

INVESTIGATION REPORT

Report of an investigation under the Members' Code of Conduct Complaints Procedure by Sue Chadwick, Principal Planning and Licensing Solicitor appointed by Daniel Fenwick Monitoring Officer for the London Borough of Waltham Forest ('the Council')

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2) Introduction

- a) The investigation follows an allegation by Councillor Peter Barnett about the Conduct of Councillor Afzal Akram. Councillor Barnett is Chair of the Council's Planning Committee ('the planning committee') and Councillor Akram, at the time of these events, was the Chief Whip of the Labour Group of the Council, from which office he has been suspended pending the outcome of the matter.
- b) The complaint (Appendix di) was received by an email from Councillor Barnett to Daniel Fenwick on 21st September 2012.
- c) The complainant alleged:
 - i) That Councillor Akram spoke to Councillor Bellamy, a Labour Councillor and member of the planning committee, about a future planning application for education centre/mosque at 274 Higham Hill Road ('the Higham Hill application'), specifically warning her that she should support the application or face deselection, and advising her to stand down from the meeting and let him take her place;
 - ii) That Councillor Akram spoke to Councillor Bellamy about the application for a change of use to a mosque at 94 Chingford Mount ('the Chingford Mount

- application') due for consideration at the planning committee meeting on 12th September and told her that she should support it;
- iii) That, at the planning committee meeting on 12th September during consideration of the Chingford Mount application, Councillor Akram made eye contact with Councillor Bellamy and Councillor Vincent and was '*nodding emphatically*' at them;
 - iv) That, at the planning committee meeting on 12th September during consideration of an application for a change of use to a mosque at the Colegrave Arms ('the Colegrave Arms application') Councillor Akram sent a text to Councillor Bellamy at 21.10pm that read "*I hope you are going to support this one*"; and
 - v) That on 19th September Councillor Ebony Vincent had a telephone conversation with 'Shah' the owner of the Star of India restaurant in Leytonstone, and that during that conversation Shah told Councillor Vincent that Councillor Akram had told him that '*a deal*' had been reached with Councillor Barnett over the determination of the Colegrave Arms application.
- d) The Code (appendix Dii) states at paragraph 3.6 : "Political party whipping can be seen as a form of lobbying and is inappropriate in Planning Committee meetings. Lobbying by councillors should be dealt with in the same way as other lobbying."

3) Evidence

a) Interview with Councillor Peter Barnett

- i) I interviewed Councillor Barnett on Monday 15th October at 3pm in the presence of Dee Williams, legal secretary. I explained my role as the investigating officer appointed by the Monitoring Officer to investigate his complaint. I also confirmed that I was not present at the meeting on 12th September. I confirmed that at that point in the investigation I had the following material:
 - (1) A copy of the complaint sent by email on 21st September
 - (2) A copy of the text sent to Councillor Bellamy
- ii) Councillor Barnett confirmed that he was the Chair of the Planning Committee and present at the meeting on 12th September. Councillor Barnett said that the complaint could be summarised as that Councillor Akram "*has tried to influence the outcome of a planning meeting and has done this through bullying*"
- iii) In terms of detailed concerns, the first one was that Councillor Bellamy told him '*at some point between 4th and 12th September*' that Councillor Akram spoke to her about a future planning application for an education centre/mosque at 274 Higham Hill Road. Councillor Akram allegedly told Councillor Bellamy that she should support the application or she could face deselection at the next election, and that she could stand down from that meeting and let him take her place if she were uncomfortable.
- iv) Also at some point between 4th and 12th September Councillor Akram allegedly spoke to Councillor Bellamy and told her that she should support the Chingford

Mount application. Councillor Barnett advised Councillor Bellamy to talk to Councillor Chris Robbins, Leader of the Council about these concerns.

