



## Standards Committee

**Thursday 22 September 2016 at 6.00 pm**  
Board Room 5 - Brent Civic Centre, Engineers Way,  
Wembley HA9 0FJ

### Membership:

#### Members

Councillors:

Allie (Chair)  
Kabir (Vice-Chair)  
Collier  
Krupa Sheth  
Warren

#### Substitute Members

Councillors:

Harrison, Hylton and Khan

Councillors:

#### Co-opted Member:

Sheila Darr

#### Independents:

Vacancy

**For further information contact:** Colin Sweeney, Governance and Civic Services  
Manager  
020 8937 5451; [colin.sweeney@brent.gov.uk](mailto:colin.sweeney@brent.gov.uk)

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minutes of this meeting have been published visit:  
**[democracy.brent.gov.uk](http://democracy.brent.gov.uk)**

**The press and public are welcome to attend this meeting**

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

Item	Page
<b>1 Declarations of interests</b>	
<b>2 Minutes of the previous meeting</b>	1 - 4
<b>3 Matters arising</b>	
<b>4 Consideration of Members' Code of Conduct Complaint</b>	5 - 54

Members are invited to declare at this stage of the meeting, any relevant personal and prejudicial interests and discloseable pecuniary interests in any matter to be considered at this meeting.

On 13 May 2016, the Council's Monitoring Officer received a Members' Code of Conduct complaint about Councillor Muhammed Butt. As the subject matter of the complaint has been reported in the press and on the internet, the details of the complaint are already in the public domain. The allegations have been independently investigated by Mr Richard Penn and his investigation report is attached for the Committee's consideration. Mr Penn's report concludes that there is no evidence to support the complaint and that Councillor Butt did not breach the Members' Code of Conduct.

\*Please note that a paragraph was removed within section 3.8 of the attached report on 30 September 2016 following confirmation from Cllr Pavey on 28 September 2016 that it was incorrect.

**Ward Affected:** All Wards      **Contact Officer:** Fiona Alderman, Chief Legal Officer  
Tel: 020 8937 4101  
fiona.alderman@brent.gov.uk

## 5 Date of Next Meeting

The next meeting of the committee is scheduled to take place on 28 November 2016.

## 6 Any other urgent business

Notice of items to be raised under this heading must be given in writing to

the Head of Executive and Member Services or his representative before the meeting in accordance with Standing Order 64.



Please remember to switch your mobile phone to silent during the meeting.

- The meeting room is accessible by lift and seats will be provided for members of the public.

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## LONDON BOROUGH OF BRENT

### MINUTES OF THE STANDARDS COMMITTEE Monday 21 March 2016 at 7.00 pm

PRESENT: Councillor Dixon (Chair), Councillor Kabir (Vice-Chair) and Councillors Collier, McLeish and Sheila Darr

Apologies for absence were received from: Councillors Krupa Sheth and Warren

1. **Declarations of personal and prejudicial interests**

None

2. **Minutes of the previous meeting**

Members discussed the minutes of the previous meeting and in particular an email sent to members of the committee following publication of the draft minutes seeking further details of the committee's discussion at its previous meeting and encouraging members to make amendments.

On advice from Fiona Alderman, Chief Legal Officer, Members agreed that the purpose of the committee's minutes is to record the key issues arising and the outcome and for the minutes to accurately reflect in general and summary form the committee's discussion.

The minutes were not intended to be a verbatim record of the meeting.

Looqman Desai, Solicitor, suggested that minute 5 be amended so that the reference to "Councillor Warren enquired about the Council's existing arrangements" be replaced with "Councillor Warren commented on the involvement of the Independent Person". This suggestion was agreed.

RESOLVED:-

Subject to the above amendment, that the minutes of the previous meeting held on 7 January 2016 be approved as an accurate record of the meeting.

3. **Matters arising (if any)**

None.

4. **Members' Code of Conduct Complaints Procedure and Independent Members**

Fiona Alderman, Chief Legal Officer, introduced the item and provided a general overview.

Looqman Desai, Solicitor, outlined the key stages of the complaints procedure.

Councillor Kabir suggested that complaints and outcomes be reported to the committee on a 6 monthly basis instead of annually. The committee agreed.

Councillor Collier inquired whether the assessment criteria were clear and said it was important that the Monitoring Officer gave reasons for not taking any further action. Members were informed that the assessment criteria were clearly set out in the complaints procedure which once approved would be made available on the council's website. Members were also informed that the assessment criteria would be referred to in the council's complaint form which would act as a reminder to complainants and that reasons would be given for the decisions taken by the Monitoring Officer in the formative stages of the procedure.

Members were advised that the complaints procedure needed finalising i.e. links inserted, addresses included and minor drafting amendments would need to be made.

RESOLVED:-

Members therefore agreed the following change to recommendation 2.1:

That the Committee approves the Members' Code of Conduct Complaints Procedure attached to the report and authorises the Monitoring Officer to make minor amendments to the document from time to time.

That the Committee recommends to Full Council that two additional Independent Members be appointed to the Committee.

Members also discussed the proposal to appoint two additional independent members to the committee. Members were informed that the membership of the committee would continue to be subject to political balance rules and that in any event the independent members of the committee would not have voting rights.

Councillor Kabir enquired about training for any new members and FA confirmed that all co-opted members as well as councillors are invited to attend training sessions on the Members' Code of Conduct and standards generally.

Members agreed to recommend to Full Council that two additional independent members be appointed to the committee.

5. **Date of Next Meeting**

To be confirmed.

6. **Any other urgent business**

None.

The meeting ended at 7.35 pm

L DIXON  
Chair

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 <p><b>Brent</b></p>	<p><b>Standards Committee</b></p> <p>22 September 2016</p> <p><b>Report from the Chief Legal Officer</b></p>
<p>For Action <span style="float: right;">Wards Affected: ALL</span></p>	
<p><b>Consideration of Members' Code of Conduct Complaint</b></p>	

## 1.0 Summary

- 1.1 On 13 May 2016, the Council's Monitoring Officer received a Members' Code of Conduct complaint about Councillor Muhammed Butt. As the subject matter of the complaint has been reported in the press and on the internet, the details of the complaint are already in the public domain.
- 1.2 In summary, it is alleged that Councillor Butt misled the Council regarding his knowledge of former Councillor Tayo Oladapo's death. The allegations have been independently investigated by Mr Richard Penn and his investigation report is attached for the Committee's consideration. Mr Penn's report concludes that there is no evidence to support the complaint and that Councillor Butt did not breach the Members' Code of Conduct.

## 2.0 Recommendations

- 2.1 That the Committee consider the investigation report, attached as Appendix 1, and accept the report's conclusions and decide that no further action is required.

## 3.0 Detail

### *The background*

- 3.1. On 13 May 2016, the Council's Monitoring Officer received a Members' Code of Conduct complaint from Mr Philip Grant about Councillor Muhammed Butt. Mr Grant's complaint referred, amongst other things, to allegations reported that day in the Evening Standard about Councillor Butt. The background to the complaint is explained in the Introduction section of Mr Penn's report. In

summary, it is alleged that Councillor Butt apparently misled the Council regarding his knowledge of former Councillor Tayo Oladapo's death. Mr Grant's complaint entirely relies upon claims set out in an email sent by a Labour Party worker on 8 May 2016 and leaked to the press. The email expressed concern that Councillor Butt appears to have misled the Council over what he knew about the death of former Councillor Oladapo. The concerns expressed were reported in the press as Councillor Butt concealing former Councillor Oladapo's death to avoid a by-election.

- 3.2 In accordance with the Members' Code of Conduct Complaints Procedure, the Monitoring Officer carried out an initial assessment of the complaint and subsequently referred the matter for investigation. As well as conducting an investigation into the Members' Code of Conduct complaint about Councillor Butt, Mr Penn was also instructed to separately review and investigate the events leading up to the reporting of former Councillor Oladapo's continued absence from meetings at Full Council on 22 February 2016 and other related matters. As Mr Penn's report notes, his investigation into the Council's general processes for reporting former Councillor Oladapo's illness and absence from Council meetings has already been considered by Full Council.
- 3.3 That being the case, the Committee's role is to consider with Mr Penn's standards investigation report focussing on Mr Grant's complaint about the conduct of Councillor Butt.

#### *The investigation report*

- 3.4 Mr Penn's investigation report sets out the purpose of his investigation, the background to the complaint, Mr Grant's complaint itself and the email of 8 May 2016, a record of the information he received during the course of his investigation and his findings and conclusions. A draft copy of Mr Penn's report was sent to both Councillor Butt and Mr Grant for their comments.
- 3.5 In summary, Mr Penn concludes that:
  - Councillor Butt acted in his capacity as Leader in respect of the matters the subject of the complaint and therefore he was required to comply with the Members' Code of Conduct.
  - There is no evidence that Councillor Butt knew of former Councillor Oladapo's death before he was told on 7 March 2016.
  - There is no evidence that Councillor Butt was trying to avoid a by-election.
  - It was entirely appropriate that Councillor Butt did not announce former Councillor Oladapo's death until it had been confirmed.
  - There is no evidence to support the complaint or that Councillor Butt breached the Members' Code of Conduct.

#### *The Independent Person's view*

- 3.6 Under the Localism Act 2011, the Council is required to appoint at least one Independent Person whose views must or can be sought at various key stages of a complaint against a member. This role is different from the role of the Independent Members of the Committee.

- 3.7 Whenever a complaint is referred for investigation, according to the Localism Act, the Council has to seek the views of the Independent Person and take them into account before making a decision about the allegation.
- 3.8 Accordingly, the Monitoring Officer sought the views of Ms Mandip Johal, the Council's Independent Person, in respect of Mr Penn's report and she commented as follows:
- That the report demonstrates that there has been a thorough investigation and that the report is fair and well-balanced.
  - The report's conclusions are reasonable.
  - There is no evidence to prove that Councillor Butt knew of former Councillor Oladapo's death before he was informed on 7 March 2016.
  - It was reasonable for Councillor Butt not to announce former Councillor Oladapo's death until it had been confirmed through the official channels. According to Ms Johal, Councillor Butt was being cautious and prudent in order to avoid the heart-ache and embarrassment that would have been caused if the information was incorrect.

#### *The Committee's options*

- 3.8 In accordance with the Members' Code of Conduct Complaints Procedure, the next stage is for the Committee to consider Mr Penn's report and to do one of the following:
- (i) Accept the report's conclusions and decide that no further action is required.
  - (ii) Ask Mr Penn to reconsider his report.
  - (iii) Refer the allegation for hearing.

#### *The Monitoring Officer's advice*

- 3.9 The Monitoring Officer has also carefully considered Mr Penn's report and agrees with the views expressed by Ms Johal. Mr Penn's report is detailed and thorough. Mr Penn's findings are clear and supported by the information he has reported. There is no evidence that Councillor Butt breached the Members' Code of Conduct. In the circumstances, there is no need for Mr Penn to reconsider his report and a hearing would be unnecessary.

### **4.0 Financial Implications**

- 4.1 None.

### **5.0 Legal Implications**

- 5.1 The legal requirements relating to the Members' Code of Conduct and the standards regime are set out in the Localism Act 2011.

## **6.0 Diversity Implications**

6.1 None.

## **7.0 Staffing Implications**

7.1 None.

### ***Background papers***

*None*

### ***Contact***

Should any person require any further information about the issues addressed in this report, please contact Looqman Desai, Senior Corporate Governance Lawyer, on telephone number 020 8937 1366.

