

	<b>Hearing Sub-Committee (Standards Committee) 7 September 2011</b>	<b>Agenda Item No. 6</b>
<b>Title</b>	Code of Conduct Complaint LSFO.09.2010	
<b>For further information about this report please contact</b>	Andrew Jones <a href="mailto:Andrew.jones@warwickdc.gov.uk">Andrew.jones@warwickdc.gov.uk</a> (01926) 456830	
<b>Wards of the District directly affected</b>	Warwick West	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	Yes – Paragraphs 1 and 2 to protect the identity of individuals referred to within the report.	
<b>Date and meeting when issue was last considered and relevant minute number</b>	3 <sup>rd</sup> September 2010 - Assessment Sub-Committee; 3 <sup>rd</sup> May 2011 - Consideration Sub-Committee	
<b>Background Papers</b>	None	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality &amp; Sustainability Impact Assessment Undertaken</b>	No (If No state why below)
N/A.	

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive & Monitoring Officer	11 <sup>th</sup> July 2011	Author
Head of Service		N/A
CMT		N/A
Section 151 Officer		N/A
Portfolio Holder(s)		N/A
<b>Consultation &amp; Community Engagement</b>		
N/A		
<b>Final Decision?</b>	Yes	
<b>Suggested next steps (if not final decision please set out below)</b>		

## 1. **SUMMARY**

- 1.1 The report appraises members of the Hearing Sub-Committee as to the background to today's Committee meeting, asks the Committee to consider the outcome of the Code of Conduct investigation and reach a decision on whether there has been a breach of the Code of Conduct for Members.

## 2. **RECOMMENDATION**

- 2.1 That the Committee considers the findings of the appointed investigator in respect of the conduct of Councillor Prabhjiet "Bob" Dhillon and makes any consequent decision it considers appropriate.

## 3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Following a complaint to the Monitoring Officer of this Council by the Chief Executive, an Assessment Sub-Committee was convened to determine whether a complaint against Councillor Prabhjiet "Bob" Dhillon should be investigated. The Committee met on 3<sup>rd</sup> September 2010 and decided that the matter should be referred for investigation (Appendix 1).
- 3.2 The Monitoring Officer instructed Peter Keith-Lucas of Bevan Brittan LLP Solicitors to undertake the investigation. His report (Appendix 2) into the matter was submitted to the Monitoring Officer on 18<sup>th</sup> April 2011 having given an opportunity for Councillor Dhillon and the Monitoring Officer to make any comments prior to submission. No comments were forthcoming from Councillor Dhillon's representative although the Monitoring Officer requested some minor alterations.
- 3.3 On 3<sup>rd</sup> May 2011 the Consideration and Hearing Sub-Committee considered the investigator's findings and decided that the matter should be referred to a Hearing Sub-Committee (Appendix 3) for consideration.
- 3.4 Members of the Hearing Sub-Committee will now need to consider the investigator's findings as detailed in Appendix 2 to this report. Members of the Committee will need to determine whether there is evidence of a breach of the Code of Conduct for Members and if it finds that there has been a breach, what action should be taken.
- 3.5 The investigator has investigated six separate incidents although due to the passage of time has only made findings in respect of 4 of the incidents. He has concluded that for those four incidents Councillor Dhillon has breached his obligations under the Code of Conduct on 7 occasions.
- 3.6 At Appendix 4 to this report is a chronology of the Monitoring Officer's communications with Councillor Dhillon's representative in respect of arranging this hearing and ensuring due process has been followed. In addition to this the letter, attached at Appendix 6, was sent to Mr Hathaway on 3 August and no response has been received to this. Therefore the Hearing should proceed in line with the attached process in the format agreed at the pre Hearing as set out in the letter.

#### 4. **POLICY FRAMEWORK**

- 4.1 The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000, to provide for the local assessment of complaints that Members may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of authority members and the requirements for dealing with this.
- 4.2 The regulations set out the framework for the operation of a locally based system for the assessment, referral and investigation of complaints of misconduct by Council Members. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committee) Regulations 2001, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, as amended.
- 4.3 In respect of the matter before the Committee today, the Monitoring Officer has followed the legislative requirements to the point where a decision on whether there has been a breach of the Code of Conduct for Members needs to be made.
- 4.4 To ensure that all parties are clear about the procedure for now dealing with this matter a written note is included at Appendix 5.

#### 5. **BUDGETARY FRAMEWORK**

- 5.1 This matter is being dealt with in accordance with the budgetary framework as agreed by this Council.

#### 6. **ALTERNATIVE OPTIONS CONSIDERED**

- 6.1 No alternative options have been considered as the matter now needs to be determined by the Council's Hearing Sub-Committee (Standards Committee).