THE GREATER LONDON AUTHORITY
ETHICAL STANDARDS REGIME

MONITORING OFFICER DECISION NOTICE

FINDING OF NO FAILURE

GLA Case Reference: 01/2023

Complaint

1. The previous Monitoring Officer received a complaint from Assembly Member Rogers ("Complainant") about public statements made by the Mayor of London ("the Mayor") with regard to a consultation which ran between 20 May 2022 and 29 July 2022 on proposals which included the expansion of the Ultra Low Emissions Zone ("ULEZ") ("the ULEZ Consultation").

2. After consulting with one of the GLA's Independent Persons, I decided that some of the matters raised in the complaint justified an investigation and that the following allegations should be the focus of an investigation:

   "(a) the Mayor made "false and dishonest" statements to the London Assembly in relation to his knowledge about the ULEZ Consultation at Mayor's Question Time on 13 October 2022 and at a plenary meeting on 17 November 2022;

   (b) the Mayor made "misleading" statements about the ULEZ Consultation and his knowledge about it at Mayor's Question Time on 13 October 2022, People's Question Time on 2 November 2022, Mayor's Question Time on 17 November 2022 and a plenary meeting of the London Assembly on 17 November 2022;"

3. I also decided that the following matter would not form part of this investigation:

   "*the Mayor's senior staff "improperly used GLA resources to interfere with the [ULEZ Consultation] process to skew the results in the Mayor's favour, most likely under the Mayor's instruction." Two instances of alleged interference by officials were cited*."

4. The Complainant alleged that the Mayor had breached the Authority's Code of Conduct for GLA Members[1] ("the Code") and the complaint was considered against the following provisions of the Code:

   (a) paragraph 1(4): "Honesty: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.";

   (b) paragraph 5: "You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute".

Procedure

5. The approved procedure under which complaints are to be considered about a GLA Member's conduct is set out in the Guidance on Making a Complaint About a GLA Member's Conduct ("the Complaints Guidance") which can be found online here[2].

6. I have considered the Complaint in accordance with the Complaints Guidance.

Informal Resolution

7. I decided that the Complaint was not suitable for informal resolution under stage 2 of the complaints process having taken into account:

   - the Code;
   - the Complaints Guidance; and
   - the letter of response from the Mayor dated 31 March 2023 to the previous Monitoring Officer's correspondence to him on 13 February 2023.

8. In doing so I carefully took into account all of the circumstances, the need for proportionality when dealing with complaints, the wider public interest and the costs associated with investigations. I considered that the allegations justified carrying out an investigation in accordance with Stage 4 of the Complaints Guidance.

[1] https://www.london.gov.uk/media/96442/download?attachment

[2] https://www.london.gov.uk/media/101492/download?attachment

Investigation

9. I appointed Mr Matt Lewin of Cornerstone Barristers (a self-employed barrister with a specialism in local government law and an experienced investigator of complaints against local authority members) to investigate the complaint.

10. The Investigator's recommendation is that the Mayor has not breached the Code, and I agree with that recommendation for the reasons set out in the Investigator's report.

Decision

This is a finding of no failure.

11. There **has not been a breach** by the Mayor of the Code of Conduct.

Concluding remarks

12. In accordance with section 28(7) of the Localism Act 2011, I have sought and taken into account the views of one of the Independent Persons appointed by the Greater London Authority for the purposes of section 28. Her comments are attached at Appendix A.

13. This Decision Notice and the Investigator's report will be sent to the Complainant and the Mayor and will available on the Authority's website.

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

Signed:

Rory McKenna
GLA Monitoring Officer
25 January 2024

Appendix A: Statement from the Independent Person

I am one of the Independent Persons appointed by the Greater London Authority.

I was instructed by Rory McKenna, the Greater London Authority's Monitoring Officer, on 10 August 2023 in respect of this complaint bought by Assembly Member Rogers against the Mayor.

I provided views to the Monitoring Officer on the initial assessment of the complaint (in accordance with stage 3 of the complaints process) recommending that this matter be investigated in accordance with stage 4 of the complaints process.

I have received a copy of the complaint, a copy of the Mayor's response and the associated investigation report.

The complaints process describes the role of the Independent Person.

4.5 The role of the independent person(s), in law, is:

- *To give views, which must be taken into account, to the Monitoring Officer before he/she makes a decision on an allegation that he/she has decided to investigate.*
- *To give views, if requested by the Monitoring Officer, on any other allegation that has been received; and*
- *To give views to any member, or co-opted member, of the authority if that person's behaviour is the subject of an allegation.*

This statement provides my views to the Monitoring Officer before he takes his decision on the complaint which has now been investigated as set out above.

Having considered all of the material, I have come to the independent conclusion that I agree with the Investigator's report that there has not been a breach of the Code of Conduct by the Mayor.

Suzanne McCarthy
24 January 2024