

## Notice of Meeting

### **STANDARDS SUB-COMMITTEE (HEARING)**

This meeting will be held concurrently with the Greater London Authority  
Thursday, 24 September 2009 - 2:00 pm  
Committee Room 3, City Hall, The Queen's Walk, London SE1 2AA

**Members:** Jennifer Spearman (Chair), Councillor Mrs K J Flint and Mr K Madden

16 September 2009

R. A. Whiteman  
Chief Executive

Contact Officer: Margaret Freeman  
Tel: 020 8227 2638  
Fax: 020 8227 2162  
Minicom: 020 8227 2685  
E-mail: [margaret.freeman@lbbd.gov.uk](mailto:margaret.freeman@lbbd.gov.uk)

---

### **AGENDA**

- 1. Apologies for Absence**
- 2. Declaration of Members' Interests**

In accordance with the Council's Constitution, Members are asked to declare any personal or prejudicial interest they may have in any matter which is to be considered at this meeting.
- 3. Minutes - To confirm as correct the minutes of the meeting held on 21 July 2009 (Pages 1 - 2)**
- 4. Members' Code of Conduct (Pages 3 - 11)**
- 5. Procedure for Dealing with Local Hearings (Pages 13 - 22)**
- 6. Monitoring Officer Report - MC9-08 (Pages 23 - 118)**
- 7. Any other public items which the Chair decides are urgent**
- 8. To consider whether it would be appropriate to pass a resolution to exclude the public and press from the remainder of the meeting due to the nature of the business to be transacted.**

## **Private Business**

The public and press have a legal right to attend Council meetings such as the Executive, except where business is confidential or certain other sensitive information is to be discussed. The list below shows why items are in the private part of the agenda, with reference to the relevant legislation (the relevant paragraph of Part 1 of Schedule 12A of the Local Government Act 1972 as amended). **There are no such items at the time of preparing this agenda.**

- 9. Any other confidential or exempt items which the Chair decides are urgent**

**STANDARDS SUB-COMMITTEE (HEARING)**  
**held concurrently with the Greater London Authority**  
Tuesday, 21 July 2009  
(10:35 - 11:15 am)

**Present:** Councillor Mrs K J Flint, Mr K Madden and Jennifer Spearman

**Also Present:** Claer Lloyd-Jones (Independent Member Greater London Authority (GLA)), Sam Younger (Independent Member GLA), Assembly Member Murad Qureshi (GLA)

**1. Apologies for Absence**

None.

**2. Introduction**

The LBBB Monitoring Officer opened the meeting and advised that this is a joint hearing following a complaint made against Mr Richard Barnbrook, who is a Greater London Assembly Member as well as a Councillor of the London Borough of Barking and Dagenham.

**3. Appointment of Chair**

Jennifer Spearman was appointed Chair of the LBBB Hearing Sub-Committee.

Claer Lloyd-Jones was appointed Chair of the GLA Hearing Sub-Committee and Presiding Chair of the actual hearing.

**4. Declarations of Interest**

None.

**5. Members' Code of Conduct**

The Members' Code of Conduct of the GLA and the LBBB were noted.

**6. Procedure for Dealing with Local Hearings**

The Procedure for Dealing with Local Hearings of the GLA and the LBBB were noted.

**7. Monitoring Officer Report - MC9-08**

The Presiding Chair noted that neither the subject member nor his legal representative were present and requested officers to provide an update to the meeting.

The Sub-Committees noted that:

1. at an earlier stage the subject member had been asked to provide certain information as part of a pre-hearing process but that he had failed to respond and, as such, the Sub-Committees did not have his case before them;
2. up until 20 July the subject member had indicated he would be attending the hearing; and
3. at approximately 10.25 am, just prior to the commencement of the hearing, a medical certificate had been received from the subject member, indicating that he would be unfit to work for two weeks.

At 10.49 am the Sub-Committees **agreed** to adjourn to consider whether or not it would be fair to proceed with the hearing in the absence of the subject member.

The Sub-Committees reconvened at 11.08 am and announced their joint decision that:

- (i) it would be unfair to proceed with the hearing in the absence of the subject member;
- (ii) the reconvened hearing take place on either 12 August or 4 September 2009,
- (iii) officers to confirm the agreed date to the Sub-Committees within 48 hours.

The Presiding Chair requested that officers renew their efforts to ascertain:

- A. points of contention the subject member has with the evidence already to hand; and
- B. what evidence the subject member may wish to bring to the reconvened hearing.

## MEMBERS' CODE OF CONDUCT

### THE TEN GENERAL PRINCIPLES GOVERNING THE CONDUCT OF MEMBERS OF LOCAL AUTHORITIES

The principles as set out below define the standards that Members should uphold

**Selflessness - Members** should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

**Honesty and Integrity - Members** should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

**Objectivity - Members** should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

**Accountability - Members** should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

**Openness - Members** should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

**Personal judgement - Members** may take account of the view of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

**Respect for others - Members** should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

**Duty to uphold the law - Members** should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

**Stewardship - Members** should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

**Leadership - Members** should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

# MEMBERS' CODE OF CONDUCT

## PART 1

### GENERAL PROVISIONS

#### Introduction and interpretation

1. (1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code
  - “meeting” means any meeting of
    - (a) the authority;
    - (b) the executive of the authority;
    - (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

“member” includes a co-opted member and an appointed member.

#### Scope

2. (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you
  - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
  - (b) act, claim to act or give the impression you are acting as a representative of your authority,and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of your authority
  - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
  - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

### **General obligations**

3. (1) You must treat others with respect.

(2) You must not

- (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
- (b) bully any person;
- (c) intimidate or attempt to intimidate any person who is or is likely to be
  - (i) a complainant,
  - (ii) a witness, or
  - (iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

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
      - (aa) reasonable and in the public interest; and
      - (bb) 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.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute
6. You
- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
  - (b) must, when using or authorising the use by others of the resources of your authority
    - (i) act in accordance with your authority's reasonable requirements;
    - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
  - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by
- (a) your authority's chief finance officer; or
  - (b) your authority's monitoring officer,
- where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.



## PART 2

### INTERESTS

#### Personal interests

8.(1) You have a personal interest in any business of your authority where either

- (a) it relates to or is likely to affect
  - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
  - (ii) any body
    - (aa) exercising functions of a public nature;
    - (bb) directed to charitable purposes; or
    - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),  
  
of which you are a member or in a position of general control or management
  - (iii) any employment or business carried on by you;
  - (iv) any person or body who employs or has appointed you;
  - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
  - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
  - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
  - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
  - (ix) any land in your authority's area in which you have a beneficial interest;

- (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
  - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
  - (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.
- (2) In sub-paragraph (1)(b), a relevant person is
- (a) a member of your family or any person with whom you have a close association; or
  - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
  - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
  - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

### **Disclosure of personal interests**

- 9.(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a

personal interest, but need not disclose the sensitive information to the meeting.

- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, “executive decision” is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

### **Prejudicial interest generally**

10. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business

- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
- (c) relates to the functions of your authority in respect of
  - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
  - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
  - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
  - (iv) an allowance, payment or indemnity given to members;
  - (v) any ceremonial honour given to members; and
  - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

## **Prejudicial interests arising in relation to overview and scrutiny committees**

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
  - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

## **Effect of prejudicial interests on participation**

12. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held
    - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
    - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;unless you have obtained a dispensation from your authority's standards committee;
  - (b) you must not exercise executive functions in relation to that business; and
  - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

## PART 3

### REGISTRATION OF MEMBERS' INTERESTS

#### Registration of Members' interests

13. (1) Subject to paragraph 14, you must, within 28 days of

- (a) this Code being adopted by or applied to your authority; or
- (b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

#### Sensitive information

14. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

This page is intentionally left blank

## **Procedure for Local Standards Hearings**

### **1. Interpretation**

- (a) “Member” means the Member of the Council who is the subject of the allegation being considered by the Standards Committee, unless the context indicates otherwise. It also includes the Member’s nominated representative.
- (b) “Investigating Officer” means either the Ethical Standards Officer of the Standards Board for England (ESO) who referred the report to the Council (and includes his or her nominated representative) or in the case of matters that have been referred for local investigation and matters which have been referred by the Standards Committee to the Monitoring Officer for investigation, references to the Investigating Officer mean the person appointed by the Monitoring Officer to undertake that investigation (which may include the Monitoring Officer, and his or her nominated representative).
- (c) “The Matter” is the subject matter of the Investigating Officer’s report.
- (d) “The Standards Committee” refers to the Standards Committee or to any Standards Sub-Committee to which it has delegated the conduct of the hearing.
- (e) “The Democratic Services Officer” means an Officer of the Council responsible for supporting the Standards Committee’s discharge of its functions and recording the decisions of the Standards Committee.
- (f) “Legal Adviser” means the Officer responsible for providing legal advice to the Standards Committee. This may be the Monitoring Officer, another legally qualified Officer of the Council, or someone appointed for this purpose from outside the Council.
- (g) “The Chair” refers to the person presiding at the hearing.

### **2. Modification of Procedure**

The Chair may agree to vary this procedure in any particular instance where he/she is of the opinion that such a variation is necessary in the interests of fairness.

### **3. Representation**

The Member may be represented or accompanied during the meeting by a Solicitor, Counsel, or, with the permission of the Committee, another person. Note that the cost of such representation must be met by the Member, unless the Council has agreed to meet all or any part of that cost in accordance with its terms and conditions of its policy in relation to Member indemnities.