**Fiona Alderman**  
**Chief Legal Officer**

**Brent Council**

**Investigation into a standards complaint against  
Councillor Muhammed Butt**

**Report of Independent Investigator**

**September 2016**

**Richard Penn**

**Independent Investigator**

<b>Contents</b>		<b>Page</b>
<b>1</b>	<b>Introduction</b>	<b>3</b>
<b>2</b>	<b>The complaint by Philip Grant</b>	<b>6</b>
<b>3</b>	<b>My investigation into the complaint by Philip Grant</b>	<b>11</b>
<b>4</b>	<b>My findings</b>	<b>39</b>

# 1 Introduction

- 1.1 I was appointed by the Monitoring Officer of Brent Council at the end of May 2016 to conduct an investigation into a Members' Code of Conduct complaint made on 13 May 2016 by Philip Grant, a resident of the Borough, about the conduct of Councillor Muhammed Butt, the Leader of the Council.
- 1.2 Former Councillor Oladapo died at the Royal Free Hospital in the London Borough of Camden on 29 January 2016 following a long illness. For a long period of time prior to his death, former Councillor Oladapo was unable to attend any meetings of the Council and was therefore at risk of automatic disqualification. In line with the Local Government Act 1972, if a member of a local authority fails throughout a period of 6 consecutive months from the date of his last attendance to attend any meeting of the authority then, subject to certain exceptions, he ceases to be a member of the authority unless the failure was due to some reason approved by the authority before the expiry of that period.
- 1.3 Following enquiries made by the Council's Chief Executive, Carolyn Downs, on 10 March 2016 the police notified the Council that former Councillor Oladapo had died on 29 January 2016 but that his death had not been registered.
- 1.4 In his email to the Council's Monitoring Officer Mr Grant referred to the coverage of Councillor Oladapo's death in that day's Evening Standard, and also provided links to the Wembley Matters blog site which had carried comments about the Evening Standard article. Mr Grant said in his email:

'Here is the text of a comment which I have added to one of these blog articles, and I would ask you to treat it as a formal complaint of apparent breached of Brent Members Code of Conduct by Cllr Muhammed Butt:

*'We now have the full text of the email from a Labour Party worker attached to Brent Council for the May 5<sup>th</sup> London Election campaign in a separate blog above. This is a key sentence from it:*

*"I find it extremely inappropriate that Cllr Butt involved myself – a junior member of staff – in investigating Cllr Oladapo's death and deeply concerning that he appears to have misled both Brent Council and Labour Party staff regarding his knowledge of this sad occurrence"*

.....I hope that she (*the Council's Monitoring Officer*) will

now take urgent action on these allegations. Cllr Muhammed Butt's actions in apparently misleading the Council and fellow councillors over the death of Cllr Oladapo, if true, are breaches of the general conduct principles of honesty, integrity, openness and leadership'

- 1.5 I have been asked to investigate the following issues and prepare a standards investigation report that will be considered by the Council's Standards Committee. I have been asked to make findings on the following:
  1. whether or not Councillor Butt was acting in an official capacity and whether the alleged conduct was capable of falling within the scope of the Members' Code of Conduct.
  2. whether or not Councillor Butt breached the requirements or obligations of the Members' Code of Conduct. If so, specify which paragraphs of the Code you find have been breached.
  3. If applicable, the action that you recommend the Council should take in response to any finding of breach.
- 1.6 I was provided with a copy of the Council's Members' Code of Conduct and associated complaints procedure to assist in the preparation of my standards investigation report.
- 1.7 I was also appointed by the Chief Legal Officer of Brent Council at the end of May 2016 to conduct an independent review of the events leading up to the meeting of Full Council on 22 February 2016 concerning former Councillor Oladapo's illness and continued absence from Council meetings.
- 1.8 As well as the key events my review covered:
  1. the information and facts known and understood by key officers and members of the Council throughout the relevant period and how this was formally reported at meetings of Full Council;
  2. whether further or better information could reasonably have been obtained about former Councillor Oladapo prior to the meeting of Full Council on 22 February 2016;
  3. the Council's general processes for reporting former Councillor Oladapo's illness and continued absence from Council meetings;
  4. what, if anything, the Council could have done differently or better at the time;

5. what, if any, lessons the Council should take from this experience; and

6. what, if any, improvements the Council should implement.

1.9 I was required to make any other recommendations that I considered appropriate and to prepare a written report to the Chief Executive.

My review has been completed and the report on my review has been considered by the Council's Constitutional Working Group that has made recommendations to the Full Council on appropriate changes of procedure. These changes have been agreed by the Full Council.

1.10 Inevitably, the terms of this general review have overlapped with the standards investigation into the conduct of Councillor Butt and also inevitably the two reports contain much of the same information. However, they are intended to serve distinct purposes and that is why this is a separate report for the consideration of the Council's Standards Committee.

1.11 It was agreed that my standards investigation and subsequent report should commence following the review that I was asked to conduct. However, much of the documentation and most of the interviews that I carried out in relation to that review were also relevant to the standards investigation. In my review I interviewed the following officers as witnesses.

- Carolyn Downs, Chief Executive
- Fiona Alderman, Chief Legal Officer
- Thomas Cattermole, Head of Executive and Member Services
- Peter Goss, Democratic Services Manager
- Daniel Elton, Labour Group Political Assistant

1.12 I also interviewed the following individuals in relation to my review and standards investigation:

- Councillor Butt, Leader of the Council
- XX XX, former Borough Organiser for the Labour Party

- Councillor McLennan, Deputy Leader of the Council
- Councillor Harrison, Labour Group Secretary
- Councillor Kabir, Labour Group Chief Whip
- Councillor Thomas, Chair of the Labour Group
- Councillor Nerva
- Councillor Pavey, former Deputy Leader of the Council
- Councillor Choudhary

- 1.13 Given the extent of the awareness of the matters that were set out in XX's email of 8 May 2016 all members of the Council were invited to make written submissions to me. I received written submissions from a number of Brent councillors and former councillors. I have incorporated relevant material from these submissions in this report.
- 1.14 I did not interview the complainant, Philip Grant, as I concluded that he had no direct or personal involvement in any part of this matter, and his complaint was wholly based on the leaked email of XX. However, Mr Grant was given the opportunity to provide me with any further information relevant to my investigation, but he accepted that this was not necessary in the particular circumstances of his complaint.
- 1.15 In line with paragraph 3 of Annex 2 of the London Borough of Brent Council procedure for dealing with Members Code of Conduct complaints the complainant was given sight of a near-final draft of this report and his comments and views were sought. Philip Grant subsequently sent me a lengthy note setting out his comments and views on the draft report. I have taken account of those comments and views in finalizing the report.

## **2 The complaint by Philip Grant**

- 2.1 XX, the former Borough Organiser for the Brent Labour Party, sent a 'private and confidential' email to members of the Council's Labour Group Executive on 8 May 2016. This was XX's last day in her role as Borough Organiser as she had resigned, and was about to start a new role working on the 'Stronger In' campaign for the Labour Party.
- 2.2 It was this email, leaked widely including to the media, that led to the complaint to the Monitoring Officer by Philip Grant on 13 May 2016. The Evening Standard on Friday 13 May 2016 had the

following headline on its front page:

***'Brent council chief Muhammed Butt 'covered up colleague's death in bid to avoid by-election***

***Labour councillor was thought to be alive for six weeks'***

- 2.3 In his complaint to the Monitoring Officer Philip Grant referred to the email of 8 May 2016 from XX and to a specific sentence in that email:

*'I find it extremely inappropriate that Cllr Butt involved myself – a junior member of staff – in investigating Cllr Oladapo's death, and deeply concerning that he appears to have misled both Brent Council and Labour party staff regarding his knowledge of this sad occurrence'*

- 2.4 Mr. Grant claimed that Councillor Butt's actions in apparently misleading the Council and fellow councillors over the death of Cllr Oladapo, if true, are breaches of the general conduct principles of honesty, integrity, openness and leadership.

- 2.5 I was asked to consider the contents of the email referenced in the complaint and address each allegation, save those that relate to the employment issues. XX was employed in this role by the London Regional Labour Party although her employment was funded by the Brent Labour Group

- 2.6 The email of 8 May 2016 from XX to members of the Brent Labour Executive – although not copied to Councillor Butt - said:

***'Subject: Private & confidential***

*Dear members of the Brent Labour Executive,*

*As you know I am leaving my post as Borough Organiser for the Brent Labour Party today. The opportunity to work on the cross-Party "Stronger In" campaign was too good to turn down - but I'm genuinely sad to be leaving Brent and have really enjoyed working in this diverse community.*

*Although I very much enjoyed my time in Brent, there has been one serious incident which troubled me immensely. I felt very under-supported throughout this incident and am writing in the hope that systems can be improved so that my successors will*

*not be exposed in the same way.*

*I find it extremely inappropriate that Cllr Butt involved myself - a junior member of staff - in investigating Cllr Oladapo's death and deeply concerning that he appears to have misled both Brent Council and Labour Party staff regarding his knowledge of this sad occurrence. I am also disturbed that no investigation has been launched into this issue, despite me having raised these concerns with relevant party officials in early March.*

### ***My involvement in investigating Cllr Oladapo's death***

*Cllr Tayo Oladapo died on 29 January 2016. But this was not reported publicly until 11 March 2016.*

*It was me who discovered that Tayo had died. I visited the Royal Free Hospital on 4 March 2016 to check on Tayo's condition. I was informed that he died on 29 January 2016. I reported this to the London Regional Labour Party, who notified Cllr Butt on 7 March.*

*The reason I visited the hospital (4 March, evening) was because on 2 March Cllr Muhammed Butt told me that he believed Tayo was dead, and that he had been dead for a month.*

*Cllr Butt said that Tayo's mother had taken Tayo back to Nigeria because she didn't want any treatment for her son in the UK.*

*Cllr Butt told me that he had been in contact with Tayo's family - but that they would no longer take his calls and had blocked his number. Cllr Butt asked me to call Tayo's sister because he believed Tayo had been dead for a month. He urged me not to tell London Region if Tayo's sister confirmed her brother had passed away.*

*I was new to Brent and had only been working here for 5 weeks. I didn't understand why Cllr Butt was asking me who had never even met Tayo to make such sensitive inquiries?*

*I was shocked that Cllr Butt didn't ask the Labour Group Whip or Brent Council's electoral services department to investigate a matter of this level of seriousness. Cllr Butt told me that he didn't want a by-election to take place in Kilburn, but I didn't understand why this was the case. (note from Richard Penn – I am not clear why there is this reference to Electoral Services as I am unclear as to why that section would be able to assist with this).*

*I didn't understand why he asked me to investigate at the Civic Centre, I was there to discuss how campaigning was going and*

*how he could whip Councillors.*

*The thought of calling Tayo's sister (a complete stranger) out of the blue to ask her whether her brother had died made me extraordinarily uncomfortable.*

*But because Cllr Butt is the Leader of the Council I felt obliged to do something, so I went to the hospital. On reflection I deeply regret this.*

*Once I found out that Tayo had indeed been dead for over a month I became even more uncomfortable.*

## **2 March**

*I reported my concerns to Mark Walker, Regional Organiser for Brent & Harrow at London Region on 2 March. (After I saw Cllr Butt) I was told that this matter would be taken extremely seriously. Mark told me to speak to the sister and said 'anything the sister tells me is the gospel'*

*I tried to contact Tayo's sister several times but got no response.*

## **4 March**

*I visited the Royal Free Hospital at around 8pm and was told Tayo had passed away on 29th January.*

