

THE GREATER LONDON AUTHORITY
ETHICAL STANDARDS REGIME

MONITORING OFFICER DECISION NOTICE

GLA Case Reference: February 01/2021

Decision

That there **has not been a failure to comply with the Code of Conduct**¹ by Assembly Member Onkar Sahota.

Complaint

1. On 23 February 2021, I received a complaint (“the Complaint”) which alleged that Assembly Member Onkar Sahota had breached the Greater London Authority’s (“GLA”) Code of Conduct for GLA Members (“the Code”). The Complaint concerns the conduct of Assembly Member Sahota with regard to a planning application for the development of [REDACTED] in Ealing (“the Planning Application”).
2. The Complaint alleged that Assembly Member Sahota actively lobbied the Mayor, Deputy Mayor for Planning and GLA Strategic Planners for the Mayor to refuse the Planning Application.
3. The full Complaint reads as follows:

“Summary of Complaint

GLA member Onkar Sahota and his researcher actively lobbied the Sadiq Khan, Jules Pipe and the Strategic Planners for the Mayor to refuse the planning application for the development of [REDACTED] in Ealing. Mr Sahota lives [REDACTED] the planned [REDACTED] location and as such his actions contravene the Members Code of Conduct.

Background

Mr Sahota lives at [REDACTED]. His home is [REDACTED] the location of the proposed redevelopment of [REDACTED]. [REDACTED] [REDACTED]. Mr Sahota’s home is [REDACTED] m away from [REDACTED].”

¹ https://www.london.gov.uk/sites/default/files/code_of_conduct_2018_with_appendices_at_feb_212_0.pdf



“On 15th January 2020 the [REDACTED] development (ref. Ealing [REDACTED]) was granted planning permission by Ealing Council.

Mr Onkar Sahota has lobbied:

- the Mayor of London; Sadiq Khan,*
- the Deputy Mayor for Planning, Regeneration and Skills; Jules Pipe,*
- the Mayors Strategic Planning team*

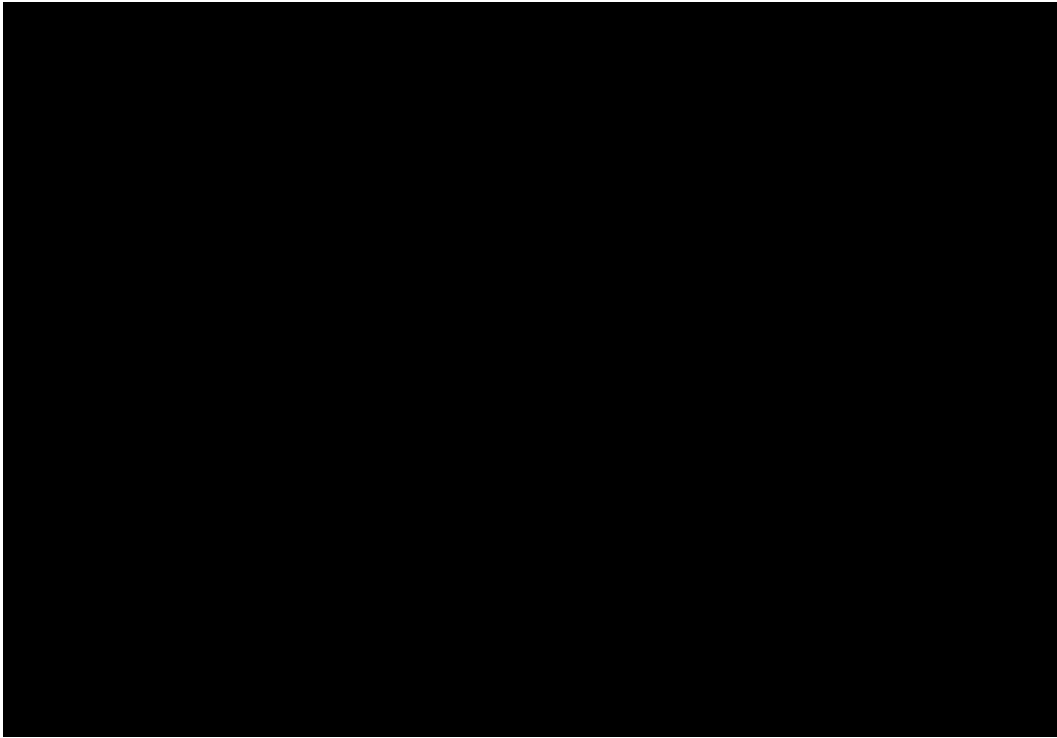
to have the planning application refused [REDACTED]

The planning approval was refused by the Mayor of London in July 2020.

