused Councillor “Bob” Dhillon to approach some issues wearing his Warwick Town Council hat, and suspicious of the actions of members and officers of the District Council. It has also hindered free and open communication between members and officers of the two authorities. And it has caused some members who are members of both the Town Council and the District Council to feel that they are not kept properly informed of local events and issues by the District Council in a manner which would enable them to respond constructively to the concerns and enquiries of local residents, and are therefore reactive rather than being able to be proactive.

6.3 Councillor “Bob” Dhillon

Councillor “Bob” Dhillon is acknowledged by all those whom I have interviewed as being a very hard-working individual who is committed to advancing the interests of Warwick and of his constituents in his work as a Town Councillor, as a District Councillor, and latterly as Chairman of Racing Club of Warwick, which is a local football club which provides a wider community focus in one of the less prosperous areas of Warwick. He accepts that his priority is advancing the interests of his local community, rather than promoting the interests of the wider community comprising the administrative area of Warwick District Council. It is in this context that he has accepted the responsibilities as Chairman of the Racing Club, which puts very substantial demands on his time in the evenings and weekends, to apply his financial and administrative skills to rescue the Club from serious financial problems arising from a period of mismanagement.

It is evident to me that Councillor “Bob” Dhillon is struggling to balance the demands of –

- § his full-time employment, which requires a lot of travelling;
- § His young family;
- § His work as a member of Warwick Town Council;
- § His work as a member of Warwick District Council, and
- § His work as Chairman of Racing Club of Warwick.

I set out this background because in my dealings with Councillor “Bob” Dhillon I saw two different faces of his character, which reflect interviewees’ assessment of him. At interview, he was polite and engaged, expressing himself clearly. He evidenced his commitment to his local community and expressed a genuine concern that he might have caused offence to others by his conduct. However, in email exchanges seeking to arrange the interview, he was sometimes curt and challenging to the point of rudeness. I noted particularly a feature which will be apparent in respect of the some of the individual matters below, namely that some of his emails were sent very late at night, and that late night emails were almost all curt and challenging to the point of rudeness. However, in a number of instances, they were followed up the next day by a more considered and polite response.

6.4 Councillor “Bob” Dhillon’s awareness of the Code of Conduct

From my questioning, it was apparent that Councillor “Bob” Dhillon was aware of the authority’s Code of Conduct and its broad provisions, but had no awareness of the Council’s Member/Officer Relations Protocol. I am advised that he was present at a meeting of the Overview and Scrutiny Committee on 25th May 2010 which considered the Constitution, including the Member/Officer relations Protocol, and at the meeting of Council on 14th July 2010 when the Constitution was approved. However, I accept from my questioning that Warwick District Councillors are not generally conversant with the Member-Officer Relations Protocol.

7 Incident One – Planning Committee, September 2008

7.1 The Allegation

The allegation is that Councillor Dhillon made remarks to Officer E, , during the course of the meeting of the Planning Committee of Warwick District Council in September 2008, which remarks failed to treat him with respect, contrary to Paragraph 3(1) of the authority’s Code of Conduct.

The incident was recorded in an email from Officer C to Chris Elliott¹, reporting that at Planning Committee Councillor Dhillon had responded to professional advice from Officer E by saying that officers should do what members tell them and should not seek to influence members' decisions.

7.2 The Evidence

7.2.1 I have Officer C's email to Chris Elliott of 25th September 2008.

7.2.2 In interview, Councillor MacKay confirmed the content of Officer C's Email and stated that he recalled the event and that at the meeting he had reprimanded Councillor Dhillon for these remarks. This is consistent with the statement in Officer C's memo that Councillor Dhillon subsequently apologised to the Head of Legal Services but not to Officer E, who was the officer who provided the professional advice and to whom Councillor Dhillon's remarks were addressed.

7.2.3 In interview, Councillor "Bob" Dhillon said that he had not recollection of the particular meeting or incident, but that he was sure that he had no intention to offend any person and that if he had been made aware that he had offended any person, he would have apologised.

Accordingly, I conclude that Councillor "Bob" Dhillon did behave as recorded by Officer C.

7.3 My conclusions

The RTPI code of professional conduct requires that members of RTPI "shall fearlessly and impartially exercise their independent professional judgement to the best of their skill and understanding".

In other words, Planning Officers are professionally required to evaluate planning application independently and to make an honest recommendation to the Planning Committee. Accordingly, any suggestion by a member that officers "should do what members tell them and should not try to influence their decisions" is an assertion that officers should not act professionally. Such a suggestion, particularly in the course of a public meeting, would constitute a failure to respect the professional capacity and role of the officer.

Accordingly, whilst I am of the opinion that Councillor "Bob" Dhillon did fail to treat Officer E with respect, in breach of Paragraph 3(1) of the authority's Code of Conduct, I make no formal finding on this allegation as it occurred more than 12 months before the complaint was made.

8 Incident Two - Planning Committee, 29th April 2009

8.1 The Allegation

The allegation related to consideration by the Planning Committee of a planning application for a 3G radio base station at Budbrooke, Warwick. The allegation is that Councillor Dhillon spoke in a manner which failed to treat Planning Officers with respect, contrary to Paragraph 3(1) of the authority's Code of Conduct.

¹ Appendix B, Page 7

8.2 The Evidence

8.2.1 The sequence of events was that the Head of Planning's written report recommended the grant of planning permission but, following objections from the authority's Arboriculturist, the Head of Planning changed his recommendation and made a verbal recommendation at the meeting that planning permission be refused.

