

Agenda

Standards Committee

Date: **Thursday 15 September 2011**

Time: **2.00 pm**

Place: **Oxford Town Hall, St Aldate's, Oxford**

For any further information please contact:

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Standards Committee

Membership

Chair	John Lay	Independent Member
Vice Chair	Dr Anne Gwinnett	Independent Member
	Councillor Clark Brundin	Local Authority Representative
	Councillor Michael Gotch	Local Authority Representative
	Councillor Gill Sanders	Local Authority Representative
	Councillor Val Smith	Local Authority Representative
	Councillor Dick Wolff	Local Authority Representative
	Chris Ballinger	Independent Member
	Meryll Dean	Independent Member
	Martin Gardner	Independent Member
	Nils Bartleet	Parish Council Representative
	Fred Mogridge	Parish Council Representative

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AGENDA

Pages

1 APOLOGIES FOR ABSENCE

The Constitution does not permit substitutions.

Quorum for the Committee is 3 members; one of whom must be an Independent Member.

2 DECLARATIONS OF INTEREST

Members serving on the Committee are asked to declare any personal or personal prejudicial interests they may have in any of the following agenda items.

3 HEARING OF COMPLAINT REFERENCE 703/4/31

1 - 102

To consider an investigation in accordance with the Local Government Act 2000, and to conduct a Standards Committee Hearing.

4 DATES AND TIMES OF FUTURE MEETINGS

2 December 2011
9 March 2012

DECLARING INTERESTS

What is a personal interest?

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close personal association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interests, which you must register.

What do I need to do if I have a personal interest?

You must declare it when you get to the item on the agenda headed “Declarations of Interest” or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

What is a prejudicial interest?

You have a prejudicial interest in a matter if;

- a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
- b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
- c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

What do I need to do if I have a prejudicial interest?

If you have a prejudicial interest you must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.

To: Standards Committee

Date: 15 September 2011

Report of: Head of Law and Governance

Title of Report: Hearing of Complaint Reference 703/4/32

Summary and Recommendations

Purpose of report: This report explains to the Standards Committee the purpose of the Hearing and the decisions which it is permitted to take in relation to the consideration of complaint reference 704/4/32.

Report Approved by:

Finance: N/A
Legal: Jeremy Thomas

Policy Framework: N/A

Recommendation: To conduct a local determination hearing into the complaint received against the subject member in accordance with the procedure appended to this report.

Introduction and Background

1. On 4 March 2011, the Assessment Panel of this Committee met to consider a complaint made by Councillor David Williams (referred to as "the Complainant"), against Councillors Abbasi, Khan and Malik, members of Oxford City Council (referred to as "the Subject Member(s)"). The Assessment Panel found that the Subject Members were potentially in breach of the Code of Conduct, and took the decision to refer the complaint to the Monitoring Officer for investigation.
2. The Investigating Officer's report was completed on 13 July 2011. The report concluded that, in the opinion of the investigating officer there had been a breach of the Code of Conduct. The following paragraphs of the Code are relevant:-

- 8 - Personal interests
- 9 - Disclosure of personal interests
- 10 - Prejudicial interests generally
- 12 - Effect of prejudicial interests on participation

Key Considerations

4. The Standards Committee is obliged to consider the following:
 - This covering report and procedure guide;
 - The Investigating Officer's report;
 - The Pre-Hearing Summary
 - The representations made at the hearing by either the Investigating Officer or the Subject Member

Hearing procedure

5. The Committee is advised to conduct the hearing in accordance with the Standards Committee local hearing procedure, which is appended to this covering report. The Committee may vary the procedure if it feels it is in the interests of natural justice.

Decisions to be taken

6. Having considered all of the evidence and listened to the witnesses, the Standards Committee must decide:
 - a. Whether it agrees that the Subject Member has failed to follow the Code of Conduct.
 - b. If the Committee decides that there has been no failure to follow the Code of Conduct, it must take no further action in relation to the Subject Member. It may however make comments to the Authority.
 - c. If the Committee agrees that there has been a failure to follow the Code of Conduct, it must decide whether there are any mitigating circumstances;
 - d. In the event that the Subject Member has been found to breach the Code of Conduct the Committee may impose any one or a combination of the following:
 - Censure.
 - Restriction for a period not exceeding six months of the Subject Member's access to the premises of the authority or the Subject Member's use of the resources

of the authority, provided that those restrictions meet **both** the following requirements: **i)** they are reasonable and proportionate to the nature of the breach. **ii)** they do not unduly restrict the person's ability to perform the functions of a member.

- Partial suspension of the Subject Member for a period not exceeding six months.
- Suspension of the Subject Member for a period not exceeding six months.
- That the member submits a written apology in a form specified by the standards committee.
- That the Subject Member undertakes such training as the standards committee specifies.
- That the Subject Member participates in such conciliation as the standards committee specifies.
- Partial suspension of the Subject Member for a period not exceeding six months or until such time as the subject member has met **either** of the following restrictions: **i)** they have submitted a written apology in a form specified by the standards committee. **ii)** They have undertaken such training or has participated in such conciliation as the standards committee specifies.
- Suspension of the Subject Member for a period not exceeding six months or until such time as the member has met **either** of the following restrictions: **i)** they have submitted a written apology in a form specified by the standards committee. **ii)** they have undertaken such training or has participated in such conciliation as the standards committee specifies.

7. The Standards Committee must announce its decision at the end of the hearing, and give its full written decision to the relevant parties as soon as possible after the hearing. If the Committee finds that the Subject Member **did** breach the Code of Conduct, a summary of the decision and reasons must also be published in at least one local newspaper that is independent of the authorities concerned.

Name and contact details of author:

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Appendix: Hearing procedure

Background papers: None

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STANDARDS COMMITTEE

Pre-Hearing Process Summary

Name of Authority	Oxford City Council
Subject Member	Councillors Abassi, Khan, and Malik.
Will the subject member be present at the Hearing?	Yes
Will the subject member be represented by anyone?	No
Complainant (if identity is not confidential)	Councillor David Williams.
Case Reference Number	703/4/31
Independent Chair of the Hearing	John Lay
Monitoring Officer (or Representative)	Jeremy Thomas
Investigating Officer appointed by the Monitoring Officer	Nick Graham
Clerk to the Hearing	Alec Dubberley
Date of this Summary	Thursday 1 September 2011
Date, Time and Place of the Hearing	2.00 pm on Thursday 15 September 2011 at The Town Hall, St Aldate's, Oxford, OX1 1BX
Summary of Complaint	The complainant alleges that Subject Members failed to declare personal and/or prejudicial interests at a meeting of Full Council on the 21 February 2011 when the budget setting item was discussed and determined on the grounds that an item for consideration in the Council's budget concerned taxi licence fees and the subject members were holders of such a licence.
Relevant Sections of the Code of Conduct	8 - Personal interests 9 - Disclosure of personal interests 10 - Prejudicial interest generally 12 - Effect of prejudicial interests on participation
Findings of Fact in the Investigating Officer's report that are agreed.	All are agreed

Findings of Fact in the Investigating Officer's report that are NOT agreed.	No findings of fact are disputed
Witnesses	<p>For subject member: None</p> <p>For investigating officer: None</p>

Note: An outline of the Hearing Procedure is attached for information.

HEARING PROCEDURE FOR THE STANDARDS COMMITTEE

Interpretation

1. “Member” means the Member of the Authority, which includes, Oxford City Council Council or any Parish Council, who is the subject of the allegation being considered by the Standards Committee, unless stated otherwise.
2. “Investigator” means the Investigating Officer nominated by the Monitoring Officer to carry out the investigation.
3. “Committee” refers to the Standards Committee.
4. “Legal Advisor” means the officer responsible for providing legal advice to the Standards Committee. This may be the Monitoring Officer, another legally qualified officer of the Authority or someone appointed for this purpose outside the Authority.

Representation

5. The Member may be represented or accompanied during the meeting by a Solicitor, Counsel or with the permission of the Committee, another person.

Legal Advice

6. The Committee may take legal advice from its legal advisor at any time during the hearing or while they are considering the outcome. The substance of any legal advice given, to the Committee would be shared in the public domain with the Member and the Investigator if they are attending the hearing.

Setting the Scene

7. The Chair will formally introduce all Members of the Committee and everyone who is formally involved in the Committee. The Chair will then explain that the Committee is following a set procedure to ensure a fair and consistent approach is adopted which follows the principles of natural justice.

Preliminary Procedure Issues

8. The Committee should then resolve any issues of disagreement about how the hearing should continue, which has not been resolved during the pre-hearing process.

Making finding of facts

9. After dealing with any preliminary issues, the Committee should then move on to consider whether or not there are any significant disagreements about the facts contained in the Investigator's report.
10. If there are no disagreement about the facts, the Committee can move on to the next stage of the hearing at 18.
11. If there is a disagreement, the Investigator, if present should be invited to make any necessary representations to support the relevant findings of facts in the report. With the Committee's permission, the Investigator may call any necessary supporting witnesses to give evidence. The Committee may give the Member an opportunity to challenge any evidence put forward by any witness called by the Investigator.
12. The Member should then have the opportunity to make representations to support his or her version of the facts and, with the Committee's permission, to call any necessary witnesses to give evidence.
13. At any time, the Committee may question any of the people involved or any of the witnesses, and may allow the Investigator to challenge any evidence put forward by witnesses called by the Member.
14. If the Member disagrees with most of the facts, it may make sense for the Investigator to start by making representations on all the relevant facts, instead of discussing each fact individually.
15. If a Member disagrees with any relevant fact in the Investigator's report, without having given prior notice of the disagreement, he or she must give good reasons for not mentioning it before the hearing. If the Investigator is not present, the Committee will consider whether or not it would be in the public interest to continue in his or her absence. After considering the Member's explanation for not raising the issue at an earlier stage, the Committee may then:-
 - (a) continue with the hearing, relying on the information in the Investigator's report;
 - (b) allow the Member to make representations about the issue, and invite the Investigator to respond and call any witnesses, as necessary; or

- (c) postpone the hearing to arrange for appropriate witnesses to be present, or the Investigator to be present if he or she is not already.
- 16. The Committee will usually request all persons leave the room while they consider the representations and evidence in private.
- 17. On their return, the Chair will announce the Committee's finding of fact.

Did the Member fail to follow the code

- 18. The Committee then needs to consider whether or not based on the fact it has found, the Member has failed to follow the Code of Conduct.
- 19. The Member should be invited to give relevant reasons why the Committee should not decide that he or she has failed to follow the Code.
- 20. The Committee should then consider any verbal or written representations from the Investigator.
- 21. The Committee may, at any time, question anyone involved on any point they raise in their representations.
- 22. The Member should be invited to make any final relevant points.
- 23. The Committee will usually request all persons leave the room while they consider the representations.
- 24. On their return, the Chair will announce the Committee's decision as to whether or not the Member has failed to follow the Code of Conduct.

If the Member has not failed to follow the Code of Conduct

- 25. If the Committee decides that the Member has not failed to follow the Code of Conduct, the Committee can move on to consider whether it should make any recommendations to the Authority.

If the Member has failed to follow the Code of Conduct

- 26. If the Committee decides that the Member has failed to follow the Code of Conduct, it will consider any verbal or written representations from the Investigator and the Member as to:-
 - (a) whether the Committee should set a penalty; or
 - (b) what form the penalty should take

27. The Committee may question the Investigator and Member, and take legal advice, to make sure they have the information they need in order to make an informed decision.
28. The Committee will request that all persons leave the room while they consider whether or not to impose a penalty on the Member and, if so, what the penalty should be.
29. On their return the Chair will announce the Committee's decision.

Recommendations to the Authority

30. After considering any verbal or written representations from the Investigator, the Committee will consider whether or not it should make any recommendations to the Authority, with a view to promoting high standards of conduct amongst members.

The written decision

31. The Committee will announce its decision on the day and provide a short written decision on that day. It will also need to issue a full written decision within 2 weeks.
32. The decision will be circulated to all relevant persons including Standards For England.

