

**THE GREATER LONDON AUTHORITY'S
ETHICAL STANDARDS REGIME**

**MONITORING OFFICER DECISION NOTICE:
NO ACTION**

GLA Case Reference: September 02/15

Decision

To take No Action on the complaint.

Complaint

Below is a general and brief summary of the Complainant's complaint

The Complainant is Dr Lynn Brady. The elected member complained about is Boris Johnson, the Mayor of London.

The Complainant's complaint was contained in one email and a letter - one addressed to the GLA's email address for those wishing to make a complaint about a GLA Member, sent on 18 September 2015, and a further letter sent in reply to a letter from the Monitoring Officer, dated 29 September 2015.

The Complainant alleged that, during Mayor's Question Time on 16 September 2015, the Mayor "publicly insulted the taxi-drivers when, in response to a valid question from Caroline Pidgeon, he accused taxi-driver[s] of being Luddites who did not want to embrace new technology".

The Complainant felt that such a statement, made by the Mayor of London when acting in an official capacity, was "clearly said to provoke a reaction from the many taxi-drivers who were present" and therefore contrary to the GLA's Code of Conduct.

In support of her complaint, the Complainant stated that: "This [the statement above] was said with a smile on his face and was clearly said to provoke a reaction from the many taxi-drivers who were present. He did not make any attempt to back up this statement with evidence of any kind. What made the situation worse was that when the taxi-drivers verbally responded, the Chair decided to stop the meeting and stated he was going to 'clear these people out', again implying that the taxi-drivers were at fault - not Boris Johnson" and "This sequence of events can still be viewed on the internet and is insulting to London's professional taxi-drivers who are all self-employed but strictly governed by Transport for London".

The Complainant confirmed that she wished the matter to be treated as a formal complaint under the GLA's Code of Conduct.

Procedure

The approved procedure under which complaints are to be considered is as follows:

“Initial assessment of your complaint

The Monitoring Officer will conduct an initial assessment of all complaints on a case-by-case basis and, in doing this, will also take into account relevant guidance and advice (and may seek the views of an Independent Person appointed by the GLA for such purposes).

The Monitoring Officer will also take into account any relevant criteria and factors that, over the course of time, the GLA’s Standards Committee had previously taken into account when assessing complaints.

In light of the absence of formal sanctions available to the Monitoring Officer to apply in the event of a formal breach of the Code, the Greater London Authority expects this complaints process to be proportionate to the issues raised and the expected outcomes.

The Monitoring Officer will therefore take into account the wider public interest and the cost to the public purse of undertaking any investigation into alleged breaches of the Code. Complaints are, therefore, only likely to be taken forward for investigation where the allegations are objectively and reasonably considered to be serious matters.

Whilst every complaint will be judged on its particular merits, it is possible that, for example, a complaint by one Member of the Authority against another that only alleges a lack of due respect will not be considered to be a matter where an investigation would be appropriate nor in the wider public interest.

Similarly, a suggestion that an elected Member who has exercised his or her right to voice a legitimate opinion has brought their office and/or the Authority into disrepute by so doing is likely not to be taken forward for further consideration. As an additional example, the failure of an elected Member to respond to correspondence or to choose to terminate correspondence with an individual would also be unlikely in and of itself to be investigated.

After conducting an initial assessment of your complaint, the Monitoring Officer will do one of the following:

- (a) decide that no action should be taken on your complaint (and inform you of this decision and the related reasons); or
- (b) pass your complaint to the Monitoring Officer of a different authority, if he/she considers that that is a more appropriate way of dealing with your complaint; or
- (c) decide that he/she is minded to investigate your complaint, subject to representations of the member you have complained about (who may seek the views of an independent person appointed by the GLA for such purposes); or
- (d) decide to investigate your complaint (and inform you of this decision and the related reasons).

Considering what information should be provided after initial assessment

After the Monitoring Officer has assessed your complaint, he/she will then decide whether a written summary of your complaint should be provided to the Member complained about; whether your identity should be provided to that Member (if this has not already happened). When taking these decisions, the Monitoring Officer must consider whether providing these or any details would be against the public interest or would undermine a person's ability to investigate your complaint (as this may be necessary at a later stage).

How are you told about the Monitoring Officer's decision?

The Monitoring Officer will write to you and the Member you are complaining about following the initial assessment to inform them of the outcome. A decision not to investigate a complaint (along with summary details of the complaint) will then be published on the GLA's website.

A decision of 'no action' is the end of the GLA process

Where the Monitoring Officer has decided that no action should be taken on your complaint, there is no ability to ask the GLA for a review of the Monitoring Officer's decision, which is final. In these circumstances, you may be able to complain to the Local Government Ombudsman (PO Box 4771, Coventry CV4 0EH; Telephone: 0300 061 0614; Fax: 024 7682 0001).