8.2.2 The events at the meeting were set out in an email on 1st May 2009, from Officer D and Officer F to Officer C, copy to Councillor McKay as follows –

"We were shocked therefore when Councillor Dhillon opened his comments on this application and the changed recommendation with the statement that he was "always pleased when Officers see the light as usually they roll over for the big boys".

We accept that public debate is often robust and expressed in plain language; the clear inference of the Councillors statement, however, was that Planning Officers were frequently biased in their recommendations dependant on the identity of the applicant.

This statement was made in the context of the consideration of a very contentious application in a public arena.

We both took the decision not to request the Chairman's permission to respond to this statement as it would have inevitably resulted in this allegation being given even greater prominence; nevertheless we feel that such statements are wholly inappropriate and can only serve to bring the planning process (and the role of Planning Officers into disrepute.

We consider that the comments made by this Councillor should not be ignored.

We made our concerns known to the Chairman at the close of the meeting and that we would be similarly informing you of these concerns.

The Chairman requested that you discuss this matter with him before taking any action in response to our concerns. He wished you to know he was on holiday for 10 days following this Committee meeting."

8.2.3 Officer C then copied Officer D's email to Chris Elliott and to Officer G. Officer G raised the incident with Councillor Michael Doody, Councillor Les Caborn and Officer H.

8.2.4 On 12th May 2009, Councillor Dhillon wrote to Councillor McKay, copy to Officer C –

"At a Planning Committee of 29th April, during the course of debate on a telecom mast proposal, I stated I was pleased to see when officers see the light as usually they roll over for the big boys.

I accept that this could be interpreted as indicating that I thought Planning Officers were unduly influenced by some applicants which resulted in biased recommendations to Planning Committee.

I understand that such a statement in the public domain can be very damaging to the public's perception of the planning process overall at Warwick District Council. I accept that it also potentially undermines the relationship of trust between Officers and Members necessary for the proper operation of the planning process, as required by National Guidance on probity in Planning.

I would wish to clarify my position. The statement was made in the heat of the debate and did not reflect my true view of the planning process at Warwick District.

I am satisfied that the reports made to Planning Committee are not influenced in any way by the identity of the applicant. Whilst it is open to me, as any other member of the Planning Committee to disagree with the conclusions of the planning merits of individual cases, I have no doubt that the reports themselves are prepared wholly objectively and are free of any undue influence.

I should like to apologise to you as Chair of Committee for any false impression that I may have given regarding my views of officer reports. You have my assurance that I have no reason to doubt the objectivity of the Planning Officers."

8.2.5 Officer C responded on 13th May 2009, accepting the apology and stated that he now regarded the matter as closed.

8.2.6 At interview, Councillor "Bob" Dhillon confirmed that he was a member of the Planning Committee at this time and confirmed the events broadly as set out above. He stated as follows –

"I cannot recall what my exact words were, however Bertie McKay would have told me if my comment was out of line and I would have apologised. I had travelled straight from work to the Committee meeting and the wrong phrase may have been used, however I would not have meant it the way it came out. I later apologised to Bertie by email, and although Michael Doody may have advised that it was a comment I should not have made and encouraged me to apologise, he did not bend my arm or dictate the email that I sent. I am more than happy as a gentleman to apologise to someone."

I therefore conclude that Councillor "Bob" Dhillon did behave as set out in the email from Officer D and Officer F

8.3 My Conclusions

The RTPI code of professional conduct requires that members of RTPI "shall fearlessly and impartially exercise their independent professional judgement to the best of their skill and understanding". It would therefore be a breach of professional conduct and a disciplinary offence within the District Council if a Planning Officer allowed his judgement to be influenced by the economic power of the applicant.

In his interview, Officer F said that Councillor "Bob" Dhillon "is all over the place with the comments that he makes. Some of his comments are made without the benefit of forethought. Whilst this comment made by Councillor Dhillon was a one-off and

he does not often say things like this, he has said things in the past which have been close to the mark. I took this comment to be over the mark as Planning Officers should be viewed by the general public as doing, and being capable of doing, a good job. Councillor Dhillon's comment of "always pleased when Officers see the light as they usually roll over for the big boys" is one that I considered to be particularly unacceptable."

Accordingly, whilst I am of the opinion that Councillor "Bob" Dhillon did fail to treat Officer D and Officer F with respect, in breach of Paragraph 3(1) of the authority's Code of Conduct, I make no formal finding on this allegation as it occurred more than 12 months before the complaint was made.

9 Incident Three - September to November 2009 (Warwick Hospital)

9.1 The Allegation

This allegation is that at the meeting of the Planning Committee of 18th September 2009 Councillor "Bob" Dhillon failed to treat officers with respect and bullied the officers in that he asserted that officers dishonestly altered the representations received from Warwick Town Council in respect of development proposals at Warwick Hospital, so as to indicate that the Town Council had no objection to the development and threatened to involve the press in this matter.

9.2 The Evidence

9.2.1 In late summer of 2009 Warwick Hospital commenced the development of a new three-storey ward building without having obtained planning permission from Warwick District Council as the local planning authority. The hospital site is in Councillor "Bob" Dhillon's ward. The new development was adjacent to, and would overlook, established residential properties. The hospital's actions caused considerable local alarm and controversy.

9.2.2 In response, and following the submission of retrospective planning application (W 09/0752), the Planning Committee arranged a site visit, to meet representatives of the hospital to determine the extent of the hospital's proposals and to see what the hospital might be prepared to do to meet local concerns. Councillor "Bob" Dhillon was not at this time a member of the Planning Committee and did not attend the site visit. At that meeting, the hospital gave undertakings to undertake a planting programme and to install opaque windows in windows overlooking existing housing.