- v) The next matter of concern was what happened at the Committee on 12th September. Councillor Barnett was concerned that Councillor Akram was present for the whole committee meeting. The first item was the Chingford Mount application. Councillor Barnett recalled that the atmosphere *“was hostile”* and believed that there were gestures from the public gallery directed towards Councillor Vincent and Councillor Bellamy. Councillor Barnett recalled that Councillor Akram sat in the first row of seats behind the main rows of curved seating and would have had a direct view of Councillor Vincent and Councillor Bellamy. Councillor Barnett also recalled Councillor Akram *‘nodding emphatically’* towards Councillors Vincent and Bellamy during the hearing of the application. The next application was the Colegrave Arms application. Councillor Barnett was not aware of any issues at the time.
 - vi) Between 13th and 21st September Councillor Barnett was approached by Councillor Bellamy who was upset and advised him that at 21.10 pm on 12th September she had received a text from Councillor Akram as follows *“I hope you are going to support this one”*.
 - vii) On the same day, Councillor Barnett met Councillor Vincent who advised him that she had also received a text during the meeting from Shah Ahmed, the owner of the *“Star of India”* restaurant in Leytonstone (*‘Mr Ahmed’*) saying, *“Hello! We should get this app?”*. At 21.31 she received another text from Mr Ahmed saying *“thanks”*. Councillor Vincent also advised Councillor Barnett that on 19th September, Mr Ahmed rang her and asked her to thank Councillor Barnett in relation to the Colegrave Arms application. Mr Ahmed allegedly told Councillor Vincent that Councillor Akram said that *“a deal”* was done with Councillor Barnett in relation to the application
 - viii) Councillor Barnett expressed his concern in relation to both matters and spoke to Councillor Robbins on 19th or 20th September advising him that he would lodge a complaint about these matters.
 - ix) Councillor Barnett went to see Daniel Fenwick with Councillor Bellamy on 20th September and told him about the issues and showed him a copy of the text received by Councillor Bellamy. On 21st September he submitted the complaint which is the subject of this investigation.
 - x) Councillor Barnett advised me that I should also interview Councillor Jenny Gray.
- b) Interview: Councillor Ebony Vincent
- i) I interviewed Councillor Vincent at 1pm on Tuesday 16th October in the presence of Dee Williams, Legal Secretary. I explained my role as the investigating officer appointed by the Monitoring Officer to investigate a complaint made by Councillor Barnett. I also confirmed that I was not present at the meeting on 12th

September. I confirmed that at that point in the investigation I had the following material:

- (1) A copy of the complaint sent by email on 21st September
 - (2) A copy of the text sent to Councillor Bellamy
- ii) I also summarised the complaint as set out by Councillor Barnett: that Councillor Akram *“has tried to influence the outcome of a planning meeting and has done this through bullying”*. Councillor Vincent confirmed that she was a member of the Council’s Planning Committee and present at the meeting on 12th September.
 - iii) Councillor Vincent confirmed that Councillor Akram was also at the meeting. She thought that he sat *“on the back bench, straight seating to the left, near Councillor Farooq Qureshi”*. There was a clear line of vision between them but Councillor Vincent was not aware of any looks or behaviour directed towards her in particular.
 - iv) Councillor Vincent remembered the Chingford Mount application as being *“quite daunting”* and *“intimidating”* because there were a lot of people there, the chamber was much fuller than normal and she was aware of being watched. She voted against the application. Once the application was decided, one group of members of the public left the chamber and another group arrived. She recalled that this is when Mr Ahmed came into the room and sat close to Councillor Akram.
 - v) The Colegrave Arms application was then heard and a number of items were discussed, in particular traffic and parking. At 20.29 Councillor Vincent felt her phone buzz and she opened up to find a text from Mr Ahmed which said *“Hello! We should get this app?”*. She showed the text to Councillor Bellamy who was sitting next to her but did not reply to it. At 21.31 Councillor Vincent received another text from Mr Ahmed which said *“Thanks!”* and again she did not reply.
 - vi) At this point in the interview, Councillor Vincent produced a screenshot of the two prints and I took a copy of it for my records.
 - vii) Councillor Vincent was aware that Councillor Bellamy had also received a text. She could not remember the exact time but was sure that it was during the discussion of the previous application.
 - viii) On the next day, (13th September) Councillor Vincent received a telephone call from Mr Ahmed. Her best recollection of the conversation was that *“he was boasting that Afzal Akram had done a deal with PB. I denied this. I did not believe this and said that this is not how the committee works He said ‘yes, yes it is, a deal was done’.”* Councillor Vincent came to the view that she must share the contents of this conversation with Councillor Barnett because *“I knew that he (taken to mean Mr Shah) would talk about the committee to anyone who would listen.”* She spoke to Councillor Barnett about her concerns on the 13th or 14th September.
 - ix) Councillor Vincent recommended interviewing Mr Ahmed.

