

# CASE L

## **ANSTY METROPOLITAN BOROUGH COUNCIL – COUNCILLOR MAHMOOD KHAN**

### **Summary**

The details of the case are summarised in the Standards Board for England's decision notice below. The complainant sought a review of the decision not to refer the matter for investigation. Members were asked to decide, in light of the review request, whether that decision should be overturned or upheld.

COPIED TO MO

RU Review.

RU

23 MAR 2006

RECEIVED

Councillor  
C/O Members Secretariat  
Town Hall

P. 23/3

The Chief Executive  
The Standards Board for England  
1<sup>st</sup> Floor  
Cottons Centre  
Cottons Lane  
London  
SE1 2QG

RECEIVED MARCH 2006  
23 MAR 2006

Dear Sir,

**REF: SBE12 100.06**

With reference to your recent decision with regards to my complaint against Councillor Mahmood Khan wish to formally ask for a review of the decision not to investigate my complaint.

My original complaint was separated into two areas that I referred to as Part One and Part Two. I am not asking for a review of Part Two.

In Part One, I alleged the following.

1. He is using his own position improperly to his or someone else's advantage.
2. He has failed to register financial or other interests
3. He is taking part in a meeting or making a decision where he has an interest that is so significant that it is likely to affect his judgement.

With reference to (2) above, I accept that Cllr M Khan has now entered a register of interest to the register on 10<sup>th</sup> February 2006. Even though this is the first entry since 2003, and he has had no declared interest for almost 3 years, if the Standards Board does not see this as an issue, then I do not wish to pursue it.

With reference to (3) above, I accept the Standards Board comment that "no information has been provided concerning meetings of the authority at which Councillor Khan was present and failed to declare an interest in the matter" I do not wish to pursue this issue, other than to say I was wrongly assuming a wider definition to the words "meeting" and "decision".

With reference to (1) above, I wish to stand by this allegation, the reasons for which will be explained.

In addition I wish to add the following allegation

- That he is doing something that prevents those who work for the Authority from being unbiased.

I note the Standards Board view that "It is not considered that responding as a ward member to general consultation on the future of the site in the absence of any particular planning application would disclose a potential breach of the Code of Conduct"

It must be noted at this point that the consultation was not "general" as the Standards Board have stated above.

Councillor Khan is a member of the Qadiya Group. No further evidence for this is needed other than Cllr Khan's February 2006 entry on the Members Register of Interests, which the Standards Board has seen. It is also clearly stated that Cllr Khan is a signatory to the groups account(s), a position of (usually) some importance within any voluntary group. It is also noted that Cllr Khan was a member of the Executive of the Anstey Council for Voluntary Service in March 2005. Again, a position of some importance for a voluntary group. Evidence for this was previously provided.

When Councillor Khan was consulted on 1st September 2005 (appendix F in original complaint) by AMBC Corporate Property, the letter clearly states that the group wishing to purchase the land is the Qadiya Group. Cllr Khan responded to the consultation without disclosing his membership of the said group. The letter also clearly states that as this land is recreational, an Executive Meeting for Corporate Resources identified consultation with ward members as being necessary.

I must stress, that contrary to the Standards Board statement of a "general consultation", this was actually the Executive Member specifically seeking the views of the ward members due to the fact that the land is recreational in the AMBC UDP. Sale of and building on any such land would be a departure from the UDP, and therefore an important decision with all of the necessary facts being on the table. The fact that Cllr Khan is a member of the Group trying to purchase the land (where there is an assumption against building) is an important factor that was not disclosed. It is my belief that the Executive Member concerned (Councillor Ryby) did not know that Cllr Khan was a member of Qadiya, when she made her decision to proceed on 15<sup>th</sup> November 2005. It is also my belief that the various officers from Corporate Property, Committee Administration, the legal advisor and senior Directors present at that meeting, did not know that Cllr Khan was member of the group offering to purchase the land.

I believe that Cllr Khan's membership of the group, and his failure to disclose this whilst being consulted on a controversial sale of land, was a breach of the Code of Conduct. It was a breach because his involvement in the group could have caused the officers' report to the Executive Member to be biased.

It should be noted that when the Executive Member next met on the 24<sup>th</sup> January 2006, it was reported that there was "growing concern" in the area. The Executive Member then took an entirely different line to that adopted on 15<sup>th</sup> November 2005, in that she then asked for in-depth consultation to be undertaken. This in effect has temporarily stopped the exclusive negotiations with Qadiya.

Two things had happened between 25<sup>th</sup> November 2005 and 24<sup>th</sup> January 2006 to make the Executive member adopt a new position on the land. Firstly, that contrary to the views of the ward members (including Cllr Khan), a local population of 259 people living immediately in the vicinity of the land voiced their opposition to it being sold. Secondly, ~~Cllr Ryby~~ became aware of Councillor Khan's membership of the Qadiya Group, therefore aware of his non declaration of an interest. (She would have become aware of this at the time of the newspaper article dated December 31<sup>st</sup> 2005)


These two events would put significant doubt into any decision makers mind about the validity of the earlier exclusive consultation with ward members. It could no longer be seen that the consultation was not tainted, and therefore any reasonable person could not have trusted the report written by the appropriate officer as being unbiased.

It could be argued that a ward Member may not necessarily represent the views of his constituents. However if that Councillor was a member of the organisation that a 259 name petition was opposing, a reasonable person could argue that he could have been influenced more by his membership of the organisation rather than the wellbeing of his constituents. It is a reasonable assumption to make that the average person on hearing of Councillor Khan's support for the sale would say "well he would support it; he is a member of the organisation buying it!" Whether this is true or not, it looks wrong and taints the entire decision making process. Therefore it could be argued that he may be using his own position improperly to further somebody else's advantage. In this case, using his position to further the advantage of the Qadiya Group.

I believe that Councillor Khan's non declaration of an interest and his subsequent influence on the exclusive consultation process is so significant that it should be investigated by the Ethical Standards Officer.

I therefore ask that the earlier decision not to investigate be reviewed.

Yours Sincerely



Councillor Andy Hill  
Ansty MBC

26 February 2006



Councillor Andy Hill  
64 Gartside Way  
Geltsdale  
GE3 5ES

1<sup>st</sup> Floor, Cottons Centre  
Cottons Lane  
London  
SE1 2QG

Direct Line: 020 7378 5101  
Fax: 020 7378 5005

[john.williams@standardsboard.co.uk](mailto:john.williams@standardsboard.co.uk)  
[www.standardsboard.co.uk](http://www.standardsboard.co.uk)

Dear Councillor Hill

**SBE13100.06**

I refer to the recent allegation of a breach of the Code of Conduct which you made to the Standards Board for England.

Our decision is set out in the attached notice, which also explains the relevant procedures, including your right to seek a review of the decision. If you decide to exercise this right, we must receive your written request by 26 March 2006.

Yours sincerely



John Williams  
Referrals Case Manager

# ***Decision Notice***

**Reference**    **SBE13100.06**

## **The Complaint**

The Standards Board for England recently received a complaint from Councillor Andy Hill concerning the alleged conduct of Councillor Mahmood Khan of Ansty Metropolitan Borough Council. Officers conducted an assessment and decided not to refer the complaint for investigation. The following summarises the general nature of the allegation:

It is reported that Councillor Mahmood Khan has been a member of a voluntary organisation, the Qadiya Group, since before the adoption of the Code of Conduct and his election as a member, and that he was identified in the *Ansty Evening News* in December 2005 as chairman of the group.