This planned development is relatively modest, with a few 2 and 3 story blocks with [REDACTED] [REDACTED]. Naturally the neighbours alongside the development would prefer [REDACTED] [REDACTED] to remain unchanged. However when compared to the other extreme developments approved both in Ealing and in the wider London area this development is not extraordinary in any way.

It should be noted that there have been a number of similar [REDACTED] projects [REDACTED] [REDACTED] in the central Ealing area in the past years. [REDACTED]

[REDACTED]
[REDACTED]



“These developments were approved with no objections from the Mayor. Mr Sahota has also not objected to these developments in his constituency. He has however objected very actively to the development [REDACTED]. (As an aside our local MP Rupa Huq has been similarly lobbying against this development [REDACTED] [REDACTED])

The [REDACTED] FOI enquiry includes some of the correspondence regarding the [REDACTED] [REDACTED] between Mr Sahota, his researchers and Sadiq Khan, Jules Pipe and the Mayors Planning team. Mr Sahota and his researchers have also been forwarding to the Mayors Planning team objections from Mr Sahota’s neighbours and from consultants employed by Mr Sahota’s neighbours.

These were also meetings held between the two teams, notes of which I don’t have access to.

Following Mr Sahota’s intervention this planning application was refused by Sadiq Khan. It is just one of 11 directions to refuse issued by the Mayor since 2016. This is quite unusual given the relatively modest development that was planned.”

4. The Complainant has also provided information provided by the GLA in response to request under the Freedom of Information Act. [REDACTED].

² [REDACTED]

5. The Complainant alleges that this behaviour constitutes a breach of the Code of Conduct:

"I believe that Mr Sahota has breached the GLA Code of Conduct in the following ways:

Selfless – Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

Mr Sahota's actions are plainly in breach of this clause. He has campaigned against this [REDACTED] in order to gain benefit for himself, his family and friends who all live [REDACTED] to this planned development.

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.

I'm not aware of Mr Sahota or his researchers declaring Mr Sahota's interest whilst lobbying Sadiq Khan, Jules Pipe or the Mayor Planning team regarding this application.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Mr Sahota has not shown support of these principles by his actions. In fact he has shown disregard of these principles by his actions.

Effect of having a pecuniary interest

Must not lobby "behind the scenes" or otherwise promote their views in relation to the matter

Given that a development [REDACTED] could have an effect on the house value, Mr Sahota should not have been lobbying behind the scenes as he had a pecuniary interest in having the development refused by the Mayor."

6. The Complainant also proposes the following action should the complaint be upheld:

"If my complaint is upheld then Mr Sahota should be suspended for a period of time. The planning application should be revisited by the Mayor's office. The results of the complaint should be widely published in Mr Sahota's constituency."

Procedure

7. 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 online³.
8. I have considered the Complaint in accordance with the Complaints Guidance.

Informal resolution and initial assessment

9. I decided that the Complaint was not suitable for informal resolution under stage 2 of the Complaints Guidance having taken into account:
 - the Code
 - the Complaints Guidance
 - the Complaint and supporting information provided
 - the subsequent correspondence from Assembly Member Sahota responding to the Complaint
10. I have carefully considered all of the circumstances, the need for proportionality when dealing with complaints, the wider public interest and the costs associated with investigations, as set out in the Complaints Guidance.
11. I considered that the allegations made by the Complainant were serious given that they related to the statutory planning process and pecuniary interests.
12. Importantly, in order to properly consider this matter, I needed further information from members of the GLA's Planning team and the Deputy Mayor for Planning (as identified in the papers accompanying the complaint). Therefore, the appropriate way to gather this information would be through an investigation.
13. As stated in the Complaints Guidance, the initial assessment does not involve me carrying out an investigation and does not require any findings to be made in relation to the Complaint. Having undertaken an initial assessment (in accordance with Stage 3 of the Complaints Guidance) and having considered the information provided by the complainant and Assembly Member Sahota, I was of the view that the Complaint warranted further investigation.
14. I therefore decided to carry out an investigation (in accordance with Stage 4 of the Complaints Guidance).

