

ASSEMBLY

21 November 2018

Title: Report of a Decision of the Standards (Hearing) Sub-Committee	
Report of the Chief Executive	
Open Report	For Decision
Wards Affected: None	Key Decision: No
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Accountable Officer: Fiona Taylor, Monitoring Officer and Director of Law and Governance	
Summary: <p>The Localism Act 2011 governs the Council's ethical framework. That Act requires all relevant authorities to establish a Councillors' Code of Conduct.</p> <p>In accordance with the Council's Procedure for Making Complaints, a Standards (Hearing) Sub-Committee was held on 28 September 2018 to consider a complaint alleging a breach of the Councillors' Code of Conduct made against Councillor Butt.</p> <p>The Sub-Committee concluded that breaches of the Code of Conduct had been proven and agreed two sanctions, one being that the findings of the Sub-Committee be reported to the Assembly for information and the other relating to training for Councillor Butt in respect of Code of Conduct matters.</p>	
Recommendation(s) <p>The Assembly is recommended to note the decision of the Standards (Hearing) Sub-Committee held on 28 September 2018.</p>	

1. Introduction and Background

- 1.1 On 9 May 2018, a Complaint was made that there was a breach of the Councillors Code of Conduct to the Monitoring Officer. It was alleged that Councillor Butt had failed to register a disclosable pecuniary interest (DPI) relating to her ownership of a property at 42 Strathfield Gardens, Barking. Furthermore, the Leader of the Council had also received a letter on 20 April 2018 alleging the same and he had immediately notified the Monitoring Officer on the same day.
- 1.2 An investigatory report was prepared on behalf of the Monitoring Officer and this concluded that the weight of evidence supported the conclusion that there may have been breaches of the Councillors' Code of Conduct. This was specifically in relation to the Standard of Conduct set out paragraph 5.1 clause (vi) of the Code,

which obliges Members to “register as required and declare any disclosable pecuniary interest and include any other interests as set out in this Code”. During the investigation, Councillor Butt wrote to the Monitoring Officer and admitted her breaches and apologised.

1.3 As there was sufficient evidence to sustain a belief of three instances of breaches of the Code, the matter was referred to the Standards (Hearing) Sub-Committee. The Sub-Committee sat on Friday 28 September 2018 to determine whether the evidence supported the Complaint that Councillor Butt had contravened the Councillors’ Code of Conduct.

1.4 The Members of the Sub-Committee were Councillor Simon Bremner (appointed Chair of the meeting), Councillors Akwaboah and Dulwich. The Sub-Committee were advised by Suzan Yildiz (Legal Services) and Michael Carpenter, the statutory Independent Person under the Localism Act 2011. The findings of the investigation were presented by the presenting officer, Dr Paul Feild (Legal Services). Councillor Butt was present as the respondent.

2. The Hearing

2.1 The Sub-Committee heard from the presenting officer that there were three breaches of the Councillors’ Code of Conduct, due to three instances of failure to register disclosable pecuniary interests in respect of interests in two properties, which Councillor Butt admitted in her letter accompanying the report. The breaches were that Councillor Butt had failed to:

- Register both her interest and husband’s interest as owners of 42 Strathfield Gardens, Barking, when it was acquired on 2 October 2015 as a DPI;
- Register her husband’s interest upon becoming the sole owner of 42 Strathfield Gardens, Barking from 27 November 2017 as a DPI; and
- Register her husband’s interest as the sole owner of 102 St. Awdry’s Road, Barking from 14 September 2017 as a DPI.

2.2 The Presenting Officer confirmed that there was no evidence of conflict of interest arising as a result of Councillor Butt’s failure to disclose the above interests whilst acting in her previous position as Cabinet Member for Enforcement and Community Safety (previously Crime and Enforcement) which included responsibility for the Private Landlord Licensing Scheme.

2.3 Councillor Butt was invited to present her case to the Sub-Committee and admitted she had breached the Councillors’ Code of Conduct and apologised for not registering the property interests as DPI’s. She stated that she did not realise that she was required to update her DPI’s on an on-going basis. She omitted one declaration and omitted the second property as a DPI and confirmed that she had always known of her husband’s interest in 102 St. Awdry’s Road.

3. Decision of the Hearing Sub-Committee

- 3.1 The Sub-Committee deliberated in private with the Independent Person and the Legal Adviser to the panel. The Sub-Committee agreed the following in respect of the key matters contained in the Monitoring Officer's report to the Sub-Committee:
- 3.2 The Sub-Committee considered whether Councillor Butt had disclosable pecuniary interests in the two properties and whether her actions constituted a breach of the Code of Conduct as set out in the key matters contained in the report:

Key Matter 1: Did Councillor Butt have Disclosable Pecuniary Interests that under the Council's Code of Conduct needed to be registered and did her Spouse also have Disclosable Pecuniary Interests that she as a Councillor needed to have registered?

Key Matter 2: If it is proven that Councillor Butt should have registered her Disclosable Pecuniary Interests and did not, contrary to the Code of Conduct, then if the Sub-Committee finds her behaviour did constitute a breach of the Code, what sanction, if any, should be imposed? It is important that the sub-committee find the matter proven or not and then deal with the sanction, if any.

The Sub-Committee was satisfied that Councillor Butt's actions breached the Code of Conduct in that she had failed to disclose pecuniary interests in respect of 42 Strathfield Gardens and 102 St. Awdry's Road on all three instances in the report (Key Matter 1).

- 3.3 Having concluded that breaches of the Code of Conduct had been proven, the Sub-Committee retired again to determine the appropriate sanctions (Key Matter 2). The Chair delivered the Sub-Committee decision as follows:

The Sub-Committee concluded that failure to register disclosable pecuniary interests on three occasions amounted to a serious breach of the Code of Conduct and noted that misleading statements had been made to the Monitoring Officer and the Leader of the Council in respect of Councillor Butt's knowledge of her husband's interest in 102 St. Awdry's Road during a meeting on 26 April 2018.

- 3.4 The Sub-Committee decided the following sanctions should be imposed, in line with paragraph 8.1 of the Complaints Procedure:

Sanction b – that the findings of the Sub-Committee be reported to the Assembly for information.

In coming to this view, the Sub-Committee observed that the matter had been in the public domain and reported in the local press. To ensure confidence in local democracy, transparency and high standards of member conduct, it was deemed necessary to report the matter to a meeting of the Assembly. The Sub-Committee noted that Councillor Butt had apologised for failing to register disclosable pecuniary interests and suggested that reporting the findings to the Assembly would be an opportunity for her to offer a further apology.

Sanction f – that the Monitoring Officer be instructed to arrange training for the Member in relation to Code of Conduct matters and noted Councillor Butt's request for further training.

The Sub-Committee observed in deliberations that all Members should at all times uphold high standards of conduct and expected that Cabinet members in particular should be fully conversant with the requirements of the Code of Conduct. The willingness of the Member to undertake further training was noted.

- 3.5 Formal notice of the decision was hand delivered to Councillor Butt on 9 October 2018.

Public Background Papers Used in the Preparation of the Report: None

List of Appendices: None