

COMPLAINT AGAINST CLLR ROIS ALI

INVESTIGATING OFFICER'S REPORT

Introduction

1. My name is Matt Lewin. I am a self-employed barrister, practising at Cornerstone Barristers, with a specialism in local government law. I am one of the authors of the leading work on standards in local government, *Cornerstone on Councillor's Conduct* (Bloomsbury Professional, 2015). I regularly advise local authority monitoring officers on standards matters, carry out investigations into allegations of councillor misconduct and also provide training on the subject.
2. I have been appointed by Julie Newman, Monitoring Officer at Coventry City Council ("the Council"), to act as an external investigator into an allegation that Cllr Rois Ali has breached the Council's Member Code of Conduct ("the Code"). My appointment was made under paragraph 5.1 of the Council's Complaints Protocol.
3. This is my final report. I provided a copy of this report, in draft, to both Cllr Ali and the complainant, Cllr Tim Mayer, on 14 August 2018. I asked for their comments within 14 days. Cllr Mayer said that he had no comments to make. I did not hear from Cllr Ali at all, notwithstanding that I sent him a reminder email on 23 August 2018.

The complaint

4. On 28 January 2018, Cllr Mayer submitted a complaint to the Council's then-Monitoring Officer, Helen Lynch. In his complaint, Cllr Mayer alleged that Cllr Ali had failed to enter on his register of interests a Disclosable Pecuniary Interest ("DPI"): his ownership of Sudbury House, Upper York Street, Earlsdon, CV1 3CQ. Cllr Mayer also alleged that Cllr Ali had failed to enter other DPis on his register of interests and that he declared DPis only after interventions by the Council's lawyers. Cllr Mayer alleged that Cllr Ali's failures in this regard showed "... *pure dishonesty and should be treated as such.*"

The Code

5. The following provisions of the Code are relevant to this investigation:

2. *As a holder of public office and as required by law I will behave in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in the Council:*
 - f. **Honesty:** *I will declare any private interests relating to my public duties and take steps to resolve any conflicts arising in a way that protects the public interests.*
3. *As a Member of Coventry City Council I will act in accordance with the principles in paragraph 2 and, in particular, I will*
 - (h) *Behave in accordance with all my legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures ...*
 - (j) *Always treat people with respect, including the organisations and public I engage with and those I work alongside.*

5. **Register of interests**

5.1 *I will:*

- a. *register, and where appropriate, disclose those disclosable pecuniary interests that I am obliged to declare under the Localism Act and associated regulations*

6. **Disclosable Pecuniary Interests Entered on the Register**

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

- (a) *I am aware that I have a disclosable pecuniary interest under paragraph 5.1(a) above in any matter to be considered or being considered at the meeting; and*
- (b) *the interest is entered in the Council's register*

I may not participate in any discussion or further discussion of an item of business or in any vote or further vote taken on that item which affects or relates to the subject matter in which I have such an interest; and I will leave

the room where the meeting is held while any discussion or voting takes place.

DPIs

6. Section 30(1) of the Localism Act 2011 requires councillors to disclose their DPIs within 28 days of their election.
7. A DPI is defined in section 30(3) of the Act and by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. There are seven categories of DPI:
 - (a) employment, office, trade, profession or vocation;
 - (b) sponsorship;
 - (c) contracts;
 - (d) land;
 - (e) licences;
 - (f) corporate tenancies;
 - (g) securities.
8. Considerable importance attaches to DPIs and councillors must take great care to ensure that they are properly declared. This is because it is a criminal offence for a councillor to fail to:
 - (a) declare a DPI within 28 days of being elected: section 34(1)(a); and
 - (b) participate in any discussion of or vote on a matter in which he or she has a DPI: section 34(1)(b)unless the councillor has a reasonable excuse for that failure.
9. A councillor convicted of an offence under section 34 of the Act may be fined and disqualified from office: sections 34(4) and (5).

Investigation

Cllr Ali

10. Cllr Ali was elected as the member for the Cheylesmore ward on 5 May 2016.
11. Before his election, Cllr Ali was (and remains) a prominent businessman and landowner in Coventry. He has a large number of property interests throughout Coventry and, he told me, a number of these interests are co-owned with investors. He is also the director of three companies: Nexstone Ltd; NR Unique Hospitality Ltd; and Tridon Ltd.

