

**THE GREATER LONDON AUTHORITY'S
ETHICAL STANDARDS REGIME**

**MONITORING OFFICER DECISION NOTICE:
NO FURTHER ACTION**

GLA Case Reference: August 01/16

Decision

To take No Further Action on the complaint.

Complaint

Summary of the complaint:

A complaint was made about Leonie Cooper AM, Member of the London Assembly for Merton and Wandsworth.

The complaint was contained in emails sent to the Monitoring Officer on 19 and 24 August, and concerned the provision of information by Ms Cooper to the Complainant and others, regarding the planning application for the Wimbledon Stadium site in Plough Lane.

The Complainant alleged that Leonie Cooper AM had clearly stated to her [the Complainant], in an email sent on 4 August 2016 (which was provided to the Monitoring Officer), that the Mayor of London had already made his decision on the handling of a planning application for Wimbledon Stadium in Plough Lane, Merton, even though the consultation period for the application was still ongoing at the time and ended on 10 August. As a result, it is alleged that Ms Cooper had made "untrue statements" in the email which had gained public attention. It is also alleged that the same inaccurate comment was made in Ms Cooper's tweet on 18 August.

The Complainant also alleged that Leonie Cooper AM was "a close colleague of Mayor Khan", that she "ran his election campaign, and represents his former electoral constituency." The Complainant alleges that "it is reasonable to assume that she [Leonie Cooper] is likely to know his [the Mayor's] views and intent regarding the Wimbledon Stadium Plough Lane development plans... it is therefore reasonable to assume that in telling me...that "the Mayor has referred the matter back to Merton on specific grounds" she [was] divulging insider knowledge."

The Complainant further alleged that Ms Cooper had misrepresented, in communication with the Complainant, the position of the former Mayor of London, Boris Johnson MP, on the matter of this planning application. Ms Cooper had written that the former Mayor, in reference to the Wimbledon Stadium site planning application had said that "he was wrong to call the decision in." The reported statement from Mr Johnson MP was that he "may have been wrong" to call in the decision. The Complainant alleged

that this was further evidence of Leonie Cooper AM not providing her, as a constituent, with full and accurate information.

The Complainant therefore considered that Ms Cooper conducted herself in such a way as to breach the following requirements of the Code of Conduct for elected members of the GLA:

Paragraph 3(2)(d) – “You must not - do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority”;

Paragraph 4 – “You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(i) you have the consent of a person authorised to give it; (ii) you are required by law to do so; (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or (iv) the disclosure is—

(a) reasonable and in the public interest; and (b) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law”; and

Paragraph 5 – “You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.”

The Complainant acknowledged that Leonie Cooper AM had written to her (the Complainant) on 18 August 2016, as follows:

“I have now looked further into the matter of the length of the consultation period, and have discovered you are quite correct. I had previously been advised that the consultation commenced on the 18th July and ended on the 1st August, so when I wrote to you on the 4th August, I wrote believing it had just ended.

In fact, I now understand from our Head of Office that the consultation did not start on the 18th July, so it did continue until the 10th August, as you state in your email to me – and further, that the Mayor has not yet made a final determination, as he has not yet had the chance to look at the various submissions made during the consultation.

I apologise for implying that the consultation period had already ended and that the decision had been made – I was misinformed.”

In making the formal complaint to the Monitoring Officer, the Complainant indicated that she was not satisfied with the explanation and apology from Ms Cooper, stating: “I think it is important that constituents should be able to have trust and confidence in their elected representatives. Ms Cooper fails to meet this requirement as she is either wilfully passing on false information, or confused and not up to the job. In either case, I

am extremely disappointed in her behaviour and believe this case requires further investigation.”

Having then received the formal complaint and in accordance with section 2 of the approved procedure for dealing with formal complaints about the conduct of GLA Members, the Monitoring Officer undertook to determine whether informal resolution of the Complainant’s concerns was possible, by seeking further information from Leonie Cooper AM as to the nature of, and background to, the activities that were the subject of the complaint.

On 12 September 2016, Ms Cooper wrote to the Monitoring Officer as follows:

“I do not believe that I did mis-inform the complainant of the “true facts” surrounding the Wimbledon Stadium Plough Lane planning application, in that I was not privy to the decision making process and was not aware of any discussion around the development plans.

I did, however, inadvertently mis-inform Ms Dickenson of the status of the planning application when I mistakenly implied to her that the consultation had ended. As soon as I realised my error I emailed Ms Dickenson and apologised.

For the purpose of clarification – in May, I asked the Mayor a question via the Mayor’s Question Time process on the status of this planning application and when a decision was likely to be made; the reply I received was “as soon as possible”. I received no further communication from the Mayor’s Office.

