Coventry City Council

Public report
Ethics Committee

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17 March 2017

Name of Cabinet Member:
N/A- Ethics Committee

Director Approving Submission of the report:
Deputy Chief Executive (Place)

Ward(s) affected:
None

Title: Hearing into Complaint under Code of Conduct

Is this a key decision?
No

Executive Summary:

This report sets out brief details of a complaint made by Mr Nagarajah Kuruparan ("the Complainant"). The complaint is against Cllr Jaswant Singh Birdi (the "Subject Member") and relates to an incident which took place on 4th January 2016.

The Complainant alleged that Cllr Birdi breached the Council's Code of Conduct for Elected and Co-opted Members in a number of ways.

A Stage One review of the complaint concluded that an independent investigator should be appointed to investigate the complaint. An independent investigator was initially appointed to carry out the investigation. He concluded that Cllr Birdi had breached the Code of Conduct as did a second independent investigator.

The Subject Member does not agree with the Investigators' conclusions and has requested that the complaint be referred to a hearing of the Ethics Committee.

The purpose of this report is to provide the Ethics Committee with all the relevant information to enable it to determine whether or not there has been a breach after hearing from the Investigating Officer and from Councillor Birdi.

Recommendations

The Committee is requested to:

(1) Hear the complaint against the Subject Member and determine whether he has breached the Code of Conduct;

(2) if the Committee considers that there has been a breach or breaches of the Code of Conduct, determine what sanction or sanctions, if any, should be applied; and

(3) authorise the Acting Monitoring Officer, in consultation with the Chair of Ethics Committee, to publish the Full Decision on the Council's website at the same time that copies are made available to the parties to the hearing.

List of Appendices included:

Appendix 1: Code of Conduct for Elected and Co-opted Members

Appendix 2: Complaints Protocol

Appendix 3: Complaint dated 15th January 2016

Appendix 4: Stage One Report

Appendix 5: Report of First Investigating Officer

Appendix 6: Written opinion of the First Independent Person

Appendix 7: Response of Subject Member to First Investigator's Report

Appendix 8: Report of Second Investigator

Appendix 9: Response of Subject Member to Second Investigator's Report

Appendix 10: Written Opinion of Co-opted Independent Person

Appendix 11: Hearing Procedure

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?
No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?
No

Will this report go to Council?
No

Report title: Hearing into Complaint under Code of Conduct

1. Context (or background)

1.1 The Council adopted the Code of Conduct for Elected and Co-opted Members ("the Code") at its meeting on 3rd July 2012. A copy of the Code is attached to this report at **Appendix 1**. In addition the Ethics Committee on 30th August 2012 approved a Complaints Protocol for use when dealing with Code of Conduct complaints. This is attached at **Appendix 2**.

1.2 On 15th January 2016, Mr Nagarajah Kuruparan (the Complainant) made a statement of complaint to the Deputy Monitoring Officer.

1.3 The complaint is against Councillor Jaswant Singh Birdi ("the Subject Member") and relates to an incident which took place at the Complainant's shop on 4th January 2016. The complaint alleged that the Subject Member had breached the Code in the following ways:

(a) By raising concerns about litter near a property that he owned, Cllr Birdi was acting in his own interests and not in the public interest. This was contrary to Paragraphs 2a) and 3a) of the Code of Conduct.

(b) Cllr Birdi should have referred his concerns to a councillor for the ward where the litter was located and this was contrary to Paragraph 3b) of the Code.

(c) Cllr Birdi should have remained objective and should not he assumed that the litter was the fault of the Complainant; he should not have become angry and personal when raising his concerns with the Complainant. This was in breach of Paragraph 3e) of the Code

(d) Cllr Birdi should have been clear, from the outset of his interaction with the Complainant, that he was a councillor and his failure to do so was a breach of Paragraph 3g) of the Code;

(e) By being aggressive and abusive towards the Complainant, Cllr Birdi failed to treat him with respect contrary to Paragraph 3j) of the Code; and

(f) Cllr Birdi breached Paragraph 3k) of the Code by virtue of his aggressive and abusive behaviour towards him and abused his position as a councillor.

Full details of the Complainant's complaint are set out in Appendix 3.

2. Stage One Decision

2.1 In accordance with the Complaints Protocol, the Deputy Monitoring Officer carried out an initial review of the complaint and recommended that an independent, external officer should be appointed to carry out to investigate the complaint. Her recommendations were accepted by the Subject Member's Group Leader and the Chief Executive on 27th January 2016. A copy of the Stage One Report is attached at **Appendix 4.**

3. First Investigation into the Complaint

3.1 On 1st February 2016, The Deputy Monitoring Officer instructed Jeremy Thomas Head of Law and Governance and Monitoring Officer at Oxford City Council to conduct an independent investigation into the complaint ("the First Investigating Officer").

3.2 The First Investigating Officer conducted interviews, some face to face and some by telephone, with a number of witnesses:

Name	**Position**
Councillor Jaswant Singh Birdi (accompanied by Councillor Kenneth Taylor)	Subject Member
Mr Nagarajah Kuruparan	Complainant
Mr Gobalsingam Maroon	Shop assistant
Mr Ali B	Shop customer
PC Cooper	West Midlands Police
PC Francis	West Midlands Police
Mr Adam Barrett	Trading Standards
Mr Andrew Tandy	Trading Standards
The "litter picker"	Council employee

3.3 The First Investigating Officer issued his report on 18th March 2016. He concluded that:

(a) Cllr Birdi was entitled to raise concerns about the amount of litter in an area that was not in his own ward. There was no breach of the Code in this respect.

(b) Cllr Birdi was racially abusive to the Complainant and this amounted to a breach of the Code in failing to treat people with respect.

(c) Cllr Birdi did make an inappropriate threat to close the Complainant's shop down but his subsequent actions in asking Trading Standards to check the premises were not inappropriate. In making the threat, Cllr Birdi failed to treat the Complainant with respect and this amounted to a breach of the Code.

(d) In relation to the litter allegation, this did not reveal a breach of the Code. While it could be argued that Cllr Birdi ought not to have made the request in the first place, having been told no, he respected the answer and did not follow up the request other than pursuing the wider litter/bins issue which was a matter of public interest

The full Report is attached at Appendix 5 together with the documents referred to in the Report.

Please note that the first appendix to the report is not included as this is the statement of the original complaint that the Committee will find attached as Appendix 3 to this report.

4. Response to the First Investigating Officer's Report

4.1 Under the Council's Complaints Protocol, all parties had an opportunity to consider the First Report and make a formal Response to the Report if they so wished. In this case, the Complainant indicated in a telephone call on 19th April 2016 that he was happy with the report. He did however say, in relation to the evidence of the police officers that he never told them that he was Muslim but said that if he (Cllr Birdi) could be racialist against him (the Complainant) like this, it could be against others, black, white, Muslim, anybody in the community.

4.2 The Council's Independent Person at that time, Mr Ken Sloan, was provided with a copy of the Report and was asked to give his views on it. **His written opinion is attached at Appendix 6.**

4.3 The Subject Member indicated that he did not agree with the Investigating Officer's Report. He submitted a Response to the Report on 12th April 2016. **The Subject Member's Response is set out in Appendix 7.**

4.4 The Investigating Officer considered the Response of the Subject Member but concluded that it did not cause him to revise his findings in his report. The matter was therefore set for hearing on 12th September 2016 but had to be cancelled due to unforeseen circumstances.

4.5 After the hearing was postponed, officers had discussions with both the Complainant and the Subject Member about whether the matter could be settled informally. Although the Subject Member was prepared to do so, the Complainant was not. Mr Lewin was therefore instructed to carry out a second investigation into the complaint.

5. Second Investigation into the Complaint

5.1 Matt Lewin, a barrister practising from Cornerstone Chambers, 2-3 Gray's Inn Square, London was appointed to undertake a further investigation into the complaint. Mr Lewin interviewed the Complainant (Mr Kuruparan) and Cllr Birdi. He did not interview the other witnesses interviewed as part of the first investigation as he did not consider it necessary or of assistance to do this. He relied upon Mr Thomas' accounts of his interviews with those witnesses, taking into account any evidence capable of undermining the reliability of their accounts.

5.2 **Mr Lewin's report is attached at Appendix 8.** Mr Lewin concluded that:

(a) Cllr Birdi's conduct towards the complainant was aggressive and abusive, specifically racially abusive. This amounted to a breach of paragraphs 3(j) and 3(k) of the Code of Conduct.

(b) Cllr Birdi did threaten to close down Mr Kuruparan's premises and this was also in breach of paragraphs 3(j) and 3(k) of the Code.

(c) There was nothing improper in Cllr Birdi's referral to Trading Standards and therefore this was not a breach of the Code.

(d) Cllr Birdi did request litter pickers to clear litter from the front garden of his own private property. However, this was not a breach of the Code. Cllr Birdi was told that the litter pickers could not clear private property and he appears to have accepted what he was told.

6. Response to the Second Investigating Officer's Report

6.1 Mr Lewin issued his draft report on 30 November 2016. Both parties had an opportunity to make a formal response to the report. The Complainant had no comments to make on the report. Cllr Birdi submitted a response to the Report on 3 March 2017 and is **attached at Appendix 9 to this report.**

6.2 The Co-opted Independent Person, Mr Peter Wiseman, was also provided with a copy of the Second Report. **His comments are set out at Appendix 10**.

7. Hearings Procedure

7.1 **Attached to this report at Appendix 11 is the Hearing Procedure** that will be followed during the hearing into this complaint. The Chair will have the right to depart from the procedure where he considers it appropriate to do so.

8. Options Available to the Committee

8.1 At the end of the hearing, the Committee must consider whether the complaint has been upheld. The Committee may decide, on the information/representations before it that:

- The Subject Member has not failed to comply with the Code of Conduct
- The Subject Member has failed to comply with the Code of Conduct in whole or in part.

8.2 In the event that the Committee finds that the Subject Member has failed to comply with the Code of Conduct, it must consider what sanctions, if any, it should apply. The sanctions available to the Committee are to:

(i) decide to take no action;

(ii) publish its findings in respect of the member's conduct;

(iii) send a formal letter of censure to the member;

(iv) report its findings to the Council either for information or to recommend censure of the member;

(v) recommend to the member's Group Leader that the member be removed from any or all Committees or Sub-Committees of the Council (where applicable);

(vi) recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular portfolio responsibilities (where applicable);

(vii) recommend the Monitoring Officer to arrange training for the member.

Any recommendation made under (v) to (vii) above will require the cooperation of all parties.

8.3 Where a Subject Member does not accept a sanction which has been imposed upon him/her by the Ethics Committee, the Monitoring Officer will submit a report to full Council which will then consider what action, if any, it should take as a result of the Subject Member's failure.

9. Results of consultation undertaken

9.1 Both the Complainant and the Subject Member have been consulted at each stage of these proceedings.

10. Timetable for implementing this decision

10.1 Any decisions of the Committee will be implemented within an appropriate time frame.

11. Comments from Director of Finance and Corporate Services

11.1 Financial implications

There are no specific financial implications arising from the recommendations within this report.

11.2 Legal implications

The Council is required under Section 28 of the Localism Act 2011 to adopt a suitable Code of Conduct and to have in place arrangements under which allegations of failure to comply with the Code may be investigated and decisions on allegations can be made. The hearing into this complaint meets this requirement and assists the Council in promoting and maintaining high standards of ethical behaviour as is required under section 27 of the Act.

12. Other implications

12.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

Not applicable.

12.2 How is risk being managed?

Failure to consider and deal appropriately with complaints about councillors' behaviour could lead to damage to the Council's reputation as well as that of individual councillors. The hearing into this complaint is designed to ensure that the Council discharges its duty to promote and maintain high standards of conduct.

12.3 What is the impact on the organisation?

The hearing is to consider whether the behaviour of the Subject Member breached the Code of Conduct and as such will have no direct impact on the organisation. Nevertheless the conclusions reached by the Committee may be relevant to other councillors.

12.4 Equalities / EIA

There are no public sector equality duties which are of relevance at this stage.

12.5 Implications for (or impact on) the environment

None

12.6 Implications for partner organisations?

None

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APPENDIX 1

CODE OF CONDUCT FOR ELECTED AND CO-OPTED MEMBERS COVENTRY CITY COUNCIL

I …… being a duly elected Councillor/Co-opted Member for Coventry City Council hereby declare that I will undertake my duties as follows:

1. I will represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

2. **As a holder of public office** and as required by law I will behave in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in the Council:

   a. Selflessness: I will act solely in terms of the public interest. I will not act in such a way as to gain financial or other material benefits for myself, my family, or my friends.

   b. Integrity: I will not place myself under any financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of my official duties.

   c. Objectivity: I will make choices on merit, in carrying out public business, including when making public appointments, awarding contracts, or recommending individuals for rewards and benefits.

   d. Accountability: I am accountable for my decisions and actions to the public and must submit myself to whatever scrutiny is appropriate to my office.

   e. Openness: I will be as open as possible about all the decisions and actions I take. I will give reasons for my decisions and restrict information only when the wider public interest or the law clearly demands.

   f. Honesty: I will declare any private interests relating to my public duties and take steps to resolve any conflicts arising in a way that protects the public interests.

   g. Leadership: I will promote and support these principles by leadership and example.

3. As a Member of Coventry City Council I will act in accordance with the principles in paragraph 2 and, in particular, I will

   (a) Champion the needs of residents - the whole community and all my constituents, including those who did not vote for me - and put the public interest first.

   (b) Deal with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.

(c) Not allow other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the City of Coventry or the good governance of the Council in a proper manner.

(d) Exercise independent judgement and not compromise my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a Member/Co-opted Member of this Authority.

(e) Listen to the interests of all parties, including relevant advice from statutory and other professional officers, take all relevant information into consideration, remain objective and make decisions on merit.

(f) Be accountable for my decisions and cooperate when scrutinised internally and externally, including by local residents.

(g) Contribute to making the City Council's decision-making processes as open and transparent as possible to ensure residents understand the reasoning behind those decisions and are informed when holding me and other Members to account but restricting access to information when the wider public interest or the law requires it.

(h) Behave in accordance with all my legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures, including on the use of the Council's resources.

(i) Value my colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.

(j) Always treat people with respect, including the organisations and public I engage with and those I work alongside.

(k) Provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Council.

(l) Not disclose information given to me in confidence by anyone or information acquired by me, which I believe, or ought reasonably to be aware, is of a confidential nature, without express authority and/or unless the law requires it.

4. Gifts and Hospitality

4.1 I will, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which I have accepted as a member from any person or body other than the authority.

4.2 I acknowledge that the Monitoring Officer will place my notification on a public register of gifts and hospitality.

4.3 I am aware that this duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Council for this purpose.

5. **Register of Interests**

5.1 I will:

(a) register and, where appropriate, disclose those disclosable pecuniary interests that I am obliged to declare under the Localism Act and associated regulations; and

(b) register details of my membership of any organisation or body whose rules or requirements of membership could be regarded as suggesting a degree of loyalty to that organisation or body. I acknowledge that this could arise by reason of an organisation having an obligation of secrecy about its rules, its membership or conduct and/or a commitment of allegiance or support to that organisation or body. I understand that such organisations or bodies may or may not be charitable concerns and they may also have a local, regional, national or international aspect; and

(c) register details of my membership of any trade union within the meaning of Section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992.

5.2 I will do this by completing, signing and submitting the prescribed form to the Monitoring Officer at Coventry City Council. I will keep the register updated and acknowledge that its contents will be published on the Council's website and will be open to the public to inspect.

6. Disclosable Pecuniary Interests Entered on the Register

6.1 I understand that if I am present at a meeting of the Council and

(a) I am aware that I have a disclosable pecuniary interest under paragraph 5.1(a) above in any matter to be considered or being considered at the meeting: and

(b) the interest is entered in the Council's register

I may not participate in any discussion or further discussion of an item of business or in any vote or further vote taken on that item which affects or relates to the subject matter in which I have such an interest; and I will leave the room where the meeting is held while any discussion or voting takes place.

7. Disclosable Pecuniary Interests NOT Entered on the Register

7.1 I understand that if I am present at a meeting of the Council and

(a) I am aware that I have a disclosable pecuniary interest under paragraph 5.1(a) above in any matter to be considered or being considered at the meeting; **and**

(b) the interest is not entered in the Council's register,

I must disclose the interest to the meeting. Furthermore, I may not participate or further participate in any discussion of the matter at the meeting or

participate in any vote or further vote taken on the matter at the meeting and I will leave the room where the meeting is held while any discussion or voting takes place.

7.2 I also understand that if an interest referred to in 7.1 above is not entered on the Council's register and is not the subject of a pending registration, I must notify the Council's Monitoring Officer of the interest within 28 days of the date of the disclosure.

7.3 If I am a member who has the power to discharge a council function acting alone, I understand that if I am aware that I have a disclosable pecuniary interest in any matter to be dealt with or being dealt with by me in the course of discharging that function:

(a) I may not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by me); **and**

(b) If the interest is not entered on the Council's register and is not the subject of a pending registration, I must notify the Council's Monitoring Officer of the interest within 28 days of becoming aware of the interest.

8**. Other Relevant Interests**

8.1 I understand that I have an Other Relevant Interest (which is not a disclosable pecuniary interest) in any matter to be considered or being considered at the meeting) where:

(a) a decision in relation to that matter might reasonably be regarded as affecting the well-being or financial standing of me or a member of my family or a person with whom I have a close association, or an organisation or body under paragraph 5.1(b) or 5.1(c) above, to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which I have been elected or otherwise of the authority's administrative area; **and**

(b) the interest is one that a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest.

8.2 I acknowledge that if I have an Other Relevant Interest as described in 8.1. above,—

(a) I will make a verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent; **and**

(b) I will not participate in any discussion or further discussion of an item of business or in any vote or further vote taken on that item which affects or relates to the subject matter in which I have an Other Relevant Interest at any meeting at which I am present and I will leave the room where the meeting is held while any discussion or voting takes place.

Signed:……

Full name:

Date:

APPENDIX 2

Complaints Protocol

1. Introduction and Background

1.1 This Complaints Protocol has been developed and adopted by Coventry City Council to deal with complaints that an elected or co-opted member of the City Council or an elected or co-opted member of Allesley Parish Council or Keresley Parish Council has failed to comply with the Code of Conduct for their authority.

1.2 Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place "arrangements" under which allegations that an elected or co-opted member of the authority, or of a parish council within the authority's area, has failed to comply with that authority's Code of Conduct can be investigated and decisions made on such allegations.

1.3 Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by an elected or co-opted member against whom an allegation has been made.

1.4 Complaints will be dealt with as quickly as possible taking into account the detailed requirements of this Complaints Protocol.

1.5 In this Protocol the words and phrases used have the following meanings:

"Complainant"	Means the person who makes the complaint that a member has failed to comply with the Code of Conduct
"Code of Conduct "	means the Code of Conduct of either Coventry City Council or a Parish Council, as the context allows.
"the Council"	means Coventry City Council
"Ethics Committee"	means the Ethics Committee of Coventry City Council
"IO"	means an Investigating Officer appointed by the Monitoring Officer to investigate an alleged breach of the Code of Conduct
"IP"	means an Independent Person appointed by the Council under Section 28(7) of the Localism Act 2011.
"Malicious"	means motivated by spite or ill will
"member"	includes a co-opted member as well as an elected member.
"MO"	means the Monitoring Officer of Coventry City Council.

"Parish Council"	means Allesley Parish Council and/or Keresley Parish Council.
"Politically Motivated"	means calculated to cause political embarrassment and injury to reputation of the party concerned
"Subject Member"	means the elected or co-opted member against whom an allegation has been made that the Code of Conduct has been breached
"Unreasonable"	means brought without any firm factual basis, for underhand motive, duplicating an earlier complaint (whether or not that complaint was determined), containing abuse or inappropriate content, being wholly or partly irrational or immoderate

2. Initial Filter by Monitoring Officer

2.1 When the MO receives a complaint alleging that a member has breached the Code of Conduct, they will first check the complaint to see if it identifies any potential criminal offence under Section 34 of the Localism Act 2011. If so, the MO will refer the matter as a first step, to the police and will not take any action on the complaint without prior discussion with the police.

2.2 If a complaint is received by the MO which contains both the above and an allegation which, whilst not identifying any potential criminal offence under Section 34 of the Localism Act 2011, is still potentially a breach of the Code of Conduct, the MO will not take any action on the complaint as a whole, without prior discussion with the police.

2.3 In the event the initial test is met, the complaint will be reviewed under Stage 1 of the Complaints Protocol.

2.4 The MO will acknowledge receipt of the complaint within 5 working days.

2.5 The Subject Member will be informed of the complaint when the MO determines it appropriate but without causing prejudice to the Subject Member.

3 Stage 1: Determining how the Complaint should be dealt with

3.1 Stage 1 of the Protocol is a review to decide how the complaint should be dealt with. Such a review will be undertaken by the MO and Chief Executive of the Council (or their respective nominees) as appropriate in consultation with the Group Leader of the Subject Member's party (if the complaint relates to a Council member and the Subject Member belongs to a political group), the Parish Clerk (if the complaint relates to a Parish Council member) and the IP where appropriate.

3.2 The options for dealing with a complaint are:-

(i) referring the matter to an internal/external IO for investigation;

(ii) taking no further action on the complaint; or

(iii) resolving the matter by informal resolution; or

(iv) any other way deemed appropriate

3.3 The factors to be taken into account when determining how to deal with a complaint may include (but are not limited to):-

(i) Whether the complaint relates to an existing member of the Council or Parish Council;

(ii) Whether the member was in office at the time and bound by the Code of Conduct at the time;

(iii) Whether the member was acting in his or her official capacity;

(iv) Whether the complaint is considered serious or significant in substance

(v) Whether the complaint would be in the public interest to pursue

(vi) Whether the complaint is vexatious, malicious, Politically Motivated or inappropriate;

(vii) Whether the complaint is substantially similar to a complaint already made to Standards for England, the Ethics Committee (or its predecessor the Standards Committee) or any other regulatory authority;

(viii) Whether the complaint is unreasonable;

(ix) Whether the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now;

(x) Whether the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and:-
   (a) the resources needed to investigate and determine the complaint are wholly disproportionate to the allegation(s); or
   (b) whether, in all the circumstances, there is no overriding public benefit in carrying out an investigation;

(xi) Whether the complaint suggests that there is a wider problem throughout the authority;

(xii) Whether it is apparent that the complaint arises from the Subject Member's relative inexperience as a member,

(xiii) Where the Subject Member has admitted making an error;

(xiv) Whether training or conciliation would be the appropriate response;

(xv) Whether or not the member has been the subject of previous complaints that have been upheld

3.4 After consideration of the above factors, and any others the MO and/or the Chief Executive considers reasonable, the complaint will move to Stage 2.

4 Stage 2: Outcomes and Investigations

4.1 If following consultation the MO decides that no further action is to be taken, then the MO will write to the Subject Member and the complainant setting out the reasons for the decision.

4.2 If following consultation the MO decides that the matter should be resolved by informal methods then one or more of the methods set out in the Alternative Resolution Procedure will be followed. This can be found at **Appendix 1** to this Protocol.

4.3 If following consultation the MO decides that the complaint should be investigated, then an IO will be appointed by the MO to conduct the investigation. The IO will deliver a written report to the MO and will appear at any future Hearings Panel if required. **N.B. Only those complaints that are considered serious or significant will be investigated.**

4.4 When the IO's report is received, it will be considered by the MO in consultation with the Chief Executive and IP as appropriate. The report will then be finalised by the MO and referred to the Ethics Committee (see Stage 3 below)

5. Stage 3: The Ethics Committee and Sanctions

5.1 The Ethics Committee will conduct a local hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

5.2 The Council has agreed a procedure for local hearings, which is attached as **Appendix 2** to this Protocol. The hearing will be conducted in accordance with that procedure.

5.3 If the Ethics Committee concludes that the Subject Member did not fail to comply with the Code of Conduct, it will dismiss the complaint. If the Ethics Committee concludes that the Subject Member did fail to comply with the Code of Conduct, the Committee will then consider what action, if any, it should take as a result of the Subject Member's failure. In doing this, the Ethics Committee will consider and take into account the views of the IP before coming to a decision.

5.4 In the case of a complaint against a Parish Council member, the Committee can only recommend to the Parish Council what action it should take in respect of a breach from the list of possible sanctions set out in paragraph 5(5) below.

5.5 In the case of complaints against Council members, the Council has delegated to the Ethics Committee such of its powers to take action in respect of individual members as

may be necessary to promote and maintain high standards of conduct. Accordingly the Ethics Committee may—

(i) Decide to take no action;
(ii) Publish its findings in respect of the member's conduct;
(iii) Send a formal letter of censure to the member;
(iv) Report its findings to the Council either for information [or to recommend censure of the member;

(v) Recommend to the member's Group Leader that the member be removed from any or all Committees or Sub-Committees of the Council.
(vi) Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular portfolio responsibilities;
(vii) Recommend the MO to arrange training for the member;

5.6 Any recommendation made under (v) to (vii) above will require the cooperation of all parties.

5.7 Where a Subject Member does not accept a sanction which has been imposed upon him/her by the Ethics Committee, the MO shall submit a report to full Council which will then consider what action, if any, it should take as a result of the Subject Member's failure.

6 General Provisions

The Monitoring Officer will have the discretion to manage the complaints process in a reasonable and flexible way. This may require the MO to deviate from the agreed process or requirements where the circumstances of a particular case warrant it.

Appendix 1

Alternative Resolution Procedure of a Member Complaint

1. Purpose of an Informal Resolution

The aim of an informal resolution is to ensure that the balance between the interests of the Complainant and the rights of the Subject Member are correctly addressed, in a situation where the MO at Stage 1 of the Complaints Protocol has decided this is the manner in which the complaint should be dealt with. It recognises the need for both parties involved to be brought to the table and to have the opportunity to have their point of view considered by the other party.