## **7 March**

*On 7 March in the morning, I had a conversation with Mark and he said that Cllr Butt said he had no idea.*

*I informed both Mark and Pat Harrison, Secretary of the Brent Council Labour Group at a meeting in Pavitt Hall that I was concerned that Cllr Butt may have known that Tayo had past away over a month ago.*

*On 7 March I was told by London Region that Cllr Butt had been ordered to report this matter to the Brent Labour Group meeting on the 7 March. But Cllr Butt did not even mention Tayo at this meeting. At this point I started to become seriously concerned that this extremely serious issue was not being handled appropriately.*

*These feelings were confirmed when I found out that in the Labour Group Executive premeeting on the evening of 7 March, Cllr Butt stated that when Region called to tell him that a Brent Cllr had died, he claimed he didn't know which Cllr.*

*But Region only knew Tayo was dead because Cllr Butt himself had asked me to investigate because he himself believed Tayo had been dead for a month.*

*I was told by Mark that Cllr Butt would contact the Borough Commander, as there needed to be evidence to call a by-election on 5 May.*

### **8 March**

*On 8 March at a GLA Task force meeting, Cllr Butt at the end mentioned that Tayo was not dead and that I had got the details wrong. I immediately said that he should speak directly to Mark Walker.*

### **10 March**

*On 10 March I was at the London Region office and Mark mentioned that Cllr Butt had not spoken to the Borough Commander, I made it clear that I felt very uncomfortable and said that Tayo's death needs to be announced.*

*In the end Mark Walker had to contact the Borough Commander to get confirmation of Tayo's death.*

### **11 March**

*Tayo's death was finally announced publicly on 11 March from this point onwards I have solely focused on the by-election. But I have become more and more troubled by the fact that there has been no investigation into these events.*

*I informed Pat Harrison and Mark Walker at London Region that Cllr Butt told me on 2 March that he believed Tayo had been dead for a month. This is an extremely serious allegation - not least because it means that the Full Council meeting on 22nd February was knowingly misled. But there has been absolutely no investigation.*

*Instead, I have been left to carry this immense burden. As someone who is completely new to Brent I think this is extremely inappropriate. I have been left alone to try and deal with the fact that a young man's death may well have been covered-up by a senior politician and continue to work with him.*

*Of course I recognise that an election campaign is an extremely charged political atmosphere, but on a matter of this seriousness there really should have been a formal*

*investigation.*

*Because I have been so determined to secure a Labour victory on May 5th I have kept my mouth shut now for two months. This has been extremely uncomfortable. Now that the election is out of the way and I am leaving I feel it would be inappropriate not to raise these concerns.*

*I never met Tayo, but from everything I've heard of him he was an honourable and decent man. His memory deserves better than this.'*

### **3 My investigation into the complaint by Philip Grant**

- 3.1 I interviewed both XX and Councillor Butt as the two key witnesses in relation to Philip Grant's complaint. I also interviewed a number of other witnesses and was provided in addition with a large number of submissions from current and former members of Brent Council. Many of these submissions contained extensive material that was not relevant to the standards investigation, often personal views and opinion mainly in support of Councillor Butt, and I have included in this report only those parts of these submissions that relate directly to the complaint against Councillor Butt.
- 3.2 I need to reiterate that my investigation was into the complaint by Philip Grant that Councillor Butt had allegedly breached the Brent Council Code of Conduct by misleading the Council and fellow councillors over the death of Councillor Oladapo. I was not investigating any complaint/whistle blowing action by XX as to my knowledge no complaint has been made by her, and certainly not in relation to any alleged breach of the Code of Conduct by Councillor Butt. Some of those I interviewed had been surprised when I pointed this out to them, and a number of written submissions allude to her complaint or what they describe as her 'whistle-blowing' action. When I interviewed XX she was very clear that she had not made a complaint against Councillor Butt in her email of 8 May 2016.
- 3.3 I was made aware during the course of my standards investigation that the Labour Party was also conducting its own investigation into the matters set out in XX's email of 8 May 2016. I met with Cameron Scott, the Regional Director of the East of England Labour Party, who had been commissioned to carry out the investigation to discuss our approach to the investigations and to ensure that as far as possible neither of us compromised the work of the other. I have included for information at para 4.8 of this report the outcome of the Labour Party investigation.

3.4 Councillor Butt provided me with the following statement in advance of my interview with him:

***'Statement by Councillor Muhammed Butt***

*I have to start by saying that my condolences and sympathies are with the family of Temitayo Oladapo, who died so tragically young.*

*In July 2014, Tayo informed myself, Cllr Pavey and Cllr Kabir that he had a minor operation and was recovering and would be back in a week or two, he gave no indication of what was wrong with him.*

*Tayo continued to attend meetings and chair meetings, and it wasn't until around November 2014 it became apparent that his health was not good.*

*Early December 2014 Tayo asked to excused from the council due to his ill health, this was the first time he gave indication that he was suffering from ill health for couple of months.*

*In January 2015 he once again sent his apologies that he was not able to attend the council meeting, and he clearly indicated in his email that he was recovering. Cllr Kabir made contact with him via email to ask him if he needed any help or support.*

*In February 2015, we still had no clarity as to whether he would return back to the next full council meeting and we had to once again consider making a request to full council for an extension to his absence. Hence the request to extend as he was recovering.*

*No one was aware of his condition and I had to ask him what was wrong with him, and he sent in a letter via email and text message to myself. This was the only time we knew that he had [redacted] and that he would possibly require a [redacted].*

*In the mean time I had given the group updates on Tayos health and his extended absence.*

*In July 2015, we were already thing about Tayos attendance for the September 2015 council meeting but making contact with Tayo was proving to be difficult.*

*August 2015, I received a phone call from Tayo and he started crying on the phone to myself, He said he needed my help, I promised that I would go and see him the next day, which I did with Dawn Butler MP. Cllr Ernest Ezeajughi was another visitor who went with myself to visit Tayo*

*I was shocked at his condition. I had to speak to officers and health partners quickly as I was flying out the next day on holiday with my family. I was already on leave but straight after my visit to the Hospital I went to see Andrew Donald who was covering the chief exec (Christine Gilbert) as he had problems with paying his landlord, had to make sure that social services were aware of his condition and also to get our welfare team involved in order to provide the help and support he needed, as he was now no longer working.*

*I also made contact with my healthcare colleagues, to see what other support packages could be provided.*

*I have to thank everyone for their quick response to help Tayo, he had kept the full extent of his condition secret and it was only at this stage that he allowed us to talk about his health to others.*

*Tayo had his [redacted] in September from recollection and during my visits to him he seemed to be progressing well, and was looking forward to going back home. His condition was critical as the operation did not go well and he had a lot of bleeding and needed a lot of blood transfusion and was under 24hr care.*

*Around November 2015 he was allowed to go back home, he rang to let me know and I messaged him back and asking him to keep in touch. The group was informed that he was home and was recuperating and we were hopeful that he would back to the council soon.*

*Sadly he had a relapse in early January and had to go back into hospital. And that is when we started to lose contact with him.*

*The only point of contact I had was his mother, and she was the next of kin in this country as he did not have any other relations that we were aware of, I did ask about his siblings but they were either in Nigeria or America. The mother also spent time in Nigeria, her trips to the UK were sponsored by Tayo.*

*Tayos sister made contact with myself, luckily I took the call in my car from America, taking the call in my car allowed the number to be stored on the cars call list, the call list on my phone is constantly updated due to the number of calls and this was the only way I was able to make any contact with the family otherwise her number would have been lost and there was no way of making any contact with any family member.*

*The sister was asking me to look after Tayo as she was so far away and her family was in Nigeria, I said I would do what was*

*required to be done.*

*We had a council meeting in February and I was trying to make contact with Tayo but to avail. I contacted some previous councillors who knew Tayo well, Mary Arnold, Benjamin Ogunro and Michael Adeyeye, to enquire if they had been able to make contact with Tayo or his Mother. They said that they had not been able to as the mother was now taking responsibility for him and did not want them to go visit him as well.*

*I sent messages via WhatsApp to his sister asking her to contact me as I wanted to know how I can contact their mother, as I could not get through on the phone number I had for her, the messages were ignored.*

*Cllr Ernest and I made visits to the hospital to see if we would be allowed to see him, but we could not find him. We started on the 10th floor and walked down to the 4th trying to see which ward he could be in.*

*The information that we could get was that he had possibly been discharged and only comes in now and then as required, we enquired as to his health and the stock response was that as we were not Next of Kin they could not tell much more than that.*

*Mary Arnold and Benjamin Ogunro implied that the mother had flown out of the country and had possibly taken Tayo with her.*

*I once gain tried to make contact with the sister and the mother but to avail. No one could confirm where the mother as well.*

*At the full council meeting in February apologies for absence for Tayo were given and for his absence due to ill health were tabled. This was done in absolute good faith either that he was recovering somewhere here in the UK or he had flown out with his mother to recover at the family home in Nigeria.*

*I had a catch up meeting with XX the Labour Group's Borough Organiser on 2nd March 2016, where we discussed campaigning and support for the group and Cllr. Tayo did come up in that discussion as we were concerned that just having two ward councillors there was placing an unfair burden on the other two, and we needed to find out what was happening to Tayo and what support could be provided to the other councillors.*

*I put forward a suggestion to XX that would she mind going to the hospital to see if she would have better luck to find out if Tayo was still in hospital receiving treatment or if she would mind giving Tayos sister a call. I explained that Tayos sister*

*was not responding to my calls and messages. I had explained how Tayo had been ill since 2014 that he was in and out of hospital I wanted to make contact with him either way. I did say that if she does not want to contact her or go to the hospital, it was not an issues and it was entirely her decision and did not want to ask her to do anything that she felt uncomfortable with. She was amenable to the request. She said that she had no problem and she later messaged me in the evening to ask myself for Tayo's sister's contact number. I duly passed on the phone number to XX.*

*I did not hear anything from XX on this matter, On Monday 7th March I received a phone call from Mark Walker the campaigns director for Brent from London Labour Region giving me condolences for one of my councillors who had passed away, I was shocked and asked him who had died as I was not aware anyone had passed away. That's when he said that he was told by XX that Tayo had passed away.*

*I spoke to the chief exec straight away and to Daniel Elton (Labour Group political assistant) about the situation.*

*We tried to confirm his death with the Registrars of both Brent and Camden, the information came back that there had been no death registered at either Registrars.*

*We then tried to make contact with the local doctors, as they also have to be notified of the death of their patient or when they are discharged, once again information was not forthcoming.*

*I asked Mark Walker to confirm with XX who gave her the information. I did ask XX to call me so that I could ask the relevant questions, but she responded with a message that I needed to speak to Mark Walker.*

*Mark and XX could not confirm who she had spoken to in the hospital. It was someone at the desk according to her.*

*No one could actually confirm that he had died. The death had not been registered at Brent. The death had not been registered in Camden. The doctors would not confirm anything to us. The family had not informed us.*

*I went to the family home with Daniel Elton and there was no response. We knocked on the neighbours' doors with no response.*

*We had a Group Executive meeting prior to the Labour meeting the same day. I put the above to the Group Executive (Cllr Pavey, Cllr Pat Harrison, Cllr Sandra Kabir, Cllr Shafique*

*Choudhary and Cllr Bobby Thomas). XX was also present along with Daniel Elton.*

*The one thing I did say at the Group Executive meeting was that I was not prepared to make any statement until it had been confirmed that Tayo had passed away.*

*I gave everyone in the room the option to make the announcement that they thought that Tayo had passed away, and everyone was in agreement that we cannot make a statement about Tayo's death until we were 100% that his death was confirmed officially.*

*I had communicated this to Mark Walker and had been in touch with him.*

*The chief exec was now involved in trying to ascertain the facts as to whether he had died and was making all efforts to find out what had happened.*

*At no time did anyone from Region make contact with the borough commander, the decision to contact the borough commander was made by the chief exec. On 10th March in the evening the borough commander told the chief exec that they had located Tayo, they found out that he had died on 29th January 2016 and had been in the morgue ever since his death. There was no one available from his next of kin to register the death.*

*The very next morning everyone who needed to be informed from the ward councillors, the labour group, all other councillors, including the group leaders, the council and the announcement for the calling of the by election was made.*

*We still had no record of his death, which was not registered until Tayo's mothers return to the UK. The death was actually registered on the 11th of May 2016.*

*In the meantime, I was still trying to make contact with the family. It was with extreme difficulty we managed to make contact with the family who also had problems with their visas.*

*XX states her involvement in the matter involved her finding out that Tayo had died on the 29th of January which is confirmed as the date of death by the borough commander and that this information was made public on the 11th of March, which is also correct as this was announced by the Chief Exec and I also made contact with the ward councillors, the Kilburn labour party, the regional party, all councillors including opposition party members once the information had been verified that he had died and was not abroad as had been suggested by a few*

people.