INVESTIGATION REPORT

Case Reference: 703/4/31

Report of an investigation under section 59 of the Local Government Act 2000 by Nicholas Graham, Solicitor, appointed by the Monitoring Officer for Oxford City Council into allegation concerning Councillor Mohammed Abbasi

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8. Finding

Appendix A Schedule of evidence taken into account and list of unused material

INVESTIGATION REPORT

1. Executive Summary

- 1.1 The complaint against Councillor Abbasi relates to an alleged failure to declare a “personal and/or prejudicial interest at the meeting of Full Council on the 21 February 2011 when the budget setting item was discussed and determined” on the grounds that an item for consideration in the Council’s budget concerned taxi licence fees and the Councillor was a holder of such a licence.
- 1.2 I do not consider that Councillor Abbasi had a prejudicial interest in the matter before Full Council on the 21 February 2011 when considering the Executive’s budget proposals. I also do not consider he had a prejudicial interest when considering the amendments to the Executive’s budget as proposed by the Liberal Democrat and Green Groups.
- 1.3 I consider that Councillor Abbasi had a personal interest in the matters before Full Council at the meeting on the 21 February 2011 and he ought to have reasonably been aware of that interest.
- 1.4 I find that there has been a breach of the Council’s Code of Conduct for Members as Councillor Abbasi failed to declare his personal interest. However, I consider this to be a minor and technical breach.

2. Councillor Abbasi’s official details

- 2.1 Councillor Abbasi was elected to office most recently in 2010 for a term of four years. He was first elected to that office in May 2002.
- 2.2 At present he is a member of the Council’s Scrutiny Committee.
- 2.3 Councillor Abbasi gave a written undertaking to observe the Code of Conduct in [June/July 2010].
- 2.4 Councillor Abbasi has received training on the Code of Conduct.

3. The relevant Legislation and Protocols

- 3.1 The Council has adopted the model Code of Conduct (as set out in the Local Authority’s model Code of Conduct Order) 2007. The relevant paragraphs of that model are as follows:

Personal Interest – Paragraph 8

- 8(1) *You have a personal interest in any business of your authority where either –*

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- (a) *it relates to, or it is likely to affect*
...
- (iii) *any employment or business carried on by you*
- (b) *a decision in relation to that business might reasonably be regarded as affecting your wellbeing or financial position, or the wellbeing, or financial position, of a relevant person to a greater extent than the majority of –*
 - (a) *(in the case of authorities with electoral divisions or wards) other Council tax payers, rate payers or inhabitants of the electoral division or Ward, as the case may be, affected by the decision*

Disclosure of personal interests

- 9(1) *Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.*
- 9(4) *Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.*

Prejudicial interest generally paragraph 10

- 10(1) *Subject to sub-paragraph (2) where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one where a member of the public with a knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement on the public interest. Paragraph (2) you do not have a prejudicial interest in any business of the authority where that business –*
 - (a) *does not affect your financial position or the financial position of the person or body described in paragraph 8*
...
 - (c) *relates to the functions of the authority-*
 - (vi) *setting Council tax or preset under Local Government Finance Act 1992.*

INVESTIGATION REPORT

4. Evidence gathered

- 4.1 I have taken account of oral evidence from Councillor Abbasi at an interview on 20 May 2011.
- 4.2 I have also taken account of documentary evidence obtained from Helen Lynch, Solicitor, Oxford City Council Legal Services. This has consisted of agendas and Minutes of 21 February 2011 Council meeting, together with agenda and Minutes of earlier Full Council meetings going back to 2008.

5. Summary of material facts

- 5.1 At a meeting of the Full Council on 21 February 2011 consideration was given to the Executive Budget and a motion was put forward for the approval of that budget which asked Full Council to approve a number of matters including the fees and charges set out in an appendix to an Executive Report dated 9 February 2011. Those fees and charges related to a large number of specific items including taxi licence fees. The Executive's proposal identified a number of increased charges relating to a number of licence related matters for taxis.
- 5.2 Councillor Abbasi attended the Full Council meeting on 21 February 2011 and was in attendance for the debate with regard to the Council budget and voted in favour of it. He did not consider he had a prejudicial interest requiring him to withdraw from the room and not participate.
- 5.3 Prior to the voting of the Executive Budget, both the Liberal Democrat Group and, separately, the Green Group advanced Alternative Budgets. The Liberal Democrat budget makes no reference, on the face of it, to taxi licence fees. In the circumstances Councillor Abbasi did not consider it was necessary to declare any interests, nor withdraw from the meeting.
- 5.4 The Alternative Budget proposed by the Green Group does mention, on the face of it, a reference to taxi licence fees, but this was not specifically mentioned in the debate, either when the Green Group advanced their budget or by the Deputy Labour Leader in replying. However, Councillor Abbasi did not consider it was necessary to declare any interest, nor withdraw from the meeting.
- 5.5 A vote was taken on the proposed amendments to the Executive Budget which was defeated. Accordingly, the Executive Budget proposed was voted on and passed.
- 5.6 Other than in 2008, the Minutes of the earlier Full Council at which the budget was set, show that no declarations of interests were made by members of the Council who were taxi drivers, notwithstanding the fact that taxi licence fees have

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formed part of the fees and charges on every occasion. On previous occasions there has been no proposed increase to those charges.

- 5.7 In 2008 the Green Group proposed an increase in taxi licence fees but in addition a proposed grant to taxi licences to enable adaptations to their vehicles. Although other Councillors at that meeting did declare prejudicial interest Councillor Abbasi did not attend that meeting.

6. Councillor Abbasi's additional submissions

- 6.1 Councillor Abbasi is of the view that no prejudicial interest arises by virtue of the fact that the vote was taken in regard to an item that formed part of a composite budget, and in those circumstances it was not necessary to declare a prejudicial interest.
- 6.2 He employs the same argument in relation to why he considered he could vote in relation to the Liberal Democrat and Green Group Alternative Budgets proposed.
- 6.3 In relation to the Liberal Democrat budget, he considers there was no specific mention of taxi licence fees and he saw no reason why he could not participate in the vote in relation to that matter.
- 6.4 Councillor Abbasi states he is well aware of the Code of Conduct and its requirements and has received appropriate training. He is aware of when he needs to declare an interest, and has done so on earlier occasions. He received no specific advice from the Monitoring Officer, or senior Councillors in relation to the declarations of interest as Full Council when setting the budget and it has never been raised as an issue in previous years.
- 6.5 Councillor Abbasi accepted that as a holder of a licence he had a personal interest in any matter that came before him that involved taxi licences by virtue of paragraph 8(1)(a)(iii) of the Code of Conduct.

7. Reasoning as to whether there have been failures to comply with the Code of Conduct

- 7.1 There are 2 broad matters that require consideration:
- (a) whether Cllr Abbasi had a personal and/or prejudicial interest in the motion before Full Council on the 21 February 2011 relating to the budget proposed by the Executive.
 - (b) whether Cllr Abbasi had a personal and/or prejudicial interest in the Alternative Budgets proposed by the Liberal Democrat Group and the Green Group.

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Personal interests

- 7.2 As to the question of personal interests, it is accepted by Councillor Abbasi that he had a personal interest in the matters before Council on the 21 February 2011, given that he was a holder of a taxi licence and the proposals in the budget would impact on him financially to a greater extent than other council tax payers. It is clear to me that a personal interest arose.
- 7.3 However, paragraph 9 of the Code of Conduct sets out the circumstances where a personal interest should be declared. Paragraph 9(1) as quoted above sets out the a Members must declare the nature and extent of their personal interest at a meeting at which business is conducted in which the Member has an interest. Normally that declaration would made “at the commencement of . . . consideration” of the business in which the Member has an interest or, alternatively, when that interest becomes apparent.
- 7.4 Paragraph 9(4) indicates that the normal obligation to declare a personal interest in any matter only arises where the Member is “aware or ought reasonably to be aware of the existence of the personal interest”.
- 7.5 In my view, Councillor Abbasi ought to have reasonably been aware that the item in the budget concerning taxi licence fees was a matter that he had an interest in and he should have declared that interest having considered the paperwork.
- 7.6 I also consider that in relation to the Green Group budget the same applies and given that the Green Group identified taxi licence fees as a specific line in their alternative proposals, I consider Councillor Abbasi ought to have declared a personal interest in that matter.
- 7.7 I accept that the taxi licence proposals, both in the Executive Budget and the Alternative Budget proposals was only one very small line in a larger document, however, I consider it reasonable that Members should appraise themselves of the documentation to identify whether they raise any particular issues which would cause them to consider whether they had an interest in the matter.
- 7.8 Having come to that conclusion I consider it appropriate to make the point that this was a technical breach of the Code. It is clearly the case that the proposals would have disadvantaged Councillor Abbasi and, although that does not obviate the personal interest that arose, it is quite clear that no benefit could have arisen for the Councillor. Furthermore, the failure to declare a personal interest had no bearing on the ability of the Councillor to participate in the debate and vote, which would have still been open to him.

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- 7.9 I conclude, therefore, that this was a technical breach and minor in nature and had no bearing or consequence for the Full Council meeting of 21 February 2011.

Prejudicial interests

- 7.10 In relation to the first issue, the question of whether Councillor Abbasi had a prejudicial interest can be reasonably easily dealt with.
- 7.11 Paragraph 10(2)(c)(vi) of the Code of Conduct provides that a member does not have a prejudicial interest in any business of the authority which 'relates to the functions' of setting of council tax. The scope of that exemption has been the subject of guidance issued by the Standards Board for England who consider that the term 'relates to the functions' is wide enough to cover not only the meeting at which the council tax is set but also any preparatory meeting, including most council budget-setting meetings.

- 7.12 The Standards Board for England Bulletin No. 37 (February 2008) states:

"We believe that no member has a prejudicial interest in motions which call on members to adopt the budget with details which are set out in an officer report. These general motions are clearly part of the council tax-setting process. Therefore, all members can attend, debate and vote on the that motion, whatever the effects might be on their personal interests."

- 7.13 In the circumstances, I find that Councillor Abbasi did not have a prejudicial interest when giving consideration to the Executive budget proposals at the meeting on the 21 February 2011 as he can rely on the exemption in paragraph 10(2)(c)(vi).

- 7.14 As regards any prejudicial interest in the proposed amendments to the budget proposals by the Liberal Democrats and Green Group the position is more complicated.

- 7.15 The Standards Board for England has provided some guidance on this issue in its questions and answers document on paragraph 10 of the Code. Having indicated the position as set out in similar terms in Bulletin 37, the guidance states:

"In the event that there are any amendments proposed to the motion which is intended to adopt the budget any "interest" a member might have in voting for cuts in one part of the annual budget so that their other organisation(s) have secure funding in another, is likely to be too remote for a reasonable person to conclude that on these facts it will prejudice their assessment of the public interest."

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If an amendment were moved to the budget motion which would (for example) remove or reduce the funding of a body in which a member has a personal interest then that member would need to declare a prejudicial interest in the debate at that point. Once an amendment is dealt with, the excluded members should be able to return to the debate at that point. Once an amendment is dealt with, the excluded member should be able to return to the debate and continue the discussions on the rest of the budget.”