2. Consequences of an Informal Resolution

(1) If having been submitted, a complaint is referred by the MO at Stage 1 of the Complaints Protocol for an informal resolution, it shall be a binding decision for both parties, and at its conclusion, will result in the closure of the complaint.

(2) The Council recognises that it has no power to force the parties to submit to an informal resolution, but action may be taken by the Subject Member's Political Group (where applicable) if the Subject Member does not engage with the process.

(3) Informal resolution is intended to be a flexible, conciliatory process, which can be adapted to be suitable for the particular circumstances of the complaint.

3. Examples of Informal Resolution

Examples of informal resolution are as follows, but these are purely for guidance and are not an exhaustive list of options:-

(i) Specialist training on the Code of Conduct or other parts of the Constitution as may be deemed necessary by the MO

(ii) Mediation by the MO between the parties, either by face to face meeting or in the form of one to one meetings

(iii) Mediation by the Independent Person or Chair of Ethics Committee, with the assistance of the MO

(iv) Mediation by the Political Group Leaders, with the assistance of the MO

(v) Delivery of personal apologies, either in writing or verbally, in private or in public

(vi) Relinquishing of a role on a voluntary basis for a period of time

4. Factors to be taken into Account when considering whether Informal Resolution is Appropriate

Informal resolution may be especially suitable where, in the opinion of the MO, the complaint has arisen out of a set of circumstances where is likely that-

(i) the parties may reach an amicable agreement if direction is given; or

(ii) the complaint was the result of a simple confusion or misunderstanding of the principles or rules governing the Code of Conduct either by the Subject Member or the Complainant; or

(iii) where there is another non-complex explanation for the alleged misconduct; or

(iv) either or both of the parties would be satisfied if an explanation and apology were offered and delivered; or

(v) where it is apparent that the complaint arises from the Subject

Member's relative inexperience as a member; or

(vi) where the Subject Member has admitted the alleged misconduct and expressed a willingness to engage in specialist training or other conciliation with the complainant.; or

(vii) where both the Complainant and the Subject Member are members of the Council and need to continue an effective working relationship for the benefit of their constituents; or

(viii) where the Complainant is a officer of the Council and there is therefore a necessity to continue an effective working relationship

5. Monitoring Officer's Discretion

(1) The MO will have absolute discretion over the proposed informal resolution, and may at any stage bring the process to a close if the resolution is not achieving the expected result. In these circumstances the MO will refer the matter back to Stage 1 of the Complaints Protocol and a decision will be made as to whether the complaint should instead proceed to an investigation, take different action or whether no further action should be taken.

(2) The MO will liaise with the Chair of the Ethics Committee to determine administration and process for the informal resolution as required.

(4) Informal resolution will take place in private, but the outcome when achieved, will reported to Ethics Committee where appropriate.

Appendix 2

Ethics Committee Hearings Procedures

1. Introduction and General Notes

(1) The aim of the Ethics Committee Hearings Procedures is to ensure that complaints against members are dealt with fairly and efficiently for both the Complainant and the Subject Member.

(2) All hearings before the Ethics Committee will be in public, unless the MO advises the Committee it must retire to consider an item in private.

(3) Given the relative informality of proceedings, it is not envisaged that legal representatives will be required, and it should be regarded as the exception. The Chair of the Ethics Committee will have the discretion to allow legal representatives to take part in the proceedings.

(4) All decisions of the Ethics Committee are binding, and there are no rights of appeal through the Council process.

(5) A hearing before the Ethics Committee will only be convened where an Investigating Officer's report has been delivered to the parties and either the Complainant or Subject Member do not accept the IO's recommendations.

(6) If the Ethics Committee concludes that the member did fail to comply with the Code of Conduct, the Committee will then consider what action, if any, it should take as a result of the member's failure. In doing this, the Ethics Committee will consult the IP before coming to a decision. In the case of a complaint against a Parish Council member, the Committee can only recommend to the Parish Council what action it should take in respect of a breach from the list of possible sanctions set out in paragraph 5(5) below.

(7) The decision will then be communicated in writing to both parties and published on the council's website or elsewhere where the Committee considers it appropriate.

(8) If the IO finds that no breach has occurred, and both parties accept this, no further action will be taken.

2. Purpose of Pre Hearings Procedure

(1) In order for the Ethics Committee to be effective, the parties must follow the Pre Hearings procedure. The procedure is intended to encourage: -

- The early identification of what is agreed and not agreed by the parties
- The parts of the IO report which are in dispute and which may therefore require the attendance of the IO and any witnesses he has utilised in drawing up his report
- A speedy and efficient disposal of the complaint on the day of the hearing
- The overriding objective of ensuring complaints are dealt with fairly, expeditiously and with due regard to the costs involved

(2) The following procedures have been agreed as a guide for the fair disposal of a complaint, following an investigation. They are intended to assist all parties in understanding the process and preparing for the Ethics Committee. The MO, in consultation with the Chair of the Committee may alter these procedures for a single complaint, either at the start of or during the Pre Hearing Procedure or during the Ethics Committee itself.

3. Pre Hearings Procedure

(1) The MO will circulate the final version of the IO's report to the Complainant and the Subject Member.

(2) Each party must produce a Response to the IO's report and deliver a copy to the MO and each other. The response must: -

- Identify any areas of disagreement by reference to the paragraph number
- State what it is the party says the correct case should be instead of what the IO says
- Attach any evidence the party wishes the Ethics Committee to take into account when determining the case

- State whether or not the party wishes to attend the Ethics Committee together with reasons why this is necessary
- Attach a copy of the submissions the party wishes to make to the Ethics Committee

(3) The MO must receive the above document within 21 days of the final version of the IO's report having been sent out to all the parties. Only in exceptional circumstances will any late documentation be considered as determined appropriate by the Chair of the Committee or the Ethics Committee as appropriate in consultation with the MO and/or IP as appropriate.

(4) If either or both parties submits a Response, and there are areas of disagreement which in the view of the MO merit a Ethics Committee meeting, then the MO will arrange for the Committee to meet.

(5) Only those matters referred to in the Response will be considered by the Ethics Committee, save in exceptional circumstances. It is vital that each party states their areas of disagreement and sets out their case, **as the matter will only proceed to an Ethics Committee where there are real areas of dispute. It will be exceptional for the Ethics Committee to allow a party to raise a new issue which they have not already referred to in their Response.**

(6) Once the MO has received the Response from both parties, a case summary and a chronology will be prepared for the benefit of the Ethics Committee if the MO considers this would be helpful.

(7) The MO will also request a response in writing from the Independent Person, to the IO's report, which will be added to the documents for the Ethics Committee (see below)

4. Timetable

(1) The Ethics Committee will be convened to consider the complaint within 2 months of the IO's final report being delivered to the parties in accordance with paragraph 3(1) above.

(2) The Ethics Committee will have a Hearings Bundle, which will contain: -

- The Investigating Officer's report
- The response of the complainant
- The response of the elected member
- The MO's case summary and a Chronology (if the facts are complicated)
- The views of the Independent Person

(3) The Hearings Bundle will be delivered to the members of the Committee when the agenda for the meeting is published.

(4) The Chair of the Committee may, on receipt of the documents, set out a draft agenda for the day's events and circulate this to all parties.

(5) All documents will be published subject to the requirements of Freedom of Information and Data Protection.

5. Procedure at the meeting of the Ethics Committee

(1) The procedure for the day will be in the discretion of the Chair, and may be adapted either before the day, from the agenda sent out, or on the day itself.

(2) Oral evidence at the hearing will not generally be allowed. The Chair of the Ethics Committee will have the discretion to allow oral evidence.

(3) Where either the Complainant or Subject Member is not present at the hearing, the Ethics Committee will have the option to continue to consider and make a decision on the complaint where they have all the necessary information needed or adjourn to a further date.

(4) The Committee will review the Hearings Bundle and may adopt the following procedure: -

- Preliminary matters such as declarations of interest, quorum, public nature of proceeding etc
- Introduction of the IO's report by the IO or MO and statement of areas of dispute (if any)
- Consideration of Complainant's submissions any witnesses/evidence allowed
- Consideration of Subject Member's submissions and any witnesses/ evidence allowed
- Consideration of the views of the Independent Person
- Advice from the MO on any legal issues raised
- Consideration of whether or not the disputed areas of the report are accepted by the Ethics Committee or not
- Determination of breach of Code or not

(5) In the event the Ethics Committee considers a breach has occurred, it may adjourn to consider what action it should take from the list of possible sanctions set out in paragraph 5(5) of the Complaints Protocol.

(6) It may review any documents sent in by the Subject Member, or hear from the Subject Member on a case of 'mitigation' if it considers appropriate.

(7) It may adjourn to require the Subject Member's attendance, if it considers it would be just to do so in advance of any censure/ sanction.

(8) In the case of a complaint against a Parish Council member, the Committee can only recommend to the Parish Council what action it should take in respect of a breach from the list of possible sanctions set out in paragraph 5(5) below.

(9) In the event the Ethics Committee determines there has not been a breach of the Code, then it shall announce the decision accordingly and direct that the MO will inform both the Complainant and the Subject Member as soon as possible after the meeting.

(10) In both cases of breach and non breach, the MO will send out a note of the decision (called the Full Decision), and the reasons for it, within 14 days of the determination, The Full Decisions must be agreed with the Chair, prior to dispatch to the parties. The Full Decision will also be published on the authority's website, on the same date that it is dispatched to the parties.

(11) In exceptional circumstances the Ethics Committee may adjourn the hearing to later the same day or a future date.

APPENDIX 3

Councillor Complaint - Re Councillor Jaswant Singh Birdi

Complaint

Interview with Complainant -Mr Nagarajah Kuruparan. -15/1/16

Mr Kuruparan had requested that his complaint be taken in person as he had difficulty in making the complaint on line.

Mr Kuruparan was advised of the Councillor Complaints Protocol and provided with a copy. The following is Mr Kurupan's account of an incident that took place between himself and Councillor Jaswant Singh Birdi on 4th January 2016.

Mr Kuruparan wishes to make a complaint that Councillor Birdi abused his position as a Councillor and was racially abusive.

Interview

Mr Kuruparan runs a business (QuickShop) at 75-77 Harnell Lane East.

On the morning of 4th January 2016 (around 10.30) Mr Kuruparan returned to his shop to see a gentleman (later confirmed as Cllr Birdi) standing in the shop doorway arguing with one of his staff members (Naron). He could tell that there was "tension" between them and as he approached the gentleman asked Mr Kuruparan who he was. Mr Kuruparan informed him that he was the owner of the premises and asked what the problem was.

The gentleman then started to complain about the litter outside on the opposite side of the road. A lot of litter accumulates across the road from Mr Kuruparan shop as a result of passers-by. Mr Kuruparan explained to the gentleman that he could not stop the rubbish across the road and that people drop it and it was not his responsibility. The gentleman said the rubbish had come from his bins, Mr Kuruparan asked what prove he had then he would deal with it. The gentleman continued to complain when Mr Kuruparan told him he had no time for this and he should take it up with the Council and ask them to deal with it. By this time they had moved into the shop and Mr Kuruparan asked him to leave.

The gentleman refused to leave and Mr Kuruparan called the police.

The gentleman then became "aggressive" shouting in a loud voice; "You bloody Sri Lankan, you asking me to get out. How the hell you bloody Sri Lankan's got into the Country. "Mr Kuruparan said he became upset and angry by this and responded by saying "You may have come by boat but I came by aeroplane".

The gentleman responded by saying "I've got a British passport. Do you have a British passport?" Mr Kuruparan responded by saying "I got a British passport before you got a British passport".

The gentleman then responded by saying "You don't know who I am I will make sure I shut your place down." Mr Kuruparan asked who he was and he said he was a Councillor. Mr Kuruparan asked that he show him his "badge" and the gentleman left the shop and went to his car (Polo) across the road and returned with his Council badge that showed he was Councillor Birdi.

Whilst they were outside Mr Kuruparan noticed that the "litter pickers" had turned up and were picking up the rubbish from across the road. Councillor Birdi was taking pictures of the bins and litter on his phone and approached the litter pickers. He made a call on his phone and the litter pickers then started clearing the litter in the garden across the road. Mr Kuruparan said that he spoke to the litter pickers later who told him that Councillor Birdi was "pathetic and a bully " and had called their supervisor to make them pick up the litter in the garden.

The police arrived and Mr Kuruparan gave his account of what had happened he told the police about the racist comments but the police did not seem interested in taking that further.

Mr Kuruparan was angry at the way Councillor Birdi had acted and called the Telegraph to complain about his abusing his authority. He spoke to a Simon who said he would send the photographer and reporter. Whilst waiting Mr Kuruparan spoke to his staff (Naron and Shaiva) who said that Councillor Birdi had come into the shop asking to speak to the "boss" and asking about who was in charge of the alcohol and why they hadn't asked where the boss was going.. Mr Kuruparan checked on the Council website to confirm that it was Councillor Birdi from the Councillor photos.

Whilst waiting for the reporter from the Telegraph to arrive two Trading Standard Officers arrived. It was not Mr Gardner the usual officer and Mr Kuruparan thought it was too big a coincidence that they had arrived at that time. He asked the officers if Councillor Birdi had sent them and they said no it was a random check. The officers undertook the usual checks and had no concerns (except one yoghurt nearly out of date).

During this time the reporter from the Telegraph had arrived, he told the reporter that Councillor Birdi had been abusive but they did not print this in the article that appeared.

Mr Kuruparan later spoke to a neighbour who said that Councillor Birdi owns the house opposite (that he had told the litter pickers to clear the garden); 9 Hornall Lane East. It is an empty property that Councillor Birdi is "doing up".

Mr Kuruparan confirmed that he has CCTV of the incident but it does not record sound.

Breach of Code of Conduct alleged by complainant

Mr Kuruparan believes that Councillor Birdi was acting in his own interests and not in the public interest in complaining about the litter. He was offensive and racially abusive. Mr Kuruparan is also concerned that Councillor Birdi abused his position in threatening to close him down and Mr Kuruparan is worried now about what he will do to his businesses.

He wishes to complain about Councillor Birdi having breached the following in the code of conduct:-

2a) Selflessness -I will act solely in terms of public interest. I will not act in such a way as to gain financial or other material benefits for myself, my family, or my friends.

Mr Kuruparan alleges that Councillor Birdi was acting in his own interests in respect of raising concerns about the litter and was not acting in the public interest.

3 a) Champion the needs of residents-the whole community and all my constituents, including those who did not vote for me - and put the public interest first.

Mr Kuruparan alleges that Councillor Birdi was acting in his own interests in respect of raising concerns about the litter and was not acting in the public interest.

b) Deal with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially

Mr Kuruparan believes this section applies as Councillor Birdi should have referred concerns about the litter to the councillor whose ward it is.

e) Listen to the interests of all parties, including relevant advice from statutory and other professional officers, take all relevant information into consideration, remain objective and make decisions on merit.

Mr Kuruparan believes this section applies as Councillor Birdi should have remained objective and not assume that the litter was the fault of Mr Kuruparan and not become angry and personal when raising his concerns.

g) Contribute to making the City Council's decision- making processes as open and transparent as possible to ensure residents understand the reasoning behind those decisions and are informed when holding me and other Members to account but restricting access to information when the wider public interest of the law requires it

Mr Kuruparan believes this section applies as Councillor Birdi should have been clear about his position as a Councillor from the start.

j) Always treat people with respect, including the organisations and public I engage and those I work alongside.

Mr Kuruparan believes this section applies as Councillor Birdi was aggressive and abusive towards him.

k) Provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well within this Council.

Mr Kuruparan believes this section applies as Councillor Birdi was aggressive and abusive towards him; and he abused his position as a Councillor.

APPENDIX 4

Coventry City Council

Member Code of Conduct: Consideration of a Complaint

Complaint by: Mr Nagarajah Kuruparan, Quick Shop, 75-77 Harnell Lane East, Coventry

kurunagarajah@gmail.com

Complaint against: Councillor Birdi

Enclosures to this memo are:-

(a) Interview with complainant dated 15th January 2016.

(b) Newspaper article dated 6th January 2016

(c) Note of enquires made to date

(d) Emails to Streetwise teams from Helen Wilkins (Councillor Birdi's PA) dated 4th January 2016.

(e) Trading standards and Street wise referral forms

Interviews undertaken:-

Mr Nagarajah Kuruparan – 15h January 2015

Introduction

Under the Council's Complaints Protocol, Stage 1 of the Protocol relates to how a complaint made against an elected member should be dealt with. The review must be carried out by the Monitoring Officer and the Chief Executive (or their respective nominees) as appropriate in consultation with the Group Leader of the Subject Member's party, which in this case is Councillor Blundell.

1. Summary of Complaint

Mr Kuruparan alleged that Cllr Birdi breached the code of conduct by racially abusing him and abusing his position as a Councillor.

2. Background and detail regarding the Complaint

On the 4th January 2016 Councillor Birdi went to the complaints shop to complain about the litter on the street. The complainant disputed that the litter was his responsibility and matters became more heated until the police were eventually called.

The complaint alleges that during the confrontation Councillor Birdi racially abused him saying "" You bloody Sri Lankan, you asking me to get out. How the hell you bloody Sri Lankan's got into the Country".

The complainant also alleges that Councillor Birdi then used his position as a Councillor saying "You don't know who I am I will make sure I shut your place down." The complaint is concerned that Councillor Birdi will use his position as a Councillor to damage his business.

The complainant believes that Councillor Birdi instructed Trading Standard Officers to attend that same afternoon at his business in an abuse of his position as a Councillor. Further that Councillor Birdi has an interest in the property opposite the shop that he is renovating and that was his personal motivation for complaining about the litter and for instructing the barrow operatives to clear his front garden.

3. Analysis of Complaint

In his complaint Mr Kuruparan identifies a number of alleged breaches to the Code of Conduct. These are attached as appendix 1.

Cllr Birdi is purported to have identified himself to the complainant as a Councillor. The Code of Conduct for Elected and Co-opted Members would therefore apply to his actions which are the subject of this complaint.

The first paragraph of the code of conduct states that Councillor should represent the community and work constructively with staff and partner organisation to secure better social, economic and environmental outcomes for all.

In raising concerns about litter, regardless as to whether or not it is within his ward, is a legitimate action of a councillor and falls within conduct expected of a councillor within paragraph one.

The issue therefore is whether the actions of Councillor Birdi in raising his concerns in the manner in which he is alleged to have done so amounts to a potential breach of the code.

The allegations of the complainant that he was racially abused by Councillor Birdi if true would amount to a breach of the code of conduct in particular paragraphs h, j and k.

The complaint also alleges that Councillor Birdi threatened to "get" the complaints business "shut down" by using his influence as a Councillor. The complaint believes that the arrival of the trading standard officers from the Council that same afternoon is evidence of this behaviour. Following the incident in the shop Councillor Birdi contacted his pa and asked that the streetwise department of the city council be contacted to "deal" with the issue of litter. Councillor Birdi further asked Trading Standard officers to investigate the legitimacy of the shop selling alcohol. These may be the legitimate actions of a Councillor raising concerns appropriately in his role as a councillor; however alternatively if the allegation is correct that Councillor Birdi was using his position as a Councillor to deliberately damage the complainants business then this would amount to a breach of the code under paragraph g, i and k.

The complaint further alleges that Councillor Birdi's action were motivated by his own interests and not the public interest. It is alleged that Councillor Birdi's representations about the litter were related to his own property and his instruction to the barrow operative to clear the front gardens was motivated by his own personal interest in the property affected. Even if this assertion is correct it may not give rise to a breach of the code as Councillor Birdi is entitled to raise concerns about litter whether it is affecting his own property or not. The breach may rise in respect of his using his position for his own personal gain which may give rise to a breach under paragraph a.

4. Options Available

4.1 The options for dealing with the complaint are:

(a) referring the matter to an internal or external Investigating Officer for investigation

(b) taking no further action on the complaint;

(c) resolving the matter by informal resolution; or

(d) any other way deemed appropriate.

4.2 The factors to be taken into account when determining how to deal with a complaint may include, but are not limited to, whether:

(a) the complaint relates to an existing member of the Council or Parish Council;

(b) the member was in office at the time and bound by the Code of Conduct at the time;

(c) the member was acting in his or her official capacity;

(d) the complaint is considered serious or significant in substance

(e) the complaint would be in the public interest to pursue

(f) the complaint is vexatious, malicious, politically motivated or inappropriate;

(g) the complaint is substantially similar to a complaint already made to Standards for England, the Ethics Committee (or its predecessor the Standards Committee) or any other regulatory authority;

(h) the complaint is unreasonable;

(i) the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now;

(j) the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and:-
(i) the resources needed to investigate and determine the complaint are wholly disproportionate to the allegation(s); or
(ii) whether, in all the circumstances, there is no overriding public benefit in carrying out an investigation;

(k) the complaint suggests that there is a wider problem throughout the authority;

(l) it is apparent that the complaint arises from the Subject Member's relative inexperience as a member,

(m) the Subject Member has admitted making an error;

(n) training or conciliation would be the appropriate response;

(o) the member has been the subject of previous complaints that have been upheld.

5. Recommended Action

In light of the allegations made it is recommended that an independent officer external to the Council be appointed to investigate the complaint.

There are a number of routes of investigation that have not been progressed at this preliminary stage (to ensure an uncontaminated forensic approach if a full independent investigation is determined); which may assist in determining if the allegations are substantiated or not. Including, but not limited to, an interview with Councillor Birdi, consideration of CCTV, interview with shop staff and council officers.

6. Consultation with Group Leaders

As Group Leader of the party to which the Subject Member belongs, I have read the above report and I agree with the recommended action.

Signed:

Cllr Blundell

Group Leader, Conservative Group

Dated: January 2016

..... Martin Reeves, Chief Executive

.....Julie Newman, Deputy Monitoring Officer

Date: 27 January 2016

From:	Hickin, Craig
Sent:	04 January 2016 14:04
To:	McHugh, Martin
Cc:	Birdi, Jaswant (Cllr);
Subject:	FW: Tom White bins on the pavement spreading rubbish on the street (Quickshop - Harnall Lane East)
Attachments:	FullSizeRender.jpg; ATT00001.txt; FullSizeRender.jpg; ATT00002.txt; FullSizeRender.jpg; ATT00003.txt; FW: Cllr Birdi - Quickshop - 75 Harnall Lane East

Hi Martin,

Please see below and attached. Can we look into this please. Thanks

Craig Hickin
Head of Environmental Services
Street Scene & Green Spaces
Place Directorate
Room 315 Broadgate House
Broadgate, Coventry
CV1 1NH

Tel: 024 7683 2585
Email: craig.hickin@coventry.gov.uk
Secure GCSX email: craig.hickin@coventry.gcsx.gov.uk

-----Original Message-----
From:
Sent: 04 January 2016 12:39
To: Hickin, Craig
Subject: FW: Tom White bins on the pavement spreading rubbish on the street (Quickshop - Harnall Lane East)

Dear Craig

Photos as promised.

-----Original Message-----
From:
Sent: 04 January 2016 11:55
To: Elliott, Sarah
Subject: FW: Tom White bins on the pavement spreading rubbish on the street (Quickshop - Harnall Lane East)

Dear Sarah

Cllr Birdi has sent the attached photo's in. It shows that they are Tom White bins, is this organised through the Council?

If you could let me know that I am going in the right direction with Cllr Birdi's queries, that would be appreciated.

Thank you

-----Original Message-----
From: jbirdi@sky.com [mailto:jbirdi@sky.com]
Sent: 04 January 2016 11:30
To:
Subject: Tom White bins on the pavement spreading rubbish on the street

Hi
Attached are the photos of the problem along the Harnell lane caused by the bins. These bins should not be kept here ,, They should be kept in there Yard at the side.. Please request the street wise to deal with the problem...
Regards
Birdi

All e-mails are monitored by Coventry City Council's ICT Security, using Mimecast.

From:
Sent: 04 January 2016 12:38
To: Hickin, Craig
Subject: FW: Cllr Birdi - Quickshop - 75 Harnall Lane East

Importance: High

Dear Craig

I went to Sarah Elliot with this query firstly as I was unsure, Sarah advised that you would be able to help deal with this.

I will also send you another email with some pictures that Cllr Birdi has sent.

Thanks

From:
Sent: 04 January 2016 11:25
To: Elliott, Sarah
Subject: Cllr Birdi - Quickshop - 75 Harnall Lane East
Importance: High

Dear Sarah

Councillor Birdi has asked me to find out about the large bins that the Quickshop, 75 Harnell Lane East have outside their shop. These are overflowing and rubbish blowing over the road, also they are also always outside the front of the shop, is there any way that they can be asked to keep them off the pavement?

Thanks

Personal Assistant
Member Services
Resources Directorate
Coventry City Council
The Council House
Coventry, CV1 5RR

Tel:

We're always keen to hear feedback on the service you receive from Business Services, which takes just a few minutes:
Feedback Form

Complaint Details WK/216000092

Property

Address **Quick Stop, 75 Harnall Lane East, Coventry, CV1 5AG**
Telephone **02476226272** Fax Area **EC1 - EC Area 1**

Worksheet

Source
Name **Cllr Jaswant Birdi (Cllr)**
Address **COVENTRY CITY COUNCIL, COUNCIL HOUSE, EARL STREET, COVENTRY, CV1 5RR**
Home Tel **02476 83 1101** Work Tel Mobile
Fax **184741** Email
Department **EH - Environmental Health** Date Recd **04/01/2016** Time **16:23**
Application **CPEH - Complaints - EH** Method **G - Internally Generated**
Task Group **CEC - Environmental Crime Unit** Recd By **MM - Martin McHugh**
Task **C47B - Refuse - Commercial** Source Type **CLLR - Councillor**
Details **issues with bins being left on the street and litter around the shop CARE see attached emails.**
Message
Officer **MM - Martin McHugh** Target Actual
Time Taken First Response **07/01/2016** **04/01/2016**

Next Task **ICR - Initial Cllr Response** Completed
Due **04/01/2016** Allocated **04/01/2016** Outcome

References

No references set up.