Cllr Ali's register of interests

12. The deadline for declaring Cllr Ali's DPIs was 28 days after his election, which was 2 June 2016. By that date Cllr Ali had not made any entries on his register of interest and was therefore in breach of section 30(1) of the Act.
13. Cllr Ali made his first entry on 6 June 2016. However, he attended a meeting on 8 June 2016 with Council officers when he was advised that there were significant omissions from his register of interests: for instance, he had not declared any employment. Officers sent him a follow-up memo on 10 June 2016 with advice that it was his responsibility to ensure that his register of interests was comprehensive.
14. On 16 June 2016, Cllr Ali attended a members' training session which included training on DPIs.
15. By 27 July 2016, Cllr Ali had not made any updates to his register of interests and he was sent a chasing email by Helen Lynch on that date. He eventually updated his register on 10 August 2016.
16. However, on 19 August 2016, Helen Lynch sent a memo to Cllr Ali pointing out that there still remained omissions from his register: his directorship of several organisations and a further interest in land.
17. Cllr Ali had not updated his register by 15 September 2016, when Helen Lynch sent a more formal letter to him, warning him that his failure to properly declare his DPIs on his register of interests was now the subject of a formal complaint. In that letter, Ms Lynch asked Cllr Ali:

- (a) to explain why, having been given advice on 8 June 2016, he did not update his register until 10 August 2016;
- (b) to provide a response to her memo of 19 August 2016 regarding his directorships;
- (c) to declare the DPs of his spouse or partner (if any), as required by section 30(3)(b) of the Act;
- (d) to make any other changes to his register of interests as required.

18. I specifically asked Cllr Ali whether he had responded to this letter and, if he had, to provide me with a copy of his response. He did not do so and so I conclude that he did not respond to this letter as requested.

19. On 30 September 2016, Cllr Ali made a further update to his register of interests.

20. However, on 20 December 2016, Ms Lynch sent yet another letter to Cllr Ali warning him that there were seven properties which she believed were owned by Cllr Ali but which had not been entered on his register. She observed that she had already met with him on more than one occasion and written to him four times to advise him of his duties regarding his DPs. She concluded:

“You have already declared a number of interests in property on your register, which suggests that you understand the requirement to declare. There appears to be no reasonable excuse for your failure to declare the properties listed above.

I require you to update your Register as a matter of urgency. Failure to do so may leave me with no option but to refer the matter for formal action by the Ethics Committee and/or the Police.”

21. Cllr Ali made a fourth update to his register on 22 December 2016, which included all seven properties referred to in Ms Lynch’s letter of 20 December 2016 and some additional properties. He made further updates to his register on 5 April 2017 and 4 August 2017.

22. During December 2017 and January 2018, it came to light that Cllr Ali was one of the co-owners of “The Bird House”, 9 George Eliot Road, Coventry CV1 4HU. Cllr Ali claimed to have been unaware that the property was owned personally by him and not by the

Bangladeshi Centre, of which he is a director. On 10 January 2018, Cllr Ali updated his register for the seventh time to disclose his ownership of this and two other properties.

23. This property was discussed at a meeting of full Council on 16 January 2018. Cllr Ali had previously been advised by Ms Newman to leave the meeting during discussion of this item. The minutes of that meeting record that Cllr Ali followed that advice.
24. Cllr Ali made an eighth update to his register on 12 January 2018 to disclose his directorship of Nexstone Ltd. According to his entry on Companies House, Cllr Ali has been a director of that company since 29 November 2006.
25. On 19 February 2018, Cllr Ali made a ninth update to his register to declare ownership of five properties, including Sudbury House which had been the subject of Cllr Mayer's complaint. He made a tenth update on 23 February 2018. His register was last updated on 12 April 2018.

Referral to West Midlands Police

26. When I was appointed as the investigating officer, it appeared to me that there were reasonable grounds for suspecting that Cllr Ali had committed an offence by failing to declare any DPIs within 28 days of his election, contrary to section 30(1) of the Act. In addition, there were a significant number of property interests which he had owned prior to his election, and he had long been a director of companies, none of which were declared until much later, in some cases not until January 2018.
27. I considered that it would be inappropriate for me to carry out any further investigation until the possibility of a prosecution had been ruled out. On 13 May 2018, I drafted a referral to West Midlands Police setting out the evidence against Cllr Ali and also the possible mitigating factors. On 4 June 2018, DS Keen informed the Council that West Midlands Police would not be taking any action to progress a prosecution. DS Keen commented that the matter "*would reach the 'public interest' threshold*" given Cllr Ali's position, but that there were no "*aggravating factors*" – in particular there was no evidence to suggest that Cllr Ali had participated in any item of Council business in which he had a DPI.

