



## LONDON BOROUGH OF BRENT

### MINUTES OF THE STANDARDS COMMITTEE Thursday 22 September 2016 at 6.00 pm

**PRESENT:** Councillor Allie (Chair), Councillors Collier, Mahmood, Krupa Sheth and Warren and Independent Member Sheila Darr

**Also Present:** Councillors Aden, Agha, Chohan, Harrison, Hirani, Kabir, McLennan, W Mitchell Murray and Ketan Sheth

Apologies for absence were received from: Councillors Kabir (Vice Chair – with Councillor Mahmood substituting) and Dr Robert Cawley (Independent Member)

#### 1. **Declarations of Interests**

There were no declarations made by Members.

#### 2. **Minutes of the Previous Meeting**

The minutes of the previous meeting, held on Monday 21 March 2016, were approved as a correct record.

#### 3. **Matters Arising**

The Council's Chief Legal Officer stated that:

- (i) The Council's Complaints' Procedure had now been published on its website;
- (ii) A further training session had been arranged for Councillors and co-opted Members; and
- (iii) Dr Robert Cawley had recently been appointed by the Council as an Independent Member on the Standards Committee but was unable to attend this evening's meeting.

#### 4. **Matters Raised by Members - Validity of Committee Membership**

Councillor Warren wished it to be recorded that he objected to the Chairman presiding at the meeting as he believed that the Chairman's relationship with the Member at whom the complaint had been directed, could bring into question his impartiality in considering the matter before the Committee.

Councillor Collier stated that he shared Councillor Warren's concern.

In response, the Council's Chief Legal Officer advised the Committee.

Subsequently, the Chairman confirmed that he was impartial.

## **5. Consideration of Members' Code of Conduct Complaint**

The Council's Chief Legal Officer introduced the item, provided the background to the complaint, summarised the findings of the external independent investigation carried out and the resultant recommendation to Committee.

The Council's Senior Solicitor outlined the key stages of the complaints procedure.

It was reported that a Members' Code of Conduct (the Code) complaint against the Leader of the Council, Councillor Butt, had been received and which had been the subject of an external and independent investigation.

The complaint, from Mr Philip Grant, a resident of the borough of Brent, had been received by the Council on 13 May 2016, in which, it had been alleged that Councillor Butt had misled the Council over the death of a former Member, Councillor Tayo Oladapo. The complaint had arisen from an email, sent by a Labour Party worker, the subject of which had been leaked to the media that day and which formed the basis of Mr Grant's complaint that Councillor Butt had breached the general principles of honesty, integrity, openness and leadership, as detailed in the Code.

The Committee was advised that the allegations had been independently investigated by Mr Richard Penn and that his investigation report, which concluded that there was no evidence to support the complaint and that Councillor Butt had not breached the Code, had been circulated to Members.

It was noted that, in accordance with the Code's Complaints Procedure, the Council's Monitoring Officer had carried out an initial assessment of the complaint and, subsequently, referred the matter for investigation. It was further noted that as well as having conducted an investigation into the Code's complaint concerning Councillor Butt, Mr Penn had also been instructed to separately review and investigate the events, which had led up to the reporting of former Councillor Oladapo's continued absence from meetings, and other related matters, at Full Council on 22 February 2016.

Given the above, the Council's Chief Legal Officer stated that the Committee's role was to consider Mr Penn's investigation report, which focussed on Mr Grant's complaint concerning the conduct of Councillor Butt.

A Member stated that the whole matter rested on whether Councillor Butt had breached the Code and at which point the alleged breach had occurred.

A Member questioned what constituted a breach of openness under the Code.

A Member acknowledged the independent investigation and said that a comprehensive review of the complaint had been carried out.

The Council's Chief Legal Officer then referred Members to Mr Penn's main conclusions, which were set out at paragraph 3.5 to the committee report and which stated that:

- (a) Councillor Butt had acted in his capacity as Leader of the Council in respect of the matters, which were the subject of the complaint and therefore he was required to comply with the Code;
- (b) There was no evidence that Councillor Butt knew of former Councillor Oladapo's death before he had been told on 7 March 2016;
- (c) There was no evidence that Councillor Butt had been trying to avoid a by-election;
- (d) It was entirely appropriate that Councillor Butt had not announced former Councillor Oladapo's death until it had been confirmed; and
- (e) There was no evidence to support the complaint or that Councillor Butt had breached the Code.

The Council's Chief Legal Officer went on to say that, before making a decision on Mr Penn's report, the Committee had to take into account, the views of the Council's Independent Person, Ms Mandip Johal, which were set out at paragraph 3.8 to the committee report and which stated that:

- (i) The report demonstrated that there had been a thorough investigation and that the report was fair and well-balanced;
- (ii) The report's conclusions were reasonable;
- (iii) There was no evidence to prove that Councillor Butt knew of former Councillor Oladapo's death before he had been informed on 7 March 2016; and
- (iv) It had been reasonable for Councillor Butt not to announce former Councillor Oladapo's death until it had been confirmed through the official channels.

It was noted that, according to Ms Johal, Councillor Butt had been cautious and prudent in order to avoid the heartache and embarrassment that would have been caused if such information had been incorrect.

The Council's Chief Legal Officer stated that her advice was set out in the report and informed the report's recommendations. She said that there was no evidence that Councillor Butt had breached the Code and Mr Grant's complaint could not therefore be upheld. She added that Mr Penn's report was detailed and thorough and all his conclusions were properly supported by the facts and evidence and she did not think there was any need for Mr Penn to reconsider his report or to make further enquiries.

In conclusion, the Council's Chief Legal Officer said that, in the circumstances, a hearing was unnecessary and that, for these reasons, recommended that the Committee agree Recommendation 2.1 to the report and accept Mr Penn's conclusions and decide that no further action was required.

By way of an amendment, Councillor Warren moved that Mr Penn be asked to reconsider his report, specifically requesting that he clarify in detail how Councillor Butt displayed openness, honesty, integrity and leadership as defined in the Code.

On a vote being taken by a show of hands, one Member voted for the amendment, three Members voted against the amendment and one Member abstained from the vote. Accordingly, the amendment was declared **LOST**.

Councillor Allie moved from the Chair that the Committee agree Recommendation 2.1 to the report and accept Mr Penn's conclusions and decide that no further action was required.

On a vote being taken by a show of hands, three Members voted for the motion, one Member voted against the motion and one Member abstained from the vote. Accordingly, the motion was declared **CARRIED**.

**RESOLVED, that the Committee agree Recommendation 2.1 to the report and accept Mr Penn's conclusions and decide that no further action was required.**

6. **Date of Next Meeting**

It was noted that the next meeting of the Committee was scheduled to be held on Monday 28 November 2016.

7. **Any Other Urgent Business**

There was no other urgent business.

The meeting closed at 18.49pm

COUNCILLOR JAMES ALLIE  
Chair