The first part of the allegation concerns land at Earl Street, Ansty. It is reported that one of the council's estates surveyors wrote to Councillor Khan as ward councillor in August 2004 to say that a request to buy the land had been received and that he would welcome any opinions members may have on the proposal as ward member for the area. Another surveyor wrote to ward members in September 2005 with a plan of the site to say that it was the subject of a grant in November 2004 to the Qadiya Group of an exclusive arrangement for 12 months to enable details to be prepared for the development of a mosque on the site, and that the group had progressed matters resulting in negotiations for their purchase of the site. On 8 February 2006 a chief officer confirmed to the complainant that on each occasion ward members were consulted, they indicated their support for the disposal of the land.

It is therefore alleged that Councillor Khan has a conflict of interest and should have taken no part in the consultation process due to his close involvement with the Qadiya Group; that he has failed to register his interest, and that he is taking part in a meeting or making a decision where he has an interest that is so significant that it is likely to affect his judgement.

The second part of the allegation concerns a petition handed to the Mayor of Ansty with 259 signatures from the Earl Street community and the Earl Community Group calling upon the council not to sell the land. It is reported that the leader of the council gave the petition to Councillor Idris Khan, another ward councillor. The complainant reports allegations that Councillor Mahmood Khan was visiting the petitioners, and concern that intimidation was occurring. He believes it is reasonable to assume that Councillor Idris Khan gave the petition to Councillor Mahmood Khan. Another member spoke to the leader, Councillor Rigby, and it is reported that she asked Councillor Mahmood Khan to stop what he was doing.

The complainant has provided a newspaper article which refers to different opinions as to what the land should be used for: as a mosque, as a children's play area, or as a small mosque with a play area attached.

## **Decision**

Standards Board officers have seen copies of the relevant reports to the executive member on 29 November 2004, 15 November 2005 and 24 January 2006. On the first occasion, she agreed that the council discuss the future of the site exclusively with the Qadiya-Group-for-a-period-of-twelve-months. In November 2005, officers recommended that terms for the group's purchase of the site be agreed in principle subject to planning permission. The executive member asked for further examination of the scheme. The report listed the trustees of the Qadiya Trust, which did not include Councillor Mahmood Khan. (The January 2006 report noted growing concern about the potential loss of open space in the area, and the executive member asked for an in-depth consultation exercise to be undertaken in the absence of any decision.)

It is noted that an updated version of Councillor Khan's entry in the register of members' interests dated 10 February 2006 (the date the complaint was submitted) appears on the council's website which is different from the one provided by the complainant dated 24 June 2003. To it is appended the following note:

*"There is Qadiya Group in Ansty and this is a musical group and the objective of this group is to provide cultural and artistic opportunities for people in Ansty including lessons on traditional musical instruments.*

*To organise social events outing and leisure activities to reduce isolation and increase the members' social circle, do other such things necessary to the attainment of the said objective.*

*So I am a member of this group since 28 years. The group try to buy land in Earl Street to create a small mosque and medressa for the local children. I am not a trustee, president or any other officer. I am only signing on the cheque, moreover the mosque and medressa is the charity society. Nobody can sell, nobody can buy, nobody has ownership of the building, which are charity.*

*(2) I am trustee of Islam Masjid, Great Central Street, Geltsdale since 1983 up to present. So I have inform my clear cut interest in Earl St land. (Signed) Councillor Mahmood Khan"*

The Charities Commission website does not indicate that the Qadiya Group is a registered charity, and although Councillor Khan states in his declaration that it has a charitable purpose, he adds that he does not hold an official position there but that he is authorised to sign cheques.

With regard to the allegation of intimidation, it is considered that members are entitled to call on their constituents, and no information has been provided to indicate that this involved duress.

No information has been provided concerning meetings of the authority at which Councillor Khan was present and failed to declare an interest in the matter. It is not considered that responding as a ward member to general consultation on the future

use of the site in the absence of any particular planning application would disclose a potential breach of the Code of Conduct.

The Standards Board for England has decided that the allegation should not be referred to an ethical standards officer for investigation. Having taken account of the available information we do not believe that a potential breach of the Code of Conduct is disclosed. We have made no finding of fact.

We notify all concerned parties in writing once we have assessed a complaint. This decision notice is sent to the person or persons making the allegation, the member against whom the allegation was made, and the monitoring officer of the relevant authority.

## Review

At the request of the complainant, the Standards Board's Chief Executive (or, in his absence, another senior officer) can review and change a decision not to refer an allegation for investigation. However, he will generally only do this if he is persuaded that the decision was unreasonable in law. This would be if the decision was flawed because of the irregular way in which we processed the allegation, or because we made an irrational judgement on the reported facts.

A request for the Chief Executive to conduct a review has to be made in writing. We must receive the complainant's written request within 30 days of the date of this notice, explaining in detail on what grounds our decision should be reviewed.

If we receive a request for a review, we aim to deal with it within two weeks of receipt. We will write to all the parties mentioned above, notifying them of the outcome.

## Terms of Reference

*The Standards Board for England was established by the Local Government Act 2000 with a primary duty to consider written allegations. The Act also gave the Board a wide discretion to decide whether or not a written allegation should be referred to an ethical standards officer for investigation.*

*The Local Government Act 2003 permitted the Standards Board for England to delegate this function to nominated officers. In doing this, the Board has established a careful checking and monitoring procedure.*

*Only the information provided by the complainant is assessed. For this reason, and to avoid unnecessary anxiety for members, officers do not normally contact the parties before notifying them of the decision.*

## Additional Help

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice, require large print, or a Braille or taped transcript, or translated version of the information in this letter, we are able to assist you.

Signed .....  ..... Date .....

Head of Referrals (On behalf of the Standards Board for England)



**Notification by Member of a Local Authority of  
Financial and Other Interests**

I, (full name)

IBHAI PATEL

a Member of (authority)

COUNCILLOR ANS77 / Council

GIVE NOTICE that I have the following financial interests (please state "None" where appropriate):

(a) [My employment] [Business carried on by me] (delete whichever does not apply)

NONE

(b) [Name(s) of employer(s)] [Name(s) of firm(s) in which I am a partner]  
Name(s) of Company/ies of which I am a remunerated director] (delete whichever do not apply)

NONE

(c) Name(s) of person(s) (other than a relevant authority) who has/have made any payment to me in respect of my election or any expenses incurred by me in carrying out my duties

NONE

(d) Name(s) of any corporate body/ies having a place of business or land in the authority's area, and in which I have a beneficial interest in a class of securities of that body/those bodies that exceeds the nominal value of £25,000, or one hundredth of the total issued share capital of that body/those bodies

NONE

I further GIVE NOTICE of the following other interests:

(a) I am a member or hold a position of general control or management of the following body/ies to which I have been appointed or nominated by the authority as its representative

None

(b) I am a member or hold a position of general control or management of the following public authority/ies or body/ies exercising functions of a public nature

None

(c) I am a member or hold a position of general control or management of the following company/ies, industrial and provident society/ies, charity/ies or body/ies directed to charitable purposes

None

(d) I am a member or hold a position of general control or management of the following body/ies whose principal purposes include the influence of public opinion or policy

None

(e) I am a member or hold a position of general control or management of the following trade union(s) or professional association(s)

None

Date

10-02-2006

Signed...

