



## Standards Committee

22 September 2016

### Report from the Chief Legal Officer

For Action

Wards Affected:  
ALL

## Consideration of Members' Code of Conduct Complaint

### 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**