**REPORT OF AN INVESTIGATION INTO A COMPLAINT MADE AGAINST COUNCILLOR MOHAMMAD ASLAM**

**Background**

1. On 29th April 2022 Philip Mousdale, former Monitoring Officer of the council received the following complaint via the Chief Executive:

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| Hi Neil and RoseHope you are well.Last night [28th April 2022]I was in Nelson Ghausia Mosque on Clayton Street Nelson from 10pm with a friend and his son (aged 14 years).It was an important night in terms of Ramadan when you seek forgiveness from Allah / God in mosque.I normally stay till around 3.00am.At approximately 11.45pm, I was stood in the area where people take shoes off with my friend and his son.Cllr Mohammad Aslam came to my friend and shook his hand as they used to be neighbours.He looked at me and simply nodded his head in acknowledgement which I returned.Approx. 30 seconds later he came back and stood next to me.He said ‘what can you do for those ice cream people?’. I responded out of respect ‘uncle can we not talk about work here’.He continued to say that he was a MOT inspector and he always let people off with issues with their cars and let them resolve them later.He said you need to let people off and help them.I then responded to Mr Aslam, I could not discuss an on-going investigation with him but advised him I always help licence applicants.He then replied ‘you have come here and make your own law up and upset my people’. I replied I don’t make the law. I simply enforce the legislation in place set by the government. He then out of nowhere said ‘who the FUCK do you think you are?’ which took me back. I replied ‘Uncle look where you are (Mosque) and what language you are using’.(such language should not be used anywhere)‘You come here fucking making your own law up and took my friends licence for his shop on Barkerhouse Road’. (I clicked he meant Beer Hut off licence)He then said ‘you got my son Adnan into trouble with the Police two years ago at a Polling Station. I still remember that. I can’t sleep at night. Every time I see your face I want to destroy you’.(His son Adnan had an altercation with another male outside a Polling Station approx. 3-4 years ago).I replied ‘Uncle what are you talking about? I never got your son arrested for anything. I think your confused with someone else.’He then said ‘I’m going to get my sons here and we going to sort you out once and for all.’ I said do whatever you want.He then got onto his phone and was talking to someone and he said ‘ Adnan, get you brother and cousins to masjid and lets sort XXXXXX once and for all. Lets send them a message’.My friend tried to calm Mr Aslam down but he wouldn’t listen as continued with his foul, abusive language and threats to me. My friend then went inside and grabbed Cllr Fraz Ahmed who is part of the mosque set up and the nephew of Mr Aslam called Nasir.Both were told by my friend what happened and they both went over to Mr Aslam to go away. They came over to me and asked what happened and Mr Aslam’s nephew was apologetic for his behaviour.They said you go back in and ignore him. I returned to the mosque to carry on praying.I text my big brother XXXX as to what had happened and he rung me back saying ‘ignore him and go home’.I went home as I did not want Mr Aslam who remained in the mosque making more threats and shouting abuse to me.It ruined my night as this was one of the most important nights in the Islamic calendar year. I would therefore like to report Mr Aslam’s behaviour and threats made to me and would like it to be dealt in line with Council Policies and Procedures.This sort of behaviour is not acceptable towards a Council Employee by a Councillor regarding work.Regardsxxxxxxxxxxxx |

1. In accordance with the Council protocol on complaints against councillors, the Monitoring Officer wrote to Councillor Aslam with details of the complaint, asking for him comments to help him decide what action if any he should take on the complaint.
2. Councillor Aslam responded and discussed the matter with the Monitoring Officer. However, because the complainant had also made a complaint to the police, the matter was held in abeyance. In the interim, the Monitoring Officer retired from council employment at the end of August 2022, before the conclusion of the police investigation. I took over his role in early October 2022.
3. Eventually on 30th September 2022, the complainant received this email from the police:

From: Stafford, Andy [mailto:andy.stafford@lancashire.police.uk]