M K J A N

NOTE - A member must with 28 days of becoming aware of any change to the interests specified above, provide written notification to the authority's monitoring officer of that change (form LGA 3 may be used for this purpose)

PLEASE READ NOTE BACKSIDE OF THIS PAGE PT-C

10-2-2006

DEAR SIR

There is a ... AND THIS IS  
A MUSICAL GROUP THE OBJECTIVE OF THIS GROUP  
ARE TO PROVIDE CULTURAL AND ARTISTIC OPPORTUNITIES  
TO THE PEOPLE IN BOLTON INCLUDING LESSONS IN  
ADDITIONAL MUSICAL INSTRUMENTS

TO ORGANISE SOCIAL EVENTS OUTING, AND  
LEISURE ACTIVITIES TO REDUCE ISOLATION AND  
INCREASE THE MEMBERS SOCIAL CIRCLE  
DO OTHER SUCH THINGS AS NECESSARY TO THE  
ATTAINMENT OF THE SAID OBJECTIVE.

SO I AM A MEMBER OF THIS GROUP SINCE  
28 YEARS THIS GROUP TRY TO <sup>BUY</sup> LAND IN WILSON  
SO TO BUILT A SMALL MOSQUE & MADRASA  
FOR THE LOCAL CHILDREN. I AM NOT A  
TRUSTEE, PRESIDENT, OR ANY OTHER OFFICER  
I AM ONLY SIGNING ON THE CHARGE, MOREOVER  
MOSQUE & MADRASA IS <sup>THE</sup> CHARITY SOCIETY  
NOBODY CAN SELL, NOBODY CAN BUY  
NOBODY HAS A OWNERSHIP OF THE  
BUILDING, WHICH ARE CHARITY

(2) I AM A TRUSTEE OF MASJID ...  
ISLAM ... BOLTON SINCE  
1983. UP TO PRESENT

SO I HAVE INFORM MY CLEAR CUT  
INTEREST IN ... LAND

THANKING YOU SOBLIGE

COMMUNICATOR  
MARTIN ...

**John Williams**

---

**Subject:** FW: Land at Earl Street

---

**From:** John Williams  
**Sent:** 23 February 2006 09:54  
**To:** Paul Gwilym  
**Subject:** FW: Land at Earl Street

Dear Paul

Thank you for the background information, it is very useful. As I said on the phone, this is only a preliminary inquiry and not an investigation, so I do not have any more questions. I will shortly write to your successor and the members concerned with my decision.

Best wishes for the future

Kind Regards

John Williams

---

**From:** Gwilym, Paul [mailto:paul.gwilym@ansty.gov.uk]  
**Sent:** 23 February 2006 09:21  
**To:** John Williams  
**Cc:** Metcalfe, Estelle  
**Subject:** RE: Land at Earl Street

Dear Mr Williams

I have now spoken to Mr Dowling. The 'recent report' referred to in his letter dated 1 September 2005 did not in fact refer to the land at Earl Street. It related to the disposal of an area of land, formerly municipal tennis courts, in a different part of Ansty. When considering the tennis courts site disposal at a meeting on 19 July 2005, the Executive Member and the other members who were present, asked the officers to ensure that the relevant Ward Councillors are consulted about any proposals for the disposal of recreational or open space land. Although all proposed land transactions are notified to all members of the Council in a regular 'property bulletin', so that they can notify officers of any concern, it was felt that the possible disposal of any recreational land was so significant as to justify express consultation with the local councillors.

Although the Earl Street land might have been mentioned at the 19 July meeting (I was present but cannot recall whether it was mentioned) it was not recorded in the minutes.

Mr Dowling wrote to the ward councillors for the Earl Street area as a result of the members' request.

I have not faxed to you the tennis courts report or minute, as they do not refer to the Earl Street land, but will do so if you so wish. I believe that the reports which I faxed to you yesterday are more directly relevant.

Please note that I will be leaving the Council at the end of this week - Estelle Metcalfe has been appointed as Monitoring Officer, pending a permanent appointment. If you require any further information in this case after 24 February, please contact Estelle (tel 01102 331204).

Regards,

Paul Gwilym

21/05/2007

-----Original Message-----

**From:** John Williams [mailto:John.Williams@standardsboard.co.uk]  
**Sent:** 22 February 2006 12:33  
**To:** Gwilym, Paul  
**Subject:** RE: Land at Earl Street

Dear Mr Gwilym

Thank you for your help - the faxes have arrived. I look forward to hearing from you again when you have spoken to Mr Dowling .

Regards

John Williams

-----Original Message-----

**From:** Gwilym, Paul [mailto:Paul.Gwilym@ansty.gov.uk]  
**Sent:** 22 February 2006 12:03  
**To:** John Williams  
**Subject:** RE: Land at Earl Street

Dear Mr Williams

I am sending you by fax copies of three reports about this matter - dated 29 Nov 2004, 15 Nov 2005 and 24 Jan 2006 - with the respective minutes. I believe that there have been no other formal reports on this matter during this period. I am not sure which report Mr Dowling is referring to in his letter dated 1 Sept 2005 - he is out of the office until tomorrow. As soon as I can clarify the position with him I will let you know.

Regards,

Paul Gwilym

-----Original Message-----

**From:** John Williams [mailto:John.Williams@standardsboard.co.uk]  
**Sent:** 22 February 2006 10:06  
**To:** paul.gwilym@ansty.gov.uk  
**Subject:** Land at Earl Street

Dear Mr Gwilym

Following our conversation just now, it would be very useful if I could have site of the report and minutes of the Executive Member for Corporate Resources's proceedings referred to in Mr Dowling's letter of 1 September 2005 (Ref MD/8223).

Many thanks for your help.

Regards

John Williams

Referrals Case Manager  
Standards Board for England  
Cottons Centre  
London SE1 2QG

Tel: 020 7378 5101  
Fax: 020 7378 5005

---

This e-mail and any attached files are confidential and may also be legally privileged. They are intended solely for the intended addressee. If you are not the addressee please e-mail it back to the sender and then immediately, permanently delete it. Do not read, print, re-transmit, store or act in reliance on it. This e-mail may be monitored by Ansty MBC in accordance with current regulations.

This footnote also confirms that this e-mail message has been swept for the presence of computer viruses currently known to the Council. However, the recipient is responsible for virus-checking before opening this message and any attachment.

Unless expressly stated to the contrary, any views expressed in this message are those of the individual sender and may not necessarily reflect the views of Ansty MBC.

<http://www.ansty.gov.uk>

---

# Fax Message

Our Fax No: 31040

Problems sending or receiving a Fax to this number?  
Phone: 331102/331106 and we will try to help

RU

22 FEB 2006

CENTRAL SERVICES - DIRECTORS' OFFICE, ROOM 106

RECEIVED

Recipient's Fax No: 020 4348 5005

Date: 22 FEB 06

From: PAUL GWILYM

To: (Company Name) STANDARDS BOARD

F.A.O.: JOHN WILLIAMS

No. of pages (including this one): 21

Message:  
Copy reports of minutes re  
land at Earls Street,  
Aming e-mail message  
refers.

The information contained in this fax message is intended to be confidential and only for the person or organisation to whom it is addressed. If you are not the addressee, you should not retain, copy or distribute any part of the message, nor take any action based on its contents.

If you have received this fax in error, please telephone us so that we can arrange for its return.

Please note that Council does not accept service of documents by fax.

Report to: Executive Member for Corporate Resources

Date: 29<sup>th</sup> November 2004

Report of: Director of Central Services  
( Contact Officer : Ext 8416 )

TITLE OF REPORT:

Land at Earl Street, Anisby

**CONFIDENTIAL:** Paragraph 7&9 (Schedule 12A, Local Government Act 1972)

RECOMMENDATIONS:

The Executive Member is recommended to approve the grant of a 12 month exclusive negotiating period to the *Quadrige* Group as outlined in the attached report.

