

HEARING SUB-COMMITTEE

Minutes of the meeting held on Friday, 27 April 2012, at the Town Hall, Royal Leamington Spa at 9.30am.

PRESENT: Councillor Ms De-Lara-Bond, Councillor Davies and Mr C Purser
(Independent Representative)

1. APPOINTMENT OF CHAIR FOR THE MEETING

RESOLVED that Mr C Purser be appointed to Chair the meeting.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. PUBLIC & PRESS

RESOLVED that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006 and (Standards Committee) (amendment) Regulations 2006, as set out below.

Minute Nos.	Para Nos.	Reason
4	1	Information relating to an Individual
4	2	Information which is likely to reveal the identity of an individual
4	7(A)	Information which is subject to any obligation of confidentiality

4. CODE OF CONDUCT COMPLAINT LSF.07.2010

The Sub-Committee considered a report from the Monitoring Officer regarding an alleged breach of the Council's Code of Conduct by a district councillor.

The details of the outcome were included in the decisions Summary of the Hearing.

RESOLVED that the conclusions reached by the Sub-Committee be as recorded in Decision Notice, as set out in the appendix to the minutes.

(The meeting ended at 5.10pm)



WARWICK DISTRICT COUNCIL CODE OF CONDUCT HEARING

DECISION NOTICE Case Reference LSF. 07. 2010

COMPLAINT

On 27 April 2012, a meeting was held of the Hearing Sub-Committee of Warwick District Council's Standards Committee consisting of Mr C Purser (Chairman), Councillor Ms De-Lara-Bond and Councillor R Davies.

The Sub-Committee were supported by Mr G Leach, the Clerk to the Committee, and Ms J Pollard, Solicitor acting for the Council. Also present were the Monitoring Officer Mr A Jones, the Investigating Officer Mr P Oliver, Councillor Gill as respondent, Councillor Gill's representative, and Councillor John Barrott, Dr Kaler and Mr J Plaskitt as witnesses to the case.

The Hearing Sub-Committee considered a complaint from Mr V Singh about the conduct of Councillor Balvinder Gill of Warwick District Council regarding an allegation that by writing to the UK Border Agency he had used or attempted to use his position as a member improperly to confer on or secure for other persons (namely the complainant and members of his family) a disadvantage..

An investigation had been held by Mr P Oliver, on behalf of the Monitoring Officer, with regard to the letter of 23 July and 2009 and had concluded that Councillor Gill had failed to comply with the remit of Paragraph 6(a) of the Warwick District Council Code of Conduct.

The investigator had submitted his report and a Consideration Sub-Committee in January 2012 referred the matter for hearing on the grounds set out within the investigating officers' report.

FINDINGS OF FACT

1. Councillor Gill was first elected to Warwick District Council in 1991, and has been a member continuously since that time, representing Leamington Brunswick ward. He was most recently re-elected in May 2011. He was Vice-chairman of the Council in 2001-02, and Chairman in 2002-03. He was Portfolio Holder for Recreational Activities from 2005 to 2007 and was a member of the Council's Executive during that time. He has also been a member of the Council's Standards Committee, most recently in 2004-05.
2. Councillor Gill is also a member of Royal Leamington Spa Town Council. He has been a member of that council (and its predecessor body, the Leamington Charter Trustees) continuously since 1991. He was Deputy Mayor of the Town Council in 1997-98 and again in 2008-09, and Mayor in 1998-99 and 2009-10.
3. Councillor Gill has attended training sessions on the requirements of the Code of Conduct, and says that he is familiar with its requirements. He completed and signed a 'Notification by a Member of Warwick District Council of Financial and Other Interests' on 2 October 2007. This was amended by email in 2008 and 2010.

4. The Council adopted the revised Model Code of Conduct in 2007.
5. Throughout the relevant period Councillor Gill was a member of Warwick District Council. The fact that Councillor Gill sent the letter of 23 July 2009 and that he did so in his official capacity as a Councillor is not in dispute.
6. On or about 13 May 2009 Councillor Gill wrote to the Home Office in relation to the situation. A copy of that letter has not been disclosed.
7. Councillor Gill then later wrote the letter to the UK Border Agency on 23 July 2009. He wrote the letter largely based on information supplied to him apart from the particular incidents he witnessed. We are satisfied that Councillor Gill wrote that letter based on his very real concern about the safety and welfare of others. We also are satisfied that he did so to bring potential immigration abuses to the attention of the proper authorities.
8. Councillor Gill has been involved with immigration cases for long time as part of his role as a Councillor. He has liaised over a number of years with the then MP J Plaskitt over the handling of individual cases and we are satisfied that he has in the past brought other cases to the attention of the proper authority.

DECISION

Having considered the findings of fact and the representations made, the Sub-Committee considered that Councillor Gill did not breach the Code of Conduct. As set out under the Local Standards Framework Councillor Gill requested that the decision notice should not be printed in the local newspaper, which was accepted by the Sub-Committee.

REASONS FOR DECISION

This was because the evidence submitted did not demonstrate that Councillor Gill had used his position improperly.

RIGHT OF APPEAL

Councillor Gill as respondent, may appeal to the President of the First Tier Tribunal against this decision within 21 days of the date of being notified of the decision.

TERMS OF REFERENCE

The Local Government and Public Involvement in Health Act 2007 amended the Local Government Act 2000, which provided for the local assessment of new complaints that members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 make provision for the investigation and determination of such complaints by setting out the framework for the operation of a locally based system for the assessment, referral, investigation and determination of complaints of misconduct by members of authorities.

ADDITIONAL HELP

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice we can

make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010.

Mr C Purser
Chairman of the Hearing Sub-Committee
27 April 2012