- 7.16 The Guidance goes on to say that the position is not free from doubt and may not work in all cases, but should work for the majority of cases and allow members not to feel disenfranchised from one of the major tasks of the council.
- 7.17 In terms of the Liberal Democrat Group proposed amendment, then as there was no specific proposals in relation to taxi fares and so the issue does not arise and I find that no prejudicial interest arises on that issue.
- 7.18 On the Green Group proposal, clearly mention is made of an across the board increase in the taxi licence fares in the paper that was presented, accepting that there was no specific debate on this point.
- 7.19 The difficulty that arises is that the motion debated in its original form was very general and simply asks that Full Council approves a list of fees and charges the details of which are set out in an appendix. The motion put forward by the Green Group did not explicitly seek to amend the wording of the motion. The Green Group proposed a number ‘additional savings’ in the form of a table which proposes an ‘increase in taxi licensing fees in line with inflation’ with a total of the savings achieved by that change for future years set out. According to Councillor Abbasi there was no reference to taxi fees in the debate that related to these proposed amendments. The proposed amendments would appear to be amendments to the appendix.
- 7.20 One approach would be to find that Councillor Abbasi as a holder of a taxi licence should have declared a prejudicial interest which arose because the Green Group budget made a proposal which would have affected his business or that of his employer financially. This would assume that a new motion would have to be put which would have indicated that the Executive budget proposals would be substituted, or supplemented, by the Green Group proposals.
- 7.21 My view is that Councillor Abbasi did not have a prejudicial interest in the consideration of the Green Group proposed amendment. I come to that conclusion for the following reasons.
- 7.22 The difficulty with the approach referred to above is that it is envisaged by the guidance that once the proposed amendment to the motion have been debated and decided upon the Councillor with the interest can return and continue in the

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debate. If it is considered that Councillor Abbasi has a prejudicial interest then he would be excluded from the whole debate regarding the Green Group proposals as there is no obvious way of separating out the taxi licence fare increase from the many other items listed on the Green Groups' proposed amendments.

- 7.23 As the proposals were detailed as one item in a larger list of additional savings, then the ability of a Councillor to separate out his or her interests from that composite proposal, in practical terms, is very difficult. As the Standards Board for England Guidance suggests, Members should not be disenfranchised from the important task of voting on a budget proposal and unless there are explicit proposals to amend a general motion which would have alerted a member to their interest in a matter, I consider a member should not have their ability to deal with the generality of the proposals curtailed.

8. Finding

- 8.1 I find that no prejudicial interest arose at the meeting on 21 february 2011 when Councillor Abbasi was giving consideration to the Executive Budget proposals. Neither do I find that a prejudicial interest arose in relation to where amendments to that Executive Budget were proposed by the Liberal Democrat and Green Group.
- 8.2 I find that a personal interest in relation to the Executive Budget and the proposed amendments to that budget did arise for Councillor Abbasi.
- 8.3 I find that there was a failure by Councillor Abbasi to declare that personal interest in contravention of the Code of Conduct.

Nick Graham
Solicitor
Investigating Officer
Deputy Head Law & Governance
Oxfordshire County Council

13 July 2011

INVESTIGATION REPORT

Case Reference: 703/4/31

Report of an investigation under section 59 of the Local Government Act 2000 by Nicholas Graham, Solicitor, appointed by the Monitoring Officer for Oxford City Council into allegation concerning Councillor Shah Khan.

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1. Executive Summary

- 1.1 The complaint against Councillor Khan relates to an alleged failure to declare a “personal and/or prejudicial interest at the meeting of Full Council on the 21 February 2011 when the budget setting item was discussed and determined” on the grounds that an item for consideration in the Council’s budget concerned taxi licence fees and the Councillor was the holder of a taxi licence.
- 1.2 I do not consider that Councillor Khan had a prejudicial interest in the matter before Full Council on the 21 February 2011 when considering the Executive’s budget proposals. I also do not consider he had a prejudicial interest when considering the amendments to the Executive’s budget as proposed by the Liberal Democrat and Green Groups.
- 1.3 I consider that Councillor Khan had a personal interest in the matters before Full Council at the meeting on the 21 February 2011 and he ought to have reasonably been aware of and declared that interest.
- 1.4 I find that there has been a breach of the Council’s Code of Conduct for Members as Councillor Khan failed to declare his personal interest. However, I consider this to be a minor and technical breach.

2. Councillor Khan’s official details

- 2.1 Councillor Khan was elected to office most recently in 2010 for a term of four years. He was first elected as a Member in 2006.
- 2.2 Councillor Khan gave a written undertaking to observe the Code of Conduct on 25 June 2007.
- 2.3 Councillor Khan received training on the Code of Conduct in 2010.

3. The relevant Legislation and Protocols

- 3.1 The Council has adopted the model Code of Conduct (as set out in the Local Authority’s model Code of Conduct Order) 2007. The relevant paragraphs of that model are as follows:

Personal Interest – Paragraph 8

8(1) *You have a personal interest in any business of your authority where either –*

(a) *it relates to, or it is likely to affect*

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...

- (iii) *any employment or business carried on by you*
- (b) *a decision in relation to that business might reasonably be regarded as affecting your wellbeing or financial position, or the wellbeing, or financial position, of a relevant person to a greater extent than the majority of –*
 - (a) *(in the case of authorities with electoral divisions or wards) other Council tax payers, rate payers or inhabitants of the electoral division or Ward, as the case may be, affected by the decision*

Disclosure of personal interests

- 9(1) *Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.*
- 9(4) *Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.*

Prejudicial interest generally paragraph 10

- 10(1) *Subject to sub-paragraph (2) where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one where a member of the public with a knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement on the public interest. Paragraph (2) you do not have a prejudicial interest in any business of the authority where that business –*
 - (a) *does not affect your financial position or the financial position of the person or body described in paragraph 8*
...
 - (c) *relates to the functions of the authority-*
 - (vi) *setting Council tax or preset under Local Government Finance Act 1992.*

4. Evidence gathered

INVESTIGATION REPORT

- 4.1 I have taken account of oral evidence from Councillor Khan at an interview on 18 May 2011.
- 4.2 I have also taken account of documentary evidence obtained from Helen Lynch, Solicitor, Oxford City Council Legal Services. This has consisted of agendas and Minutes of 21 February 2011 Council meeting, together with agenda and Minutes of earlier Full Council meetings going back to 2008.

5. Summary of material facts

- 5.1 At a meeting of the Full Council on 21 February 2011 consideration was given to the Executive Budget and a motion was put forward for the approval of that budget which asked Full Council to approve a number of matters including the fees and charges set out in an appendix to an Executive Report dated 9 February 2011. Those fees and charges related to a large number of specific items including taxi licence fees. The Executive's proposal identified a number of increased charges relating to a number of licence related matters for taxis.
- 5.2 Councillor Khan attended the Full Council meeting on 21 February 2011 and was in attendance for the debate with regard to the Council budget and voted in favour of it. He did not consider he had a prejudicial interest requiring him to withdraw from the room and not participate.
- 5.3 Prior to the voting of the Executive Budget, both the Liberal Democrat Group and, separately, the Green Group advanced Alternative Budgets. The Liberal Democrat budget makes no reference, on the face of it, to taxi licence fees. In the circumstances Councillor Khan did not consider it was necessary to declare any interests, nor withdraw from the meeting.
- 5.4 The Alternative Budget proposed by the Green Group does mention, on the face of it, a reference to taxi licence fees, but this was not specifically mentioned in the debate, either when the Green Group advanced their budget or by the Deputy Labour Leader when replying. However, Councillor Khan did not consider it was necessary to declare any interest, nor withdraw from the meeting.
- 5.5 A vote was taken on the proposed amendments to the Executive Budget which was defeated. Accordingly, the Executive Budget proposed was voted on and passed.
- 5.6 Other than in 2008, the Minutes of the earlier Full Council at which the budget was set, show that no declarations of interests were made by members of the Council who were taxi drivers, notwithstanding the fact that taxi licence fees have formed part of the fees and charges on every occasion. On previous occasions there has been no proposed increase to those charges.
- 5.7 In 2008 the Green Group proposed an increase in taxi licence fees but in addition a proposed grant to taxi licences to enable adaptations to their vehicles. In those

INVESTIGATION REPORT

circumstances, Councillor Khan, along with other Councillors who were taxi drivers, or owners of taxi licences, declared a personal and prejudicial interest and withdrew from the meeting.

6. Councillor Khan's additional submissions

- 6.1 Councillor Khan is of the view that no prejudicial interest arises by virtue of the fact that the vote was taken in regard to an item that formed part of a composite budget, and in those circumstances it was not necessary to declare a prejudicial interest.
- 6.2 He employs the same argument in relation to why he considered he could vote in relation to the Liberal Democrat and Green Group Alternative Budgets proposed.
- 6.3 In relation to the Liberal Democrat budget, he considers there was no specific mention of taxi licence fees and he saw no reason why he could not participate in the vote in relation to that matter.
- 6.4 Councillor Khan states he is well aware of the Code of Conduct and its requirements and has received appropriate training. There has been some occasions, other than in 2008, when he has considered it necessary to declare a personal and prejudicial interest.
- 6.5 He received no specific advice from the Monitoring Officer, or senior Councillors, in relation to declaring an interest at Full Council when setting the budget and it has never been raised as an issue in previous years, other than in 2008, when the proposal from the then Green Group would have benefitted him considerably. In those circumstances he did consider it necessary to make a declaration.
- 6.6 Councillor Khan accepted that as a holder of a hackney carriage licence he had a personal interest in any matter that came before him that involved taxi licences by virtue of paragraph 8(1)(a)(iii) of the Code of Conduct.

7. Reasoning as to whether there have been failures to comply with the Code of Conduct

- 7.1 There are 2 broad matters that require consideration:
 - (a) whether Cllr Khan had a personal and/or prejudicial interest in the motion before Full Council on the 21 February 2011 relating to the budget proposed by the Executive.
 - (b) whether Cllr Khan had a personal and/or prejudicial interest in the Alternative Budgets proposed by the Liberal Democrat Group and the Green Group.

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Personal interests

- 7.2 As to the question of personal interests, it is accepted by Councillor Khan that he had a personal interest in the matters before Council on the 21 February 2011, given that he was a holder of a taxi licence and the proposals in the budget would impact on him financially to a greater extent than other council tax payers. It is clear to me that a personal interest arose.
- 7.3 However, paragraph 9 of the Code of Conduct sets out the circumstances where a personal interest should be declared. Paragraph 9(1) as quoted above sets out the a Members must declare the nature and extent of their personal interest at a meeting at which business is conducted in which the Member has an interest. Normally that declaration would made “at the commencement of . . . consideration” of the business in which the Member has an interest or, alternatively, when that interest becomes apparent.
- 7.4 Paragraph 9(4) indicates that the normal obligation to declare a personal interest in any matter only arises where the Member is “aware or ought reasonably to be aware of the existence of the personal interest”.
- 7.5 In my view, Councillor Khan ought to have reasonably been aware that the item in the budget concerning taxi licence fees was a matter that he had an interest in and he should have declared that interest having considered the paperwork.
- 7.6 I also consider that in relation to the Green Group budget the same applies and given that the Green Group identified taxi licence fees as a specific line in their alternative proposals, I consider Councillor Khan ought to have declared a personal interest in that matter.
- 7.7 I accept that the taxi licence proposals, both in the Executive Budget and the Alternative Budget proposals was only one very small line in a larger document, however, I consider it reasonable that Members should appraise themselves of the documentation to identify whether they raise any particular issues which would cause them to consider whether they had an interest in the matter.
- 7.8 Having come to that conclusion I consider it appropriate to make the point that this was a technical breach of the Code. It is clearly the case that the propsals would have disadvantaged Councillor Khan’s employer and, although that does not obviate the personal interest that arose, it is quite clear that no benefit could have arisen for the Councillor. Furthermore, the failure to declare a personal interest had no bearing on the ability of the Councillor to participate in the debate and vote, which would have still been open to him.

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- 7.9 I conclude, therefore, that this was a technical breach and minor in nature and had no bearing or consequence for the Full Council meeting of 21 February 2011.

Prejudicial interests

- 7.10 In relation to the first issue, the question of whether Councillor Khan had a prejudicial interest can be reasonably easily dealt with.
- 7.11 Paragraph 10(2)(c)(vi) of the Code of Conduct provides that a member does not have a prejudicial interest in any business of the authority which 'relates to the functions' of setting of council tax. The scope of that exemption has been the subject of guidance issued by the Standards Board for England who consider that the term 'relates to the functions' is wide enough to cover not only the meeting at which the council tax is set but also any preparatory meeting, including most council budget-setting meetings.

- 7.12 The Standards Board for England Bulletin No. 37 (February 2008) states:

"We believe that no member has a prejudicial interest in motions which call on members to adopt the budget with details which are set out in an officer report. These general motions are clearly part of the council tax-setting process. Therefore, all members can attend, debate and vote on the that motion, whatever the effects might be on their personal interests."