Complaints

Subject Details
Title Initials Telephone **02476226272**
First Name Fax
Family Name Email
OffenceSection Statute
Purchase Date Purchase Time
OFT (Product) FSA Type
OFT (Condition)

Previous Complaints

(Last 10 not including this one)

Reference	Received	Details	Status	Outcome	Officer
WK/211012897	**09/05/2011**	**waste piled up to the rear.**	**Comp**	**ECDC**	**JWS**

Actions

Action	Officer	Actual	Target	Time	Value	Number
0000 - Procedure Started	**MM**	**04/01/2016**				
9004 - Attachment	**MM**	**04/01/2016**				
Comments: **emil from cllr**						
9004 - Attachment	**MM**	**04/01/2016**				
Comments: **title plan**						

Complaint Details WK/216000092

9004 - Attachment	**MM**	**04/01/2016**			
Comments: **PRIVATE**					
9004 - Attachment	**MM**	**04/01/2016**			
Comments: **update from andy t in TS no apparent issues:**					
ICR - Initial Cllr Response	**MM**		**04/01/2016**		
FCR - Final Cllr Response	**MM**		**04/01/2016**		

User Defined Codes

Origin Owner
LA Code 55 LA Code 56
LA Code 45 1. 4 C's Docs
2. Safe Methods 3. Safe = Practice
4. Mgmt checks OK 5. Mgmt diary
6. 4 Week review 7. Training
PEF: Overall PEF: Previous
Ward/Team Primary Heating Method
Primary Cooking Cooking/Heating On?
Method
Gas Safety? Tenure Type

Remarks

No remarks found.

Related Addresses

Address Telephone Type
No related addresses found.

User Defined Addresses

No User Defined Addresses found.

User Defined Text

No User Defined Text found.

Complaint Details - WK/216000025

Property

Address **Quick Stop, 75 Harnall Lane East, Coventry, CV1 6AG**
Telephone **02476226272** Fax
Area **8 - Tstand Area 8**

Worksheet

Source
Name **Cllr Jaswant Birdi (Cllr)**
Address **COVENTRY CITY COUNCIL, COUNCIL HOUSE, EARL STREET, COVENTRY, CV1 5RR**
Home Tel **02476 83 1101** Work Tel Mobile
Fax **184741** Email

Department **TS - Trading Standards** Date Recd **04/01/2016** Time **11:49**
Application **CPTS - Complaints - TS** Method **I - E-Mail**
Task Group **TTS - Trading Standards** Recd By **APT - Andy Tandy**
Task **TS01 - Consumer Complaint** Source **GP - General Public**

Details **Councillor Birdi has asked if it is possible to check whether the alcohol that is being sold at the Quickshop is legal?**
Message

			Target	Actual
Officer	**APT - Andy Tandy**			
Time Taken	**130**	First Response	**07/01/2016**	**04/01/2016**
Next Action		Completed	**28/03/2016**	**05/01/2016**

Due Allocated **04/01/2016** Outcome **C155 - No formal action required**

References

No References set up

Complaints

Subject Details
Title Initials Tel **02476226272**
First Name Fax
Family Name Email
Section **TS - Trading Standards**
Breach **No** Statute
TS Category **Enforcement** Cost of Goods
Purchase Date Purchase Time Redress Value
001 - Shop
OFT (Goods/Services) **F17 - Other Alcoholic Drinks** OFT (Method of Selling)
OFT (Complaint Type) **08G - Counterfeiting** Country of Origin **UK - United Kingdom**
FSA Type

Previous Complaints

(Last 10 not including this one)

Reference	Received	Details	Status	Outcome	Officer
WK/215022588	**08/07/2015**	**Counterfeit alcohol - C used bar code scanner - it comes up "no product". Smells foul BACARDI 70 cl**	**Resp**	**C153**	**DCG**

Complaint Details - WK/216000025

northgate
INFORMATION SOLUTIONS

Actions

Action	Officer	Actual	Target	Time	Value	Number
0000 - Procedure Started	APT	04/01/2016				
9004 - Attachment	APT	04/01/2016		5		

Comments: Via AH and Martin McHugh and Helen Wilkins
Personal Assistant
Member Services
Resources Directorate
Coventry City Council
The Council House
Coventry, CV1 5RR

Tel: 024 7683 1101

078 - Visit	APT	04/01/2016		45		

Comments: Insp of shop - licence on side of cigarette housing - T alleges racial harassment by C - called CET and photographer attended premise. T has CCTV of Cllr Birdi on premises, Police escorted Cllr from premises prior to visit. T believes that families opposite shop complained about waste by shop however T states that he employess Tom White waste and other waste material is not related to him or his premises..

9004 - Attachment	APT	04/01/2016		15		

Comments: Email to DB / AH / McH - Inspection of shop - licence on side of cigarette housing - T alleges racial harassment by Cllr - called CET and photographer attended premise whilst inspection taking place. T has CCTV of Cllr Birdi on premises, Police escorted Cllr from premises prior to visit. T believes that families opposite shop complained about waste by shop however T states that he employs Tom White waste and other waste material is not related to him or his premises.

Cannot find licence on M3 against Quick Stop, 75 Harnall Lane East, Coventry, CV1 5AG. PI 210267 but licence against closed premise K & R Enterprises, 75 Harnall Lane East, Coventry, CV1 5AG PI 31774

078 - Visit	AGB	04/01/2016		45		
9004 - Attachment	APT	04/01/2016		10		

Comments: Email to Cllr B -Bcc DB and McMcH - Following the receipt of your concerns relating to the alcohol being sold from Quickshop, 75 Harnall Lane East, Coventry, a visit was made this afternoon to the premises and no infringements were found on the premise. A number of bottles of alcohol were examined along with general products being sold in the shop. I have advised my colleagues in the Licensing and Environmental Crime Teams of this visit as they were also circulated with the details of your concerns

CSQ4 - CSQ not appropriate	APT	05/01/2016				
9004 - Attachment	APT	05/01/2016		5		

Comments: HI Andrew, Thanks for the information. Could you kindly advice how many such visits you department made to this shop in the past?
Thanks
JSBirdi

9004 - Attachment	APT	05/01/2016		5		

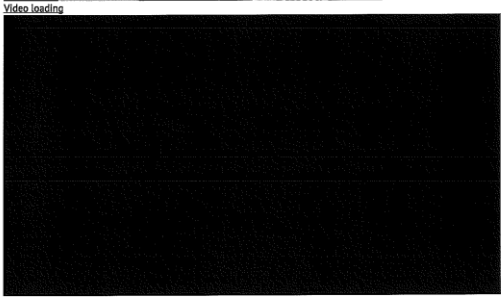
Comments: Spoke to AH then replied - Dear Councillor Birdi, Four previous visits were made and registered on our records for Trading Standards Officers visiting the premises. Any visits made to retail establishments are made based upon a calculated risk basis due to restricted staff resources.

Watch: Police called after heated exchange between Coventry councillor and shop owner

12:55, 6 JAN 2016 UPDATED 13:58, 6 JAN 2016 BY SIMON GILBERT

Conservative Coun Jaswant Singh Birdi got into argument with shopkeeper over litter - and it ended with officers being called

Video loading

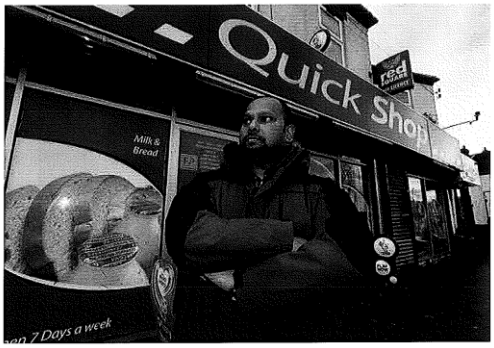


Police were called to a heated exchange between **a Coventry City Councillor** and a shopkeeper.

Raj Kuru called police after alleging that Coun Jaswant Singh Birdi had refused to leave his Quick Shop store, **on Harnall Lane East,** following an argument about litter.

Mr Kuru said: "There's rubbish outside and he started to make a big scene and refused to leave the premises, I had to call the police."

He added: "I thought he was out of his mind. He was complaining about the rubbish outside, but there's no proof it has come from our bins."



Raj Kuru, owner of Quick Shop

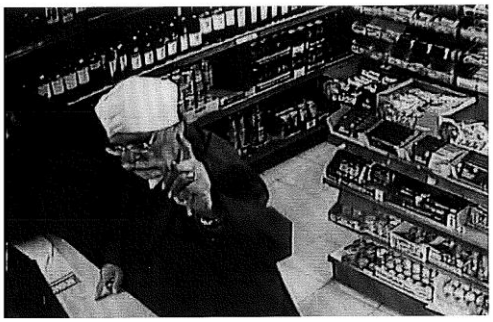
Conservative Coun Birdi is the councillor for the Bablake ward, but Mr Kuru's shop sits in the Labour stronghold of St Michael's.

But Coun Birdi said he was within his rights to tackle issues regarding a shop outside of his constituency.

He said: "I have friends everywhere, that's not relevant.

"The bins there are all full of litter and stuff was falling away. It's been going on for very many months. He got heated and called the police.

"I think the issue is resolved, I have reported the issue to officers."



Councillor Jaswant Singh at the shop

Asked if he had refused to leave the shop, he said: "That was not the case, there was no issue on that one.

"I waited because he had called the police, I had done nothing wrong. Why would I run away?"

A West Midlands Police spokesman confirmed they had been called to the shop at 10.46am on Monday to reports of "a person refusing to leave the shop". Police attended but no arrests were made and no further action will take place.

APPENDIX 5

Report of investigation for Coventry City Council in respect of a complaint against Councillor Birdi of breaches of the Member Code of Conduct

1. **Introduction**

I am Jeremy Thomas. I am a Solicitor and am employed by Oxford City Council as Head of Law and Governance and am also the Monitoring Officer for that Authority.

I have been appointed by Coventry City Council to investigate a complaint against Councillor Birdi ('the Councillor') made by Mr Nagarajah Kuruparan ('the Complainant') who is the owner of Quick Shop, 75-77 Harnell Lane East, Coventry.

The details of the complaint are set out in a note of an interview with the Complainant on the 15th January 2016, at **Appendix 1**.

The complaint was the subject of an initial review in accordance with the Council's complaints protocol, on the 27th January, 2016. The initial review concluded that the Code was engaged by the complaint and that it should be the subject of an investigation by a person independent of the Council. My appointment followed.

As part of this investigation I have interviewed, in person or by telephone, the following people: -

- The Councillor (accompanied by Councillor Ken Taylor)
- The Complainant
- Mr Gobalsingam Naroon (shop assistant)
- Mr Ali B (customer in shop)
- PC Cooper
- PC Francis
- Mr Adam Barrett and Mr Andrew Tandy (Trading Standards)
- The 'litter picker'

Any documentation that I have relied on is appended and referenced in the body of the report.

The only CCTV footage available was the portion embedded in the Coventry Telegraph story of the 6th January 2016. Having viewed it, it did not assist me and I have not drawn any inferences from it.

I am grateful for the co-operation of all the interviewees and I am particularly grateful to Ms Julie Newman, Legal Services Manager, for her assistance.

2. Summary of Allegations

There was one aspect of the complaint which was dealt with summarily by the initial review, correctly so in my view. That was whether it was legitimate for the Councillor to have raised concerns about litter outside of his ward. The initial review concluded the Councillor was entitled to do so. I entirely agree. I did not therefore consider that allegation as part of my investigation.

There are three central issues raised by the complaint. They are:

a) Whether the Councillor was abusive, generally, and specifically, racially abusive to the Complainant ('the abuse allegation');

b) Whether the Councillor threatened to get the Complainant's premises closed down and made an inappropriate referral to Trading Standards ('the Trading Standards allegation'); and

c) Whether the Councillor sought to use public resources to clear his own private property of litter ('the litter allegation')

I will deal with each issue in turn.

3. The abuse allegation

It is common ground that the Councillor went to the shop on the morning of the 4th January 2016 to complain about litter in the area, which the Councillor perceived was caused by the commercial waste arrangements of the shop. Specifically, that the two wheelie bins used by the shop were overflowing.

Councillor's account

The Councillor says that he went to the shop and asked the first person he saw whether he was the owner to which the person said 'no'. Seeing that the shop sold alcohol he asked the assistant whether he was the designated premises supervisor, to which the person replied 'yes'.

The Councillor then showed the assistant the bins from the doorway of the shop and explained the problem. The assistant denied that the bins were the source of the litter. The assistant then pointed to his left and said 'that is the owner'.

The account from this point is taken up by **Appendix 2** which is a document handed to me by the Councillor at our interview, setting out his version of events.

The Councillor denies the account given by the Complainant and denied that he was agitated when he was in the shop. He claimed that he was the 'coolest person ever' because he could see that the Complainant was 'arrogant'.

The Councillor confirmed that he had never met the Complainant before and therefore queried how he could know that he was Sri Lankan.

Complainant's account

The Complainant has owned the shop since 2004 and confirmed that he had never met the Councillor before the 4th January. The Complainant returned to the shop in his van and saw his assistant and the Councillor in the doorway. He says he could see that there was tension. The Councillor complained about the litter. The Complainant denied that it was his responsibility and the Councillor started to become aggressive, raising his voice.

The complainant says he was irritated by the Councillor and said that 'if you have any problems, complain to the Council and I will deal with them'. The Complainant says that at this point he did not know that the Councillor was a Councillor.

The Complainant says that he was mindful of customers coming and going and so asked the Councillor to leave the premises. He phoned the Police as the Councillor refused to leave.

When he put the phone down the Councillor said 'I know you are a Sri Lankan. I have Sri Lankan friends'. The subsequent alleged exchanges between the Complainant and the Councillor are set out in **Appendix 1** which are the interview notes of the 15th January. I have not repeated the exchanges here save for the sentence at the start of this paragraph, as that sentence was not given in the account at **Appendix 1**.

The Complainant denies the account given by the Councillor at **Appendix 2** and in response to the question as to how the Councillor would know he was Sri Lankan replied that the difference in skin tone would be obvious to somebody from the Indian sub-continent. The Complainant also said that 70-80% of shops in Coventry are owned by Sri Lankans.

In rebutting the account at **Appendix 2**, the Complainant said that he had married an Indian lady, would never use words like that and was bemused as to why he would demand an Indian passport before speaking to somebody.

Shop Assistant's account

Mr Naroon has worked at the shop since 2014. He works approximately 20 hours a week and is not related to the Complainant.

Mr Naroon confirmed the account given by the Councillor in relation to the initial exchanges before the Complainant arrived. Mr Naroon confirmed that the Complainant joined the conversation in the doorway after returning in his van and that the Complainant had denied the litter was his responsibility, saying that the Councillor should call the Council about it.

Mr Naroon said that the Councillor refused to leave and the Complainant went to the counter to phone the Police. The Complainant phoned the Police in front of the Councillor.

Mr Naroon confirmed the account of the conversation given by the Complainant. I showed Mr Naroon, **Appendix 2** and he denied that any of those things were said by the Complainant.

Customer's account

The CCTV footage showed a person standing at the counter in the shop. The Complainant identified him as a taxi driver who was a customer. His business card reads 'Ali B Taxi'. I don't know whether that is his real name or a trading name.

Mr B was unable to give a complete account of the conversation but plainly felt that the Councillor was abusing the Complainant, rather than the other way around. Mr B said that he tried to calm the Councillor down by saying 'hold on bro'. Mr B said that the Complainant was not being abusive and when I put the account in **Appendix 2** to him, he did not recognise any of it.

Mr B said that he did not know the shop owner much but called in from time to time. Mr B said that if he was in the Complainant's place he would have punched the Councillor.

Police account

PC Cooper and PC Francis attended the incident. The incident log is 633 of the 4th January which is **Appendix 3**.

As is usual in incidents of this sort the two parties to the altercation were spoken to separately. PC Cooper spoke to the Complainant in the shop. PC Francis spoke to the Councillor outside.

PC Cooper confirmed that the Complainant said he had been accused of being responsible for the litter. PC Cooper did not receive any account of racial abuse beyond the Complainant saying that the Councillor didn't like him because he was a Muslim. PC Cooper described the Complainant as upset rather than agitated and was of the view that the Complainant had felt threatened by the Councillor.

PC Francis confirmed that the Councillor was remonstrating about litter bins and described him as agitated.

The PC's conferred and having established that there was not going to be a breach of the peace, left.

It is important, however, to note that because the PC's saw the Complainant and Councillor separately their evidence as to the relative demeanour of each party should be treated with some caution.

Findings

There is a conflict of evidence as to what was said between the Councillor and the Complainant and I have to form a view, on the balance of probabilities, as to what was said.

I think it is more likely that the account given by the Complainant is true for the following reasons:

a) It is corroborated by the shop assistant (Nr Naroon) and the shop customer (Ali B);

b) The Complainant appeared to me to be a sincere and truthful witness;

c) The words used in the Councillor's account are entirely one sided in that they reveal no irritation on the Councillor's part. In contrast the Complainant concedes he was irritated by the Councillor and in his account this is apparent by his retorts to the Councillor

d) The Councillor's account alleges that the Complainant's call to the Police referred to someone 'throwing goods all over the place'. That is not reflected in the Police log (**Appendix 3)** and casts doubt on the verity of the Councillor's account.

e) I do not accept that it could not have been apparent to the Councillor that the Complainant was Sri Lankan.

f) The Complainant appeared to me to be sincere in his evidence that he would not have used the words alleged by the Councillor because he had married an Indian lady and the prejudices revealed in the Councillor's account would not have occurred to him.

g) The account given by the Councillor of being the 'coolest person ever' is inconsistent with PC Francis's assessment of his demeanour.

Consequently, my finding in relation to the abuse allegation is that the Councillor was racially abusive to the Complainant.

4. **The Trading Standards allegation**

The Complainant's account

The Councillor said to him **(Appendix 1)**, "You don't know who I am I will make sure I shut your place down".

Two Trading Standards Officers visited the shop later that day, denying that they had been sent by the Councillor but left without any concerns.

The Councillor's account

The Councillor denies that he threatened the Complainant in the terms set out above.

After leaving the premises the Councillor contacted his PA Helen Wilkins who emailed Trading Standards at 11.27am on the 4th January in the following terms:

"Councillor Birdi has asked if it is possible to check whether the alcohol that is being sold at the Quickshop is legal?"

The Councillor did this because he was concerned at the apparent youth of the assistant who described himself as the designated premises supervisor, although he also said to me that he had no concern as such but just wanted to bring the premises to the attention of Trading Standards.

The Councillor denied that his referral was made in bad faith. He indicated that the nature of the premises (grocery and off-licence), the litter problem and the apparent youth of the supervisor prompted him to make a referral and to follow it up with a factual enquiry.

The Councillor pointed out that he made no representation to the Trading Standards as to what should be done. He said that he just informed them and let them do their job.

Shop Assistant's account

Mr Naroon corroborated the Complainant's account that a threat was made by the Councillor to seek to close down the shop.

Customers account

Mr B also corroborated the Complainant's account that a threat was made by the Councillor to seek to close down the shop.

Trading Standards account

The email from Helen Wilkins was referred internally and, with commendable speed, the shop was visited on the afternoon of the 4th January by Mr Barrett, Enforcement Officer and Mr Tandy, Trading Standards Officer.

The Officers were asked by the Complainant whether their inspection was as a result of a complaint from a Councillor but the Officers did not confirm that as it is not their practice to disclose Complainant's details when visiting premises.

Following the inspection, Mr Tandy emailed the Councillor at 4.55pm on the 4th January and said:

"Following the receipt of your concerns relating to the alcohol being sold from Quickshop, 75 Harnell Lane East, Coventry, a visit was made this afternoon to the premises and no infringements were found on the premises. A number of bottles of alcohol were examined along with general products being sold in the shop. I have advised my colleagues in the Licensing and Environmental Crime Teams of this visit as they were also circulated with the details of your concerns".

On the 5th January at 12.11pm the Councillor emailed Mr Tandy:

"Thanks for the information. Could you kindly advice (sic) how many such visits you (sic) department made to this shop in the past?"

Mr Tandy replied at 12.19pm:

"Four previous visits were made and registered on our records for Trading Standards Officers visiting the premises. Any visits made to retail establishments are made based upon a calculated risk basis due to restricted staff resources".

No further contact was made by the Councillor.

Findings

Having already preferred the account of the Complainant in terms of what was said in the shop my finding, on the balance of probabilities, is that the Councillor did threaten to seek to close down the Complainant's premises.

However, I also consider that the threat was a hollow one in that there was a rational basis for the Trading Standards referral, it was expressed in neutral terms and aside from one factual enquiry (which was reasonable in my view) the Councillor did not make any representations that the premises ought to be enforced against.

In short, whilst the initial threat was inappropriate, the subsequent actions of the Councillor were not.

5. **The Litter allegation**

The Councillor's account

The Councillor owns the property 6 Priors Harnell as disclosed on his register of interests. It has an open frontage, of grass, onto the pavement of the public highway. It had been tenanted but became vacant in November 2015. The neighbours had complained to the Councillor about litter, saying it was caused by the bins opposite, i.e. the commercial waste bins serving the Complainant's shop.

On the morning of the 4th January litter pickers were working in the street. The Councillor spoke to them initially to ask them whether they had complained about the bins. They had not and he therefore went to the shop to do so.

Note: Events at this point are dealt with in the abuse allegation section.

After leaving the shop, the Councillor went to speak to the litter pickers. There was litter in the open frontage of his property and he asked the litter picker whether there was a policy that they pick up that litter. The Officer didn't know and said 'speak to my supervisor'.

The Councillor went to the other litter picker who had been identified to him as the supervisor and asked him what they did about that type of litter. The supervisor told him

that it was private property and they were not insured and could not pick up the litter. The Councillor said thank you and left them.

The Councillor picked up the litter himself a few days later, two black bags worth.

The litter pickers did not go into the front garden and only picked up litter from the boundary of the pavement/private property but did not do so at the Councillor's instruction or request.

The supervisor made an assumption that the property was owned by Whitefriars Housing Association as he said that if Whitefriars gave consent they would do it. The Councillor did not say he was the owner but said 'you do whatever you want to do'.

The Councillor emailed his PA at 11.30am on the 4th January in the following terms:

"Subject: Tom White bins on the pavement spreading rubbish on the street.

Attached are the photos of the problem along the Harnell Lane caused by the bins. These bins should not be kept there. They should be kept in there (sic) Yard at the side. Please request the street wise to deal with the problem". The photos are attached as **Appendix 4**.

Complainant's account

The Complainant saw the Councillor speaking to the litter pickers but could not give any evidence as to what was said.

The Complainant confirmed that he only saw litter picked from the verge, not the private property.

The Complainant spoke to the litter picker after the Councillor left who told him that he (the Councillor) wanted me (the litter picker) to pick up the rubbish from the garden.

The litter picker told the Complainant that he had told the Councillor that they were not allowed to go into gardens but that if the Councillor wanted him to then he should speak to his supervisor.

‘Litter Picker’ account

The ‘litter picker’ (‘LP’) was working in a team of two and was also the driver. The Councillor approached them and introduced himself as Councillor Birdi. The Councillor commented on how dirty the area was, pointed to the trade bins and asked him to clean around them. LP pointed out that they were private bins from Tom White.

The Councillor said the overspill was blowing in the street and LP said yes, that was for him to pick up.

The Councillor was looking at the gardens and said why aren’t you cleaning there? LP said it was up to Whitefriars. The Councillor said they’re not Whitefriars, they’re private. LP said we can’t do private houses. The councillor said its Council litter that’s blown in. LP said I can’t control the weather.

The Councillor asked can you do the garden. There was only one property without a fence. LP said no. The Councillor said give me the name of your supervisor. LP said he didn’t have the number but told the Councillor his name.

The Councillor then left them. The Complainant then came across to them and told them what happened in the shop and LP told the Complainant what the Councillor had asked. The Complainant told LP that he thought the Councillor owned the property.

LP confirmed that they only cleaned the verge and not the front garden.

Findings

It is common ground that the litter pickers did not clear the Councillor’s private property of litter.

There is a conflict of evidence as to whether the Councillor requested the litter pickers to do so. By the Councillor’s account he simply made an enquiry. By LP's account the Councillor made a request.

On the balance of probabilities, my finding is that the Councillor made a single request to the LP to clear his garden. The Officer refused. The Councillor took no for an answer and

did not argue the point or make any further representations in his private cause. The Councillor cleared the property himself a few days later.

The only follow up on the Councillor's part was his email of the 4th January and this was not directed to or concerned with his private property, but rather the overflowing bins.

6. **Applicability of the Code to Findings**

In relation to the abuse allegation my finding that the Councillor racially abused the Complainant is a breach of the Code as it is a failure to treat people with respect.

In relation to the Trading Standards allegation my finding that the Councillor threatened the Complainant is a breach of the Code as it is a failure to treat people with respect.

In relation to the litter allegation, I do not consider that my findings reveal a breach of the Code. Whilst I recognise that it may be argued that the Councillor ought not to have made the request in the first place, it seems to me that having been told no the Councillor respected the answer and did not follow up the request other than pursuing the wider litter/bins issue which was an issue of public interest.

APPENDIX 5: DOCUMENT 2

Appendix 2.

CONVERSATION WITH THE SHOP KEEPER:

The shop assistant pointed to the left and said that is the Boss. I turned to the left and saw a man standing behind the pile of boxes.

From the look on his face he looked very angry and frustrated from the fact that someone has actually challenged him regarding the litter on the pavements and the gardens and the road in front of his shop.