9.2.3 A copy of the planning application was sent to Warwick Town Council as a statutory consultee. The application was considered at a meeting of the Town Council, where it was resolved to make objection to the application on grounds of its adverse impact on nearby residents, unless the applicant were prepared to amend the application in respect of the siting of air conditioning units, blocking the view from first floor windows, installing fencing and boundary planting, landscaping and the provision of surface water draining.

9.2.4 Officer J, Warwick Town Council, then wrote out by hand a "response to consultation" form (I attach at Appendix D copies of the two Consultation Forms from Warwick Town Council on this application) and sent it to the

District Council, where it was received by Officer F. Unfortunately it would appear that in completing a number of response to consultation forms, Officer J became confused, as the response to consultation form received by Officer F, completed in Officer J's distinctive handwriting, has a tick in the relevant box to indicate that the Town Council has no objection to the application and hand-written a recommendation that "the surface of the car park should be constructed of permeable material. Officer J clearly recognised his mistake, as this text is then crossed out in the same pen, but apparently he then sent it to the District Council in error.

9.2.5 Officer F confirms that this Consultation Form was received in time for the Planning Committee, that he had no reason to doubt its validity, and that he accurately reported this response in his report to the Committee.

9.2.6 At the meeting on 18th September 2009, the undertakings received from the hospital were reported and the Planning Committee resolved to grant planning permission for the hospital development of the new ward block on appropriate conditions. Councillor "Bob" Dhillon was not a member of the Planning Committee at this time, but attended as a ward Councillor to speak on this particular item. The Committee meeting lasted a considerable time, so that Councillor "Bob" Dhillon and other objectors had to wait approximately 2 hours before being able to speak to this item. I have no record of what Councillor "Bob" Dhillon said to the Committee.

9.2.7 Subsequently, on 21st September, after the meeting of the Planning Committee on 18th September, Officer F received a second Consultation Form from the Town Council. On this second form, Officer J has ticked the box to indicate that the Town Council did object to the planning application, and has entered hand-written objections on the basis of the adverse impact of the proposed development on the amenity of nearby residents, correctly reporting the resolution of the Town Council as set out above. Officer F has shown me and retains the envelope in which the second response to consultation form was sent, which I note was inadequately franked, which may account for its late delivery. I am accordingly entirely satisfied that, at the time of the Planning Committee on 18th September 2009, the officers had only received the first "no objection" response to consultation Form and had no reason to believe that this was other than Warwick Town Council's correct representation on this planning application, and that the officers had accurately reported this first response to consultation form.

9.2.8 At 23.35 on 18th September 2009, following the Planning Committee, Councillor Dhillon emailed to Councillor McKay as follows, with copies to Planning Committee, Ms S, Anne Mellor, Linda Bromley and Trudy Offer

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"Bertie,

I always thought you as a man of respect and wisdom who gave a fair crack of the whip. I was bitterly disappointed that you did not give the conditions put forward by the Green Lane residents a fair airing at the meeting that I waited 2 hours and you did in 7 minutes and treatment of Coun Kinson. I attach documents that have been altered to say that

Warwick Town Planning had no objections which is not the case if you look at the minutes of WTC planning meeting.

I will be going to the press within the next 5 days with the information that officers have been altered documents to favour the Hospital, one enclosed and there are more documents which the public will find interesting.

I will not be supporting your re-election to the Chair next time as the conditions were fair and just for which you allowed no debate in a democratic process.

I look forward to your quick response on the matter.”

9.2.9 On 21st September 2009, Officer F emailed to Chris Elliott as follows –

“I attach a message from Councillor Dhillon concerning events at Planning Committee last Wednesday.

The application was for proposals from Warwick Hospital which were controversial and had been virtually completed by the time the application was considered. They were recommended for approval by officers. The comments of Warwick Town Council (which are attached to Councillor Dhillon's message) were to raise no objection, although other comments on the consultation form had been crossed out. On Friday, in a telephone conversation with my team member Officer M, Linda Bromley strongly suggested that officers of this council had crossed out part of the Town Council's comments. This outrageous allegation is now clearly repeated and expanded by Councillor Dhillon and, in view of its seriousness, I must now bring this to your attention.

Councillor Dhillon has also requested 'call in' of the application. Members Services officers will write to him to tell him that no such procedure exists and they inform me that the matter has been brought to the attention of the Monitoring Officer.

The decision notice is due to be sent out shortly.”

9.2.10 On 22nd September, Officer F emailed Officer D as follows –

“I write to keep you informed of matters relating to Warwick hospital. As you will see below, a Councillor has made serious allegations about the conduct of officers and indicates that he intends to 'go to the press'. Councillor Dhillon spoke at Committee last Wednesday, but despite his objections, planning permission was granted for the building at Warwick Hospital, which was, by this time, nearly complete.

Later on yesterday (21 Sept) we received the additional comments of Warwick Town Council, which had been posted on 16 Sept, the Committee day. They had been posted with insufficient franking payment and were delivered second class.

The additional comments include the details which Councillor Dhillon had wanted discussed at Committee last week. I have retained the envelope with the date of franking clearly shown.

The monitoring officer is aware of these matters and I thought that I should make you aware as well. At the moment, I do not think there is any further action which needs to be taken.”