The council has in place insurance to meet the legal cost of any elected or co-opted member of the council to cover all reasonable and necessary costs charged by a

representative appointed to represent the member/co-opted member who is charged with being in breach of the Member Code of Conduct. The terms and conditions of any insurance cover shall be in accordance with the council's insurance policy currently in force.

#### **4. Pre-Hearing Procedure (ESO's Report)**

Upon reference of a matter from an ESO for local determination following completion of the ESO's report, the Monitoring Officer shall:

- (a) Arrange a date for the Standards Committee's hearing;
- (b) Send a copy of the report to the Member and advise him/her of the date, time and place for the hearing;
- (c) Send a copy of the report to the person who made the allegation and advise him/her of the date, time and place for the hearing;
- (d) Request the Member to complete and return the model Pre-Hearing Forms A, B, D and E, as recommended by the Standards Board for England within 14 days of receipt;
- (e) In the light of any Pre-Hearing Forms returned by the Member, determine whether the Standards Committee will require the attendance of the ESO and any additional witnesses at the hearing to enable it to come to a properly considered conclusion at the hearing, and arrange for their attendance;
- (f) Prepare a Pre-Hearing Summary Report setting out the course of the allegation, investigation and Pre-Hearing Process and highlighting the issues which the Standards Committee will need to address; and
- (g) Arrange that the agenda for the hearing, together with the Pre-Hearing Summary Report and copies of any relevant documents are sent to:
  - (i) All Members of the Standards Committee who will conduct the hearing;
  - (ii) The Member;
  - (iii) The person who made the allegation; and
  - (iv) The Investigating Officer.

#### **5. Pre-Hearing Process (Local Investigation)**

Upon receipt of the final report of the Investigating Officer including a finding that the Member failed to comply with the Code of Conduct for Members or the Standards



Committee finds that the matter should be considered at a formal hearing, the Monitoring Officer shall:

- (a) Arrange a date for the Standards Committee's hearing;
- (b) Send a copy of the report to the Member and advise him/her of the date, time and place for the hearing;
- (c) Send a copy of the report to the person who made the allegation and advise him/her of the date, time and place of the hearing;
- (d) Request the Member to complete and return the model Pre-Hearing Forms A, B, D and E, as recommended by the Standards Board for England within 14 days of receipt;
- (e) In the light of any Pre-Hearing Forms returned by the Member, determine whether the Standards Committee will require the attendance of the Investigating Officer and any additional witnesses at the hearing to enable it to come to a properly considered conclusion at the hearing, and arrange for their attendance;
- (f) Prepare a Pre-Hearing Summary Report setting out the course of the allegation, investigation and Pre-Hearing Process and highlighting the issues which the Standards Committee will need to address; and
- (g) Arrange that the agenda for the hearing, together with the Pre-Hearing Summary Report and copies of any relevant documents are sent to:
  - (i) All members of the Standards Committee who will conduct the hearing;
  - (ii) The Member;
  - (iii) The person who made the allegation; and
  - (iv) The Investigating Officer

## **6. Legal Advice**

The Standards Committee may take legal advice from its legal adviser at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the Standards Committee should be shared with the Member and the Investigating Officer if they are present.

## **7. Setting the Scene**

At the start of the hearing the Monitoring Officer shall introduce each of the Members of the Standards Committee, the Member (if present), the Investigating Officer (if present) and any other Officers present, and shall then explain the procedure which the Standards Committee will follow in the conduct of the hearing.

## **8. Preliminary Procedural Issues**

The Standards Committee shall then deal with the following preliminary procedural matters in the following order:

(a) **Appointment of Chair**

An Independent Member shall be appointed as Chair.

(b) **Disclosures of Interest**

The Chair shall ask Members of the Standards Committee to disclose the existence and nature of any personal or prejudicial interests;

(c) **Quorum**

The Chair shall confirm that the Standards Committee is quorate, i.e. one Councillor Member and two Independent Members.

(d) **Hearing Procedure**

The Chair shall confirm that all present know the procedure which the Standards Committee will follow in determining the matter.

(e) **Proceeding in the absence of the Member**

If the Member is not present at the start of the hearing:

- (i) the Chair shall ask the Monitoring Officer whether the Member has indicated his/her intention not to attend the hearing;
- (ii) the Standards Committee shall then consider any reasons which the Member has provided for not attending the hearing and shall decide whether it is satisfied that there is sufficient reason for such failure to attend;
- (iii) if the Standards Committee is satisfied with such reasons, it shall adjourn the hearing to another date
- (iv) if the Standards Committee is not satisfied with such reasons, or if the Member has not given any such reasons, the Standards Committee shall decide whether to consider the matter and make a determination in the absence of the Member or to adjourn the hearing to another date.

(f) **Exclusion of Press and Public**

- (i) The Standards Committee may exclude the Press and public from its consideration of the matter where it appears likely that confidential or exempt information will be disclosed in the course of this consideration.

- (ii) The Chair shall ask the Member, the Investigating Officer and the legal adviser to the Standards Committee whether they wish to ask the Standards Committee to exclude the Press or public from all or any part of the hearing. If any of them so request, the Chair shall ask them to put forward reasons for so doing and ask for responses from the others and the Standards Committee shall then determine whether to exclude the Press and public from all or any part of the hearing.
- (iii) Where the Standards Committee does not resolve to exclude Press and public, the agenda and any documents which have been withheld from the Press and public in advance of the meeting shall then be made available to the Press and public.

## **9. A failure to comply with the Code of Conduct**

The Standards Committee will then address the issue of whether the Member failed to comply with the Code of Conduct in the manner set out in the Investigating Officer's report.

- (a) The Chair shall ask the Member to confirm that he/she maintains the position as set out in the pre-hearing summary

### **(b) The Pre-Hearing Process Summary**

The Chair will ask the legal adviser or the Democratic Services Officer to present his/her report, highlighting any points of difference in respect of which the Member has stated that he/she disagrees with any finding of fact in the Investigating Officer's report. The Chair will then ask the Member to confirm that this is an accurate summary of the issues and ask the Member to identify any additional points upon which he/she disagrees with any finding of fact in the Investigating Officer's report.

- (i) If the Member admits that he/she has failed to comply with the Code of Conduct in the manner described in the Investigating Officer's report, the Standards Committee may then make a determination that the Member has failed to comply with the Code of Conduct in the manner described in the Investigating Officer's report and proceed directly to consider whether any action should be taken (Paragraph 11).
- (ii) If the Member identifies additional points of difference, the Chair shall ask the Member to explain why he/she did not identify these points as part of the pre-hearing process. He/she shall then ask the Investigating Officer (if present) whether he/she is in a position to deal with those additional points of difference directly or through any witnesses who are in attendance or whose attendance at the hearing can conveniently be arranged. Where the Standards Committee is not satisfied with the Member's reasons for failing to identify each additional point of difference as part of the pre-hearing process, it may decide that it will continue the hearing but without allowing the Member

to challenge the veracity of those findings of fact which are set out in the Investigating Officer's report but in respect of which the Member did not identify a point of difference as part of the pre-hearing process, or it may decide to adjourn the hearing to allow the Investigating Officer and/or any additional witnesses to attend the hearing.

**(c) Presenting the Investigating Officer's Report**

- (i) If the Investigating Officer is present, the Chair will then ask the Investigating Officer to present his/her report, having particular regard to any points of difference identified by the Member and why he/she concluded, on the basis of his/her findings of fact, that the Member had failed to comply with the Code of Conduct. The Investigating Officer may call witnesses as necessary to address any points of difference.
- (ii) If the Investigating Officer is not present, the Standards Committee shall only conduct a hearing if they are satisfied that there are no substantial points of difference or that any points of difference can be satisfactorily resolved in the absence of the Investigating Officer. In the absence of the Investigating Officer, the Standards Committee shall determine on the advice of the Monitoring Officer which witnesses, if any, to call. Where such witnesses are called, the Chair shall draw the witness's attention to any relevant section of the Investigating Officer's report and ask the witness to confirm or correct the report and to provide any relevant evidence.
- (iii) No cross-examination shall be permitted but, at the conclusion of the Investigating Officer's report and/or of the evidence of each witness, the Chair shall ask the Member if there are any matters upon which the Standards Committee should seek the advice of the Investigating Officer or the witness.

**(d) The Member's Response**

- (i) The Chair shall then invite the Member to respond to the Investigating Officer's report and to call any witnesses as necessary to address any points of difference.
- (ii) No cross-examination shall be permitted but, at the conclusion of the Member's evidence and/or of the evidence of each witness, the Chair shall ask the Investigating Officer if there are any matters upon which the Standards Committee should seek the advice of the Member or the witness.

**(e) Witnesses**

- (i) The Standards Committee shall be entitled to refuse to hear evidence from the Investigating Officer, the Member or a witness unless they are satisfied that the witness is likely to give evidence which they need to

hear in order to be able to determine whether there has been a failure to comply with the Code of Conduct.

- (ii) Any Member of the Standards Committee may address questions to the Investigating Officer, to the Member or to any witness.

(f) **Additional Evidence**

At the conclusion of the evidence, the Chair shall check with the Members of the Standards Committee that they are satisfied that they have sufficient evidence to come to a considered conclusion on the matter.

