

**Law and Governance**  
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Councillor Sajjad Hussain Malik  
24 Emperor Gardens  
Oxford  
OX4 7WB

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

Dear Councillor Malik

### **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](http://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 Sajjad Malik (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 Sajjad Malik (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 Malik failed to comply with the Members' Code of Conduct because of his failure to declare a personal and/or 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](mailto: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**

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**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.

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Councillor Sajjad Hussain Malik  
24 Emperor Gardens  
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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](mailto:nick.graham@oxfordshire.gov.uk)  
Our Ref: NG/cdd/41597

Date: 11 April 2011  
Direct Fax: 01865 783361

Your Ref:

Dear Councillor Malik

**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.

## Doran, Chris - Corporate Core - Legal Services

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**From:** Graham, Nick - Corporate Core - Legal Services  
**Sent:** 20 April 2011 07:52  
**To:** Doran, Chris - Corporate Core - Legal Services  
**Subject:** FW: standard investigation

can you print this too

-----Original Message-----

**From:** sajjadmalik1@aol.co.uk [mailto:sajjadmalik1@aol.co.uk]  
**Sent:** Tue 19/04/2011 10:02  
**To:** Graham, Nick - Corporate Core - Legal Services; sajjadmalik1@aol.co.uk  
**Subject:** standard investigation

Dear Mr Graham,

Thanks for your email about above subject and i have follow statement to make and to answer the information you asked for. i will be away from 3rd May till 24TH May. and then i am away from 1st June till 6th June, please give me call if you like to talk about it as i can be available on phone call notice as i work locally and have flexibility in my line of work.

first i was elected in May 2004.

last elected to office in 2008 for 4 years till 2012.

i am responsible for safer communities at oxford city council.

code of conduct booklet was provided shortly i was elected first.

i have received two or more time training about code of conduct.

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 in February. I supported that budget.

The two opposition parties both presented alternative budgets 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 is entered on the Council's Register of member Interests 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.

So please free to be in touch for further information.

Best Wishes  
Cllr Sajjad Malik



**Notes of a meeting with Councillor Malik**  
**13 June 2011 – 2:00pm–2:30pm**  
**Oxford City Council Offices**

In attendance:

Nick Graham (NG) - (Solicitor; Investigating Officer)  
Councillor Malik

**Preamble**

NG introduced himself and set out the purpose of the meeting, a short summary of the details of the complaint, the role of the Monitoring Officer and the 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 Malik for his comments. These would then be finalised and be used to draft a report that would go to the Standards Committee. Again, Councillor Malik 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 Malik reiterated the points made in his email of 19 April 2011. As a general comment Councillor Malik considered that as the issue that came before Full Council in February was a general motion with the question of taxi licence fees being dealt with in detail in an attached report and not individually as part of the motion, and in circumstances where there was no specific debate on the proposals, he did not consider it was necessary to declare an interest.

Furthermore, he did not receive advice from the Monitoring Officer or other Councillors in relation to declaring an interest.

**Training**

Councillor Malik confirmed that he had received training, both as a City Councillor and also as a County Councillor when he first became elected for the East Oxford division.

He has, from time to time, written to the Monitoring Officer when he is dealing with Constituents to ask whether it is appropriate for him to deal with certain issues and received advice.

He is well aware of the Code and he is aware what a personal and prejudicial interest is. He has not had cause to make a declaration of interest in any other Council meeting other than Full Council.

However, he is aware that if a specific issue arose in relation to taxis he would consider his interests and make an appropriate declaration.

### **Roles**

Councillor Malik is a member of the Labour Group and he has been a Councillor at the City Council since 2004. He was last elected to Office in 2008 for a period expiring 2012. Up until April 2011 he was responsible for safer communities on the Oxford City Council Executive. At present he holds no other role other than being a Councillor for his Ward.

### **Interests**

Councillor Malik confirmed that he was self employed and was a badge holder for a taxi cab. He confirmed that he drove for someone else and did not own his own licensed cab.

### **Complaint**

We discussed the details of the complaint and, he reiterated that he considered he was setting the Council Tax budget and therefore, in accordance with the Standards for England guidelines, he did not consider there was any need to declare a prejudicial interest as he was setting the Council Tax budget and the motion was a general one.

We discussed the proposed Liberal and Democratic Green budgets which he also voted upon. Reading through the Liberal Democratic budget there was no specific reference to taxi licences and he felt that he had no reason to declare an interest and considered he could debate and vote against the Lib Democratic budget.

In relation to the Green budget, he confirmed that whilst taxi licenses are mentioned in the papers, there was no specific reference to it in the debate, nor in the response from the Deputy Labour Leader. Again, he did not consider it necessary for him to declare an interest and he felt he could vote against that budget.

We discussed the earlier Full Council meetings going back to 2008. He confirmed that he did declare an interest in 2008 as a taxi driver, but the reason he did that was the Green party were proposing a grant to taxi licensees. In subsequent years he attended Full Council and as there were simply no changes to the proposed budget he did not feel it necessary to declare an interest at the time. He also noted that all of the taxi drivers at the time, Councillor Mirza, Councillor Altaf-Khan, Councillor Khan, all declared an interest and none of them have declared subsequent interests in subsequent meetings.

He also confirmed that because what he was voting for was simply an increase in taxi licence fees, he did not think it was a prejudicial interest in circumstances where he would be disadvantaged by the decision as much as any other taxi driver.

### **Register of Interest**

Councillor Malik confirmed that the Register of Interest was up to date and indicated the fact that he was a taxi driver was known to all and he regularly reviewed the declarations.

### **Next Steps**

- NG confirmed that the notes of the meeting would be drafted and circulated to Councillor Malik for comment.
- Councillor Malik is happy to be communicated with via email.

Nick Graham  
Deputy Head of Law & Governance  
Oxfordshire County Council

13 June 2011