- 7.13 In the circumstances, I find that Councillor Khan did not have a prejudicial interest when giving consideration to the Executive budget proposals at the meeting on the 21 February 2011 as he can rely on the exemption in paragraph 10(2)(c)(vi).

- 7.14 As regards any prejudicial interest in the proposed amendments to the budget proposals by the Liberal Democrats and Green Group the position is more complicated.

- 7.15 The Standards Board for England has provided some guidance on this issue in it questions and answers document on paragraph 10 of the Code. Having indicated the position as set out in in similar terms in Bulletin 37, the guidance states:

"In the event that there are any amendments proposed to the motion which is intended to adopt the budget any "interest" a member might have in voting for cuts in one part of the annual budget so that their other organisation(s) have secure funding in another, is likely to be too remote for a reasonable person to conclude that on these facts it will prejudice their assessment of the public interest."

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If an amendment were moved to the budget motion which would (for example) remove or reduce the funding of a body in which a member has a personal interest then that member would need to declare a prejudicial interest in the debate at that point. Once an amendment is dealt with, the excluded members should be able to return to the debate at that point. Once an amendment is dealt with, the excluded member should be able to return to the debate and continue the discussions on the rest of the budget.”

- 7.16 The Guidance goes on to say that the position is not free from doubt and may not work in all cases, but should work for the majority of cases and allow members not to feel disenfranchised from one of the major tasks of the council.
- 7.17 In terms of the Liberal Democrat Group proposed amendment, then as there was no specific proposals in relation to taxi fares and so the issue does not arise and I find that no prejudicial interest arises on that issue.
- 7.18 On the Green Group proposal, clearly mention is made of an across the board increase in the taxi licence fares in the paper that was presented, accepting that there was no specific debate on this point.
- 7.19 The difficulty that arises is that the motion debated in its original form was very general and simply asks that Full Council approves a list of fees and charges the details of which are set out in an appendix. The motion put forward by the Green Group did not explicitly seek to amend the wording of the motion. The Green Group proposed a number ‘additional savings’ in the form of a table which proposes an ‘increase in taxi licensing fees in line with inflation’ with a total of the savings achieved by that change for future years set out. According to Councillor Khan there was no reference to taxi fees in the debate that related to these proposed amendments. The proposed amendments would appear to be amendments to the appendix.
- 7.20 One approach would be to find that Councillor Khan as a holder of a taxi licence should have declared a prejudicial interest which arose because the Green Group budget made a proposal which would have affected his business or that of his employer financially. This would assume that a new motion would have to be put which would have indicated that the Executive budget proposals would be substituted, or supplemented, by the Green Group proposals.
- 7.21 My view is that Councillor Khan did not have a prejudicial interest in the consideration of the Green Group proposed amendment. I come to that conclusion for the following reasons.
- 7.22 The difficulty with the approach referred to above is that it is envisaged by the guidance that once the proposed amendment to the motion have been debated and decided upon the Councillor with the interest can return and continue in the

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debate. If it is considered that Councillor Khan has a prejudicial interest then he would be excluded from the whole debate regarding the Green Group proposals as there is no obvious way of separating out the taxi licence fare increase from the many other items listed on the Green Groups' proposed amendments.

- 7.23 Unfortunately there does not seem to be a record of the Alternative Budget proposals put forward by the Green Group in 2008. On the face of the minutes, and in discussion with Councillor Khan, it is clear that at that time the proposal advanced was to give taxi owners a grant to make their vehicles more environmentally friendly. It is assumed that this was specifically proposed as part of a motion and would have been a benefit to those effected by any changes in taxi licences fares. Accordingly, Councillor Khan along with other members who had taxi licences or worked for taxi firms, declared an interest and withdrew from that aspect of the debate. If that is the case, then that would seem to be consistent with Councillor Khan approach to interests generally and, as no separately identifiable benefits were proposed to those in the taxi business in subsequent years, then he did not consider any interest arose.
- 7.24 Even if that assumption is not correct, I am asked to consider whether an interest arose in February 2011.
- 7.25 As the proposals were detailed as one item in a larger list of additional savings, then the ability of a Councillor to separate out his or her interests from that composite proposal, in practical terms, is very difficult. As the Standards Board for England Guidance suggests, Members should not be disenfranchised from the important task of voting on a budget proposal and unless there are explicit proposals to amend a general motion which would have alerted a member to their interest in a matter, I consider a member should not have their ability to deal with the generality of the proposals curtailed.

8. Finding

- 8.1 I find that no prejudicial interest arose at the meeting on 21 february 2011 when Councillor Khan was giving consideration to the Executive Budget proposals. Neither do I find that a prejudicial interest arose in relation to where amendments to that Executive Budget were proposed by the Liberal Democrat and Green Group.
- 8.2 I find that a personal interest in relation to the Executive Budget and the proposed amendments to that budget did arise for Councillor Khan.
- 8.3 I find that there was a failure by Councillor Khan to declare that personal interest in contravention of the Code of Conduct.

Nick Graham
Solicitor
Investigating Officer

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Deputy Head Law & Governance
Oxfordshire County Council

13 July 2011

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INVESTIGATION REPORT

Case Reference: 703/4/31

Report of an investigation under section 59 of the Local Government Act 2000 by Nicholas Graham, Solicitor, appointed by the Monitoring Officer for Oxford City Council into allegation concerning Councillor Sajjad Malik

INVESTIGATION REPORT

CONTENTS

1. Executive Summary
2. Councillor Malik's official details
3. The relevant legislation and protocols
4. The evidence gathered
5. Summary of the material facts
6. Councillor Malik's additional submissions
7. Reasoning as to whether there has been failures to comply with the Code of Conduct
8. Finding

Appendix A Schedule of evidence taken into account and list of unused material

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1. Executive Summary

- 1.1 The complaint against Councillor Malik relates to an alleged failure to declare a “personal and/or prejudicial interest at the meeting of Full Council on the 21 February 2011 when the budget setting item was discussed and determined” on the grounds that an item for consideration in the Council’s budget concerned taxi licence fees and the Councillor was a taxi driver.
- 1.2 I do not consider that Councillor Malik had a prejudicial interest in the matter before Full Council on the 21 February 2011 when considering the Executive’s budget proposals. I also do not consider he had a prejudicial interest when considering the amendments to the Executive’s budget as proposed by the Liberal Democrat and Green Groups.
- 1.3 I consider that Councillor Malik had a personal interest in the matters before Full Council at the meeting on the 21 February 2011 and he ought to have reasonably been aware of that interest.
- 1.4 I find that there has been a breach of the Council’s Code of Conduct for Members as Councillor Malik failed to declare his personal interest. However, I consider this to be a minor and technical breach.

2. Councillor Malik’s official details

- 2.1 Councillor Malik was elected to office most recently in 2008 for a term of four years. Councillor Malik is also an elected member of Oxfordshire County Council.
- 2.2 Until April 2011 he was an Executive Member of the City Council with responsibility for safer communities. At present he holds no other role at the City Council other than being the Councillor for Cowley Marsh.
- 2.3 Councillor Malik gave a written undertaking to observe the Code of Conduct on 1 May 2008
- 2.4 Councillor Malik has received training on the Code of Conduct, both as a City Councillor and as a County Councillor when he first became elected for the East Oxford Division.

3. The relevant Legislation and Protocols

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- 3.1 The Council has adopted the model Code of Conduct (as set out in the Local Authority's model Code of Conduct Order) 2007. The relevant paragraphs of that model are as follows:

Personal Interest – Paragraph 8

- 8(1) *You have a personal interest in any business of your authority where either –*
- (a) *it relates to, or it is likely to affect*
...
 - (iii) *any employment or business carried on by you*
 - (b) *a decision in relation to that business might reasonably be regarded as affecting your wellbeing or financial position, or the wellbeing, or financial position, of a relevant person to a greater extent than the majority of –*
 - (a) *(in the case of authorities with electoral divisions or wards) other Council tax payers, rate payers or inhabitants of the electoral division or Ward, as the case may be, affected by the decision*

Disclosure of personal interests

- 9(1) *Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.*
- 9(4) *Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.*

Prejudicial interest generally paragraph 10

- 10(1) *Subject to sub-paragraph (2) where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one where a member of the public with a knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement on the public interest. Paragraph (2) you do not have a prejudicial interest in any business of the authority where that business –*
- (a) *does not affect your financial position or the financial position of the person or body described in paragraph 8*
...

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(c) *relates to the functions of the authority-*

(vi) *setting Council tax or preset under Local Government Finance Act 1992.*

4. Evidence gathered

- 4.1 I have taken account of oral evidence from Councillor Malik at an interview on 13 June 2011.
- 4.2 I have also taken account of documentary evidence obtained from Helen Lynch, Solicitor, Oxford City Council Legal Services. This has consisted of agendas and Minutes of 21 February 2011 Council meeting, together with agenda and Minutes of earlier Full Council meetings going back to 2008.

5. Summary of material facts

- 5.1 At a meeting of the Full Council on 21 February 2011 consideration was given to the Executive Budget and a motion was put forward for the approval of that budget which asked Full Council to approve a number of matters including the fees and charges set out in an appendix to an Executive Report dated 9 February 2011. Those fees and charges related to a large number of specific items including taxi licence fees. The Executive's proposal identified a number of increased charges relating to a number of licence related matters for taxis.
- 5.2 Councillor Malik attended the Full Council meeting on 21 February 2011 and was in attendance for the debate with regard to the Council budget and voted in favour of it. He did not consider he had a prejudicial interest requiring him to withdraw from the room and not participate.
- 5.3 Prior to the voting of the Executive Budget, both the Liberal Democrat Group and, separately, the Green Group advanced Alternative Budgets. The Liberal Democrat budget makes no reference, on the face of it, to taxi licence fees. In the circumstances Councillor Malik did not consider it was necessary to declare any interests, nor withdraw from the meeting.
- 5.4 The Alternative Budget proposed by the Green Group does mention, on the face of it, a reference to taxi licence fees, but this was not specifically mentioned in the debate, either when the Green Group advanced their budget from the Deputy Labour Leader. However, Councillor Malik did not consider it was necessary to declare any interest, nor withdraw from the meeting.
- 5.5 A vote was taken on the proposed amendments to the Executive Budget which was defeated. Accordingly, the Executive Budget proposed was voted on and passed.

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- 5.6 Other than in 2008, the Minutes of the earlier Full Council at which the budget was set, show that no declarations of interests were made by members of the Council who were taxi drivers, notwithstanding the fact that taxi licence fees have formed part of the fees and charges on every occasion. On previous occasions there has been no proposed increase to those charges.
- 5.7 In 2008 the Green Group proposed an increase in taxi licence fees but in addition a proposed grant to taxi licences to enable adaptations to their vehicles. In those circumstances, Councillor Malik, along with other Councillors who were taxi drivers, or owners of taxi licences, declared a personal and prejudicial interest and withdrew from the meeting.

6. Councillor Malik's additional submissions

- 6.1 Councillor Malik is of the view that no prejudicial interest arises by virtue of the fact that the vote was taken in regard to an item that formed part of a composite budget, and in those circumstances it was not necessary to declare a prejudicial interest.
- 6.2 He employs the same argument in relation to why he considered he could vote in relation to the Liberal Democrat and Green Group Alternative Budgets proposed.
- 6.3 In relation to the Liberal Democrat budget, he considers there was no specific mention of taxi licence fees and he saw no reason why he could not participate in the vote in relation to that matter.
- 6.4 Councillor Malik states he is well aware of the Code of Conduct and its requirements and has received appropriate training. Other than in 2008 he has not seen it necessary to declare a personal and prejudicial interest, although he is aware of what that requires in any given circumstance. He received no specific advice from the Monitoring Officer, or senior Councillors, in relation to declaring an interest at Full Council meetings when consideration of the budget was undertaken. Councillor Malik indicated that it had never been raised as an issue in previous years, other than in 2008, when the proposal from the then Green Group would have benefitted him considerably. In those circumstances he did consider it necessary to make a declaration.
- 6.5 Councillor Malik accepted that as a holder of a hackney carriage licence he had a personal interest in any matter that came before him that involved taxi licences by virtue of paragraph 8(1)(a)(iii) of the Code of Conduct.

