

**THE GREATER LONDON AUTHORITY  
ETHICAL STANDARDS REGIME**

**MONITORING OFFICER DECISION NOTICE**

**GLA Case Reference: November 02/2020**

**Decision**

That there **has been a breach** by Assembly Member Murad Qureshi of paragraph 3 (1) of the Code of Conduct<sup>1</sup>.

That there **has not been a breach** by Assembly Member Murad Qureshi of paragraph 5 of the Code of Conduct.

**Complaint**

1. On 4 January 2021 I received a complaint (“the Complaint”) from Mr Jimmy Jenkins, Trustee of the Cabmen’s Shelter Fund (“the Complainant”). The Complaint alleged that Assembly Member Murad Qureshi had breached the Authority’s Code of Conduct for GLA Members (“the Code”). The Complaint concerns an article written by Mr Qureshi in the Westminster Extra newspaper which was published in print and online on 28 August 2020 (“the Article”).
2. The Article concerned allegations that small businesses were missing out on funds they were entitled to because grants received from councils (in this case Westminster City Council and London Borough of Camden) were being retained by landlords.
3. The Article is in Appendix A.
4. The full Complaint reads as follows:

*“The article states that some..*

*‘small business owners are missing out on vital government funding ...as ...grants intended to keep struggling firms afloat are being handled, [sic] but then kept, by their landlords.’*

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<sup>1</sup> [https://www.london.gov.uk/sites/default/files/code\\_of\\_conduct\\_2018\\_with\\_appendices\\_at\\_feb\\_212\\_0.pdf](https://www.london.gov.uk/sites/default/files/code_of_conduct_2018_with_appendices_at_feb_212_0.pdf)

*'A specific example lies in the historic Cabmen's Shelters dotted across the West End...A few of the operators have raised concerns that since lockdown began they still have not had sight of any government grant that should have passed on to them by the shelters' trustees.'*

*The implications [sic] of the preceding paragraph is plain: that the Trustees of the Cabmen's Shelter Fund have a legal and/or moral duty to pass the grants to the 'operators' [ie the licensees of the Shelters] but they have not done so. The trustees are presented as an example of those referred to in the paragraph immediately below Mr Qureshi's name: a landlord who has 'handled' and kept grants money intended for 'struggling firms'.*

*According to Mr Qureshi, the Trustees have kept money which was not theirs to keep. It is a plain implication of the article that the Trustees are dishonest and not to be trusted. It is an article which is clearly defamatory: the hard [sic] to the Fund's reputation is clearly a matter of 'serious harm' as defined in s.1 Defamation Act 2013.*

*CSF's solicitors wrote to Mr Qureshi and West End Extra on 7/10/20 to demand an apology. The letter was sent to Mr Qureshi by mail (c/o West End Extra and to the GLA) and by email. West End Extra published an apology on 30/10/20<sup>2</sup> and I enclose a copy of that apology. Mr Qureshi, however, did not respond.*

*On 5/11/20, CFS's solicitors wrote to Mr Qureshi again. They again invited him to apologise and said that if he did not, then the CSF would issue proceedings in defamation or make a complaint to the GLA. He did not respond. CSF have not issued proceedings but now lodge this complaint."*

5. The Complainant has also provided the following background information on this matter.

*"The CSF received £30,000 from Westminster City Council on 9/4/20, £10,000 from London Borough of Camden on 23/6/20 and a further £30,000 from Westminster City Council on 23/6/20. Neither the council wrote to the CSF about the grants. The only information available to the CSF about the grants was found on the government web site regarding the 'Retail, Hospitality and Leisure Grant Fund.' I enclose a copy of the information found on that website.*

*The guidance which the web site gave as regards the purpose of the grant is that it is to 'support... business... with their business costs.' The CSF's business is to provide and manage the shelters which provide food and drink for the cabbies. The object of its charity are not the licensees themselves but the cab-drivers who use the shelters.*

*On receiving the money, the CSF decided to share the benefits of this grant with all 12 shelter keepers by giving them 24 weeks rent holiday: in effect it gave them each*