c) Interview: Joanna West

- i) I interviewed Ms West at 3.30 on Tuesday 16th October. I explained my role as the investigating officer appointed by the Monitoring Officer to investigate a complaint made by Councillor Barnett. I advised her that I needed to ask some questions about the meeting of the Planning Committee on 12th September and confirmed that I was not present at the meeting. I confirmed that at that point in the investigation I had the following material:
 - (1) A copy of the complaint sent by email on 21st September
 - (2) A copy of the text sent to Councillor Bellamy
- ii) Ms West had brought with her the notes she made during the committee meeting. She confirmed that she attended the Committee in her role as the Council's planning solicitor. She also confirmed that the following items were discussed:
 - (1) Application 2012/0200 94 Chingford Mount Road. This was heard between approximately 7.30 and 8.30pm. Ms West remembered a "heated" atmosphere. All the speakers were "passionate" and points were cheered when made by speakers. The room was packed.
 - (2) After this application was determined, the room was cleared and a new group of people came in who were interested in the next application.
 - (3) Application 2012/0028 the Colegrave Public House. This was heard between approximately 8.30 and 9.30 pm. The atmosphere was "much calmer" and Ms West remembered a range of issues being discussed including traffic and noise.
- iii) Ms West remembered that Councillor Akram attended the meeting and her best recollection was that he sat "in the row of straight seats designated for visiting members". She thought that Councillor Darshan Singh Sunger may have sat near him. She had no memory of Councillor Akram looking at or gesturing towards Councillor Vincent or Councillor Bellamy but agreed that there was a clear line of vision between him and them.
- iv) Ms West did remember Councillor Bellamy showing Councillor Vincent something on her phone during the discussion of the Colegrave Arms application but was not otherwise aware of any mobile communications being made or received.

d) Interview: Oliver Craxton

- i) I interviewed Mr Craxton at 12 noon on 18th October. I explained my role as the investigating officer appointed by the Monitoring Officer to investigate a complaint made by Councillor Barnett. I advised him that I needed to ask some questions about the meeting of the Planning Sub Committee on 12th September and confirmed that I was not present at the meeting. I confirmed that at that point in the investigation I had the following material:
 - (1) A copy of the complaint sent by email on 21st September

- (2) A copy of the text sent to Councillor Bellamy
- (3) A copy of two texts sent to Councillor Vincent
- ii) Mr Craxton confirmed that he was present at the meeting in his role as Committee Services Team Leader. He had brought with him a notebook with his handwritten record of the main proceedings. He referred to that record and confirmed the chronology of events as follows:
 - (1) The meeting started at 7.35
 - (2) There was a five minute introduction period
 - (3) The first item (Application 2012/0200 94 Chingford Mount Road) was heard at 7.40
 - (4) At 8.25 the room was cleared to allow people out
 - (5) The second item (Application 2012/0028 Colegrave Arms public house) was heard at 8.30
 - (6) The room was again cleared at 9.25 and there was a 5 minute break
- iii) Mr Craxton did not think that the atmosphere was "*particularly oppressive*", compared with some other recent applications but he did agree that the room was "*very full*" with members of the public "*backed up against the wall.*" He also remembered that members of the public were "*upset*" after the first item was decided
- iv) Mr Craxton remembered that the atmosphere for the second application was much better: he was approached by some attendees who shook his hand and thanked him for granting the application.
- v) Councillor Akram was sitting "*slightly to the left on one of the rows of curved seats*" He was near Councillors Mill, Moss, Qureshi, Buckmaster, J Hemsted and possibly Sunger, Mr Craxton had no memory of any gestures or other behaviour from Councillor Akram to Councillors Bellamy or Vincent but agreed there was a clear line of vision between them. Mr Craxton had no knowledge of any texts being sent or received by anyone.
- e) Interview: Councillor Karen Bellamy
 - i) I interviewed Councillor Karen Bellamy at 5pm on Thursday 25th October. I explained my role as the investigating officer appointed to investigate a complaint about Councillor Akram and confirmed that I was not present at the meeting on 12th September but that Ms West was present as the planning solicitor.
 - ii) I confirmed that at that point in the investigation I had the following material:
 - (1) A copy of the complaint sent by email on 21st September
 - (2) A copy of the text sent to Councillor Bellamy
 - (3) A copy of two texts sent to Councillor Vincent
 - iii) Councillor Bellamy confirmed that she had been a member of the Planning Committee since June 2012. I summarised the complaint made by Councillor Barnett – that Councillor Akram "*has tried to influence the outcome of a planning*