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7. Reasoning as to whether there have been failures to comply with the Code of Conduct

7.1 There are 2 broad matters that require consideration:

- (a) whether Cllr Malik had a personal and/or prejudicial interest in the motion before Full Council on the 21 February 2011 relating to the budget proposed by the Executive.
- (b) whether Cllr Malik had a personal and/or prejudicial interest in the Alternative Budgets proposed by the Liberal Democrat Group and the Green Group.

Personal interests

7.2 As to the question of personal interests, it is accepted by Councillor Malik that he had a personal interest in the matters before Council on the 21 February 2011, given that he was a holder of a cab licence and the proposals in the budget would impact on his employer financially to a greater extent than other council tax payers. It is clear to me that a personal interest arose.

7.3 However, paragraph 9 of the Code of Conduct sets out the circumstances where a personal interest should be declared. Paragraph 9(1) as quoted above sets out the a Members must declare the nature and extent of their personal interest at a meeting at which business is conducted in which the Member has an interest. Normally that declaration would made “at the commencement of . . . consideration” of the business in which the Member has an interest or, alternatively, when that interest becomes apparent.

7.4 Paragraph 9(4) indicates that the normal obligation to declare a personal interest in any matter only arises where the Member is “aware or ought reasonably to be aware of the existence of the personal interest”.

7.5 In my view, Councillor Malik ought to have reasonably been aware that the item in the budget concerning taxi licence fees was a matter that he had an interest in and he should have declared that interest having considered the paperwork.

7.6 I also consider that in relation to the Green Group budget the same applies and given that the Green Group identified taxi licence fees as a specific line in their alternative proposals, I consider Councillor Malik ought to have declared a personal interest in that matter.

7.7 I accept that the taxi licence proposals, both in the Executive Budget and the Alternative Budget proposals was only one very small line in a larger document, however, I consider it reasonable that Members should appraise themselves of the documentation to identify whether they raise any particular issues which would cause them to consider whether they had an interest in the matter.

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- 7.8 Having come to that conclusion I consider it appropriate to make the point that this was a technical breach of the Code. It is clearly the case that the proposals would have disadvantaged Councillor Malik's employer and, although that does not obviate the personal interest that arose, it is quite clear that no benefit could have arisen for the Councillor. Furthermore, the failure to declare a personal interest had no bearing on the ability of the Councillor to participate in the debate and vote, which would have still been open to him.
- 7.9 I conclude, therefore, that this was a technical breach and minor in nature and had no bearing or consequence for the Full Council meeting of 21 February 2011.

Prejudicial interests

- 7.10 In relation to the second issue, the question of whether Councillor Malik had a prejudicial interest can be reasonably easily dealt with.
- 7.11 Paragraph 10(2)(c)(vi) of the Code of Conduct provides that a member does not have a prejudicial interest in any business of the authority which 'relates to the functions' of setting of council tax. The scope of that exemption has been the subject of guidance issued by the Standards Board for England who consider that the term 'relates to the functions' is wide enough to cover not only the meeting at which the council tax is set but also any preparatory meeting, including most council budget-setting meetings.
- 7.12 The Standards Board for England Bulletin No. 37 (February 2008) states:
- "We believe that no member has a prejudicial interest in motions which call on members to adopt the budget with details which are set out in an officer report. These general motions are clearly part of the council tax-setting process. Therefore, all members can attend, debate and vote on the that motion, whatever the effects might be on their personal interests."*
- 7.13 In the circumstances, I find that Councillor Malik did not have a prejudicial interest when giving consideration to the Executive budget proposals at the meeting on the 21 February 2011 as he can rely on the exemption in paragraph 10(2)(c)(vi).
- 7.14 As regards any prejudicial interest in the proposed amendments to the budget proposals by the Liberal Democrats and Green Group the position is more complicated.
- 7.15 The Standards Board for England has provided some guidance on this issue in its questions and answers document on paragraph 10 of the Code. Having

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indicated the position as set out in in similar terms in Bulletin 37, the guidance states:

“In the event that there are any amendments proposed to the motion which is intended to adopt the budget any “interest” a member might have in voting for cuts in one part of the annual budget so that their other organisation(s) have secure funding in another, is likely to be too remote for a reasonable person to conclude that on these facts it will prejudice their assessment of the public interest.

If an amendment were moved to the budget motion which would (for example) remove or reduce the funding of a body in which a member has a personal interest then that member would need to declare a prejudicial interest in the debate that point. Once an amendment is dealt with, the excluded members should be able to return to the debate at that point. Once an amendment is dealt with, the excluded member should be able to return to the debate and continue the discussions on the rest of the budget.”

- 7.16 The Guidance goes on to say that the position is not free from doubt and may not work in all cases, but should work for the majority of cases and allow members not to feel disenfranchised from one of the major tasks of the council.
- 7.17 In terms of the Liberal Democrat Group proposed amendment, then as there was no specific proposals in relation to taxi fares and so the issue does not arise and I find that no prejudicial interest arises on that issue.
- 7.18 On the Green Group proposal, clearly mention is made of an across the board increase in the taxi licence fares in the paper that was presented, accepting that there was no specific debate on this point.
- 7.19 The difficulty that arises is that the motion debated in its original form was very general and simply asks that Full Council approves a list of fees and charges the details of which are set out in an appendix. The motion put forward by the Green Group did not explicitly seek to amend the wording of the motion. The Green Group proposed a number ‘additional savings’ in the form of a table which proposes an ‘increase in taxi licensing fees in line with inflation’ with a total of the savings achieved by that change for future years set out. According to Councillor Malik there was no reference to taxi fees in the debate that related to these proposed amendments. The proposed amendments would appear to be amendments to the appendix.
- 7.20 One approach would be to find that Councillor Malik as an employee of a taxi firm should have declared a prejudicial interest which arose because the Green Group budget made a proposal which would have affected his business or that of his employer financially. This would assume that a new motion would have to be

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put which would have indicated that the Executive budget proposals would be substituted, or supplemented, by the Green Group proposals.

- 7.21 My view is that Councillor Malik did not have a prejudicial interest in the consideration of the Green Group proposed amendment. I come to that conclusion for the following reasons.
- 7.22 The difficulty with the approach referred to above is that it is envisaged by the guidance that once the proposed amendment to the motion have been debated and decided upon the Councillor with the interest can return and continue in the debate. If it is considered that Councillor Malik has a prejudicial interest then he would be excluded from the whole debate regarding the Green Group proposals as there is no obvious way of separating out the taxi licence fare increase from the many other items listed on the Green Groups' proposed amendments.
- 7.23 Unfortunately there does not seem to be a record of the Alternative Budget proposals put forward by the Green Group in 2008. On the face of the minutes, and in discussion with Councillor Malik, it is clear that at that time the proposal advanced was to give taxi owners a grant to make their vehicles more environmentally friendly. It is assumed that this was specifically proposed as part of a motion and would have been a benefit to those effected by any changes in taxi licences fares. Accordingly, Councillor Malik along with other members who had taxi licences or worked for taxi firms, declared an interest and withdrew from that aspect of the debate. If that is the case, then that would seem to be consistent with Councillor Malik approach to interests generally and, as no separately identifiable benefits were proposed to those in the taxi business in subsequent years, then he did not consider any interest arose.
- 7.24 Even if that assumption is not correct, I am asked to consider whether an interest arose in February 2011.
- 7.25 As the proposals were detailed as one item in a larger list of additional savings, then the ability of a Councillor to separate out his or her interests from that composite proposal, in practical terms, is very difficult. As the Standards Board for England Guidance suggests, Members should not be disenfranchised from the important task of voting on a budget proposal and unless there are explicit proposals to amend a general motion which would have alerted a member to their interest in a matter, I consider a member should not have their ability to deal with the generality of the proposals curtailed.

8. Finding

- 8.1 I find that no prejudicial interest arose at the meeting on 21 february 2011 when Councillor Malik was giving consideration to the Executive Budget proposels.

INVESTIGATION REPORT

Neither do I find that a prejudicial interest arose in relation to where amendments to that Executive Budget were proposed by the Liberal Democrat and Green Group.

- 8.2 I find that a personal interest in relation to the Executive Budget and the proposed amendments to that budget did arise for Councillor Malik.
- 8.3 I find that there was a failure by Councillor Malik to declare that personal interest in contravention of the Code of Conduct.

Nick Graham
Solicitor
Investigating Officer
Deputy Head Law & Governance
Oxfordshire County Council

13 July 2011

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APPENDIX

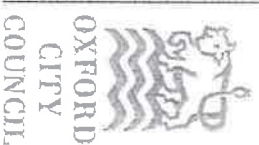
1. Copy of complaint
2. Copy of letter dated 11 April 2011, together with response
3. Statement of meeting
4. Copy of Standards guidance
5. Copy of relevant extracts of Minutes of Council meetings 2008 to 2011

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Law and Governance
Direct Line: 01865 252806
Fax: 01865 252694
E-mail: hlynch@oxford.gov.uk

Town Hall
Blue Boar Street
Oxford OX1 4EY
Central Number: 01865 249811

www.oxford.gov.uk



Councillor Mohammed Abbasi
7 Warneford Road
Oxford
OX4 1LT

01 April 2011
Our ref: HML703/4/31
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/TheLocalStandardFramework/> 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

Helen Lynch
Lawyer

For the Head of Law and Governance

**STANDARDS COMMITTEE
ASSESSMENT PANEL**



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



Lexcel



INVESTOR IN PEOPLE



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 Abbasi

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/41591

Dear Sir

I 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/business 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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Law and Governance

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E-mail: hlynch@oxford.gov.uk

Town Hall
Blue Boar Street
Oxford OX1 4EY

Central Number: 01865 249811

Councillor Shah Jahan Khan
6 Havelock Road
Oxford
OX4 3EP

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

Dear Councillor Khan

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**



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

Monday 14 March 2011

DECISION NOTICE: REFERRAL FOR INVESTIGATION

**Councillor Shah Jahan Khan (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 Shah Jahan Khan (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 Khan 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.



INVESTOR IN PEOPLE



FILE COPY



Councillor Shah Jahan Khan
6 Havelock Road
Oxford
OX4 3EP

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 Khan

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.

6 Havelock Road, Cowley
Oxford OX4 3EP

M: 07796 613362 F: 01865 252728

E: clrsjkhan@oxford.gov.uk



Mr. Nick Graham
Deputy Head of Law and Governance
Oxford County Council
County Hall.
Reference number: NG/CDD/41597

Dear Sir,

Thank you for your letter dated 11th April 2011, case reference: 703/4/31. I would like to provide information on the questions you have asked in order to assist you further.

- (a) I was first elected as a Oxford City Councillor in May 2006.
- (b) I was last elected as City councillor in May 2010.
- (c) I do not hold responsibilities of such.
- (d) I provided a written undertaking to observe the Council's Code of Conduct on the 25th June 2007.
- (e) I received training on the Code of Conduct in 2010.

I am planning to be on leave during mid-June for approximately 3-4 weeks. I would like to add that I also represent on two committees which are, Cowley Community Centre and Florence Park Community Centre. I am also a self-employed taxi driver.

I would like to point out that I am a member of the Labour Group on the City Council, which at present, forms the political administration of the Council. I supported the budget which my party proposed for 2011-12 at the Council meeting in February. However, the Lib-Dems and the Green party, 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. Due to this there was 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 because I voted against the amendment 'as a whole'. My employment is entered on the Council's Register of member interests and I do not take part in any discussions associated with taxi licensing. However, on this particular occasion the reference to licensing fees included a very small part of a composite motion seeking to oppose the administration budget.

If you need any other information to assist you with your investigation, please do not hesitate to contact me.