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<sup>2</sup> See appendix B

*£3,840. The balance of £23,920 was subsequently used to give a further rent holiday to all the shelter keepers.”*

6. The Complainant alleges that this behaviour constitutes a breach of the following paragraphs of the Code of Conduct:

- *Paragraph 3: (1) You must treat others with respect*
- *Paragraph 5: You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute*

7. The Complainant also states that:

*“I note that the article draws attention to the fact that Mr Qureshi is a GLA member.*

*He breached these principles by defaming the Trustees and then by refusing to apologise [sic] or even acknowledge his mistake. The Trustees carry out hours and hours of unpaid work to administer the CSF and they deeply resent the suggestion that they are dishonest.”*

## **Procedure**

8. 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<sup>3</sup>.

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

## **Informal Resolution**

10. I decided that the Complaint was not suitable for informal resolution under stage 2 of the Complaints Guidance having taken into account:

- the Code of Conduct of the Greater London Authority (“the Code”);
- the Complaints Guidance;
- the letter of Complaint; and
- the subsequent correspondence from AM Qureshi and the Complainant responding to the Complaint.

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<sup>3</sup> [https://www.london.gov.uk/sites/default/files/appendix\\_1\\_-\\_guidance\\_on\\_making\\_a\\_complaint\\_about\\_a\\_gla\\_members\\_conduct\\_feb\\_2021.pdf](https://www.london.gov.uk/sites/default/files/appendix_1_-_guidance_on_making_a_complaint_about_a_gla_members_conduct_feb_2021.pdf)

11. The letters from the Complainant make clear that they were seeking an apology from AM Qureshi in this regard. An apology is one of the ways set out in the Complaints Guidance to resolve matters informally without the need for a formal investigation.
12. AM Qureshi has not proposed any informal resolution in respect of the allegations made in the Complaint; and, having taken this into account alongside the information listed above, I have decided that informal resolution is not appropriate. As such, I carried out an initial assessment of the Complaint (in accordance with Stage 3 of the Complaints Guidance).
13. In doing so 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. I consider that the allegations made by the Complainant are serious matters given that they concern comments made by AM Qureshi in his capacity as an Assembly Member and published in a newspaper, which the Complainant believes presents a misleading and negative impression of Cabman’s Shelter Fund.
14. I therefore decided to carry out an investigation (in accordance with Stage 4 of the Complaints Guidance).

## **Chronology of investigation**

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

23 Nov	Email received from Mr Jenkins, Cabmen’s Shelter Fund asking how to make a complaint.
30 Nov	I wrote to Mr Jenkins supply the Code of Conduct and Complaints Guidance.
4 Jan	I received the formal Complaint from Complainant, Mr Jenkins. His letter was dated 16/12.
8 Jan	I wrote to AM Qureshi to advise him of the Complaint.
22 Jan	Email received from AM Qureshi in response to the Complaint.
8 Feb	I wrote to Mr Jenkins to share information from AM Qureshi and to request further information.
9 Feb	I received a letter in response from Mr Jenkins.
11 Feb	I wrote to AM Qureshi to share further information and request any final information including whether the matter could be resolved informally.
19 Feb	AM Qureshi wrote to me in response.

25 Feb	I wrote to AM Qureshi and Mr Jenkins to advise them that I would be undertaking an investigation.
26 Feb	I received in email in acknowledgement from the Complainant.
25 Feb	I agreed with Alan Simcock that he would act as the Independent Person for this investigation.
1 Mar	I provided the Independent Person with all the information regarding this matter.
7 Mar	IP provided an initial assessment of Complaint.
10 Mar	I wrote to AM Qureshi to request a date for interview.
17 Mar	I wrote again to AM Qureshi to request a date for interview.
30 Mar	I wrote and advised AM Qureshi I would proceed with the investigation. AM Qureshi responded and advised he had been unwell. I wrote to AM Qureshi to request a response by 6 April providing dates for interview.
6 April	Having received no response from AM Qureshi, I proceeded with the investigation.
13 April	I sent an update to the Independent Person on the investigation.
15 April	The Complainant contacted me for an update on the complaint, I responded accordingly.
22 April	The Independent Person sent me their draft opinion on the investigation.
23 April	I met with the Independent Person to discuss this matter.
23 April	The Independent Person sent me their final opinion on the investigation which is included in Appendix C.
26 April	Decision made.

