

**PEOPLE'S QUESTION TIME 2 MARCH 2023:
COMPLAINTS AGAINST THE MAYOR OF LONDON**

INVESTIGATION REPORT

Introduction

1. I have been instructed by the Monitoring Officer of the Greater London Authority ("GLA") to investigate 34 complaints about comments allegedly made by the Mayor of London ("the Mayor") during People's Question Time on 2 March 2023 ("PQT").
2. 32 of the complaints were provided to me in a spreadsheet. Although only four complainants asked not to be named, the Monitoring Officer has decided it is appropriate to withhold the names of all complainants for the purposes of my report. The final two complaints were submitted by email on 30 August 2023 and 2 September 2023. A full list of the complaints is enclosed as Appendix 1.
3. I am a self-employed barrister with a specialism in local government law and am the editor of the forthcoming textbook *Cornerstone on Councillors' Conduct and Standards in Public Life*. I am an experienced investigator of complaints against local authority members.

The complaints

4. The complaints relate to comments allegedly made by the Mayor about people campaigning against the proposed expansion of the Ultra Low Emission Zone ("ULEZ") at PQT on 2 March 2023. As set out in the investigation plan agreed with the Monitoring Officer (enclosed as Appendix 2), three comments allegedly made by the Mayor during that event are 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.”

5. Some of the complainants identified various provisions of the GLA’s Members’ Code of Conduct (“the Code”) which they said had been breached by these alleged comments. Again, as agreed with the Monitoring Officer, I will consider the complaints against the following provisions:

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

This section was referred to, expressly or implicitly, by virtually all of the complainants who objected to the Mayor’s alleged references to “*the far right*”, “*COVID deniers*”, “*vaccine deniers*” and, in some cases, “*Tories*”.

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

Three complainants objected to the Mayor’s alleged use of the phrase “*call a spade a spade*” which, they alleged, was a racist slur.

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

Many complainants complained that the Mayor’s alleged comments bullied, victimised or harassed them for expressing opposition to the ULEZ expansion.

(d) **5: “You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute”**

Several complainants referred expressly or implicitly to this paragraph on much the same basis as the complaints that the Mayor breached paragraphs 3(1) and 3(2)(b) of the Code.

6. All but two of the complaints were notified to the Mayor on 8 June 2023. The Mayor responded in writing on 16 August 2023. A copy of the Mayor’s response is enclosed at Appendix 4.

Scope of the investigation

7. This investigation is limited to a consideration of the comments allegedly made by the Mayor during the PQT event on 2 March 2023. For the reasons given in paragraph 10(b) of the Investigation Plan, I will not be considering anything said or done by him subsequent to that event.

8. Nor, as stated in paragraph 10(a) of the Investigation Plan, will I consider the merits of the ULEZ expansion policy, including whether the policy itself or anything said by the Mayor in support of that policy is corroborated by scientific evidence. Policy decisions are not subject to the code of conduct process; there are other democratic processes for holding the Mayor to account for his policy decisions. Holding the Mayor accountable for comments he makes promoting a particular policy decision should also generally be left to the democratic process. If there are objections to the Mayor's use of scientific evidence, there is nothing to stop objectors – particularly those with scientific expertise – from issuing a public rebuttal. There is also, clearly an important role for the media in scrutinising claims made by politicians, including claims (purportedly) based on scientific evidence.

Investigation process

9. In order to investigate these complaints, I reviewed the complaints, the Mayor's written response to the complaints, a video recording of PQT on 2 March 2023, a written transcript of what was said during the event¹ and press reports and social media commentary.
10. Given that there was essentially no dispute as to what the Mayor said during PQT, I did not consider it necessary to interview any of the complainants or the Mayor as part of this investigation. I provided a draft copy of this report to the Mayor for comment and received a response from his Chief of Staff, David Bellamy, shortly before my deadline (enclosed as Appendix 6).

Findings

PQT

11. PQT on 2 March 2023 took place at Ealing Town Hall. The Mayor and other members of the London Assembly attended the event, which was chaired by Dr Onkar Sahota AM. A recording of the event is available to watch on the London Assembly's YouTube channel.²
12. The first topic for questioning was transport and the first three questions asked all related to the proposed ULEZ expansion (all expressing opposition or criticism), attracting some applause from within the room. All three questions were addressed to the Mayor. The Mayor's response begins at 52:36 of the recording. He opened his response by setting out a public

¹ The transcript is at Appendix 3. It is not a 100% verbatim record of what was said but provides a fair and accurate reflection of the questions and discussions. For the sections quoted in this report, I have edited it to make it verbatim, in line with what I can hear on the recording.