- (g) If the Standards Committee at any stage prior to determining whether there was a failure to comply with the Code of Conduct are of the opinion that they require additional evidence on any point in order to be able to come to a considered conclusion on the matter, the Standards Committee may (on not more than one occasion) adjourn the hearing and make a request to the Investigating Officer to seek and provide such additional evidence and to undertake further investigation on any point specified by the Standards Committee. All parties to the complaint will be informed if and when this occurs.
- (h) Determination as to whether there was a failure to comply with the Code of Conduct
  - (i) At the conclusion of the Member's response, the Chair shall ensure that each Member of the Standards Committee is satisfied that he/she has sufficient information to enable him/her to determine whether there has been a failure to comply with the Code of Conduct as set out in the Investigating Officer's report.
  - (ii) Unless the determination merely confirms the Member's admission of a failure to comply with the Code of Conduct (as set out in Paragraph 9(b) (i) above), the Standards Committee shall then retire to another room to consider in private whether the Member did fail to comply with the Code of Conduct as set out in the Investigating Officer's report.
  - (iii) The Standards Committee shall take its decision on the balance of probability based on the evidence which it has received at the hearing.
  - (iv) The Standards Committee's function is to make a determination on the matter. It may, at any time, return to the main hearing room in order to seek additional evidence from the Investigating Officer, the Member or a witness, or to seek legal advice from or on behalf of the Monitoring Officer. If it requires any further information, it may adjourn and instruct an Officer or request the Member to produce such further evidence to the Standards Committee.

- (v) At the conclusion of the Standards Committee's consideration, the Standards Committee shall consider whether it is minded to make any recommendations to the Council with a view to promoting high standards of conduct among Members.
- (vi) The Standards Committee shall then return to the main hearing room and the Chair will state the Standards Committee's principal findings of fact and their determination as to whether the Member failed to comply with the Code of Conduct as set out in the Investigating Officer's report.

#### **10. If the Member has not failed to follow the Code of Conduct**

If the Standards Committee determines that the Member **has not failed** to follow the Code of Conduct in the manner set out in the Investigating Officer's report the Committee will then consider whether it should make any recommendations to the authority with a view to promoting high standards among members.

#### **11. Action consequent upon a failure to comply with the Code of Conduct**

- (a) The Chair shall ask the Investigating Officer (if present, or otherwise the legal adviser) and the subject Member whether, in their opinion, the Member's failure to comply with the Code of Conduct is such that the Standards Committee should impose a sanction and, if so, what would be the appropriate sanction.
- (b) The Chair will then ensure that each Member of the Standards Committee is satisfied that he/she has sufficient information to enable him/her to take an informed decision as to whether to impose a sanction and (if appropriate) as to the form of the sanction.
- (c) Any Member of the Standards Committee may address questions to the Investigating Officer or to the Member as necessary to enable him/her to take such an informed decision.
- (d) The Chair should then set out any recommendations which the Standards Committee is minded to make to the Council with a view to promoting high standards of conduct among Members and seek the views of the Member, the Investigating Officer and the legal adviser.
- (e) The Standards Committee shall then retire to another room to consider in private whether to impose a sanction, (where a sanction is to be imposed) what sanction to impose and when that sanction should take effect, and any recommendations which the Standards Committee will make to the Council.
- (f) At the conclusion of their consideration, the Standards Committee shall return to the main hearing room and the Chair shall state the Standards Committee's decisions as to whether to impose a sanction and (where a sanction is to be imposed) the nature of that sanction, and when it should take effect, together with the principal reasons for those decisions, and any recommendations which the Standards Committee will make to the Council.

- (g) The Standards Committee has power to impose any one or a combination of the following sanctions:
- censure of that Member
  - restriction for a period not exceeding six months of that Member's access to the premises of the authority or that member's use of the resources of the authority, provided that those restrictions meet **both** the following requirements:
    - (i) they are reasonable and proportionate to the nature of the breach; and
    - (ii) they do not unduly restrict the person's ability to perform the functions of a Member.
  - partial suspension of that Member for a period not exceeding six months
  - suspension of that Member for a period not exceeding six months
  - that the Member submits a written apology in a form specified by the Standards Committee
  - that the Member undertakes such training as the Standards Committee specifies
  - that the Member participates in such conciliation as the Standards Committee specifies
  - partial suspension of that Member for a period not exceeding six months or until such time as the Member has met **either** of the following restrictions:
    - (i) they have submitted a written apology in a form specified by the Standards Committee; or
    - (ii) they have undertaken such training or have participated in such conciliation as the Standards Committee specifies
  - suspension of that Member for a period not exceeding six months or until such time as the Member has met **either** of the following restrictions:
    - (i) they have submitted a written apology in a form specified by the Standards Committee; or
    - (ii) they have undertaken such training or have participated in such conciliation as the Standards Committee specifies

## 12. Reference back to the Ethical Standards Officer

If, at any time before the Standards Committee has determined upon any appropriate sanction, the Standards Committee considers that the nature of the failure to comply with the Code of Conduct for Members is such that the appropriate sanction would exceed the powers of the Standards Committee, the Standards

Committee may instruct the Monitoring Officer to request the Ethical Standards Officer to resume responsibility for the conduct of the matter, and may adjourn the hearing until the Monitoring Officer advises the Standards Committee of the Ethical Standards Officer's response to such a request.

### **13. The Close of the Hearing**

- (a) The Standards Committee will
- (i) announce its decision on the day of the hearing and provide the Democratic Services Officer with a short written statement of their decision, which the Democratic Services Officer will deliver to the Member as soon as practicable after the close of the hearing; and
  - (ii) give its full written decision as soon as possible but within two weeks of the hearing to the relevant parties:
    - the Member
    - the complainant
    - the Standards Committee of any other authorities concerned
    - the Standards Board for England.
- (b) The Chair will thank those present who have contributed to the conduct of the hearing and formally close the hearing;
- (c) Following the close of the hearing, the Democratic Services Officer will agree a formal written notice of the Standards Committee's determination and the Monitoring Officer shall arrange for the distribution and publication of that notice (or a summary of that notice, where required) in accordance with Regulation 20 of the Standards Committee (England) Regulations 2008.

### **14. Appeals**

The Member may appeal against the decision of the Standards Committee by writing to the President of the Adjudication Panel for England, ensuring that his letter sets out the grounds for such an appeal, includes a statement as to whether or not he consents to the appeal being heard by way of written representations, and is received by the President within 21 days of the date of the written notice of decision under Paragraph 13(d).



**STANDARDS SUB-COMMITTEE (Hearing)****24 September 2009****REPORT OF THE COUNCIL'S MONITORING OFFICER**

<b>COMPLAINT AGAINST A COUNCILLOR</b> <b>REF: MC9-08</b>	<b>FOR DETERMINATION</b>
<p><b>Summary:</b></p> <p>The subject member is a member of both Barking and Dagenham Council and of the Greater London Authority (GLA). A complaint was submitted about the subject member's conduct it being alleged that he had breached the Code of Conduct in place in both authorities.</p> <p>The GLA Standards Sub-Committee met on 20 October 2008 and decided to refer the matter for investigation. The Standards Assessment Sub-Committee of Barking and Dagenham Council initially had dismissed the complaint on 6 November 2008 as disclosing no breach of the Code of Conduct. However, the complainant asked for a Review of that decision and on 3 December 2008 a differently constituted meeting of the Standards Sub-Committee decided to refer the matter for investigation. I appointed Sanjay Prashar, Deputy Head of Law to carry out the investigation. Helen Sargeant was appointed by the GLA to investigate a potential breach under the GLA Code of Conduct.</p> <p>Given the common ground between the two authorities, the Standards Committees of both Barking and Dagenham Council and of the GLA decided to conduct a joint investigation and, if the investigation found a breach of the Code, to hold concurrent Hearing Sub-Committees</p> <p>Sanjay Prashar and Helen Sargeant presented their final investigation report to both Standards Sub-Committees of Barking and Dagenham and the GLA (which met separately) on 29<sup>th</sup> April 2009. Their joint report found there to have been a breach of the Code of Conduct of both authorities. The Standards Committees of both authorities accepted the report findings and decided that the matter progress to a final hearing.</p> <p>Given that both Committees are dealing with the same matter, the Standards Sub-Committees of both authorities have agreed to hold their final hearing concurrently with the other. This means that while the Standards Sub-Committees of each authority will be convening to hear the evidence and make their own decision, they will convene at the same time and place to hear the evidence together.</p> <p>A hearing arranged for Tuesday, 21 July 2009, was adjourned due to the subject member's absence through ill health. At that meeting the two Standards Sub-Committees each elected a chair (Jennifer Spearman for Barking and Dagenham Council and Claer Lloyd-Jones for the GLA). Claer Lloyd-Jones was also elected to act as the presiding chair for the purpose of the main hearing.</p> <p>A further hearing, arranged for Wednesday, 12 August 2009, was postponed due to late</p>	

evidence presented by the subject member, and rescheduled for Thursday, 24 September 2009.

At the re-convened hearing, after all the evidence has been heard the two Standards Sub-Committees will retire to reach their own decision although they can confer with each other during the course of the hearing.

Ms Sargeant will attend the meeting to present the joint investigation report which is attached at Appendix 1. The Schedule of Evidence referred to in the investigation report as Appendix A is in a separate bundle.

In accordance with the Standards Board for England Guidance to use a pre-hearing process, a detailed letter was sent to the subject member on 13 May 2009 and it is attached at Appendix 2.

Two follow up letters were sent to the subject member and a letter was received from him on 8 July 2009. A further letter was sent on 9 July 2009. All correspondence is attached as Appendix 3. Officers will provide an update at the meeting.