³ https://www.london.gov.uk/sites/default/files/appendix_1_-_guidance_on_making_a_complaint_about_a_gla_members_conduct_feb_2021.pdf

Chronology of the complaint and investigation

15. The chronology of the complaint and investigation is set out below:

23 Feb	Email received from Complainant setting out the Complaint.
1 Mar	I wrote to the Complainant to confirm receipt and advised I would consider next steps in accordance with the Complaints Process.
1 Mar	I wrote to Assembly Member Sahota to advise him of the Complaint
9 Mar	I received a letter from Assembly Member Sahota setting out his initial views on the complaint
25 Mar	I wrote to Assembly Member Sahota to advise I was gathering further information pertaining to this matter
25 Mar	I wrote to the GLA Assistant Director, Planning to request further information.
25 Mar	I wrote to the Complainant to advise I was gathering further information about this matter
22 Apr	I gathered a suite of information to review on this matter including Planning Decision notices, responses to FOIA requests, the relevant report from the Mayor to the Assembly and Mayor's Questions
28 Apr	The Complainant wrote to me for an update. I advised that I would address this matter as a priority from May.
24 May	I wrote to Assembly Member Sahota and the Complainant to advise them that I would be undertaking an investigation.
9 Jun	I provided an update to the Complainant on their request
11 Jun	I interviewed the Deputy Mayor for Planning, Regeneration & Skills
11 Jun	I interviewed the Head of Development Management in the GLA's Planning team
17 Jun	I interviewed Assembly Member Sahota
18 Jun	Assembly Member Sahota's Research Support Officer provided correspondence related to this matter
25 Jun	I interviewed a further member of the GLA's Planning team
6 Jul	I provided the Independent Person with all the information regarding this matter.

9 Jul	I met with the Independent Person to discuss this matter.
22 Jul	I sent a further update to the Independent Person on the investigation.
23 Jul	I provided an update to the Complainant on their request
23 Jul	The Independent Person sent me their final opinion on the investigation which is included in Appendix A.
28 Jul	Decision made.

Factual background

16. In conducting the investigation, I have considered evidence from the following sources:

- The Complaint received on 24 February 2021.
- The public information on the planning application including the Stage 1 and Stage 2 letters and reports⁴, the Notice of Planning Decision⁵, the responses to two FOIA requests⁶ on this matter, the Mayor's Report to the Assembly⁷ and a Mayor's Question⁸ which refers to this matter.
- The letter from Assembly Member Sahota to the Monitoring Officer dated 9 March 2021.
- The interview with Assembly Member Sahota and subsequent information provided by his Research Support Officer.
- The interviews with Jules Pipe, Deputy Mayor for Planning, Regeneration & Skills; John Finlayson, Head of Development Management and a further member of the GLA Planning team.
- Maps and images of the area.
- The views of the Independent Person received on 23 July 2021.

[REDACTED]

17. The chronology of events regarding this matter is as follows. It should be noted that the below summary is not intended to be a summary of all the activity associated with the planning process. The key planning milestones are included for context. This summary focuses on the interactions by Assembly Member Sahota as set out in the complaint.

- April 2018: A pre-application planning meeting was held at City Hall attended by GLA Planning officers
- Jan 2019: Meeting with Assembly Member Sahota, Deputy Mayor Jules Pipe and a member of the GLA Planning team, TfL and the applicant's representatives.
- May 2019: Mayor's response to London Borough ("LB") of Ealing about the Planning Application stated that "*The Mayor considers that the application does not comply with the London Plan*" and setting out reasons for this along with possible remedies.
- Jan 2020: A further meeting with GLA Planning team was requested by Assembly Member Sahota, this meeting was attended by John Finlayson, GLA's Head of Development Management, a member of his team and Assembly Member Sahota's Research Support Officer as Assembly Member Sahota was unable to attend.
- July 2020: Mayor directed LB Ealing to refuse permission and LB Ealing gave notice that permission was refused.