On 29 July Ms Dickenson emailed me (to my personal email account) seeking further information; I had gone away for the weekend and did not see her email until the evening of Monday 1 August. On 3 August Ms Dickenson emailed me again and complained at my lack of response. As a result of this complaint I decided to reply as a matter of urgency and, in the absence of any information from the Mayor’s Office, I looked at the GLA’s Intranet and found the report on this planning application.

I misinterpreted the report, believing that the consultation period had ended (I assumed this because the report was dated 18 July and referred to a 14 day consultation period). I also assumed, from reading the report, that the Mayor had referred the decision back to Merton – I have no reason for this, other than I wanted to provide Ms Dickenson with an urgent response and clearly in my haste, did not read the report properly.

I am very sorry that Ms Dickenson was so inconvenienced by my actions and agree, she could have missed the deadline for submitting comments as a result and/or passed on incorrect information. However, I do not believe this was the case and Ms Dickenson did manage to submit her comments in time. I have apologised to Ms Dickenson for this error and am very happy to do so again.

I would also like to point out that I was, and still am, a new Assembly Member and still “finding my way”. I have learnt from this episode that I need to take my time in replying, ensure I am fully aware of all facts and will in future seek additional clarity from officers before responding in similar circumstances.

I used the words “he was wrong to call the decision in” as I was directly quoting from a newspaper. I did not do this in an attempt to “spin” anything and I did not do this in an attempt to avoid providing Ms Dickenson or anyone else with the true facts.

I can categorically assure you, and Ms Dickenson, that I did not know the Mayor’s views and intent regarding Wimbledon Stadium Plough Lane development plans and was most definitely not divulging “insider knowledge”. In fact, this matter has arisen precisely because I was not kept informed of the progress of this application. This particular planning application is not a Stage 1 or 2 notification, i.e. it is not a typical planning report.

Therefore the usual process – of notifying Constituency Assembly Members – has not been followed. This whole process is in fact unprecedented (i.e. on deciding whether or not to refer a planning application back to a borough) and the usual processes were simply not followed.

I did issue tweets and I did then apologise that they were incorrect. I do not accept that this was deliberately misleading nor do I accept that it clearly demonstrates my lack of impartiality on this matter- I believe my comments above under (1) and (3) explain further – this was an error on my part, for which I take full responsibility and have apologised for and am happy to apologise again if this is thought helpful.”

The Complainant was made aware of these statements (with Ms Cooper’s agreement) and responded on 14 September 2016 saying that, despite the nature of the issue and the number of people who would have received the initial Twitter message, Ms Cooper had not issued an apology and clarification via Twitter; that she (the Complainant) had advised the Secretary of State of her concerns, particularly in relation to Ms Cooper, and potentially others involved, appearing (it was alleged) to have prior knowledge of the Mayor’s decision to hand the matter back to LB Merton; and that this was a question about whether “public trust has been abused”, because “a decision had already been made whilst people were led to believe that their voices mattered.”

Procedure

The approved procedure under which complaints are to be considered is as follows:

“Initial assessment of your complaint

The Monitoring Officer will conduct an initial assessment of all complaints on a case-by-case basis and, in doing this, will also take into account relevant guidance and advice (and may seek the views of an Independent Person appointed by the GLA for such purposes).

The Monitoring Officer will also take into account any relevant criteria and factors that, over the course of time, the GLA’s Standards Committee had previously taken into account when assessing complaints.

In light of the absence of formal sanctions available to the Monitoring Officer to apply in the event of a formal breach of the Code, the Greater London Authority expects this complaints process to be proportionate to the issues raised and the expected outcomes.

The Monitoring Officer will therefore take into account the wider public interest and the cost to the public purse of undertaking any investigation into alleged breaches of the Code. Complaints are, therefore, only likely to be taken forward for investigation where the allegations are objectively and reasonably considered to be serious matters.

Whilst every complaint will be judged on its particular merits, it is possible that, for example, a complaint by one Member of the Authority against another that only alleges a lack of due respect will not be considered to be a matter where an investigation would be appropriate nor in the wider public interest.

Similarly, a suggestion that an elected Member who has exercised his or her right to voice a legitimate opinion has brought their office and/or the Authority into disrepute by so doing is likely not to be taken forward for further consideration. As an additional example, the failure of an elected Member to respond to correspondence or to choose to terminate correspondence with an individual would also be unlikely in and of itself to be investigated.

After conducting an initial assessment of your complaint, the Monitoring Officer will do one of the following:

- (a) decide that no action should be taken on your complaint (and inform you of this decision and the related reasons); or
- (b) pass your complaint to the Monitoring Officer of a different authority, if he/she considers that that is a more appropriate way of dealing with your complaint; or
- (c) decide that he/she is minded to investigate your complaint, subject to representations of the member you have complained about (who may seek the views of an independent person appointed by the GLA for such purposes); or
- (d) decide to investigate your complaint (and inform you of this decision and the related reasons).