meeting and has done this through bullying". Councillor Bellamy confirmed that she was aware of the complaint.

- iv) In terms of the issues raised in the complaint which involved her:
- (1) Councillor Bellamy had no memory of Councillor Akram talking to her about the Higham Hill Application.
 - (2) Councillor Bellamy did remember Councillor Akram speaking to her about Chingford Mount Road mosque. She could not be specific about the date but believed it to be after a Labour Group meeting in early September. It was an *"off the cuff remark as we came out of the meeting."* She remembered that they were in the car park and Councillor Akram asked what her thoughts were on the Chingford Mosque application. Councillor Bellamy recalled saying that there was a recommendation to refuse and Councillor Akram asked for her opinion. Councillor Bellamy recalled saying that she agreed with the recommendation and that Councillor Akram then said that she needed to think about that as she was *"being watched."* Cllr Bellamy also remembered him saying that it would be *"in her best interest to support it"*.
 - (3) In terms of the Committee meeting on 12th September:
 - (a) Councillor Bellamy remembered the Chingford Mount application; that it had a recommendation to refuse with many grounds quoted. She remembered lots of objections being made and representations put forward by Councillors Mill and Buckmaster. She voted against it.
 - (b) Councillor Bellamy thought that Councillor Akram was sitting *"in the corner of the back row near the gallery"* and confirmed that he there was a clear line of vision between him, and herself and Councillor Vincent but was unaware of any specific behaviour directed towards her from him
 - (c) Councillor Bellamy checked her phone during the discussions on the Colegrave Arms application and saw that at 21.10 she had received a text from Councillor Akram which read, *"I hope you are going to support this one"*.
 - (d) Councillor Bellamy showed the text to Councillor Vincent and asked is she had received anything from Councillor Akram. Councillor Vincent said no but Councillor Bellamy was aware that Councillor Vincent had received a text from "Shah" from the Star of India.
 - (4) Councillor Bellamy spoke to Councillor Barnett about the text she received *'that night in the corridor after the meeting'* She went with Councillor Barnett to see Councillor Robbins *'soon afterwards'* and warned him that a complaint would be submitted. She remembered going to see Daniel Fenwick, again with Councillor Barnett. A photograph was taken of the text in question and sent to Daniel Fenwick. She was aware that Councillor Barnett subsequently submitted a complaint.

(5) Because I was unable to have a third party present at this meeting I sent a copy of the text of the interview to Councillor Bellamy at 17.55pm on 25th October. On 29th October I received an email from Councillor Bellamy that read *'there are a few things that need more clarification so will put these right and then send back to you in the next day or so'*. I have not received any further communications from Councillor Bellamy about the text of the interview.

f) Interview – Councillor Jenny Gray

- i) I interviewed Councillor Jenny Gray at 3pm on Monday 29th October. I explained my role as the investigating officer appointed to investigate a complaint about Councillor Akram and confirmed that I was not present at the meeting on 12th September but that Ms West had been present as the planning solicitor.
- ii) I asked Councillor Gray what she remembered about the meeting. Councillor Gray said that she was aware of the complaint about Councillor Akram and that it concerned the committee meeting on the 12th. She was also aware that *"pressure had been put on Councillor Vincent and Councillor Bellamy"* but was not specific about this.
- iii) Councillor Gray confirmed that Councillor Akram was at the meeting on 12th September, and that he *"sat on the straight seats at the back of the room"*. She was not sure exactly where but she thought *"towards the middle slightly to the right of Councillor Barnett's line of vision"*.
- iv) She remembered the Chingford Mount application and that one group of people left after it and another came in to discuss the Colegrave Arms application.
- v) It was a long meeting and there were lots of members of the public there. There were lots of speakers including councillors.
- vi) Councillor Gray confirmed that no one had contacted her in any way including texts. She was not aware of any councillors receiving texts during the meeting

