



Member Code of Conduct: Consideration of a Complaint

Complaint against: Councillor Khan

Enclosures to this memo are:-

- (a) 3 Complaints received
- (b) Supporting statements provided by complainant

Introduction

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

1. Summary of Complaint

Complaints have been received alleging that Councillor Khan breached the Code of Conduct for Elected Members as a result of a dispute with his neighbours.

2. Background and detail regarding the Complaint

Councillor Khan has moved into a new property and building work is ongoing. A dispute has arisen between Councillor Khan and his neighbours which has become acrimonious and which has given rise to these complaints.

Several of the allegations made relate to criminal matters about which the police have been involved and it is understood they are not taking any further action.

The complainants and the witnesses do allege that as part of this dispute Councillor Khan attempted to use his position as a councillor making promises around planning processes and using his role to influence the police.

Councillor Khan denies these allegations and has been clear that he has not referred to himself as a Councillor and that these allegations are malicious and in response to the ongoing dispute between himself and his neighbours.

3. Analysis of Complaint

The complaints include several alleged breaches to the Code of Conduct as provided at Part 4a of the City Council's constitution - Code of Conduct for Elected and Co-opted members.

The Code of Conduct for elected members only applies when

- A councillor is acting in their capacity as a councillor and/or as a representative of your council
- They are claiming to act as a councillor and/or as a representative of your council
- They are giving the impression that they are acting as a councillor and/or as a representative of your council
- They refer publicly to their role as a councillor or use knowledge they could only obtain in your role as a councillor.

Several of the allegations made by the complainants appear to relate to the neighbour dispute about which the police have been involved. Councillor Khan was not acting in his capacity as a Councillor and these are not matters for the City Council.

Allegations have been made about Councillor Khan inappropriately using his position as a Councillor, these allegations are denied by Councillor Khan. If they are correct, then this could give rise to a potential breach of the Code of Conduct for elected members.

4. Options Available

4.1 The options for dealing with the complaint are:

- (a) referring the matter to an internal or external Investigating Officer for investigation
- (b) taking no further action on the complaint;
- (c) resolving the matter by informal resolution; or
- (d) any other way deemed appropriate.

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

- (a) the complaint relates to an existing member of the Council or Parish Council;
- (b) the member was in office at the time and bound by the Code of Conduct at the time;
- (c) the member was acting in his or her official capacity;
- (d) the complaint is considered serious or significant in substance
- (e) the complaint would be in the public interest to pursue
- (f) the complaint is vexatious, malicious, politically motivated or inappropriate;
- (g) the complaint is substantially similar to a complaint already made to Standards for England, the Ethics Committee (or its predecessor the Standards Committee) or any other regulatory authority;
- (h) the complaint is unreasonable;
- (i) the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible.

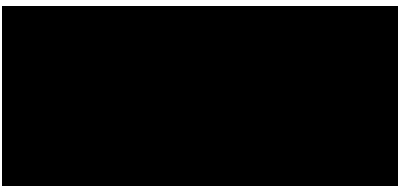
5. Recommended Action

This stage 1 investigation is recommending that the complaint proceeds to Stage 2 of the complaints process and that an independent investigation is undertaken in respect of the complaints made that Councillor Khan attempted to use his position for his own personal gain.

6. Independent Persons consideration

I have read the above report and I agree with the recommended action.

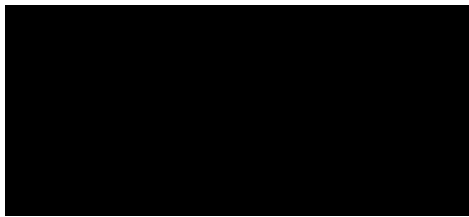
Signed:

A large black rectangular redaction box covering the signature of Steve Atkinson.

Steve Atkinson Independent Person

Dated: 25 May 2021

Consultation with Group Leaders



Martin Reeves, Chief Executive

Julie Newman, Monitoring Officer

Date: 25 May 2021