² <https://www.youtube.com/watch?v=fnjQjvJDRWg>

health justification for the policy: “Let me be frank and unapologetic to say that I think it’s outrageous that about 4,000 people in our city every year die because of the toxic air”. This was met with a mixture of applause, booing and inaudible shouting from the room. He eventually turned to the proposal to expand the ULEZ to the outer London boroughs before saying this (at 55:26 of the recording):

MAYOR: ... And I make this point: the objections made in the 1950s when we had the Clean Air Act and removed power stations from the centre of our city; there were objections in 2006 when we banned smoking from public places; and there are objections now. What I find unacceptable, though, is some of those who’ve got legitimate objections joining hands with some of those outside who are part of a far-right group [applause, inaudible shouting, booing], who are – some of those outside – some of those outside – let’s be frank, let’s call – 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.

DR SAHOTA: Hang on – Look, hang on, hang on. The Mayor has a right to be heard. Right? Don’t [inaudible shouting] This People’s Question Time is an opportunity for you to have an exchange of views, not to heckle or shout. It is to hear people’s views. Otherwise we will end this, it can end very quickly.

MAYOR: To those – [inaudible shouting] to those people who have got legitimate concerns ... [inaudible shouting]

DR SAHOTA: Excuse me, no heckling, and if you do, right, I will get some people removed, please [inaudible shouting, booing]. Let’s hear what the Mayor has to say. [inaudible shouting]

MAYOR: So, for those who’ve got – and there are people with legitimate concerns – we are seeking to address those and will carry on listening to make sure that the ULEZ is a success. [Applause, inaudible shouting]

Unsurprisingly, and as the transcript indicates, the Mayor’s comments provoked a strong reaction in the room.

13. Assembly Members were then brought into the discussion. When he spoke, Peter Fortune AM criticised the Mayor’s comments (at 59:41 of the recording):

“You heard it, didn’t you? If you disagree with the Mayor, he’s going to paint you as far right. If you disagree with the Mayor, he’s going to say you are a science denier, he’s

going to say you're a COVID denier, he's going to say you're a flat-earther, he's going to say you think there are aliens in Buckingham Palace and Mr Blobby shot Kennedy. He's going to throw all this crazy stuff at you this because he doesn't want to address the fact that you've got legitimate concerns."

14. Two further Assembly Members spoke before the microphone returned to the Mayor. Mixed in with attacks against his predecessor as Mayor of London, he argued in favour of the ULEZ expansion. Then, at 1:06:08 of the recording, the Mayor said this:

"And it's a fact by the way, it's a fact: some of you have got good reasons to oppose ULEZ but you're in coalition with COVID deniers, [booing, inaudible shouting] 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 [booing, inaudible shouting, applause]."

This provoked another strong reaction.

15. Sian Berry AM was then invited to speak. At 01:08:26 of the recording she said:

"I think there are different kinds of people who are opposed to this. There are people who are raising practical suggestions, asking the Assembly and the Mayor for help and who want to get out of their cars but cannot at the moment and need that support to do it. And then there are people I think who, whatever we were doing about this problem of too much traffic in London, would be against it. They're not constructive and I do worry that the Conservatives are teaming up with just about anybody, no matter what their background, who is opposed to the Mayor's proposals now. And some of them are from the far right, so I think the mayor makes a real genuine point here [applause, booing]. That we need – it's true. We need to argue in a way that is reasonable, about reasonable policies, which these basically are. Let's not get into a violent fight about all of this, because it's more important than that. Thank you."

16. At this point, the transport section of the event concluded and the discussion moved on to other topics – although ULEZ continued to resurface in both questions from the public and contributions from Assembly Members on virtually all the remaining topics. At around 01:47:00 on the recording, there was a sustained disruption from a member of the audience during the housing topic. It is not clear from the recording what this person was saying and it took some time for order to be restored. Andrew Boff AM, commenting on this incident, said (at 01:51:56 of the recording):

“You know, it’s funny: if you disagree with the Mayor on homelessness, you get thrown out; if you disagree with him on ULEZ, you get called a Nazi.”