*She clearly states in her email that she spoke to London Region Mark Walker and not her line manager (Cllr Pat Harrison) and that the only time I was informed of the death of Tayo was by Mark Walker on 7th March.*

*I am surprised that she feels that I asking her to contact Tayo's sister caused her some concerns, as she was in agreement that we needed to make some contact with the family, but when she was instructed to contact the sister by Mark Walker to make that contact with the sister and to report back to him only, she had no problems at all.*

*This meant that my request had now been nullified and the person now giving her instructions was in fact Mark Walker and I had been taken out of the equation.*

*She tried to make contact with the family and she also had no response from the sister, which just shows that the family was not communicating with anyone, which reinforces what I have said that I was not able to contact the family or the next of kin, neither was the Council able to make contact with the family or the next of kin to get any information about Tayo.*

*She has confirmed that the only time I knew that Tayo had passed away was on the 7th of March, when Mark Walker contacted me in the morning. Mark Walker and XX both had known he had passed away the whole weekend and chose not to share the information with myself until the 7th of March.*

*Mark Walker rang me and said he was sorry to hear that one of my councillors had passed away, he did not mention any names and I was taken aback and asked him who had died, that's when he said that it was Tayo.*

*Mark went on to say that he would like to start the process for the by-election, I agreed that this would be the right course of action, but I needed to have official confirmation that he had passed away. Having someone phoning saying Tayo had passed away who was not related to Tayo was probably not going to be enough to confirm that he was dead and may not be enough to say we had to start a by-election.*

*He could not answer the questions as to who confirmed the death, was the family informed and was the death registered.*

*I made the chief exec aware of the situation, made the group chair aware and the political assistant aware of what was happening.*

*Efforts were being made to contact the family, to ascertain from them that he had died. I also visited the family home, knocked on neighbours' doors and asked Cllr Bobby Thomas if he would be able to go in the evening to see if there was anyone at home.*

*At no time did I contact the borough commander nor did Mark Walker make contact with anyone from the council or the borough commander. The chief exec after having tried to make contact with Tayo's family and partners who may have been able to assist, unfortunately they could not shed any light as to whether Tayo had died, she made the decision to call the borough commander and ask for his assistance in trying to find out what had happened to him.*

*It was not until the evening of the 10th of March that the borough commander confirmed to the chief executive that they had found Tayo and that he had died on the 29th of January and his body was still in the hospital morgue, where it is still today.*

*The chief exec on the 11th called the by-election and all persons were informed of his death.*

*The report of his absence was approved 5 times at Full Council and the reports have always been publicly available, and the Kilburn Times reported his absence as well.*

*To make any assertion that I would be able to hide the death of a person for any gain is laughable and preposterous.*

*The number of people involved and kept informed of Tayo's ill health and death, this would have been an impossibility. The list of people involved is as below, and is not an exhaustive list.*

- 1 The Labour Group Exec comprising of myself, Cllr Kabir, Pavey, Thomas, Harrison, Chaudhry*
- 2 The whole Labour Group*
- 3 Brent Council's Cabinet*
- 4 The Labour Group Campaign Forum*
- 5 The Kilburn Labour Party*
- 6 The Chief Executive*
- 7 The Borough Solicitor*
- 8 Head of Member Services*

- 9 *The mayor of Brent*
- 10 *The Conservative group leader*
- 11 *The Lib Dem group leader*
- 12 *The CO of the NHS Brent*
- 13 *Dr Ethie Kong, Chair of Brent CCG*
- 14 *Mary Arnold*
- 15 *Benjamin Ogunro*
- 16 *Michael Adeyeye*
- 17 *XX*
- 18 *Brent North Party members*
- 19 *Brent Central Party Members*
- 20 *Brent Council's previous chief exec Christine Gilbert*
- 21 *Strategic Director and Acting CE Andrew Donald*
- 22 *Phil Porter, Director for Adults and Wellbeing*
- 23 *Benefits staff*
- 24 *Tayo's landlord*
- 25 *Mark Walker and London Labour Region staff*

*These are the people I had direct contact and involvement with in order to keep everyone informed of Tayo's health and situation.*

*I still have messages on my phone between myself and Tayo's family, members of the Labour Party, Cabinet members and others that I will be able to show and email to help with the investigation.'*

- 3.5 At my subsequent interview with Councillor Butt I asked him when he had last had direct contact with Councillor Oladapo.

He told me that he had a message from Councillor Oladapo in January 2016 to say that he was ok, but at the end of January/early February 2016 various attempts were made to contact him but with no success. Councillor Butt said that he had

sent texts to Councillor Oladapo's sister who lives in America on February 16 but had got no response to any of these texts, although he showed me evidence that Councillor Oladapo's sister had read the first couple of texts.

I asked Councillor Butt why he had involved XX in this matter.

Councillor Butt said that he had visited Councillor Oladapo with others last year when he was in hospital. Councillor Oladapo was then discharged in December and looked after at his home by his mother. However, earlier this year Councillor Oladapo's mother had flown back to Nigeria as she was here on a visa that was running out. We did not know whether he was back in the hospital and the hospital would not give us any information as we were not next of kin, even though Councillor Oladapo had given him and Dawn Butler authority to talk with Councillor Oladapo's medical team.

Councillor Butt said that he had been talking to XX about the problems in the Kilburn Ward as a result of Councillor Oladapo's long absence on ill-health at a meeting with her on 2 March. It occurred to him to ask XX if she would go to the hospital where Councillor Oladapo had been treated as the hospital might be willing to give her information about Councillor Oladapo's situation as she is of Nigerian background and would be a 'new face' so far as the hospital was concerned.

Councillor Butt said that he had asked XX if she would mind going to the hospital to see if she would have better luck to find out if Councillor Oladapo was still in hospital receiving treatment or if she would mind giving Councillor Oladapo's sister a call. He said that he told her that if she did not want to contact Councillor Oladapo's sister or go to the hospital it was not an issue, and it was entirely her decision as he did not want to ask her to do anything that she felt uncomfortable with. XX had been amenable to his request and said that she had no problem with either. XX had messaged him that evening to ask for Councillor Oladapo's sister's contact number which he had given her earlier in the day during their meeting. Councillor Butt believes that she had not taken this seriously and had misplaced the details he had given her, and that it was only after she had spoken to Mark Walker that she messaged him to ask for the contact details for Councillor Oladapo's sister in America. She was now taking instructions direct.

I again asked Councillor Butt why he had involved XX at all as she was the Borough Organiser for the Labour Party and not a junior member of the Council's staff as implied in her email and repeated by Philip Grant in his complaint.

Councillor Butt told me that XX was wholly paid for by the Labour

Group although for 'pay and rations' purposes she was formally employed by the London Region. He said that it is interesting that after he made his request of her on 2 March she had no further contact with him about this matter and seemed to be taking her instructions from Mark Walker, the Brent Campaigns Director from the London Region.

I asked Councillor Butt to comment on the claim by XX that on 3 March 2016 she had told him that if, as was suspected, Councillor Oladapo had passed away then people should be told, but that he had told her that he did not want another by-election as there had just been one and it had been a lot of work.

Councillor Butt told me that he was confused by this as he had no contact with XX after their 2 March meeting until the 7 March before the Labour Group meeting. Councillor Butt confirmed that he had said to XX that by-elections are a lot of work and that he did not welcome the prospect of another one, but said that the implication that he was trying to delay the calling of a by-election in Kilburn as it could prejudice his re-election as Leader is total nonsense. The by-election had been held without any delay before the Labour Group AGM and it had made no difference to the outcome of the AGM. Councillor Butt said that this had never been a consideration for him.

Councillor Butt said that it was clear to him that people have used this sad matter for political purposes. It was no accident that XX's email of 8 May was leaked to the media, and that the email also was more widely circulated than its original 8 May distribution to the Labour Group Executive. At 8.35 am on 13 May, the day before the Labour Group AGM, by someone allegedly called George Brown!

Councillor Butt commented on a number of specific points in XX's email of 8 May 2016:

- XX said that on 2 March she had tried to contact Councillor Oladapo's sister but had got no response – that confirmed his account.
- XX says that on 7 March Mark Walker had told her that when he had spoken to Councillor Butt about the death of one of his councillors, and that Councillor Butt had said that he had no idea about this. Mark Walker had phoned him on 7 March. This was his first contact with Mark Walker and what he had told him was that one of his councillors had died and he offered his condolences, but Mark Walker did not say which councillor.

- XX says that she had informed both Mark Walker and Councillor Harrison on 7 March that she was concerned that Councillor Butt may have known that Councillor Oladapo had passed away over a month ago. Councillor Butt told me that it is totally untrue that he had known that Councillor Oladapo had died at the end of January. The first he knew of Councillor Oladapo's death was when Mark Walker had phoned him on 7 March following XX's visit to the hospital on 3 or 4 March.
- XX says that he did not even mention Councillor Oladapo at the Labour Group meeting on 7 March. Councillor Butt told me that he had told the Labour Group Executive about what had been discovered about Councillor Oladapo's situation. XX had been present and he had said that any member of the Executive – including XX- could inform the Labour Group about this at the meeting that was to follow the Executive if they felt that strongly that the Group needed to be informed that Councillor Oladapo may be dead. There was no conclusive evidence that confirmed his death, the only evidence at that time was what XX had been told by a receptionist at the Royal Free Hospital on 3 or 4 March when she had visited the hospital.

Councillor Butt said that neither XX nor any member of the Executive chose to make that announcement.

- Councillor Butt denied that he had asked XX to '*investigate because I believed Councillor Oladapo had been dead for a month*'. He told me that he had only asked her to make enquiries so that Councillor Oladapo's situation could be clarified. It was only when Mark Walker had phoned him on 7 March to tell him that one of his councillors had died that the possibility of Councillor Oladapo's death became a probability.
- XX says that at the end of a GLA Task Force meeting on 8 March Councillor Butt had told her that Councillor Oladapo was not dead and that she had got the details wrong. Councillor Butt told me that it is correct that at the end of that meeting – not during the meeting itself – he told her privately not to keep saying that Councillor Oladapo was dead as at that stage there had been no confirmation, and that until there was confirmation such statements should not be made. XX had not been willing to make a statement about what she believed to have happened to Councillor Oladapo at the Group meeting, but she had been willing to talk about it in that arena.