## **Factual background**

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

- The letter of Complaint received on 4 January 2021 dated 16 December 2020 and further information provided by the Complainant on 9 February 2021;
- The Article in Westminster Extra dated 28 August 2020 and the Westminster Extra apology dated 30 October 2020;

- The emails from AM Qureshi to the Monitoring Officer dated 22 January, 19 and 25 February 2021; and
- The views of the Independent Person received on 23 April.

17. The chronology of events regarding the Statement is as follows:

- 20 July 2020: AM Qureshi wrote to the Complainant to ask a series of questions regarding the distribution of grant received by CSF from Westminster County Council and from London Borough Camden.
- 23 July 2020: The Complainant's representative wrote to AM Qureshi by letter to confirm that they had advised the Complainant that they "*cannot discuss the fund's business... without breaching confidentiality*" and to advise that if AM Qureshi was writing on behalf of a particular Shelter Keeper, then that person's written authority would be required to enable further discussion.
- 27 July 2020 15:57: AM Qureshi wrote to the Complainant's representative to ask a series of questions regarding the distribution of grant received by CSF from Westminster City Council. These are the same questions set out in his letter of 20 July 2020.
- 27 July 2020 16:04: The Complainant's representative resent their letter of 23 July by email to AM Qureshi.
- 12 August 2020 09:11: AM Qureshi wrote again to the Complainant's representative chasing for response to his questions.
- 12 August 2020 09:39: The Complainant's representative resent their letter of 23 July by email to AM Qureshi.
- 12 August 2020 09:45: AM Qureshi responds requesting the letter by email due to confusion with the GLA City Hall Post Room.
- 12 August 2020 09:49: The Complainant's representative again resent their letter of 23 July by email to AM Qureshi.
- 12 August 2020 12:01: The Complainant's representative resent their correspondence by email to AM Qureshi.
- 18 August 2020: An article on the same subject is published on Mr Qureshi's [website](#)<sup>4</sup>.
- 28 August 2020: The Article was published by Westminster Extra (see Appendix A).
- 1 September 2020: AM Qureshi issues a [press release](#)<sup>5</sup> referring to the Article.
- 1 September 2020: An article with the same headline<sup>6</sup> is published in Islington Tribune online (which is part of the same newspaper group as Westminster Extra).

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<sup>4</sup> <https://muradqureshi.com/covid19-small-businesses-cabmen-shelters/>

<sup>5</sup> <https://www.london.gov.uk/press-releases/assembly/murad-qureshi/emergency-virus-funds-fail-to-reach-businesses>

<sup>6</sup> It is no longer available online

- 7 October 2020: The Complainant’s representative writes to AM Qureshi setting out concerns with the accuracy of the Article and asking for an apology from AM Qureshi and a response within 14 days. They also advised that they were writing to Westminster Extra to request an agreed correction to the Article. The letter is emailed to AM Qureshi on 8 October 2020. No response was received from AM Qureshi.
- 30 October 2020: Westminster Extra issued a public apology (see Appendix B) and removed the Article from their website.
- 5 November 2020: The Complainant’s representative wrote to AM Qureshi to advise him that Westminster Extra had printed an apology and again invited AM Qureshi to apologise. No response was received.
- 23 November 2020: The Complainant writes to the Monitoring Officer to ask how to make a formal complaint.
- 30 November 2020: I wrote to the Complainant to set out how to do this.
- 4 January 2021: I received the letter of Complaint dated 16 December 2020.

18. In conducting this investigation, I received copies of correspondence between the Complainant’s representative and AM Qureshi from the Complainant.

## **Allegations of breach of the Code**

### *Application of the Code*

19. It is clear that, at the time of the conduct complained of, that Assembly Member Qureshi was acting in his official capacity – he wrote the Article in Westminster Extra including his Assembly Member title in the by-line and also issued a press release in his Assembly Member capacity using GLA resources and was therefore obliged to comply with the Code of Conduct.