He was not interested to talk or discuss or ask why I was visiting his shop. He simply ignored me and moved behind the pile of goods so that there was a barrier between me and him and also he was little bit closer to me.

He shouted at me with words from his mouth which bemused me. He shouted that, "I have no time for Bloody Indians like you and I will only talk if you show me your Bloody Indian Passport."

"If you do not show me the Bloody Indian Passport, I will throw you Bloody Indian out of my Shop."

I asked him, "What have I done that you want to throw me out of your Shop."

He said, " You Bloody Indians are thieves and will steel from my shops if I let you to shop."

I asked him," How can you say that Indians are thieves."

He said, "I have seen you Bloody Indians on the CCTV , you Bloody Indian steal from my shops and you Bloody Indians are Terrorists and look what you Bloody Indians did to my Country." "I have no time for trouble making Bloody Indians like you and I am going to call the Police and throw you Bloody Crafty Indian out of my shop."

From where he was he moved to counter where he picked the Phone and rang the police and told them to come straight away as there was someone in the shop causing trouble and throwing goods all over the place.

When he finished calling the Police, I asked him if the Police are coming. He replied that he doesn't know and I Bloody well can ring them if I want. I said I will wait out side...

APPENDIX 5: DOCUMENT 3

URN	Date & Time	Secure Record	Owner	Operator	Beat
633	04/01/2016 10:45:39	No	CVSD2	57929	CVEE
Initial Class	**Response**	**Crime No.**	**Arrests**	**Date Closed**	**Status**
DISORDER	EARLY		0	04/01/2016 13:17:31	CLOSED

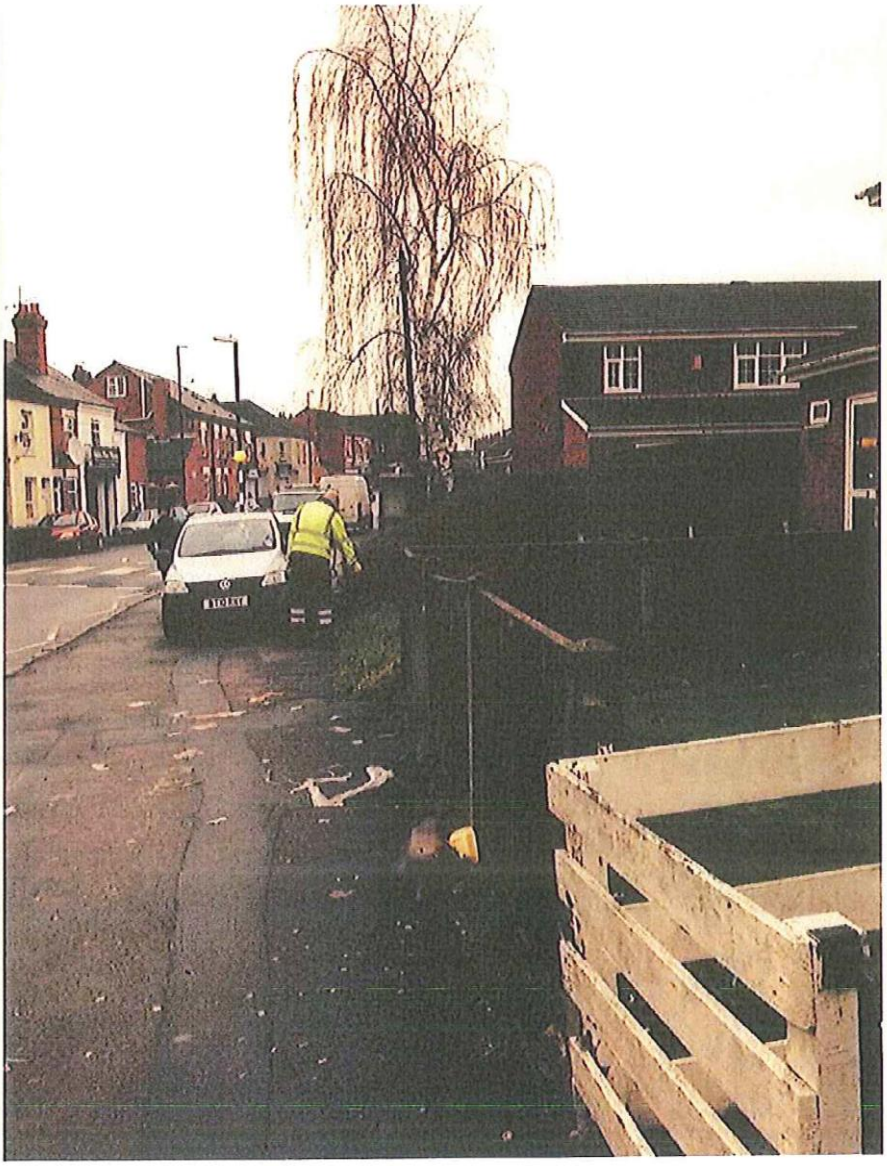
Method Received 999 Call --- Telephone No.:
Caller
Caller Address COVENTRY CV1 5AG
Caller Phone **Ex-Directory :**
Incident Location -COVENTRY-WEST MIDLANDS CV1 5AG
OSGR
Incident Detail CUSTOMER REFUSING TO LEAVE - HES BEING VERBALLY AGGRESIVE TOWARDS ME.
Incident Result COMPLETED TASK/PLAN/ENQUIRY

Updates

04/01/2016 10:48:39 4000 Despatched
04/01/2016 10:48:48 4290 Despatched
04/01/2016 10:50:31 4000 Arrived at Incident
04/01/2016 10:50:32 4290 Arrived at Incident
04/01/2016 12:44:31 CAN YOU ASK FOR UPDATE PLS
04/01/2016 12:45:48 4000 - ALL SORTED. WILL UPDATE VIA WEBOASIS WHEN
04/01/2016 12:45:50 BACK AT THE NICK
04/01/2016 13:16:29 THE MALE WHO HAS GONE INTO CALLERS SHOP IS COUNCILLOR
04/01/2016 13:16:29 JB WHO HAS CHALLENGED THE OWNER
04/01/2016 13:16:29 REGARDS TO LITTERING THE STREET..IT APPEARS THAT THE
04/01/2016 13:16:29 SHOP OWNER HAS PLACED TWO WHEELIE BINS OUT FOR REFUGE
04/01/2016 13:16:29 COLLECTION TODAY MUCH TO THE ANNOYANCE OF THE
04/01/2016 13:16:29 COUNCILLOR. I HAVE SPOKEN TO BOTH PARTIES AND IT THAT
04/01/2016 13:16:29 THE COUNCILLOR HAD A GRIEVANCE WITH THE SHOP OWNER
04/01/2016 13:16:29 WHO IS LAWFULLY AND LEGALLY AWAITING REFUGE
04/01/2016 13:16:29 COLLECTION. ACROSS THE ROAD THE COUNCILLOR IS WITH
04/01/2016 13:16:29 LANDSCAPES COLLECTING RUBBISH FROM HOUSE FRONTAGES.
04/01/2016 13:16:29 NO ISSUES HERE NOW NO OFFENCES LOG UPDATED FOR INFO
04/01/2016 13:16:29 AND CLOSING.

APPENDIX 5: DOCUMENT 4


Quick Shop
CHICKEN



APPENDIX 6

From: Sloan, Ken
Sent: 11 April 2016 20:40
To: Lynch, Helen; Newman, Julie
Subject: Re: Councillor Complaint - Coventry City Council - confidential

Dear Julie and Helen

Apologies for the delay.

I can confirm that I have reviewed the report and supporting document. It is clear that the allegations do relate to and are appropriate for consideration under the Code. The findings seem appropriate and proportionate with regard to the allegations and evidence considered.

I think the investigation has been conducted comprehensively although it will be important to consider the response of Councillor Birdi to the draft report and to see if there are any issues of fact that are challenged.

I would be grateful if you could keep me posted as it progresses.

Best wishes

Ken

Ken Sloan
Registrar and Chief Operating Officer
University House
University of Warwick
Coventry
CV4 8UW

Tel: +44 (0) 2476 523704

APPENDIX 7

Comments and Notes relating to the report of the I.O. Jeremy Thomas relating to the complaint against Councillor Birdi. Date 12th April 2016.

Refer Page 1:

It should be noted that the time from the alleged incident to the to the complaint being submitted was some 11 Days While bearing in mind the severity placed on the incident by the complainant, and his actions in phoning the police and also contacting the Coventry Telegraph .

Refer Page 2:

Para 1: The CCTV needs to be re-introduced into the enquiry as it contains evidence in support of my (Cllr Birdi) statement as to the timing of the conversation with complainant and the customers statement

Another point to be made about the CCTV is that it only covers a very short period of the incident .The reason given is that it had been rubbed clean.

My contention is that there is nothing on the CCTV to support the complainant's statement. bearing in mind his quick actions in calling the police and contacting the Telegraph would he not have retained the full tape of the incident to support his statement.

The complainant alleges that the racial comments took place after he called the police but it can be clearly seen in the video that the complainant moving past me (Cllr Birdi).

It also illustrates that I (Cllr Birdi) do not appear to be agitated.

The customer does not mention in his statement the words spoken to him which can be clearly seen on the video.

It also illustrates the complainant finishing his phone call to the police and moving away from me (Cllr Birdi).

Page 3 /4: Complainant's account

The complainant says that he arrived at the shop by van but its stated in my (Cllr Birdi's) statement that the owner /complainant came out from the rear of the shop and the assistant pointed him out to me. The positioning of the owner was pointed out to the I.O but it appears not to have been considered. We are suggesting that the complainant was in the rear of the shop all the time. The positioning within the store was illustrated to the I. O on a sketch of the shops interior which was submitted to the I.O but has but been in included in the I.O's report.

1

Page 3 & 4 Contd:

Refer Para 4 & 5:

The complainant states that I said "I know you are a Sri Lankan .I have Sri Lankan friends. " Is denied.

To suggest that you would know what country a person came from by the tone of their skin is not believable even for a person from the sub-continent.

There are many people living in this country with various shades of skin who were born here and why would I (Cllr Birdi) make that statement bearing in mind I was not born in this country.

Refer Page 5:

Shop Assistants account: (Note. There was also two other assistants in the shop during the time of the alleged incident)

Refer Para 1 to 4: It is unlikely that the shop assistant is going to do anything other than agree with his boss's statement

Customer account:

Refer Para 1:

The CCTV footage is introduced into customer statement without proof and the ability to see the CCTV

There is no understanding of when the Customer arrived on the scene and how much he heard or observed .The customer at the same time does not mention what Cllr Birdi said to him which can be clearly seen on the CCTV footage.

Was the customer shown the complainant's statement or mine?

Refer Page 6:

Police account:

Refer Para 3:

The police clearly state that the complainant made no complaint about any racial abuse and thus it is not recorded by them.

WHY bearing in mind that the main complaint made to the council is about Racial abuse.

It's my contention that he did not say anything to the police because nothing had been said and he would not wish to have told the police a lie.

Also according to the police he makes the reference to Muslim having in his statement, yet accused Cllr Birdi of mentioning Sri Lankan's

Para 6:

Why should a **Police** statement be treated with caution. It is a statement of fact which the CCTV footage also proves.

Findings:

Refer Page 7:

Para e:

I do not accept the I.O judgement as he has no base for his decision other than complainant statement that I (Cllr Birdi) would know his country of origin by the tone of his skin.

His judgement should be based on his (I.O) view not the complainant's statement/view.

Para f:

The fact that he was married to an Indian lady does not prove anything and certainly does not prove that he did not make the comments stated by Cllr Birdi.

Para g:

When I qualify myself as "a coolest person ever "means that I am coolest in my mind.

Refer Page 9:

Customer appears to recall alleged threat but is unable to recall anything else although it can be clearly seen on the CCTV that I (Cllr Birdi) spoke to the customer.

Refer Page 10:

Para 1:

This statement clearly shows others concerns about these premises and justifies my (Cllr Birdi's) actions. I did not issue any threats of closure.

The complainant statements says that I called a supervisor by phone which I did not and my phone records are available as proof.

Refer Page 14:

Para 1:

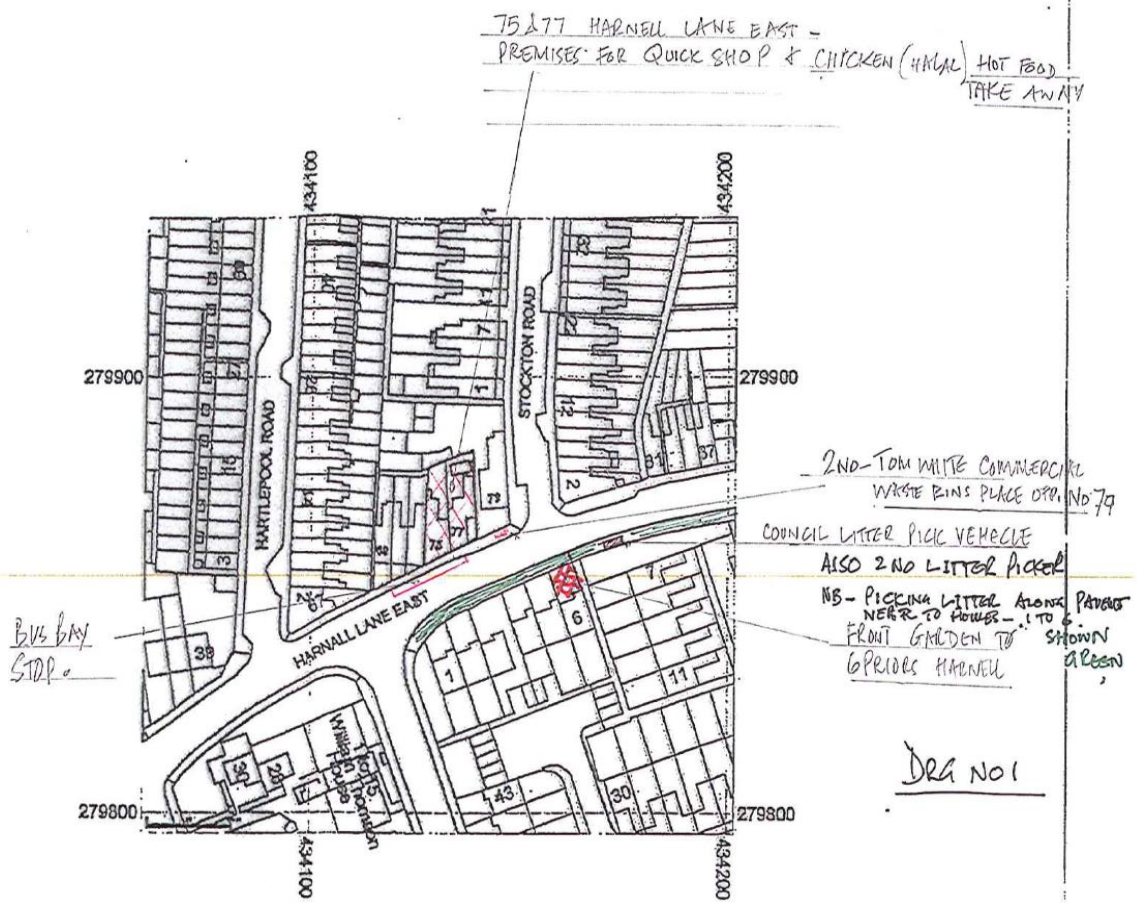
There is clearly no evidence to justify this statement it is just the complainants word against mine and he can provide no evidence to support his allegations apart from two witnesses whose statements I have covered in Page 5 Para 1to 4 and Para 1.

Para 2:

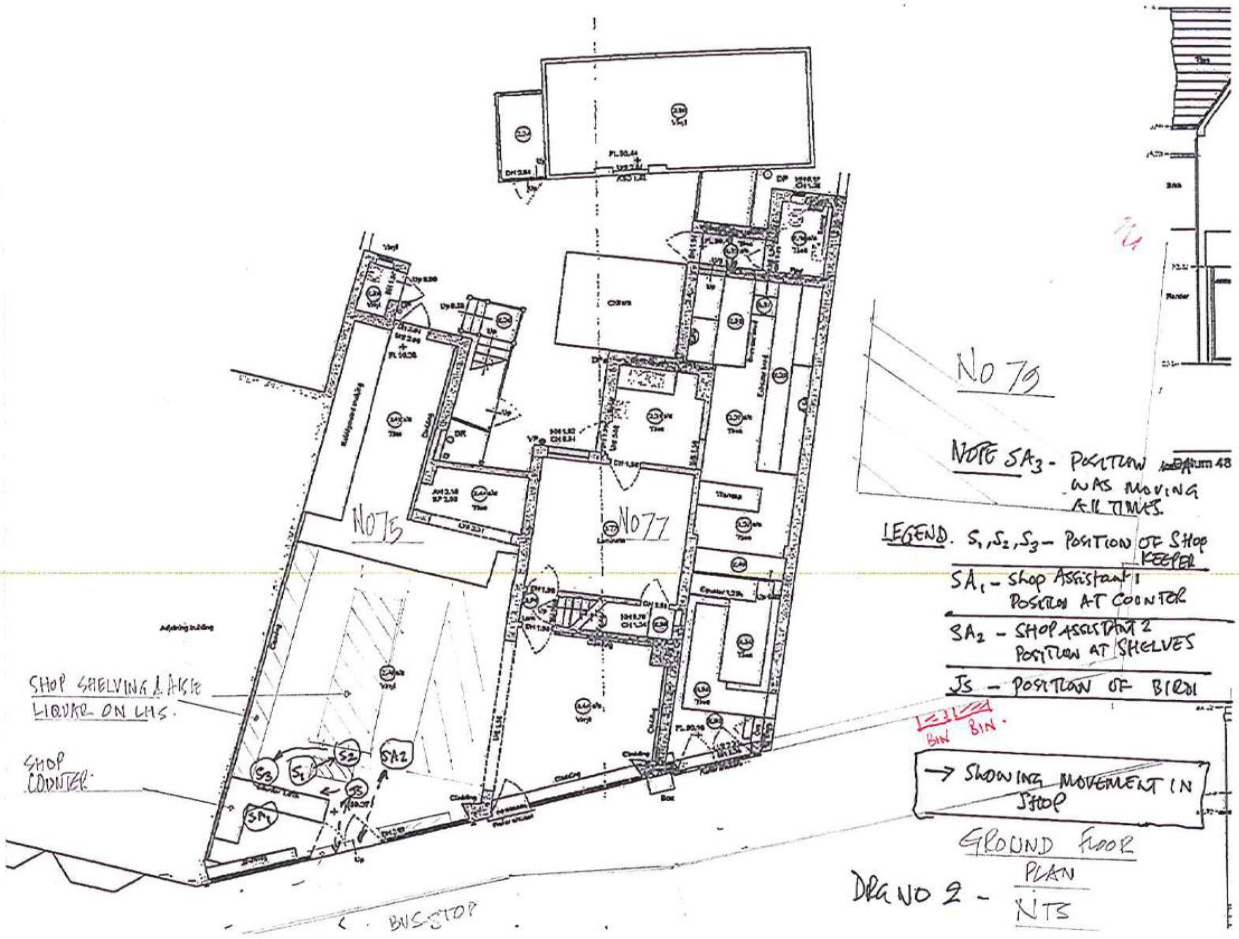
There is no evidence to support the IO's decision.

JSB1

APPENDIX 7 DOCUMENTS JSB1 TO JSB 7



JSB2


NO 76
NOTE SA3 - POSITION WAS MOVING ALL TIMES.
LEGEND. S1, S2, S3 - POSITION OF SHOP KEEPER
SA1 - SHOP ASSISTANT 1 POSITION AT COUNTER
SA2 - SHOP ASSISTANT 2 POSITION AT SHELVES
JS - POSITION OF BIRDI
BIN
BIN.
→ SHOWING MOVEMENT IN SHOP
GROUND FLOOR PLAN
DRG NO 2 - NTS
NO75
NO77
SHOP SHELVING & RACK LIQUOR ON LHS.
SHOP COUNTER.
BUS STOP
S1
S2
S3
SA1
SA2
SA3

JSB3

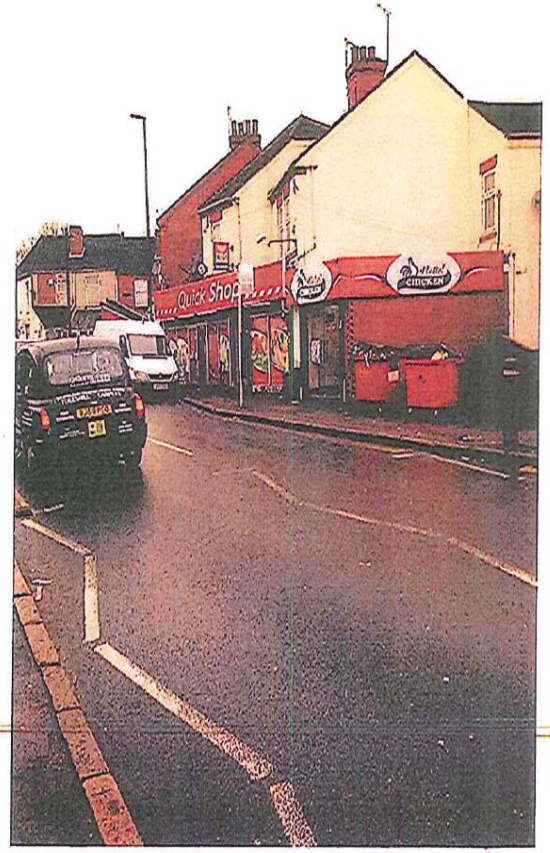


PHOTO SHOWING SHOPS -
QUICK SHOP & HALAL CHICKEN
PHOTO 1

JSB4

COMMERCIAL BINS. OUTSIDE : 79 HARLTER LANE EAST

BELONG TO 75 & 77 HARLTER LANE EAST

PHOTO 2

JSB5

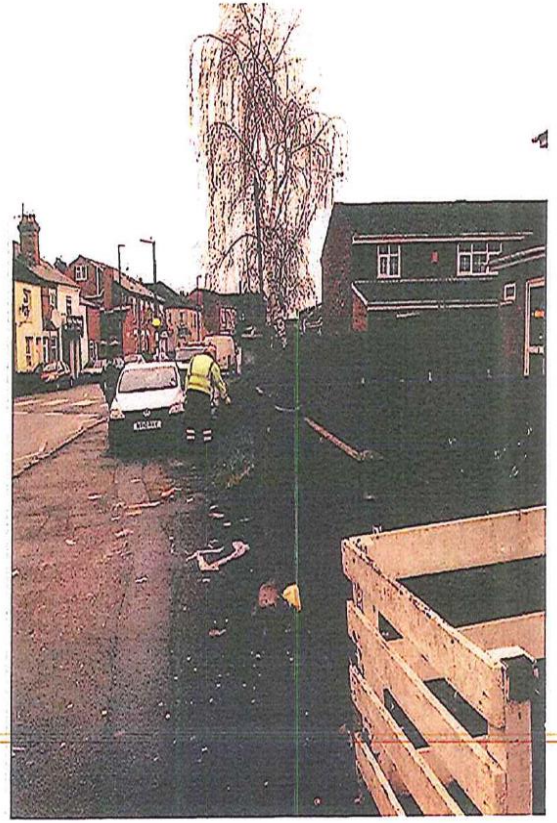


PHOTO SHOWING
LITTER PICKER PICKING
LITTER. ALONG PAVEMENTS
FOR HOUSES 1 to 6 PRIORY HAVEN
SOME LITTER STILL TO BE PICKED
UP
PHOTO 3

Lebara Call Log 1st Jan 2016 JSB6

Destination No	Destination Name	Date and Time	Minutes	Seconds
442476831101	Premium SMS MT	04-Jan-2016 10:59:35	1	20
442476831100	Premium SMS MT	04-Jan-2016 10:48:59	0	16
44121	Premium SMS MT	04-Jan-2016 10:48:44	1	5
442476551200	Premium SMS MT	04-Jan-2016 09:44:06	0	32
447931364268	Lebara-Lebara Free	04-Jan-2016 09:28:00	0	0
447854635196	United Kingdom-Mobile-Orange	04-Jan-2016 09:17:53	1	11
447766628544	United Kingdom-Mobile-Vodafone	04-Jan-2016 09:16:56	0	2
447854635196	United Kingdom-Mobile-Orange	04-Jan-2016 09:16:14	0	2
447931364268	Lebara-Lebara Free	04-Jan-2016 09:03:48	0	0
442476551200	Premium SMS MT	04-Jan-2016 08:20:15	1	19
447931364268	Lebara-Lebara Free	04-Jan-2016 08:18:20	0	0
			4	107

JSB7

Charged Duration	Charge	Type	Account Charged	Roaming
120	0.000	VOICE	UK Minutes	
60	0.000	VOICE	UK Minutes	
120	0.000	VOICE	UK Minutes	
60	0.000	VOICE	UK Minutes	
0	0.000	SMS		
120	0.000	VOICE	UK Minutes	
60	0.000	VOICE	UK Minutes	
60	0.000	VOICE	UK Minutes	
0	0.000	SMS		
120	0.000	VOICE	UK Minutes	
0	0.000	SMS		
	0.000			

APPENDIX 8:

COMPLAINT AGAINST
COUNCILLOR JASWANT SINGH BIRDI

INDEPENDENT INVESTIGATOR'S REPORT

Introduction

My background

1. My name is Matt Lewin. I am a self-employed barrister practising from Cornerstone Barristers, 2-3 Gray's Inn Square, London, WC1R 5JH. I specialise in the fields of local government and public law, and most of my work consists of acting for and against local authorities and central government departments. I was a co-author of the leading work on the subject of councillors' conduct: *Cornerstone on Councillors' Conduct* (Bloomsbury, 2015).