DECISION

*Agreed*

Signed: *Gary Nisgry*  
Executive Member

*John Rea*  
Chief Executive / Chief Officer

Date: 6/12/04

29/11/04



**CONFIDENTIAL****BACKGROUND INFORMATION**

The *Qadiya* Group, a local community group, first applied to use the land shown by black edging on the attached plan as a site for a mosque in December 1999. Although provisional terms were agreed at the time, the application was eventually declined as it was the view that the piece of land made a valuable contribution to the local community as open space.

The site has continued to be of interest to the Group, as well as to individual applicants for residential purposes. The most recent application for the mosque development was in June 2004, when it was decided to review the matter and seek the views of the Commercial Services and Education & Culture Departments. No objections were received to the possibility of disposal, but Commercial Services suggested that a local consultation exercise be undertaken. As a result, the views of the three Ward Members were sought and their support has been received to the mosque proposal.

The site is allocated for recreational purposes under Policy O2 of the current draft UDP. However, the Head of Planning Control has indicated that the community benefits arising from a mosque development, as put forward by the Group, would allow the Planning Department to look favourably upon a planning application for such use. The possibility of a residential development would not be supported as the community benefits that accrue with a mosque scheme would not apply to a housing project.

The site is a former railway cutting which has been filled. There has been no investigation carried out to date to confirm the suitability of the land for development.

**PROPOSAL**

The proposal is supported by the local Ward Members and the Commercial Services Department have no objection to the loss of the open space. However, until a planning application is submitted and further ground investigation work undertaken, it is difficult to agree detailed terms as to the size and cost of the mosque building.

It is therefore proposed that the Council agree a 12 month period when it will not enter into discussions or negotiations with any third parties to enable the *Qadiya* Group to progress these aspects further. This will enable terms to be agreed when the planning position and ground conditions have been clarified.

A further report will be submitted to the Executive Member when such terms have been agreed or at the end of the 12 month period.

29 Nov 2004

**65. LAND AT EARL STREET**

The Director of Central Services submitted a report which detailed a proposal by the Qadiya Group to develop an area of land at Earl Street.

It was explained that until a planning application was submitted and further ground investigation work undertaken it was difficult to agree the terms of the disposal.

Consequently, it was proposed that the Council agree a 12 month period when it would not enter into discussions or negotiations with any third parties to enable the Qadiya Group to progress the proposal further. This would enable terms to be agreed when the planning position and ground conditions had been clarified.

**The Executive Member APPROVED -**

**The grant of a 12 month exclusive negotiating period with the Qadiya Group, as now detailed.**

Report to: Executive Member for Corporate Resources

Date: 15<sup>th</sup> November 2005

Report of: Director of Central Services  
( Contact Officer Ext 8416 )

TITLE OF REPORT:

Land at Earl Street, Ansty

CONFIDENTIAL: Paragraph 7&9 (Schedule 12A, Local Government Act 1972)

RECOMMENDATIONS:

The Executive Member is recommended to approve the transaction as detailed in the report and authorise the Head of Legal Services to complete documentation.

DECISION

*Defer for a consultation exercise*  
*Defer for further examination + consultation*

Signed: Joy Riggs  
Executive Member

Michelle Metcalf  
Chief Executive / Chief Officer  
Deputy Director of Finance

Date: 15/11/05

15/11/05

**CONFIDENTIAL****1.0 SUMMARY OF REPORT**

- 1.1 The site shown by black edging on the attached plan comprises an area of open space amounting to approximately 2,300 sq. yards.
- 1.2 At the meeting of 29<sup>th</sup> November 2004, the Executive Member for Corporate Resources approved the grant of a 12 month exclusive negotiating period with The Qadiya Group to progress proposals for a mosque development on the site.
- 1.3 During the exclusive period, The Group commissioned a desk top study into the site. It recommended that a full intrusive survey be carried out, including soil sampling, a land gas survey and borehole investigations. In addition an architect has prepared an initial draft scheme for pre-application discussions with Planning Officers.
- 1.5 Because of the high cost of undertaking the feasibility work, the Group made a request to acquire the site. This would give them sufficient evidence to approach the local community for funding purposes.
- 1.6 Discussions have been progressing between Officers of the Council and representatives of the Group as to how best to achieve this. The Council would wish to ensure that the Group have the necessary resources to carry out the work, whilst not restricting their ability to raise funding from the community.
- 1.7 Terms have therefore been agreed in principle for purchase of the land for an agreed sum, when the Group have obtained planning permission and provided proof that the proposal can be implemented. A Contractual Agreement would be entered into committing the Council to the sale of the site when these conditions have been satisfied. The Agreement would allow a 5 year period for the information to be provided and give the Group security to raise funds.
- 1.8 The Conveyance would incorporate provisions for completion of the mosque within an agreed reasonable period of time.

## 2.0 BACKGROUND INFORMATION

2.1 The *Qadiya* Group first applied to use the land as a site for a mosque in December 1999. Although provisional terms were agreed at the time, the application was eventually declined as it was the view that the piece of land made a valuable contribution to the local community as open space.

2.2 The current application for the mosque development was first made in June 2004, when it was decided to review the matter and seek the views of the then Commercial Services and Education & Culture Departments. No objections were received to the proposal, but Commercial Services suggested that a local consultation exercise be undertaken.

2.3 As a result, the views of the three Ward Members were sought and their support was received to the mosque proposal.

2.4 The site is allocated for recreational purposes under Policy O2 of the UDP. However, the Head of Planning Control has indicated that the community benefits arising from a mosque development, as put forward by the Group, would allow the Planning Department to look favourably upon a planning application for such use.

2.5 The site is a former railway cutting which has been filled and therefore no guarantee that it is capable of development has been given.

2.6 Ward Members have again been directly consulted because of the loss of open space and all support the current initiative.

2.7 The loss of the public open space will have to be advertised in the *Ansley* Evening News and any objections raised will be reported to Members for consideration.

## 3.0 FINANCIAL IMPACT

3.1 The Director of Finance has examined the proposal and has no objections, as there will be a capital receipt generated when the work is completed.

#### 4.0 RECOMMENDATION

4.1 The Executive Member is therefore requested to approve the proposal, based upon the following terms and conditions :

- Site:** As shown by black edging on the plan amounting to 2,300 sq. yds. or thereabouts.
- Tenure:** (1) An Agreement for Sale for 5 years.  
(2) Freehold upon grant of planning permission and evidence that the site can be satisfactorily developed.
- Purchaser:** The Trustees of the *Qadiya* Group, 12 *Grange Street*  
*Ansty* SE1 8LX.
- The named Trustees are :
1. Idi Mehmet Khan, 12 Arbitration Street, Ansty
  2. Imran Patel, 41 Union Street, Ansty
  3. Ali Khanum, 2 Clark Street North, Southwich
  4. Izet Aleef, 14 Earl Street, Ansty
- User :** The land only to be used for a mosque in accordance with planning permission to be obtained.
- Sewer Easement:** The transaction is to be subject to an easement for a sewer over the land shown by black hatching on the plan.
- Price :** £40,000 payable upon transfer of the freehold interest at completion of the sale.
- Costs :** Payment of my Surveyors Fees of £2,000 and reasonable Legal Costs.
- Other Terms:** The Group to construct a mosque and maderrassa in accordance with approved plans within an agreed period of time.