9.2.11 Officer D informed Chris Elliott, who wrote to Councillor Dhillon on 13th October 2009 as follows –

Dear Councillor Dhillon

Comments regarding officers

I have been shown an e-mail that you sent on the 18th September to Councillor Mackay and to a number of officers. I have received complaints in response to some of your remarks which stated that my officers had left out comments received from Warwick Town Council.

In response, having looked at the evidence, I find these comments wholly unwarranted. The facts of the matter are that officers did receive a completed consultation form (1) with hand written words crossed out. The ink used by Officer J, Warwick Town Council is distinctive and I have seen this with my own eyes. This form was dated 6th July 2009.

Another form regarding the same planning application making more comments was indeed sent (2), however it was not posted until the 16th September (3), the day of the Planning Committee meeting. Not surprisingly, officers cannot report something they have not seen.

You will note that insufficient postage was paid so the additional form was not received until 21st September 2009.

I think you will agree that your comments were erroneous and are deserving of a written, unreserved apology to the officers concerned. Please do so within five working days.

As concerned as I am that you have made remarks about officers without bothering to check any facts, I am also concerned that this will be the third time when comments have been made, either in writing or verbally, which in my view breach your Code of Conduct. Officers have taken time to explain the circumstances and have accepted your previous apologies.

However, repeated incidences lead me to the conclusion that such apologies are not sincerely meant. I must therefore advise you that if a similar situation arises I will be forced to take other steps.

Having said this, I would like to offer advice. If you have concerns about any officer's behaviour, conduct or the information they provide then query it with the relevant manager so that they can explore it and report back to you before you make statements.

Yours sincerely”

9.2.12 On 1st November 2009, Councillor Dhillon responded to Officer K as follows –

Chris,

The comments made in the e-mail were made after facts were relayed to me regarding the Warwick Hospital proposal before and after the meeting of the WDC planning committee.

1. Speaking to the clerk at WTC who advised that views expressed about Warwick Hospital proposal in the WTC planning meeting were not included in the WDC planning agenda. Also he did remember altering the document which was sent by the officers via e-mail.
2. Contacted the officers as to what had happened via phone and told NO COMMENTS had been expressed even though I attended the WTC planning meeting. The WTC planning committee sent a document with a number of conditions to be incorporated into the Warwick Hospital proposal which they felt had been ignored.
3. E-mail

From: Anne Mellor
Sent: 21 September 2009 14:48
To: Bertie MacKay
Cc: Bob Dhillon
Subject: RE: Warwick Hospital

Bertie,

Can you please tell us why any objections that were sent in by Warwick Town Council were not recorded?

At the last meeting on 27th August, several recommendations were made regarding this building and yet not one of them appeared on the papers.

Are you saying that they were not received, because we have noticed on the TC that quite a few of plans that we have either made objection to or made comment on are being ignored?

I am therefore asking our Town Clerk to get both oral and written recordings of our objections in the future as you can understand this is most frustrating when we KNOW that we have either made a recommendation/objection and somehow these are being either overlooked or maybe even lost.

Thank you
Councillor Anne Mellor
Warwick South

After the reading the facts in your letter dated 13th October, 2009, I am more than happy to give an apology to Officers who felt they were singled out for the events due to a postal error.

However, I have not to date been informed of any review of the process that must take into account comments made by parish councils by phone/fax/text etc by the planning department so their valuable opinion appear on the agenda of the WDC planning committee meeting.

As the comments in question were not on the agenda then local Warwick residents felt that there was something in towards taking place at WDC

and their expressed opinion of WDC was an organisation not fit for purpose.

I look forward to your comments on how we can set a more robust system in place so that these events don't occur in the future."

9.2.13 Chris Elliott responded to Councillor Dhillon on 2nd November 2009 as follows –

"I have seen the papers that the Town Council sent and the fact is that the Town Council initially sent a reply with no comments and only on the day of the Planning Committee sent more detailed comments but because they paid inadequate postage WDC officers did not receive the comments till several days after the Planning Committee meeting.

Therefore, the District Council officers reported the comments as they had received them. So the fact remains Bob that you accused District Council officers of withholding information which they did not do -you have a responsibility to them as an employer and so you should apologise.

You may wish to take the matter up with the Town Council about why they did as they did.

I advise you that if you do have queries then by all means ask the relevant manager but to make an accusation without clearly understanding what has happened will be likely to put yourself at risk of seriously causing offence, being in breach of the code of conduct and of further action being taken against you. No one wants that.

Regards"

9.2.14 On 2nd November 2009, Councillor Dhillon responded to Chris Elliott as follows –

"Thank you for clarifying the facts in your e-mails, I am more than happy to give my apology to the planning Officers for the events that were due to a postal error and not one of withholding information.

I would still like to see the relevant manager review the process and make sure we can obtain the views of the Parish councils more efficiently within the timescales set in our guidelines using modern technology (e-mail/Fax/phone-call etc).

Regards"

9.2.15 At interview, Councillor "Bob" Dhillon stated that he is not provided with regular information on new planning applications and developments in his ward, and so only learnt of the start of construction at the hospital as a result of enquiries from local residents, to which he was unable to respond. However, I am advised that the Planning Department send an email list of all new planning applications to each District Councillor weekly.

At this time he was not a member of the Planning Committee, so he attended the meeting of the Planning Committee as a Ward Councillor and had to wait a long time before this item was reached and he was able to speak. He was concerned that the Chairman of the Committee only allowed a brief period for objectors to speak and he felt that this was disrespectful to Councillor Kinson, then Deputy Town Mayor of Warwick Town Council.

