

**THE ASSESSMENT SUB-COMMITTEE OF THE GREATER LONDON  
AUTHORITY'S STANDARDS COMMITTEE MEETING OF 16<sup>TH</sup>  
DECEMBER 2008**

## **DECISION NOTICE**

### **GLA Case Reference: Nov-03/08**

#### **Complaint**

On 16<sup>th</sup> December 2008, the Assessment Sub-Committee of the GLA's Standards Committee convened in private and considered a complaint from Mr Richard Barnbrook (Assembly Member) concerning the alleged conduct of Mr John Biggs (Assembly Member).

Set out below is a brief and general summary of the complaint:

The Complainant alleged that, at the "Healthcare for London: A Framework for Action" meeting in Committee Room 4 on 20<sup>th</sup> November 2008, he put a question to the Panel concerning BCG vaccinations, and an outbreak of tuberculosis in the London Borough of Barking and Dagenham.

The Complainant alleged that, after he informed the meeting that it was the council of Barking and Dagenham which was telling parents vaccinations were not necessary, John Biggs implied to the Panel that the Complainant was working to a political agenda on the matter. The Complainant alleged that he asked John Biggs "*what are you referring to?*" and that John Biggs then looked at him and said in a raised voice – "*you are a Nazi.*"

The Complainant alleged that he twice asked John Biggs for an apology, but that John Biggs refused to provide one. The Complainant alleged that he left the meeting distressed and felt particularly aggrieved and insulted because senior government officials, GLA catering staff and other GLA officers attended the meeting. The meeting was not, however, open to the public. The Complainant considered he had been the victim of disrespectful, aggressive and unprofessional behaviour, defamation of character and said he was mindful that John Biggs' behaviour occurred only 5 days after the Chair of the London Assembly sent a letter to all Assembly Members concerning standards of conduct.

#### **Decision**

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Assessment Sub-Committee decided that no action should be taken on the allegation.

## **Reasons for decision**

In accordance with its terms of reference, the Assessment Sub-Committee carefully considered the email dated 20<sup>th</sup> November 2008 comprising the Complainant's complaint; the GLA's Code of Conduct; and the letter from the Chair of the Assembly to all Assembly Members dated 14<sup>th</sup> November 2008. The Assessment Sub-Committee also carefully considered relevant extracts from the Standards Board for England's ("SBE") *Code of Conduct Guide for Members*; and the SBE's *Case Review Digests 2007 and 2008*.

The Assessment Sub-Committee proceeded on the basis that, for the purposes of its assessment, it would accept at face value that, at the named meeting and in the circumstances set out by the Complainant, John Biggs did look at the Complainant and say in a raised voice – "*you are a Nazi*," and that he refused to apologise for this.

Assessing matters in those circumstances and that context, the Assessment Sub-Committee considered whether John Biggs' comment, and failure to apologise for it, was a breach of paragraph 3(1) of the Code – *You must treat others with respect*. Whilst the Sub-Committee considered that this conduct did come close to breaching Paragraph 3(1) of the Code, it decided that, in all the circumstances, it did fall short of a breach.

In reaching this decision, the Assessment Sub-Committee had regard to:

- extracts from the SBE's *Code of Conduct Guide for Members* dealing with paragraph 3(1) of the Code, which were as follows:

*"Criticism of ideas and opinion is part of democratic debate, and does not in itself amount to bullying or failing to treat someone with respect.... Ideas and policies may be robustly criticised, but individuals should not be subject to unreasonable or excessive attack. This particularly applies to dealing with the public and officers;"* and

- the general distinction drawn in the *SBE Case Review 2007* between comment aimed at the expression of an idea or argument; and comment which is aimed at the person and their personal characteristics.

Having had regard to this general guidance, the Assessment Sub-Committee took the view that Mr Biggs' comment was a political, throwaway, comment and not personal criticism.

Its reasons for this were that the comment was not made aggressively, but only in a raised voice, and was made at the end of a political exchange of words, on a political issue, within both Members' areas of political responsibility – Mr Barnbrook being a Councillor in the London Borough of Barking and Dagenham, and Mr Biggs being the constituency Assembly Member for that area. Strictly in this context, the Assessment Sub-Committee also considered that the comment, in itself, could reasonably be construed as a reference to political party, rather than a comment with other possible connotations. Given this conclusion, the Assessment Sub-Committee considered that John Biggs' failure to apologise did not constitute a breach of the Code either.

The Assessment Sub-Committee did, however, make it very clear that its decision in this case was based strictly on the facts and circumstances of this complaint. The Assessment Sub-Committee also made it clear that use of that word in a different manner and context, and in different circumstances, could amount to a breach of the Code.

Although the Complainant did not specifically raise an allegation of bullying, the Assessment Sub-Committee proceeded to consider whether there was a breach of Paragraph 3(2)(b) – *“You must not bully any person.”*

In considering this, the Assessment Sub-Committee had particular regard to the following extract from the SBE’s *Code of Conduct Guide for Members* dealing with paragraph 3(2)(b) of the Code:

*“Bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour directed at a weaker person or person over whom you have some actual or perceived influence.”*

Having had regard to this general guidance, and in view of its reasoning in this Decision Notice above, the Assessment Sub-Committee took the view that Mr Biggs’ political comment to another Assembly Member did not, in the circumstances, amount to bullying or, therefore, a breach of Paragraph 3(2)(b) of the Code.

Accordingly, the Assessment Sub-Committee decided that the complaint did not merit further action.

### **Right of review**

The Complainant has right to ask for this decision to be reviewed, by writing to the GLA’s Monitoring Officer, Fiona Ledden, within 30 days from the date of this notice, and explaining in detail on what grounds the decision should be reviewed.

If a request for a review is received, this will be dealt with by the Review Sub-Committee of the GLA’s Standards Committee within a maximum of three months of receipt.

Any Review Sub-Committee will be comprised of individuals who were not involved in the original decision, and the Review Sub-Committee can review and change a decision not to refer an allegation for investigation or other action. If there is a request for a review, all the parties mentioned above will be notified in writing of the outcome.

### **Confidentiality and publication**

Taking into account the fact that the Complainant did not request, when asked, that his identity and a summary of his complaint be kept confidential, and taking into account the public interest and whether any such disclosure would prejudice any investigation, the Assessment Sub-Committee decided that these details should be provided to John Biggs.

Accordingly, this Decision Notice has been sent to the Complainant, John Biggs and will be published by the GLA for a period of 6 years starting from 16<sup>th</sup> December 2008.

**Signed** Claer Lloyd-Jones

**Date** 23<sup>rd</sup> December 2008

**Chair of the Assessment Sub-Committee**

**Signed** Fiona Ledden

**Date** 23<sup>rd</sup> December 2008

**The GLA's Monitoring Officer**