15 Nov 2005

**107. LAND AT EARL STREET, ANSTY**

Further to Minute 65 of the Executive Member for Corporate Resources held on 29th November, 2004, the Director of Central Services submitted a report which put forward the proposed terms and conditions in respect of the sale of an area of land at *Earl Street, Ansty*, as shown edged black on the plan now submitted.

The report outlined the current situation regarding the site and previous discussions regarding its future development.

**The Executive Member AGREED –**

**To defer this item for further examination.**

**108. PARK MUNICIPAL GOLF COURSE, LINKS ROAD,**

The Director of Central Services submitted a report which outlined the various issues surrounding the lease of Park Golf Course and sought approval to amend the rental levels, on the basis now detailed.

**The Executive Member APPROVED –**

**The revised rental level in respect of the Municipal Golf Course, on the basis detailed in the report now submitted.**

**109. LAND AT DERBY STREET,**

A report of the Director of Central Services was submitted which sought approval to vary the lease terms in respect of an area of land at *Derby Street, Galt*, shown edged black on the map now submitted.

Report to: Executive Member for Corporate Resources

Date: 24<sup>th</sup> January 2006

Report of: Director of Central Services  
( Contact Officer p Ext 8416 )

TITLE OF REPORT:

Land at Earl Street, Ansty

**CONFIDENTIAL:** Paragraph 7&9 (Schedule 12A, Local Government Act 1972)

RECOMMENDATIONS:

The Executive Member is requested to note the contents of the report.

DECISION

*Subject to simplification / acceleration of consultation process + further investigations of other options.*

Signed:

*Joy Rigby*  
Executive Member

*Amunath Chandrasekaran*  
Chief Executive / Chief Officer  
MONITORING OFFICER

Date:

*24/1/06*

*24/1/06*



**CONFIDENTIAL****1.0 SUMMARY OF REPORT**

- 1.1 The site shown by black edging on the attached plan comprises an area of open space amounting to approximately 2,300 sq. yards.
- 1.2 At the meeting of 15<sup>th</sup> November 2005, approval was sought of the Executive Member for Corporate Resources for a conditional sale of the site to The *Qadiya* Group to progress proposals for a mosque development on the site.
- 1.3 The report was deferred for further examination. Because of the growing concern about the proposal and the loss of open space, a local consultation exercise was requested, so that the results could be taken into consideration as part of the decision making process.
- 1.4 *Anshy* at Home have experience in carrying out resident consultation exercises of a sensitive nature and have therefore been independently commissioned to progress a survey of the community in the vicinity of ~~Earl Street~~.
- 1.5 The consultation will be undertaken in two stages, these are as follows:
- Desk Top Study – a review of all current data concerning the area will be undertaken this will include information on the following:
    - Age range of local residents
    - No of children below the age of 16
    - Number of places of worship/faith in the area
    - Number of open places/ play areas
    - Any unused /derelict buildings in the vicinity
  - Resident Consultation. Face to face interviews will take place with residents in the area. Community Researchers primarily from the BME community (but also some from the white community) will be trained and paid to undertake the research within the area. All researchers will carry ID and will leave a letter with each person they interview to ensure they are clear about why the interview took place and what will happen to the information they have given.
- 1.6 A questionnaire has been designed to elicit views about the current use of the open land and whether there is support for developing the land either for community use through recreation and play or for an alternative format. A copy is attached to the Report for information.

- 1.7 The questionnaire will be distributed to a proportion of the 600/700 (approximately) households within the immediate vicinity of the open space. It will be undertaken by a group of local community researchers who live within the ( ) borough, some from the local area. The researchers will carry out a door to door survey to ascertain the views of local people as to the most appropriate use for the land. The community researchers, where feasible, will also speak to people in the street, at any local schools and community centres to ensure a diverse and representative sample of the local community is consulted.
- 1.8 The sample will be determined through initial analysis of the demographic profile of the area using census records. This will enable the consultation to ensure an accurate representation of the community is reflected of the following:
- Gender
  - Age
  - Ethnicity
  - Religion/Faith
  - Family structure (dependent children etc)
  - Disability levels (where possible)
- 1.9 The consultation will begin in February 2006 and will end mid February with final analysis and the report of the findings being available by mid March 2006. The report will be available to the public upon request.
- 1.10 The findings will be reported back to the Executive Member at a future date.

## 2.0 BACKGROUND INFORMATION

2.1 The site is a former railway cutting which has been filled and there is therefore no guarantee that it is capable of development.

2.2 Ward Members have been directly consulted because of the loss of open space and all supported the mosque initiative.

2.3 Any loss of the public open space will have to be advertised in the *Ansly* Evening News and any objections raised will be reported to Members for consideration.

## 3.0 RECOMMENDATION

3.1 The Executive Member is therefore requested to note the content of the Report.

7

24 JAN 2006

**132. LAND AT EARL STREET, ANSTY**

Further to Minute 107 of the meeting of the Executive Member for Corporate Resources held on 15th November, 2005, the Director of Central Services submitted a report which provided an update on the current situation regarding the site at Earl Street, Ansty and the consultation exercise that was being undertaken regarding the future development of the site. The findings would be reported back to the Executive Member at a later date.

**The Executive Member NOTED the report and requested that:-**

- (i) **The consultation exercise be modified on the basis now detailed; and**
- (ii) **Further investigations be carried out into whether the independent local consultation exercise on the loss of green space being conducted in Ansty could be undertaken in the Earl Street area.**

**133. LAND AT THE REAR OF ST PATRICKS RC PRIMARY SCHOOL,**

The Director of Central Services submitted a report which sought approval to transfer the land at the rear of St. Patrick's RC Primary School to the School Trustees to enable a small classroom extension to be erected.

**The Executive Member APPROVED –**

**The transfer of the site shown contained black on the plan to the Trustees of St. Patrick's RC Primary School on the basis detailed in the report now submitted, and that the Director of Central Services be authorised to complete the legal formalities of the transfer.**

**Corporate Property Services**  
**Earl Street Consultation**  
**January 2006**

As part of our commitment to continuous improvement a review is to be undertaken of the open spaces within the some parts of the borough. To support this review we need to find out what local people think should be done, if anything, about our open spaces.

This review enables us to ask local people about open spaces in their area and seek their opinions in terms of redeveloping, changing or leaving open spaces as they are.

This part of the review is focused on the open space adjacent to Earl Street, which is currently classified as Recreational Open Space. We would not normally build on this land except in circumstances where it is deemed to have no existing or potential benefit to the community. Several suggestions have been forwarded to the Council for the use of this land and the survey is being undertaken to ascertain what local people would like to see happen to this piece of open space.

We ask that you take the time (about 10 minutes) to give us your thoughts on the open space in Earl St and what you think the Council should do with it.

**All responses are strictly confidential and no individual will be identified in any way.**

1	How long have you lived in this area?	Less than 6 months	6-18 months	Over 18 month but less than 3 years	Over 3 years but less than 5 years	Over 5 years
2	How long have you lived in this house?	Less than 6 months	6-18 months	Over 18 month but less than 3 years	Over 3 years but less than 5 years	Over 5 years
3	Do you have children under the age of 16 living in your household?	Yes	No	No Response		

~~THIS SECTION IS RESERVED FOR THE USE OF THE WATER SUPPLY BOARD~~

~~THIS SECTION IS RESERVED FOR THE USE OF THE WATER SUPPLY BOARD~~

Please indicate by circling how strongly you agree or disagree with the following statements.