g) Interview: Mr Shah Ahmed

- i) I interviewed Mr Ahmed on 9th November. A note taker, Dee Williams was present. I explained my role as the investigating officer appointed to investigate a complaint about Councillor Akram and confirmed that I was not present at the meeting on 12th September but that Ms West was present as the planning solicitor.
- ii) Mr Ahmed confirmed that he was the owner of the Star of India and that he was at the planning committee on 12th September. He arrived at the start of the meeting but had to wait while the first item was decided.
- iii) Mr Ahmed confirmed that he sat at the back of the room with the general public. He remembered that Councillor Akram sat next to Councillor Qureshi to the rear of the curved seating slightly right of the line of view of Councillor Barnett
- iv) Mr Ahmed saw no gestures or other behaviour directed by Councillor Akram towards Councillors Vincent and Bellamy. Mr Ahmed remembered sending texts

to Councillor Vincent. I showed him a copy of the text referred to at 3 a) vi) above and said *'do you recognise these as your texts'*. Mr Ahmed said *'Yes, I can confirm that they are mine'*

He confirmed that he received no response and that Councillor Vincent had subsequently explained that she could not reply because she was on the planning committee.

- v) Mr Ahmed remembered ringing Councillor Vincent at least once the next day, and discussing a number of issues including the planning committee. However, he did not remember asserting that Councillor Akram had *"done a deal"* with Councillor Barnett, stating, *"I don't remember saying that. I hardly ever talk to Pete Barnett as he never comes to my event. I would not comment on whether or not a deal was made as I hardly know him."*
- vi) I confirmed that my draft report was due to be completed by 3rd December and that a public hearing would be mid-end January. The report would be publicly available as an appendix to the report before the actual hearing.
- h) Interview: Councillor Afzal Akram
 - i) I interviewed Councillor Akram at 6pm on Tuesday 13th November. Megan Bridge attended as a note taker. I explained my role as the investigating officer appointed by the Monitoring Officer to investigate a complaint made by Councillor Barnett. I advised him that I needed to ask some questions about the meeting of the Planning Committee on 12th September and confirmed that I was not present at the meeting. I gave him a copy of the complaint sent by email on 21st September
 - ii) Councillor Akram confirmed that he was elected as Labour Group Chief Whip but was currently suspended pending the outcome of this investigation.
 - iii) In relation to the specific allegations Councillor Akram commented as follows:
 - (1) That he did speak to Councillor Bellamy about the mosque at 274 Higham Hill in the members' room on 12th September immediately before the planning committee. His recollection of the conversation was as follows: *"Cllr Bellamy spoke to me in members room on 12th September prior to the planning committee. During the conversation she asked me what the local Muslim community would think if she didn't support it. She also told me that she and Cllr Hammond had complained about the premises being used for a mosque and it had been issued with an enforcement notice and as a result the mosque people have told enforcement officers that they will be making a planning application . She went on to say she would oppose the application as the proposed mosque is in the wrong place. As far as she knew on the 12th September that application had not been submitted. I said that some Muslims would not care and some would vote against her but the bigger issue was that it was near to where she lived and she had already complained about it so she could be seen as having already made her mind up on the*

issue and also having a possible personal conflict of interest – so it might be better for her not to be on the committee hearing it and that I would take her off that committee for this application hearing. I believe she misunderstood me and took this to mean that I was threatening deselection – I have never threatened deselection and it is not in my power anyway”