Allegations of breach of the Code

Application of the Code

18. Assembly Member Sahota has confirmed that he was acting in his Assembly Member capacity and that he used GLA resources in support of this work.

Allegation of breach of the Code

19. The Complainant alleges that Assembly Member Sahota's behaviour constitutes a breach of the Code of Conduct as follows:

"Selfless – Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

Mr Sahota's actions are plainly in breach of this clause. He has campaigned against [REDACTED] [REDACTED] in order to gain benefit for himself, his family and friends who all live [REDACTED] to this planned development.

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.

I'm not aware of Mr Sahota or his researchers declaring Mr Sahota's interest whilst lobbying Sadiq Khan, Jules Pipe or the Mayor Planning team regarding this application.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Mr Sahota has not shown support of these principles by his actions. In fact, he has shown disregard of these principles by his actions.

Effect of having a pecuniary interest

Must not lobby "behind the scenes" or otherwise promote their views in relation to the matter

Given that a development [REDACTED] could have an effect on the house value, Mr Sahota should not have been lobbying behind the scenes as he had a pecuniary interest in having the development refused by the Mayor."

20. Assembly Member Sahota in his letter to me of 9 March 2021 in response to this complaint states that:

"Before I address the specific allegations, I want to comment on the background information given by the claimant. I accept my property is in the vicinity of the proposed site [REDACTED] [REDACTED] but cannot comment on the distances referred to without knowing the scale of the map provided. I knew of the development for many months before I made representations as my office had been approached by the planning consultants [REDACTED] before putting in the planning application. I had kept my views personal to myself and did not share them with anyone. I only made representations once I started receiving large number of correspondence from constituents and reports from planning consultants acting for the group of residents who had organised themselves to oppose the development.

The complainant asserts that I made representations against the planning application to gain benefit for myself, my family and friends. I contest this assertion in its entirety and will demonstrate below that I acted solely on behalf of my constituents as is my duty as their Assembly Member. I presume by "friends" the claimant means the constituents who either live on [REDACTED] or [REDACTED]. To set the record straight, I have at no occasion met the residents of [REDACTED] or [REDACTED] socially or at any other place than my City Hall Office. Whilst I am friendly to all my constituents, I would not call them my friends

I will now address each of the Nolan Principles that the complainant alleges that I have breached:

1. Selflessness

I acted solely in the public interest in highlighting the issues raised with me by a large number of constituents regarding the planning application. The fact that I own a property [REDACTED] [REDACTED] or have a private opinion, whether in support or against the application, should not be relevant and was not in my execution of the duty to represent the views of my constituents. The criteria for me to raise objections to planning applications, whether at the GLA or to the Local Authority Planning Committee, is the robustness and number of representations that I receive regarding the matter. In the case of [REDACTED], I received a very large number of representations supported with data and opinions of professional experts. The case presented to me raised serious concerns about this application. It was my duty to bring these matters to the attention of the Local Authority Planning Committee and the GLA Planning Department, as I did. The objectors also made those representations through their own Planning Consultants directly to the GLA and Ealing Council. The complainant refers to other developments and says they were similar to the [REDACTED] [REDACTED] planning application. I cannot comment on the comparison as I do not know the details of the other schemes referred to, but I can confirm that I received no representations about those 2 schemes. I have not made any representations, as London Assembly Member, on any planning application unless I have had concerns raised with me by constituents. If I had failed to raise those concern with the GLA Planning Department, I would not have been acting in the public interest.

2. Honesty

I have represented with honesty and integrity the views of my constituents whose voice I am at the London Assembly. I did not allow my personal views or interests to influence my actions or those of others. If my intention had been dishonest I would not be communicating through my London Assembly office which I know is subject to a FOI enquiry. It is because of my honesty and integrity that I made my representations through the channels that are rightly subject to public scrutiny.