4a	Have you or members of your family made use of the open land on <u>Earl St</u> ?	Yes	No	Not Applicable

Please answer the next question only if you have made use of the open space in Earl St. in any of the following ways

4b						
a)	Children play area	Very Frequently	Frequently	Sometimes	Rarely	Never
b)	One off events (fundays/ fairs etc)	Very Frequently	Frequently	Sometimes	Rarely	Never
c)	Sports (football/cricket)	Very Frequently	Frequently	Sometimes	Rarely	Never
d)	Walking and dog walking	Very Frequently	Frequently	Sometimes	Rarely	Never
e)	Other (Please state) _____	Very Frequently	Frequently	Sometimes	Rarely	Never

5	<u>Earl St</u> Open Space should remain as it is - a recreational area for the community				
	Strongly Agree	Agree	Disagree	Strongly Disagree	Neither
Comments					

6	East St open space would be best used for the following:					
a)	Mosque	Strongly Agree	Agree	Disagree	Strongly Disagree	Neither
b)	Play area for local Children	Strongly Agree	Agree	Disagree	Strongly Disagree	Neither
c)	Community maintained and managed recreational area	Strongly Agree	Agree	Disagree	Strongly Disagree	Neither
d)	Other (Please state)	Strongly Agree	Agree	Disagree	Strongly Disagree	Neither

This section asks you about yourself, all information is confidential and will only be used for the purposes of this survey

7	Please tell us your gender	Male	Female	No Response
---	----------------------------	------	--------	-------------

8. Please tell us your age range

Under 16	16 - 18	19 - 21	22 - 25	26 - 30	31 - 35
36 - 40	41 - 45	46 - 50	51 - 55	56 - 60	61 - 65
66 - 70	71 - 75	76 plus			

9. What is your ethnic group? (Please circle as appropriate)

White	British
	Irish
	Other (please state)
Mixed	White and Black Caribbean
	White and Black African
	White and Asian
	Any other Mixed background (please state)
Asian or Asian British	Indian
	Pakistani
	Bangladeshi
	Any other Asian background, (Please State)
Black or Black British	Caribbean
	African
	Somali
	Any other Black background, (please state)
Chinese or Other Ethnic Group	Chinese
	Iraqi
	Any other group - (Please state)

10. Please indicate your religion

Muslim	Hindu	Buddhist	Christian
Jewish	No Religion	Other (Please specify)	Do not wish to answer.

**Disability**

Under the Disability Discrimination Act 1995, a person is considered to have a disability if he/she has a physical or mental impairment which has a substantial and long-term effect on his/her ability to carry out normal day to day activities.

11	Do you consider yourself to have a disability	Yes	No	Don't Know
----	---	-----	----	------------

12. If you do have a disability please indicate the main type of disability			
Visual Impairment	Hearing Impairment	Mobility Disability	Mental Health Disability
Learning Disability	Communication Difficulties	Other (Please specify)	

13. Do you have any other comments you wish to add?


Thank you for your time to complete this survey.

The information asked for in this document is for the use of AMBC, to assist in developing and improving the services provided by Corporate Property Services.

However, occasionally we may share information with other partners to influence service delivery across Ansty.

Please indicate if you agree to the sharing of information contained within this document

Yes I agree to the sharing of this information with partners of AMBC

No I do not agree to the sharing of this information with partners of AMBC



RU

14 FEB 2006

RECEIVED



# complaint form

RECEIVED  
14 FEB 2006

If you have any questions or difficulties filling this form in, for example, if English is not your first language or you have a disability, please contact the Referrals Unit on 0800 107 2001.

You can also e-mail them at [referrals@standardsboard.co.uk](mailto:referrals@standardsboard.co.uk)

### Please note

- > we can only accept complaints in writing;
- > one of our officers may contact you personally to go through the details of your complaint;
- > we are unlikely to be able to keep your identity confidential if you make a complaint.

### ABOUT YOU

title Mr Ms Mrs Miss Councillor  other (please specify)

first name **ANDY** surname **HILL**

address **64 GARTSIDE WAY**  
**GELTS DALE** postcode **GE3 5ES**

daytime telephone **07** **884305**

evening telephone **01** **459949**

e-mail **Nicholas.peel@ansty.gov.uk**

Please consider the complaint I have described below and in the evidence attached. I understand and accept that the details will normally be disclosed to the member, particularly if the matter goes through to investigation.

signature

date **1 0 0 2 0 6**

### YOUR COMPLAINT

Who are you complaining about?

Please give the name of the councillor/s, member/s or co-opted member/s you consider has broken the Code of Conduct and the name of their authority/ies.

name of the individual/s

name of their authority/ies

**COUNCILLOR MAHMOOD KHAN**

**ANSTY M.B.C.**

Please tick here if you work for the authority/ies shown above

Please tick here if you are a member of the authority/ies shown above



# complaint form

## WHAT ARE YOU COMPLAINING ABOUT?

Please provide us with as much information as you can about your complaint to help us decide whether or not it should be investigated. Include the **date** and **details** of the alleged misconduct, and any information that supports the complaint.

We can only investigate complaints that a member has broken the Code of Conduct (see section 3 of the information leaflet 'How to make a complaint about a councillor'). Continue on a separate sheet if there is not enough space on this form.

PLEASE SEE ATACHED SHEET

Lined area for writing the complaint details.

## EVIDENCE (if this applies)

Please attach to this form copies of correspondence, documents, names and details of witnesses, and any other evidence that you feel is relevant to your complaint. Please avoid sending us large amounts of background information that only relate indirectly to your complaint.

Please tick this box if you would like us to return the evidence to you

Please send this form to:

The Standards Board for England  
First Floor  
Cottons Centre  
Cottons Lane  
London SE1 2QG

The *Race Relations Act 2000* requires us to monitor ethnic or national origin to ensure that we do not inadvertently discriminate against members of a particular group. It would, therefore, be helpful if you would complete the ethnic monitoring section of the form, although this is not compulsory.

Your answers will be removed and kept entirely separate from your complaint and will be completely confidential. They will be used for statistical purposes only, in which individuals will not be identified.

## DETAILS OF THE COMPLAINT

### PART ONE

Councillor Mahmood Khan (for the rest of this complaint, known as MK) was elected to the Council in May 2003.

MK was elected to serve the Town Ward in 2003, which due to boundary changes became the Moor ward in 2004, when he was re-elected.

Evidence exists to show that MK was a member of the Qadiya Group as early as August 2001 (see supporting appendix A) until at least March 2005 (Appendix B) and named in an Evening News Article as the Chairman of said group in December 2005 (see Appendix C)

Appendix B is a printed page from the website of the Council for Voluntary Service 2004/5 Annual Report, dated March 2005. The website can be found at <http://www.anstycvs.org>

MK's Annual Declaration of Interest (2005/6) is dated 24<sup>th</sup> June 2003, and contains a registration of interest in nothing. All of the boxes are marked 'N/A', including Section C. (see Appendix D)

On the 25<sup>th</sup> August 2004, AMBC Corporate Property Services wrote to the 3 Moor Ward Councillors, including MK, with reference to land at Earl Street. The letter from the Surveyor states that a request to buy the land has been received and that he would welcome any opinions you may have on this proposal in your capacity as ward member. (see Appendix E)

On the 1<sup>st</sup> September 2005, a further letter was sent to the 3 Moor Ward Councillors. This letter identifies the Qadiya Group as being the beneficiary of a grant of an exclusive arrangement. The letter also states that the surveyor would appreciate the ward member's comments. (see Appendix F)

I received a letter from Mr Gwilym, Director of Central Services, on 8<sup>th</sup> February 2005, stating that with reference to the 2 consultation letters, all of the ward councillors responded and **all indicated their support** for the disposal of the land. (see Appendix G)

This is clear conflict of interests, from a Member who should have taken no part in the consultation process, due to his close involvement with the Qadiya Group.