### *Allegation of breach of paragraph 3 (1) and 5 of the Code*

20. The Complainant has alleged that:

- I. The Article written by AM Qureshi implies *“that the Trustees of the Cabmen’s Shelter Fund have a legal and/or moral duty to pass the grants to the ‘operators’ [ie the licensees of the Shelters] but they have not done so.”*
- II. *“According to Mr Qureshi, the Trustees have kept money which was not theirs to keep. It is a plain implication of the article that the Trustees are dishonest and not to be trusted. It is an article which is clearly defamatory: the harm [sic] to the Fund’s reputation is clearly a matter of ‘serious harm’ as defined in s.1 Defamation Act 2013.*

III. AM Qureshi has breached the GLA Code of Conduct *“by defaming the Trustees and then by refusing to apologise [sic] or even acknowledge his mistake. The Trustees carry out hours and hours of unpaid work to administer the CSF and they deeply resent the suggestion that they are dishonest.”*

21. It is therefore alleged that AM Qureshi is in breach of the following requirements in the Code:

- 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.*

22. AM Qureshi in his emails of 22 January 2021 and 19 February 2021 states that:

- I. With regard to AM Qureshi’s initial questions to CSF, *“the important thing was that the questions were never answered.”*
- II. *“I strongly feel this was fair comment, in a wider context of small businesses surviving during the pandemic.”*
- III. With regard to the Westminster Extra apology, *“I was surprised a right to reply was not asked for or adopted and the ideal way of dealing with any of their concerns.”*
- IV. AM Qureshi also stated that *“In this whole matter, my sole concern has been how London’s small businesses can survive the coronavirus pandemic. They have often been forgotten in all the government initiatives to help businesses particular in Central London. It is further complicated by the tenant-landlord relationship of many small businesses have with their landlords while operating in their space. As a result very few have received any of the programmes like business rate relief as my article makes very clear.*

*This was the context of my column piece and I will continue to work to highlight the plight of the many small and medium size businesses during this pandemic, so critical for the recovery of the London economy.”*

23. AM Qureshi’s position is that, for the above reasons, there has been no breach of the Code of Conduct.

24. I have taken into account the comments made by AM Qureshi and provided him with the opportunity to attend an interview to discuss this matter further. Despite being given ample opportunity, AM Qureshi has failed to give any indication that he would attend an interview. Accordingly, this investigation has been completed without AM Qureshi having been interviewed.



25. I have also considered all of the evidence provided during my investigation and have shared this evidence with the GLA's Independent Person.
26. 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 correspondence between AM Qureshi and the Complainant and his representative prior to the publication of the Article.***

27. AM Qureshi states that the questions he raised with the Complainant and the Complainant's representatives were "never answered". While I can see that the answer provided was limited – "cannot discuss the fund's business... without breaching confidentiality," AM Qureshi was advised that "if you are writing on behalf of a Shelter Keeper, then please sent us that Keeper's authority to allow our client or ourselves to discuss his or her business with you.".
28. It is also clear from the chronology set out above that the Complainant's representative went to great lengths to ensure the AM Qureshi had received their correspondence which was resent on a number of occasions.
29. Throughout this matter, AM Qureshi has not given any indication or provided any evidence that, before writing the Article, he sought further information about - or validated from other sources - the facts and matters contained in the Article.

### ***The Article itself published in Westminster Extra on 28 August 2020***

30. Arguably, on the face of it, the wording of the Article expresses the concerns of others (the operators/proprietors), is not necessarily inconsistent with CFS's explanation of the situation (that they did retain the money – albeit this was to give the shelter keepers a rent holiday), and does not directly say or allege that CFS has acted improperly (**bold** is my emphasis):
  - i. The Article says: "***It has been reported*** some small business owners are missing out on vital government funding as emergency grants intended to keep struggling firms afloat are being handled, but then ***kept, by their landlords.***"
  - ii. "A specific example is the CFS...***I have recently spoken to some of the proprietors... A few of the operators have raised concerns that...they have still not had sight of any government grant that should have been passed onto them by the shelters' trustees.***"

- iii. *“This has sparked me to investigate the issue further and I now have confirmation from WCC that the CFS did, indeed, receive a share of the emergency funding from the Treasury.”*

31. However, when the relevant text of the Article is read as a whole, the implication or impression of the Article is, in my opinion, that the CFS failed to pass on grant money that it should have passed on, which is the essence of the what is alleged by the Complainant’s complaint.

