

The first complaint related to an allegation of a pecuniary interest that had not been declared, and therefore alleging a potential conflict of interest when taking part in decision-making at committee. In accordance with the adopted Arrangements, the Subject Member was asked to respond to the allegations made against him. The Subject Member confirmed that he did not have any pecuniary interest in any of the businesses referred to by the complainant, and that his involvement as evidenced by the complainant was purely voluntary. The complainant did not provide any further evidence to substantiate the allegation, nor was any evidence apparent from general enquiries. In any case, there had not been any matters relating to those businesses that were considered by the committee, to which the Subject Member was appointed to.

Therefore, following consultation with the Independent Person it was determined at the Initial Assessment stage of the process that there had been no breach of the Code by the Subject Member and the matter was not pursued further under the Arrangements. However, the Monitoring Officer advised the Subject Member about the issue of perception that led to the complaint made against him, in that it is possible that people seeing him involved publically in a business would assume links to it. He was also advised that it would not be appropriate (and could be regarded as a breach of the Code) for a councillor with knowledge to be seen in a business that is in clear breach of any regulatory conditions. The Subject Member was also reminded to consider their position on any committee, should any matter relating to the businesses with his perceived links come before it for determination, and seek advice from the Monitoring Officer or the Legal officer supporting the committee.

The second complaint relates to an allegation of 'inappropriate' involvement in the Council's procurement process, which was also reported by the Lancashire Telegraph on 9 September 2023. As expected, the Council did maintain confidentiality and provided no comments as the matter was still in the process of being formally considered. The complaint was made by Mr Rick Moore, Deputy Chairman of Blackburn Conservative Association, after examining some email correspondence obtained through a request made under the Freedom of Information Act. The complaint was made against Councillor Qesir Mahmood, Deputy Leader and Executive Member for Growth & Development. The complaint also related to a senior officer of the Council, which was considered separately whilst the complaint against Councillor Mahmood was dealt with in accordance with the adopted Arrangements, and included consultation with the Independent Person. The Monitoring Officer also reviewed some relevant factual information that was made available to him.

The Initial Assessment was undertaken to determine whether the matter merits further consideration/investigation, or another course of action. The following was determined:

- The procurement of the upvc window/doors referred to in the complaint was in relation to the former prayer shelter and not the new prayer facility as suggested by Mr Moore, which was a single contract procured later and in accordance with the Council's Contract and Procurement Procedure Rules. Nevertheless, the supply/installation of the upvc window/doors to the former prayer shelter was also procured by other officers in accordance with the Council's Contract and Procurement Rules.

- Although Councillor Mahmood suggested obtaining a quotation from a local supplier, there is no evidence to suggest that Councillor Mahmood influenced or interfered in any way with the procurement exercise. This is supported by the fact (evidenced by Council records) that the supplier suggested by Councillor Mahmood was not awarded the contract for the supply/installation of the upvc window/doors. Councillor Mahmood denies that he has any links with the local supplier, and there is no factual evidence to suggest that he had a disclosable pecuniary interest which should have been disclosed.

The Initial Assessment therefore, found no evidence to suggest that Councillor Mahmood sought to involve himself with the procurement of new prayer shelter facility, nor did he sought to “interfere” with the Council’s procurement of some other minor works and services.

There were no issues identified that could potentially constitute a breach of the Member’s Code of Conduct by Councillor Mahmood, and therefore the matter was not pursued further under the adopted Arrangements.

The Monitoring Officer however, noted Mr Moore’s reference to the Protocol on Member/Officer Relations and role of councillors in operational management matters. Although this is outside the Code, it has also been raised generally and is already on the Standards Committee and governance work programme for review. The Monitoring Officer recommends that the following the review of the Protocol, briefings are provided to both Councillors and officers so they are clear on their respective roles, duties and expectations of each other.

4. RATIONALE

The Committee has a role in promoting and maintaining high standards of conduct and make appropriate recommendations to Council in this regard. The Committee should therefore be informed and updated of the complaints received by the Monitoring Officer and update its progress.

5. LEGAL IMPLICATIONS

The Localism Act 2011 (“the Act”) places the Council under a duty to promote and maintain high standards of conduct for members (and co-opted members). This was delegated by the Council in August 2012 to the Standards Committee. Under the Constitution, the Standards Committee also has a role in assisting councillors (and co-opted members) to observe the Members Code of Conduct, and make appropriate recommendations to the Council with respect to:

- promoting and maintaining high standards of conduct and
- the provision of training, guidance and assistance for Members in relation to the Members’ Code of Conduct.

The Act also requires local authorities to adopt a Code of Conduct that is consistent with the ‘Nolan’ principles, and include provisions to regulate pecuniary and other interests. In addition, the local authorities are required to put in place arrangements for dealing with complaints both about Council

Members and Parish/Town Council members. Under these arrangements, local authorities must appoint at least one 'Independent Person' who must be consulted before making a decision on a Member conduct complaint.

The Council has delegated authority to the Monitoring Officer to handle complaints and refer an investigation finding of breach to the Hearing Panel of the Standards Committee. The Monitoring Officer must handle the complaints in accordance with the Arrangements for dealing with complaints about the Code of Conduct for members

6. POLICY IMPLICATIONS

A good governance framework in local authorities is necessary to promote and maintain high ethical standards, and to ensure public confidence. In this regard, the Committee must have confidence that complaints made for alleged breaches of the Code are considered impartially and objectively, and in accordance with the arrangements adopted by the Council.

7. FINANCIAL IMPLICATIONS

None.

8. CONSULTATIONS

The Committee has a role in promoting and maintaining high standards of conduct. This report seeks to update the Committee of recent complaints received and progress, which would inform the Committee when considering any general recommendations to Council in relation to promoting and maintaining high standards of conduct.

Chief Officer/Member

Contact Officer: Asad Laher, Deputy Director – Legal & Governance and Monitoring Officer.

Date: 8 December 2023

Background Papers: None