He knew what the Town Council had resolved and, faced with the statement that the Town Council had no objection, he concluded that the District Council's Planning Officers responsible for the case had misrepresented the Town Council's response, and it was with that understanding that he considered that a reasonably robust approach was permissible. But he accepted that officers of the District Council were not actually at fault.

He stated that his proposal to involve the press was a reflection of the frustration which he felt at not being informed by officers about events in his ward, rather than as an overt threat to either the Chairman or to officers. In response to a question, he stated that he did not actually know of any other incidents where officers had mis-informed the Planning Committee.

9.2.16 On the basis of this evidence, I find that Councillor "Bob" Dhillon did send the Emails set out above.

9.3 My Conclusions

The clear assertion in Councillor "Bob" Dhillon's Email of 18th September is that the officers concerned knowingly falsified a response to statutory consultation and deliberately misled the Planning Committee. In my opinion, this remark is directed at the Planning Officers of Warwick District Councils responsible for dealing with this matter, and specifically at Officer F, as the officer presenting the report at Planning Committee.

In the Email, Councillor "Bob" Dhillon is very rude and offensive to Councillor MacKay, in a quite inappropriate manner, but there is no complaint before me of failure to treat Councillor MacKay with respect.

Councillor "Bob" Dhillon goes on to assert to Councillor McKay that the Planning Officers, including necessarily Officer F, have deliberately falsified the Town Council's response, in order to favour the Hospital, and he copies that accusation to a wide circle of people, including both all members of Planning Committee, all officers serving Planning Committee and a number of persons connected with the Town Council. Had any officer behaved in the manner alleged, it would be a serious disciplinary matter which, in my opinion, would merit a final written warning at the very least and might even amount to gross misconduct, and a breach of professional conduct. Councillor "Bob" Dhillon's remarks are also a failure to comply with the District Council's Member Officer Relations Protocol, under which any complaint of officer misconduct should be raised with the Chief Executive as a disciplinary matter.

In my opinion, the accusatory manner in which Councillor "Bob" Dhillon raised the matter with Councillor MacKay was unnecessary and inappropriate. Councillor "Bob" Dhillon had no evidence of misconduct by the District Council's officers, but

had jumped to the conclusion that they were at fault. In the absence of any direct evidence, but knowing that the Town Council's position had been reported in a manner which was at odds with his recollection of the resolution of the Town Council, he would have been entirely correct, at first instance, to have pointed up the difference and asked how this had come about. But to make such an unsubstantiated accusation in correspondence to the Chairman of the Planning Committee, whose respect for their professionalism and impartiality is essential for the Planning Officers further conduct of their duties, **was a serious failure to treat the Planning Officers, including Officer F, with respect, contrary to Paragraph 3(1) of the Code of Conduct.**

Councillor "Bob" Dhillon's conduct in this instance was aggravated by being addressed to Councillor McKay as Chairman of the Planning Committee, by being copied to a very wide range of other people including all members of Planning Committee, all officers serving Planning Committee and members of Warwick Town Council, and by the inclusion of threats to "bring in the press" and to disclose a number of other alleged cases of misconduct by officers. In interview, Councillor Dhillon admitted that he did not have any particular press contact, and that there were no other instances of officer misconduct of which he was aware. So he is making unreasonable threats, and inventing other instances of misconduct, in order to command the attention of Councillor Mackay and, through him, of the officers.

Applying the description of bullying provided in Guidance by Standards for England, I find that Councillor Dhillon's conduct was offensive, malicious and insulting. I find that it was intended to undermine, hurt and humiliate the officers concerned, and that it was abusive and threatening conduct. It was conducted to a wide audience by virtue of his copying his email to many persons. Whilst a single incident must comprise more serious conduct to constitute bullying than might be material in a course of conduct, **I am of the clear opinion that on this occasion Councillor "Bob" Dhillon's conduct crossed the threshold and amounted to bullying of the Planning Officers, including Officer F, contrary to Paragraph 3(2)(b) of the Code of Conduct**

10 Incident Four - October 2009 (New Friends Group)

10.1 The Allegation

The allegation is that, in an email dated 13th October 2009, Councillor "Bob" Dhillon failed to treat Officer L and Officer B with respect and bullied these officers.

10.2 The Evidence

This allegation relates to a proposal by the Friends of St Nicholas Park to form a local Forum to take on greater responsibility in respect of St Nicholas Park and to invite other persons to participate in it. The Friends of St Nicholas Park is a group of members informally convened by the relevant District Council Officers, Officer L and Officer B, to be consulted on matters relating to St. Nicholas Park. This was at least in part to enable the officers to respond constructively to a wide range of pressures from local residents and interest groups in respect of the Park. The immediate proposal was to formalise this by establishing an "Advisory Forum" as an advisory Committee with co-opted voting members. There was an underlying tension in that the Warwick Town Council members on the Forum broadly wished to see the Friends/Forum widen their interests to cover other public spaces within Warwick, and wished to see the District Council delegate actual decision-making powers to the Forum, as a local management Committee of the District Council with co-opted

members. The District Council officers were not averse to moving in that direction, but their primary focus was in respect of St Nicholas Park and the more limited proposal from the officers was to formalise the structure of the Friends as a Forum/Advisory Committee relating just to St. Nicholas Park.