***The correspondence from the Complainant’s representative with AM Qureshi on 7 October 2020***

32. The Complainant’s representative wrote to AM Qureshi on 7 October.

*“The CSF received £30,000 from Westminster City Council on 9/4/20, £10,000 from London Borough of Camden on 23/6/20 and a further £30,000 from Westminster City Council on 23/6/20. Neither the council wrote to the CSF about the grants. The only information available to the CSF about the grants was found on the government web site regarding the ‘Retail, Hospitality and Leisure Grant Fund.’ ”*

*“The ‘business’ which is eligible for the grants is the CSF as it is the CSF which owns the shelters and pays the rates. The licencees are not eligible for grants from the fund. They do not have an interest in a property with a rateable value. They are merely licensed to use the shelters.*

*The guidance which the web site [gov.uk] gave as regards the purpose of the grant is that it is ‘to support... businesses...with their business costs’. The CSF’s business is to provide and manage the shelters which provide food and drink for the cabbies. The objects of its charity are not of course the licensees themselves but the cab-drivers who use the shelters.*

*On receiving the money, the CSF decided to share the benefits of this grant with all 12 shelter keepers by giving them 24 weeks rent holiday: in effect it gave them each £3,840. That leaves £23,920 which we understand the Trust is keeping in reserve in case there is another lockdown.”*

33. The Complainant’s letter also made clear that they were seeking a letter of apology and would also be contacting Westminster Extra in this regard.

***The subsequent apology issued by Westminster Extra on 30 October 2020***

34. The Westminster Extra apology says: *“The article suggested that the Trustees of the Fund had received ‘emergency grants’ intended for the proprietors of those cafés but **had not passed those grants to the proprietors.** WEE now understands that the Trustees distributed **the benefit of the grants** to all of the proprietors of the cafes and not just to those proprietors whose cafes are situated in the particular boroughs which made the grants.”*

35. Considering both the letter from the Complainant's representative and the apology issued by Westminster Extra (which note that the benefit of the grant to the CFS was passed on to shelter keepers via rent holidays), it appears to me that AM Qureshi's Article gave the misleading impression that the CFS was dishonest or was acting improperly in failing to pass on grant money that it should have passed on. In addition, as is noted above, this was without AM Qureshi having fully investigated the facts. AM Qureshi has then not responded to requests to apologise for this.
36. Whilst I have found no evidence to justify a finding that AM Qureshi acted wilfully dishonestly in writing the Article, I do find that in writing the Article – and taking into account the reasonable inferences that can be drawn from it – he failed in relation to the obligation on him to treat others with respect, contrary to paragraph 3 (1) of the Code. This was by virtue of AM Qureshi making public comments about an organisation (the CFS) that gave the misleading impression that the CFS was dishonest or was acting improperly, as a consequence of AM Qureshi having failed to take reasonable steps to ensure that the Article about the Cabmen's Shelter Fund was soundly based in fact before it was published.
37. In reaching this conclusion I have considered AM Qureshi's right to the freedom of expression under Article 10 of the European Convention of Human Rights. While I note that the focus of the Article was a matter of potential public importance (the use of public money), for the reasons given above, I consider that AM Qureshi's comments in the Article were an unjustified criticism of the Cabmen's Shelter Fund that affected and went to the heart of the Cabmen's Shelter Fund's reputation as trustees, and which were in my view subject to a duty of reasonable enquiry before publication. In view of this, and on balance, I therefore consider that that the opinion expressed in this Decision Notice (as to conduct of the GLA Member concerned as compared to the expectations of the Code of Conduct, and see also paragraphs 49-51 below) is, in the circumstances, a proportionate interference with AM Qureshi's Article 10 rights.
38. Furthermore, I agree with the opinion given by the Independent Person (see Appendix C) that, in the circumstances of this complaint, AM Qureshi's failure to acknowledge the true state of affairs (when information was provided which showed that his criticism of the CFS was unfounded) constitutes in itself a failure to treat others with respect, and a breach of paragraph 3(1) of the Code of Conduct that is not subject to protection under the right to the freedom of expression. Alternatively, if this conduct is subject to protection under Article 10, the breach is sufficiently serious such that I consider that the opinion expressed in this Decision Notice (as to conduct of the GLA Member concerned as compared to the expectations of the Code of Conduct, and see also paragraphs 49-51 below) is, in the circumstances, a proportionate interference with AM Qureshi's Article 10 rights.