Interview with Cllr Ali

28. On 8 June 2018, I wrote to Cllr Ali and asked him to provide written responses to a series of questions regarding what I considered to be his failure to comprehensively declare all of his DPIs and his delay in acting on advice given to him by officers.
29. I received Cllr Ali's written response on 26 June 2018. His answers were fairly short and, in my opinion, unsatisfactory. In essence, his position was that as a new councillor he was unfamiliar with the requirements of the DPI rules and that he had had to discuss disclosure of his property interests with his co-investors before they could be declared.
30. Given that I was not satisfied with his written response, I suggested to Cllr Ali that we had a face to face meeting to give him a further opportunity to explain his position. That meeting eventually took place on 14 August 2018.
31. At our meeting, Cllr Ali spoke with commendable candour and did not mince his words. He said that he was completely baffled by my investigation and that it was completely unnecessary. He said that he had sorted everything out with Council officers a long time ago. He attributed Cllr Mayer's complaint to a personal vendetta and observed that Cllr Mayer's was an opposition Conservative councillor. He said that Cllr Mayer obviously had too much time on his hands and was not spending enough time working on behalf of his constituents. He added that if Cllr Mayer took this matter any further he would "stamp on him" and "take him to the cleaners", as well as telling me that his solicitor had sent Cllr Mayer a letter apparently threatening litigation.
32. I asked Cllr Ali directly whether he thought he had done anything wrong. He said he did not believe he had done anything wrong. At the same time he also said that we all make mistakes from time to time – going on to say that if I was to look at other councillors' registers of interests, he would bet they had errors too.
33. I asked why, for instance, he had taken so long to update his register in response to officers' advice. Cllr Ali's response was that he was a busy man and that he needed to take guidance from his co-investors. When I pressed him on this latter point, given that his co-investors' details would not be disclosed, he explained that the property addresses would be made public and that these could then be searched on the Land Registry. He also maintained that he was new to the Council and didn't fully understand how the DPI rules worked, even though he acknowledged he had attended training on the subject. He said he was a busy man and was busy 24/7 with both his work as a councillor and with his private business interests. In response to my question, he said that before standing for election he had not thought about how he would manage his private business interests alongside his public

duties. He said he probably would not have stood if he had known how complicated the rules were.

34. My impression of Cllr Ali was that he had entered politics with the intention of serving the public and I have no reason to doubt that he performs his public duties effectively. However, I was surprised that he was unable to acknowledge that he had not followed the rules and troubled by his lack of concern about his failure to comply with those rules.

Conclusion

35. I find that Cllr Ali:

(a) failed to declare any DPis within 28 days of his election, in breach of section 30(1) of the Act;

(b) failed to declare all of his DPis promptly;

(c) declared many of his DPis only after he had been specifically asked to do so by officers; and

(d) did not follow officers' advice to ensure that his register of interests was comprehensive – and failed, in any event, to act promptly on that advice.

36. I do not accept any of Cllr Ali's explanations for his failures as described above. As I have already observed, the law attaches particular importance to the rules on DPis and they are enforced by the criminal law. They are particularly important for a councillor in the position of Cllr Ali, who has wide-ranging private business interests, and must therefore take particular care to ensure that he is, and is seen to be, serving only the public interest.

37. I must emphasise here that I have reviewed Cllr Ali's register of attendance at Council meetings against his register of interests and I have found no evidence to suggest he has participated in any Council business in which he had a DPI.

38. The DPI rules are not unduly complicated to understand or follow, particularly given that Cllr Ali had access to officers who provided advice and assistance to him on these matters. I do not accept that Cllr Ali was too busy to follow the rules. Nor do I accept that he was required to first seek the authorisation of his co-investors before disclosing his interests. His duties to

the public must always take priority over his own private interests – and I am concerned that Cllr Ali appeared not to appreciate this important point of principle.

39. For these reasons, **I find that Cllr Ali has breached paragraphs 2(f), 3(h) and 5.1(a) of the Code.**

40. For completeness, as dishonesty was raised in Cllr Mayer’s complaint, I should add that I do not consider that Cllr Ali has behaved dishonestly in the sense that he deliberately sought to conceal his interests. Nor do I find he has made any personal gain as a result of his failure to promptly declare his interests. Therefore I do not find that he has breached paragraphs 6 or 7 of the Code.

41. Additionally, however, in the light of his comments about Cllr Mayer made to me during our meeting, **I find that Cllr Ali has also breached paragraph 3(j) of the Code.** I reject Cllr Ali’s claim that Cllr Mayer’s complaint is politically motivated or is part of a personal vendetta against him: in the light of my findings above, it was clearly well-founded. Moreover, Cllr Ali needlessly disparaged Cllr Mayer and his threats to “stamp on” Cllr Mayer and to “take him to the cleaners” were entirely uncalled for given that the complaint was justified.

Conclusion

42. For these reasons I find that Cllr Ali has breached the following paragraphs of the Code:

(a) 2(f);

(b) 3(h);

(c) 5.1(a); and

(d) 3(j).

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