3. Leadership

I exhibited the highest standards of leadership in not allowing the fact that I own a property [REDACTED] to be a consideration in the appraisal of the planning application. The application should be judged on its own merits and I did not allow the fact that I owned property [REDACTED] to become a factor for or against in the decision making process.

4. Effect of having pecuniary interest

The complainant asserts that I lobbied “behind the scenes”. This clearly is not true as I made all my representations through my GLA Office knowing very well that those exchanges were open to a possible FOI enquiry. If I had wanted to lobby “behind the scenes” I would not have done it from my GLA Office. The complainant further alleges that I intervened to protect my pecuniary interests as property prices [REDACTED] would have fallen if the development had gone ahead. I have no idea as to on what evidence the complainant bases that assertion on, but I have seen no assessment of the impact of this development on property prices. On the contrary, it is a well established fact that house prices go up when there is a [REDACTED] [REDACTED].”

21. In addition to the above, I interviewed Assembly Member Sahota on 17 June. The following statements are extracts from this interview.

Assembly Member Sahota confirmed he 'does not have a personal interest in this and therefore didn't submit a personal response to the planning consultation carried out by LB Ealing'.

He confirmed that all 'activity was undertaken as Assembly Member and was in response to information provided by constituency residents.' Assembly Member Sahota confirmed that the meetings he attended were 'informal in nature' and 'only discussed the issues raised in the correspondence from constituents'.

Assembly Member Sahota confirmed he does own a property on [REDACTED] identified in the Complaint. [REDACTED] live there but Assembly Member Sahota and [REDACTED] usually reside in another property in [REDACTED] that they own, albeit he has resided in [REDACTED] during lockdown as part of the family social bubble.

Assembly Member Sahota confirmed he didn't have 'a strong personal view in this matter and therefore didn't consider intervening in it on a personal basis'.

Assembly Member Sahota advised that, in his view, "if the planning application had been granted [REDACTED], then the need [REDACTED] to walk between sites and walking in front of his property number of times a day would have ceased. Currently, [REDACTED] near his property as one of the sites is near his property which causes traffic congestion in front of his property. On a personal note, this would have improved the situation in front of his property if the new site development had proceeded but the problem would have been pushed onto other residents nearer the new site."

Assembly Member Sahota does not consider that having the [REDACTED] would adversely affect the value of his property and thus not to be of pecuniary interest to him.

Assembly Member Sahota advised he was 'very careful to not bring personal views', he was 'purely focused on the constituents' views'. Assembly Member Sahota advised he 'had no intention of commenting on this application until his constituents contacted him'.

Assembly Member Sahota advised he didn't take part in any of the locally lobbying. He played a "straight bat". Assembly Member Sahota's view is 'it would have been wrong to make a personal representation and then not declare an interest. But he didn't make a personal representation and was only focused on the constituents.' Assembly Member Sahota and his Researcher confirmed that they received no representations from local people that were in support of the scheme.

22. Assembly Member Sahota's position is that, for the above reasons, there has been no breach of the Code.

23. I have also considered all of the evidence provided during my investigation and have shared this evidence with the GLA's Independent Person.
24. To the extent that I do not specifically mention in this decision notice, evidence or representations which have been raised in correspondence, or otherwise considered as part of my investigation as referred to above, I have taken these matters into account, but they do not change the decision reached.

Discussion

The GLA Code of Conduct

Application of the Code

25. Paragraph 2 of the Code provides that Members must comply with the Code whenever they act in their capacity as a member of the GLA. I note that, at the time of the conduct complained about, Assembly Member Sahota was acting in his official capacity. He was working with his London Assembly researcher, a GLA member of staff and was acting on feedback received from his constituents. As noted above, Assembly Member Sahota said that he was acting in his Assembly Member capacity and that he used GLA resources in support of this work.

Nolan Principles

26. While the Nolan principles form a central part of the Code, these principles support the basis of the Code. In relation to whether there are any breaches of the Code, I must consider the specific paragraphs of the Code and decide whether there have been any breaches of those particular paragraphs.