*Decision on alleged breach of paragraph 3 (1)*

39. I find that for the reasons set out above AM Qureshi has breached paragraph 3 (1) of the Code and I therefore find that aspect of the Complaint proven.

### ***Paragraph 5. Bringing your office or authority into disrepute***

40. In the circumstances, and as set out above, I would expect AM Qureshi to have taken more steps to verify the factual basis of the Article.
41. I have considered whether, when looked at objectively, the conduct by AM Qureshi could reasonably be regarded as bringing his office, or the GLA, into disrepute by damaging the reputation of his office or that of the GLA. I consider the circumstances and content of the Article to be linked to the official capacity of AM Qureshi.
42. Whilst Members may properly take a vigorous approach to representing Londoners as their constituents, they should consider the accuracy of factual assertions.
43. However, whilst I consider the Article to be inappropriate, ill-advised and misleading, I do not consider that, in providing this Article, AM Qureshi has brought his office, the London Assembly or Greater London Authority into disrepute.
44. I have considered whether a reasonable person would think that the Article – when read in the context in which it was made and as part of the article as a whole – would damage the reputation of the GLA; or whether it would reasonably be considered as ill-founded comment but without causing, or having the potential to cause, reputational damage.
45. This requires me to make a judgment, and I have decided that this matter does not cross the necessary level of seriousness in order to cause – in the mind of a reasonable person when reading the article as a whole – actual or potential reputational damage to the GLA or the London Assembly.
46. When reaching this decision, I consider it important to note that the Article has been removed from the public domain, which coupled with the public apology from Westminster Extra, mitigates any reputational damage arising out of the Statement.

### *Decision on alleged breach of paragraph 5*

47. For the reasons set out above, I find that AM Qureshi has not breached paragraph 5 of the Code and therefore find that aspect of the Complaint not proven.

### **Concluding remarks**

48. 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. His comments are attached at Appendix C. The Independent Person and I have reached the same conclusion on this complaint; that AM Qureshi has breached paragraph 3 (1), but has not breached paragraph 5, of the Code of Conduct. While the Independent Person has, in some regards, reached this conclusion on

slightly different bases to me, having carefully considered his reasoning, my view and the reasons for my decision remain as are set out in this Decision Notice.

49. As set out above, I find that Assembly Member Qureshi has breached paragraph 3 (1) of the Code of Conduct.
50. As set out in the Complaints Process, I have no legal powers to apply formal sanctions other than to provide an opinion on the conduct of the GLA Member concerned as compared to the expectations of the Code of Conduct.
51. In my opinion, AM Qureshi should formally apologise to the Trustees of the Cabmen's Shelter Fund. I am unable to compel him to do so, but will share this decision notice, setting out my views, with the lead Assembly Member in charge of the London Assembly Labour Group for their consideration.
52. This Decision Notice has been sent to the Complainant and AM Qureshi on 26 April and is available on the Authority's website.
53. There is no right to appeal to the GLA against this decision.

Signed:



Emma Strain  
GLA Monitoring Officer  
26 April 2021

## Appendix A: Article in Westminster Extra

6 FORUM / NEWS Follow us on Twitter @WestminsterXtra Westminster Extra Friday 28 August 2020

# Emergency funds fail to reach firms

It has been reported that some central London small business owners are missing out on vital government funding as emergency grants intended to keep struggling firms afloat are being handled, but then kept, by their landlords.