- XX says that the following day Mark Walker told her that he had not spoken to the Borough Commander to ask that enquiries be made by the police to establish whether Councillor Oladapo was dead. Councillor Butt told me that the fact is that he had never told Mark Walker that he would contact the Borough Commander but that he would ask the Council Chief Executive to do so. That is what happened and Mark Walker did not contact the Borough Commander as XX then claims.
- XX claims that on 2 March Councillor Butt had told her that he believed that Councillor Oladapo had been dead for over a month. Councillor Butt told me that is totally untrue. The first time he had any information about Councillor Oladapo's probable death was on 7 March when Mark Walker phoned him.

3.6 At my interview with XX I asked her to explain the background to have seen the email that she sent to the Labour Group Executive on 8 May 2016 and why she had sent it.

XX told me that she had been leaving her post as Borough Organiser for the Brent Labour Party that day to work on the 'Stronger In' campaign. She had wanted to make the Labour Group Executive members aware of her concerns about what she had regarded as a serious incident involving the Leader of the Councillor, Muhammed Butt in respect of the sad death of former Councillor Oladapo.

I asked XX to explain how she had become involved in the events around the time that Councillor Oladapo's death became known.

XX told me that on 2 March 2016 Councillor Butt had given her Councillor Oladapo's sister's mobile number (she lives in California) and had asked her to make contact with the sister as she had 'blocked' him when he had tried to contact her by phone. Councillor Butt said that if Councillor Oladapo's sister confirmed to her that he had died she should tell no one until she had spoken to him. She had suggested to Councillor Butt that he should ask the Labour Group or the Electoral Services staff for help in contacting Councillor Oladapo's sister but Councillor Butt said that he had trouble with the Labour Group and with the London Regional Officer, Mark Walker. She had then called Mark Walker to tell him what Councillor Butt had said.

I asked XX whether she had been able to make contact with Councillor Oladapo's sister.

XX told me that the first time that she had called it turned out to be the wrong number. She had called again but the sister did not

answer so she had texted the number with no response. XX attended the Executive Committee meeting and Councillor Harrison had told her that Councillor Kabir had said that she had overheard Councillor Butt asking XX to check on Councillor Oladapo's situation. Councillor Harrison had told her that she should carry on with what Councillor Butt had asked her to do.

The next day she had called Councillor Harrison to ask if she knew which hospital Councillor Oladapo had been in and what other information she had about Councillor Oladapo such as his date of birth. Councillor Harrison had told her that it was the Royal Free Hospital in Camden. Councillor Butt had told her that Councillor Oladapo's name was sometimes spelt differently and he wrote down Councillor Oladapo's name, but as it turned out that was the wrong spelling as well.

XX told me that she went to the Royal Free Hospital in Camden on the evening of 4 March 2016 and showed the receptionist Councillor Oladapo's name. He said that the name had been misspelt, but that Councillor Oladapo had passed away on 29 January 2016 and his body was in the morgue.

I asked XX whether Councillor Butt had asked her to go to the hospital, XX told me that Councillor Butt had not asked her to go to the hospital, she had simply used her initiative and took what little information she had and found out very quickly that Councillor Oladapo had died. She had thought it very odd that Councillor Butt had said that Councillor Oladapo's mother had taken him back to Nigeria as she knew that would have been a very expensive thing to do, and that Councillor Oladapo's mother did not have that kind of money.

I asked XX what she had done when she found out on the Friday evening as a result of her visit to the hospital that Councillor Oladapo had passed away.

XX said that she had felt really bad about what she had found out. She had tried to speak to Mark Walker but couldn't get a reply so she texted him on Saturday morning. Mark Walker then told her that he would phone Councillor Butt to let him know that one of his Labour Group members had passed away. She had told Mark Walker that she thought that Councillor Butt would already know. Mark Walker did not phone Councillor Butt on Saturday and texted her on Sunday to ask for Councillor Butt's number again. He asked me to phone Councillor Butt to tell him but she told Mark Walker that she did not feel comfortable with this so Mark Walker then phoned Councillor Butt on Sunday morning to tell him. Mark Walker told her that when he had spoken to Councillor Butt he had said that he had no idea that Councillor Oladapo had passed away – so she was puzzled why Councillor Butt had

asked her to check about Councillor Oladapo's situation at the hospital he had last been in.

I asked her whether she had told anyone else about what she had found out.

XX told me that she had phoned Councillor Harrison on the Friday evening after she had been to the hospital and had told her that she had found out that Councillor Oladapo had passed away.

On Monday, 7 March Councillor Butt told her that he would contact the Chief Executive and the Borough Commander to try to get confirmation that Councillor Oladapo had in fact passed away and that his body was in the morgue at the Royal Free Hospital in Camden. XX said that she had thought it very odd that Councillor Butt had not told the Labour Group meeting on the evening of 7 March that Councillor Oladapo had died, and that at the pre meeting of the Group Executive that day Councillor Butt had said that when Mark Walker had phoned him on Sunday to tell him a member of his Group had died he had asked Mark Walker the name of the councillor as he did not know who Mark Walker was talking about.

XX told me that her biggest concern at the time was that a by-election should be held on the same day as the London Mayor election. Mark Walker had told her that Councillor Butt was going to contact the Borough Commander as there needed to be confirmation of Councillor Oladapo's death before the by-election could be called.

On Tuesday, 8 March 2016 there was a GLA Task Force meeting. At the end of the meeting Councillor Butt had told her that there was no evidence that Councillor Oladapo was dead and that she had got this wrong as a result of her visit to the hospital. She assumes that this is why Councillor Butt had not told the Labour Group the previous evening that Councillor Oladapo had died.

XX said that she was at a Regional Labour Party training day on 10 March at the London Region Office and Mark Walker told her that he understood that Councillor Butt had not told either the Chief Executive or the Borough Commander about Councillor Oladapo's death.

I asked XX whether she had any other any other observations to make.

She told me that on 3 March 2016 at a meeting with Councillor Butt she had told him that if, as was suspected, Councillor Oladapo had passed away then people should be told, but Councillor Butt had said that he did not want another by-election as there had just been

one and it had been a lot of work. Councillor Butt did not say that the by-election result could impact on his re-election as Leader of the Labour Group. Her sole objective was to get the campaign properly organised if the by-election was to be held on the day of the Mayoral election.

XX told me that she was aware that there had been a complaint that Councillor Butt had misled the Council in relation to the report to Full Council on 22 February 2016. She said that it was that report that had set alarm bells ringing for her.

She told me that on reflection she was pretty sure that Councillor Oladapo's sister knew that Councillor Oladapo was dead when she had been trying to contact her, and that is why she was not responding.

Finally, XX said that she needed to make it clear that her email to the Labour Group Executive of 8 May 2016 was solely to put her concerns on the record. She is very upset that her email was leaked as this has damaged her personal reputation. She confirmed that her action was not any part of a conspiracy to embarrass or damage Councillor Butt. The first she knew that her private and confidential email had been leaked was then the media contacted her. In her email of 8 May XX had said:

*'I felt very under-supported throughout this incident and am writing in the hope that systems can be improved so that my successors will not be exposed in the same way.'*

What became clear through my standards investigation is that – contrary to what some of those I interviewed assumed – it was not XX who had complained about Councillor Butt's conduct but Philip Grant. When I advised interviewees of this fact some were seemingly quite surprised.

- 3.7 I interviewed Councillor McLennan, the (now) Deputy Leader of the Council, by telephone. Councillor McLennan told me that on the 21 January 2016 she had been contacted by Mary Arnold, a former councillor, who was in touch with Councillor Oladapo's mother who had wanted to make a complaint about Councillor Oladapo's treatment at the Royal Free Hospital. Councillor McLennan said that there had subsequently been no contact from Councillor Oaladpo's mother but the next week Mary Arnold had told her that Councillor Oladapo's mother was taking him to Nigeria. Councillor McLennan told me that Councillor Butt had been providing support to Councillor Oladapo and his family for a long time. Councillor Oladapo had been an Immigration Service officer and the family breadwinner who had acted as his mother's sponsor so with him gone the mother would have to leave the country. The mother was a deeply religious person and Councillor Oladapo's illness would

have been very distressing for her as it deeply affected his prospects of marriage and having a family. Councillor McLennan said that when she learnt that Councillor Oladapo had died in the Royal Free Hospital she was astonished as she had been convinced along with Mary Arnold, who had been a family friend, that he was in Nigeria. Councillor McLennan told me that she thought the complaint against Councillor Butt to be completely ludicrous and insulting to him as well as Councillor Oladapo and his mother. Councillor Butt had been very conscious of the family's wish for privacy and would not have wanted to disrespect that by lending his name to any announcement about Councillor Oladapo's death that had not been fully substantiated.

- 3.8 When I interviewed Councillor Pavey, the former Deputy Leader of the Council, he said that officers relied too much on trust and good faith and that there was too often insufficient due diligence. The Chief Executive's statement following the discovery of Councillor Oladapo's death had hinted at complications and that all had not been right. Councillor Pavey said that he had not been involved in discussions about this matter even though he had been Deputy Leader of the Council and a member of the Labour Group Executive. Had he been properly involved he may have taken a different view of the matter, for example if he had been told that Councillor Oladapo's mother had taken him back to Nigeria. XX had informed him on 6 March that Councillor Oladapo had died at the Royal Free Hospital on 29 January 2016, so he had gone to the Executive Group meeting on 7 March knowing the background. Councillor Pavey said that at that meeting Councillor Butt had said that he had not known of Councillor Oladapo's death until he had been phoned by the London Region Officer over the weekend, yet XX claims that Councillor Butt had told her that he had known of the death for a month but did not want a by-election. So far as the complaint against Councillor Butt was concerned, Councillor Pavey told me that in March XX had made him aware of everything that was then set out in her email of 8 May. He said that her email was a genuine complaint that had taken a lot of courage to make.

Councillor Pavey then sent me a written submission. I need to make it clear that Councillor Pavey in this submission made a number of criticisms of the process by which member absence was dealt with by the Council. I have included in this report only those of his comments which I considered are relevant to Mr Grant's complaint against the Leader of the Council:

*'I.....feel that the two separate investigations are inextricably linked. If the Council had adequate systems in place it would have been impossible for the allegations of misconduct to be levelled against the Leader of the Council. Instead the absence of adequate systems created a vacuum which enabled serious misconduct to allegedly take place.'*

.....  
*XX made a series of detailed allegations against Cllr Butt in her whistle blowing email of 8th May. I have yet to see an evidence-based rebuttal of these charges from Cllr Butt.*

*As a member of the Labour Group Executive I was one of the original recipients of the whistle blowing email. My reaction was to forward it to the Council Chief Executive and to seek a meeting with the Labour Chief Whip.*

*The Chief Executive replied confidentially to request that the Council be involved in any Labour Party inquiry. The Chief Whip told me "she thought the Group Chair should respond." I thought this was a strange reaction to such serious allegations from such a trusted source. I felt that this was an abdication of her responsibilities.*

*Paragraph removed on 30 September 2016 following confirmation from Cllr Pavey on 28 September 2016 that it was incorrect.*

*8th May was not the first time I had heard these allegations. On 6th March XX confidentially shared exactly the same allegations with me. We had been canvassing together and were walking through Kilburn. Tayo came up in conversation and she told me that some very big news was going to break at Labour Group tomorrow. I was shocked and appalled at what she told me.*

*She said she had met with Cllr Butt on 2nd March to discuss campaigning. She had aired her concerns that Kilburn was not receiving enough campaigning support because there were only two Cllrs there. She told me that Cllr Butt said we may have another problem in Kilburn. When she asked why, Cllr Butt said he believed Tayo had died.*

*XX asked him how long he had known. He said "you don't want to know." She pressed him and he said he had known for over a month. XX asked him why he hadn't acted - and he said he didn't want a by-election.*

*Cllr Butt went on to say that Cllr Oladapo's family had blocked his number and he wanted XX to contact them. She asked him if he had told London Regional Labour Party. He said no because he hated them all. She asked him if he had told Brent Council Electoral Services. He said no because he "didn't trust them." (note from RP: I am not clear why there are references*

to Electoral Services as I do not understand what role they could have played in checking on the health of a Councillor. It may be that Electoral Services is being confused with a different section of the Council but I did not feel that it was essential to my investigation to clarify this).