Moments such as these contribute to the impression that this was a lively and, at times, disputatious meeting.

17. In the final section of the event, complainant #23 (who appears to have been the only complainant who attended PQT) asked this question (at 02:15:34) of the recording:

“Thank you. First you can apologise to me, Mr Mayor, because I’m not right wing, I am left wing and I voted Labour all my life. Secondly, Ealing Council don’t care about air quality, as said by Julian Bell who said the need for houses far outweighs the need of people’s health. That is his words. Not my words, I’ve got it in an email, I have kept it for about seven years, you can have it any time you want. This is about health. My wife has had cancer three times. She has had hysterectomy, breast cancer twice, she died on the operating table once, her heart stopped, she was in intensive care for five or six days. She has had septicaemia about seven times and had to be rushed into hospital. And at one point she was about 30 minutes away from dying. Two years ago she was in hospital because her kidney stones burst inside her. She was in a coma for seven days and miraculously she is still alive. My question to you: do I turn the heating on in my house to keep her warm and keep her alive, or do I take out an enormous loan to buy a new car because you’re expanding ULEZ? I only bought my car a few years ago, before you announced this new expansion. I bought the car because I knew where the North Circular and the South Circular are. I bought the car because it suited my wife’s needs. You are putting me into poverty. I earn a good wage, but you are putting me into poverty. I have saved all my life to have a – I am 60 years old. I have just turned 60, I have saved all my life to have the next five, ten years with my wife, to have an enjoyable time. You carry on with ULEZ, you have to make a choice for me. Do I turn the heating off or do I buy a new car? You decide.”

18. When the Mayor came to respond to the complainant’s question, he said (at 02:21:31 of the recording):

“In relation to – first I am really sorry about your wife’s ill-health [inaudible shouting]. I am glad to see you are doing better. By the way there are far-right people outside. They were outside [inaudible shouting]. If you – if you – if you – if you – you should be careful who you campaign with, you know. And so, in relation to – [inaudible shouting] in relation to your particular circumstances, it is worth you looking into whether you are eligible, because your wife may qualify as someone who is disabled, or someone with particular health conditions. We do know that, as a consequence of listening to people

like you, we have extended our grace periods in relation to people who are unwell and also the exemptions as well in relation to this. I make this point. If you are inside a vehicle that is polluting you are breathing in the particulate matter, you are breathing in the nitrogen dioxide. As somebody who has got health issues, the last place they want to be is in a polluting vehicle. And that's why I say to people who drive a vehicle that is not ULEZ compliant, you are breathing in this poison. It's probably leading to some of the issues we have talked about from asthma to cancer, from dementia to cancer as well. And there's research there to suggest that. So you may want to speak to your clinicians about how some of your wife's conditions may be exacerbated by the air quality."

The protest

19. During complainant #23's question, it is just about possible to discern the sounds of a protest taking place outside the hall; the recording only captures what took place inside.

20. A [BBC report](#) of the event describes that "*demonstrators gathered outside*" Ealing Town Hall:

"Some of the protesters outside the town hall gathering on Thursday evening were seen with placards saying the expansion would be an 'end of free movement' and cited a 'UN agenda'.

One placard, a photograph of which was supplied to the BBC by the mayor's office, depicted Mr Khan in an image including a swastika and a hammer-and-sickle symbol. Piers Corbyn was also present outside the town hall, although there is no suggestion he was holding an offensive placard. Mr Corbyn, the brother of former Labour leader Jeremy, is known for his views that the coronavirus pandemic was a hoax and that Covid vaccines are dangerous."

21. The photograph referred to in the article was also provided in the Mayor's response to these complaints. It is a [screenshot from Twitter](#) (now X):

Adam Bienkov
@AdamBienkov

City Hall Conservatives deny that those protesting against Sadiq Khan include the far-right.

Here's one placard seen outside the event Khan was at tonight, including a swastika and references to a far right conspiracy theory about the UN seeking to wipe out the world population.



In the Mayor's response to the complaints, he pointed out that "UN Agenda 21/50", the imagery surrounding the swastika and the reference to "Davos" are all associated with the well-known "Great Reset" conspiracy theory.

