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Councillor Mohammed Abbasi
7 Warneford Road
Oxford
OX4 1LT

01 April 2011
Our ref: HML/703/4/31
Your ref:

Dear Councillor Abbasi

Standards Investigation - Alleged Breach of the Code of Conduct

I write further to the email from Alec Dubberley to you dated 16 March 2011.

I am writing to confirm that this Council's Standards Committee has received an allegation that you have failed to declare a personal and prejudicial interest at the meeting of Full Council on 21 February 2011.

In accordance with the legislation for assessing such complaints, the Council's Standards Assessment Panel met on 14 March 2011 to consider what action, if any, to take in respect of the allegations, and a copy of the notice of the decision is enclosed with this letter.

As you will see, the Panel decided to refer the complaint to the Monitoring Officer for investigation. I should stress that this is not in any way a decision that you have failed to observe the Code rather that the matter merits investigation in accordance with the guidance on the assessment of complaints issued by Standards for England and the Council's assessment criteria.

A number of points arise from the decision that the specified matters should be investigated:

- Jeremy Thomas, as Monitoring Officer has appointed Mr Nick Graham, who is a solicitor employed by Oxfordshire County Council to conduct the investigation on his behalf.
- Mr Graham will wish to speak to you during the investigation, and will contact you about this in due course.
- When Mr Graham has completed his investigation, he will submit a report to Jeremy Thomas, which then has to be considered within a period of 3 months. If Mr Graham concludes that you did not fail to observe the Code of Conduct then this Council's Standards Committee will meet to hold what is known as a "consideration meeting", at which it will decide whether it accepts the findings of the investigator. If so, the matter would be closed at that point. If not, a Hearing would

take place into the allegations.

- Should Mr Graham conclude that there was a failure to observe the Code, then the matter would be referred directly for a hearing.
- Mr Graham will supply you with a copy of your report and prior to that may send you a copy of a draft for comment.
- Further information about the investigation process may be found on the website of Standards for England – www.standardsforengland.gov.uk for the home page, and <http://www.standardsforengland.gov.uk/Guidance/TheLocalStandardsFramework/> for its published guidance on different aspects, including the assessment, investigation and determination of complaints.
- The attached decision notice is a public document, and by law has to be available for inspection at the Council Offices for a period of six years beginning with the date that the Assessment Panel held its meeting. The fact that an investigation is to be undertaken is, therefore, "in the public arena" but the details of that investigation are not, at least until the point that the investigator's report is considered. Mr Graham will therefore remind you of the confidentiality of the matter and your obligations under the Code of Conduct not to disclose confidential information.

I should also remind you of the contents of paragraph 3 of the Code, which includes provision that you must not "intimidate or attempt to intimidate a person who is likely to be (i) a complainant, (ii) a witness, or (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's Code of Conduct".

Finally, I should mention that the complainant will also be notified of the position as outlined above.

I hope this explains the position satisfactorily, but please do not hesitate to contact me if you have any queries.

Yours sincerely



Helen Lynch
Lawyer
For the Head of Law and Governance

**STANDARDS COMMITTEE
ASSESSMENT PANEL**

www.oxford.gov.uk



**Members: Martin Gardner (Chair)
Chris Ballinger
Councillor Gill Sanders**

Monday 14 March 2011

DECISION NOTICE: REFERRAL FOR INVESTIGATION

**Councillor Mohammed Niaz Abbasi (Oxford City Council)
Case Reference 703/4/31**

NOTE: The subject member and complainant should note that the complaint remains in an unconcluded state. Until it is concluded you should restrict the passing on of any information that could breach the provisions of the Data Protection Act 1998, impede any investigation, represent a breach of confidentiality or otherwise constitute a breach of the Code of Conduct.

1. ALLEGATION AND FUNCTION OF PANEL

It is alleged that Councillor Mohammed Niaz Abbasi (a member of Oxford City Council) failed to comply with the Members' Code of Conduct. The function of the Assessment Panel is to decide if allegations of breaches of the Members' Code of Conduct merit investigation.