Inspector Boyle has confirmed he is attending as a witness (see attached letter inviting him to attend - Appendix 4. Inspector Boyle's witness statement – Appendix 5 – is exempt information by virtue of Paragraph 7C of the Local Government Act 1972).

The subject member requested copies of any handwritten notes of the meeting of 6 February 2009. Handwritten notes of two members of the GLA legal team were provided together with their witness statements. These are provided at Appendix 6 (the full witness statements are exempt by virtue of Paragraph 7C of the Local Government Act 1972 but redacted copies are available for members of the public).

The hearing must be conducted in accordance with the Standards Committee (England) Regulations 2008 and guidance issued by the Standards Board for England. The Regulations provide that a standards committee may conduct a hearing using such procedures as it considers appropriate in the circumstances. The Standards Board for England Guidance requires the standards committee to hear the evidence relating to the complaint before reaching its decision on the evidence before it. The Monitoring Officer of Barking and Dagenham Council and the Deputy Monitoring Officer of the GLA will be in attendance to advise their respective Sub-Committees as to procedure.

After hearing all the evidence the Standards Sub-Committee is required to make a finding of fact whether the member has failed to comply with the Code of Conduct or not and even if it finds a breach it must also determine whether any sanction should be imposed.

Under Reg. 19 (3) of the Regulations the standards committee may impose any of the following sanctions in the event that it finds that the subject member breached the Code of Conduct of the relevant authority:

- (a) censure of that member;
- (b) restriction for a period not exceeding six months of that member's access to the premises of the authority or that member's use of the resources of the authority,

provided that those restrictions—

- (i) are reasonable and proportionate to the nature of the breach; and
- (ii) do not unduly restrict the person's ability to perform the functions of a member;
- (c) partial suspension of that member for a period not exceeding six months;
- (d) suspension of that member for a period not exceeding six months;
- (e) that the member submits a written apology in a form specified by the standards committee;
- (f) that the member undertakes such training as the standards committee specifies;
- (g) that the member participate in such conciliation as the standards committee specifies;
- (h) partial suspension of the member for a period not exceeding six months or until such time as the member submits a written apology in a form specified by the standards committee;
- (i) partial suspension of the member for a period not exceeding six months or until such time as the member has undertaken such training or has participated in such conciliation as the standards committee specifies;
- (j) suspension of the member for a period not exceeding six months or until such time as the member has submitted a written apology in a form specified by the standards committee;
- (k) suspension of the member for a period not exceeding six months or until such time as that member has undertaken such training or has participated in such conciliation as the standards committee specifies.

It is a matter for the Standards Sub-Committee as to which sanction, if any, is appropriate in the light of the evidence they hear. The respective Monitoring Officers will ensure that copies of the Standards Board for England Guidance in relation to sanctions are available at the hearing to assist members in this regard.

**Recommendation:**

The Standards Sub-Committee is asked to consider:

- (a) the Investigating Officers' report attached at Appendix 1 and the Schedule of Evidence referred to in Appendix 1 as Appendix A;
- (b) the witness statements from Inspector Boyle attached at Appendix 5 and from two members of the GLA legal team attached at Appendices 6/7; and
- (c) the evidence received from the subject member. (The evidence folder is confidential pursuant to Parts 1 to 3 of Schedule 12A of the Local Government Act 1972, and is provided separately to the Sub-Committee Members)

and make one of the following findings:

1. that the subject member has not failed to comply with the Code of Conduct of Barking and Dagenham Council ('the Council');
2. that the subject member has failed to comply with the Code of Conduct of the Council;

<p>but that no action needs to be taken in respect of the matters which were considered at the hearing; or</p> <p>3. that the subject member has failed to comply with the Code of Conduct of the Council and that a sanction should be imposed.</p>		
<p><b>Contact Officer:</b></p> <p>Nina Clark</p>	<p><b>Title:</b></p> <p>Monitoring Officer</p>	<p><b>Contact Details:</b></p> <p>Tel: 020 8227 2114          Fax: 020 8227 2252          Minicom: 020 8227 2594          Email: nina.clark@lbbd.gov.uk</p>

**Consultees:**

Winston Brown – Legal Partner  
 Margaret Freeman – Senior Democratic Services Officer

**Background papers Used in the Preparation of the Report:**

Standards Board for England Local Assessment Guidance

## **Appendix A**

### **Case Reference: Sept-05/ MC9/08**

Report of an investigation under Section 59 of the Local Government Act 2000 into an allegation concerning Councillor and Assembly Member Richard Barnbrook.

## **Contents**

- 1 Executive summary**
- 2 Councillor and Assembly Member Richard Barnbrook's official details**
- 3 The relevant legislation**
- 4 The evidence gathered**
- 5 Summary of the material facts**
- 6 Conclusion on the material facts**
- 7 Councillor Rush and Assembly Member Richard Barnbrook's additional submissions**
- 8 Reasoning as to whether there have been failures to comply with the Code of Conduct**
- 9 Findings**

**Appendix A Schedule of evidence**

**Appendix B Conduct of the investigation**

## 1. Executive Summary

- 1.1 Richard Barnbrook has been a Councillor for Barking and Dagenham (“LBBD”) since his election on May 5 2006, and has been an Assembly Member of the Greater London Authority (“GLA”) since his election on May 5 2008.
- 1.2 Councillor Rush is a Councillor for Barking and Dagenham, and has Executive portfolio responsibilities for Safer Neighbourhoods and Communities.
- 1.3 Councillor/ Assembly Member Barnbrook was filmed in an interview by Simon Darby, Deputy Leader of the BNP outside Southwark Cathedral. The interview appeared on his website, YouTube and his blog on the Daily Telegraph website.
- 1.4 The interviewer introduces Richard Barnbrook as “Richard Barnbrook BNP General Assembly Member for London.”
- 1.5 Richard Barnbrook states during the recording that *“In Barking and Dagenham alone 3 weeks ago, there was a murder of a young girl. We don’t know who’s done it, her girlfriend was attacked inside an educational institute. Again, 2 weeks ago there was another attack by knives on the streets of Barking and Dagenham where two people were murdered”*
- 1.6 Councillor Rush complained to the GLA on 25 September 2008 that she knew the statements to be lies, and her complaint to LBBD on 7 October 2008 was that this was false information. She considered that the relevant breach of the Code of Conduct (“the Code”) was disrepute.
- 1.7 The Code needs to be read together with the Relevant Authorities (General Principles) Order 2001, and the relevant principles here are honesty and integrity, and leadership.
- 1.8 The Monitoring Officers of both LBBD and the GLA instructed a joint investigation further to the referral from their relevant Standards Committees sub-committees.
- 1.9 Mr Barnbrook wrote a letter to the Barking and Dagenham Recorder signing himself off as both Assembly Member and Councillor, which was published on 11 December 2008 which stated *“..To my mind it makes little difference whether there were one or three murders – just one murder is too many!”*
- 1.10 Mr Barnbrook met with the investigators and said that he knew at the time that he made the statements that they were inaccurate.
- 1.11 Mr Barnbrook said with regards his first allegation of a murder that the reason he had said that there had been a murder was that it *“came out wrong”* because of the speed of his delivery. He had meant to say that that the woman was from Barking & Dagenham and murdered in Newham.

- 1.12 Mr Barnbrook confirmed with regards his second allegation that there were two murders, that he knew at the time that he made the statement that they were on life support. He said that they did not die.
- 1.13 Councillor Rush's main concern was the impact of these statements on the community in terms of fear of crime, and their effect in undermining the public's confidence in local government and the police. Mr Barnbrook denied in his meeting that this was the case. Councillor Rush stated at her investigation meeting that the statements undermined the trusted messenger relationship built up with the council/police and the community, she felt that the fear of crime was a significant issue in the borough, and moreover that there was a disparity between actual incidents of crime and fear of crime the latter of which adversely affected the quality of life of all people in the Borough. Mr Barnbrook in his meeting with the investigators accepted that as a politician he should make sure that what he says is accurate, as by stating that there have been murders will raise the fear of crime.
- 1.14 The interview was filmed and then posted on his website although at the time he knew the statements to be incorrect. The recording was not live. Mr Barnbrook said that although he himself did not view the blog until someone from London Mothers Against Knives told him of the complaint, he took responsibility for the content of the blog.
- 1.15 Mr Barnbrook was asked by the national BNP whether he wanted to leave the video on the blog after becoming aware of its inaccuracies and he said he wanted it to remain because of his belief in gun crime, and thought it would be removed within 4-6 weeks anyway. Mr Barnbrook said in his meeting with the investigators that he thought that the blog had been removed in view of the inaccuracies.
- 1.16 Mr Barnbrook said that he would not apologise for the statements until knife crime is over. He stated that he regretted saying that there were two murders when there were not (in respect of one assertion made in his blog), and did not regret stating that there was another murder (in respect of the other assertion).
- 1.17 Mr Barnbrook said that he did not believe that he misled people as murders are happening. He was provided with a letter (document 14) which the investigators had been given, which was from the Metropolitan Police Service in Barking and Dagenham which showed that there had been no murders in the period that he had asserted that there were and that the number of murders in LBBDD were decreasing. Mr Barnbrook said that he did not trust the police figures and had made a Freedom of Information Act request and had different figures which he would supply to the investigators. However, the evidence provided by Mr Barnbrook did not verify this.
- 1.18 Mr Barnbrook in his response to the draft investigation report stated that it had not been his intention to mislead anyone and the inaccuracies were unintentional. During the meeting with investigators, he made it clear that he knew that the statements were incorrect, and the investigators concluded that he did not attempt to remedy this, as he did not re-record the video.