The scope of my instructions

2. I have been instructed by the Monitoring Officer of Coventry City Council ("the Council") to act as the Independent Investigator into a complaint made to the Council by Mr Nagarajah Kuraparan ("Mr Kuruparan") against Councillor Jaswant Singh Birdi ("Cllr Birdi").

3. I have produced this report which makes findings about what happened on 4 January 2016 and which, in the light of those findings, makes recommendations to the Council's Ethics Committee about whether or not Cllr Birdi breached the Council's Code of Conduct and, if he did, what might be the appropriate sanctions. The final decision is not mine and lies exclusively with the Ethics Committee.

The relevance of the previous Independent Investigator's report

4. Sadly, I am the second Independent Investigator appointed by the Council to investigate this complaint. The Council initially appointed Mr Jeremy Thomas, Monitoring Officer at Oxford City Council, who produced a report in March 2016. That report was published and was due to be considered at a meeting of the Ethics Committee on 12 September 2016. Tragically, Mr Thomas died on 11 September 2016 and the meeting was adjourned. I have been instructed to act as the Independent Investigator in order to progress this complaint to a resolution.

5. I have had regard to Mr Thomas' report and its appendices in producing my report. I will give their contents such weight as I consider appropriate.

6. In particular, I take into account the fact that Mr Thomas carried out his investigation not long after the incident complained of and therefore the witness' recollections were likely to have been fresher. I also take into account the fact that Mr Thomas' report was published and the risk that all witnesses may have read it and, as a result, may consciously or unconsciously adapt their evidence in the light of Mr Thomas' findings. In principle, therefore, I consider Mr Thomas' report of relevance and of assistance to my own investigation.

7. Although I interviewed Mr Kuruparan and Cllr Birdi personally, I did not carry out fresh interviews with the other witnesses Mr Thomas interviewed in the course of his investigation. For the reasons given in paragraph 6 above, I did not consider it necessary or of assistance to do this. I will therefore rely on Mr Thomas' accounts of his interviews with those witnesses, taking into account any evidence capable of undermining the reliability of their accounts. I will rely on both my own and Mr Thomas' interviews with Mr Kuruparan and Cllr Birdi.

Documentary evidence

8. I have considered the following documents in producing this report:

   (a) report to Ethics Committee authored by Carol Bradford, dated 2 September 2016;

   (b) the Council's Code of Conduct for Elected and Co-Opted Members Coventry City Council ("the Code");

   (c) the Council's Complaints Protocol;

   (d) account of Mr Kuruparan's complaint, dated 15 January 2016;

   (e) initial consideration of complaint, dated 27 January 2016;

   (f) email correspondence between Cllr Birdi and Council officers relating to litter on Harnell Lane East, dated 4 January 2016;

   (g) Northgate screen grabs relating to Cllr Birdi's referral to Trading Standards;

   (h) Coventry Telegraph article, "Watch: Police called after heated exchange between Coventry Councillor and shop owner" and CCTV footage embedded in that article, coventrytelegraph.net, accessed 9 November 2016;

   (i) Mr Thomas' report, dated March 2016;

   (j) Cllr Birdi's undated written statement, "Conversation with the Shop Keeper";

(k) police CAD report dated 4 January 2016;

(l) email from Mr Ken Sloan, the Council's Independent Person, dated 11 April 2016;

(m) Cllr Birdi's written comments on Mr Thomas' report, dated 12 April 2016;

(n) documents "JSB1"-"JSB7" provided by Cllr Birdi;

(o) Ethics Committee Code of Conduct Hearing Procedure Note; and

(p) email correspondence between Cllr John Blundell and Julie Newman dated 6 October 2016 and 13 October 2016.

The complaint

9. Mr Kuruparan made his complaint via an interview with an officer of the Council which took place on 15 January 2016. The complaint arose from a brief incident which took place at and in the vicinity of his shop, Quickshop, on Harnell Lane East on 4 January 2016.

10. The interview resulted in seven separate allegations that Cllr Birdi had breached the Code.

11. As for the first three allegations – (a), (b) and (c) – which relate to Cllr Birdi's concerns about litter on Harnell Lane East and how he sought to raise these directly with Mr Kuruparan, I find these are entirely without merit and can deal with them summarily. Cllr Birdi's concerns about litter appear to me to be legitimate subjects of public concern and he was plainly acting in the public interest by raising such concerns as he had about litter on Harnell Lane East. He was entitled to do so both as a councillor and as a citizen. He was under no obligation to refer these to the local ward councillor.

12. The real issue in this complaint is *how* Cllr Birdi sought to raise his concerns with Mr Kuruparan about litter on Harnell Lane East. There is a related issue which concerns Cllr Birdi's dealings with litter pickers employed by the Council shortly after the confrontation between himself and Mr Kuruparan.

13. In essence, Mr Kuruparan's complaint rests on three core allegations:

(a) Cllr Birdi's conduct was aggressive and abusive, specifically racially abusive;

(b) Cllr Birdi threatened to close down Mr Kuruparan's premises and abused his power by referring the premises to Trading Standards; and

(c) Cllr Birdi abused his power by getting Council litter pickers to clear rubbish from front garden of a property owned by him.

14. I put these three core allegations to both Mr Kuruparan and Cllr Birdi and each accepted them as a fair summary of Mr Kuruparan's complaint.

The evidence

Matters not in dispute

15. Mr Kuruparan owns and manages the Quickshop on Harnell Lane East. Mr Kuruparan also owns the takeaway immediately next door to the Quickshop. Cllr Birdi owns a property, which is declared on his register of interests, at 6 Priors Harnall, which has a front garden on Harnell Lane East.

16. Cllr Birdi attended the Quickshop at around 10.30 on 4 January 2016 to raise concerns about litter on Harnell Lane East, which he believed was caused (at least in part) by the commercial bins used by the Quickshop and the takeaway next door. Both Mr Kuruparan and Cllr Birdi agreed that there was a problem with litter – in particular litter from fast food takeaways – on Harnell Lane East. On 4 January 2016, the bins used by the Quickshop and the next door takeaway were full and were awaiting collection by the commercial refuse collector later that day.

17. language was used. As a result of this confrontation, Mr Kuruparan called the police, who attended the Quickshop at around 10.50. Both Mr Kuruparan and Cllr Birdi were spoken to. No offences were suspected and no arrests were made.

18. Litter pickers employed by the Council were working on Harnell Lane East at the time of the incident. Cllr Birdi spoke to them.

19. Cllr Birdi contacted the Council's Trading Standards department about the sale of alcohol at the Quickshop. Trading Standards officers carried out an unannounced inspection of the Quickshop later on 4 January 2016 but found nothing of concern.

Mr Kuruparan

20. I interviewed Mr Kuruparan on 9 November 2016. Mr Thomas also interviewed Mr Kuruparan.

21. Mr Kuruparan is a British citizen and was born in Sri Lanka. He has lived in the UK since 1988. He is married to a woman from the Punjab in India.

22. Mr Kuruparan was content to stand by the account he gave at his interview on 15 January 2016. In summary, Mr Kuruparan had been at a doctor's appointment on the morning of 4 January 2016 and returned to the Quickshop at around 10.30. He saw a man (who he did not, at that moment, know was Cllr Birdi) in conversation with one of his employees: there was "tension" between the two and his employee looked "unhappy". On identifying himself to the man as the owner of the Quickshop, the man began to complain about litter. Mr Kuruparan said that the litter did not come from his shop and was not his responsibility. The man insisted that the litter was coming from the Quickshop bins. Mr Kuruparan said to the man that he did not have time for this, that he was busy, and that the man should take up his complaint with the Council. He asked the man to leave the shop.

23. According to Mr Kuruparan, the man refused to leave and raised his voice. Mr Kuruparan threatened to call the police. The man told him to call the police and Mr Kuruparan did so. In response to this call, Mr Kuruparan said that the man became more aggressive and said to him: *"You bloody Sri Lankan, you asking me to get out. How the hell you bloody Sri Lankans got into the country."* Mr Kuruparan, upset by this, responded: *"You may have come by boat but I came by aeroplane."* The man replied: *"I've got a British passport. Do you have a British passport?"* Mr Kuruparan's reply was: *"I got a British passport before you got a British passport."*

24. The man then said: *"You don't know who I am. I will make sure I shut your place down."* Mr Kuruparan queried this. The man then identified himself as a City Councillor and then went to collect his Council identity badge from his car – which was parked near the Quickshop – and showed it to Mr Kuruparan.

25. Cllr Birdi then left the Quickshop and crossed the road to have a conversation with the litter pickers. Mr Kuruparan did not directly hear what was said between them. Mr Kuruparan later spoke to one of the litter pickers who told him that Cllr Birdi had asked the litter pickers to "*clear the garden"* of Cllr Birdi's own property. Mr Kuruparan did not see the litter pickers go into that garden but did see them picking up litter from the street and verge. Cllr Birdi waited outside the Quickshop until the police arrived.

26. Mr Kuruparan sought to make only one, important clarification to the evidence obtained by Mr Thomas. He took issue with one aspect of the evidence given to Mr Thomas by PC Cooper, one of the police officers who attended the Quickshop on 4 January 2016, and who spoke with Mr Kuruparan. According to Mr Thomas' report, PC Cooper:

> *"... did not receive any account of racial abuse beyond [Mr Kuruparan] saying that the Councillor didn't like him because he was a Muslim."*

27. Mr Kuruparan said this was inaccurate. Mr Kuruparan said that he told the police: "*If he [Cllr Birdi] can be racist, making a racist comment about me like that, he can make racist comments about other ethnic minorities, Muslims and everybody."* Mr Kuruparan said that he is not a Muslim and that he would not have told PC Cooper that he was a Muslim. Mr Kuruparan said he had used the word "*Muslim"* and that PC Cooper must have misinterpreted what Mr Kuruparan had said.

28. In response to my question, Mr Kuruparan repeated to me what he said to Mr Thomas: that people of Sri Lankan heritage and North Indian heritage have different complexions and that "*you can tell"* the difference. Mr Kuruparan denied using the words attributed to him by Cllr Birdi. Mr Kuruparan also repeated his assertion that the majority of convenience shops like the Quickshop are owned by people of Sri Lankan heritage.

29. Mr Kuruparan said that he believed that Cllr Birdi had made a serious threat to close down his business. He said that the way Cllr Birdi behaved – *"his action and the way he's talked to people, no politeness, the way he was shouting"* – showed that "*he hasn't got no respect for other people"* [sic]. Mr Kuruparan said that he was "*hurt and upset by [Cllr Birdi's] comments, the way he has spoken to me racially"*. Mr Kuruparan said that he was concerned about the account of the incident given by Cllr Birdi and accused Cllr Birdi of lying and trying to cover up things, rather than making a public apology.

Cllr Birdi

30. I interviewed Cllr Birdi on 9 November 2016. He was accompanied by Cllr Taylor. Mr Thomas also interviewed Cllr Birdi.

31. Cllr Birdi was elected in May 2014. He said that he understood the Code and that he had received training and/or an explanation of it. He owns 6 Priors Harnall which is declared on his register of interests.

32. Before 4 January 2016, Cllr Birdi had never had any dealings with the Quickshop or Mr Kuruparan. On 4 January 2016 he was at 6 Priors Harnall overseeing renovations. He had a conversation with the litter pickers about litter on the street and said that they had told him that the Quickshop bins were the cause but that their job was to clear the litter and not to deal with its causes. Cllr Birdi inspected those bins which he said were overflowing and quite smelly. He showed me a photo (JSB4) of the bins that day and, while the lid is down, the litter in the bins appears to exceed their capacity.

33. Cllr Birdi then moved into the shop and spoke with one of the assistants. He was told the owner was not there. He said that he went out to look at the bins with the shop assistant. They came back into the shop and Cllr Birdi was about to start a conversation with the assistant when it was pointed out to him that the owner (Mr Kuruparan) was in the shop. Cllr Birdi showed me a plan of the Quickshop (JSB2) and pointed out Mr Kuruparan's location when he first saw him. Cllr Birdi did not believe Mr Kuruparan could have come through the front door and said that his theory was that Mr Kuruparan had come through the back door of the shop. Cllr Birdi believes that Mr Kuruparan had been in the shop already and had overheard the conversation between Cllr Birdi and the assistant about litter.

34. Cllr Birdi explained that, in response to the article published by the Coventry Telegraph, he had produced a written statement which he had submitted to Mr Thomas. He wished to stand by that statement and read it out to me in our interview.

35. Cllr Birdi maintained that there was no conversation between himself and Mr Kuruparan and that the first thing Mr Kuruparan said to him was to shout: *"I have no time for Bloody Indians and I will only talk to you if you show me your Bloody Indian Passport"*. Mr Kuruparan then shouted: "*If you do not show me the Bloody Indian Passport, I will throw you Bloody Indian out of my Shop."* When Cllr Birdi asked what he had done to justify being thrown out of the Quickshop, Mr Kuruparan shouted: *"I have seen you Bloody Indians on the CCTV, you Bloody Indian steal from my shops and you Bloody Indians are Terrorists and look what you Bloody Indians did to my Country. I have no time for trouble making Bloody Indians like you and I am going to call the Police and throw you Bloody Crafty Indian out of my shop."* Mr Kuruparan then called the police from a phone by the counter of the Quickshop and told the police that "*they should come straight away as there was someone in the shop causing trouble and throwing goods all over the place."*

36. Cllr Birdi denied using the words attributed to him by Mr Kuruparan. He said that he didn't know where Mr Kuruparan was from and that "*he could be from anywhere on the [Indian] sub-continent, it would have been foolish to pin him unless I know him personally."* I put to Cllr Birdi Mr Kuruparan's assertion that the majority of convenience shops are owned by people of Sri Lankan heritage. Cllr Birdi did not dispute this assertion but said that he was not an investigator.

37. Cllr Birdi told Mr Thomas that he had been "*the coolest person ever",* referring to his state of mind during the incident.

38. Cllr Birdi also denied making a threat to shut down the Quickshop. He said that this would have been contrary to his role as a Councillor, which is to help businesses. He said to me: *"I*

am there to keep that shop open, my intention was not to close it down, but to find out if the City Council could help him to reduce the litter. He didn't want to discuss it." Cllr Birdi said that he made his referral to Trading Standards because he was worried about the age of the people working at the Quickshop. He said this was a routine referral and that he was entitled to do so as a Councillor.

39. Cllr Birdi said that he had asked the litter pickers what they did about litter in private gardens. He showed me a map of Harnell Lane East (JSB1) and described that there was a "hard verge" between the front gardens of the properties adjoining the street and the pavement. He said that litter frequently blew into those gardens. Cllr Birdi was told by the litter pickers that they could not pick up litter from private properties and needed permission of the residents to do so. They referred to Whitefriars which, Cllr Birdi told me, is a local housing association which, Cllr Birdi understood, had some kind of agreement with the litter pickers for them to pick up litter from their properties. Cllr Birdi said thank you to the litter pickers and told them to carry on, which was the end of their conversation. He did not ask them to pick up any particular litter and said that no litter was picked up because he himself had subsequently collected two of three bags full of litter from his garden a few days later. If the litter pickers had been under the impression they were being asked to clear Cllr Birdi's garden, then it was a misunderstanding.

Cllr Taylor

40. Cllr Taylor made some comments about the adequacy of Mr Thomas' investigation. He drew my attention to some inconsistencies in the evidence: in particular, the clear absence in the police's evidence of any reference to racist abuse. Cllr Taylor said this was significant because it "*totally contradicts what [Mr Kuruparan] is saying."*

Other witnesses

41. Mr Thomas interviewed several other witnesses:

    (a) Mr Naroon, Quickshop shop assistant.

        Mr Naroon confirmed that he had had a conversation with Cllr Birdi before Mr Kuruparan arrived at the Quickshop. He essentially corroborated Mr Kuruparan's complaint.

    (b) Customer of the Quickshop.

        A customer was present in the shop at the time of the incident and is visible in the CCTV footage. The customer said that he felt that Cllr Birdi was being abusive towards Mr Kuruparan.

    (c) Police officers.

According to Mr Thomas' report, PC Cooper said that he/she "*did not receive any account of racial abuse beyond [Mr Kuruparan] saying that the Councillor didn't like him because he was a Muslim. PC Cooper described [Mr Kuruparan] as upset rather than agitated and was of the view that [Mr Kuruparan] had felt threatened by the Councillor."*

PC Francis confirmed that Cllr Birdi was remonstrating about litter bins and described Cllr Birdi as agitated.

(d) Litter Picker.

Mr Thomas interviewed one of the litter pickers employed by the Council. He said that Cllr Birdi asked him to clear the garden of his property. The litter picker refused and did not clear the garden.

CCTV evidence

42. The only surviving CCTV evidence is that embedded in the Coventry Telegraph's online article. I have looked at the CCTV and find it of no assistance whatsoever and place no reliance on it. Despite a suggestion to the contrary by Cllr Taylor, I find nothing significant in the fact that the CCTV footage of the incident was not retained.

Findings

The first core allegation: Cllr Birdi's conduct was aggressive and abusive, specifically racially abusive

43. As Mr Thomas also found, there is a remarkable and puzzling conflict between the accounts given by Mr Kuruparan and Cllr Birdi of the words allegedly used by the other party.

44. The difference between the two accounts is so stark, that I am inclined to believe that only one could be accurate. On balance, having carefully considered the evidence as a whole, I conclude that Mr Kuruparan's is the more likely account. I come to this conclusion based on the following factors:

(a) Cllr Birdi's account is inherently implausible. It does not make sense that Mr Kuruparan would immediately launch into a racist diatribe in the manner alleged by Cllr Birdi or that he would demand to see Cllr Birdi's passport. Unlike Mr Kuruparan's account, it lacks nuance. It is inconsistent with the evidence obtained from the police in that: PC Francis described Cllr Birdi's manner as "*agitated"* whereas Cllr Birdi's account is that he remained calm; and there is no reference in the CAD report or from the police officers that Mr Kuruparan had said that Cllr Birdi was throwing goods around the Quickshop;

(b) Mr Kuruparan's account is more balanced and he accepts that he was upset. He appeared to me to be sincere in what he was saying and to have a real sense of grievance about Cllr Birdi's misconduct;

(c) Mr Kuruparan's account is corroborated by both Mr Naroon and the Customer. While I accept that Mr Naroon is Mr Kuruparan's employee, I do not see that this, of itself, makes his evidence unreliable. The Customer is an independent third party and I do not accept Cllr Taylor's suggestion that the CCTV footage undermines the reliability of the Customer's account: the CCTV footage is inconclusive;

(d) I accept Mr Kuruparan's explanation for the absence, in the police evidence, of a clear reference to racist abuse. I find that Mr Kuruparan would not have told PC Cooper that he was a Muslim if he was not, in fact, a Muslim. I accept that PC Cooper misinterpreeted what he/she was told by Mr Kuruparan and that Mr Kuruparan did make the allegation described in paragraph 27 above; and

(e) I find it unlikely that Cllr Birdi would have been unaware that Mr Kuruparan was of Sri Lankan heritage. I accept Mr Kuruparan's account that this would have been apparent from his complexion. As a secondary consideration, I also bear in mind that while I have seen no quantitative evidence to support Mr Kuruparan's assertion that the majority of convenience shops like the Quickshop are owned by people of Sri Lankan heritage, Cllr Birdi did not dispute this assertion and it seems to me to be plausible that many such shops are owned by people of Sri Lankan heritage.

The second core allegation: Cllr Birdi threatened to close down Mr Kuruparan's premises and abused his power by referring the premises to Trading Standards

45. On balance, having considered carefully the evidence as a whole, I find that Cllr Birdi did make a threat to close down the Quickshop. I do so for the following reasons:

(a) I accept the accuracy of Mr Kuruparan's account in respect of the first core allegation and therefore am inclined to accept the accuracy of his account in respect of the second core allegation. By the same logic, I am inclined not to accept Cllr Birdi's account;

(b) Mr Kuruparan's account is corroborated by Mr Naroon and the Customer;

(c) Cllr Birdi's subsequent action in referring the Quickshop to the attention of Trading Standards is consistent with his having made the threat to shut down the Quickshop.

46. However, leaving aside the threat, I find nothing improper in Cllr Birdi's referral. He said, and I accept, that he was concerned about the ages of the people working there. This is a

legitimate issue of public concern. Moreover, there was nothing intemperate in his referral and it was expressed in neutral terms.

The third core allegation: Cllr Birdi abused his power by getting Council litter pickers to clear rubbish from front garden of a property owned by him

47. On balance, having considered carefully the evidence as a whole, I find that Cllr Birdi did ask the litter pickers to clear his private garden. I do so for the following reasons:

    (a) I find Cllr Birdi's account to be unreliable in respect of the first and second core allegations and am therefore inclined to believe that his account is unreliable in respect of the third core allegation;

    (b) the Litter Picker's account given to Mr Thomas is consistent with what Mr Kuruparan says he was told by the Litter Picker.

Breaches of the Code

The first core allegation: Cllr Birdi's conduct was aggressive and abusive, specifically racially abusive

48. I find that this allegation is well-founded. Therefore I conclude that Cllr Birdi breached paragraphs 3(j) and 3(k) of the Code:

> *3. As a Member of Coventry City Council I will act in accordance with the principles in paragraph 2 and, in particular I will:*
>
> *(j) Always treat people with respect, including the organisations and public I engage with and those I work alongside.*
>
> *(k) Provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Council.*

The second core allegation: Cllr Birdi threatened to close down Mr Kuruparan's premises and abused his power by referring the premises to Trading Standards

49. I find that Cllr Birdi did threaten to close down Mr Kuruparan's premises. Therefore I conclude that Cllr Birdi breached paragraphs 3(j) and 3(k) of the Code.

50. However, I find nothing improper in Cllr Birdi's referral to Trading Standards and therefore conclude that this was not a breach of the Code.

The third core allegation: Cllr Birdi abused his power by getting Council litter pickers to clear rubbish from front garden of a property owned by him

51. I find that Cllr Birdi did request litter pickers to clear litter from the front garden of his own private property. However, I do not consider that this was a breach of the Code. Cllr Birdi was told that the litter pickers could not clear private property and he appears to have accepted what he was told.

Summary

52. In summary, I find that Cllr Birdi breached the Code of Conduct by being aggressive towrads, and using racially abusive language against, Mr Kuruparan. I also find that Cllr Birdi breached the Code of Conduct by threatening to close Mr Kuruparan's premises.

53. As for the balance of Mr Kuruparan's complaint, I consider it unfounded.

Recommendations

54. I emphasise that the final decision whether or not Cllr Birdi breached the Code and, if he did, what sanctions should be applied, lies exclusively with the Ethics Committee.

55. Nonetheless, if the Committee is minded to accept my findings, I recommend the following sanctions in accordance with Section 5 of the Complaints Protocol:

    (a) the Committee should publish its findings in respect of Cllr Birdi's conduct;

    (b) the Committee should send a formal letter of censure to Cllr Birdi;

    (c) the Committee should report its findings to the Council with a recommendation that the Council censures Cllr Birdi; and

    (d) recommend to the Monitoring Officer that she should arrange appropriate training for Cllr Birdi.

56. I note that the Complaints Protocol makes no provision for requiring Cllr Birdi to apologise for his conduct. Nonetheless, I recommend that the Committee considers inviting Cllr Birdi to consider offering a public apology for his conduct, as doing so would be consistent with his obligation to adhere to the principles of Accountability and Leadership set out in paragraph 2 of the Code.

Matt Lewin
Cornerstone Barristers
2-3 Gray's Inn Square
London, WC1R 5JH

30 November 2016

JSB/1A

Comments and Notes relating to the report of the I.O. Mr Matt Lewin Relating to the complaint against Councillor Birdi dated 30th November 2016

Please note that the Comments and notes in respect of the Report by previous I O Jeremy Thomas are to be read in conjunction with this report

Refer page 2

Para 7: disagree as there are questions which need to be answered and the need for the witnesses to be interviewed.

Refer Page 4

Para 13 Refute the contents of the a, b, c

a) In the CCTV no Proof
b) No reason for me to close the shop
c) The evidence from litter picker is that they did not clear front garden

Para 14 I have not said that I accept the contents of a, b, c

Para 16 The time I arrived at the shop was 10.40am and not 10.30am

Refer Page 5

Top Para Mr Kuruparan insisted all that the litter did not come from his shops.

Para 17 I never used Abusive language

Para 19 I never contacted the trading standards department regarding the sale of the alcohol from the Quick Shop

Complainant

Refer Page 5

Para 22 Not True Employee did not look Unhappy

Not true I never had the chance to speak

Refer Page 6

Para 23 The contents are different to the contents of first IO report

Para 23 contd No aggression and I was told to ring the police myself if I want to so I left to wait outside and rest is in the CCTV

Para 24 Not true, as I only said that I was a councillor when he was on the phone waiting to be connected to police.

See CCTV Customer/ myself/ Shop Keeper in conversation. I stopped as customer was coming into the shop. Never went to get the badge. Car parked at 50 feet away from shop. No badge shown to the shop keeper only the police saw the badge.

Para 25 Not True shop keeper went past me and the customer and then I left the shop . went to my Car and spoke to the litter pickers about the litter in the garden, then got the badge and waited for police to come.

Para 27 Major proof of evidence not qualified and not questioned and clarify with the police officers concerned and assuming that the officers report was incorrect.

Refer page 7

Para 28 Two conflicting version 1: that there are 81% shops 2: Other that majority shops are .....

The complexion of North Indian should read South Indian.. Note the complexion is not different and is the same...

Para 29 Disagree and elaborate for committee benefit..

Cllr Birdi

Refer Page 7

Para 32 After 2nd line renovations add I was approached by elderly residents of Priors Harnell who complained about the litter on the street and it just happened that the litter pickers were there ....

Add hello chicken after Quick shop...

