

THE GREATER LONDON AUTHORITY
ETHICAL STANDARDS REGIME

MONITORING OFFICER DECISION NOTICE

FINDING OF NO FAILURE

GLA Case Reference: 08/2023

Complaint

1. I received 34 valid complaints from members of the public about comments made by the Mayor of London (“the Mayor”) during People’s Question Time on 2 March 2023.
2. After consulting with one of the GLA’s Independent Persons, I decided that the matters raised in the complaint justified an investigation and that the following comments allegedly made by the Mayor during that event should be the focus of this investigation:

“What I find unacceptable is some of those with legitimate objections joining hands with someone outside part of a far-right group, who are ... some of those outside ... some of those outside ... let's be frank, let's call a spade a spade. Some of those outside are part of the far-right, some are COVID deniers, some are vaccine deniers and some are Tories.”

“Some of you have good reasons to oppose ULEZ, but you are in coalition with COVID deniers, you are in coalition, you may not like it... you may not like it. You may not like it. You may not like it. You are in coalition with the far right and you are in coalition with vaccine deniers as well.”

“In relation to, first I am really sorry about your wife's ill-health. I am glad to see you are doing better. By the way there are far-right people outside. They were outside. If you, you should be careful who you campaign with.”

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

(a) the merits of the ULEZ expansion policy, including whether the policy itself or anything said by the Mayor in support of that policy are corroborated by scientific evidence;

(b) anything else said or done by the Mayor on occasions other than at People’s Question Time on 2 March 2023.

4. The complainants alleged that the Mayor had breached the Authority’s Code of Conduct for GLA Members¹ (“the Code”) and identified various provision of the Code which they said had been breached. I decided that the complaints should be considered against the following provisions of the Code:

3(1): “You must treat others with respect”

3(1)(2)(a): “You must not – do anything which may cause you or the Authority to breach the Equality Act 2010 ...”

3(2)(b): “You must not – bully, victimise or harass any person ...”

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 here².
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 16 August 2023 to my correspondence to him on 8 June 2023.

¹ <https://www.london.gov.uk/media/96442/download?attachment>

² <https://www.london.gov.uk/media/101492/download?attachment>

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.

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 complaints.
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 Complainants 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
29 November 2023

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 16 August 2023 in respect of these complaints brought by members of the public 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 complaints, 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.

A handwritten signature in black ink, appearing to read 'Suzanne McCarthy', with a large, stylized flourish at the end.

Suzanne McCarthy
27 November 2023