A specific example lies in the historic Cabmen's Shelters dotted across the West End.

I have recently spoken to some of the proprietors of these quaint and distinctive green boxes, which still operate as cafés 150 years on.

A few of the operators have raised concerns that since lockdown began, they still have not had sight of any government grant that should have passed on to them by the shelters' trustees.

This has sparked me to investigate the issue further and I have now obtained confirmation from Westminster City Council that the Cabmen's Shelter Fund

**The Treasury's one-size-fits-all approach has meant that only 14 per cent of Westminster-based firms on the business rates rating list are estimated to be eligible to receive grants from the two main schemes, says Labour's Murad Qureshi (pictured)**



did, indeed, receive a share of emergency funding from the Treasury.

With the wider picture of small businesses continuing to be placed under mounting pressures, as we head into a deep recession, these trustees now have a responsibility to explain to their tenants why they have chosen not to hand down this grant.

This is not the only problem with the government's current programme of Covid-19 related support for businesses.

The Treasury's one-size-fits-all approach has meant that only 14 per cent of Westminster-based firms on the business rates rating list are estimated to be eligible to receive grants from the two main schemes: the Small Business Rate Relief grant and Retail, Hospitality and Leisure grant.

This is all down to the restrictions that the chancellor Rishi Sunak has set for accessing these schemes.

Many small to medium size enterprises (SMEs), in the capital will be ineligible for these grants as they have a rateable value which exceeds a certain threshold.

However this does not mean that they do not need urgent financial help after being badly impacted by a loss of footfall and cashflow.

I have lobbied the government to be more flexible with the rules to reflect this, but this has so far been met with a short-sighted refusal.

We also need urgently to address the fact that the current grants system prohibits applications from small firms that operate from premises where their landlord is in charge of handling business rate charges and relief claims on their behalf.

Another case in point is Normah's Malaysian restaurant in Bayswater.

They have been left very confused by the whole process and have implored the government to find a way to support the small businesses who are being left to fall through the gaps.

If the government fail to act, for thousands of SMEs, it will no longer be a case of maximising profits, but fighting tooth and nail for survival.

● **Murad Qureshi is a Labour Assembly Member for Greater London.**

## Appendix B: Westminster Extra apology

### Apology to the Trustees of Cabmen's Shelter Fund

From the Westminster Extra

30 October, 2020

On August 28 2020 we published an article by Mr Murad Qureshi entitled 'Emergency virus funds fail to reach small businesses'.

Among the businesses discussed was the Cabmen's Shelter Fund, a charity for the benefit of cab drivers which runs roadside cafés in green wooden structures in central London.

The article suggested that the Trustees of the Fund had received 'emergency grants' intended for the proprietors of those cafés but had not passed those grants to the proprietors.

*Westminster Extra* now understands that the Trustees distributed the benefit of the grants to all of the proprietors of the cafes and not just to those proprietors whose cafes are situated in the particular boroughs which made the grants.

The Fund has also kept some of the monies in reserve.

## **Appendix C: Statement from the Independent Person**

### **Opinion by Alan Simcock, as an Independent Person under section 28(7) of the Localism Act 2011 in respect of complaints against Members of the Greater London Assembly**

#### **Context**

1. This opinion is given in relation to complaint 02/2020 by Mr Jimmy Jenkins, one of the Trustees of the Cabmen's Shelter Fund ("the Trustees") in respect of an article by Mr Murad Qureshi AM in the Westminster Extra newspaper on 28 August 2020.

2. I have had the advantage of seeing the chronology of events in relation to the complaint prepared by the Monitoring Officer for inclusion in her decision letter. I have also seen the related documents. My opinion is based upon this sequence of events and these documents. I do not therefore need here to repeat the chronology or summarise the documents.