Para 33 In line 1 after assistant add," who was sitting on the floor stacking shop item on the bottom shelf

When asked if he was DPS the assistant did confirm DPS but infect he wasn't DPS only shop keepers name is licence holder and DPS

If assistant had said he was not the DPS I would have walked away from the shop.

Refer Page 8

Para 34 Did not mention article published in Coventry Evening Telegraph. I only said that I made few note of the conversation as I was so embarrassed by the shop keeper language..

Para 36 I do not comment on matters which I have no information..

Customer/ Police / Assistant

Refer Page 10

Para 41 part b Question what time did the customer arrive? CCTV footage tells different & contradictory facts to Ali B version..

Para 42 Disagree any length of CCTV footage tells a lot of actions and facts...

Findings

Refer Page 11

Para a to e Mr Lewin relying on the views of the shopkeeper and not on his own perception understanding of the facts..

Para e Disagree with the contents

Refer page 12

Para a, b, c Dis agree with contents

JSB/2A

Birdi, Jaswant (Cllr)

From: [redacted]
Sent: 16 December 2016 09:38
To: Birdi, Jaswant (Cllr)
Subject: FW: Cllr Birdi - Convenience Stores

Dear Cllr Birdi

Please see response below, let me know

[redacted]

From: [redacted]
Sent: 16 December 2016 07:55
To: Wilkins, Helen
Subject: RE: Cllr Birdi - Convenience Stores

Hi [redacted]

Please can you pass on the information below to Councillor Birdi.

We as a Directorate don't keep that sort of information but what I did was ask the NNDR section within Resources Directorate and this is what [redacted] has come back with:

The rating list splits properties into various categories one of which is the description. There is a description of "shop & premises" however it does not break it down into the type of shop so it would be very difficult to identify convenience stores.

I can only provide details on those where the ratepayer is a Ltd company so this would restrict the information further as you would not pick up the corner shops etc.

This list would include just under 1,000 properties so are you able to check if this is what Councillor Birdi is looking for before I request the report?

[redacted] – please can you check with Councillor Birdi to see if it's what he'd like?

Many thanks.

[redacted]
Place Directorate
Coventry City Council
Civic Centre 4
Much Park Street
Coventry
CV1 2PY

Tel: 024 7683 1200
Email: [redacted]

www.coventry.gov.uk

From: [redacted]
Sent: 09 December 2016 13:56
To: [redacted]
Subject: Cllr Birdi - Convenience Stores

Dear [redacted]
Response from Cllr Birdi, hope this helps.
[redacted]

From: Birdi, Jaswant (Cllr)
Sent: 09 December 2016 13:50
To: [redacted]
Subject: RE: Convenience Stores

Hi [redacted]
All the convenience store : Small to medium to large : Including Spars: Tesco; Sainsbury; Co-Op : Local Corner Shops , & grocery Shops;; All Added to Give one total :: X
Thanks
Regards
Jaswant

Sent from my Windows Phone

JSB/3A

Subject: The Tamil people also known as Tamilians

From: Coventry Tamils ([redacted]

To: jbirdi[redacted]

Date: Friday, 27 January 2017, 22:02

Dear Mr Birdi,
Please find the attached as requested.
Kind regards
Ari

Coventry Tamil Welfare Association (CTWA)
Registered as a charity in England and Wales
Registered charity number:1093924
http://www.tamils.org.uk

Attachments

- The Tamil people also known as Tamilians.docx (14.28 KB)

The Tamil people also known as Tamilians, or simply Tamils, are an ethnic group who speak Tamil as their mother tongue and trace their ancestry to the Indian state of Tamil Nadu. Tamil people with a population of approximately 76 million living around the world are one of the largest and oldest of the existing ethno-linguistic cultural groups of people in the modern world. Tamils comprise 24.87% of the population in Sri Lanka, 5.91% in India, 10.83% in Mauritius, 5% in Singapore and approximately 6% in Malaysia.

Among languages spoken today, the Tamil language is the oldest written language among the world's languages, between the 3rd century BCE and the 3rd century AD.

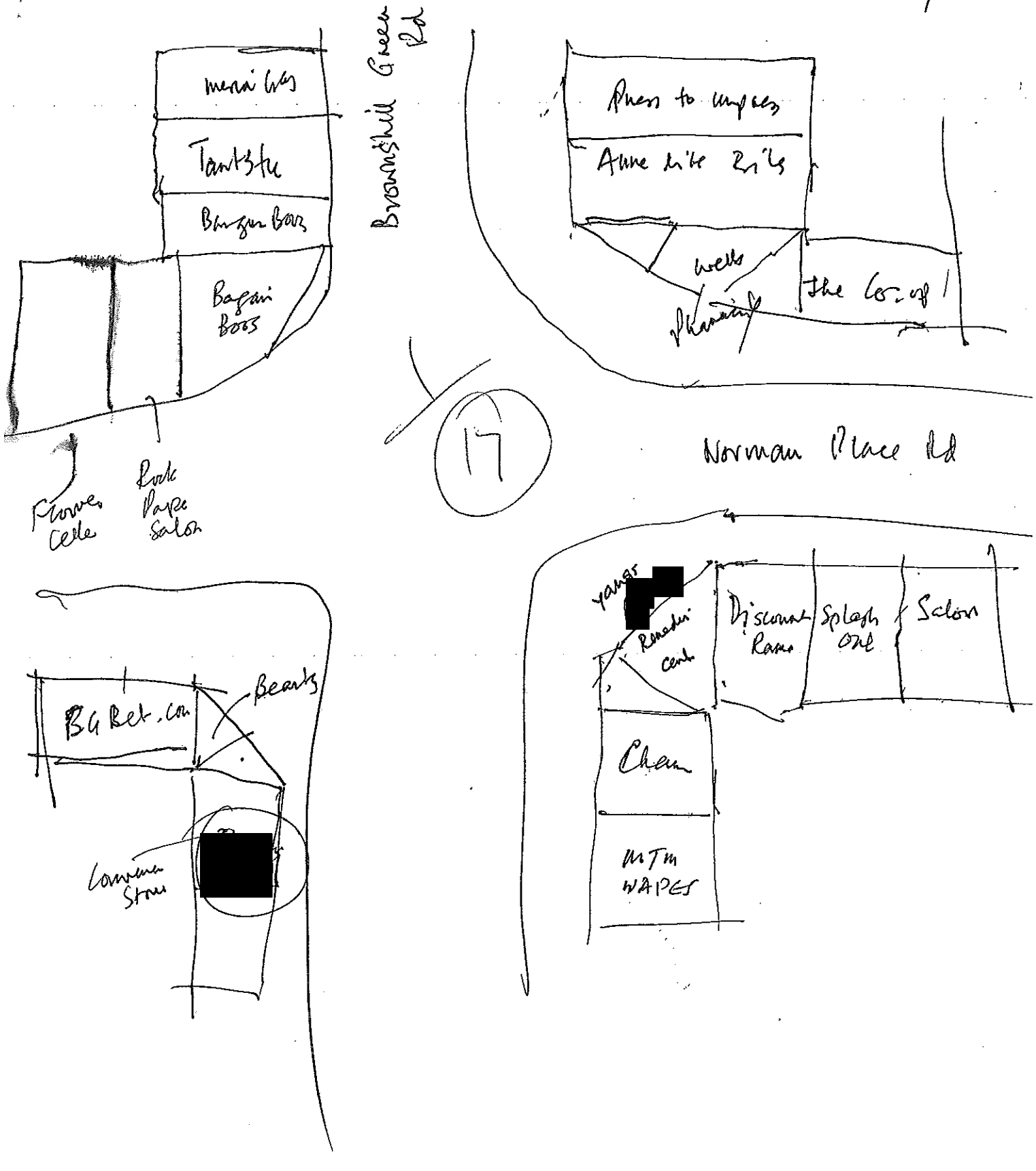
Sri Lankan Tamils or Ceylon Tamils, also known as Eelam Tamils in Tamil, are members of the Tamil ethnic group native to the South Asian island state of Sri Lanka. According to anthropological and archaeological evidence, Sri Lankan Tamils have a very long history in Sri Lanka and have lived on the island since at least around the 2nd century BCE. The Sri Lankan Tamils are mostly Hindus with a significant Christian population. Since Sri Lanka gained independence from Britain in 1948, relations between the majority Sinhalese and minority Tamil communities have been strained. Rising ethnic and political tensions, along with ethnic riots in 1956, 1958, 1977, 1981 and 1983, led to the formation and strengthening of militant groups advocating independence for Tamils. The ensuing civil war resulted in the deaths of more than 100,000 people and the forced disappearance of thousands of others. One-third of Sri Lankan Tamils now live outside Sri Lanka. While there was significant migration during the British colonial period, the civil war led to more than 800,000 Tamils leaving Sri Lanka, and many have left the country for destinations such as Canada, India and Europe as refugees. Since the ethnic riots, it is estimated that there are 3,000,000 Sri Lankan Tamils living in many parts of the world – around 2,200,000 living in Sri Lanka, 200,000 in Canada, 200,000 in the UK, 100,000 in Germany, 100,000 in India, 60,000 in Australia etc. There are around 2000 Tamils living in Coventry, West Midlands. The initial settlers in Coventry were professionals (Doctors, Engineers etc). Since 2002, many who took refuge in the UK came and settled in Coventry. They are mainly doing business (off license, post office, Petrol Stations etc).

Most Tamils in India live in the state of Tamil Nadu. Tamils are the majority in the union territory of Puducherry, a former French colony. Puducherry is a subnational enclave situated within Tamil Nadu.

Indian Tamils and Sri Lankan Tamils look very similar in appearance. Their spoken language is different as they use different words and the accent is different too. Anyone who doesn't speak or understand Tamil language will not be able to differentiate between an Indian Tamil and a Sri Lankan Tamil.

There are many Indian Tamils as well as Sri Lankan Tamils living in Coventry.

JSB/4-A

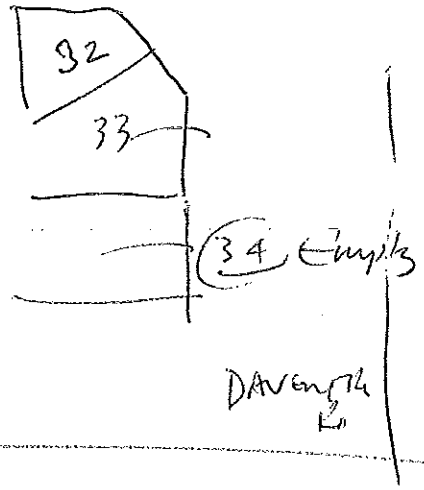

Broomhill Green Rd
Norman Place Rd
17
Bargain Boos
Rock Paper Salon
Discount Rams
Splash Out
Salon
Chem
BG Bet.com
Bears

Alle. Greggs 30 HSBC Bank

31 - Essentials Value & more.
Food & Bev, Household. Convenience Store.
([redacted] -) Kamdish

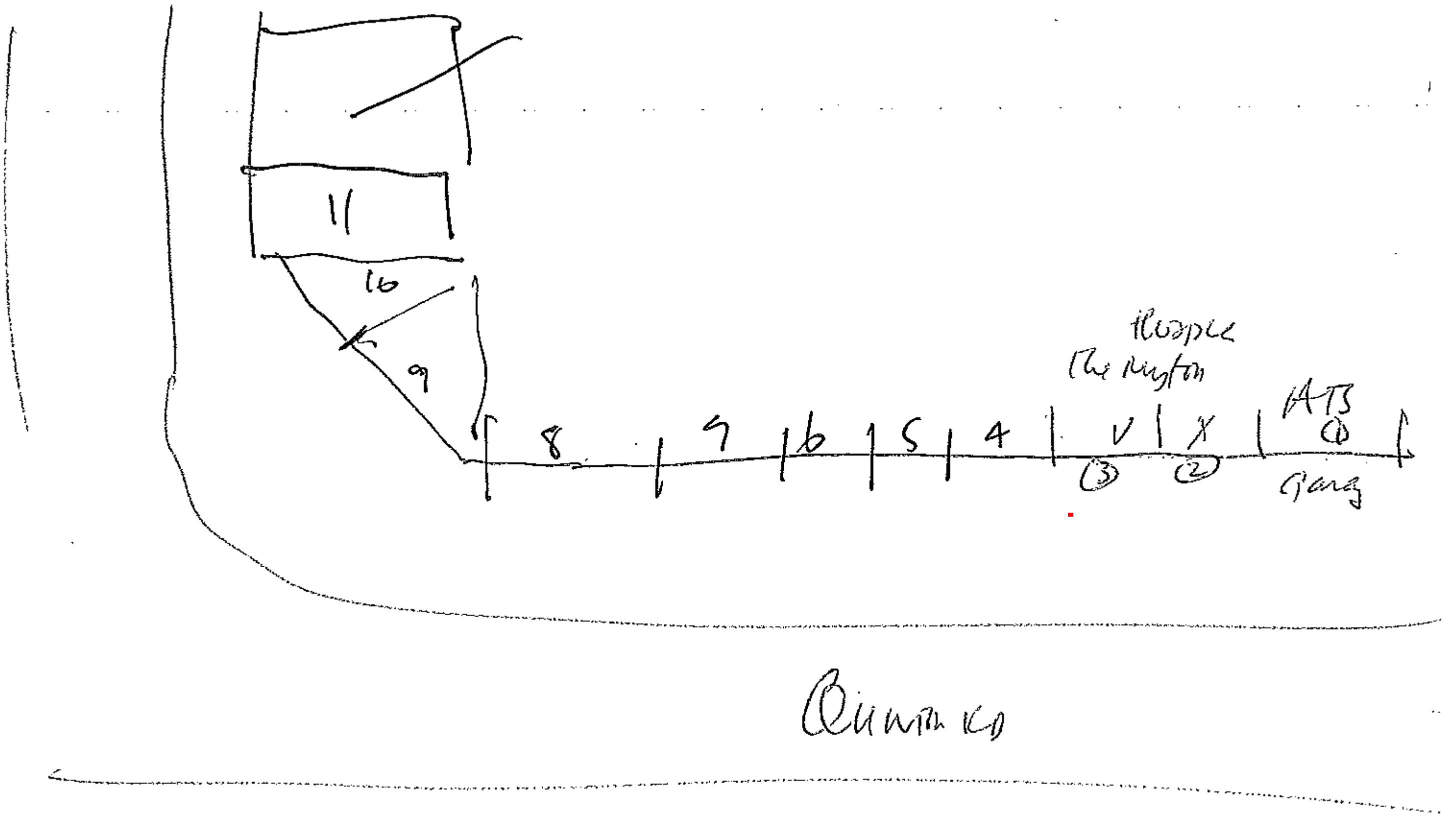
31 Specsavers - opticians

32 Jarvis News Centre - Stationery & Goods ASOTCL



33 Boswells Butchers.

Overton Rd / Daventry Rd -
Bygrave Rd

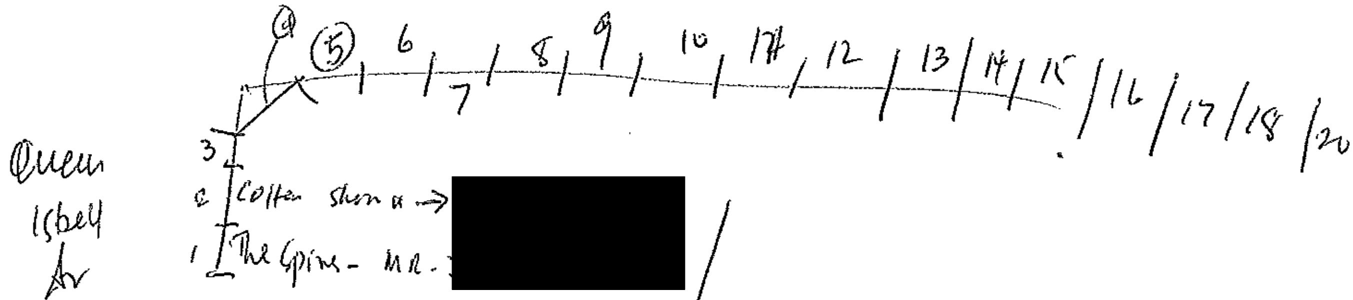


1.
2.
3.
4. Soapy Suds – Laundrette
5 First – English – Gary
6. The Bridal Gallery – wedding shop
7. Chelysmore electric. – [redacted]
8 CREATURES – (—) live. Reptiles.
9 CLARENCE OPTICIANS
10. SUBWAY – [redacted]

11 – Bogart's Mens Hair dressers

12 William Hill / Betty

[redacted]



3. Florist - Daisy's - [redacted]

4. Paws - Dog shop [redacted]

5. Martins - Post office - convenience store [redacted]

6. Barnados - Store. Charity Shop

7 PDSA - Vet shop

8. Get Connected - Telephone - [redacted]

9 Air Ambulance Service - [redacted]

10. BET FRED - Betting shop

11. JOE Richards - FRUIT & Green GROCER [redacted]

12 - Cheylesmore wine - Mic Bass.

13. Boots optician -

14 Empty

15 - Funeral Directors Henry I son & Sons

16 Boutique -

17 Dominos. - [redacted]

18 The Coventry - B. Society

19 Pa. Payons Estate Agent

20 Boots - Pharmacy

21 Cardic Travels - [redacted]

22. Barclays Bank,

23 Sonar Sonar - Indian Restaurant [redacted]

24 SPAR. Blakemore Retail Daventry Rd [redacted]

25 Lloyds Bank

26 - Timpsons - Shoe, Dry clean, watch Repairs & Jobs Tracon

Greggs

Kleinman

27 EDMONDS No. 141 Gift shop.

28 HAIR CARE Empty

29 GREGGS - Food takeaway

JSB/5A

SURVEY SRI LANKAN SHOPS VERSES TOTAL SHOPS IN COVENTRY AREAS

Ward / Road	Total Sri Lankan Shops	Total No Shops in Ward / Road	Remarks
Bablake Ward	3	78	
Daventry Rd/ Quinton Rd	0	35	

% of shops in Babalake Ward = 3/78 = 3.84%

Total number of stores in the City = 1000 Inf Provided by Place directorate

Therefore approx. total No of

shops run by Sri Lankan Community = 3.84X1000= 38.4

JSB/6A

Birdi, Jaswant (Cllr)

From: [redacted]
Sent: 11 January 2017 10:57
To: Birdi, Jaswant (Cllr)
Cc: [redacted]
Subject: RE: POPULATION OF ETHNIC MINORITY POPULATION IN COVENTRY

Dear Councillor Birdi,

I can make this estimate by using the percentage age break down of the broad ethnic group 'Asian/Asian British: Other Asian'. We should be mindful that this is the best estimate but may not be accurate because those of Sri Lankan ethnicity only make up a minority of this group.

The % breakdown is as follows:

0-17: 29%
18+: 71%

This would give estimates for the number of residents of Sri-Lankan ethnicity:

All ages: 1,549
0-17: 456
18+: 1,093

I hope this is useful.

Kind Regards,

[redacted]

Insight

People Directorate
Coventry City Council
Floor 4, Civic Centre 4
Much Park Street,
Coventry
CV1 2PY

[redacted]

Email: insight@coventry.gov.uk

Web: www.coventry.gov.uk/infoandstats
www.coventry.gov.uk/consultations

From: Birdi, Jaswant (Cllr)
Sent: 07 January 2017 11:26
To: [redacted]

Cc: [redacted]
Subject: RE: POPULATION OF ETHNIC MINORITY POPULATION IN COVENTRY

Hi [redacted]
Thanks for the data and shall be grate full if you will give the rough break down of the 0-17 and 18- onwards age population figures for Sri Lankan population
Regards
jaswant

From: [redacted]
Sent: 06 January 2017 13:07
To: Birdi, Jaswant (Cllr)
Cc [redacted]
Subject: RE: POPULATION OF ETHNIC MINORITY POPULATION IN COVENTRY

Dear Councillor Birdi,

The best data that provides estimates for these populations is self-ascribed ethnic group from the Census 2011 – this is the most up to date information available.

1. People from Indian Origin (people speaking : Panjabi; Hindi; Tamil) - **people of 'Asian/Asian British: Indian or British Indian' ethnicity**
2. People from Pakistan Origin – **people of 'Asian/Asian British: Pakistani or British Pakistani' ethnicity**
3. People from Sri Lankan Origin (Ceylon) (Tamils ; Sinhalese) - **people of 'Asian/Asian British: Sinhalese', 'Asian/Asian British: Sri Lankan' or 'Asian/Asian British: Tamil' ethnicity**

Here are tables with the data:
The data on age groups for the Sri Lankan ethnic groups are not available unfortunately, we could make rough estimates of how Sri Lankans are broken down into 0-17 and 18+ - let me know if you would like me to make those estimates.

Coventry's usual residents by ethnic group 2011 - estimated population	All persons - all ages	% of total Coventry population	Aged 0 - 17	Aged 18+
All ethnic groups	316,960	100.0%	70,425	246,535
Asian/Asian British: Indian or British Indian	27,751	8.8%	5,684	22,067
Asian/Asian British: Pakistani or British Pakistani	9,510	3.0%	3,455	6,055
Sri Lankan	1,549	0.5%		

		% of total population	
Coventry's usual residents by ethnic group 2011 - estimated population	All persons - all ages	Aged 0 - 17	Aged 18+
All ethnic groups	316,960	22%	78%
Asian/Asian British: Indian or British Indian	27,751	20%	80%
Asian/Asian British: Pakistani or British Pakistani	9,510	36%	64%
Sri Lankan	1,549		

Source: Census 2011, ONS Crown Copyright

I hope this is useful, please get back to me if you have any questions or if I can help further.

Kind Regards,

[redacted]

Insight

People Directorate
Coventry City Council
Floor 4, Civic Centre 4
Much Park Street,
Coventry
CV1 2PY

[redacted]

Email: insight@coventry.gov.uk

Web: www.coventry.gov.uk/infoandstats
www.coventry.gov.uk/consultations

From: [redacted]
Sent: 02 January 2017 00:37
To: [redacted]
Cc: Birdi, Jaswant (Cllr)
Subject: FW: POPULATION OF ETHNIC MINORITY POPULATION IN COVENTRY

Hi [redacted]

Please could you provide Cllr Jaswant Birdi with the information requested on the email below.

Many thanks

[redacted]

[redacted]
Coventry Insight Team (Engagement)
Floor 4 CC4
Public Health
People Directorate
Much Park Street
Coventry.
CV1 2PY
Tel: [redacted]

www.coventry.gov.uk/equality

Please note I now have a single phone number that I use regardless of where I am working [redacted]

From: Birdi, Jaswant (Cllr)
Sent: 24 December 2016 21:16
To: [redacted]
Subject: POPULATION OF ETHNIC MINORITY POPULATION IN COVENTRY

Dea[redacted]

Could I request if you will be kind to provide me with the following statistic for the following Ethnic Communities in Coventry.

1. People from Indian Origin (people speaking : Panjabi; Hindi; Tamil)
2 People from Pakistan Origin
3 People from Sri Lankan Origin (Ceylon) (Tamils ; Sinhalese)

Could you please break the data from age from 1 to 18 and age from 18 onwards.
Thanks for the assistance.
Regards
Jaswant

Cllr Jaswant Singh Birdi
Bablake Ward Councillor
Council House
Earl Street
Coventry CV1 5RR

Tel: 024 7683 1101

JSB/7A

HILLFIELDS A HOT SPOT AREA

Several Petitions Presented within the vicinity of Harnell Lane East by the elected members of the area who have concerns in respect of Anti- social Behaviour, Fly-tipping, Littering, Drug Use and Soliciting . The Petitions were presented to the Cabinet Member of Policing and Equality.

1. Petition dated 13th Oct 2016
   Antisocial Behaviour along Swan Lane, Thackhall Street and Cobb Close.

2. Petition dated 13th Oct 2016

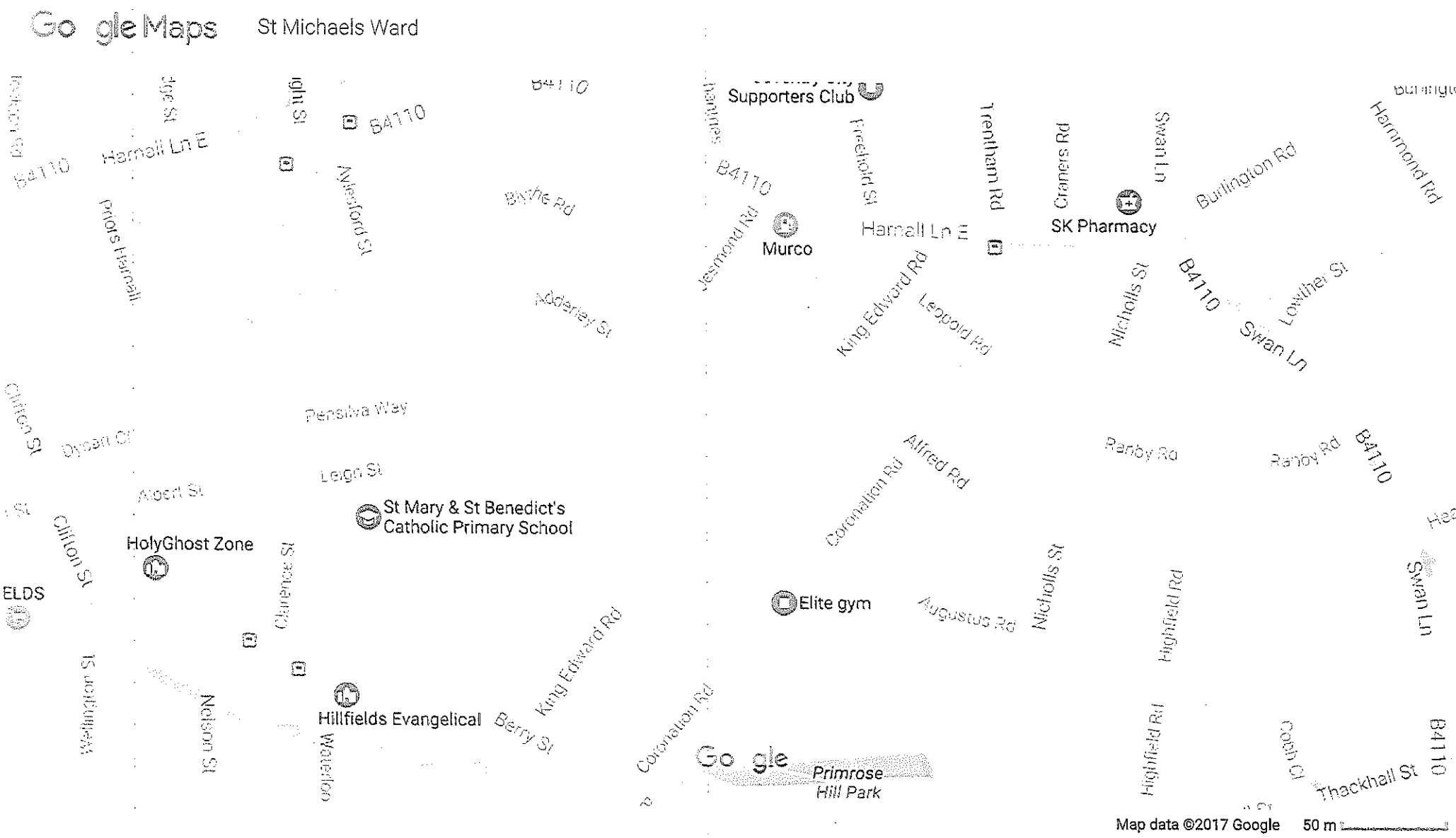
   Antisocial Behaviour, in Cowthorne Close and surrounding Streets, drug Use, needles left by the people using the drugs, drinking alcohol and smoking and littering the area.