- (2) That he also spoke to Councillor Bellamy about the Chingford Mount Road mosque application in the course of a general conversation about how busy it was with people for the committee. Councillor Akram asked her if she had made up her mind and what she planned to do about the two mosques and another application on the agenda which was the reason he was attending the committee. She said that she hadn't made up her mind but was minded to go with officer recommendations.
- iv) That he was at the planning committee on 12th September from the start of the meeting until an application about a temporary basketball facility was heard, but that he did not engage in any eye contact with or gesticulations towards either Councillor Bellamy or Councillor Vincent. He confirmed that he sat on the first row of the straight seats behind the curved seats on the end of the row. Councillor Qureshi, Councillor Sunger and two others sat with him; from memory he thought they were Hale End councillors. He was effectively “*side on*” to Councillor Bellamy and Councillor Vincent and they would have had to turn their heads to see him.
- v) I showed Councillor Akram the image of the text supplied as part of the original complaint.
- vi) Councillor Akram confirmed that he did send a text to Councillor Bellamy at 21.10 during the hearing of the application relating to the Colegrave Arms. He stated that it was a “*tongue in cheek*” reference to the earlier conversation and her stated intention to approve the officer recommendation. The text was not intended to be threatening. He realised that it was a mistake and stated that he would never do something like that again.
- vii) Councillor Akram denied telling Mr Ahmed that there had been “*a deal*” between him and Councillor Barnett about the Colegrave Arms application. He did remember talking to Mr Ahmed about the premises at some time previously but only when the premises were being used as a mosque without planning permission, about which there were enforcement issues. At the time Councillor Akram advised Mr Ahmed that they should cease such use; he remembered Mr Ahmed saying that this was unhelpful. Councillor Akram stated that he had had no other involvement with the premises or the people who ran it.
- viii) Councillor Akram also made a number of other comments about the complaint generally which can be read in the detailed note of the interview attached.

4) Summary of facts

- a) Non disputed:

- i) The Planning Committee was on 12th September. Councillors Barnett, Vincent, Bellamy, and Gray were present throughout;
 - ii) Councillor Akram was able to see Councillors Bellamy and Vincent for the whole of the meeting;
 - iii) The Chingford Mount mosque application was refused;
 - iv) The Colegrave Arms mosque application was approved;
 - v) At 21.10 during the hearing of the Colegrave Arms mosque application, Councillor Bellamy received a text from Councillor Akram which read, *"I hope you are going to support this one"*. The text was seen by Councillor Bellamy and Councillor Vincent during the determination of the item.
 - vi) On 13th September 2012 there was a telephone conversation between Mr Ahmed and Councillor Vincent
- b) Disputed:
- i) Councillor Barnett states that there was a conversation between Councillor Bellamy and Councillor Akram about the Higham Hill application between 4th and 12th September, Councillor Akram states that it took place on 12th September in the Members' Room immediately before the Committee. Councillor Bellamy has no recollection of any such conversation.
 - ii) Councillor Barnett states that Councillor Akram told Councillor Bellamy that she would be deselected if she did not stand down from the committee considering the Higham Hill application. Councillor Akram remembers a conversation with Councillor Bellamy in the *members room on 12th September, which is set out in detail at paragraph h) iii) (1) above. He remembered that he said "it might be better for her not to be on the committee' hearing the item because of a potential conflict of interest but added 'I have never threatened deselection and it is not in my power anyway'* Councillor Bellamy has no recollection of any such conversation.
 - iii) Councillor Barnett states that Councillor Akram told Councillor Bellamy that she should support the application for the Chingford Mount application. Councillor Bellamy remembers a conversation between her and Councillor Akram where Councillor Akram asked her how she was going to vote, told her to think about it and told her that it would be in her best interests to support it. Councillor Akram denies that the conversation took place.
 - iv) Councillor Barnett asserted that Councillor Akram made eye contact with Councillor Bellamy and Councillor Vincent during consideration of the Chingford Road Mosque application but this is not verified by any other party.
 - v) There are a number of different statements relating to where Councillor Akram sat during the Planning Committee meeting .
 - vi) Councillor Vincent remembers a conversation with Mr Ahmed when Mr Ahmed referred to a *'deal'* made between Councillor Akram and Councillor Barnett

relating to the Colegrave Arms application. Mr Ahmed remembers the conversation but denies saying this.