2. SUMMARY OF COMPLAINT

It is alleged that Councillor Abbasi failed to comply with the Members' Code of Conduct because of his failure to declare a personal and/or a prejudicial interest at a meeting of the Full Council on 21 February 2011.

3. DECISION

In accordance with Section 57A(2)(c) of the Local Government Act 2000, as amended, the Assessment Panel of the Standards Committee decided to refer the allegation to the Monitoring Officer for investigation

Potential breaches of the Code of Conduct identified

We have identified below the paragraphs of the Code of Conduct which may apply to the alleged conduct:

- Section 2 – Declaration of interests

This decision notice is sent to the person or persons making the allegation and the member against whom the allegation was made

5. ADDITIONAL HELP

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

We can also help if English is not your first language.

Please contact Alec Dubberley, Democratic Services Officer on 01865 252402 or adubberley@oxford.gov.uk if you require any further assistance.

Signed *Martin Gardner* Date 15 March 2011

Martin Gardner
Chair of the Standards Committee Assessment Panel

Authority under which the decision is made

The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000 which now provides for the local assessment of complaints that members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of authority members and the requirements for dealing with this.

The regulations set out a framework for the operation of a locally based system for the assessment, referral and investigation of complaints of misconduct by members of authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committees) Regulations 2000, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 as amended.

FILE COPY



Councillor Mohammed Niaz Abbasi
7 Warneford Road
Oxford
OX4 1LT

Oxfordshire County Council
Law and Governance
Chief Executive's Office
County Hall, New Road
Oxford
OX1 1ND

DX 4310 OXFORD

Peter G Clark
County Solicitor and Monitoring Officer
Head of Law and Governance

Please ask for Nick Graham
Direct Line: 01865 323910
Email: nick.graham@oxfordshire.gov.uk
Our Ref: NG/cdd/41597

Date: 11 April 2011
Direct Fax: 01865 783361

Your Ref:

Dear Councillor Abbassi

**Re: Standards Investigation – alleged breach of the Code of Conduct
Case Reference – 703/4/31**

I write further to Helen Lynch's letter of 1 April 2011 and Councillor David Williams's allegation that you may have failed to comply with Oxford City Council's Code of Conduct.

I have been appointed by Jeremy Thomas to investigate the allegations which have been made about your conduct. I would like to assure you that although the Standards Committee has referred the allegation for investigation, the Standards Committee has formed no view on the matters set out in the allegation. The investigation will enable the Standards Committee to reach a conclusion on whether there has been any failure to comply with Oxford City Council's Code of Conduct. Part of the investigation will include seeking information and documentation from you, and other people, where relevant.

I enclose a copy of the documents which make up the allegation made against you. These are:

1. A copy of the complaint (redacted)
2. An extract from the background papers to the Full Council meeting on 21 February 2011
3. Register of Interests
4. A copy of the model Code of Conduct.

I have redacted a copy of the complaint form to preserve confidentiality.

You may disclose these documents to your solicitor, or other representative, should you choose to appoint one, for the purposes of seeking advice in relation to this investigation. The document should not be disclosed to anyone else.

I also attach a copy of the Minutes of the Full Council meeting on 21 February 2011.

It would assist if you could please provide the following information in writing by 25 April 2011 in order that I can progress the investigation:

- (a) The date you first elected as Councillor to Oxford City Council.
- (b) When you were last elected to Office and the term for which you were elected.
- (c) The positions of responsibility you held, or continue to hold.
- (d) When you provided a written undertaking to observe the Council's Code of Conduct.
- (e) Details of any training you received on the Code of Conduct.

Attached to this letter is the documentation relevant to this complaint. It includes a register of your interests and I should be grateful if you could confirm that that register is complete and up to date.

You are welcome to provide me with your initial response to the allegation should you wish to do so at this point.

I hope to complete the investigation by early June. In order to assist in the progress of the investigation could you please let me know of any periods of time, such as holidays, when you will not be available.

Upon receipt of the information requested above it may be that I will need to meet with you face to face and discuss the complaint more fully. I will obviously write to you to arrange that.

I want to keep you informed of the progress of the investigation, so do feel free to contact me at any stage.