1.19 In his response to the draft investigation report, Mr Barnbrook apologises for passing on information that was incorrect and said that he actually meant to say attempted murders and that this was not picked up in the editing of the recording. However, Councillor Rush in her response to the draft report provided new evidence from the Metropolitan Police to show that there had been no serious incidents in that period at all, which included anyone on life support. Mr Barnbrook in his meeting with investigators said that he knew at the time of the statement that they were on life support, and said in his response to the draft report that they were attempted murders.

1.20 If we accept the evidence from the Metropolitan Police then this does raise serious concerns as to the conduct of Mr Barnbrook both in the statements made in recording the video, and then the evidence he has provided both at the meeting with investigators and his response to the draft investigation report. At his meeting with us in January, he said that the second statement “came out wrong” and he meant to say that they were on life support as he knew that they were. In his response to the investigation report, he has said that he meant to say attempted murders but due to the editing this was not picked up. However the evidence from the Metropolitan Police show that there were no serious incidents during this period. The investigators are minded to conclude that this new evidence raises concerns about Mr Barnbrook’s evidence provided at the meeting with investigators as to why he initially made inaccurate statements.

1.21 Mr Barnbrook has provided documents to demonstrate that people are murdered in London because of knife, gun or other weapons, and has provided newspaper articles that show the impact of such crimes.

1.22 Council Rush has provided documents to demonstrate that fear of crime affects peoples behaviour and attitudes.

1.23 As a result of our investigation, we consider that:

- (a) Mr Barnbrook was giving the impression that he was acting as an Assembly Member of the GLA, and a Councillor of LBBD
- (b) Mr Barnbrook failed to comply with the Code of Conduct of both the GLA and the LBBD, by bringing his office and the respective authorities into disrepute.

## **2. Councillor and Assembly Member Richard Barnbrook's official details**

- 2.1 Councillor and Assembly Member Richard Barnbrook was elected to Barking and Dagenham Council on 5 May 2006 and as an Assembly Member on the London Assembly on 5 May 2008, each for a term of four years. He was Leader of his party at the London Borough of Barking and Dagenham during 2006/07 and 2007/08.
- 2.2 Councillor and Assembly Member Richard Barnbrook currently serves on the following committees at the London Borough of Barking and Dagenham: Assembly, Ceremonial Council and the Development Control Board. He is a representative on the Dagenham Gateway Community Housing Partnership and he was also a member of the Scrutiny Management Board during his first two years of office. He is a member of the following London Assembly committees: Audit Panel, Budget Monitoring Sub-Committee and the Health and Public Services Committee.
- 2.3 Councillor and Assembly Member Richard Barnbrook gave a written undertaking to observe the Code of Conduct of the London Borough of Barking and Dagenham on 4 May 2006 and the Code of Conduct of the Greater London Authority on 3 May 2008.
- 2.4 Councillor Barnbrook was unable to attend training sessions on the Code of Conduct held at Barking and Dagenham on 3 and 24 September 2007 and 9 January 2008, but subsequently signed to confirm that he had read the training material provided.
- 2.5 Assembly Member Barnbrook received training on the Code of Conduct from the Greater London Authority on 8 July 2008 from the Monitoring Officer.

### **3. The relevant legislation**

#### **The Code of Conduct**

3.1 At the time of the complaint both the Greater London Authority (“the GLA”) and the London Borough of Barking & Dagenham (“LBBD”) had adopted the Model Code of Conduct as set out in the schedule to the Local Authorities (Model Code of Conduct) Order 2007 as their Codes of Conduct, and the GLA had made slight amendments to it.

3.2 The Relevant Authorities (General Principles) Order 2001 sets out the principles which are to govern the conduct of members of relevant authorities in England, which include the GLA and the LBBD. The LBBD has these principles in its preamble to the Code. The GLA has amended its Code so that it reads:

Paragraph 1 (2) of the GLA Code of Conduct

*“You should read this Code together with the general principles prescribed by the Secretary of State, which are as follows:*

#### ***Selflessness***

*You should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.*

#### ***Honesty and Integrity***

*You should not place yourself in situations where your honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.*

#### ***Objectivity***

*You should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.*

#### ***Accountability***

*You should be accountable to the public for your actions and the manner in which you carry out your responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to your particular office.*

#### ***Openness***

*You should be as open as possible about your actions and those of your authority, and should be prepared to give reasons for those actions.*

### ***Personal Judgement***

*You may take account of the views of others, including their political groups, but should reach your own conclusions on the issues before you and act in accordance with those conclusions.*

### ***Respect for Others***

*You should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. You should respect the impartiality and integrity of the authority's statutory officers, and its other employees.*

### ***Duty to Uphold the Law***

*You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you.*

### ***Stewardship***

*You should do whatever you are able to do to ensure that your authority uses its resources prudently and in accordance with the law.*

### ***Leadership***

*You should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.”*

3.3 Paragraph 2 of the GLA and LBBB Codes states:

“ **2.** —(1) *Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—*

*(a) conduct the business of the Authority (which, in this Code, includes the business of the office to which you are elected or appointed); or*

*(b) act, claim to act or give the impression you are acting as a representative of the Authority,*

*and references to your official capacity are construed accordingly.*

*(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.*

.....”

3.4 Paragraph 5 of the respective Codes state:

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

## 4. Evidence Gathered

### *The Complaint*

Councillor Rush's complaint to the GLA is as follows (Document 4 of the Schedule of Evidence):

*"Please note that this is on Richard Barnbrook's blog which introduces him as a Greater London Assembly Member. It is also on youtube. On the basis of the comments made in the latter part of the video where Richard Barnbrook quite clearly states that 3 weeks ago a young girl was murdered in an education establishment in Barking and Dagenham I know this to be an absolute lie. He also goes to claim a further 2 murders in the borough in the last 2 weeks which is also a lie. On making these false statements not only on his blog but on You tube which has a world wide audience I believe that Richard Barnbrook has brought his position as an elected member of the GLA into disrepute he has also tried to damage the reputation of the GLA and its elected Members as well as Barking & Dagenham Council, the fact that Barking & Dagenham is on public record as a Safe place to live is brought into disrepute by his total lack of honesty and integrity...I am very much aware of all the incredible work that is being done by the GLA and its members alongside London boroughs to tackle knife crime in the capital and I am very disappointed that all an elected Assemblyman can do is to mock the efforts of others and to openly and outrageously lie to whip up fears in the London community."*

Councillor Rush's complaint to the LBBB is as follows (Document 5 of Schedule of Evidence):

*"That a video recording of an interview, which appeared on Richard Barnbrook's blog and on You Tube, appeared to focus on and criticise the Borough, and include false information. Councillor Rush considered that the statements made during the interview resulted in the councillor acting in a way which brought his honesty and integrity as a councillor into disrepute, and also, by association, the Council. She also considered that the councillor's actions were at odds with two principles within the Code of Conduct: a duty to uphold the law and leadership."*

### **4.1 Oral evidence (meetings with Councillor Rush and Mr Barnbrook)**

#### i. Councillor Rush

- First viewed video blog on/around 24 September 2008 on Mr Barnbrook's<sup>1</sup> Daily Telegraph blog.
- Blog was also posted on Mr Barnbrook's own website and on YouTube
- Found statements to be inflammatory (inflamed fears in the community and across London), that dealing with community fears/fear of crime is a responsibility that any elected member should take seriously.

---

<sup>1</sup> All references to Mr Barnbrook are to Councillor/ Assembly Member Barnbrook

- Because of her portfolio Councillor Rush knew that these statements were untrue
- Statements seem to be attempting to undermine confidence in public safety, confidence with the police, and are directly at odds with the principle of leadership
- Councillor Rush said that across London, politicians are working hard to reassure the elderly/ young people that the streets are safe and by what Mr Barnbrook has said he has deliberately set out to inflame fear and undermine the public's trust and confidence in local government and the police.
- Presented letter from the Metropolitan Police in Barking & Dagenham confirming that according to its statistics there were no murders in Barking and Dagenham during the 3 weeks preceding the posting of the video blog.
- Presented letter from Mr Barnbrook to local newspaper published on 11 December 2008 and headlined "Number of murders not relevant" in support of assertion that Mr Barnbrook knew the statements to be wrong and yet kept them posted on website
- Mr Barnbrook made the statements knowing them to be untrue
- Considered that Mr Barnbrooks actions brought the Council into disrepute because statements undermine trusted messenger relationship built up by Councillor Rush/the police with the community and undermined their message of reassurance with regards murders in the borough.
- Following a murder there is a lot of effort by the Community Safety Strategic Partnership to reinforce the community message. The Partnership has worked hard to reassure the community and they are responding to that message. The kind of comment from Mr Barnbrook "throws that all off side". that she had people coming up to her to state "three murders – what are you keeping from us?"
- Fear of crime is a main issue in the Borough
- Disparity between actual and fear of crime
- Fear of crime affects quality of life of all people in the Borough
- Young people more likely to join gangs and older people are less likely to leave home after dark when there is a perception of crime