Kind regards,

Cllr Shah Jahan Khan

Notes of a meeting with Councillor Khan
18 May 2011 – 10:30–11:30am
Oxford City Council Offices

In attendance:

Nick Graham (NG) - (Solicitor; Investigating Officer)
Councillor Khan
Councillor John Tanner

Preamble

NG started off with a preamble of the purpose of the meeting and a short summary of the Standards Committee decision, the role of the investigator and that the interview was not being recorded, but notes would be taken of the interview which would be drafted up and sent to Councillor Khan for approval. NG outlined that the information provided in the Tribunal would assist in the drafting of a report that would go to the local Standards Committee. That report would be in draft in the first instance and Councillor Khan would have an opportunity to comment on it, as would the Complainant.

Training

Councillor Khan confirmed that he had been provided with training in his role as Councillor and this had happened in 2010 and he undertook training once a year. The training was undertaken by officers and it covered the details in the Code of Conduct together with, specifically, personal and prejudicial interests. Councillor Khan confirmed that he completed, and kept under review, his declarations of interest form, and also confirmed that he received training on this.

Roles

Councillor Khan confirmed that he was a member of the Labour Group on the City Council and that, although he was a member of the Scrutiny Committee for Value and Performance, he held no other formal position.

He confirmed that, in the time he has been a Councillor over four to five years, he had never received a complaint before.

Interests

Councillor Khan confirmed that he was self employed and he held a taxi cab licence and that licence he received from the City Council.

Complaint

NG read out the details of the complaint. Councillor Khan indicated that, although he had never taken specific advice in the preparation for any meeting, nor in preparation for the meeting in February 2011, he was aware of when it was appropriate to withdraw from meetings. In some circumstances senior Councillors would provide advice, but he had never felt the need to seek advice from the Monitoring Officer over his interests and the procedure for declaring those interests.

In relation to the specific complaint, Councillor Khan indicated that he did not see that there was a need to make a declaration of interest in this particular case because, although there was in the budget an item that formed part of an officer's report in relation to taxis, the motion was presented to him as a general motion and required him simply to approve the fees and charges that were set out in more detail in the attached report.

Councillor Khan confirmed that he considered that the meeting in February was part of the setting of the Council Tax process and that because it was presented as a composite budget motion to approve he did not consider he had a prejudicial interest.

Councillor Tanner indicated that one of the areas of concern was that in a Council where the voting on a given issue can be close because of the political make-up of the Council, if Labour members were unable to vote on a budget then this would cause many difficulties for the controlling group who wish to get a budget through.

Councillor Khan confirmed that in the past the other members of the Labour Group, who were also taxi drivers, would decide between themselves whether they considered they had a prejudicial interest and they would then withdraw if they concluded that they did have such an interest. Councillor Khan's concern was that he wanted to pass a budget. He was clear that he had already declared his personal interest on the registration form that he completed, and did not consider it was necessary in these circumstances for him to make a declaration at the beginning of the meeting.

Furthermore, Councillor Khan considered that the proposal as identified in the budget report was for an increase in the tax licensing fees and he did not see that his interest could have been prejudicial as it would have penalised him in the same way as other taxi drivers.

Councillor Khan was clear that if a specific issue in relation to taxis had been identified then, as was the case in the past, he would have withdrawn from the meeting.

NG then asked Councillor Khan with regard to the voting on the Lib Dem and Green Party alternative budget proposals, and specifically referred Councillor Khan to the budget proposals in 2008 where a Green alternative budget proposal identified an increase in taxi licence fees. Councillor Khan confirmed, as was identified in the Minutes, that he had declared a personal and prejudicial interest as the time because he considered that this had been separately identified to him.

NG took Councillor Khan through the Minutes of the Full Council meetings in 2009 and 2010 for the setting of the budget and no declarations were made by Councillor Khan in relation to either the proposed budget by the Labour Group or the alternative budget proposals. Councillor Khan indicated that the reason for this was because licence fees were not separately identified in the alternative budgets.

NG identified paragraph 8 in the Model Code of Conduct that related to personal interest and Councillor Khan confirmed that he would have a personal interest in any business of the Authority where it related to any employment or business carried on by him. Furthermore, in relation to paragraph 10, he considered that as he was involved in a meeting which involved the setting of the Council Tax, he did not consider he had a prejudicial interest.

Furthermore, Councillor Khan indicated that he agreed with the Standards Board Guidance which suggested that he had no prejudicial interests where the motion to be considered calls on members to adopt a budget, the details of which are set out in an officer report. Standards Board guidance seemed to suggest that general motions that are clearly part of the Council Tax setting process indicated that Members can attend, debate and vote on that motion, whatever the effects might be on their personal interests.

Councillor Khan considered that he was precisely in those circumstances as it related to the proposed budget.

In relation to the proposed amendments he did not recall that the alternative budgets specifically raised the issue of taxi fees.

It was agreed that NG would look at the proposed alternative budgets by the Lib Dem and Green Group and provide a copy to Councillor Khan for his further consideration.

Earlier declarations

Councillor Khan indicated that when any item of business had come up as part of the Council's consideration he had always made declarations where relevant.

Councillor Khan gave an example of a recent planning decision he had been involved in where he knew one of the individuals involved, who he had been

close to for some 20 years, and he had made appropriate declarations.

Councillor Tanner confirmed that it was common for the Group as a whole to remind each other where there was the potential for problems to arise and where it was appropriate for members to declare interests. Councillor Khan indicated that he was well aware of when the alarm bells should ring and in relation to this particular budget item he did not consider the alarm went off.

Miscellaneous and Actions

- NG confirmed that he would write up a transcript of the meeting and send that to Councillor Khan for comment.
- NG would seek to obtain a copy of the Alternative Budget Proposals and share these with Councillor Khan.
- Councillor Khan was likely to be away at the beginning of June until the end of June.
- We discussed generally the powers of the Standards Committee in terms of any proposed penalty should they find that there had been a breach of the Code.

Nick Graham
Deputy Head of Law & Governance
Oxfordshire County Council
18 May 2011

Law and Governance
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Fax: 01865 252694
E-mail: hlyrch@oxford.gov.uk

Town Hall
Blue Boar Street
Oxford OX1 4EY

Central Number: 01865 249811

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 for the home page, and <http://www.standardsforengland.gov.uk/Guidance/TheLocalStandardFramework/> 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)(e) 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.

Law and Governance

Direct Line: 01865 252806

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Town Hall
Blue Boar Street
Oxford OX1 4EY

Central Number: 01865 249811

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

FILE COPY



Councillor Sajjad Hussain Malik
24 Emperor Gardens
Oxford
OX4 7WB

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 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

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 Liberal 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

MINUTES OF ORDINARY MEETING OF COUNCIL

Monday 18th February 2008

PRESENT : The Lord Mayor (Councillor Tanner), the Deputy Lord Mayor (Councillor Tall), the Sheriff (Councillor Clarkson), Councillors, Altaf-Khan, Armitage, Bance, Benjamin, Brundin, Campbell, Cole, Cook, Craft, Dhall, Fooks, Goddard, Gray, Hollander, Humberstone, Huzzey, Keen, Kent, Khan, Lacey, MacGregor, Malik, McManners, Mirza, Murray, Phelps, Pressel, Price, Royce, Rundle, Sanders, Sareva, Sargent, Scanlan, Sellwood, Simmons, Sinclair, Timbs, Turner, Van Nooijen, Van Zyl, Williams and Young.

125. MINUTES

The minutes of the ordinary meeting of Council held on 21st January 2008 were, subject to the deletion in item 6 of minute 123 (PLANNING APPLICATION – EXPENS TEMPORARY CAR PARK) of the reference to Councillor Huzzey as a member of the Strategic Development Control Committee, confirmed as a correct record and signed by the Lord Mayor.

126. DECLARATIONS OF INTEREST

The following declarations of interest were made by the Councillors whose names appear below:-

1. Councillor Altaf-Khan – personal prejudicial interest in the proposal by the Green Group to increase taxi licence fees and offer grants for taxis to convert to LPG, as a hackney carriage proprietor (minute 137 refers).
2. Councillor Armitage –personal prejudicial interest in the Motion on Notice on Radley Lakes (minute 145) because he was a member of Oxfordshire County Council's Planning and Regulation Committee.
3. Councillor Khan - personal prejudicial interest in the proposal by the Green Group to increase taxi licence fees and offer grants for taxis to convert to LPG, as a hackney carriage proprietor and driver (minute 137 refers).
4. Councillor MacGregor – personal interest in the proposal by the Green Group to increase taxi licence fees and offer grants for taxis to convert to LPG because her father was a hackney carriage driver (minute 137 refers).

CITY WORKS & PARKS (Interim basis) Business Unit - Fees & Charges 2008-09

Description	2007-08 per Unit (£)	2008-09 per Unit (£)	Notes
Refuse Collection & Recycling			
Blue Recycling box	5.00	7.00	Up to two delivered free, up to two additional boxes £7 each delivered within 2 weeks, £2 discount if collected
Green Recycling box	5.00	7.00	Up to two delivered free, up to two additional boxes £7 each delivered within 2 weeks, £2 discount if collected
Blue/Brown Wheelie Bin	20.00	25.00	Per delivery, £5 discount if collect
Wheelie Bin Swaps	5.00	7.50	Per delivery
Green Waste Bags	7.50	7.50	Up to 4 additional bags may be purchased at £7.50 each including delivery
Trade refuse collection	4.50	4.90	Charge dependent on size of vessel (2008-09) Est Charge
Trade Recycling collection	3.60	3.96	Trade charges will be reviewed 2008/9 Charge dependant on size of vessel (2008-09) Est Charge
Motor Transport			
MOT Test fees			Fees set by Vehicle & Operator Services Agency from November 7th 2006 as published on the form VT9A
Class 4			
Cars (up to 8 passenger seats)	50.35	50.35	MOT fees are not under the Council's control and may change.
Motor caravans			
Dual purpose vehicles			
PSVs (up to 8 seats)			
Goods vehicles (up to 3,000kg DGW)			
Ambulances and taxis			
Private passenger vehicles & ambulances (9-12 passenger seats)	52.60	52.60	
Class 4A			
Includes seat belt installation checks	58.75	58.75	
Class 5			
Private passenger (13-16 passenger seats)	54.65	54.65	
Vehicles & ambulances more than 13 passenger seats)	74.10	74.10	
Class 5A			
Includes seat belt installation checks (13-16 passenger seats)	73.95	73.95	
(more than 16 seats)	114.45	114.45	
Class 7			
Goods vehicles	53.80	53.80	
Re-Test All Classes			
Partial retest fee		Half test fee	
Duplicate test certificate	10.00	10.00	Refer to DfT doc VT9A
Taxi & PVH			
Hackney Carriage Vehicle Test	66.20	66.20	Indexed in line with VOSA fees
Private Hire Vehicle Test	61.20	61.20	
Non-scheduled meter testing & sealing	15.00	15.00	
Duplicate Certificate of Compliance Retest	10.00	10.00	
Abandoned vehicles			
Voluntary surrender	35.25	35.25	if does not qualify for free re-test
Collection of vehicles from private land	35.25	35.25	
Partnership with DVLA - Untaxed vehicles			
Vehicles sited on a public highway without a valid tax disc:			
Within 24 hours	80.00	80.00	
After 24 hours	0.00	0.00	

CITY WORKS - Fees & Charges 2009-10

Refuse, Recycle & Motor Transport

Description	2008-09 per Unit (£)	2009-10 per Unit (£)	Notes
Taxi & PHV			
Hackney Carriage Vehicle Test	66.20	66.20	
Private Hire Vehicle Test	61.20	61.20	
Non-scheduled meter testing & sealing	15.00	15.00	
Duplicate Certificate of Compliance	10.00	10.00	
Retest	30.00	30.00	if does not qualify for free re-test
Abandoned vehicles			
Voluntary surrender	35.25	35.25	
Collection of vehicles from private land	35.25	35.25	
Partnership with DVLA - Untaxed vehicles			
Vehicles sited on a public highway			
without a valid tax disc:			
Within 24 hours	80.00	100.00	
After 24 hours	0.00	0.00	
Cowley Marsh depot			
Weightbridge Check	17.62	20.70	includes VAT
Jetter Services			
Drain Clearance	75.20	82.25	(includes VAT)
Drain Clearance (Out of Hours Charge)	112.80	117.50	(includes VAT)
CCTV Surveys	112.80	117.50	(includes VAT)
Cess Pitt Emptying	75.20	82.25	(includes VAT) - No VAT on Domestic

MINUTES OF ORDINARY MEETING OF COUNCIL

Monday 16th February 2009

PRESENT: The Lord Mayor (Councillor Pressel), the Deputy Lord Mayor (Councillor Benjamin), the Sheriff (Councillor Goddard), Councillors Abbasi, Altatf-Khan, Armitage, Bance, Baxter, Brown, Campbell, Clarkson, Cook, Dhali, Fooks, Gotch, Hazel, Humberstone, Keen, Khan, Lygo, Malik, McCready, McManners, Mills, Mirza, Morton, Murray, Price, Pyle, Ròyce, Rundle, Sanders, Sareva, Scanlan, Simmons, Sinclair, Smith, Tanner, Timbs, Turner, Van Nooijen, Wilkinson, Williams and Young.