It has been explained to me by members and officers that an official minute of the discussions of the Friends is maintained by the officers recording the matters agreed with members, and this informs the officers' subsequent actions, but that Councillor Linda Bromley voluntarily keeps a more detailed note of the course of discussions, including a "blow-by-blow" summary of the discussion at each meeting, which she then circulates to members of the Friends. Councillor Linda Bromley has kindly provided me with copies of her notes of a meeting of 7th June 2009. I am of the opinion that this practice of keeping two sets of "minutes" for what was only an advisory group was both symptomatic of, and contributed to, the tensions between members and officers on this group. It was symptomatic of a lack of trust on the part of some members, but it also inevitably led to conflict, as the blow-by-blow account naturally recorded members stating priorities and requests, which may have attracted the agreement of some or all other members, but may not have been noted as positive action points by officers.

The incident arises from exactly that situation, from a meeting of the Friends at which it was agreed to move forward to establish the Forum. Councillor Linda Bromley recorded that she was to put together the terms of reference of the Forum and organise, and she understood this to include that she would send out invitations to interested parties to participate in the Forum. However, Officer L understood that she was to send out the invitations, and she did so. I find no evidence of anything other than a genuine difference of understanding of what had been agreed at the meeting.

When Councillor Linda Bromley learnt that Officer L had sent out the invitations, she emailed to Officer B at 1612 on 13th October 2009, with copies to Councillor Anne Mellor, Councillor Susan Gallagher and Councillor Dhillon –

"Dear Officer B,

I'm afraid you have misunderstood what was said at the last meeting. I give below an extract from the minutes which I took and sent to you:-

It was agreed that the Friends should to set up a Forum and invite interested parties to join. LB to put together Terms of Reference and organise. BD proposed, and it was agreed, that a Councillor should invite other groups to join. It was agreed that AM should send an email to all other groups and tell them that they have to be part of one group.

There was no question of a new Friends Group being set up but that the Friends should set up the suggested Forum. Anne was the one who was going to email other groups.

Linda"

At 21.47 the same day, Councillor Dhillon responded to Officer L and Officer B, with copies to Councillor Anne Mellor, Councillor Susan Gallagher, Councillor Linda Bromley, Councillor Elizabeth Higgins and Councillor Michael Kinson, as follows -

"OfficersL/B,

We clearly have minutes as to what action was agreed for the way forward, I don't take kindly to officers distorting the facts given by elected members. If this occurs again then action will be recommended to my leadership as we elected Councillors run the council not the officers, you are there to advise, get used to it.

One very angry Councillor.”

Officer L forwarded this correspondence to Chris Elliott on 14th October, but I have no record of any further action.

10.3 My Conclusions

There was a genuine misunderstanding between Officer L and Councillor Linda Bromley as to who would send out invitations to interested parties for the Forum. Albeit that I find no fault on the part of any person for this misunderstanding, I understand why Councillor Linda Bromley felt hurt that Officer L had sent out the invitations. Councillor Linda Bromley's Email to Officer L was expressed in moderate terms and, in my opinion, dealt with the matter entirely satisfactorily.

Councillor “Bob” Dhillon was not a party to this issue. He was not, under any interpretation, tasked with sending out the invitations. He saw Councillor Linda Bromley's email, which dealt with the matter entirely satisfactorily. There was no need for him to intervene. He chose to make a gratuitous and unnecessary intervention. He did so in a gratuitously offensive manner to Officer B when it was Officer L who had sent out the invitations. As the Friends was an advisory body rather than a formal body exercising any delegated powers, he was incorrect to say that this was an instance where members took the decisions and officers merely advise. Further, he compounded the matter by adding in two further people to the circulation list.

I find that, as the Friends and the Forum are set up by the District Council to assist the officers in the management of District Council property, and as Councillor “Bob” Dhillon was corresponding with District Council officers in relation to this matter, he was acting in his capacity as a District Councillor in the course of this correspondence.

Accordingly, I find that his gratuitous and offensive intervention here amounted to a failure to treat the officers concerned, and particularly Officer B, with respect, contrary to Paragraph 3(1) of the Code of Conduct.

Taken as a single incident, I am of the opinion that Councillor “Bob” Dhillon's conduct did not amount to bullying contrary to Paragraph 3(2)(b) of the Code of Conduct

11 Incident Six - July 2010 (Overview and Scrutiny Committee re Helen Ley Centre)

11.1 The Allegation

That in his remarks at a meeting of Overview and Scrutiny Committee of the District Council on 27th July 2010, Councillor “Bob” Dhillon failed to treat officers of the District Council with respect and bullied the officers.

11.2 The Evidence

The background to this incident is that the Helen Ley Centre had been established in the Green Belt north of Leamington Spa as a respite care centre for people suffering from Multiple Sclerosis. Its ownership had subsequently been transferred to the Multiple Sclerosis Society. As a result of financial constraints, the Multiple Sclerosis Society had decided to close the Centre. The District Council had played no part in the ownership or operation of the Centre and did not own the site. However, as a result of local concern, an information report had been included on the agenda for the next meeting of Cabinet of the District Council. This led to a notice of motion being put on the agenda of the Overview and Scrutiny Committee by Councillors Mrs Blacklock and Copping. The Helen Ley Centre was not in Councillor "Bob" Dhillon's ward.

The events at the meeting of the Overview and Scrutiny Committee on 27th July 2010 are recorded in Officer G's notes of 5th August 2010 as set out below and are confirmed by Councillor "Bob" Dhillon in interview.

"Councillor Dhillon began his contribution to the debate with a statement that this was yet another example of officers behaving incompetently (This may have been the word used or equally it may have been inappropriately. Equally it may have been neither but the sentiment expressed was clear to me).

He then added an expression of disbelief that officers were not presenting members with the full facts of the case, speculated as to whether officers had actually taken the step of destroying the relevant documents and stated that officers should be forced to 'come clean'."