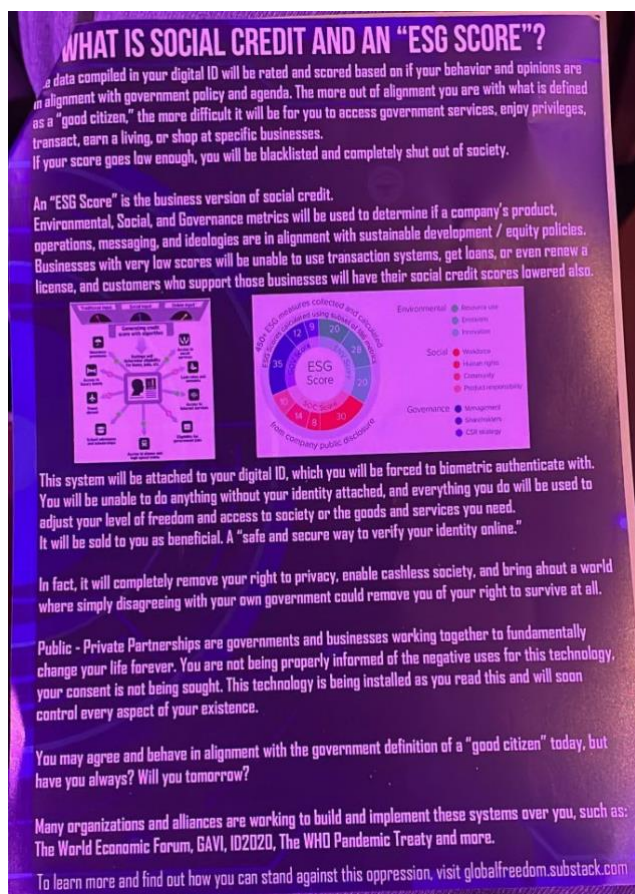
22. Videos³ and photos posted on Twitter show a number of protestors along Ealing Broadway, many carrying distinctive yellow placards:



³ For example: <https://twitter.com/cerumol/status/1631443674809741316> and <https://twitter.com/cerumol/status/1631443732410007554>

and

23. Among the statements I can see on these placards are: “HOOT TO GIVE SADIQ THE BOOT”, “BEEP FOR FREEDOM” and “ULEZ LTNS – ATTACK ON OUR FREEDOM”. A group of people carrying a cardboard coffin marked with the word “DEMOCRACY” can also be seen and a man with a megaphone can be heard accusing the Mayor of “ignoring” the electorate. However, in addition to those fairly conventional statements of opposition⁴, there are also “ULEZ LTNS – ‘15 MINUTE CITIES’ – EXCUSE FOR SURVEILLANCE TECH??”, “ULEZ LTNS – THE END OF FREE MOVEMENT” and “STOP ULEZ LTNS – ‘15 MIN CITIES’ – SACK SADIQ”.
24. The *Chiswick Calendar*’s [report](#) of the event alleged that “Groups present at Ealing Town Hall on Thursday have supported or attended far-right protest across the UK” and included a picture of a leaflet apparently handed out by a protestor promoting a conspiracy theory suggesting that public services will be restricted to people with a good “ESG score”:



⁴ Mr Bellamy disputed “the idea that carrying a makeshift coffin could be included in the category of ‘fairly conventional statements of opposition’” describing it as “unusually provocative”. I agree this was a provocative gesture but in my view its message can clearly be distinguished from the more obviously conspiratorial statements on display in the protest.

Freedom of speech

25. Before making my assessment of these complaints, it is necessary to emphasise the importance of the right of freedom of expression. The Mayor, Assembly Members and members of the public attending PQT as well as the protestors outside the hall were all exercising their rights of freedom of expression, which is protected by both Article 10 of the European Convention on Human Rights and the common law.
26. Crucially for the purposes of this investigation, statements on political issues or other matters of general public interest attract “enhanced protection” under the law, meaning that in practice there are relatively few limits which can be imposed on “political speech”. As a result, even statements which offend, shock or disturb are protected by the law:

“Free speech includes not only the inoffensive but the irritating, the contentious, the eccentric, the heretical, the unwelcome and the provocative provided it does not tend to provoke violence. Freedom only to speak inoffensively is not worth having.”⁵

27. The reason why the law provides generous protection even to statements which others find offensive is because freedom of expression:

“... constitutes one of the essential foundations of ... a [democratic] society, one of the basic conditions for its progress and for the development of every man. ... it is applicable not only to ‘information’ or ‘ideas’ that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no ‘democratic society’.”⁶

If the Code of Conduct process too readily interferes with comments made by elected representatives, this would exert a “chilling effect” on freedom of speech and would therefore undermine the democratic process.⁷

28. This means that the obligations in the Code cannot be read in isolation; they must be read in a way that gives effect to the Mayor’s right of freedom of expression.⁸ It is not my role to decide whether what the Mayor said was fair or justified; that is a political judgment for the electorate.