If you have any queries I can be contacted directly on the contact number above or by email on the address above. Please quote the reference number on all correspondence.

Yours sincerely

Nick Graham
Deputy Head of Law and Governance
Oxfordshire County Council

Encs.

Dated 21-04-2011.

To

Mr. Nick Graham
Deputy Head of Law and Governance
Oxfordshire County Council
County Hall
New Road
Oxford OX1 1ND

Ref NG/CDD/41597

Dear Sir

Thank you for your letter dated 11th April, 2011 case ref 703/4/31. I am pleased to state the following response regarding the enquiries on the letter above.

- (a) I was first elected as City Councillor in May 2002.
- (b) I was last elected as City Councillor in May 2010.
- (c) Nil
- (d) 2010 (June/July)
- (e) June/July 2010
- (f) I am planning to be on leave from last week of May till end of June 2011.

Register of Interest:- Please add Regal Community Center. I am a member of the Labour Group on the City Council, which currently forms the political administration of the council.

The administration proposed its budget for 2011-12 at the council meeting on 21st February, I supported that budget.

The two opposition parties both presented alternative budget which were voted on as amendments. I voted against both amendments which were taken 'as a whole' not as a series of constituent proposals.


There was therefore no specific debate on or reference to the Green Party proposal to raise

taxi licensing fees and my vote against the amendment was in no way influenced by the inclusion of this proposal. I voted against the amendment 'as a whole'.

My employment as a taxi driver/owner is entered on the Council's Register of member Interest Page 28 Dated 7-7-2010. and I do not take part in discussions which refer specifically to taxi licensing. But on this occasion, the reference to licensing fees comprised a very small part of a composite motion seeking to oppose the administration budget.

In view of the above facts, I believe the complaint made by Cllr. William is not a valid one.

Best regards

 (Cllr. Mohammad Abbasi.)

Notes of a meeting with Councillor Abbasi
20 May 2011 – 08:45am – 09:35am
Oxford City Council Offices

In attendance:

Nick Graham (NG) - (Solicitor; Investigating Officer)
Councillor Mohammed Abbasi
Councillor Ed Turner

Preamble

NG introduced himself and set out the purpose of the meeting and a short summary of the details of the complaint, the role of the Monitoring Officer and Standards Committee and the Standards Committee decision. NG outlined the information provided in the interview would be drafted into a form of notes which would then be sent to Councillor Abbasi for his comment. These would then be finalised and would be used to draft a report that would go to the Standards Committee. Again, both Councillor Abbasi and the Complainant would have an opportunity to comment on that report before it was finalised.

General Comments

Having explained the details of the complaint Councillor Abbasi reiterated the points made in his letter of 21 April 2011. As the issue to do with taxi licences was not dealt with individually and because the budget was dealt with as a composite whole, that is there was no specific debate on the proposals affecting taxi licences, he did not consider it was necessary to declare an interest. Nor did he receive advice either from the Monitoring Officer or the Party Whip in relation to declaring an interest.

Councillor Turner supplemented that point by indicating that as far as he was aware every budget contains an item in relation to taxi licensing and that both he and Councillor Abbasi had served since 2002 and there had never been any suggestion in any training received, or advice from the Monitoring Officer, that declarations had to be made in circumstances where composite budgets were put forward. Councillor Turner indicated that there were five taxi drivers who sat on the Labour Group and Whips often remind group members of the importance of declaring appropriate interests and advises as to when those

interests arise, and there was no suggesting in this case. Councillor Turner indicated that in this particular case the Monitoring Officer did not give any indication that this was an issue.

Training

Councillor Abbasi confirmed he had received training. He had been a Councillor since 2002 and, although there had been a gap in 2004-2006, he had attended training every year. He had specifically had training on the Code of Conduct and more specifically in relation to personal and prejudicial interest.

He does recall a time when taxi matters were raised early on in his time as a Councillor at the City Council and he took a decision at that time to withdraw on advice.