108. MINUTES

The minutes of the ordinary meeting of Council held on 19th January 2009 were confirmed by Council as a correct record and signed by the Lord Mayor subject in the fourth paragraph of the answer to Question 2 in Minute 103 (QUESTIONS ON NOTICE FROM MEMBERS OF COUNCIL) to the deletion of the name of Councillor Campbell and the insertion of the name of Councillor Armitage in its place.

109. DECLARATIONS OF INTEREST

There were no declarations of interest by members of Council present at the meeting.

110. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Brundin.

111. APPOINTMENTS TO COMMITTEES

There were no changes to committee memberships to report.

112. LORD MAYOR'S ANNOUNCEMENTS

The Lord Mayor made announcements as follows:-

1. Formally to report the death of Councillor Maureen Christian. The Lord Mayor paid tribute to her life and her work as a councillor. Council stood for a minute in silent memory.

121 COUNCIL BUDGETS 209/10 – 2011/12

Council had before it the following:-

- (a) Budget papers consisting of 11 separate documents contained in a Budget Papers book;
- (b) Chief Finance Officer's report on the robustness of estimates and the adequacy of resources;
- (c) Value and Performance Scrutiny Committee minute of the committee's meeting on 2nd February 2009;
- (d) Liberal Democrat Group General Fund budget proposals;
- (e) Liberal Democrat Group Housing Revenue Account budget proposals;
- (f) Green Group General Fund and Capital budget proposals.

Councillor Turner (Board Member, Finance, Housing and Strategic Planning) moved and spoke to the Administration's Budget proposals.

Councillor Brown seconded by Councillor Campbell both spoke to the Liberal Democrat Group's proposed General Fund Budget amendments to the Administration's Budget.

Councillor Simmons seconded by Councillor Morton both spoke to the Green Groups General Fund and Capital Programme Budget amendments to the Administration's Budget.

After the amendments had been proposed and seconded, Council voted upon them. The Liberal Democrat Group's amendments were put to the vote but this was not carried, 15 members voting in favour and 29 members voting against. The Green Group's amendments were put to the vote but this was not carried, 7 members voting in favour and substantially more members voting against.

The Administration's General Fund budget was then voted upon and this was carried upon the casting vote of the Lord Mayor, 23 members voting in favour and 22 members voting against.

Councillor Turner (Board Member, Finance, Housing and Strategic Planning) moved and spoke to the Administration's Housing Revenue Account Budget proposals. In doing so and before it had been moved or seconded, Councillor Turner indicated that the Administration would accept the following modified elements of the Liberal Democrat Group's Housing Revenue Account Budget amendments:-

- (a) Saving of £20,000 in year 1 on communal areas;

EXTRACT FROM THE MINUTES

CITY EXECUTIVE BOARD

Wednesday 3 February 2010

COUNCILLORS PRESENT: The Chair (Councillor Bob Price), The Vice-Chair (Councillor Ed Turner), Councillor Antonia Bance Colin Cook, Joe McManners, John Tanner, Bob Timbs and Oscar Van Nooijen.

144. BUDGET FOR 2010/11 TO 2012/13

The Heads of Finance submitted a report (previously circulated, now appended) presenting the Council's budget for approval and recommendation to Council.

Resolved to RECOMMEND Council:

- (1) To approve the General Fund budget at Appendix 1a to 1c to the report;
- (2) To approve the Housing Revenue Account budget at Appendix 2a to 2b to the report and an average dwelling rent increase of 1.46 and an average garage rent increase of 2%;
- (3) To approve the funded Capital Programme set out in Appendix 3a and 3c to the report;
- (4) To approve the list of projects set out in Appendix 3b to the report as part of the capital programme subject to prioritisation, individual project appraisal and affordability within the overall prudential borrowing limits approved in the Treasury Management Strategy;
- (5) To approve the fees & charges in Appendix 4 to the report; and
- (6) To agree that any under spends against the 2009-10 budget are earmarked to generate a contingency for non achievement of savings and further recession pressures.

CITY WORKS - Fees & Charges 2010-11

Refuse, Recycle & Motor Transport

Description	2009-10 per Unit (£)	2010-11 per Unit (£)	Notes
Refuse Collection & Recycling			
Blue Recycling box	7.00	7.00*	Up to two delivered free, up to two additional boxes £7 each delivered within 2 weeks, £2 discount if collected NO CHANGE
Green Recycling box	7.00	7.00*	Up to two delivered free, up to two additional boxes £7 each delivered within 2 weeks, £2 discount if collected NO CHANGE
Blue/Brown Wheelie Bin	30.00	7.00*	Per delivery, £5 discount if collect
Wheelie Bin Swaps	5.00	5.00*	Per delivery NO CHANGE
Green Waste Bags	7.50	7.50*	Up to 4 additional bags may be purchased at £7.50 each including delivery NO CHANGE
Trade refuse collection Minimum:	5.20	5.35	Charge dependent on size of vessel (2010-11)
Trade Recycling collection Minimum:	3.85	3.95	Trade charges will be reviewed 2010-11 Charge dependent on size of vessel (2010-11)
Motor Transport			
MOT Test fees			
Class 4 Cars (up to 8 passenger seats) Motor caravans Dual purpose vehicles PSVs (up to 8 seats) Goods vehicles (up to 3,000kg DGW) Ambulances and taxis Private passenger vehicles & ambulances (9-12 passenger seats)	53.10	53.10*	Fees set by Vehicle & Operator Services Agency from June 30th 2008 as published on the form VT9A MOT fees are not under the Council's control and may change.
Class 4A Includes seat belt installation checks	62.00	62.00*	
Class 5 Vehicles & ambulances more than 13 passenger seats)	57.65 78.15	57.65* 78.15*	
Class 5A Includes seat belt installation checks (13-16 passenger seats) (more than 16 seats)	78.00 120.70	78.00* 120.70*	
Class 7 Goods vehicles	56.75	56.75*	
Re-Test All Classes Partial retest fee Duplicate test certificate	Half test fee 10.00	10.00*	Refer to DTF doc VT9A

CITY WORKS - Fees & Charges 2010-11

Refuse, Recycle & Motor Transport

Description	2009-10 per Unit (£)	2010-11 per Unit (£)	Notes
Taxi & PHV			
Hackney Carriage Vehicle Test	66.20	66.20*	
Private Hire Vehicle Test	61.20	61.20*	
Non-scheduled meter testing & sealing	15.00	15.00*	
Duplicate Certificate of Compliance Retest	10.00 30.00	10.00* 30.00*	if does not qualify for free re-test
Abandoned vehicles			
Voluntary surrender	35.25	35.25*	
Collection of vehicles from private land	35.25	35.25*	
Partnership with DVLA - Untaxed vehicles			
Vehicles sited on a public highway without a valid tax disc:			
Within 24 hours	100.00	100.00*	
After 24 hours	0.00	0.00	
Cowley Marsh depot			
Weighbridge Check	20.70	20.70*	includes VAT
Jetter Services			
Drain Clearance	80.50	80.50*	(includes VAT)
Drain Clearance (Out of Hours Charge)	115.00	115.00*	(includes VAT)
CCTV Surveys	115.00	115.00*	(includes VAT)
Cess Pitt Emptying	80.50	80.50*	(includes VAT) - No VAT on Domestic
* Figures subject to change			

Councillor Turner seconded by Councillor Brown moved the following amendments to the Administration's General Fund and Capital Budgets:-

General Fund Budget				
2010-11				
Joint Labour/ Liberal Democrat amendment to				
Administration budget				
	2010-11	2011-12	2012-13	Total
	£'000	£'000	£'000	£'000
Revenue budget				
Proposals deleted				
Supplementary Housing Options	-20			-20
Future jobs fund - leisure	-20			-20
Proposals amended				
Jericho conservation area - reduced from £70k to £50k	-20			-20
Littlemore playscheme - 2years funding only			-15	-15
Wood Farm community centre - part capital	-66			-66
Subtotal	-126	0	-15	-141
New proposals				
Fuel poverty grants	50			50
Community grants	25			25
Keep Wolvercote toilets open all year round (reduce savings)	6	6	6	18
Delete saving from removing match funding for 1 PCSO	16	16	16	48
Subtotal	97	22	22	141
Annual movement (adjust balances movement)	-29	22	7	0
Capital budget				
Addition				
Wood Farm community centre - part capital	66			66

This was carried, 39 members voting in favour and none voting against.

Item 12

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Report of: Head Finance

To: City Executive Board

Date: 9th February 2011

Item No:

Title of Report : Recommended Budget 2011-12 to 2014-15

Summary and Recommendations

Purpose of report: To present the Council's 2011/12 budget and Medium Term Financial Strategy for approval and recommendation to Council.

Key decision: No

Executive Lead member: Councillor Ed Turner

Scrutiny Responsibility: Value & Performance

Report Approved by:

Cllr. Bob Price, Leader of the Council

Cllr. Ed Turner, Deputy Leader of the Council

Jeremy Thomas, Head of Law and Governance

Policy Framework: The Council's Corporate Plan

Recommendation(s): The City Executive Board is asked to agree the amendments to the consultation budget as set out in Tables 3, 5 and 6 below.

And recommend that Council:

- a) approves the General Fund budget requirement of £25.778 million as detailed in Appendix 1 and in so doing agrees a Council Tax freeze for , 2011/12, thereby resulting in an average band D Council Tax of £262.96
- b) approves the Housing Revenue Account budget for 2011/12 as set out in Appendix 3 and an average dwelling rent increase of 7.64% and an average garage rent increase of 2.6%
-) approves the Capital Programme for 2011/12 -2014-15 as set out in Appendix 4; and
- d) approves the Fees & Charges schedule as set out in Appendix 5

Notes to Liberal Democrat Group Amendments to the Administration's Proposed Budget 2011-15

Additional Savings

1. We believe that reductions in senior management positions can be taken further. The City Council has probably now missed the boat on sharing management with neighbouring councils.
2. Use of pool cars by staff on council business saves carbon emissions as well as costs.
3. Increases in planning application fees (10% per year) will be permitted with effect from October 2011 under new government legislation, subject to consultation.
4. Lib Dems propose that councillors' allowances should be reduced by making the following changes for two years:
 - a) Reduce all councillor allowances by 10%;
 - b) Reduce CEB members' special allowance from 1.5 times basic allowance to 1 times;
 - c) Eliminate three CEB positions;
 - d) Suspend all special allowances for Chairs of committees;
 - e) Halve the allowances to opposition group leaders.
5. We are reinstating Area Committees and propose that Chairs of these committees should also not receive special allowances for two years.