⁵ [Redmond-Bate v Director of Public Prosecutions](#) [2000] HRLR 249

⁶ [Handyside v United Kingdom](#) (1979-80) 1 EHRR 737, [49]

⁷ [Lingens v Austria](#) (1986) 8 EHRR 407, [42]

⁸ [R \(Mullaney\) v Adjudication Panel for England](#) [2009] EWHC 72 (Admin), [101]-[102]

Assessment

29. In making my assessment of these complaints, I consider the following factors are particularly important.
30. Firstly, as I noted above, it is evident that – even before it had formally begun – this was a lively and disputatious meeting. ULEZ was probably the dominant issue under discussion and the format of the event meant that the Mayor was brought face-to-face with some vocal critics and opponents of one of his major policies.
31. Secondly, as an elected representative speaking about a political issue – the ULEZ expansion policy – the Mayor’s comments attracted enhanced protection under the law. This means that he had a very broad freedom to express his views, including by criticising his political opponents, and even if he did so in a way they perceived to be provocative, unfair or offensive.
32. Thirdly, it is true that *some* participants in the protest outside PQT were expressing conspiracy theories which are associated with far-right political views. In this regard, I note:
- (a) the yellow placards carried by some protestors which linked the ULEZ expansion with “15 minute cities” and, in turn, with “*surveillance tech*” and “*the end of free movement*”. “15 minute cities” are an urban planning policy around which, as the BBC has described⁹, “*conspiracy theories have blossomed*”: “*many claim the schemes are designed to control the population and trap them in their homes.*” The same report attributes much of the misinformation around 15-minute cities to “*rumours pushed by far-right blogs and fringe media outlets around the world*” and carries a quote from the policy’s creator, Carlos Moreno, stating: “*Associating the ‘15-minute city’ ... with so-called ‘liberty-restricting measures is tantamount to aligning with the most radical and anti-democratic elements*”;
 - (b) the poster referenced at paragraph 21 and the leaflet at paragraph 24 above, both of which indicate the presence of conspiracy theorists at the protest; and
 - (c) the attendance at the protest of Piers Corbyn who, as the BBC report of PQT described, is “*known for his views that the coronavirus pandemic was a hoax and that Covid vaccines are dangerous*”.
33. Against this background, I will now assess the complaints against the relevant sections of the Code.

⁹ <https://www.bbc.co.uk/news/uk-politics-66990302>

Respect (paragraph 3(1))

34. I do not consider that the Mayor's comments breached the obligation to "*treat others with respect*". The obligation in the Code to treat others with "respect" must be read in a way that gives effect to the Mayor's right of freedom of expression. In my view, this means that only in exceptional cases would comments made in the course of a political debate – something akin to "hate speech" – constitute a breach of this obligation. To hold otherwise would risk a chilling effect on the democratic process. I have come to that conclusion for the following reasons.
35. Firstly, in my view, the Mayor did *not* say words to the effect of "if you are opposed to the ULEZ expansion, you are part of the far-right or you are a vaccine/Covid denier", as some of the complaints suggested. In his comments, the Mayor did acknowledge that some of his opponents had "*legitimate objections*" or "*good reasons to oppose ULEZ*". Therefore, to the extent that some of the complainants made this allegation, it is not substantiated.
36. Secondly, his comments must be seen in context. As I have highlighted above, these comments were made during a lively political meeting in which the Mayor was engaging directly with opponents of one of his flagship policies.
37. The Mayor's suggestion that those with rational reasons for opposing his ULEZ policy were "*joining hands*" or were in "*coalition with*" the conspiracy theorists protesting outside the hall was, undoubtedly, provocative. In his response to the complaints, the Mayor justified his comments as "*[highlighting] the dangers of far-right and conspiracy theorist ideologies and the risk of legitimate objections to mainstream policies being [hijacked] by others for their own ends.*"
38. Clearly, it is open to debate whether it was fair or accurate to describe these two groups as political allies. Nonetheless, I accept this is a legitimate concern and one that the Mayor was entitled to give voice to, in the exercise of his freedom of expression. Moreover, given the strong legal protection afforded to his political speech, in my view, he was also entitled to express that concern using provocative language that some people perceived to be unfair, inaccurate or offensive.
39. Thirdly, although I acknowledge that some of those the Mayor was addressing were private citizens, I consider that his comments were directed at those who were publicly expressing their opposition to the ULEZ expansion. Therefore they had, to some extent, entered the political arena. In this regard, I note that the Local Government Association advises that

elected representatives “are allowed to respond to criticism, and where that criticism is robust, they can be robust in response”.¹⁰