- In LBBB Mr Barnbrook was the leader of the Opposition until his election to the GLA. The new leader of the Opposition does not have the same profile as Mr Barnbrook. The BNP's reputation is taken seriously and they are a legitimate party in Barking & Dagenham.
- Would like a public apology and a period of cooling off for a few months so that he is not allowed in the chamber until he understands that there are certain standards for elected members that he has to abide by, for example, sitting outside the Chamber for a couple of months

ii. Councillor/ Assembly Member Barnbrook

- Considered complaint to be a personal attack on him by Councillor Rush
- Has used blogs as a communication tool since “approximately 2004/2005”
- Checks contents of blogs and takes responsibility for these although he did not have time to see the final version of the blog in question.
- Initially he said that prior to the video going out, there was a murder of a young African Caribbean woman in Barking & Dagenham, and there were two other fatal attacks. He later said that that the woman who was killed was from Barking & Dagenham but was killed outside the area in Newham, and in relation to the other two attacks, the people did not die.
- With regards the first incident, Mr Barnbrook said that the statement “came out wrong” because of the speed of his delivery. With regards the second incident, Mr Barnbrook said that he “spoke too soon” and knew at the time that they were on life support.
- Did not himself view the video containing the statements giving rise to this complaint until (*London Mothers against knives*) *told me about the complaint*”
- Was asked by national BNP officials whether he wanted to leave video on blog after becoming aware of inaccuracies. He believed that the overall tenor still stands, and that it should be left on the website regardless of the misstatement. Indicated that his belief in gun crime [was] strong enough to keep it on his website and that he was of the view that it “*would be removed in 4-6 weeks anyway*”



- Felt that that the information was not correct, but *“until knife crime is over I will not apologise”*
- Did not regret making the statements, but he did regret not putting the correct information over, and it would have been better if the correct information had been put across. He regretted saying that there were two murders when there were not, but did not regret referring to the other murder.
- Mr Barnbrook said he had an audit process for screening information before publishing it. This was through the media, police and public.
- With reference to the article in the local newspaper in December 2008, he said that what he was saying was that nothing is being done in the Borough, even if one person dies or three, something still has to be done.
- Denied that his comments undermined the public’s trust and confidence in local government and in the police, as the police don’t have power or resources to deal effectively with knife crime. Politicians should say what is happening and he is feeding back to the community what is happening in real life.
- Thought that the blog had been removed in view of the fact that there had been inaccuracies.
- If he had said three murders took place, that wouldn’t have been inaccurate because murders have happened in the Borough.
- If he had said that people are dying by the knife that would also have been accurate. *“I don’t believe that I misled them, there are murders happening”*.
- He added *“but I could have made lots of other reports if I’d wanted to undermine police and the Borough. If I had to go through this again, I would do it again, but making sure it was accurate.”*
- Comments were to show that this is happening, it was not enough for politicians to say it is all going nicely.
- He said that he did not trust the figures from the Metropolitan Police and had made a Freedom of Information request and had different figures returned.
- He said that his actions were not intentional

Specific responses to Allegation 1

- There was a murder but that in fact it involved a woman from the Barking and Dagenham area being murdered outside the Borough (in Newham)
- Had in fact meant to say that there had been a murder of a girl from Barking and Dagenham and that the statement “*had come out wrong because of speed of delivery*”

#### Specific responses to Allegation 2

- Acknowledged stating that there were two murders but that in fact “*the two people didn’t die, they were critically ill but didn’t die*”
- Accepted that at the time of making the statement he knew that the two individuals were in fact on life support
- Confirmed that both individuals in fact survived

## **4.2 Documentary evidence**

### Councillor Rush

- Letter from Hugh Boyle to Councillor Rush: ‘Barking and Dagenham – Murder Statistics’ dated 9 December 2008
- Undated newspaper article – ‘BNP’s Barnbrook under fire over ‘YouTube murder claim’. Barking and Dagenham Recorder
- Newspaper article – statement of Councillor Barnbrook in the Barking and Dagenham Recorder: ‘Number of murders not relevant’ dated 11 December 2008

## 5. Summary of material facts

1. Councillor/ Assembly Member Barnbrook was filmed in an interview outside Southwark Cathedral. He is introduced as “Richard Barnbrook BNP General Assembly Member for London”(the transcript of the blog is at Document 3).
2. The blog appeared on [www.richardbarnbrook.com](http://www.richardbarnbrook.com), YouTube, and the Daily Telegraph website.
3. He states during the recording that “..In Barking and Dagenham alone 3 weeks ago, there was a murder of a young girl. We don't know who's done it, her girlfriend was attacked inside an educational institute. Again, 2 weeks ago there was another attack by knives on the streets of Barking and Dagenham where 2 people were murdered..”
4. Councillor Rush, member for LBBB made a complaint to both the GLA and the LBBB about the content of the blogs that she had seen on or around 24 September 2008. The GLA's Assessment Sub-Committee on 20 October 2008 decided that there was enough evidence to instruct the Monitoring Officer to investigate whether there had been a breach of the Code of Conduct, and considered that Mr Barnbrook was acting in his capacity as an Assembly Member.
5. The LBBB's Review Sub-Committee decided that there was enough evidence to instruct the Monitoring Officer to investigate whether there had been a breach of the Code of Conduct, and considered that Mr Barnbrook was acting in his capacity as a Councillor of Barking & Dagenham.
6. The Monitoring Officers of both LBBB and the GLA instructed a joint investigation.
7. Mr Barnbrook wrote a letter to the Barking & Dagenham Recorder, signing himself off as both Assembly Member and Councillor, which was published on 11 December 2008 which stated “*this is typical of the unhelpful approach taken by so many politicians today. They seek to whitewash and sidetrack the genuine concerns of the man in the street by raising issues which are simply irrelevant. Violent street crime is a grave concern for all of us who live in Barking & Dagenham and in London. To my mind it makes little difference whether there were one or three murders – just one murder is one too many! We need to focus on what, if anything, is being done about it, and I will simply trying to do just that. Arguing about numbers won't solve anything.*”
8. Councillor Rush met with the investigators on 16 January 2009, and Mr Barnbrook met with the investigators on 6 February 2009. The summary of their evidence presented in the meeting is contained in section 4 above and the record of their meetings are set out at Documents 17 - 19.
9. Councillor Rush stated in her original complaints to the LBBB and the GLA that both Mr Barnbrook's assertions relating to murders were lies. She said in her meeting with the investigators that she knew that they were lies because of her

portfolio responsibilities (she is portfolio holder at Barking & Dagenham for Neighbourhoods and Communities).

10. Councillor Rush said in her complaint to the GLA that she considered the statements on the blog breached the general principles of honesty and integrity, and the code of conduct (as it brought the authority into disrepute). She also said this in her complaint to the Assessment Sub-Committee of the LBBD, as well as including the general principles of duty to uphold the law and leadership. In her meeting with the investigators she also added the other general principles of Duty to Uphold the Law, and Leadership.
11. Mr Barnbrook met with the investigators on 6 February 2009. He said in his meeting with the investigators that he knew at the time that he made the statements that there had not been fatalities in Barking & Dagenham.
12. He said with regards to the first allegation of a murder that the reason he had said that there had been a murder was that it "*came out wrong*" because of the speed of his delivery. He had meant to say that that the woman was from Barking & Dagenham and murdered in Newham.
13. Mr Barnbrook confirmed with regards the second statement of his allegation that there were two murders, he knew at the time that he made the statement that they were on life support. He said that they did not die. (However, see paragraphs 7.3 and 7.4)
14. Mr Barnbrook took responsibility for the blog although he did not check its content until (London Mothers Against Knives) told him about the complaint.
15. A letter was sent to him by email from the legal team at the GLA on 23 October 2008 following the meeting of the Assessment Sub-Committee enclosing the Decision Notice. The Decision Notice set out details of the complaint, and the decision and the reasons for it.
16. A letter was sent to him from LBBD following the meeting of the Review Sub-Committee enclosing the Decision Notice. The Decision Notice set out details of the complaint, and the decision and the reasons for it.
17. The recording of the video was not a live recording.
18. Mr Barnbrook in the investigation meeting said that the video was usually on the personal blog for three weeks. He thought it would be removed within 4-6 weeks. The blogs appeared on the internet, without restriction.
19. Mr Barnbrook accepted he was asked by the national BNP if he wished to remove the blog, and he determined that it should remain on the internet as he believed that the overall tenor still stood regardless of the misstatement. (The investigators did not ascertain when this communication took place).
20. Mr Barnbrook said that he would not make an apology." He said that "*I would say that the information that was given over was not correct. But until knife crime*

*is over, I will not apologise.*” Mr Barnbrook acknowledged he had made a misstatement and *“I do regret saying that two people died and they didn’t, but I don’t regret saying about the murder”*.

21. Mr Barnbrook wrote a letter to a newspaper, signing his name off as both Assembly Member and Councillor which was published in the Barking & Dagenham recorder on 11 December 2008. He said in this article that *“to my mind it makes little difference whether there were one or three murders - just one murder is too many!”*
22. A letter dated 9 December 2008 from Barking & Dagenham Metropolitan Police to Councillor Rush shows that murder figures are decreasing and that there were no murders in the period to which Mr Barnbrook referred. Mr Barnbrook disputes this as factual information. He had made Freedom of Information Act requests and said that he had different figures returned. The documentation that Mr Barnbrook has provided do not provide murder statistics for the LBBD, but are crime statistics.
23. At the time of the meeting with Mr Barnbrook on 6 February 2009, the recordings were still on the internet, but have since been taken down.
24. Councillor Rush in her response to investigators on the draft investigation report provided evidence to show that not only were there no fatalities but there were no serious incidents during the period 1 September – 24 September 2008.
25. Mr Barnbrook in his response to the draft investigation report apologised for passing on information that was incorrect, said that he actually meant to say “attempted murders”, and also stated that he did not apologise for trying to highlight a genuine problem in order to encourage something to be done about it.