*XX told me that this made her uncomfortable, so she visited the Royal Free Hospital to try and find out the truth. A receptionist there confirmed that Cllr Oladapo had died in January.*

*I advised XX to report this to London Region as her employer.*

*The next day Cllr Butt briefed the Labour Group Executive. He claimed that the London Regional Labour Party had contacted him to say one of his Cllrs had died. He claimed he was oblivious and asked which Cllr. At this point Cllr Harrison interrupted him to accuse him of not telling the truth. She pointed out that he had asked XX to investigate whether Tayo was dead - so it was misleading for Cllr Butt to pretend he didn't know which Cllr was being discussed.*

*I became very uncomfortable at this point and recommended that the whole matter be handed over to the London Regional Party to investigate. Cllr Butt vehemently objected to this and was supported by the Chief Whip and Group Treasurer. He chose not to brief the Labour Group meeting that evening and, in an outrageous piece of insensitivity, the Chief Whip announced that Tayo had sent his apologies for the meeting.*

*I continued to feel uncomfortable about this process and advised XX to keep Region fully updated. At any moment I could have leaked the allegations - or encouraged XX to leak them, but instead I remained adamant that this should be dealt with through the Party system.*

*XX subsequently tendered her resignation. On 8th May she sent her whistle blowing email to the Group Executive and to the London Regional Labour Party. This repeated the allegations she had shared with me on 6th March.*

*A few days later I received a call from the Evening Standard saying they had a copy of the whistle blowing email. They asked if I believed there should be an investigation and I said yes. Cllr Butt then used this comment by me to claim that I was politically exploiting this issue. He told the Daily Mail:*

*"It is deeply disappointing that the death of a much respected friend and comrade is being used politically by someone challenging me for the leadership of Brent*

*Council this Saturday.'*

*This was a direct personal attack as he only faced one challenger. Me. This was an outrageous, utterly unsubstantiated allegation. The truth is the opposite. I did not publicise XX's allegations despite knowing about them for two months - in fact I now regret the fact that I did not share them with the Chief Executive.*

*Since the whistle blowing email was published, I have heard much indignation from Cllr Butt - together with his political attack on me. But I have seen no reasoned refutation of XX's allegations. In fact when the Evening Standard called me they made clear that their legal department had signed-off the story.*

*I sincerely hope that you get to meet with XX as part of your investigation. In my opinion she is a young woman of considerable integrity. She has absolutely no axe to grind and no grudge to bear. She was new to Brent and had no allegiances or enmities.*

*Unless Cllr Butt is able to provide evidence to refute her allegations, it is his word against hers. I see absolutely no reason to doubt her word.*

*As you and I discussed at our meeting today, I personally believe that the story in the Evening Standard is potentially plausible.*

*It was widely known that Cllr Butt would face a leadership challenge at the 2016 AGM. The result was extremely close showing the importance of every single vote. Kilburn is recognized as the most politically independent ward in Brent with the issue of the South Kilburn regeneration programme causing a particular rift between the local Labour Party and the Leader of the Council. Furthermore I was an influential member in Kilburn for ten years.*

*It is therefore perfectly plausible that Cllr Butt wanted to avoid a by-election in Kilburn in the assumption that the local Party were highly likely to pick a candidate opposed to his leadership.*

*We will never know whether this was Cllr Butt's motivation - but it is a potentially plausible narrative. Certainly I can think of no equivalent narrative to explain why XX would fabricate allegations as serious as the ones she has made.*

*The systems failures and misconduct charges are completely interwoven. Basic systems should have been in place to ensure*

*that medical reports were based on evidence and to guarantee that Cllrs were not given misleading information. If these systems had been in place there would have been no opportunity for alleged misconduct to take place. Instead there was a vacuum where there should have been rules - and this may well have been exploited for political ends.*

*XX XX's allegations are extremely serious. They warrant full investigation. Despite Cllr Butt's cyclical political attacks on me, I remain open-minded. However I also see detailed allegations from a very credible witness - which Cllr Butt has not produced evidence to rebut. I also see a potential motive for Cllr Butt to act in a cynical way - but I can see no reason for XX to act cynically.*

*If it is one person's word against another's, I only see a motive for one of them to lie.'*

- 3.9 In an email to the Monitoring Officer on 27 May 2016 Councillor Harrison said:

*'I was the Group Secretary at the time and XX's line manager. At the pre Group Executive meeting on the 7 March*

*2016 I informed other members of the Executive that XX had been told by a receptionist at the Royal Free Hospital that Tayo Oladapo had died on 29 January 2016. Lack of any supporting evidence of his death was raised. I suggested going to the police as he could be regarded as a missing person.'*

When I interviewed Councillor Harrison she told me that the Borough Organiser is normally supervised by the Chair of the Labour Group but it had been agreed that, because Councillor Harrison had previous experience of supervising Borough Organisers, she would be XX's de facto line manager, and she was in daily contact with her. XX had told Councillor Harrison on 3 March 2016 that Councillor Butt had asked her to try to find out what had happened to Councillor Oladapo but not to tell the London Region about his request. Councillor Harrison said that XX had been very upset about this and had decided that she had to tell both Councillor Harrison and London Region about the request. Councillor Harrison told me that she could not understand why XX had been asked to do this by Councillor Butt, given the resources that were available to him as Leader of the Council. However, she had told XX that the hospital that Councillor Oladapo had been treated in would know when he had been discharged but that when XX asked the receptionist at the hospital when Councillor Oladapo had been discharged she was told that he had died on 29 January 2016 and that his body was still in the morgue. The fact of

Councillor Oladapo's death was reported to the Group Executive by Councillor Butt on 7 March although he said that he had been to the hospital previously and had been told that Councillor Oladapo was no longer there. Councillor Harrison said that the issue for her was why Councillor Butt had made this such a clandestine matter and why he had involved XX. She had subsequently learnt that Councillor Oladapo's mother had been with him when he died on 29 January and had then gone home to Nigeria. His death was not registered as there was no relative available to do so but in that event the hospital normally registers the death.

- 3.10 Councillor Kabir, Chief Whip of the Brent Labour Group, provided me with the following written submission:

*'Tayo kept the details of his illness very private. I understand he told Muhammed he had [redacted] in the early part of 2015. As 2015 progressed, less and less communication came from Tayo.*

*At a Group Executive meeting prior to the Group meeting on 7<sup>th</sup> March 2016 Muhammed told us that XX had been to the hospital and learned that Tayo had died on 29<sup>th</sup> January 2016. This was not, however, confirmed by his family (who were un-contactable) or by a death certificate being issued. We collectively decided not to announce Tayo's death to the Group, until it was confirmed beyond doubt. On 11<sup>th</sup> March 2016 it was confirmed that Tayo had died on 29<sup>th</sup> January 2016 and was still in the morgue. This was the date that his death was made public.*

*At no time did XX mention her concerns to me. It would have been appropriate for her to discuss this issue with her line manager, Cllr. Patricia Harrison. XX's email addressed to the Group Executive, minus Muhammed came to me as a shock. The leak of this email to Wembley Matters and the Evening Standard could only have been instigated by XX, Bobby Thomas, Pat Harrison, Shafique Choudhary, Mike Pavey or myself. This is serious and should be investigated as the leak has brought the Group, Labour Party and Muhammed into disrepute.*

*I do not believe that there are any grounds for XX's complaint. Her accusation that Muhammed wanted to cover up Tayo's death to stop a by-election in Kilburn is far fetched. It is a shame that the premature death of a young Labour Councillor is being investigated by Brent Council and the Labour Party, on quite flimsy grounds.'*

- 3.11 When I interviewed Councillor Kabir she told me that she had not had a great deal of contact with Councillor Oladapo even though

she was Chief Whip for the Labour Group. In the early part of this year the Group Executive did not know what was happening in relation to Councilor Oladapo, except that he was in the Royal Free Hospital in Camden and that he was still ill. Councillor Butt had told her that he had been to see Councillor Oladapo and had been shocked at his appearance. A number of people wanted to go to the hospital to see him but were told that he did not want to see anyone. In February this year Councilor Butt was telling anyone who asked that Councillor Oladapo was still in hospital so far as he knew. Councillor Kabir said that she had been taken aback by the email that XX sent to the Group Executive as she has never mentioned the matter or any concerns to her. Councillor Kabir also told me a former councillor, Mary Arnold, had arranged a gathering in Kilburn on 12 March at which one of the Nigerians present had said that when a child dies prematurely the mother is not involved in the funeral arrangements.

- 3.12 Mary Arnold, a former Labour councillor for the Kilburn Ward, provided me with a copy of her submission to the Labour Party internal investigation. It said:

*'Happy to speak to Mr. Penn also, especially as I was probably the last person associated with the council in contact with Tayo and his mother before she returned to Nigeria w/c Feb 1<sup>st</sup>.*

*I stood down in 2014 but stayed in touch especially when I heard he was not well and needed time to rest and recover from [redacted] around July. He said this made his health worse and by November/December when I eventually saw him in hospital he needed a [redacted]. After this I made a point of contacting other local councillors and community to pass on his messages and update on his progress. Following the [redacted] and at least 5 weeks in ICU he was able to go home in Stonebridge before Xmas with his mother and was making good progress. His mother was critical of his treatment on return to hospital in January with bad stomach pains. Mrs. Oladapo contacted me over w/e Jan 23/24 and we arranged to meet at Royal Free while she was visiting Tayo. She told me that Tayo had been re-admitted to Intensive Care Unit (ICU) sometime in the previous week.*

*I met her at around 4.30 on Monday 25<sup>th</sup> Jan and spoke to Tayo for a while in the general area of ICU where he was on a lot of support.*

*I took his mother back to his flat and we had a long chat, including the possibility of getting a flat move, her disappointment with the hospital treatment and Tayo having to return there, unnecessarily she thought.*

*On Wed 27<sup>th</sup> I visited Tayo again, this time with Ben Ogunro who was councillor with us from 2010 – 14. Tayo was asleep so we didn't speak to him. He had been moved to an individual room, where we briefly saw him. I did offer to help Mrs. Oladapo by joining a meeting with the doctors/registrar but she didn't want my involvement, although they encouraged it.*

*Over the w/e I had missed calls from Mrs. Oladapo while I was away in Dorset. I rang her back on Sunday (31<sup>st</sup>) and she was flustered and brisk telling me not to come to the hospital as Tayo wouldn't be there. She was taking him back to Nigeria early Tues morning. I was very surprised and questioned the wisdom and also the feasibility as Tayo had seemed very vulnerable. She said he had agreed and she asked me not to tell anyone.*

*I rang her back on Monday and again Tues but got no answer. By about Thurs her phone was no longer ringing.*