Several Councillors then told Councillor "Bob" Dhillon that he had misunderstood the position.

With the Chairman's consent, Officer G then addressed Councillor Dhillon as follows –

"I addressed my comments directly to Councillor Dhillon. I explained that he was mistaken if he felt that officers had played any part in the decisions regarding the transfer of ownership of the Centre to the MS Society or their decision to close it. I also stated that I was concerned by his comments that officers had acted incompetently or inappropriately and did not understand how he might have arrived at such a conclusion.

Councillor Dhillon replied that he had thought that officers had been involved. He might at this stage have said that he'd thought Warwick District Council had transferred the home to the MS Society but I might have simply assumed that this is what he thought.

I replied that this was not the case and there had been no officer involvement other than in the planning process.

Councillor Dhillon then said words to the effect that he had misunderstood that and was sorry for having done so."

I have no record of any further action on this matter.

In interview, Councillor "Bob" Dhillon stated that he had gone into the meeting without having seen any report on the matter. He had come to the unsupported

opinion that the closure was the result of a failure by officers, although he was unable to suggest to me how this might have come about. He admitted that he had no factual basis for his remarks. He said that his remarks reflected his feeling of frustration that officers were not providing him with the information to enable him to discharge his functions as a District Councillor properly. He said that, as soon as Officer G had explained the position, he understood that he had got it wrong, and he apologised, but that he did not consider that he had acted aggressively, and he did not believe that he would have said that officers had destroyed relevant documents. He also stated that he was not aware that the Member Officer Relations Protocol provide that members should not make criticism of officers in a public forum.

11.3 My conclusions

Councillor “Bob” Dhillon was clearly acting in his capacity as a member of Warwick District Council.

In a public forum he made highly critical remarks about officers of the District Council, which amounted to allegations of misconduct or incompetence. He had no basis for believing that his allegations had any foundation, and they had no foundation. His remarks were therefore entirely gratuitous. In terms of Paragraph 6.2 of the Member Officer Relations Protocol, his remarks were a direct attack on the officers, and he had made no effort to ensure that his criticism was constructive and well founded. Additionally, he had acted contrary to Paragraph 6.4 of the Member Officer Relations Protocol which states that - “Members should avoid undermining respect for Officers at committee meetings, or in any public forum including the media. This would be damaging both to effective working relationships and to the public image of the Council. In general Officers are unable to answer back or defend themselves against criticism in a public forum.”

I conclude that in making these remarks **he failed to treat officers with respect contrary to Paragraph 3(1) of the Code of Conduct.**

12 Incident Seven - August 2010 (Racing Club of Warwick and the Mower)

12.1 The allegation

The allegation is that, in an email of 4th August 2010 to Officer A, Councillor “Bob” Dhillon failed to treat officers of the District Council with respect

12.2 The Evidence

The background to this matter is that Warwick District Council owns playing fields. Part of the playing fields and the related buildings were leased to Racing Club of Warwick, and Racing Club were responsible for the maintenance and mowing of these playing fields to such standard as they might determine. Two areas of playing fields were used by Warwick Juniors Football Club, but these were not the subject of a lease and were maintained and mowed by the District Council’s grounds maintenance contractor. This arrangement led to tensions between the Club and the District Council about the standard to which the football pitches were maintained by the District Council’s contractor.

It was proposed that some or all of the playing fields used by Warwick Juniors Football Club should be included in the lease to Racing Club of Warwick and made available to Warwick Juniors by Racing Club. This would take these playing fields outside the District Council’s maintenance contract, and so an application was made

by Warwick Juniors Football Club for a grant to the Club from the District Council to enable them to buy a mower to enable them to maintain the pitches to such standard as they might determine. This grant was approved by the District Council. But in the meantime, Warwick Juniors Football Club had ceased to use some or all of the playing fields, resulting in the District Council officers instructing the District Council's grounds maintenance contractor to stop mowing and preparing the pitches to a standard suitable for football, but to let the grass grow and take off a hay crop when appropriate. As a consequence, the officers of the District Council did not progress the payment of the mower grant to Warwick Juniors Football Club, as the Club had no apparent requirement for the mower.

I should add that everyone I interviewed on this matter said that the exact position in respect of the lease to Racing Club of Warwick and the use of the other playing fields by Warwick Juniors Football Club had been far from clear, and they agreed that one of the objectives of the re-arrangements had been to secure a clarification of these issues.

At this stage, Councillor "Bob" Dhillon had become Chairman of Racing Club of Warwick.

Officer L states that she was not initially aware of the application for and approval of the mower grant to Warwick Juniors Football Club, but she was aware that Warwick Juniors Football Club was no longer using the playing fields. So, when she became aware of the proposal to pay the mower grant, she intervened to prevent payment. This led directly to Councillor Anne Mellor emailing to Officer A, Copy to Councillor "Bob" Dhillon, on 4th August 2010 at 20.37, as follows –

"Officer A,

I have just read your e-mail to Dean and I have to say I am disgusted at the way this is being handled. The grant was given, the lease is valid and this would save the Council and the Club £6,000 p.a.

Why is there a delay? We were lucky to get the Juniors on board and the club needs this mower to enable them to cut the main pitch to enable the Juniors to use it for their games. We have bent over backwards, as have you, for something for this Community! I am very disappointed that some Officers and Councillors are impeding the progress of this worthwhile venture. This is a total waste of time, and I am really sorry that such petty arguments could impede the progress of such a wonderful opportunity for the youngsters.