3. Petition dated 8th December 2016

   The petition in respect of the safety, appearances of the area along Craners Rd and surrounding Streets attract anti-social behaviour, Fly-tipping along the pavements, litter, and poor state of flower beds etc.

4. Petition dated 23rd July 2015

   The petition in respect of street drinking, drug taking, and harassing local residents and businesses. Needles are discarded and prostitution and drug has been making life difficult for the residents.


Google Maps
St Michaels Ward
B4110
Harnall Ln E
Priors Harnall
Aldersey St
Pensilva Way
Leigh St
Albert St
Clifton St
Dyson Cr
St Mary & St Benedict's Catholic Primary School
HolyGhost Zone
ELDS
Hillfields Evangelical
King Edward Rd
Berry St
Nelson St
Waterloo
Supporters Club
Murco
Trentham Rd
Craners Rd
SK Pharmacy
Burlington Rd
Swan Ln
Nicholls St
Lowther St
Leopold Rd
Alfred Rd
Coronation Rd
Elite gym
Augustus St
Ranby Rd
Highfield Rd
Heath
Primrose Hill Park
Thackhall St
Map data ©2017 Google
50 m

Public Document Pack

Coventry City Council

Agenda

Cabinet Member for Policing and Equalities

Time and Date
3.00 pm on Thursday, 8th December, 2016

Place
Diamond Room 1 - Council House

Public Business

1. **Apologies**

2. **Declarations of Interest**

3. **Minutes** (Pages 3 - 6)

   (a) To agree the minutes of the Cabinet Member for Policing and Equalities meeting held on 13 October 2016.

   (b) Matters arising

4. **Response to a petition regarding the safety and appearance of Craners Road and surrounding streets** (Pages 7 - 18)

   Report of the Executive Director of Place

   Note: Councillor Welsh, a St Michaels Ward Councillor and the petition spokesperson have been invited to the meeting for the consideration of this item.

5. **Outstanding Issues Report**

   There are no outstanding issues to report

6. **Any Other Business**

   To consider any other items of business which the Cabinet Member decides to take as a matter of urgency because of the special circumstances involved.

Private Business

Nil

Chris West, Executive Director, Resources, Council House Coventry

Wednesday, 30 November 2016

Note: The person to contact about the agenda and documents for this meeting is

Usha Patel Tel: 024 7683 3198; usha.patel@coventry.gov.uk

Membership: Councillors A Khan (Cabinet Member) and P Akhtar (Deputy Cabinet Member)

By invitation Councillor: Councillor J Birdi (Shadow Cabinet Member)

Please note: a hearing loop is available in the committee rooms

If you require a British Sign Language interpreter for this meeting OR it you would like this information in another format or language please contact us.

Usha Patel
Telephone: (024) 7683 3198
e-mail: usha.patel@coventry.gov.uk

Coventry City Council

Public report
Cabinet Member Report

Cabinet Member for Policing and Equalities

1st December 2016

Name of Cabinet Member:
Policing and Equalities – Councillor A Khan

Director Approving Submission of the report:
Executive Director – of Place

Ward(s) affected:
St Michaels

Title:
Response to a petition regarding the safety and appearance of Craners Road and surrounding streets.

Is this a key decision?
No

Executive Summary:

A petition of 39 signatures, regarding issues of Anti-Social Behaviour, including persistent flytipping, social drinking in the street, poor state of repair of the flower beds in the area and the run down state of rented properties in the area was submitted to the Council on 16th August 2016 by Councillor Welsh, a St Michaels Ward Councillor.

This report details actions taken by the City Council and West Midlands Police

Recommendations:

The Cabinet Member is recommended to:-

1. Request West Midlands Police to continue their monitoring of the area and respond accordingly to residents request for assistance and encourage residents to set up a Neighbourhood Watch in the area and report incidents of concern to the Police as soon as they occur.

2. The Street Enforcement Team to continue monitoring of this area and work with the lead petitioner concerning fly tipping and run down properties.

3. The Council's Highways department to continue their feasibility study into either removing some of the flowerbeds, or ensuring that repairs are undertaken to deter fly tipping

List of Appendices included:
Appendix 1: costing document for flowerbed removal / restoration.

Background papers:
None

Other useful documents
None

Has it been or will it be considered by Scrutiny?
No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?
No

Will this report go to Council?
No

Report title:

Response to a petition regarding the safety and appearance of Craners Road and surrounding area.

1. Context (or background)

1.1 On 16th August 2016, a petition signed by 39 people was submitted to the Council, by Councillor Welsh a St Michaels Ward Councillor. The residents' were concerned about anti-social behaviour, including persistent flytipping, social drinking in the street, poor state of repair of the flower beds in the streets and the run down state of rented properties in the area.

1.2 Residents feel intimidated and are regularly disturbed by the activity of these groups and numerous incidents of littering and fly tipping. This makes the area look dirty and untidy and encourages more flytipping. Residents are keen to have the issues addressed at the earliest opportunity.

1.3 The street drinking is a particular issue which residents believe was addressed with an alcohol prohibition notice; this was successful for a short time however it appears to have simply diverted the issues to an area on the other side of the road.

1.4 Coventry City Council recorded data for flytipping from April 2015 to April 2016 shows; 36 reports directly related Craners Road, 15 relate to Trentham Road, 17 to Swan Lane and 9 to Newnham Road [77 in total] Police data for the period April 2016 to November 2016 shows a total of 6 logs for the areas specified these relate to Anti-Social Behaviour such as street drinking. Others reports relate to regular Police business and are not related to this report.

1.5 Residents have specifically requested that:

- A method for disposing of additional waste is provided for the residents of these streets who are unable to afford to dispose of in the correct manner.
- The untidy flower beds be looked into and would like to have them reinstated and kept to a decent standard.
- Action should be taken against the owners of certain properties that bring down the aesthetic appeal of the Streetscene.
- Residents have requested that the council reinstate its school education programme which they believed was successful.

2. Options considered and recommended proposal

2.1 In response to the petition officers from the Council and the Police have made contact with the lead petitioner, and have carried out a number of visits to the area to ascertain the extent of the issues. The following initiatives are underway:

2.2 Street drinking. West Midlands Police and the Council are monitoring the situation. Extra patrols take place as duties allow and individuals found to be causing issues are challenged and appropriate action taken. The police ask that residents let them know as and when the street drinking is taking place. A specific log has been set up to collate all information as it is received; this has been passed on to the lead petitioner. It is believed that the creation of a neighbourhood watch scheme would be beneficial for this particular area; the Police would be keen to work with the lead petitioner in this matter.

2.3 Fly tipping. The main four streets are included in part of a wider initiative known as 'hot streets'; an initiative used on streets which suffer disproportionately from fly tipping. Neighbourhood Enforcement Officers are tasked with educating and then enforcing where waste offences are discovered.

2.4 Street cleansing. This particular area is on a regular fortnightly cleansing schedule by the 'Barrow man' and a 5 weekly schedule for the mechanical sweeper, as well as specific visits to collect reported fly tipping from council land. All cases of fly tipping are investigated and the action taken depends on the evidence found at the scene, or from any residents who witnessed the offence. The petitioners have requested the provision of 'bulk bins'. The Waste Services department continually review methods of waste collection and disposal, but it is believed that such bin provision is likely to be subject to anti-social behaviour and attract fly tipping around the bins. At this moment in time there is no plan to change the current waste receptacles.

2.5 Flower beds. The Council's Highways Department are currently looking into the feasibility of either removing some of the flowerbeds or ensuring that repairs are undertaken to deter the flytipping of waste in them. This is a programme that will include Trentham Road, Newham Road and Craners Road [see appendix 1: regarding specific costing for this work].

2.6 Run down properties. The Street Enforcement Team will work with the lead petitioner in identifying properties that are 'run down'. If applicable, these properties will be referred to the Housing and Planning Enforcement Team for action.

2.7 Education. The council does not currently provide an education programme aimed at young children; however colleagues in public health are keen to get involved with such issues and have offered to engage with the community as a whole and look at ways that the Streetscene and Greenspace can be improved.

2.8 The following recommendations are made to Cabinet Member:

- Request West Midlands Police to continue their monitoring of the area and respond accordingly to residents request for assistance and encourage residents to set up a Neighbourhood Watch in the area and report incidents of concern to the Police as soon as they occur.

- The Street Enforcement Team to continue monitoring of this area and work with the lead petitioner concerning fly tipping and run down properties.

- The Council's Highways department to continue their feasibility study into either removing some of the flowerbeds, or ensuring that repairs are undertaken to deter fly tipping

3. Results of consultation undertaken

3.1 Officers and the Police have been in regular dialogue with the lead petitioner.

4 Timetable for implementing this decision

4.1 Officers from the Council and the Police will monitor the area and meet with residents where needed.

5 Comments from Executive Director, Resources

5.1 Financial implications

There are some financial implications due to the removal or repair of the flower beds which will need to be met from Highways budget, any other costs will be met from within existing resources

5.2 Legal implications

None

6 Other implications

None

6.1 How will this contribute to the Council Plan (www.coventry.gov.uk/councilplan/)?

Crime and Disorder

Tackling crime and anti-social behaviour through partnership working is central to the delivery of the Council Plan in improving the quality of life for Coventry people by making communities safer and our city cleaner and greener.

6.2 How is risk being managed?

See paragraph 4.1 above.

6.3 What is the impact on the organisation?

None

6.4 Equalities / EIA

N/A

6.5 Implications for (or impact on) the environment

The Council has a zero tolerance on fly tipping. Where evidence is available, Council officers will take legal action against the perpetrators.

6.6 Implications for partner organisations?

None

Report author(s): **Martin McHugh**

Name and job title: **Street Enforcement Manager**
Directorate: **Place Directorate**

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Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Craig Hickin	Head of Environmental Services	Place Directorate	07.11.2016	07.11.2016
Graham Hood	Head of Streetpride and Greenspaces	Place Directorate	07.11.2016	11.11.2016
Neil Whitehead	Highways project technician	Place Directorate	07.11.2016	08.11.2016
Usha Patel	Governance Services Officer	Resources Directorate	08.11.2016	08.11.2016
Names of approvers for submission: (officers and members)				
Finance: Cath Crosby	Lead Accountant	Resources Directorate	08.11.2016	11.11.2016
Legal: Amy Wright	Regulatory Crime & Licensing Lawyer	Resources Directorate	08.11.2016	11.11.2016
Andrew Walster	Assistant Director	Place Directorate	08.11.2016	14.11.2016
Martin Yardley	Director	Place Directorate	N/A	N/A
Members: Name				
Cllr Abdul Khan	Cabinet Member Policing and Equalities			

This report is published on the Council's website:
www.coventry.gov.uk/councilmeetings

Appendices: Appendix 1: Highways costing report.

Craner's Road, Newnham Road, Trentham Road – Footway Build-out Condition Report

1 November 2016

Officer – Neil Whitehead

Findings

The footway build-out, traffic calming features comprises of a mixture of planters with upright paving slabs and granite kerb retaining walls. Fly tipping and general litter are deposited on some of these. Shrubs and trees in these planters are maintained, however litter is a recurring issue. There are no defects at intervention level.

Recommendations

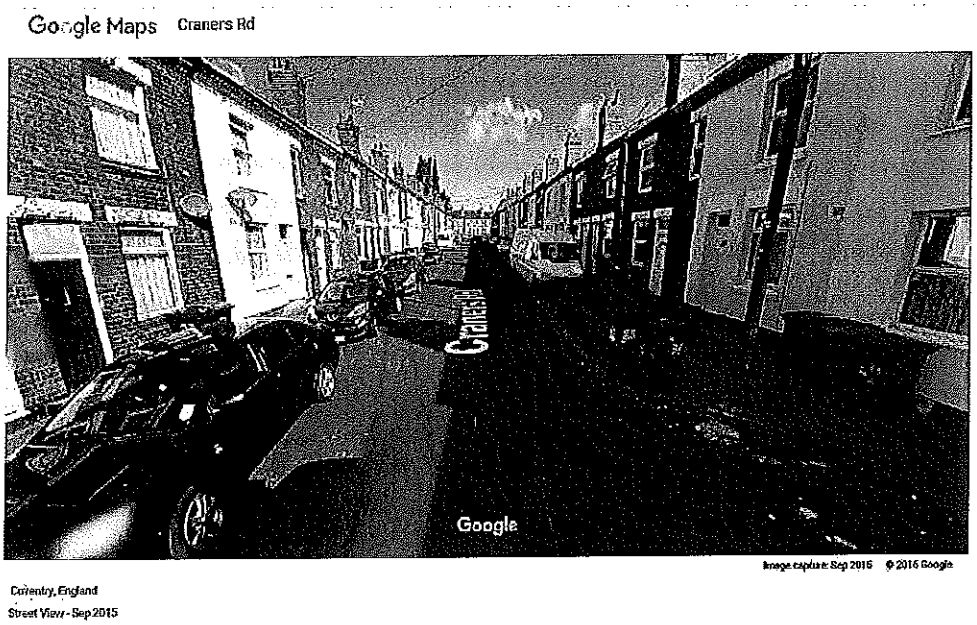
Given the amount of pedestrian usage and comparing the general condition with other footways in the city and available budget, some planters that are most prone to littering and in poor condition can be considered for removal and footway build-out reconstructed in 2017/18. The remaining footway build-outs are in an acceptable condition and can be maintained with reactive maintenance where required.

Option for 2017/18 subject to approval and budget – Craner's Road at the junction with Harnall Lane East and adjacent to number 36 to remove planters and reconstruct the build-outs with strengthened blacktop footway construction. Newnham Road adjacent to number 15 to remove planter and reconstruct the build-out with strengthened blacktop footway reconstruction. Trentham Road adjacent to numbers 12, 38, 64 and at the junction with Harnall Lane East to remove planters and reconstruct the build-outs with strengthened blacktop footway reconstruction.

Footway estimate: £7,000

Craner's Road junction with Harnall Lane East

Craner's Road adjacent to number 36



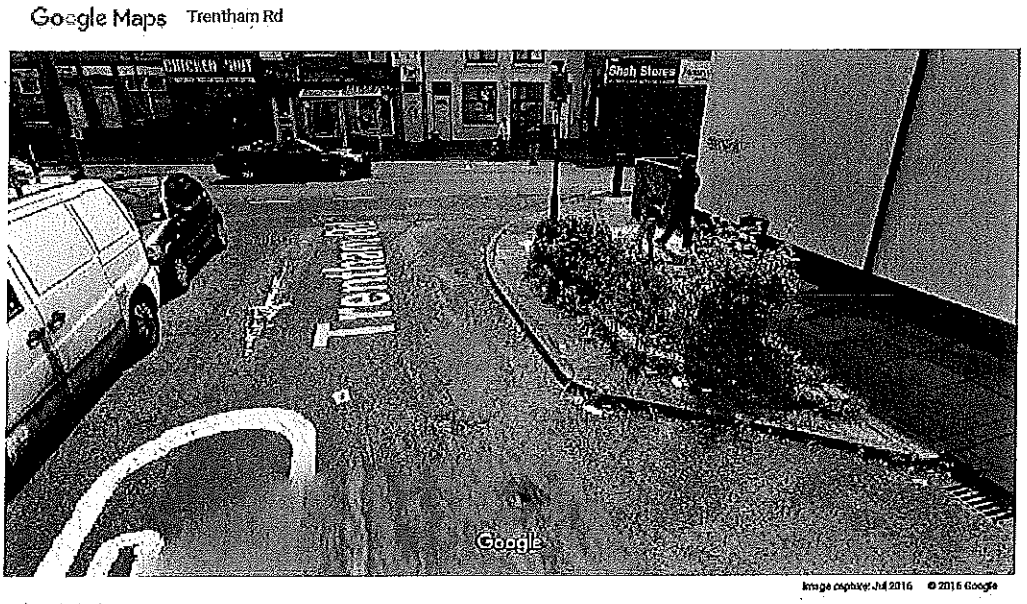
Newnham Road adjacent to number 15

Trentham Road adjacent to number 12

Trentham Road adjacent to number 38

Trentham Road adjacent to number 64

Trentham Road junction with Harnall Lane East



Coventry, England
Street View - Jul 2016

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Coventry City Council

Agenda

Cabinet Member for Policing and Equalities

Time and Date
2.00 pm on Thursday, 23rd July, 2015

Place
Committee Room 2 - Council House

Public Business

1. **Apologies**

2. **Declarations of Interest**

3. **Minutes**

   (a) To agree the minutes of the Cabinet Member for Policing and Equalities meetings held on 23 April 2015 and 18 June 2015.

   (b) Matters arising

4. **Report in response to a petition regarding Street Drinking and drug taking in Hillfields**

   Report of the Executive Director of People

   Note: Councillor O'Boyle, a St Michael's Ward Councillor and the petition spokesperson have been invited to the meeting for the consideration of this item.

5. **Update report in response to a petition concerning a property in Earlsdon Ward**

   Report of the Executive Director of People

   Note: Councillor Andrews, an Earlsdon Ward Councillor and the petition organisers have been invited to the meeting for the consideration of this item.

6. **Community Grant Fund - Round 1 2015/16**

   Report of the Executive Director of People

7. **Gambling Act 2005 - Revised Statement of Licensing Policy 2016-19**

   Report of the Executive Director of Place

8. **Outstanding Issues Report**

Report of the Executive Director of Resources

9. **Any Other Business**

To consider any other items of business which the Cabinet Member decides to take as a matter of urgency because of the special circumstances involved.

Private Business

Nil

Chris West, Executive Director, Resources, Council House Coventry

Wednesday, 15 July 2015

Note: The person to contact about the agenda and documents for this meeting is Usha Patel Tel: 024 7683 3198

Membership: Councillors R Auluck (Deputy Cabinet Member) and P Townshend (Cabinet Member)

By invitation: Councillor A Andrews (Shadow Cabinet Member)

Please note: a hearing loop is available in the committee rooms

If you require a British Sign Language interpreter for this meeting OR it you would like this information in another format or language please contact us.

Usha Patel
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Coventry City Council

Public report
Cabinet Member Report

Cabinet Member for Policing and Equalities — 23rd July 2015

Name of Cabinet Member:
Cabinet Member for Policing and Equalities– Councillor Townshend

Director Approving Submission of the report:
Executive Director of People

Ward(s) affected:
St. Michael's

Title: Report in response to a petition regarding Street Drinking and drug taking in Hillfields

Is this a key decision?
No

Executive Summary:

A petition containing 70 signatures was submitted to the City Council by Councillor Jim O'Boyle on 17th June 2015. The petition outlines residents' concerns in relation to street drinking and drug taking in the Hillfields area and of individuals harassing local residents and businesses. Additional reports of discarded needles and drugs paraphernalia has been found in locations across Hillfields.

This report provides a response to the petition and details action being taken to address the issues highlighted.

Recommendations:
The Cabinet Member is recommended to:-

1. Note the work of officers and partners to date and provide comments and/or additional recommendations for action to address the issues.

2. Acknowledge that officers have increased engagement with local businesses and community groups to continue to deliver action, monitor, and regularly review incidents related to street drinking and problematic individuals in the Village Square and surrounding area.

3. Request Police to continue to dedicate patrols to hotspot locations within the Hillfields area, responding swiftly to any issues raised or identified, and to exercise their powers to obtain identities and disperse individuals in groups that are likely to cause public nuisance and/or offending behaviour.

4. Request that all agencies ensure that problematic individuals and households are identified, challenged and provided with appropriate treatment and support to address issues, needs and change behaviour.

5. Request Council Officers to ensure that multi-agency case management through relevant forums should continue to monitor behaviour and effectiveness of interventions to support change and enforcement action taken where engagement is refused.

6. Note that as a result of an initiative brought about by the Cabinet Member for Policing and Equalities, and ratified by the Coventry Police and Crime Board, that there will be an intake of ten special constables for St Michaels Ward in September 2015. These officers will be tasked to assist in measures to combat street drinking, crime and associated problems in the area.

List of Appendices included:

Appendix 1 – Hillfields Action Plan
Appendix 2 – WMP Tiered policy for street drinkers

Background papers:
None

Has it been or will it be considered by Scrutiny?
No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?
No

Will this report go to Council?
No

Report title: Report in response to a petition regarding Street Drinking in Hillfields

1. Context (or background)

1.1 A petition containing 70 signatures was submitted to the City Council by Councillor Jim O'Boyle on 17th June 2015. The petition outlines residents' concerns in relation to street drinking and drug taking in the Hillfields area and of individuals harassing local residents and businesses. Additional reports of discarded needles and drugs paraphernalia has been found in locations across Hillfields.

1.2 There is an existing Hillfields plan that is operational to address matters around anti-social behaviour, this report will look to highlight actions already taken or planned to be taken as well as any subsequent measures identified as a result of the issue being revisited.

From reviewing reports received by partners it appears that the issue doesn't appear to be getting reported to agencies in numbers that would indicate the prevalence of the issue as felt by the community. West Midlands Police received 3 reports regarding street drinking in Hillfields from the start of 2015 up until Mid-June

1.3 Tackling public place crime and nuisance continues to be a priority for agencies operating in the Hillfields area and this is reflected in a dedicated Hillfields Community Safety improvement plan developed by officers and members of the Community in 2014. A copy of this plan with progress up until March 2015 can be found at **Appendix 1.**

The plan seeks to identify and react to locations and premises of concern in the area with to which resources and action are targeted. Contained within the plan are a number of measures intended to address such problematic behaviour, including street drinking.

1.4 Street drinking is also a priority for the City Centre and a significant focus for the work of a multi-agency Night Time Economy task group which was also established in 2014. This includes ;

- The management and enforcing of a City-wide Designated Place Protection Order (DPPO) currently in place in Coventry. This order makes it an offence if someone drinking alcohol does not dispose or hand the alcohol to a Police Officer when directed by them to do so. Whilst it does not make it a criminal offence to drink alcohol in a public place/space; the offence is committed when refusing to comply with an officer's instruction.

- The current signage relating to the DPPO has been reviewed to ensure more signage is provided to areas that now require such due to alcohol related issues. To improve awareness of this in Hillfields, Officers have arranged for additional signage to be located throughout Hillfields including in the village square and Homelessness service areas. Key areas identified throughout the City are also getting new DPPO signage, with funding from the PCC Community Safety grant. This is an operational matter that has been progressing before this petition was received.

- A defined process which exists for Police officers when dealing with street drinking and drinkers who continually choose to ignore the DPPO. It shows an incremental process from a verbal warning, to fixed penalty notice through to issuing of a summons to court. This process can be seen in **Appendix 2.**

1.5 The Village Square is subject to specific patrol plans by Police including a minimum of 3 patrols a day with each patrol lasting at least 15 minutes. The Village Square will also be included on the patrol plans for the Night Time Economy to ensure a greater overview throughout the day and evening.

1.6 The Police Inspector for North West Coventry,, has directed officers to ensure they proactively approach businesses and community groups and encourage them to formally report to Police when there are issues rather than assume Police will be aware. Police also to link in with Social Housing Landlords i.e. Whitefriars to ensure that any of their tenants identified as problematic will then be subject to challenge and enforcement where appropriate for breach of tenancy conditions through inappropriate conduct and behaviour. Additionally, Police licensing officers will continue to visit all off licences in the area to remind them of their responsibilities around serving problematic or intoxicated individuals

1.7 The disparity between the number of reports made to the Police in relation to street drinking and the public perception as reflected in the petition shows the need for awareness to be raised with the public about reporting issues as and when they occur. The community and local businesses will be reminded of correct reporting procedures and telephone numbers.

2 Options considered and recommended proposal

2.1 The Hillfields Action Plan will remain to be the operational document used. This will be updated with the additional actions as identified in operational discussions between partners to address street drinking and other matters that cause residents concern. Local case management forums will be the place where problematic individuals are discussed and actions decided to challenge and support individuals

2.2 There are opportunities to use and apply new civil tools and powers to address some of the issues should they continue. These include matters such as the congregation of groups above a certain number of people. Agencies could look to use powers such as Dispersal Orders or Public Space Protection Orders. The use of such orders would need to be defendable and as such we would need to be able to demonstrate the impact of such matters through reports received by agencies.