Reasons for decision

The Monitoring Officer carefully considered the following:

- the Complainant's complaint correspondence dated 18 and 29 September 2015;
- guidance and decisions made in relation to relevant, previous complaints made about the Mayor's conduct (see below);
- footage of the Mayor's Question Time meeting on 16 September 2015; and
- the following paragraphs of the GLA's Code of Conduct for Members:
"3. — (1) You must treat others with respect.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute."

The Monitoring Officer noted also that the former Standards Committee of the Greater London Authority took account of the following official guidance issued by Standards for England (the former statutory regulatory body for complaints about the conduct of elected politicians in England):

"Extracts of SFE Code of Conduct Guide for Members 2007

You must treat others with respect.

In politics, rival groupings are common, either in formal political parties or more informal alliances. It is expected that each will campaign for their ideas, and they may also seek to discredit the policies and actions of their opponents. 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 personal attack. This particularly applies to dealing with the public and officers. Chairs of meetings are expected to apply the rules of debate and procedure rules or standing orders to prevent abusive or disorderly conduct. Whilst it is acknowledged that some members of the public can make unreasonable demands on members, members should, as far as possible, treat the public courteously and with consideration. Rude and offensive behaviour lowers the public's expectations and confidence in its elected representatives."

Extracts of SFE Case Review 2007

"Note: paragraph 3(1) [of the Code of Conduct - you must treat others with respect] is not intended to stand in the way of lively debate in local authorities. Such discussion is a crucial part of the democratic process. Differences of opinion and the defence of those opinions through members' arguments and public debate are an essential part of the cut and thrust of political life.

A very clear line has to be drawn between the Code of Conduct's requirement of respect for others, including members of the authority with opposing views, and the freedom to disagree with the views and opinions of others. In a democracy, members of public bodies should be able to express disagreement publicly with each other. A rule of thumb is expressed in this comparison:

- *"You're talking drivell" is likely to be an acceptable expression of disagreement.*
- *Calling someone a "useless, fat, dim-witted, ugly four-eyed git", on the other hand, is more likely to be a failure to comply with paragraph 3(1).*

We can see that the first comment is aimed at the expression of an idea or argument. The second is aimed at the person and their personal characteristics."

Having regard to decisions of the former Standards Committee of the Greater London Authority, and the guidance issued by the former Standards for England regulatory body, the Monitoring Officer considers that "disrepute" can be characterised as conduct which, viewed objectively, is sufficient to damage or reduce the public's confidence in the member or member's generally being able to fulfil their role, or the authority being able to fulfil its functions and duties.

Having considered the Mayor's conduct with regards to the above, the Monitoring Officer is of the view that:

- (a) Noting, as per the guidance quoted above, that members of the public are entitled to be treated with courtesy and consideration by elected politicians, even if those members of the public are themselves acting in an unreasonable manner, the reference to "Luddites in the room" made by the Mayor in the Mayor's Question Time meeting on 16 September, in the context of what was already clearly a volatile atmosphere in the public gallery, could be said to be less than fully courteous;

However -

- (b) As noted in the same guidance referenced above, elected politicians are to be challenged and scrutinised for their actions, decisions and policies but are, crucially, themselves entitled robustly to explain and defend their positions – and that is, in

fact, the essential purpose of the Greater London Authority's Mayor's Question Time process. The Standards for England guidance (quoted above) also makes it clear that elected politicians have "the freedom to disagree with the views and opinions of others." Disagreement and challenge, even when conducted in a forthright and passionate manner, or indeed in tones that one may personally disapprove of, are therefore a proper part of the democratic process. This is the context within which the Mayor was speaking; and

- (c) Whilst the term "Luddite" may be an expression that has negative connotations, it cannot, in the view of the Monitoring Officer, reasonably be described as foul or personally abusive language. The Oxford English Dictionary definition of the word is simply "One who opposes the introduction of new technology, esp[ecially] into a place of work". In the view of the Monitoring Officer, this cannot reasonably be regarded, by any normal modern standards, as unacceptably rude or insulting. As such, it cannot be deemed sufficient to damage or reduce the public's confidence in the Mayor generally being able to fulfil his role, or the Authority being able to fulfil its functions and duties. Use of the term alone (as in this case) is therefore not sufficient to amount to a formal breach of the Code of Conduct.

For the reasons set out in (b) and (c) above, the Monitoring Officer has decided that there is no potential breach of the GLA's Code of Conduct that warrants formal investigation, and has therefore decided to take No Action on the complaint.

Confidentiality and publication

The Complainant, Dr Lynn Brady, confirmed that her identity and a summary of her complaint could be provided to Mr Johnson and made available on the Authority's web site; in also taking into account the public interest and the general requirement to be transparent, the GLA's Monitoring Officer decided that these details should be provided to Mr Johnson and should also be published.

This Decision Notice has been sent to the Complainant and to Mr Johnson on 10 November 2015

Right to appeal

There is no right to appeal to the GLA against this decision.

Signed: Ed Williams, GLA Monitoring Officer
Date: 10 November 2015