#### **Applicability of the GLA Code of Conduct**

3. The first question is whether the GLA Code of Conduct for Members of the Greater London Assembly is applicable to these events. My opinion is that it is, for two principal reasons:

- (a) The article in the Westminster Extra describes Mr Qureshi as "Labour Assembly Member for Greater London". The article is written in the first person, and the description appears immediately at the end. It is a reasonable conclusion therefore that Mr Qureshi was content with this description and that he therefore wished to present the views expressed as part of his work as a Member of the Greater London Assembly;
- (b) Mr Qureshi used the facilities provided by the Greater London Authority for Assembly Members to issue on 1 September a press release with a link to the on-line version of the article. Since these facilities are provided solely to assist with the work of the Assembly Members, it is again a reasonable conclusion that Mr Qureshi wished to present the article as part of his work as a Member of the Greater London Assembly.

#### **Complaint of failure to treat the Trustees with respect**

4. There are two aspects of the obligation to treat persons with respect: first, behaviour during the sequence of events leading up to the publication of the words about which complaint is made and, secondly, subsequent behaviour following the publication and the assertion by the Trustees that they had passed the benefit of the grant on to the licensees of the shelters by means of rent holidays.

5. In the run-up to the publication of the article, Mr Qureshi clearly (and not surprisingly) took some steps to verify the facts about the fate of the support grant in aid of the cabmen's shelters. It is regrettable that the Trustees' representative took a stance on the confidentiality of the Trustees' relations with their licensees, and did not give the more general information about the rent holidays that was later provided. Nevertheless, the article clearly gives the impression that the Trustees were improperly retaining moneys that should have been passed on to the licensees: the article says that "these trustees have a responsibility to explain to their tenants [that is, the licensees] why they have chosen not to hand down this grant". Taken with the earlier mention that the grants "should have been passed on to them [that is, the licensees] by the shelters' trustees", the implication is clear that a justifiable explanation would not be forthcoming.

6. Following the article, the Trustees' representative wrote to explain in general terms how the grant was being handled, and giving the explanation which Mr Qureshi had demanded. While it may well be appropriate in certain circumstances to raise issues publicly in a way critical of individuals, when information is then provided which shows that the criticism is unfounded, "treating people with respect" requires that some further action is needed to acknowledge the true state of affairs. Mr Qureshi does not appear to have undertaken any steps to meet such a duty.

7. Taking both aspects of “treating people with respect” together, therefore, I am of the opinion that Mr Qureshi failed to treat the Trustees with respect.

**Complaint of bringing his office or the GLA into disrepute**

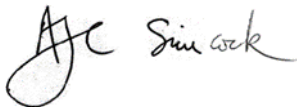
8. In considering the application of GLA codes of conduct, the obligation not to “conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute” has previously been considered. A distinction has been drawn between personal misconduct and conduct that is in some way linked to the exercise of the office or to the activities of the Authority (see, for example, the judgement of Mr Justice Collins in the case *Livingstone v. Adjudication Panel for England* ([2006] EWHC 2533)). Personal misconduct is seen as more likely to be regarded as bringing the *person* in question into disrepute, rather than the office or the Authority.

9. In my opinion, failure to treat a person with respect is very much a personal failing. There is no clear link between a failure of this kind and the functions of the office of Member of the Greater London Assembly. Since in this case, although the lack of respect was shown in the course of activities as a Member (see paragraph 3 above), the writing of the article and the publication of the press release were not part of the functions of Assembly membership (in the sense of exercising powers or fulfilling duties as a result of being a Member), it would not be justified to make a finding that Mr Qureshi brought his office or the Greater London Authority into disrepute.

**Conclusions**

10. In considering the complaint under the duties in relation to complaints against Members imposed on her by the Assembly, I consider that the Monitoring Officer can reasonably find that Mr Qureshi is in breach of the Code of Conduct in respect of failing to treat the Trustees with respect, but not in respect of bringing his office or the Authority into disrepute.

11. There are no formal powers to impose sanctions, other than to record findings in relation to complaints of breaches of the code. An expression of regret for the discourtesy inflicted by the comments in the article and the failure to respond positively when the facts were clarified would, however, reduce any damage to Mr Qureshi’s reputation.



A J C SIMCOCK