Councillor Abbasi is clear of his understanding of when declarable interest arises and he does recall a circumstance when he was dealing with a contentious planning application at Oxford Brookes, and he approached the Monitoring Officer at that time and sought advice and made an appropriate declaration of interest.

He is also clear that if a matter arose, either at Full Council or, indeed, at any other Committee meeting that specifically addressed the matter of taxis, he is aware of the importance of considering his interests and making appropriate declarations as appropriate.

Roles

Councillor Abbasi is a Member of the Labour Group and he has been a Councillor since 2002 with a gap for a period of four years from 2002-2006. He is a member of the Scrutiny Committee.

Interests

Councillor Abbasi confirmed he was self employed and he held a taxi cab licence and that licence was granted to him by the City Council.

Complaint

NG outlined the details of the complaint in relation to the concern that Councillor Abbasi should have declared an interest in relation to the Labour Group proposed budget and also the proposed amendments to that budget by the Lib Dem and Green Party budget. Again, Councillor Abbasi confirmed that his position was that he did not consider it was necessary to declare an interest because the issue to do with taxi licences was not specifically raised or addressed in the debate. He also considered that as it was one line in an overall motion, if he had been disqualified from voting on it then, effectively, his constituents would not have been able to have a say in relation to a very wide ranging budget, taxi licenses only being one very small part of the overall budget.

Councillor Abbasi also confirming that in relation to the actual charges, these were all increases in taxi licence fees and he received no advantage to voting for such an increase. Indeed, he would be disadvantaged, along with all of his taxi driver colleagues because of the increase.

In relation to the Lib Dem and Green Group alternative budgets, having considered the Lib Dem proposed budget there was no specific reference in that alternative budget to taxi licence fees and therefore Councillor Abbasi did not consider he was precluded from voting as regards the alternative budget.

As regards the Green Group budget, there is a reference to an increase of 2% on taxi licence fees. Councillor Turner indicated that the debate on this was effectively the leader of the Green Party addressing, in summary form, the general issues regarding the Green Group budget. There was no mention in the debate of the proposed increase in taxi licences. He, as Deputy Leader, responded and a vote was taken.

Councillor Abbasi's clear recollection is that there was no reference in the debate and that if there had been a proposal to deal with individual amendments he would have declared an interest, but as it was dealt with as a composite amendment containing fine details of the proposal, then he did not consider it was necessary to make a declaration.

Code of Conduct and Guidance

NG identified paragraph 8 in the Model Code of Conduct that related to personal interest and Councillor Abbasi confirmed that he would normally have a personal interest because of his employment as a taxi driver but, he agreed with the Standards guidance that suggested that where a budget is dealt with as a composite whole and details that could be of prejudicial interest are dealt with detail and in an officer report, he did not consider it was necessary to declare a prejudicial interest.

Furthermore, it was also a part of the Council tax setting process which meant he did not have a prejudicial interest in that and it was too remote.

Earlier declarations

Looking through the earlier decisions of Full Council it was clear that taxi licences was common matter that arose on every budget as fees and charges had to be set annually. In 2008 Councillor Khan, who is also a taxi driver, made a declaration of a personal prejudicial interest. Councillor Abbasi was not at that meeting. Councillor Turner indicated that the reason for that declaration was because the Green Group proposal not only addressed the taxi licence but also proposed various grants to taxi drivers for ecological reasons. Unfortunately, there does not seem to be a copy available of the alternative budget proposed in 2008.

Looking at the budgets for 2009/10, again, these related to taxi licences and there was no particular change to the fees, however, Councillor Abbasi

confirmed that he did not consider in those circumstances it was necessary to declare an interest and none was declared.

Register of Interest

Councillor Abbasi confirmed that his Register of Interest was up to date and indicated that the fact he was a taxi driver was known to all.

Next Steps

- NG confirmed that notes of the meeting would be drafted and circulated to Councillor Abbasi for comment.
- Councillor Abbasi was happy for any information to be copied to Councillor Turner.
- Councillor Abbasi was away from the end of May to the end of June and it may be he had to consider any draft report upon his return.

Nick Graham
Deputy Head of Law & Governance
Oxfordshire County Council

20 May 2011

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