40. For these reasons I would not uphold the complaints under paragraph 3(1) of the Code.

Equality Act 2010 (paragraph 3(2)(a))

41. Only three complainants made this allegation with reference to the Mayor’s use of the well-known saying, “*call a spade a spade*”.

42. The Cambridge Dictionary defines this phrase as “*to say the truth about something, even if it is not polite or pleasant.*”¹¹ According to the Oxford English Dictionary, it has been used in English since the 16th century.¹²

43. However, separately, the OED acknowledges that the noun “spade” has, since the 1920s, at least in American English, acquired a racist meaning: “... *depreciative and offensive. As a term of contempt or casual reference among white people: a black person, esp. a black man*”.¹³

44. As the history of the word “spade” shows, language evolves over time. However, apart from one article online¹⁴ (which makes only a tentative – and, to my mind, unconvincing – suggestion that the phrase should be “*retired from modern usage*”), I cannot find evidence of a clear consensus that this saying is considered unacceptable in contemporary spoken English. Therefore I consider that the Mayor’s use of this phrase was not racist and so did not breach paragraph 3(2)(a) of the Code.

45. I should add that, in any case, it is very doubtful that a single comment made by the Mayor at an event such as PQT could cause him or the GLA to breach the Equality Act 2010.¹⁵

Bullying, harassment and victimisation (paragraph 3(2)(b))

46. For essentially the same reasons as for the allegation of disrespect, I would not uphold the complaints under paragraph 3(2)(b) of the Code. I do not consider that the Mayor’s comments,

¹⁰ Local Government Association, [Guidance on Local Government Association Model Councillor Code of Conduct](#) (8 July 2021).

¹¹ <https://dictionary.cambridge.org/dictionary/english/call-a-spade-a-spade?q=spade+a+spade>

¹² <https://www.oed.com/search/advanced/Quotations?textTermText0=spade%20a%20spade&textTermOpt0=QuotText"DateFirstUse=all&page=1&sortOption=DateOldFirst>

¹³ https://www.oed.com/dictionary/spade_n2?tab=meaning_and_use#21550492

¹⁴ Lakshmi Gandhi, “Is It Racist To ‘Call A Spade A Spade’?” (23 September 2013) <https://www.npr.org/sections/codeswitch/2013/09/19/224183763/is-it-racist-to-call-a-spade-a-spade>

¹⁵ Individual members of a local authority are not personally subject to the Public Sector Equality Duty: see [R \(Jewish Rights Watch Ltd\) v Leicester City Council](#) [2018] EWCA Civ 1551, [33]

made during a robust political debate, amounted to bullying, harassment or victimisation of anyone opposed to the ULEZ expansion.

47. I also note that only one complainant – complainant #23 – claims to have been in attendance at PQT (whether inside or outside the hall) and that (apart from his response to this complainant) the Mayor’s comments did not single out any individuals. Bullying, harassment and victimisation are all forms of unacceptable behaviour targeted at specific victims. Accordingly, in my view, the comments recorded at paragraphs 12 and 14 above could not have breached this section of the Code.

48. The comments recorded at paragraph 18 above were directed at complainant #23 and therefore stand slightly apart. The complainant, for his part, complained that the Mayor’s comment – which linked driving a ULEZ non-compliant vehicle (which the complainant had said he owned) with a possible effect on his wife’s health – was “*degrading and humiliating*”:

“... Had i heard this on the day i would have confronted him. I was not sure that he had actually said those words. I have looked after my wife for the past 20 years, this has cost a lot of money, effort, stress and strain. The Mayor does not know what we have been through and he has no right in making the statement.