## **6. Conclusion on facts**

1. That Councillor Rush in her complaint considered the statements to be a lie, and Mr Barnbrook in his statements said that he knew at the time of making these statements that they were not correct. Councillor Rush in her meeting on the 16 January 2009 states that “because of her portfolio responsibilities she knows these statements to be false.”

The Metropolitan Police Service in Barking & Dagenham have confirmed this by letter and said that there was one murder on April 19 2008 and not in the 3 week period alleged by Mr Barnbrook. The letter also shows that the murder rate has been decreasing.

2. Councillor Rush’s main concern as she says in her statement is the impact of these statements on the community in terms of fear of crime, and that they undermine the public’s confidence in local government and the police. Mr Barnbrook denied in his meeting that this was the case. Councillor Rush said that it undermined the trusted messenger relationship built up with the council/police and the community, that the fear of crime is the main issue in the borough, and the fear of crime affects the quality of life of all people in the borough. However, Mr Barnbrook accepted the point made to him in the meeting with investigators that as a politician he should make sure that what he says is accurate, as if he says there have been two murders and there haven’t this will raise the fear of crime.
3. That the blog was filmed and then posted on Mr Barnbrook’s website although at the time he knew the statements to be incorrect. He gave the reason for this as the “speed of delivery”. The recording was not live. Mr Barnbrook although he himself did not view the blog until someone from London Mothers Against Knives told him of the complaint, said that he took responsibility for the content of the blog.
4. Mr Barnbrook was asked by the national BNP whether he wanted to leave the video on the blog after becoming aware of its inaccuracies and he said he wanted it to remain because of his belief in gun crime, and thought it would be removed within 4-6 weeks anyway.
5. Mr Barnbrook said that he would not apologise for the statements although stated that he regretted saying that there were two murders when there were not, and did not regret stating that there was another murder.
6. However, in his response to the investigation report, he has apologised for passing on information that was incorrect, that he meant to say that there were attempted murders, although did not apologise for trying to highlight a genuine problem in order to encourage something to be done about it.
7. Councillor Rush has provided evidence from the Metropolitan Police in response to the draft report that show that there were no serious incidents during that time period, which includes nobody on life support.

8. Mr Barnbrook also said that he did not believe that he misled people as murders are happening. He said that he did not trust the police figures and had made a Freedom of Information Act request and had different figures which he would supply to the investigators. However, the evidence provided by Mr Barnbrook does not verify this.

## **7. Councillor Rush and Councillor/ Assembly Member Richard Barnbrook's additional submissions**

The investigators would like to thank both Councillor Rush and Councillor/ Assembly Member Barnbrook for providing them with various documents. Apart from the documents set out in the Schedule of Evidence these have not been included in the report but have been collated as background papers, and we can provide these to the Committee, Monitoring Officers, Mr Barnbrook and the complainant on request. We recognise the significance they attach to these documents, but because of the narrow remit of this investigation, we do not consider them to be strictly relevant.

### Councillor Rush's evidence not used

7.1 Councillor Rush provided the investigators with documents which she considered showed that fear of crime was a key concern of people, that the use of knives is increasing and as to why people carry knives.

### Mr Barnbrook's evidence not used

7.2 Mr Barnbrook provided the investigators with newspaper articles which suggested that violent crime statistics were in disarray as crime figures had been misreported (however this did not include murder rates), as well as newspaper articles about knife crime. He also provided the investigators with responses to FOI requests about crime figures, numbers of murders in Barking and Dagenham, numbers in London admitted to hospital as a result of injuries sustained using knives, guns or other weapons and the destination of discharge from hospital,

### 7.3 Comments on Councillor Rush's comments on draft report

Councillor Rush disputes the assertion put forward by Mr Barnbrook that when referring to the occurrence of an incident on the streets of Barking and Dagenham\* having resulted in two murders, he had in fact intended to state that the two victims did not die but were placed on life support before recovering.

She has produced evidence sourced from the Metropolitan Police that there were in fact no reported incidents in Barking and Dagenham during the period between 1-24 September 2008 which resulted in any individual suffering critical injuries requiring intensive care.

This evidence appears to cast doubt over the accuracy of the evidence provided by Mr Barnbrook during his investigation interview.

However, whilst the investigators have no reason to doubt the validity of the Metropolitan Police data, some uncertainty remains as to when the original video footage was taken, and as a consequence, whether the time period to which the data relates corresponds with the time period to which Mr Barnbrook refers in his blog. The investigators have sought verification from Mr Barnbrook's Personal Assistant as to the date of production of the video, however, he was unwilling to assist in this regard.



\* Mr Barnbrook refers on the blog to this incident having taken place “two weeks ago”

#### 7.4 Comments on Mr Barnbrook’s comments on draft report (our comments in italics)

*We have considered Mr Barnbrook’s comments with care and taken them into account in formulating our final report. Where appropriate, we have included his comments and responded to them in the main body of the report.*

- I accept the general validity of the complaint but do not accept that the inaccuracy of my statement was deliberate.

*Mr Barnbrook stated at our meeting with him that with regards the first murder that the information came out wrong because of the “speed of delivery”, and the second statement was wrong because “he spoke too soon”. At the time he made the recording with regards this second statement he admitted at the interview with us that when he was making the statement he knew that it was wrong and that they were on life support.*

- I did not know that the data contained in the recording was incorrect. I would not have posted the recording if I had known that it was incorrect.

*This is different to the information that he provided at the meeting with us. He admitted at the meeting that he did know that the information was not correct.*

- Once I realised that the data was incorrect, the recording was removed from the internet on my instruction within 24 hours.

*At our meeting with Mr Barnbrook, he admitted that he knew that the information was inaccurate when he made the recording. He would have been informed of the complaint made by Councillor Rush after the meeting of both Assessment Sub-Committees of both the GLA and LBBD and also the Review Sub-Committee of LBBD and therefore would have been informed that the video was on the internet at this time. It was not until the investigators spoke to him at their meeting in January 2009 that he removed the statements.*

- Although I knew that the video was to be used for some purpose, I did not know the exact timing or media that would be used to convey it.

*In our meeting with him, he said that the BNP national website had asked him if he wanted to leave the recording on there.*

- The speed of the delivery of the report, meant that some of the remarks I had intended to make, did not come out as I had intended them.

*As we stated this was not being published live, so it could have been re-recorded.*

- I had meant to say that one girl from Barking and Dagenham had been murdered in Newham, not that she had been murdered within the Barking and Dagenham borough.

*This is addressed already in the report.*

- The other two cases I mentioned were attempted murders and, at the time, the victims were in intensive care. Very fortunately these victims pulled through.

*In the recording he states that they were murders.*

- When I stated that these were “murders” I had actually meant “attempted murders”. This was not picked up in the editing of the report.

*He did not state this in his recording, he did not re-record, and he did not say this in our meeting with him, or when we sent him a copy of the record of our meeting to review.*

- The message I was trying to convey, in filming the report, was that knife crime in the borough of Barking and Dagenham is high and proportionately one of the highest in London. My intention in highlighting this was to make people aware of this in order to engage and encourage them to join in combating the problem rather than to frighten people or to criticise the Metropolitan Police.

*Mr Barnbrook in the video states that various murders have taken place due to knife crime and this is factually incorrect.*

- The Metropolitan Police statistics that they publish are inaccurate.

*We have addressed this.*

- I apologise for passing on information that was incorrect. It had not been my intention to mislead anyone and the inaccuracies were unintentional.

*At his meeting with us, he stated that he would not make an apology. He has now apologised for passing on information that was incorrect. He knew at the time he made the statements that they were incorrect and the video was not re-recorded.*

- I do not apologise for trying to highlight a genuine problem in order to encourage something to be done about it.

*The recording emphasised that there had been murders in Barking & Dagenham which he knew was factually incorrect.*

- I consider that the complaint is part of a political campaign against me.

*We have been addressing the issue as to whether this is or is not a breach of the Code of Conduct.*

Richard Barnbrook

15 April 2009

## **8. Reasoning and findings as to whether there been a failure to comply with the Code of Conduct**

### *Capacity*

8.1 Both the GLA and LBBB Codes of Conduct only apply to a member acting in their official capacity. Paragraph 2 (1) of the Code requires that a member must comply with the Code whenever they:-

- (a) conduct the business of the Authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
- (b) act, claim to act or give the impression you are acting as a representative of the Authority.

### **The GLA**

8.2 The Assessment Sub-Committee at its meeting of 20 October 2008 decided as set out in its Decision Notice (enclosed at Document 10) that *“Mr Barnbrook appeared to hold himself out as an Assembly Member and therefore the alleged conduct of the member fell within the scope of the Authority’s Code of Conduct.”*

### **The LBBB**

8.3 The Assessment Sub-Committee sitting on 6 November 2008 to consider this complaint concluded that Mr Barnbrook was at the time of presenting his video blog not acting in his official capacity as a representative of LBBB. It decided to take no further action in response to the complaint. Councillor Rush however sought a review of the decision and the LBBB Review Sub Committee sitting on 3 December 2008 determined that the matter should be referred to the Monitoring Officer to investigate

8.4 Although the Decision Notices do not give any further detail, the Standards Board Case Review 2008 provides on page 3 that:

“the issue of whether a Member has been representing an Authority or acting in a private capacity is something which must be established...Ideally this will be established when assessing complaints. However, sometimes it will only become clear during an investigation.”