Registration of pecuniary interests

27. Paragraph 9(1) of the Code also refers to the registration of pecuniary interests as follows:

“You must, within 28 days of: (a) this Code being adopted or applied by the Authority; or (b) your election or appointment (where that is later), notify the Authority’s Monitoring Officer in writing of any disclosable pecuniary interests you have at that time, and whether or not you consider that any of these interests should be treated as sensitive interests (as defined in paragraph 11 below). (2) You must, within 28 days of becoming aware of any new pecuniary interest or any change to any pecuniary interest notified to the Monitoring Officer under subparagraph (1), notify the Authority’s Monitoring Officer in writing of that new pecuniary interest or change, and whether or not you consider that these should be treated as sensitive interests...”

28. Appendix 5 of the Code (‘Procedure for registration and declaration of interests, gifts and hospitality’) provides guidance on the registration and declaration of pecuniary interests,

gifts and hospitality for GLA members. It also includes a copy of the registration of interests' form.

29. Assembly Member Sahota has, in accordance with paragraph 9(1) of the Code, registered his pecuniary interests using the form, most of which is published online⁹. Assembly Member Sahota registered his ownership of property in LB Ealing in the Sensitive Pecuniary Interests section of the registration of interests form. This part of the form is not published, but I confirm, includes Assembly Member Sahota's property addresses.

Did Assembly Member Sahota have a disclosable pecuniary interest in the Planning Application?

30. I must therefore firstly consider whether Assembly Member Sahota had a pecuniary interest in the Planning Application.

31. Paragraph 8(1)(a) of the Code provides that a member has a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State and it is an interest of that member.

32. The regulations made by the Secretary of State are The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 which lists the land in which a member has a beneficial interest as a disclosable pecuniary interest.

33. The complainant says that Assembly Member Sahota's home is [REDACTED] the location of the proposed redevelopment [REDACTED]. The complainant says that Assembly Member Sahota's home is [REDACTED] m away from [REDACTED].

34. Assembly Member Sahota lives in [REDACTED] and his property fronts onto [REDACTED] which is the [REDACTED] in which [REDACTED] are located which is the site of the Planning Application. I have not visited Assembly Member Sahota's property or [REDACTED], but I have looked at the map provided by the complainant as well as Streetview.

35. The map provided by the complainant shows that Assembly Member Sahota's house is in [REDACTED]. However, the map does not show any features of the road such as whether there is open space between Assembly Member Sahota's property and [REDACTED], whether Assembly Member Sahota overlooks [REDACTED], whether there are any trees or other properties blocking his view of [REDACTED] or any other details that would fully describe the area between Assembly Member Sahota's property and [REDACTED].

36. I have therefore looked at Google Streetview. This shows a suburban street which is lined with very large trees spaced along the footpath. [REDACTED]. From the Google Streetview,

⁹ <https://www.london.gov.uk/people/assembly/dr-onkar-sahota/more-about/register-of-interests>

it does not seem possible for Assembly Member Sahota to easily see [REDACTED] from his property.