2.3 The apparent issue of under reporting of matters will be addressed by partners' proactively engaging and reminding individuals of the importance of reporting matters as and when they occur. Retrospectively agencies are now receiving reports about individuals and we are looking to target those identified.

2.4 In the new Coventry Drug Strategy, residents in deprived areas, such as Hillfields, are identified as a priority group. Pathways are already in place to refer alcohol users into local treatment agencies and there are no waiting times for accessing treatment. Alcohol workers from the Recovery Partnership will accompany Police or Community Safety Officers to jointly deliver assertive outreach to street drinkers as appropriate.

3 Results of consultation undertaken

3.1 Working Actively To Change Hillfields (WATCH) has been central in the production of the petition received and therefore it is appropriate for agencies to look to primarily engage with them and take guidance with regards to any other identified businesses in the area. All businesses surrounding the Village Square will be visited and supported should they be

experiencing problems. We will ensure that WATCH and other key community partners are aware and able to influence the oversight and governance of the Hillfields action plan.

3.2 Referrals of suitably identified individuals and families continue to be made to the multi-agency local case management forum.

3.3 Officers continue to develop good working relationships with the residents and are engaging with many hard-to-reach groups and communities within the area.

4 Timetable for implementing this decision

4.1 All actions outlined in this report are currently ongoing, including the additional DPPO signage which is being progressed and should be in place over the summer.

4.2 The local case management forum meets on a monthly basis and agrees measures, interventions, and enforcement action on a case by case basis.

4.3 Actions associated with these matters will be updated on the Hillfields Action Plan following comments and approval from Cabinet Member.

5 Comments from Executive Director of, Resources

5.1 Financial implications

There are no direct financial costs as a result of the recommendations in this report.

The approximate total cost of the alcohol signage project across the City is estimated to be in the region of £10k. The funding for this will be met from the 2015-16 West Midlands Police and Crime Commissioner (WMPCC) Community Safety Grant.

5.2 Legal implications
None

6 Other implications
None

6.1 How will this contribute to the Council Plan (www.coventry.gov.uk/councilplan/)?

Crime and Disorder
Tackling crime and anti-social behaviour through partnership working is central to the delivery of the Community Safety Plan and Strategic Assessment 2014/15.

6.2 How is risk being managed?

The Community Safety Officer(s) continues to monitor crime and disorder levels in the area.

Police and Council Officers continue to incorporate the area in their patrol strategies and work schedule and will monitor behaviour of individuals and the condition and cleanliness of the area.

6.3 What is the impact on the organisation?
None

6.4 Equalities / EIA

N/A

6.5 Implications for (or impact on) the environment

The purpose of taking action is to address Street Drinking, in an attempt to improve the environment and wellbeing of the community.

6.6 Implications for partner organisations?

The multi-agency action plan outlines the individual and collective commitments from agencies to respond to the issues in the petition.

Report author(s):
Liam Nagle

Name and job title:
Liam Nagle – Strategic Lead for Offender Management.
Directorate:
People Directorate

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Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
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Mandie Watson	Head of Community Safety	People Directorate	1/7/15	1/7/15
Inspector Gareth Mason	Sector Inspector	West Midlands Police	1/7/15	1/7/15
Liam Nagle	Offender Management Strategy Officer	People Directorate	1/7/15	1/7/15
Heather Kelly	Strategic Commissioner Substance Misuse	Public Health	1/7/15	2/7/15
Names of approvers for submission: (officers and members)				
Finance: Diane Jones	Lead Accountant	Resources Directorate	1/7/15	2/7/15
Legal: Andrew Burton	Solicitor	Resources Directorate	1/7/15	2/7/15

Isabel Merrifield	Assistant Director	People Directorate	1/7/15	2/7/15
Director: Brian Walsh	Executive Director	People Directorate		
Members: Name				
Cllr Philip Townshend	Cabinet Member Policing and Equalities		8/7/15	8/7/15

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Coventry City Council

Agenda

Cabinet Member for Policing and Equalities

Time and Date
3.00 pm on Thursday, 13th October, 2016

Place
Diamond Room 2 - Council House

Public Business

1. **Apologies**

2. **Declarations of Interest**

3. **Minutes** (Pages 3 - 4)

   (a) To agree the minutes of the Cabinet Member for Policing and Equalities meeting held on 14 July 2016.

   (b) Matters arising

4. **Response to a petition from residents of Swan Lane and Thackhall Street relating to Anti-Social Behaviour in the locality** (Pages 5 - 10)

   Report of the Executive Director of Place

   Note: Councillor O'Boyle, a St Michaels Ward Councillor and petition sponsor and the petition organiser have been invited to the meeting for the consideration of this item.

5. **Response to a petition regarding concerns over; Anti-Social Behaviour, Police Patrols and Street Cleansing in Cawthorne Close** (Pages 11 - 16)

   Report of the Executive Director of Place

   Note: Councillor Welsh, St. Michaels Ward Councillor and petition sponsor and the petition organiser have been invited to the meeting for the consideration of this item.

6. **Outstanding Issues Report**

   There are no outstanding issues to report.

7. **Any Other Business**

To consider any other items of business which the Cabinet Member decides to take as a matter of urgency because of the special circumstances involved.

Private Business

Nil

Chris West, Executive Director, Resources, Council House Coventry

Wednesday, 5 October 2016

Note: The person to contact about the agenda and documents for this meeting is Usha Patel Tel: 024 7683 3198; usha.patel@coventry.gov.uk

Membership: Councillors P Akhtar (Deputy Cabinet Member), J Birdi (Shadow Cabinet Member) and A Khan (Cabinet Member)

By invitation: Councillor J Birdi (Shadow Cabinet Member)

Please note: a hearing loop is available in the committee rooms

If you require a British Sign Language interpreter for this meeting OR it you would like this information in another format or language please contact us.

Usha Patel
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e-mail: usha.patel@coventry.gov.uk

Coventry City Council

Public report
Cabinet Member Report

Cabinet Member for Policing and Equalities

13th October 2016

Name of Cabinet Member:
Policing and Equalities – Councillor Abdul Khan

Director Approving Submission of the report:
Executive Director – of Place

Ward(s) affected:
St Michaels

Title:
Response to a petition from residents of Swan Lane and Thackhall Street relating to Anti-Social Behaviour in the locality

Is this a key decision?
No

Executive Summary:

A petition of 10 signatures, sponsored by Councillor O'Boyle, a St Michaels Ward Councillor, was submitted to Coventry City Council on 4th July 2016 calling for the City Council to place pressure on West Midlands Police to address issues of drug dealing, damage to property and Anti-Social Behaviour occurring in the area. The petition also calls for Coventry City Council to place pressure on the private management company, K T Management, to support residents in their quest for a peaceful life.

This is an unusual petition in that it doesn't relate directly to Council services.

This report details actions taken by the City Council and West Midlands Police

Recommendations:

The Cabinet Member is recommended to:-

1. Request West Midlands Police and K T Management to continue their monitoring of the area and respond accordingly to residents request for assistance.

2. Encourage residents to set up a Neighbourhood Watch in the area and report incidents of concern to Police as soon as they occur.

List of Appendices included:
None

Background papers:
None

Other useful documents
None

Has it been or will it be considered by Scrutiny?
No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?
No

Will this report go to Council?
No

Report title:

Response to a petition from residents of Swan Lane and Thackhall Street relating to Anti-Social Behaviour in the locality

1. Context (or background)

1.1 On 4th July 2016, a petition signed by 10 people called upon Coventry City Council to place pressure on West Midlands Police and the private management company, K T Management, to address issues of drug dealing, damage to property, sex workers and anti-social behaviour in and around Swan Lane and Thackhall Street. The petition is supported by Cllr O'Boyle.

1.2 Coventry City Council data shows that a total of 20 reports relating to anti-social behaviour have been logged between July 2015 and July 2016. These relate primarily to noise in and around Swan Lane, Cobb Close and Thackhall Street, these incidents were investigated and not found to be of a level that would require council intervention. Police data for the same period shows a total of 15 logs for Swan Lane, 8 logs for Thackhall Street and 4 logs for Cobb Close. Of these 27 logs, 9 relate to reports of Prostitution, 2 to rough sleepers and 3 to quad bikes in the area as a whole. The remaining 13 are for regular Police business and not relevant for the purposes of this report.

2. Options considered and recommended proposal

2.1 In response to the petition, West Midlands Police have made contact with the lead petitioner, visited the area and are monitoring the situation. Extra patrols take place as duties allow and individuals found to be causing issues are challenged and appropriate action taken. Residents have been encouraged to report all incidents direct to the relevant agencies, as and when they occur.

2.2 Residents are also now in contact with K T Management regarding repairs to their properties.

2.3 The relocation of one particular household appears to have made a marked difference to the area as a whole. The lead petitioner has stated that there is a noticeable improvement to the area.

2.4 In taking this matter forward the following recommendations are made to Cabinet Member:

2.4.1 Request West Midlands Police and K T Management to continue their monitoring of the area and respond accordingly to residents request for assistance.

2.4.2 Encourage residents to set up a Neighbourhood Watch in the area and report incidents of concern to Police as soon as they occur.

3. Results of consultation undertaken

3.1 Officers and the Police have been in regular contact with the lead petitioner.

4 Timetable for implementing this decision

4.1 Officers from the Council and the Police will monitor the area and meet with residents when needed.

5 Comments from Executive Director, Resources

5.1 Financial implications

There are no financial implications arising from this report, all costs will be met from core budgets. There may be financial implications for the private management company regarding the cost of repairs which will need to be met from their budget.

5.2 Legal implications

None

6 Other implications

None

6.1 How will this contribute to the Council Plan (www.coventry.gov.uk/councilplan/)?

Crime and Disorder

Tackling crime and anti-social behaviour through partnership working is central to the delivery of the Council Plan in improving the quality of life for Coventry people by making communities safer.

6.2 How is risk being managed?

See paragraph 4.1 above.

6.3 What is the impact on the organisation?

None

6.4 Equalities / EIA

N/A

6.5 Implications for (or impact on) the environment

N/A

6.6 Implications for partner organisations?

None, all is included as core business.

Report author(s): **Martin McHugh**

Name and job title: **Street Enforcement Manager**
Directorate: **Place Directorate**

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Graham Hood	Head of Streetpride and Greenspaces	Place Directorate	27/09/2016	28/09/2016
Usha Patel	Governance Services Officer	Resources Directorate	28/09/2016	29/09/2016
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Members: Name				
Cllr Abdul Khan	Cabinet Member for Policing & Equalities		28/09/2016	28/09/2016

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Appendices : NA

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Coventry City Council

Public report
Cabinet Member Report

Cabinet Member for Policing and Equalities

13th October 2016

Name of Cabinet Member:
Policing and Equalities – Councillor Abdul Khan

Director Approving Submission of the report:
Executive Director – of Place

Ward(s) affected:
St Michaels

Title:
Response to a petition regarding concerns over; Anti-Social Behaviour, Police Patrols and Street Cleansing in Cawthorne Close

Is this a key decision?
No

Executive Summary:

A petition of 32 signatures, sponsored by Councillor Welsh, a St Michael's Ward Councillor, regarding issues of Anti-Social Behaviour, Police Patrols and Street Cleansing in Cawthorne Close was submitted to the Council on 5th April 2016.

This report details actions taken by the City Council and West Midlands Police.

Recommendations:

The Cabinet Member is recommended to:-

1. Request West Midlands Police and Council officers to continue their monitoring of the area and respond accordingly to residents requests for assistance.

2. Encourage residents to set up a Neighbourhood Watch in the area and report incidents of concern to Police and the Council as soon as they occur.

List of Appendices included:
None

Background papers:
None

Other useful documents
None

Has it been or will it be considered by Scrutiny?
No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?
No

Will this report go to Council?
No

Report title:

Response to a petition regarding concerns over; Anti-Social Behaviour, Police Patrols and Street Cleansing in Cawthorne Close

1. Context (or background)

1.1 On 4th April 2016, a petition signed by 32 people was received by the Council. The petition highlights residents' concerns with anti-social behaviour, the absence of Police patrols and the lack of street cleansing in Cawthorne Close in the St Michaels Ward. The residents highlight that groups of people congregate in the street on a regular basis; socialising, drinking alcohol and smoking drugs.

1.2 Residents feel intimidated and are regularly disturbed by the activity of these groups and numerous incidents of littering and fly tipping. This makes the area look dirty and untidy and encourages more flytipping. Residents are keen to have the issues addressed at the earliest opportunity.

1.3 Coventry City Council recorded data from July 2015 to July 2016 shows; 9 reports directly related to Cawthorne Close. Of those reports, 5 relate to fly-tipping, 2 relate to pest control, 1 relates to Anti-Social Behaviour and 1 relates to domestic waste in a front garden. Police data for the same period shows a total of 15 logs for Cawthorne Close, 4 of which relate to Anti-Social Behaviour and 1 of which relates to an abandoned vehicle. Other logs relate to regular Police business and are not relevant for the purposes of this report.

2. Options considered and recommended proposal

2.1 In response to the petition, officers from the Council and the Police have made contact with the lead petitioner.

2.2 West Midlands Police and the Council are monitoring the situation. Extra patrols take place as duties allow and individuals found to be causing issues are challenged and appropriate action taken.

2.3 This particular area is on a regular fortnightly cleansing schedule by the Barrow man and a 5 weekly schedule for the mechanical sweeper. In addition, specific visits are undertaken to collect reported fly tipping from council land. All cases of fly tipping are investigated, with the appropriate course of action depending on any evidence found at the scene and witnesses to the offence(s).

2.4 In taking this matter forward the following recommendations are made to Cabinet Member:

2.4.1 Request West Midlands Police and the Council to continue their monitoring of the area and respond accordingly to residents request for assistance.

2.4.2 Encourage residents to set up a Neighbourhood Watch in the area and report incidents of concern to Police as soon as they occur.

3. Results of consultation undertaken

3.1 Officers and the Police have been in regular contact with the lead petitioner.

4 Timetable for implementing this decision

4.1 Officers from the Council and the Police will monitor the area and meet with residents when needed.

Comments from Executive Director, Resources

5.1 Financial implications
There are no financial implications arising from this report, all costs will be met from core budgets. There may be financial implications for the private management company regarding the cost of repairs which will need to be met from their budget.

5.2 Legal implications
None

6 Other implications
None

6.1 How will this contribute to the Council Plan (www.coventry.gov.uk/councilplan/)?

Crime and Disorder
Tackling crime and anti-social behaviour through partnership working is central to the delivery of the Council Plan in improving the quality of life for Coventry people by making communities safer and our city cleaner and greener.

6.2 How is risk being managed?

See paragraph 4.1 above.

6.3 What is the impact on the organisation?
None

6.4 Equalities / EIA
N/A

6.5 Implications for (or impact on) the environment
The Council has a zero tolerance approach to fly tipping. Where evidence is available, Council officers will take legal action against the perpetrators.

6.6 Implications for partner organisations?
None

Report author(s): **Martin McHugh**

Name and job title: **Street Enforcement Manager**
Directorate: **Place Directorate**

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Appendices : NA

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APPENDIX 10

Observations of the Independent Person in relation to a complaint against Cllr. Jaswant Singh Birdi

1. I have read and considered all the papers in this matter and, in particular, the following: -

    - complaint of Mr Nagarajah Kuruparan, including an interview with him on 15 January 2016;
    - the report of the independent investigator first instructed by Coventry City Council ('the Council'), the late Mr Jeremy Thomas;
    - the observations the Council's former independent person, Mr Ken Sloane;
    - Councillor Birdi's response thereto;
    - the report of the newly instructed independent person, Mr Matt Lewin.

2. I have not seen the CCTV footage, which seems to have disappeared. From what I have read, it is unlikely that it would have been of assistance.

3. I have reviewed the complaint and the alleged conduct of Cllr. Birdi having due regard to the provisions of the Council's Code of Conduct for elected members in respect of which I am assuming Cllr. Birdi has made his declaration. I have proceeded with my consideration as a paper only exercise. On this occasion, I have felt it unnecessary to speak to either of the parties involved as their account of events and views appear to be firmly embedded with the parties seemingly unwilling or unable to engage in seeking an informal resolution.

4. The circumstances giving rise to the complaint are well documented and it would serve no useful purpose to rehearse them again here. Suffice to say that a dispute concerning an accumulation of litter in Harnall Lane East led to a dispute at Mr. Kuruparan's shop premises, *Quick Shop*. There followed what appears to have been a forthright exchange. The account of events provided by Mr. Kuruparan and Cllr. Birdi and what was said are remarkably at odds, bearing little relationship to one

another. In the mind of Mr. Kuruparan, the situation became sufficiently serious for the police to be called. Following their attendance, the Councillor left the premises. There was no further action taken, save for a visit to the premises later in the day by Trading Standards Officers. This had been at the request of Cllr. Birdi. Nothing of note was revealed as a result of the inspection.

5. I have excluded from my consideration those complaints arising directly out of Councillor Birdi's decision to voice concerns regarding the litter problem. Manifestly it was a perfectly proper matter for him to investigate. It is the manner in which he became involved and his overall conduct which raise issues around whether or not he is in breach of the Code.

6. The Monitoring Officer has described the allegations as "serious and significant". I agree. Both of the Independent Investigators have met the parties and found that Cllr. Birdi is in breach of the code in that he abused Mr. Kuruparan and threated closure of his business. It is always an invidious position where one is called upon to decide who is telling the truth when faced with diametrically opposed accounts such as we have here. As I have indicated, I have not met either of the parties but I am persuaded by the detailed analysis of the evidence that Mr. Kurupan's account, supported as it is by eye witnesses, is a more likely match for the events as they unfolded.

7. If the Committee finds that Cllr. Birdi is indeed in breach of the Code of Conduct then it is, of course, for it to decide what, if any, sanction should be applied. Having due regard for the circumstances here I would respectfully suggest that it would be reasonable and proportionate for a sanction to be imposed because what happened has a number of aggravating features and went beyond what might be described as a minor skirmish or disagreement.

8. As a final observation, even if I am wrong concerning whose account is to be preferred, it is regrettable that opportunities both on the day and subsequently have been missed by Cllr. Birdi to resolve this dispute. This would have been consistent with the objectives of the Council's equalities policy in meeting its statutory duties to '*eliminate unlawful discrimination, harassment ….. and fostering good relations*

through community cohesion……'. I accept that it would have taken both parties to willingly engage in the process but I would have hoped that common sense could have prevailed and that they would have recognised the opportunity and benefits to be derived from seeking an amicable settlement.

Peter Wiseman OBE, Ll.B
Co-opted Independent Person
02 January 2017

ETHICS COMMITTEE CODE OF CONDUCT HEARING PROCEDURE NOTE

A. Preliminary Points

General Matters

1. The purpose of the hearing is for the Ethics Committee ("the Committee") to decide whether the complaint(s) against the Subject Member or Members discloses a breach or partial breach of the Code of Conduct for Elected and Co-opted Members ("the Code"). If a breach is found to have occurred, the Committee will determine what sanction, if any, should be applied.

2. The procedure for the day will be at the discretion of the Chair, and may be adapted either before the day, from the agenda sent out, or on the day itself.

3. All hearings before the Committee will be in public unless the Acting Monitoring Officer advises the Committee it must retire to consider an item in private.

4. Given the relative informality of proceedings, it is not envisaged that legal representation will be required and it should be regarded as the exception. The Chair of the Committee will have the discretion to allow legal representatives to take part in the proceedings. Where this is permitted, it will be on the understanding that the proceedings should not be treated as a court of law.

5. The Committee consists of five members. The quorum for a meeting of the Committee is three.

Role of Independent Person

6. The Independent Person's views must be sought and taken into consideration before the Committee takes any decision on whether the Subject Member's conduct constitutes a failure to comply with the Code of Conduct and as to any sanction to be taken following a finding of failure to comply with the Code.

7. The Independent Person (IP) should normally be present throughout the hearing (but not during the deliberations of the Committee in private). The IP will submit their views in writing before the hearing and in the event that the IP cannot be present at the hearing, the Committee may take these written views into account.

8. The IP is not a member of the Committee.

9. The legal requirements for publishing agendas and minutes and calling meetings, will apply to the Committee. The hearing will normally be held in public but Schedule 12A of the Local Government Act 1972 may be applied to exclude the public and press from meetings of the Committee where it is likely that confidential or exempt information will be disclosed.

10. Once a hearing has started, the City Council rules on substitution do not apply to the Committee's proceedings.

11. All matters or issues before the Committee will be decided by a simple majority of votes cast, with the Chair having a second or casting vote.

Absence of Subject Member or Complainant

12. Where the Subject Member or the Complainant fails to attend the hearing and where the Committee is not satisfied with their explanation for their absence from the hearing, the Committee may in the first instance, have regard to any written representations submitted by the Subject Member or by the Complainant and may resolve to proceed with the hearing in their absence and make a determination. If the Committee is satisfied with the Subject Member's or Complainant's reason for non-attendance, it may adjourn the hearing to another date.

Right to be accompanied

13. The Subject Member or the Complainant may choose to be accompanied by a fellow councillor (in the case of the Subject Member) a friend or a colleague. Legal representatives will not normally be permitted to attend the hearing (but see paragraph A4 above).

B. Procedure at the Hearing

Order of Business

1. Subject to the right of the Chair to exercise their discretion to amend the order of business, the following maters will be dealt with prior to the start of the hearing:

    (a) Apologies for absence;

    (b) Declarations of Interest;

    (c) In the absence of the Subject Member or Complainant, consideration as to whether to adjourn or to proceed with the hearing;

(d) Introduction by the Chair, of members of the Committee, the Independent Person, Acting Monitoring Officer, Investigating Officer, legal advisor, Complainant and the Subject Member(s) and their representatives (if applicable);

(e) To receive representations from the Acting Monitoring Officer and/or Subject Member or Complainant as to whether any part of the hearing should be held in private and/or whether any documents (or parts thereof) should be withheld from the public/press;

(f) To determine whether the public/press are to be excluded from any part of the meeting and/or whether any documents (or parts thereof) should be withheld from the public/press; and

(g) The Chair will briefly outline the nature of the complaint and the purpose of the hearing and the procedure to be followed.

Presentation of the Investigating Officer's Report

2. The Investigating Officer will present their report including any documentary evidence or other material. As all of the parties to the hearing and the Committee will have received the Report and supporting documents in advance of the hearing, the Investigating Officer will deal with the points in dispute and will not be expected to go through any sections of the report that are agreed between the parties.

3. The Complainant or their representative may question the Investigating Officer.

4. The Subject Member or their representative may question the Investigating Officer.

5. The Committee may question the Investigating Officer upon the content of their report.

Presentation of the Subject Member's Case

6. Where the Subject Member disputes any points within the Investigating Officer's Report or disagrees with the Investigating Officer's conclusions, they, or their representative may present their case.

7. The Investigating Officer may question the Subject Member.

8. The Complainant or their representative may question the Subject Member.

9. The Committee may question the Subject Member.

Presentation of the Complainant's Case

10. As all of the parties to the hearing and the Committee will have received the Complainant's Response to the Report and supporting documents in advance of the hearing, the Complainant, or their representative, may deal with the points in dispute and will not be expected to go through any sections of the Report or the Response that are agreed between the parties.

11. The Investigating Officer may question the Complainant or their representative.

14. The Subject Member may question the Complainant or their representative.

15. The Committee may question the Complainant or their representative.

Summing Up

16. (a) The Investigating Officer sums up the complaint;
(b) The Subject Member or their representative may sum up their case;
(c) The Complainant or their representative may sum up their case.

C. Deliberations of the Hearing Panel

Deliberation in private

1.(a) The Committee will adjourn the hearing and deliberate in private (assisted on matters of law by a legal advisor) to consider whether or not, on the facts found, the Subject Member has failed to comply with the Code of Conduct.
(b) The Committee may at any time come out of private session and reconvene the hearing in public, in order to seek additional evidence from the Investigating Officer, the Subject Member or the Complainant. If further information to assist the Committee cannot be presented, then the Committee may adjourn the hearing and issue directions as to the additional evidence required and from whom.

Announcing the decision

2. The Committee will reconvene the hearing in public and the Chair will announce whether or not on the evidence presented, the Committee considers that there has been a breach or breaches of the Code of Conduct.

Sanctions

3. Where the Committee finds that there has been a breach of the Code of Conduct, the Chair will invite the Independent Person, the Subject Member and the Complainant to make their representations as to whether or not any sanctions should be applied and, if so, what form they should take.

4. When deciding whether to apply one or more sanctions, the Committee will ensure that the application of any sanction is reasonable and proportionate to the Subject Member's behaviour.

5. The Committee will consider what action it should take from the list of possible sanctions set out in paragraph 5(5) of the Complaints Protocol. The Committee has no power to suspend or disqualify the Subject Member or to withdraw basic or special responsibility allowances.

Finding of No Breach

6. In the event that the Committee determines there has been no breach of the Code, then it will announce the decision accordingly and direct that the Acting Monitoring Officer informs both the Complainant and the Subject Member as soon as possible after the meeting if either is not present at the hearing.

Publication and notification of the Committee's decision and recommendations

7. Within 14 days of the Committee's announcement of its decision and recommendations, the Acting Monitoring Officer will publish the name of the Subject Member and a summary of the Committee's decision and recommendations and reasons for the decision and recommendations ("the Full Decision") on the City Council's website. The Full Decision must be agreed with the Chair, prior to publication.

8. No later than the date on which the Full Decision is published on the Council's website, the Acting Monitoring Officer will provide a copy of the Full Decision to the Subject Member and the Complainant.