Additional Costs

1. We have used the net figure for the annual cost of Area Committees supplied by officers (therefore including clerking, room hire costs, legal advice etc).
2. The Disability Access officer is also proposed to be retained under the latest administration budget proposals.
3. The ASB witness support officer is required to improve prospects of success in ASB-related court proceedings.
4. The energy/fuel advisor is also proposed to be retained under the latest administration proposals, but we have added a reasonable level of grants budget to allow the officer in this position to be fully effective.
5. We consider it ill-advised to reduce consultation and advice on planning matters. We wish to ensure the highest possible quality of new buildings in Oxford.
6. The administration has proposed a number of specific grants in their latest proposals. The Lib Dems are proposing that the existing grants system should be used (and not by-passed) and that there should simply be a much larger pot of money available to allocate. In particular we trust this would allow an allocation of grants to housing advisory bodies.
7. Deleting charging for street parties is also proposed under the latest administration proposals.
8. Keep Temple Cowley Pools Open: no explanation required!
9. The Terms and Conditions cost is also in the latest administration proposals, as a result of late agreement with the Trade Unions on various matters.
10. Parking Concessions for Youth Sports Clubs is also proposed under the latest administration proposals.

Proposed amendments to the Administrations 2011/12 consultation budget proposals

	2011/12 £'000	2012/13 £'000	2013/14 £'000	2014/15 £'000
Consultation Budget Net Budget Requirement	24,806	24,250	24,552	24,249
Changes since consultation budget	-281	402	241	154
Additional Savings				
Save two further heads of service	-80	-160	-160	-160
Use of pool cars by staff	-40	-40	-40	-40
Increase planning application fees	-35	-70	-77	-85
Reduced councillor allowances*	-70	-70	0	0
Suspend Area Committee Chair allowances	-14	-14	0	0
Total additional savings	-239	-354	-277	-285
Cumulative additional savings	-239	-593	-870	-1155
Additional costs				
Retain Area Committees and budgets	142	142	142	142
Retain Access Officer (Disability)	17	17	17	17
Retain ASB witness support officer p/t	18	18	18	18
Retain part-time energy/fuel advisor p/t	50	50	50	50
Maintain consultation & advice on planning	30	30	30	30
Additional grants	200	200	100	100
Delete charging for street parties	3	3	3	3
Keep Temple Cowley Pools open	226	219	159	159
Terms and Conditions	90	0	0	0
Parking concessions for youth sports clubs	10	10	10	10
Total additional costs	786	689	529	529
Net effect on budget in-year	547	335	252	244
Cumulative effect on budget	547	882	1134	1378
Alternative transfer to/(from) reserves	706	-479	-284	-509
Alternative Budget Net Budget Requirement	25,778	24,508	24,761	24,138
Financed By :				
Formula Grant	-13,399	-11,719	-11,523	-10,434
Collection Fund Surplus	-24	0	0	0
Council Tax	-12,355	-12,789	-13,238	-13,704
Total	-25,778	-24,508	-24,761	-24,138
General Fund Working Balance				
Working Balance 1st April	4,396	5,102	4,623	4,339
Transfer to/(from) balance	706	-479	-284	-509
Working Balance 31st March	5,102	4,623	4,339	3,830

AEA/110217/v10

ENVIRONMENTAL DEVELOPMENT FEES & CHARGES 2011/12

Description	2010/11 Charge £	Proposed 2011/12 Charge £	Increase / Decrease %	Comments
Exempt from VAT				
Programmed Certificated Courses				
Level 2 Award in Food Safety in Catering (Foundation)				
Level 3 Award in Supervising Food Safety in Catering (Intermediate)	85.00	80.00	-5.88 %	Prices reduced due to market conditions and competition. The 10% discount for organisations booking more than 2 places on the same course has been removed.
Level 4 Award in Managing Food Safety in Catering (Advanced)	430.00	430.00	NO CHANGE	Prices held due to market conditions and competition.
Level 2 Award in Health & Safety in the Workplace (Foundation)	730.00	730.00	NO CHANGE	
	90.00	90.00	NO CHANGE	Charges for non specified training courses will be calculated to take into account market conditions
Other non-specified courses Above charges are per person.				
Group Certificated Courses (for businesses requesting own on-site training)				
Level 2 Awards in Food Safety or Health & Safety - charge per candidate	72.00	72.00	NO CHANGE	Minimum charge of 10 candidate fees made per course. Maximum 20 candidates per course permitted.
Level 3 Award in Supervising Food Safety (3 day course, plus ½ day revision) - charge per course	2,500.00	2500.00	NO CHANGE	Examination fees charged at extra cost based on current CIEH costs. Maximum of 10 candidates per course permitted.
Advanced Food Hygiene or Health & Safety (5 day course, plus 1 day revision) - charge per course	4,500.00	4500.00	NO CHANGE	
Intermediate Certificate in Food Safety Refresher Course - charge per candidate	80.00	80.00	NO CHANGE	Minimum charge of 10 candidate fees made per course. Maximum 20 candidates per course permitted.
Level 3 Award in Implementing Food Safety Management Procedures - charge per candidate	80.00	80.00	NO CHANGE	Charges for non specified training courses will be calculated to take into account market conditions
Other non certificated part day and day courses				
Street Trading Consents (subject to Review by General Purposes Licensing Committee)				
Annual consent	6,540.00	7000.00	7.03 %	
Six months	3,270.00	3600.00	10.09 %	
Three months	1,635.00	Market rate	N/A	Subject to approval by General Purposes Licensing Committee.
One month	555.00	Market rate	N/A	
One week	145.00	Market rate	N/A	
Hard to tel site	N/A	25.00	N/A	
Consent badge (replacement)	N/A			
Pavement Café Licenses				
Annual fee per table	654.00	350.00	-46.48 %	Subject to a maximum charge of 10 tables. Reduction due to requests from North Area & Central, South & West Area Committees to review fees to make it more attractive. Subject to approval by General Purposes Licensing Committee.
Road Closures				
Street Party	Free	Free	N/A	
Market	N/A	Market rate	N/A	
City Event	N/A	Market rate	N/A	
Taxi Licensing				
Vehicles				
Hackney	351.00	400.00	13.96 %	Agreed by Colla to cover cost of unmet demand survey.
Hackney Transfer of Ownership	42.00	100.00	138.10 %	
Hackney Change of Vehicle	N/A	100.00	N/A	
Hackney Plate Deposit	N/A	50.00	N/A	
Hackney Temporary Vehicle	N/A	75.00	N/A	
Private Hire	262.00	262.00	NO CHANGE	Increase in fee or introduction of fee to cover true administrative cost to service for previously undercharged work, or unchanged work. Subject to approval by General Purposes Licensing Committee
Private Hire Transfer	67.00	75.00	11.94 %	
Private Hire Change of Vehicle	N/A	100.00	N/A	
Private Hire Plate Deposit	N/A	50.00	N/A	
Private Hire Temporary Vehicle	N/A	75.00	N/A	
Hackney Combined	115.00	115.00	NO CHANGE	Subject to approval by General Purposes Licensing Committee
Private Hire	101.00	101.00	NO CHANGE	

GREEN GROUPS PROPOSED AMENDMENTS TO THE ADMINISTRATIONS CONSULTATION BUDGET

REVENUE

£1000's

	2011/12	2012/13	2013/14	2014/15
Consultation Budget Net Budget Requirement	24,806	24,250	24,552	24,249
Changes since consultation budget	-281	402	241	154
<u>Additional Savings</u>				
Limit SRA allowance on CEB to five Councillors and reduce remainder by £2k each	-45	-45	-45	-45
Further energy savings and income from grants and advice to external organisations	0	-10	-10	-15
Increase parking charges in line with inflation (2% more than assumed in base budget)	-150	-150	-150	-150
Increase taxi licensing fees in line with inflation (2% more than assumed in base)	-6.5	-13	-13	-13
Increase Planning fees in line with inflation (2% more than assumed in base)	-1.5	-3	-3	-3
Increase Licensing fees in line with inflation (2% more than assumed in base)	-5	-10	-10	-10
Revise down senior staff no.s/salaries to reflect reduced budgets & responsibilities	-100	-200	-200	-200
Wharfage charges	0	-10	-10	-10
1% hotel bed night tax to apply to luxury hotels only	0	0	-80	-80

27
96

Abandon sale of St Clement Car Park	0	-60	-60	-60
Additional cuts to Crime Strategy	-20	-20	-20	-20
Ecological management of parks and open spaces	-25	-25	-25	-25
reduction in size of media team	-25	-25	-25	-25
Cut CEB assistant post	0	0	0	0
Increase incomes from property by 0.5% over 4 years	0	-50	-100	-150
stop Your Oxford	-14	-14	-14	-14
income from solar feedin tariff	-20	-40	-40	-40
Take out £1500 per member in exchange for area cttee budget	-72	-72	-72	-72
Total additional savings	-484	-747	-877	-932
Cumulative additional savings	-484	-1231	-2108	-3040
<u>Additional costs</u>				
Additional pru borrowing costs on lost capital receipt from St Clements car park	230	224	219	213
additional part-time sustainability officer	20	20	20	20
reinstate area committee budgets, area planning & staffing	214	214	214	214
Prudential borrowing on other capital investment of £500k	50	49	48	46

keep Temple Cowley Pool open	226	219	159	159
reinstare TV Energy subscription cut	2.5	2.5	2.5	2.5
reinstare free green waste collection	149	214	279	279
reinstare free pest control services	28	28	28	28
reinstare ext. energy advice on renewables & conservation	50	50	50	50
Amendment to grants budget (Chinese Community Centre)	10	10	10	10
Reinstare charging for street parties	3	3	3	3
Reinstare part time access officer	17	17	17	17
Reinstare Community centre rationalisation budget	0	27	35	70
Reinstare independent housing advice	80	80	80	80
Reinstare events fund including May morning	15	15	15	15
Reinstare Youth activities in East Oxford/Littlemore	30	45	45	45
reinstare fuel poverty work at reduced level	25	25	25	25
Reinstare Amendment to grants budget (young peoples provision)	10	10	10	10
Reinstare free swimming for young people	20	20	20	20
Youth premises contingency	10	20	20	20
Reinstare terms and conditions	90	0	0	0
Reinstare 1 street warden	27	27	27	0
Total additional costs	1306.5	1319.5	1326.5	1326.5
Net effect on budget in-year	822.5	572.5	449.5	394.5
Cumulative effect on budget	822.5	1395	1844.5	2239
Alternative budget transfer to/(from) reserves	430	-717	-482	-660

Alternative Budget Net Budget Requirement	25,778	24,508	24,761	24,138
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Financed By :				
Formula Grant	-13,399	-11,719	-11,523	-10,434
Collection Fund Surplus	-24	0	0	0
Council Tax	-12,355	-12,789	-13,238	-13,704
Total	-25,778	-24,508	-24,761	-24,138

General Fund Working Balance				
Working Balance 1st April	4,396	4,826	4,109	3,627
Transfer to/(from) balance	430	-717	-482	-660
Working Balance 31st April	4,826	4,109	3,627	2,967

GREEN GROUPS PROPOSED AMENDMENTS TO THE ADMINISTRATIONS CONSULTATION BUDGET

CAPITAL

	2011/12 £000'S	2012/13 £000'S	2013/14 £000'S	2014/15 £000'S
CAPITAL PROGRAM AS PER CEB 9TH FEBRUARY	28,777	13,677	13,480	12,295
SAVINGS				
Pool extn to BBL leisure centre	7,365	500	0	0
Rephasing of buildings refurbishment programme (5 years not 4)		500	500	500
ADDITIONAL SPENDING				
buildings & energy improvements to Temple Cowley Pools & Gym	3,000	0	0	0
investment in solar array (s) on Council buildings	500	0	0	0
REVISED CAPITAL PROGRAM	24,912	12,677	12,980	11,795

FINANCING				
FINANCING AS PER CEB REPORT 9TH FEBRUARY	28,777	13,677	13,480	12,295
Savings				
Savings in Prudential borrowing re competition pool	-7000			
Savings in use of capital receipts re competition pool	-365	-500		
Savings in use of capital receipts rephasing of refurbishment		-500	-500	-500
Additions				
Additional prudential borrowing re solar arrays	500			
Additional prudential borrowing re Temple Cowley Pool	3000			

REVISED CAPITAL FINANCING

24,912 12,677 12,980 11,795

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