37. I can also see on Streetview a [REDACTED] which appears to back onto one side of [REDACTED]. It does not appear possible to see [REDACTED] because the [REDACTED] block any view. In addition, behind the [REDACTED] is an area of green space before the boundary with [REDACTED]. The boundary is covered in foliage and large, tall trees. [REDACTED], it is possible to see a high fence with some foliage over it which runs alongside [REDACTED]. I also note that next to the grass area of the flats, there is a footpath, and what appears to be a small area for parking and a shed type building.
38. Overall, from my review of the Google Streetview, I do not consider that Assembly Member Sahota would be able to see [REDACTED] from his property. Taking into account that Assembly Member Sahota does not live directly opposite or next to [REDACTED] and cannot easily see them from his property, it is arguable that the Planning Application did not affect his property. However, I must also take into account that [REDACTED] are a short distance away from his property and [REDACTED] in which he lives. Therefore, anything that is done to [REDACTED] could have an impact on residents in that area not least because of the potential disruption that could be caused during construction. It may also be that the Planning Application could have an impact upon the value of properties in the area either positively or negatively.
39. I note that Assembly Member Sahota does not live at the property at all times, but [REDACTED] live there. However, I do not consider that this affects my assessment. It is Assembly Member Sahota's beneficial interest in the property that is important, regardless of whether or not he lives in the property.
40. Paragraph 10(2) of the Code provides that if a member attends a meeting in which they have a disclosable pecuniary interest in any matter to be considered, or being considered, at that meeting, they must disclose that interest to the meeting and may not, unless the Monitoring Officer has given a dispensation, participate in any discussion of the matter at the meeting or participate in any vote taken on the matter at the meeting. However, for the purposes of paragraph 10(2), 'meeting' means any meeting of the London Assembly or any formal meeting held by the Mayor in connection with the exercise of functions of the Authority; or any meeting of the Assembly's committees, sub-committee, joint committees, joint sub-committee, advisory committees or advisory sub-committee.
41. Although Assembly Member Sahota attended meetings, these were not of the type of meetings at which he was obliged by paragraph 10(2) of the Code to disclose, and for which he needed a dispensation to be able to participate. I therefore do not consider that Assembly Member Sahota breached paragraph 10(2) of the Code.

Conferring an advantage or disadvantage

42. I have also considered paragraph 6(a) of the Code which provides that a member must not use or attempt to use their position as a member improperly to confer on or secure for themselves or any other person, an advantage or disadvantage.
43. Assembly Member Sahota took part in two meetings concerning the Planning Application. These meetings were not of the type described in paragraph 10(2) above. One of the meetings took place with the Deputy Mayor for Planning, Regeneration & Skills (with GLA planning officers also present), and the other was with GLA planning officers. Assembly Member Sahota did not at either meeting declare his pecuniary interest to those he was meeting, although as mentioned above, there was no obligation under the Code to make such a declaration. However, it would have been prudent for Assembly Member Sahota to have let those he was meeting know of his interest.
44. Even though Assembly Member Sahota did not declare his interest to those he met, I am satisfied from the information I obtained from others that this was nothing unusual or out of the ordinary for Assembly Member Sahota. It is usual for a member who is representing their constituents' concerns to discuss those concerns with those who are involved in the planning process at the GLA. Those I spoke to who met with Assembly Member Sahota did not consider that there was any pressure exerted on them and did not consider that they were improperly influenced in any way. Even now, knowing that Assembly Member Sahota lived near to [REDACTED], did not give rise to any particular concerns for those who he met, though one member of the GLA planning team noted that they would have sought advice from the Monitoring Officer had this been raised. However, this does not alter my views on this element of the complaint.
45. I also note that at no point during the meetings did Assembly Member Sahota touch on anything concerning his property in particular. I therefore consider that he was performing his role as a member and acting, not in his own interests or those of his family, but on behalf of his constituents. As part of this process, Assembly Member Sahota shared a number of examples of extensive correspondence from his constituents, all of whom raised issues with the application. I am satisfied that Assembly Member Sahota acted to make their views clear to those who were charged with either making decisions or advising the Mayor as to his decision making on this Planning Application. I also note that those who met with Assembly Member Sahota felt that the meetings did not alter or influence the views that they already held. I do not consider that acting in the best interests of constituents would be improper.
46. From the information I have gathered, I therefore do not consider that Assembly Member Sahota improperly used his position to benefit himself or others and did not breach paragraph 6(a) of the Code.