*I contacted Margaret McLennan who had been trying to contact Mrs. Oladapo to help in any way needed. I warned her it had always been difficult to get info from the hospital especially as Tayo's formal name was not the one we use. She tried through her colleagues over the next week or so but was unable to get information so I asked if she would pass this on to Cllr Muhammed Butt, not wanting to do this myself as she had specifically asked me 'not to tell anyone'.*

*For some time it seemed nobody could contact Mrs. Oladapo as her phone nos were not working and there was no forwarding address. I tried to find out more through Nigerian and other colleagues but with no result.*

*Tayo's death on Jan 29<sup>th</sup> was announced in March. Although shocking that it had taken so long to find out, the date of death did not surprise me. Tayo was very sick that week we visited and we now know he died on the Friday. When his mother rang me that w/e she did not say he had died but that she was taking him back to Nigeria because she was upset with the hospital treatment. In our conversations she had not seemed to accept the causes and nature of his illness. He had [redacted] which was not publically known.*

*I hope this will explain why Tayo's death was not made public at the time and some of the difficulties in contact, during a sensitive time in the Royal Free Intensive Care Unit. I was able to visit him in the ICU as a work colleague but his mother did not encourage visits from others and of course, as next of kin, her preferences were respected by the hospital staff.*

- 3.13 I interviewed Councillor Thomas, Chair of the Labour Group, who told me that the Group had been given an update at every meeting based on what was known at the time. There had been a telephone call on 5 March 2016 to say that Councillor Oladapo's family had taken him back to Nigeria. He had asked Councillor Butt if he knew whether this was correct and he genuinely believed that Councillor Butt at that time thought that Councillor Oladapo was back in Nigeria. Councillor Harrison had then told him that XX had told her that Councillor Oladapo was dead, but there was no evidence for this. Attempts were then made to check the situation through the Registrars and then through the police. Councillor Thomas told me that he does not believe that Councillor Butt had any more knowledge about Councillor Oladapo's situation than anyone else. His belief is that the family concealed the facts about Councillor Oladapo's death and then left the country.
- 3.14 Councillor Janice Long provided me with a copy of an email she had submitted to the Labour Party internal investigation. It said:

*Cllr Muhammad Butt stated 'after December we lost contact with him'. I could comprehend Tayo dying and our not knowing for a few days as there was not daily contact. But not knowing for 5/6 weeks is unfathomable. And the statement was wrong as we had been told that in January that he was getting better although he had had to be readmitted to hospital. So there was still contact after December.*

*When asked the date of death Cllr Bobby Thomas, Chair of the Group said 'we don't know'.*

*And from the floor Cllr Margaret McLennan said 'it is family business'. In my opinion as he was a public representative it is of public interest. There were also mutterings that the question was raised. She is a senior NHS employee and Cllr McLennan visited Tayo when he was in hospital. And she would know how to find things out.*

*I wonder how many people knew that Tayo was dead before the announcement was made by Brent Council. I was told by former [redacted details of former councillor] that whilst she was on a holiday with friends in Scotland that news of the death was announced by Brent Council. [redacted details of former officer] made the comment that he already knew. [Former officer] had kept in touch with former councillors in Brent, eg Mary Arnold. As the death was not registered it can only be though his connections with people in Brent rather than his being a [redacted details of former officer's current office] that made him aware of the death. He should be asked how he was already aware of Tayo's death.*

*I have heard that Tayo`s mother was at his bedside when he died. Why she did not register the death is a question she needs to answer.'*

- 3.15 Mary Daly, a Labour Councillor provided me with the following submission by email:

*'Cllr Butt briefed the group regularly about Tao's progress e.g Tao's [medical details redacted], his discharge from hospital.*

*I recall reports to the Labour Group and full Council from Councillor Butt. I did not feel information was withheld I felt there was a judgment to be made between information we needed to know and respect for Tao's privacy and I felt Cllr. Butt got the balance right.*

*I am a retired nurse who has worked with patients with [redacted] and was aware of the nature of the [redacted] and the medico social complexity of the [redacted]. I felt Cllr. Butt was sensitive to this and was respectful to Tao'*

- 3.16 Councillor Choudhary had been the Labour Group Chief Whip and had also been a member of the Labour Group Executive as its Treasurer. He told me that everyone had been fully aware that Councillor Oladapo had been very ill for a long time, although he was ok until 2014. Councillor Choudhary said that he had dealt with this directly when he was Chief Whip. Councillor Butt had reported regularly to the Labour Group and to the Council that Councillor Oladapo was ill and that his mother was looking after him. Pavitt Hall, from where XX worked as Borough Organiser, became a HQ for Councillor Butt's enemies. Councillor Choudhary's view is that XX got caught up in this and that she should never have allowed herself to have become involved with Councillor Butt's opposition in the Labour Group. When XX found out that Councillor Oladapo had died she preferred to speak to the London Regional Office instead of informing her line manager. Councillor Choudhary told me that he did not believe XX's claim that Councillor Butt knew that Councillor Oladapo was dead. He believes that she was very involved with those who were challenging Councillor Butt for leadership of the Group and her email of 8 May and its many allegations, leaked and widely circulated before the AGM, had played a huge part in their campaign to discredit Councillor Butt.

- 3.17 Councillor Perrin, a Brent Labour Councillor, provided me with the following submission by email:

*'I received my copy of the email in the same way as other Councillors. I have no knowledge of who may have leaked it.*

*However, I have assumed that the email was sent by Ms XX as an employee of the Labour Party, effectively blowing the whistle on something that she as an employee regarded as inappropriate. It seems to me inconceivable that a young woman evidently committed to the Party for which she worked would have lied in an email to her employer, particularly when the entire story it sets out revolves around the activities of a Leader of a Labour run Council. She presumably would hope to have a career in the Party and she could hardly fail to realise that lying about a senior figure in a Labour administration in a whistle blowing email to that Party would be the end of any hopes of such a career.'*

3.18 When I interviewed Councillor Nerva, a Labour Councillor, he told me that he was not happy with the Council's governance arrangements. The Council owes all members a duty of care and they need accurate information from officers on which to make key decisions such as those related to Councillor Oladapo's extended absence. At the Council meeting on 22 February 2016 he had thought nothing of it when the proposal to extend Councillor Oladapo's absence was made as everyone had been aware of the background to the matter. He said that he had only become aware through other councillors at the beginning of March of the concerns that were subsequently put on the record by XX in her email of 8 May. He told me that he had been caught between going to the Labour Party or to the Chief Executive. He had met with the Director of the London Region to raise his concerns about the governance issues and had then met with the Chief Executive to make her aware of his concerns. Councillor Nerva said that he believed that the Council should have asked Councillor Oladapo to provide a letter giving authority for the Council to speak with his medical advisers. Councillor Nerva told me that he found it strange that XX had been the person who had gone to the Royal Free Hospital to establish Councillor Oladapo's situation. He said that it would have been more appropriate for Democratic Services to try to find out, or for a chief executive to chief executive phone call to have been made. Councillor Nerva told me that he was concerned that Councillor Butt had replaced the former Chair of the Standards Committee at the Labour Group AGM on 13 May as by that time it was known from the article that day in the Evening Standard that Councillor Butt was facing an investigation into the matter.

3.19 Councillor Ezeajughi, a Labour Councillor, provided the following written submission by email:

*'I visited Tayo with Muhammed on a few occasions. Sometime in February this year, on a Sunday evening, I went to hospital with Muhammed to visit Tayo. We went to the room number as given but Tayo wasn't there. We looked for him from 10th floor where he was originally admitted. The nurses and doctors*

*continued to direct us from one floor to another. We went to about 4 different floors/departments trying to locate where he has moved to. After all these attempts, (I think it was on level 6 where we met him in December 2015 in the recovery ward), we met a doctor who we asked about Tayo. The doctor admitted that Tayo was (had been) there but he insisted that we had to contact the family despite Cllr Muhammed Butt being nominated as some one who could make enquiries on Tayo's behalf.*

*We tried to get information from Tayo's doctor about his progress and whereabouts but all effort was to no avail. At this stage we didn't get any information. Leaving the hospital with frustration I rang former Cllrs. Ben Ogunro and Mary Arnold who visited him often too. The information we got was it seems that his mum took him back to Nigeria for further treatment.*

*However, this had to be regarded as a rumour because no one was able to confirm any details at all.*

*Muhammed made frantic efforts to contact the family. As I said earlier, as a councillor with Nigerian origin like Tayo, I got involved in contacting Tayo's family in Nigeria as well as his sister who lives in the US to get accurate information and to make sense of what was going on. In addition to this effort and out of frustration, I rallied round to get some Nigerians in Brent to meet with the Leader of the Council to increase the effort in contacting the family in Nigeria. There were no answers from any source despite all the efforts.*

*Coming back to the allegation that Cllr Muhammed Butt knew that Tayo had passed away is a blatant lie by the perpetrators who wanted to create confusion before the group AGM for their own political gain. It is disgraceful that colleagues used someone's death to score political points and it is made worse that they tried to use a colleague and friend in this shameful and despicable manner in order to discredit some one who has worked tirelessly to help some one who was in dire need of help and support.*

*Cllr Muhammed has regularly briefed both the Labour Group and the Full Council meetings on the progress on Tayo's health. In my sincere view, Cllr Muhammed Butt had done all he could do as the Leader of the Council as well as the Leader of the Labour Group to assist Tayo in getting well. He regularly briefed the Labour Group, the Full Council meeting and the officers of the Council appropriately with any information as soon as he was made aware of any change regardless of how small a change it could have been.*

*I sincerely and strongly believe that the Leader of the Council, Cllr Muhammed Butt had hidden absolutely nothing from*

*anyone and has no questions to answer about the date/time Tayo's died. Cllr Butt has no case to answer and he should be exonerated from this hated allegation against him as I find it sickening.'*

#### **4. My findings**

4.1 I have been asked to make findings on the following:

1. whether or not Councillor Butt was acting in an official capacity and whether the alleged conduct was capable of falling within the scope of the Members' Code of Conduct.
2. whether or not Councillor Butt breached the requirements or obligations of the Members' Code of Conduct. If so, specify which paragraphs of the Code you find have been breached.
3. If applicable, the action that you recommend the Council should take in response to any finding of breach.

4.2 *'whether or not Councillor Butt was acting in an official capacity and whether the alleged conduct was capable of falling within the scope of the Members' Code of Conduct.'*

Members of Brent Council are required to comply with the Code of Conduct whenever s/he is:

- 1 (a) conducting the business of the Council (which includes the business of the office to which s/he is elected or appointed)
- (b) acting, claiming to act, or giving the impression that s/he is acting as a representative of the Council, and references to their official capacity are construed accordingly
2. where s/he acts as a representative of the Council –
  - (a) on another authority s/he must, when acting for that other authority, comply with that other authority's Code of Conduct, or
  - (b) on another body s/he must, when acting for that other body, comply with this Code, except and insofar as it conflicts with any other lawful obligation to which that other body may be subject

It is clear that in asking XX, the Labour Party Borough Organiser, to try to establish the whereabouts of Councillor Oladapo, Councillor Butt was acting in an official capacity in line with his appointed role as Leader of the Council and Leader of the Labour Group. He was not in an employment relationship with XX who was an employee of the London Region Labour Party, and he was not her de facto line manager. However, his request to XX was not a request about a personal or private matter but directly concerned the management of the political group of which he is the elected leader.

