



CODE OF CONDUCT FOR MEMBERS: DECISION NOTICE

Complaint Reference 2018/023

Complaint

A complaint was received about the conduct of Councillor Syed Hussain, a Member of East Staffordshire Borough Council (ESBC), from Mr Hugh Warner, the Chairman of the Board of Trustees of Queens Street Community Centre. Council (QSCC). The complaint concerned Cllr Hussain's conduct while he was an ESBC-appointed member of the QSCC Board. It was said that Cllr Hussain had failed to attend Board meetings; had not acted in the best interests of QSCC; had not behaved appropriately towards the then manager of QSCC; and had failed to engage with the QSCC complaints process;

Having consulted with the Independent Person, the Monitoring Officer decided to refer the complaint for investigation and she appointed an independent Investigating Officer to undertake the task.

The Investigating Officer found evidence of breaches of paragraphs 3.1, 3.4 and 3.9 of the Code of Conduct for Councillors.

He recommended that the complaint should be referred to the Standards Committee for further consideration.

The complaint was heard by the Standards Committee at a meeting on Tuesday 7th January 2020 at 6.30pm in the Coltman VC Room, Town Hall, Burton upon Trent.

The complaint has been considered in accordance with the Standards Committee Complaints Procedures at Part 4L of the Council's Constitution.

Decision

Having considered the papers; having heard submissions from the Investigating Officer and from Cllr Hussain's solicitor; having heard oral evidence from Cllr Hussain; Mr Tariq Hussain; Cllr Paul Walker; Mr Hugh Warner; and Mr David Adkins; and having taken account of the views of the

Independent Person, the Committee found that Councillor Syed Hussain had breached paragraphs 3.1, 3.4 and 3.9 of the Council's Code of Conduct.

The Committee was then required to consider which, if any, of the sanctions contained at paragraph 13.5 of the Code of Conduct, to impose on Councillor Hussain. In reaching its decision the Committee considered the submissions of the Investigating Officer and Cllr Hussain's solicitor, as well as the views of the Independent Person. The Committee imposed the following sanctions:

13.5.1 Publish its findings in respect of Councillor Hussain's conduct;

13.5.2 Report its findings in respect of Councillor Hussain's conduct to the Council for information.

Reasons for decision

For the purposes of its deliberations the Committee adopted the summary of the allegations set out in the report of the Independent Investigator, as follows:

- A. The councillor was in dereliction of his duties as a Council appointed member of the board, attending only 4 of 16 possible meetings of the board over the period 2017-2018.
- B. The Councillor failed to engage with the complaints process operated by QSCC related to FAMS Consultancy, and conducted himself in such a way as to seek to divert a business opportunity from QSCC to Uxbridge Street Community Centre (USCC).
- C. The Councillor acted inappropriately in the use of QSCC resources and towards Mr Adkins as an employee of QSCC.

The Committee made the following findings:

- A. The Committee accepted that the Councillor had attended only four out of a possible 16 board meetings during the period in question but, while they considered that this fell short of the required standard of meeting attendance, the Committee found that the conduct complained of did not meet the threshold required to bring the Council into disrepute.
- B. The Committee found that Cllr Hussain had failed to engage with the QSCC complaints process as alleged, but again the Committee determined that this did not bring the Council into disrepute. The Committee did not find that Cllr Hussain had diverted a business opportunity from QSCC to USCC.
- C. The Committee found that Cllr Hussain had engaged in a pattern of behaviour towards Mr Adkins that amounted to a breach of 3.1 and 3.4 of ESBC's Code of Conduct for Councillors, in that Cllr Hussain failed to treat Mr Adkins with respect and engaged in a course of conduct that amounted to bullying; and that as a result, Cllr Hussain had been able to act inappropriately in his use of QSCC resources. The Committee also found that, taken together, this conduct brought the Council into disrepute. In reaching their conclusions in respect of this element of the

complaint, the Committee took into account the documents attached to the complaint; the relevant aspects of the independent investigator's report and associated documents; the written submissions of Cllr Hussain's solicitor; the oral submissions of Mr Beglan and Ms Zamanpour at the Committee hearing; and the oral evidence of Cllr Hussain, Cllr Walker and Mr Adkins, including the responses given by each to the questions of Mr Beglan, Ms Zamanpour and the Committee Members. The Members found Mr Adkins to be a credible witness and they also found that what he said at the meeting was consistent with the written evidence included in the agenda pack. The Committee accepted that as a member of the QSCC board of trustees Cllr Hussain was in a position of authority over Mr Adkins and Cllr Hussain's conduct towards Mr Adkins had to be viewed in that context. The Committee accepted that there had been a course of conduct over a period of time which would have led to Mr Adkins feeling threatened and intimidated.

Notice of decision

This decision notice will be sent to the person or persons making the allegation and the Member against whom the allegation was made. The decision will also be reported to the next ordinary meeting of the Standards Committee.

Appeal of decision

There is no right of appeal for the Complainant or for the Councillor against a decision of the Standards Committee.

If someone feels that the Council has failed to deal with a Complaint properly, they may make a complaint through the Council's ordinary complaints process. This process would not re-consider the original complaint but would consider the way in which the complaint had been handled.

Terms of reference and Complaints Procedures

The Terms of Reference of the Standards Committee and its Complaints Procedures are available on the Council's website (www.eaststaffsbc.gov.uk) and from the Monitoring Officer.

Additional Help

If you need additional support in relation to this decision notice or future contact with us, please let us know as soon as possible. If you have difficulty reading this decision 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.

Signed *Angela Wakefield* **Date 13th January 2020**

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