Appendix 3 of the Code - The Unified Planning Code of Conduct

47. I have also considered Appendix 3 of the Code, this being the Unified Planning Code of Conduct, in this matter.
48. As part of the GLA Code of Conduct, appendix 3 incorporates the Unified Planning Code of Conduct¹⁰ which applies both to elected members and staff alike. It makes reference to 'Decision-Makers' which is defined as 'anyone formally exercising (determining) a statutory decision in relation to a planning matter' and notes that this 'may also include Assembly Members ... in relation to the Assembly's role in scrutinising planning matters'.
49. While Assembly Member Sahota is an Assembly Member, his work related to this matter was not part of the 'Assembly's role in scrutinising planning matters' as the London Assembly's scrutiny role is conducted via its various Committees and Panels. It is my view therefore that Assembly Member Sahota cannot be considered as a Decision-Maker in this matter as defined in the Unified Planning Code of Conduct.
50. However, as an Assembly Member for the constituency of Ealing and Hillingdon, Assembly Member Sahota does have responsibilities to listen and respond to his constituents. He has been clear that he was acting in this regard only.
51. The GLA strategic planning team members and Deputy Mayor, Planning, Regeneration & Skills, were all clear that representations made by Assembly Members on behalf of their constituents were considered only if they were a 'material consideration' and they did not take into account who made the representation.
52. The two GLA strategic planning team members and the Deputy Mayor, Planning, Regeneration & Skills, confirmed that Assembly Member Sahota did not make any intervention they considered to be 'improper' or to have 'undue influence' over this matter.

Nolan principles

53. There is a clear difference of opinion between the Complainant and Assembly Member Sahota with regard to Assembly Member Sahota's behaviour with respect to the Nolan principles.
54. While Assembly Member Sahota has been clear that he has not, and did not intend to, influence this matter to further his own interest, it is clear that there is a risk that his action is perceived as such.
55. It is this perception of Assembly Member Sahota's behaviour which has resulted in the Complaint.

¹⁰ https://www.london.gov.uk/sites/default/files/gla_unified_planning_code_oct_2019.pdf

56. While Assembly Member Sahota is not a Decision-Maker and this investigation has confirmed he has not had undue influence in this matter, or acted improperly, a simple declaration that his ownership of this residence could be perceived as an interest could have mitigated the risk of this perception and meant that a complaint was not made.

Decision on alleged breach of Code of Conduct

57. For the reasons set out above, I find that there **has not been a failure to comply with the Code of Conduct** by Assembly Member Sahota and therefore I find that the Complaint is not proven.
58. However, I recommend that Assembly Member Sahota takes particular care to consider interests which could be *perceived* as having influence on his conduct/behaviour in future.

Concluding remarks

59. 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. The Independent Person and I have reached the same conclusion on this complaint; that Assembly Member Sahota has not breached the Code of Conduct although she is also in full agreement with the contents of paragraph 56 above.
60. As set out above, I find that there **has not been a failure to comply with the Code of Conduct** by Assembly Member Sahota.

Confidentiality and publication

61. The Complainant has confirmed that a summary of the complaint could be provided to Assembly Member Sahota and could be made available on the Authority's web site. In taking into account the principles of natural justice and public interest as well as the general requirement to be transparent and the previous commitments in that regard given by the Authority and Monitoring Officer (upon the establishment of the current Standards regime), I, as the GLA's Monitoring Officer, have decided that these details should be provided to Assembly Member Sahota as part of this process and should also be published, but without disclosing the Complainant's name or personal details given the Complainant's request for their name to be kept confidential.
62. This Decision Notice has been sent to the Complainant and Assembly Member Sahota on Wednesday 28 July 2021 and is available on the Authority's website.
63. There is no right to appeal to the GLA against this decision.

Signed:



Emma Strain

GLA Monitoring Officer

28 July 2021

Appendix A: Statement from the Independent Person

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

I was instructed by Emma Strain, the Greater London Authority's Monitoring Officer, on 6 July 2021 in respect of a complaint brought against Assembly Member Onkar Sahota, on 23 February 2021.

I have been kept informed by the Monitoring Officer during her investigation of the complaint. I have received a copy of the complaint, a copy of the correspondence from Assembly Member Sahota on this matter and notes of the interviews the Monitoring Officer conducted with Assembly Member Sahota, with Jules Pipe, Deputy Mayor, Planning, Regeneration & Skills, and with members of the GLA planning team. I have also received a copy of other materials gathered as part of her investigation.

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.*

In this case I have been asked to give my view to the Monitoring Officer before she takes her decision on the complaint she has investigated.

Having considered all of the material, I have come to the independent conclusion that I agree with the Monitoring Officer's assessment that Assembly Member Sahota has not breached the GLA Code of Conduct.



Suzanne McCarthy
23 July 2021