



WARWICK DISTRICT COUNCIL CODE OF CONDUCT HEARING DECISION NOTICE

Case Reference LSF. 09. 2010

Complaint

On 7 September 2011, a meeting was held of the Hearing Sub-Committee of Warwick District Council's Standards Committee consisting of Mr C Bennett (Chairman), Councillor R Davies, Councillor Mrs A Gordon and Councillor Mrs S Tyrrell. Apologies for absence were received from Mr P Willers.

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 Keith-Lucas, the respondent Councillor Prabhjiet (Bob) Dhillon and his representative Mr J Hathaway.

The Hearing Sub-Committee considered a complaint, by Mr C Elliott, Chief Executive of Warwick District Council, that had been investigated related to comments Councillor Dhillon had made about officers in emails and at committee meetings open to the public which the complainant felt showed bullying behaviour and a general lack of respect.

The complaint had been considered by an Assessment Sub-Committee on 3 September 2010 and had been referred for investigation by an independent investigator. The investigator had submitted his report in April 2011 and it was determined by a Consideration Sub-Committee in May 2011 that a hearing was required. The hearing had been delayed until September to enable the pre hearing process to be completed with the respondent.

The findings of the Investigator's report were that Councillor Dhillon had failed to comply with the Code of Conduct adopted by the Council in that Councillor Dhillon was in breach of Paragraph 3(1) for failing to treat officers with respect and also Paragraph 3(2) for conduct which amounted to bullying of officers.

FINDINGS OF FACT

On consideration of the investigating officer's report, the Sub Committee made the following findings of fact:

Councillor Prabhjiet (known as 'Bob') Dhillon was first elected to office as a councillor of the Warwick District Council on 3 May 2007 for a period of four years and again on 5 May 2011. He represents the Warwick West Ward.

Councillor Dhillon gave a written undertaking to observe the Code of Conduct adopted by the District Council in May 2007 and again in May 2011.

The Council had adopted the revised Model Code of Conduct which was amended by the Council during 2010.

The Code provides;

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

It was alleged that between September 2008 and August 2010 that a number of incidents took place which breached one or more of those provisions.

At the time of the alleged incidents set out in the Investigator's report Councillor Dhillon was a District councillor.

In relation to incidents one and two set out in the Investigators report the Sub-Committee made no findings of fact because those incidents occurred more than 12 months before the complaint was made.

In relation to incidents three, four, six and seven (there was no incident five), the facts were not disputed and the Sub-Committee were satisfied based on the information contained in the Investigator's report and the submissions made to them that the incidents took place as set out in the report.

Councillor Dhillon was acting in his official capacity as a Councillor and was therefore bound by the Council's Code of Conduct in relation to those incidents.

After consideration of the guidance from Standards for England with regard to conduct that may amount to a failure to treat others with respect and or bullying and the submissions made in relation to each incident the Sub-Committee made the following findings:

Incident three

The false allegations, made in the email of 18 September 2009, that officers knowingly falsified a response to statutory consultation and deliberately misled the Planning Committee was a failure to treat officers, with respect, contrary to Paragraph 3(1) of the Code of Conduct. Councillor Dhillon made no attempt to check his facts before making these allegations to the Chair of the Planning Committee. He further aggravated the situation by sending the email of 18 September to a number of other people and included threats to go to the press and make further allegations.

Incident four

It was considered that the email sent to officers on 13 October 2009 and copied to a number of other people, was not an ideal approach and one the Sub-Committee would not recommend Councillors to adopt. However, it was considered the comments fell within robust criticism rather than disrespect for the purposes of the code.

Incident five –does not exist.

Incident six

This again was a set of circumstances where Councillor Dhillon in a public forum made unsubstantiated allegations of misconduct and/or incompetence against officers. On his own admission, he had no basis for his believing his allegations. In particular the Sub-Committee noted that the allegations included dishonest behaviour by officers through the suggestion that officers had destroyed relevant documents. This was a

clear lack of respect for the officers concerned contrary to paragraph 3(1) of the Code of Conduct.

Incident seven

The Sub-Committee agreed with the conclusions of the Investigating Officer that the email of 4 August 2010 was confrontational and unreasonable. It was also offensive and threatening. No attempt was made to check facts or to provide constructive criticism and Councillor Dhillon again increased the number of people to whom it was circulated. Therefore it showed a clear lack of respect for the officers concerned contrary to paragraph 3(1) of the Code of Conduct.

The Sub-Committee also considered incidents three, four, six and seven collectively and although there were elements of bullying behaviour within that pattern they felt that the behaviour was just short of a breach of the code with regard to bullying.

DECISION

Having considered the findings of fact and the representations made to the Sub-Committee, they considered that the conduct of Councillor Dhillon merited the following sanctions –

- (1) A written apology in a form to be agreed with the Chair of the Sub-Committee to be made to the Chief Executive and other officers who have had their integrity questioned, within 2 weeks of today; and
- (2) That Councillor Dhillon be suspended from membership of all Warwick District Council Committees of which he is a member for a period of two months, to start on 1 March 2012, unless Councillor Dhillon has undertaken appropriate interpersonal skills training by that time. The training is to be agreed, in writing, by the Chair of this Sub-Committee and the Monitoring Officer.

In addition the Sub-Committee made a general recommendation to the Monitoring Officer to take all necessary steps to make all Councillors aware of the Member/Officer Protocol.

REASONS FOR DECISION

The Sub-Committee recognised these incidents as poor behaviour which fell just short of breaching the Code of Conduct for bullying and did breach the Code of Conduct with regard to treating others with respect. Therefore sanctions were merited.

The Sub-Committee recognised the commitment and enthusiasm of Councillor Dhillon to his work as a Councillor and recognised the impact a full suspension would have on this work but at the same time felt that some form of suspension could be merited.

The Sub-Committee felt that these sanctions were the most appropriate because the apology should provide a new start with officers and move towards rebuilding trust and an effective working relationship for the betterment of the District.

The Sub-Committee imposed a period of partial suspension because of the need to indicate the seriousness of the poor behaviour of the Councillor. However, the Sub-Committee considered that Councillor Dhillon would benefit from appropriate training in interpersonal skills in helping him to manage how he responds to situations and,

should he undertake this training by 1 March 2012 the period for partial suspension would not take effect.

The Sub-Committee felt the general recommendation to the Monitoring Officer was necessary because, while the Council had a well developed training programme, the Member/Officer Protocol was key to good relationships between officers and Councillors and it would benefit all Councillors to be reminded of their responsibilities on these matters and the effect this could have on the delivery of services and the wellbeing of the staff that the Council employs.

RIGHT OF APPEAL

Councillor Dhillon, 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 Bennett
Chairman of the Hearing Sub-Committee
8 September 2011