**4.3 My finding therefore is that Councillor Butt had been required to comply with the Code of Conduct in relation to his actions in this matter.**

**4.4** *'whether or not Councillor Butt breached the requirements or obligations of the Members' Code of Conduct. If so, specify which paragraphs of the Code you find have been breached.'*

The complainant, Philip Grant, alleged that Councillor Butt's actions apparently misled the Council and his fellow councillors over the death of Councillor Oladapo, and that if true, this represented breaches of the general conduct principles of honesty, integrity, openness and leadership.

#### *'Honesty'*

The Code of Conduct requires that councillors should be truthful in their Council work and avoid creating situations where their honesty may be called into question.

#### *'Integrity'*

The Code of Conduct requires that councillors should not place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

#### *'Openness'*

The Code of Conduct requires that councillors should be as open as possible about their actions and those of the authority, and should be prepared to give reasons for those actions.

#### *'Leadership'*

The Code of Conduct requires that councillors should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

4.5 The root of Philip Grant's complaint against Councillor Butt lies in the comment in XX's email that Councillor Butt apparently misled both Brent Council and Labour Party staff regarding his knowledge of Councillor Oladapo's death. However, Mr Grant provided no supporting evidence to support his complaint so I have relied on what was contained in XX's email of 8 May 2016, what she told me in my interview with her, Councillor Butt's written response to her email and what he told me in my interview with him. I have also taken full account of what other witnesses told me in my interviews with them and in the written submissions that I received, although much of it is contradictory and personal opinion rather than 'evidence'. In addition, I have revisited the material that I gathered in my review of the events leading up to the meeting of Full Council on 22 February 2016 and in particular my conclusion that that these were very difficult and unusual circumstances – a young councillor but seriously ill and hospitalised, living on his own with no partner and no family members living in the UK and who were seemingly unresponsive to requests for information and uncommunicative about their relative's situation. It was my view following that review that no further or better information could reasonably have been obtained by the Council about former Councillor Oladapo's situation before the Council meeting in February 2016.

Although it is Philip Grant who has complained about Councillor Butt's alleged breach of the Members Code of Conduct it was also appropriate for me to consider a number of the related allegations that XX set out in her email of 8 May 2016:

- i. *'that Cllr Butt appears to have misled the Council regarding his knowledge of TO's death..... TO's death may well have been covered-up by Cllr Butt..... On 2 March Cllr Butt told me that he believed TO was dead, and that he had been dead for a month..... Cllr Butt said that TO's mother had taken him back to Nigeria.'*

Councillor Butt told me that he had lost contact with Councillor Oladapo in early January 2016. He said that he had contacted former councillors including Mary Arnold, and they had told him that Councillor Oladapo's mother was caring for him and did not want anyone else to visit her son.

He was not able to contact Councillor Oladapo's mother and his sister did not return his messages.

He made hospital visits with Councillor Ernest but could not find him, and he had considered it is possible that he had been discharged, and Mary Arnold and Benjamin Ogunro thought that Councillor Oladapo's mother might have taken

him back with her to Nigeria.

Councillor Butt said that on 2 March 2016 he had asked XX to go to the hospital to enquire about Councillor Oladapo. He contends that he did not know that Councillor Oladapo had died at the end of January 2016 until Mark Walker told him on 7 March 2016, and that he did not say to XX that he believed that Councillor Oladapo had been dead for a month.

However, there is evidence from my investigation that Councillor Butt and others had speculated that Councillor Oladapo might be dead or that he might have been taken back to Nigeria by his mother to die. Councillor Butt did tell XX that he believed Councillor Oladapo might be dead but this appears to have been simply expressing an unsubstantiated possibility. This is very different from *knowing* that someone had died, and it is clear that Councillor Butt was not prepared to acknowledge this as a fact even after XX had spoken to a receptionist at the hospital who had told her that Councillor Oladapo had died.

My conclusion is that there is no evidence to support the allegation that Councillor Butt *knew* that Councillor Oladapo had died before he was advised of this by Mark Walker on 7 March 2016 following XX's visit to the hospital on 4 March.

- ii. *'Cllr Butt urged me not to tell London Region if Tayo's sister confirmed her brother had passed away.'*

Councillor Harrison confirmed that XX had told her on 3 March 2016 that Councillor Butt had asked her to try to find out what had happened to Councillor Oladapo but not to tell the London Region about his request. However, that is somewhat different to what XX claims Councillor Butt had said to her and, given the apparent animosity between Councillor Butt and the London Region, it is likely that he did tell XX not to tell London Region about his request to her to find out if Councillor Oladapo was still in hospital receiving treatment. In my view this has no significance in relation to the complaint.

- iii. *'Cllr Butt told me that he did not want a by-election to take place in Kilburn. However, Cllr Butt did **not** say that the by-election result could impact on his re-election as Leader of the Labour Group.'*

Councillor Butt has acknowledged that he did say that he did not welcome the prospect of another by-election because they are a lot of work, but denied the implication that he tried to delay the by-election to avoid prejudicing his re-election as

Leader at the Labour Group AGM on 13 May 2016. As Councillor Butt pointed out to me the by-election had been held without any delay before the Labour Group AGM, and it had made no difference to the outcome of the AGM. He said that this had never been a consideration for him.

My conclusion is that both accounts of this discussion between XX and Councillor Butt are very similar in substance, and I do not see any significance in the comment Councillor Butt acknowledges he made.

- iv. *'On 7 March, I had a conversation with Mark and he said that Cllr Butt said he had no idea of TO's death and said so to others'*

Councillor Butt has maintained that he did not know of Councillor Oladapo's death until Mark Walker phoned him on 7 March 2016 following XX's visit to the hospital on 4 March 2016, and that he had been shocked by what Mark Walter told him. He then spoke to the Chief Executive immediately following Mark Walker's call to him, At that point there was no confirmation of the death, and it was only on 10 March 2016 that the Borough Commander confirmed the death to the Chief Executive. There is no record of the conversation that took place between Councillor Butt and Mark Walker on 7 March 2016, but given that Councillor Butt has maintained that he did not know of the death until then it is understandable that he would have told Mark Walker that he was shocked at the news.

- v. *'On 7 March, Cllr Butt did not even mention TO at the Brent Labour Group meeting'*

Councillor Butt told me that he had informed the Labour Group Executive on 7 March 2016 about what had been discovered by XX about Councillor Oladapo's situation. XX had been present at this meeting and he had said that any member of the Executive – including XX- could inform the Labour Group about this at the Group meeting that was to follow the Executive if they felt strongly that the Group needed to be informed that Councillor Oladapo may be dead. He was not prepared to make any such statement until Councillor Oladapo's death had been confirmed, and at that time there was no conclusive evidence that confirmed his death, the only evidence was what XX had been told by a receptionist at the Royal Free Hospital on 4 March when she had visited the hospital.

I also note that two other Labour councillors, knew before Councillor Butt was told by Mark Walker of Councillor Oladapo's death the outcome of XX's visit to the hospital, and that she had discovered that Councillor Oladapo was dead.

Councillor Butt told me that they had all been in agreement that no announcement should be made at the Labour Group meeting and that neither XX nor any member of the Group Executive then chose to make an announcement.

- vi. *'On 8 March, Cllr Butt mentioned that Tayo was not dead and that I had got the details wrong.'*

Councillor Butt told me that it is correct that at the end of a GLA Task Force meeting on 8 March – not during the meeting itself – he had told XX privately not to keep saying that Councillor Oladapo was dead as at that stage there had been no confirmation, and that until there was confirmation such statements should not be made.

I consider that Councillor Butt's conduct was entirely appropriate as there was no confirmation of Councillor Oladapo's death at that point and he was advising XX to stop making claims that could not be justified.

- vii. *'I find it extremely inappropriate that Cllr Butt involved myself in investigating TO's death'*

It is clear that Councillor Butt did meet XX on 2 March, and that they did discuss Tayo Oladapo. No one else was present during this meeting or privy to the discussion and their accounts of the discussion differ. Councillor Butt told me that he had asked XX if she would mind going to the hospital to see if she would have better luck to find out if Councillor Oladapo was still in hospital receiving treatment or if she would mind giving Councillor Oladapo's sister a call. Councillor Butt said that he had told XX that if she did not want to contact Councillor Oladapo's sister or go to the hospital it was not an issue, and it was entirely her decision as he did not want to ask her to do anything that she felt uncomfortable with. He said that XX had been amenable to his request and said that she had no problem with either. Although XX says in her email of 8 May 2016 that she felt *'extraordinarily uncomfortable'* at the thought of calling Councillor Oladapo's sister out of the blue, she apparently attempted to do so at least twice and also texted Councillor Oladapo's sister when she got no response. It is also

interesting that, although Councillor Butt said that he had suggested to XX that she visit the hospital, XX told me that he had not asked her to do this and that she had used her own initiative.

XX said in her email of 8 May 2016 that following the meeting with Councillor Butt on 2 March 2016 she had reported her concerns to Mark Walker and Councillor Harrison at a meeting in Pavitt Hall. Mark Walker told her to speak to Councillor Oladapo's sister and that:

*'anything the sister tells (her) is the gospel'.*

Councillor Harrison had told her that she should carry on with what Councillor Butt had asked her to do. It appears that XX now was following Mark Walker's instructions rather than Councillor Butt's. XX confirmed that she had tried to contact Councillor Oladapo's sister several times but got no response. Even though she said in her email of 8 May 2016 that she found it extremely inappropriate that Councillor Butt had involved her in investigating Councillor Oladapo's death, she appears nevertheless to have made a number of attempts to contact Councillor Oladapo's sister and visited the hospital on her own initiative. The fact is that although Councillor Butt was not her line manager, XX's employment was funded by the members of the political group of which he was the Leader. The request was made in the course of a meeting between the two of them when Councillor Oladapo's circumstances were discussed, and Councillor Butt's request to her related the role she was playing in supporting the Labour Group and did not somehow 'come out of the blue'.

My conclusion is therefore that Councillor Butt's request to XX was reasonable.

- 4.6 In his written comments on my draft report Philip Grant has set out his reasons why he considers that Councillor Butt has breached the requirements of the Members Code of Conduct in respect of 'honesty', 'integrity', 'openness' and 'leadership'. He did not provide any new or additional evidence in support of his complaint but pointed to some of the details of the evidence that I collected through my investigation as supporting his contention that Councillor Butt had breached the Code. I have given his submission careful consideration but have found no reason to vary my finding **that there is no evidence to support Philip Grant's complaint that Councillor Butt has breached the requirements or obligations of the London Borough of Brent's Members Code of Conduct in respect of 'honesty', 'integrity', 'openness' and 'leadership'.**

- 4.7 *'If applicable, the action that you recommend the Council should take in response to any finding of breach.'*

**As I have found no breach of the London Borough of Brent's Members Code of Conduct I have no recommendation to make about any action that the Council should take.**

- 4.8 On 6 July 2016 John Stolliday, the Head of the Labour Party Constitutional Unit, wrote to Councillor Butt to inform him that the Labour Party's investigation to determine the facts around the death of Councillor Oladapo and how the Labour Party and Brent Council had been notified his death had concluded. Councillor Butt was informed by Mr Stolliday that the investigation had found no evidence that he had been aware with any certainty on or before March 2 2016 that Councillor Oladapo had died. Mr Stolliday said that the details of the conversation between Councillor Butt and XX are disputed, but no one else was present during their meeting or privy to the content of the conversation. Given this, and given that no other evidence has been presented, it was impossible to prove XX's allegations were true beyond doubt, although there is no reason to believe that she doubted the truth of her allegations. The Labour Party had therefore decided that no further action would be taken in this matter and that there is no further case to answer.

**Richard Penn**

**Independent Investigator**