How can you say that driving a non ULEZ compliant car caused cancer? His statement says that i do not care about my wife's health. It has hurt me immensely that a man who knows nothing about what i have been through is allowed to make derogatory remarks. How can this be called treating people with respect? His conduct and words used fall below what should be a high standard for the privileged office he holds. He cannot be allowed to say hurtful things which has made me feel humiliated. I do feel that he has degraded me as a human being by saying i don't care about my wife, who i have been married to for 38 years.”

49. Complainant #23’s question is recorded in paragraph 17 above. In it, he gave a rather detailed account of his wife’s recent medical emergencies as a preface to his question. In response, the Mayor stated:

“I make this point. If you are inside a vehicle that is polluting you are breathing in the particulate matter, you are breathing in the nitrogen dioxide. As somebody who has got health issues, the last place they want to be is in a polluting vehicle. And that’s why I say to people who drive a vehicle that is not ULEZ compliant, you are breathing in this poison. It’s probably leading to some of the issues we have talked about from asthma to cancer, from dementia to cancer as well. And there’s research there to suggest that. So you may want to speak to your clinicians about how some of your wife’s conditions may be exacerbated by the air quality.”

50. In his initial written response to the complaints, the Mayor had not specifically addressed this complaint and therefore I gave him an opportunity to respond in writing. That response is enclosed as Appendix 5.

51. In his response, the Mayor said that he had been “*sorry to hear of [complainant #23’s] wife’s ill health, and expressed my genuine concern during the meeting.*” He noted that he had gone on to “*discuss the health impacts of poor air quality on people driving cars*” – citing a number of studies and reports – before adding:

“It was this point that I was communicating in my interaction with [complainant #23]. I do not know the details of [his] wife’s health conditions, beyond what he said on the night, and I was seeking to make a wider point about the impact poor air quality can have on the health of people who travel by car, including contributing to a range of serious health conditions.”

52. On balance, I do not consider that the Mayor’s response to complainant #23 amounted to bullying or victimisation (and nor, to the extent this was alleged in his complaint, did it amount to a failure to treat him with respect). I bear in mind that:

(a) the Mayor did express some sympathy with the complainant and his wife, beginning his response with “*I am really sorry about your wife’s ill-health ...*”;

(b) this was a lively public meeting and the complainant’s question was one of three taken together to which the Mayor was required to respond off-the-cuff. Moreover, the complainant himself had introduced the topic of his wife’s health into this public discussion as a way of rhetorically framing his question to the Mayor. Therefore I consider that the Mayor was entitled to frame his response – justifying the ULEZ expansion on public health grounds – with reference to the complainant’s wife’s health;

(c) the complainant is not correct that the Mayor stated that “*driving a non ULEZ compliant car caused cancer*”. The Mayor did state that polluting vehicles are “*probably leading to some of the issues we have talked about*”, referring to several health conditions of which cancer was one. In other words, he was making the claim that, at a population level, air pollution causes health problems and therefore there may be a connection between the complainant’s wife’s health condition and poor air quality.

53. Therefore I do not consider that the Mayor’s comments in response to complainant #23 were inappropriate and so did not breach paragraph 3(2)(b) (or paragraph 3(1)) of the Code.

Disrepute (paragraph 5)

54. For the reasons already given above, I consider that the Mayor's comments were protected by his right of freedom of expression. In my view, they could not reasonably be regarded as diminishing public confidence in the Mayor's ability to discharge his functions. A finding of disrepute typically follows from some kind of misuse of elected office. That is not the case here, where the objections are to statements made by the Mayor on a controversial issue of policy which, as I have found, did not themselves amount to a breach of the Code.

55. Many of the complainants alleged, in light of these comments (and other alleged behaviour), that the Mayor was not fit for office – and some requested his removal (which would not be lawful in any event). However, these are essentially political questions for the electorate to determine. If voters disapprove of the Mayor's policy choices or the way he goes about promoting or defending them, they can express that view at the ballot box.

Conclusion

56. For these reasons, my recommendation to the Monitoring Officer is that none of these complaints should be upheld.

Matt Lewin
Cornerstone Barristers

24 November 2023

Appendices

Appendix 1	Complaints spreadsheet (anonymised)	
Appendix 2	Investigation plan	6 Sept 2023
Appendix 3	PQT transcript	2 March 2023
Appendix 4	Mayor's response	16 Aug 2023
Appendix 5	Mayor's further response	7 Nov 2023
Appendix 6	Mayor's response to draft report	23 Nov 2023