

Assessment Decision Ref 2024-054

Complainants:	Jackie Ramsay – Complaint 1 Joanne Bartholomew – Complaint 2
Subject Member:	Councillor Ammar Anwar
Consultees:	N/A
Decision Makers:	Councillor Bill Armer (Chair of Standards), Samantha Lawton (Monitoring Officer), Craig Ainsworth (Independent Person)

This decision notice relates to two separate complaints that were considered at the same time. They were independent of each other and were assessed separately, although both arose at the time of the 2024 General Election.

As Monitoring Officer, Independent Person and Chair of Standards, we have considered what action should be taken in respect of these complaints, having consulted with the Assessment Panel.

Complaint 1 related to allegations about Cllr Anwar's behaviour during the period of campaigning prior to polling in the 2024 General Election. It was alleged that he had followed the Labour Party candidate in a van and had used a loudspeaker to target and harass the candidate, using language that it was alleged was offensive. Cllr Anwar was campaigning on behalf of the independent candidate.

Complaint 2 related to allegations about Cllr Anwar's behaviour on polling day, when he was acting as a polling agent for Mohammed Iqbal, the independent candidate. The complainant provided a list of inappropriate behaviours that she claims to have witnessed throughout the day and at various locations in the constituency. Some incidents related to Cllr Anwar's own behaviour, whilst others related to his failure to assist officers in dealing with others' poor behaviour when asked.

Cllr Anwar was given the opportunity to respond to each of the complaints, in line with the standards process.

His response to complaint 1 was to say that he had no recollection of being in the 'white van' when the incidents took place and that they had been reported to the Police, who took no further action.

His response to complaint 2 was to deny that he had any responsibility for the incidents of poor behaviour exhibited by others and to deny other specific allegations about his own behaviour, in turn making allegations about the behaviours of election officials towards him.

The relevant Code of Conduct is that of Kirklees Council.

Consideration was given to the applicability of Article 10 of the European Convention on Human Rights and the right to freedom of speech. There was acknowledgment that this was not an absolute right and that a distinction needed to be made between what was being said and the manner in which it was said, as well as who was the subject of such comments.

In coming to their decisions, the decision makers took account of various pieces of information including:

- the written complaints submitted by members of the public and officers
- the response to the complaints by Cllr Anwar
- video clip relating to complaint 1

Conclusion/Decision

Consideration was given to whether or not Cllr Anwar was acting in his capacity as an elected Councillor when the incidents took place. This was not an issue that was raised by Cllr Anwar in any of his responses to the complaints.

In respect of both complaints it was found by the decision makers that Cllr Anwar was acting in his capacity as a Councillor.

Complaint 1

This was a complaint that Cllr Anwar had behaved inappropriately whilst campaigning for the independent candidate in the 2024 General Election.

It was accepted that it was not inappropriate for Cllr Anwar to highlight the Labour party's position on the conflict in Gaza during the campaign, and his right to do this was not in dispute. The issue under consideration was whether, in expressing those views, he had done so in a way that was in breach of the Code of Conduct.

It was noted that Cllr Anwar did not deny that the incidents that gave rise to the complaints took place and it was clear from his response that he was fully aware of what was being referred to by the complainant.

His suggestion is that he was not in breach as the Police had declined to take any further action and the complaint was dismissed. The decision makers noted that, whilst there may not have been sufficient evidence of criminal conduct for the Police to act, breaches of the Code of Conduct were a very different matter.

The decision makers were of the view that Cllr Anwar did behave as suggested by the complainant and that, in asserting that the Labour party candidate was a Zionist who supported genocide, Cllr Anwar was disrespectful. His language was inflammatory and offensive and had the potential to create a risk for the Labour candidate and her campaign team.

The decision makers find that the following breaches of the Code of Conduct occurred:

1. Respect – part 1

- I treat other Councillors and members of the public with respect

Complaint 2

This complaint related to Cllr Anwar's behaviour on polling day.

The complainant provided a number of examples of Cllr Anwar's behaviour that were originally part of a report to the Electoral Services Manager that was shared with the Monitoring Officer because it did raise issues about Cllr Anwar's behaviours.

The decision makers find that the following breaches occurred:

1. Respect – part 1

- I treat other Councillors and members of the public with respect
- I treat local authority employees, employees and representatives of partner organisations... with respect

Cllr Anwar had not treated the complainant and other Council officers with respect. The account given was that he consistently ignored requests for assistance in calming down volatile situations and that he was also actively encouraging others to engage in poor behaviour, much of which was either directed towards officers or which they were left to deal with.

2. Honesty and Integrity

- I do not bring my role or local authority into disrepute
- I do not conduct myself in a manner which is contrary to the Council's duty to promote and maintain high standards of behaviour

Cllr Anwar had been dishonest in his conversation with the complainant when he initially stated that he was not an agent, and then later that he was. He claimed that his ID had been lost in the post. He then later attempted to use the confusion he had caused over his role to undermine the complainant in her role at another Polling Station.

With regards to sanctions, it was determined that the role of any sanctions should be to encourage Cllr Anwar to accept that his behaviour was not as it should have been,

but also to help him understand what behaviours would be appropriate, should he take part in any future election campaigns.

To this end, the following sanctions will be applied:

Cllr Anwar will be asked to issue an apology in respect of his behaviours in both complaints. It was clear from the accounts that he had not acted respectfully and created an atmosphere in which people did feel afraid due to his actions, or his failures to act.

Cllr Anwar will be asked to undertake some training that will cover the role of a local councillor during elections.

This decision notice will be published on the Kirklees Standards complaints page and the entry will be updated as and when Cllr Anwar complies with the sanctions.

Signed: Samantha Lawton

Dated: xxth February 2025

Samantha Lawton

Monitoring Officer