Sent: 30 September 2022 18:30

To: XXXXXX@pendle.gov.uk>

Cc: Pearson, Claire <Claire.Pearson@lancashire.police.uk>; Jackson, Marie <Marie.Jackson@lancashire.police.uk>;

Subject: 04/84357/22

Dear Mr XXXX

In regard to our telephone conversation on 30/09/2022 at 17:30 hours, I will put the outcome of my meeting with Mr Aslam in writing. I met with Mr Aslam at 16:30 this evening, where he admitted the offence, and shouting at you in a public place. I have issued him with a community resolution, words of advice. He was apologetic for his actions and any distress that it may have caused you. I will now be closing the investigation with the outcome of a community resolution. Please feel free to contact me if you would like to discuss this any further.

Regards,

PC 1718 Stafford.

1. In turn I wrote to the officer and received the following response:

From: CulshawHoward <howard.culshaw@pendle.gov.uk>

Sent: 01 November 2022 14:49

To: Stafford, Andy <andy.stafford@lancashire.police.uk>

Subject: FW: 04/84357/22

Dear PC Stafford

I refer to the emails below and your involvement in this complaint.

As the council’s statutory Monitoring Officer I have a legal duty to investigate the matter myself because it concerns a councillor.

I would accordingly be very grateful for the notes of any interview you had with Cllr Aslam, whether these were formal or not. If this is not possible then at least please would you state in your own words exactly what offence or offences Cllr Aslam admitted and the particulars of it/them which caused you to administer the community resolution.

Thank you for your help with this.

Hi Howard,

When I spoke to Cllr Aslam, it was an informal conversation and not a formal interview, therefore I do not have any interview notes. The investigation was for a public order offence, where he has admitted shouting at Mr XXXX in a public place and apologised for his behaviour. As he admitted to the offence, I issued him with a community resolution, which is words of advice about his actions.

Please contact me if you need any further information. I will be on rest days after tonight’s shift until Tuesday 8th November.

Regards,

PC Stafford.

1. In the light of the information contained in these emails and before taking matters any further towards the formal investigation stage of the complaints process I asked the complainant whether he had any wish to conclude the matter informally and he responded saying he would be willing to accept a face to face apology.
2. I relayed this information to Councillor Aslam on 2nd November 2022, but he was unable to accept or decline the proposal as he had a personal matter to attend to abroad. Subsequently, on 29th November 2022, I repeated the complainant’s suggestion to Councillor Aslam and sent a further reminder on 7th December 2022. Eventually, on the 8th February 2023 he wrote to me to say he though the matter had been resolved having spoken to the police about it, as noted earlier in this report.
3. I discussed the complaint with the council’s Independent Person and after that discussion I decided that the police investigation and disposal of the case was an adequate formal investigation of the case since clearly both parties accepted the police finding.

**The Police Investigation and Conclusion**

1. The police administered a “Community Resolution” to Councillor Aslam. This is defined by Lancashire Constabulary as “a way of dealing with an offender which is proportionate to lower level crime. It can be offered when the offender *admits an offence…*” (my emphasis). This means that in the present circumstances, Councillor Aslam, whilst not convicted of any offence has admitted that his behaviour was capable of constituting a public order offence.

**The Councillor Code of Conduct**

1. The Code contains the following relating to the conduct of councillors which are relevant here:

*You must always treat…employees of the council with respect…Respect means politeness and courtesy in behaviour, speech and the written word.*

**Conclusions and Findings**

1. The complaint was about a confrontation between the complainant and Councillor Aslam in a public area. The complainant is a council employee.
2. In my view it is not acceptable under the part of the Code of Conduct cited above for a councillor to behave in a manner that resulted in the administering of the community resolution by the police in these circumstances. At a minimum it is a breach of the Code paragraph reproduced in paragraph 10. Whilst the matter has been dealt with by the police I believe it is also necessary for the council to consider the incident in this forum.
3. **My finding therefore is that there is sufficient evidence of a failure to comply with the Code of Conduct.**

HOWARD CULSHAW
MONITORING OFFICER
MAY 2023

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