My allegations (In Part One) against Councillor Mahmood Khan are that

1. He is using his own position improperly to his own or someone else's advantage
2. He has failed to register financial or other interest
3. He is taking part in a meeting or making a decision where he has an interest that is so significant that is likely to affect his judgement.

## PART TWO

On the 14<sup>th</sup> December a petition was handed to Mayor, by Mr M Ismail and members of his family on behalf of 259 petitioners from the Earl Street community and The Earl Community Group. This petition called upon AMBC not to sell the Earl Street land. Following receipt of this petition and the resulting publicity the Evening News, AMBC committed itself to holding a full comprehensive consultation with local residents.

MK was on holiday at this time and returned around the end of January 2006. It is my understanding that at this time a copy of the petition came to MK. I also understand that the Leader of the Council, Councillor Joy Rigby gave this petition to the Councillor I Khan, the ward colleague of MK I cite as a witness to this Councillor Gott, who was given this fact by Councillor Rigby.

Allegations have been made within the last week from the date of this complaint that MK was visiting the petitioners. For what purpose can only be speculated on. There was concern that there may be some intimidation occurring therefore Councillor Gott asked Councillor Rigby to speak to MK to ask him to stop what he was doing. It is my understanding that she did this, at or around the 3<sup>rd</sup> February 2006.

I, together with Councillor Mandy Hilton, spoke with Councillor Rigby on the 6<sup>th</sup> February 2006 to emphasise the danger of what had taken place. Councillor Rigby again stated that she had handed over the petition in good faith to a Moor Ward Councillor.

Due to the allegations of MK visiting petitioners, it is reasonable to assume that Councillor I Khan gave this petition to MK.

On the 7<sup>th</sup> February after hearing more rumours that MK was still speaking to petitioners I contacted Mr Paul Gwilym to recommend that the Chief Executive of AMBC speak to MK to warn him that in view of the fact that a complaint was being considered, and in view of the fact that there could be conflict of interest he should stop what he is doing. I do not know if this happened.

The article in the Evening News (Appendix D) goes into some detail about the particular cultural difficulties the petitioners had with their own campaign, which I cannot add to. However, there is a considerable disquiet among that same community that a representative of the group that they had been campaigning against on this issue now has access to their names and addresses.

My allegations (in Part Two) against Councillor Mahmood Khan are that

1. He is doing something that prevents those who work for the authority from being unbiased. (By unduly influencing the consultation process)
2. He is revealing information that was given to him in confidence
3. He is damaging the reputation of his office and of the authority
4. He is using his own position improperly to his or someone else's advantage

## **ADDITIONAL INFORMATION**

Further details of Councillor Mahmood Khan's membership of the Qadiya Group can be obtained from the Council for Voluntary Service, who can confirm that stood for the CVS Executive in October 2005.

Councillors Mandy Hilton, Carl Gott, Idris Khan and Joy Rigby are named witnesses in this complaint are all members of MBC.

Although my complaint is about a Member and not AMBC as an Authority, I realise that there may be some points within Part Two that would be better dealt with by the Ombudsman. If this is the case, I give my consent to anything being 'forwarded on'

I also understand that a separate letter of complaint has been sent by Mr Ismail to the The Chief Executive of MBC, Tony Lemon, I do not have this letter at present, however a copy should reach the Standards Board in due course, as I understand that the letter covers many of the same points as this complaint. The letter has apparently been copied to (amongst others) David Prince, Chief Executive Standards Board, Anne Seex, Local Government Ombudsman and Richard Thomas, Information Commissioner.

Councillor Andy Hill (AMBC) 10<sup>th</sup> February 2006

Date: 24<sup>th</sup> August, 2001

Your Ref:

Our Ref:

Enquiries to:

APPENDIX A

Mr. M Khan

Dear Mr. Khan

#### VOLUNTARY SECTOR GRANTS SCHEME 2001/2002

On 21<sup>st</sup> August, 2001 the Qadiya Group applied to the Council for Grant Aid under the Council's Voluntary Sector Grants Scheme for 2001/2002 of £1,425.00 towards the costs incurred by providing classes in artistic disciplines and staging a musical event.

The Grant Aid is payable subject to the following conditions:

- (a) The grant shall only be used for the purpose of providing classes in artistic disciplines and staging a musical event.
- (b) If the grant is not claimed before 20<sup>th</sup> September, 2002 then the grant shall be forfeited.
- (c) That the grant shall be paid as 50% contribution up to a maximum level of £1,425.00 (whichever is the lower) towards the cost of the project specified above.
- (d) That the grant shall only be payable upon submission of paid invoices which detail the work/items purchased and show clear proof of payment.
- (e) If it transpires before the Council has paid any grant monies for a successful grant application that the grant form contains untrue statements or that the Council has been misled or that information has been withheld by any person providing information to the Council or requested to provide information to the Council in order for the Council to assess the application for a grant, then the Council shall treat that application as withdrawn and shall not consider the application further or pay any money out on the basis of that application. Further the Council shall not consider any future applications from the said organisation unless the organisation satisfies the Council that there has been a material change in the structure of the

organisation since the situation arose which led to the Council treating the grant application as withdrawn.

- (f) That if the equipment acquired with the grant aid is sold or disposed of within five years from the date of this letter, or if the organisation is in breach of any of the terms and conditions of this grant aid then the organisation shall be liable to repay the grant to the Council in full free of any deductions.
- (g) That the grant monies or any part of the grant monies shall not be used to publish material which the Council is prohibited by Section 2 of the Local Government Act 1986 from publishing itself.
- (h) That the grant aid will not be used intentionally to promote homo-sexuality or to publish material with the intention of promoting homo-sexuality contrary to Section 2(a) of the Local Government Act, 1986.
- (i) Subject to any other terms and conditions that the Council's Borough Solicitor considers appropriate for the grant aid.

I shall be obliged if the duly authorised representatives of your organisation would sign and complete the attachment to this letter. I have enclosed two copies, would you please sign both, return one copy at your earliest opportunity and retain the other for your reference. This will certify the group's consent to the terms and conditions of the grant as specified in this letter. Following receipt of the duly completed letter I shall be able to make arrangements for future payment of the grant.

Yours sincerely,

Voluntary Sector Support Officer  
Regeneration and External Funding Team



Lancashire Towns

News

Town news

- UK news
- Education
- Weather
- Asian Image

Sport

Town sport

- UK sport
- News
- Sport
- Football
- Business

- Leisure
- Local info
- Asian Image
- Archive
- Partnerships
- Communicate

- E-mail page
- Print page
- Make us home
- Contact us
- Other sites

Before you go anywhere, click here. Travelodge

# 'Put children first' call for mosque

From the archive, first published Saturday 31st Dec 2005.

A MOSQUE could be built on an area of open space popular with local children living in Halliwell.

Community group *Qudriya* chaired by local councillor *Mahmood Khan* is in discussion with *the* Council to build a mosque on the land.

A campaign by youngsters and their parents to save the *Earl* Street field from being sold for development is already under way.