Kind regards

Anne"

At 22.37 the same day, Councillor "Bob" Dhillon emailed to Officer A, copies to Officer L, Andrew Jones, Anne Mellor, Linda Bromley, Michael Kinson and Elizabeth Higgins –

"Officer A,

I too am disgusted with the behaviour of the officers and I will recommend at the next WTC Council meeting to pull out of the Forum, as it is a waste of time. I will invite my friend from the press to the meeting and explain why I am recommending this action, it will make interesting reading for officers in the WDC Culture Services department past and present with files in my hand.

Each part of the district was given funds and if to use within their community, if officers do not react to the wishes of residents who elect their councillors

and want a fight then I more than happy to play it in the media, let's see who wins.
Regards.”

On 6th October Chris Elliott responds to Councillor “Bob” Dhillon with a copy to Michael Doody as follows –

“Dear Councillor Dhillon,
I have been forwarded a copy of your e-mail below as Andy is on leave and therefore unable to respond. I am coping this to you and to Councillor Doody as Conservative Group Leader but no further at this stage.

I would like to remind you of our conversation when we met with Councillor Doody on 12th May 2010. I advised you that as a Councillor you had signed your adherence to the Code of Conduct. There had been two occasions previously when you had made comments regarding officers which were in breach of that code and that you had written to apologise. I advised you that if you had any issues with officer there were formal procedures that you should follow. You had ignored them twice already. I advised you that if it happened again I would not ask for an apology I would regrettably have to refer you to the Standards Committee.

I am sad to say that your e-mail is ill informed; nothing short of bullying and clearly in my view a breach of the Code of Conduct. This follows on from comments I understand you made at the Overview and Scrutiny Committee a week or so ago which are equally unacceptable. I regret to say therefore that I will be referring this issue on both counts to the Standards Committee. In respect of this matter, the grant for a mower, it is clear that there has been a glitch in our process, that issues connected with the proposal should have been raised before it went to the Warwick Community Forum. That is a learning point we can resolve to make sure it doesn't happen again. But what you could and should have done, was as Andy had asked you to do in an e-mail, was to speak to Officer L and find out why there was an issue.

In brief the issue is that Warwick Juniors Football Club who are a co-applicant had told Officer L that they did not need the pitches for next season. The pitches in the centre of the racetrack are not part of the lease for Racing Club Warwick so our consent to use them is required. Consequently the grass had not been cut at the standard as you'd expect of a football pitch. No one to date has come back to Officer L to tell her otherwise that the pitches were needed or wanted after all. If they had, they'd have found that we'd cut the grass as part of the grounds maintenance contract (the money is in the budget) and so the tractor mower would not be needed and public money could be saved. A simple telephone call to tell Officer L that they were needed after all would have resolved matters! It may even have prevented the accident of kids using our pitch without consent!

If the mower is required for Racing Club Warwick's main pitch that would have been no problem.

If you think it's wrong of officers to identify that we may not need to spend money after all then so be it but I am not sure that is a good public message at the present time of austerity.

There are issues arising for us as officers in that we have not communicated clearly why we think there is an issue quickly enough or clearly enough but we can remedy that in future. None of this however, justifies the bullying kind of e-mail you have sent.

Yours regretfully”

Chris Elliott informed me at interview that his reference to a conversation with Councillor Doody relates to another matter which is not the subject of a complaint, which led to Councillor “Bob” Dhillon, Councillor Doody and Chris Elliot meeting and discussing the Code of Conduct and the standard of conduct which is expected of a member to officers, and that accordingly by this time Councillor “Bob” Dhillon was well aware of this expected standard of conduct.

12.3 My Conclusions

Although Councillor “Bob” Dhillon was concerned with this issue in a number of different capacities, I am satisfied that in corresponding with officers of the District Council on the matter he was acting in his capacity as a District Councillor.

Councillor “Bob” Dhillon became aware of the fact that there was a difficulty over the payment of the mower grant from Councillor Anne Mellor’s Email sent at 20.37. Whether or not Councillor Anne Mellor’s email was a reasonable response, it squarely addressed the issue of the grant. There was no need for Councillor “Bob” Dhillon to enter the fray. He had made no further enquiry and had no new information to add. But at 22.37 he does so, and he elects to copy his email to a wider range of recipients. His email is intemperate and contains a number of extraneous threats – to pull out of the Forum and to involve the press. It is also very confrontational – “if officers do not react to the wishes of residents who elect their councillors and want a fight then I more than happy to play it in the media, let’s see who wins.”

I find that his response to officers was unreasonable. In terms of Paragraph 6.2 of the Member Officer Relations Protocol, his remarks were a direct attack on the officers, and he had made no effort to ensure that his criticism was constructive and well founded. **I therefore find that he failed to treat officer with respect contrary to Paragraph 3(1) of the Code of Conduct**

Applying the description of bullying provided in Guidance by Standards for England, I find that Councillor Dhillon’s conduct was offensive, malicious and insulting. I find that it was intended to undermine, hurt and humiliate the officers concerned, and that it was abusive and threatening conduct. It was conducted to a wider audience by virtue of his copying his email to additional persons. Whilst a single incident must comprise more serious conduct to constitute bullying than might be material in a course of conduct, **I am of the clear opinion that on this occasion Councillor “Bob” Dhillon’s conduct crossed the threshold and amounted to bullying of the officers, contrary to Paragraph 3(2)(b) of the Code of Conduct**

Peter Keith-Lucas
Local Government Partner
Bevan Brittan LLP
25th February 2011