Considering what information should be provided after initial assessment

After the Monitoring Officer has assessed your complaint, he/she will then decide whether a written summary of your complaint should be provided to the Member complained about; whether your identity should be provided to that Member (if this has not already happened). When taking these decisions, the Monitoring Officer must consider whether providing these or any details would be against the public interest or would undermine a person's ability to investigate your complaint (as this may be necessary at a later stage).

How are you told about the Monitoring Officer's decision?

The Monitoring Officer will write to you and the Member you are complaining about following the initial assessment to inform them of the outcome. A decision not to investigate a complaint (along with summary details of the complaint) will then be published on the GLA's website.

A decision of 'no action' is the end of the GLA process

Where the Monitoring Officer has decided that no action should be taken on your complaint, there is no ability to ask the GLA for a review of the Monitoring Officer's decision, which is final. In these circumstances, you may be able to complain to the Local Government

Ombudsman (PO Box 4771, Coventry CV4 0EH; Telephone: 0300 061 0614; Fax: 024 7682 0001).

Reasons for decision

The Monitoring Officer carefully considered the following:

- the Complainant's correspondence dated 19 August, 24 August and 14 September 2016;
- the responses provided by Leonie Cooper AM (as set out above); and
- the relevant paragraphs of the GLA's Code of Conduct for Members.

Having considered Ms Cooper's conduct with regards to the above, the Monitoring Officer is of the view that:

(a) A factually inaccurate public statement was made by Leonie Cooper AM in relation to the process being undertaken by the Mayor / Greater London Authority on the handling of the planning application for the Wimbledon Stadium site. The Member told the Complainant and others that the matter had been determined, when in fact it had not and the associated consultation process was, at that time, still live. The Monitoring Officer agrees that the Complainant is right to assume that she and others are entitled to receive accurate and timely information, at all times, about important local issues from the relevant public authorities and their elected members. The Monitoring Officer will therefore write formally to Leonie Cooper AM to remind her of the importance of this and her responsibility to constituents to accurately provide information. The Monitoring Officer will also ensure that Ms Cooper understands this responsibility applies regardless of whether the Member concerned is newly-elected, communicating quickly by social media, relying on others to provide information, away for a period of time or for any other incidental reason.

However -

- (b) The formal GLA complaints handling procedure states that: "In light of the absence of formal sanctions available to the Monitoring Officer to apply in the event of a formal breach of the Code, the Greater London Authority expects this complaints process to be proportionate to the issues raised and the expected outcomes. The Monitoring Officer will therefore take into account the wider public interest and the cost to the public purse of undertaking any investigation into alleged breaches of the Code." In this case, the Complainant has been provided with a summary explanation and apology by Ms Cooper, and then a further detailed explanation and full apology. The Monitoring Officer does not consider that a formal investigation would, on balance, be likely to elicit any substantive new information, noting that a relatively lengthy explanation – one that appears to provide a reasonable basis to understand Ms Cooper's actions - has already been provided, and also that there is no evidence to suggest that Ms Cooper has not been honest in providing that information;
- (c) Whilst the constituency Assembly Member is an elected member of the GLA and therefore an important public office-holder, she (as with any other Member of the London Assembly, acting in that capacity) does not hold any executive, decision-making role or functions in the Mayor of London's planning processes. The GLA publishes relevant information itself regarding its decisions and consultation exercises, as it had in the case of this planning application. In considering the issues raised by this complaint and the likely benefits of referring the matter for formal investigation, the Monitoring Officer took into account that the GLA had not published or disseminated inaccurate information on the relevant matter,

and so the correct information was in the public domain at all times. The Monitoring Officer considered that Ms Cooper's inaccurate statement about a matter in which she had no formal responsibility had not interfered with the accuracy of the information made available to the public by the GLA; and

- (d) There was no evidence to support the allegation that, in issuing her comments on the relevant planning application, Ms Cooper did "anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority", as was alleged in the formal complaint.

For the reasons set out in (b) - (d) above, the Monitoring Officer has decided that there is no potential breach of the GLA's Code of Conduct that warrants formal investigation, and has therefore decided to take No Further Action on the complaint.

Confidentiality and publication

The Complainant confirmed that a summary of the complaint could be provided to Ms Cooper and made available on the Authority's web site; in also taking into account the public interest and the general requirement to be transparent, the GLA's Monitoring Officer decided that these details should be provided to Ms Cooper and should also be published. The Complainant, Ms Ingrid Dickenson, confirmed that her identity could be disclosed.

This Decision Notice has been sent to the Complainant and Leonie Cooper AM on 5 October 2016

Right to appeal

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

Signed: Ed Williams, GLA Monitoring Officer

Date: 5 October 2016