Now, *the* Council has confirmed it is in negotiation with the group, but stressed that no decision over the future of the land has been made.

But members of the largely Muslim community say that they do not want the area developed for any purpose, including a mosque.

A local resident, who did not want to be identified, said: "Muslims cannot be seen to be campaigning against the building of a mosque. But if this land is developed on then the children will have no where to go. We do not want anything built on the land."

Earlier this month, a 259-named petition was handed to the Mayor *[Name]*, protesting against the sale of the land. Residents living in the area say it is the only space in a built up residential area to play on.

And although the land is classified as open space, the council say it could be developed if it benefits the local community.

The resident said: "The land benefits the children as it is and the only development needed is to improve it as a play area for children.

"There are three mosques nearby, on B. *Road*, and on H. *Road* and *Street*. It is not political or a race issue, it is just that we want to put the young people in the community first."

Local councillor *Gladwin* said he had backed proposals to build a mosque on the land with the condition that a play area would be developed nearby for the children.

Cllr *G* said there were strong arguments for a smaller mosque for use by children and the elderly who could not get to the other

APPENDIX  
C

Vertical text on the right margin: B, h, P, L, I, P, O, A, I



mosques.

He added: "I am also aware of the lack of open space in the area and I said I would support the proposal with the condition a children's play area also be developed."

But Labour councillor, [redacted] said: "We thought it was not right for the council to be in negotiation with just one group.

"We asked for the discussions to be stopped and for local residents to be consulted first before a decision was made to sell the land and put it out for open tender.

"If there is a need for a mosque then it could be built further up on the land leaving the open space as a play area for the children."

A council spokesman said: "We must emphasise that no decision has yet been made either formally or informally that this piece of land should be sold.

"The issue about the possible development of the land has been around since 1999 but was never progressed. Then, after an approach in 2004, it was decided that the group should be allowed a 12-month period of negotiation.

"Last month a further progress report was drawn up and at this stage a large number of objections to the proposals, including a petition, were received by the council. No decision has been made about this land and people will have a full opportunity to express their comments and views on the proposal.

"We will be conducting a full consultation exercise in the new year with people living in the area."

He added that there are "strict rules laid down" about councillors being involved in issues such as this.

Cllr *Khan* was unavailable for comment and *Quachya* refused to comment on plans to develop the play area.

LOCAL GOVERNMENT ACT 2000 s. 81(1)

The Local Authorities (Model Code of Conduct) (England) Order 2001

### Notification by Member of a Local Authority of Change to Registered Financial and Other Interests

I, (full name)

MATMOOD KHAN

Member of (authority)

COUNCILLOR ANSTY Council

GIVE NOTICE of the following changes to my financial and other interests registered by you (please state "None" where appropriate):

(a) (My employment) (Business carried on by me) (delete whichever does not apply)

N/A

(b) (Name(s) of my employer(s)) (Name(s) of firm(s) in which I am a partner) (Name(s) of Company/ies of which I am a remunerated director) (delete whichever do not apply)

N/A

(c) Name(s) of person(s) (other than a relevant authority) who has/have made any payment to me in respect of my election or any expenses incurred by me in carrying out my duties

None

(d) Name(s) of any corporate body/ies having a place of business or land in the authority's area and in which I have a beneficial interest in a class of securities of that body/those bodies that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body/those bodies

N/A

APPENDIX D

(e) Description of any contract for goods, services or works made between the authority and myself or a firm in which I am a partner, a company of which I am a remunerated director, or a body of the description specified in (d) above.

N/A

(f) Address or other description (sufficient to identify the location) of any land in which I have a beneficial interest and which is in the area of the authority.

N/A

(g) Address or other description (sufficient to identify the location) of any land where the landlord is the authority and the tenant is a firm in which I am a partner, a company of which I am a remunerated director, or a body of the description specified in (d) above.

N/A

(h) Address or other description (sufficient to identify the location) of any land in the authority's area in which I have a licence (alone or jointly with others) to occupy for 28 days or longer.

N/A

I further GIVE NOTICE of the following other interests:

(a) I am a member or hold a position of general control or management of the following body/ies to which I have been appointed or nominated by the authority as its representative:

Declaration by Member of a Local Authority of Change in Appointment  
and Other Interests

N/A

(b) I am a member or hold a position of general control or management of the following public authority/ies or body/ies exercising functions of a public nature:

N/A

(c) I am a member or hold a position of general control or management of the following company/ies, industrial and provident society/ies, charity/ies or body/ies directed to charitable purposes:

N/A

(d) I am a member or hold a position of general control or management of the following body/ies whose principal purposes include the influence of public opinion or policy:

N/A

(e) I am a member or hold a position of general control or management of the following trade union(s) or professional association(s):

N/A

Date: 24-06-2003

Signed: M. H. A. N.

NOTE: A member must within 28 days of becoming aware of any change to the interests specified above, provide written notification to the authority's monitoring officer of that change (a further form EGA 3 may be used for this purpose).

25<sup>th</sup> August 2004

y/r  
o/r

Enquiries to:

Direct Line : - 338403

E-mail

Councillor M Khan  
C/o Members Secretariat,  
Town Hall,

Dear Councillor Patel,

Re: Land at Earl Street.

As you are aware I have received a request to buy the land shown edged black on the attached plan No SD7110NE, for the construction of a Mosque.

I am awaiting the results of consultations with other Council Departments and would welcome any opinions you may have on this proposal in your capacity as Ward Member for this area.

Yours sincerely,

Principal Estates Surveyor,  
Corporate Property Services.

CC Councillor I. Khan  
Councillor G. Gindwin

APPENDIX E

Date: 1<sup>st</sup> September 2005.

Your Ref.

Our Ref:

Enquiries to:

Direct Line

Councillor I. Khan  
C/o. Members Secretariat,  
Town Hall.

Dear Councillor Khan

RE: LAND AT EARL STREET

Please find attached a plan showing the above site which was the subject of the grant in November 2004 to the ~~Qadriya~~ Group of an exclusive arrangement for 12 months to enable details to be prepared for development of a mosque on the site. Matters have been progressed by the Group resulting in current negotiations for their purchase of the site.

Following a recent report to the Executive Member for Corporate Resources, it was agreed that any scheme resulting in the loss of recreation space would be submitted to Ward Members for comment prior to seeking approval. As the development proposed will result in the loss of such space in this case, I would appreciate your comments accordingly. These will be included in the report to the Executive Member for Corporate Resources when formal approval of the transaction is sought.

I look forward to hearing from you.

Yours sincerely,

BSc MRICS  
Senior Estates Surveyor

Cc Councillor M Khan  
Councillor Gladwin

APPENDIX F

Date: 8<sup>th</sup> February 2006

Your Ref:

Our Ref:

WP No:

# Council

CENTRAL SERVICES

Councillor A Hill

Dear Councillor Hill

RE: LAND AT EARL STREET EDLINGTON

Thank you for your telephone enquiry concerning consultation with Ward Councillors with respect to the above-mentioned matter.

I enclose for your information copies of consultation letters which were sent to Ward Councillors (Councillors Gladwin, I Khan, and M Khan) on 25<sup>th</sup> August 2004 and 1<sup>st</sup> September 2005.

I confirm that on each occasion all of the Ward Councillors responded to the consultation, indicating their support for the proposed disposal of the land.

Yours sincerely

  
PAUL GWILYM  
DIRECTOR CENTRAL SERVICES

APPENDIX 6

1



INVESTOR IN PEOPLE