8.5 To that end we do not propose to review in detail the decisions on scope. However, with regards the GLA at the beginning of the blog, he is introduced as Richard Barnbrook BNP General Assembly Member for London and therefore it can be said that he was at the very least acting, claiming to act or giving the impression that he was acting as a representative of the Authority.

### **Does the behaviour breach paragraph 5 of the Code? - Disrepute**

8.6 Paragraph 5 of the Codes of both authorities provide that a member must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

8.7 At Q43 on page 55 of the Standards Board for England's publication the Case Review 2007, the following guidance on the meaning of disrepute is given:-

*“In general terms, disrepute can be defined as a lack of good reputation or respectability.*

*In the context of the Code of Conduct, a member's behaviour in office will bring that member's office into disrepute if the conduct could reasonably be regarded as either*

*(1) Reducing the public's confidence in that member being able to fulfil their role; or*

*(2) Adversely affecting the reputation of members generally, in being able to fulfil their role.*

*Conduct by a member which could reasonably be regarded as reducing public confidence in the authority being able to fulfil its functions and duties will bring the authority into disrepute.”*

8.8 Q44 in the Case Review sets out the significance of the words “could reasonably be regarded”:-

*“An officer carrying out an investigation about someone allegedly breaking the Code of Conduct does not need to prove that a member's actions have actually diminished public confidence, or harmed the reputation of the authority, in order to show a failure to comply. The test is whether or not a member's conduct “could reasonably be regarded” as having these effects.*

*The test is objective and does not rely on any one individual's perception. There will often be a range of opinions that a reasonable person could have towards the conduct in question. Members will have failed to comply with the Code if their conduct “could reasonably be regarded” by an objective observer as bringing their office or authority into disrepute.*

- 8.9 In summary, disrepute can be categorised as conduct which when viewed objectively, could reasonably be regarded as damaging or reducing the public’s confidence in the member or members generally in being able to fulfil their role or in the authority being able to fulfil its functions and duties.
- 8.10 The GLA is a strategic authority. Its principal functions are the promotion of economic and social development, wealth creation and promoting the improvement of the environment in Greater London. It must exercise these functions in the way that best improves the health of people in London, achieves sustainable development in the United Kingdom and contributes towards the mitigation of, or adaptation to, climate change, in the United Kingdom. It also has particular functions in relation to, amongst other things, policing. The GLA is part of the wider GLA Group which includes the Metropolitan Police Authority (“the MPA”). The GLA has the power to direct the Functional Bodies on how they are to exercise their functions and the Mayor has the power to appoint to certain senior roles in those Bodies and is himself Chair of the MPA. One of the Mayor’s priorities is prevention of crime, which includes prioritising on prevention of gun and knife crime. The London Assembly consists of 25 elected members who hold the Mayor to account through scrutiny, approval of budgets and investigation of issues of importance to London.
- 8.11 The LBBD is a Unitary Authority with a statutory responsibility for delivering a range of services to the local community. It is made up of 51 councillors who are elected at local elections every four years. The Borough is divided into 17 areas called “wards”. Each ward elects three Councillors. In addition to its adoption of the Model Code of Conduct, the Authority also includes a range of protocols within its Constitution. This includes a Protocol relating to Communications for Council Members.

This states as follows:

1. It is the policy of Barking & Dagenham Council to be open, honest and accurate in dealing with the media at all times. Our press and marketing activity supports and promotes the wide range of activities Executive Members and Council Officers undertake as they work on behalf of residents to build communities and transform lives.
2. All elected members of the Council, whatever political party, have a duty both to the Council and to residents to ensure that in commenting on the policies and work of the Council, they make every effort to ensure that everything they say, whether verbally or written (for example in leaflets), is factually correct. Although Members are entitled to comment on Council policies, they must not knowingly explain Council policies in factually incorrect terms.
3. Inaccurately explaining Council policies can result in tension in the community and damage the reputation of the Council and its work on behalf of all residents that live in the borough.
4. Failure to follow this Protocol could lead to a Member being in breach of the Members’ Code of Conduct. Breach of the Code will be referred to the Standards Committee.

8.12 It is necessary in the context of the above to consider the impact of Mr Barnbrook's statements (which he knew to be inaccurate) and whether they could reasonably be regarded as:

(a) reducing the public's confidence in that member being able to fulfil his role;

or

(b) in the authority being able to fulfil its functions; or

(c) adversely affecting the reputation of members generally in being able to fulfil their role

8.13 We noted in our conclusion on the facts that Mr Barnbrook knew at the time he made the statements that they were untrue. He did not re-record the video even though it was not a live feed. When questioned by the BNP national party as to whether it should remain on the internet, he agreed that it should because of his belief in gun crime. He said that he took responsibility for the blog but said he did not view the blog until the London Mother's Against Knives person informed him of the complaint.

8.14 However, in his response to the draft report, Mr Barnbrook states that the inaccuracy of the statements was not deliberate, he did not know that the data contained in the recording was incorrect, and that he removed the recording from the internet within 24 hours of realising the data was incorrect. This appears at odds as to the comments he made in the interview with us.

8.15 At our meeting with us Mr Barnbrook clearly stated that he would not make an apology, although regretted not putting the correct information over. We were also told by Councillor Rush about Mr Barnbrook's high profile in Barking & Dagenham. We are aware that he was leader of the BNP group in Barking & Dagenham from 2006-2008. We are also aware of the wide audience that the internet reaches.

8.16 We noted that on 11 December 2008 he wrote a letter to the Barking & Dagenham Recorder where he stated that there has been a complaint by Councillor Rush about precisely how many murders had taken place in the borough. He said "*To my mind it makes little difference whether there were one or three murders – just one murder is one too many!.. Arguing about numbers won't solve anything.*" However, we are aware from the letter dated 9 December 2008 from the Barking & Dagenham Metropolitan Police Service that at the time that he made the statements there were no murders in Barking & Dagenham during that period in which he said there were three. Mr Barnbrook has himself admitted in his statement of his awareness that the three murders he asserts in his statement did not end in fatalities in Barking & Dagenham.

8.17 Councillor Rush has told us that the issue of knife crime is the main issue in the LBBDD, and we are aware of the high profile this issue has across London, including the work that the GLA does on preventing knife crime.

8.18 We are aware that politicians do make generalisations and comments to score political points and we have had to carefully consider the statements made by Mr

Barnbrook in this respect. The statements that Mr Barnbrook made were about two very specific incidents reporting three murders. He knew at the time he made those statements that they did not take place within the LBBB, but the statements he made suggested that they did. He knew that the video was then put on a blog, and at the very least thought it would be up there for 4-6 weeks.

8.19 The question for us as investigators is whether this brings his office or either authority into disrepute. We consider that on the facts presented Mr Barnbrook has been at the very least dismissive of providing people with correct information and at the most showed wilful disregard for the truth. Mr Barnbrook has demonstrated his concern with knife crime, both in the meeting with the investigators, and the subsequent evidence that has been provided to us. At his meeting with us he was clear that he did not want to apologise for the factually inaccurate reporting, whilst knife crime still exists. However, in his response to the draft report he apologises for passing on information that was incorrect and said that he meant to say that the two murders in Barking & Dagenham were in fact attempted murders and that this was not picked up in the editing, that it was not his intention to mislead anyone and the inaccuracies were unintentional. Whilst we have concerns with the last two points, this did appear to be an apology for inaccurate reporting. However, Councillor Rush in her response to the draft report has provided evidence to show that there were no serious incidents in the LBBB during the period at all which includes any resulting in a person being kept on life support. This is particular relevant for the second claim as Mr Barnbrook in his recording said that two people had been murdered; in his meeting with us said that he knew at the time that they had not been murdered but were on life support; and in his response to the draft report has said that he meant to say that they were attempted murders. If Councillor Rush's evidence from the Metropolitan Police is accepted and if it is the same period that Mr Barnbrook is talking about, then we have strong reservations about the accuracy of the evidence provided by Mr Barnbrook during the investigation.

8.20 As stated earlier, the Code needs to be read together with the general principles.

The Code of Conduct Guide for Members 2007 states the following:

*“These principles define the standards that members should uphold, and serve as a reminder of the purpose of the Code of Conduct.*

*As these principles do not create a statutory obligation for members, the Standards Board cannot accept allegations that they have been breached.*

*However, you should be aware that a failure to act in accordance with these general principles may amount to a breach of the Code of Conduct. For example, by placing yourself in situations where your honesty and integrity may be questioned, your conduct may be “conduct which could reasonably be regarded as bringing a member’s office or authority into disrepute” as stated in paragraph 5 of the Code of Conduct.”*

8.21 As Councillor Rush points out in her complaint, she considers the relevant general principles are “honesty and integrity” and these are explained in the General Principle Order as “*you should not place yourself in a situation where your honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour*”. She added in the investigation meeting and in communication with the Monitoring Officer of LBBDD that leadership was another principle that was important and we would agree that is relevant here. This principle reads “*You should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence*”.

8.22 The general principles were recommended by the First Nolan Committee reviewing Standards in public life. They were recommended on the following basis:

*“We can say that conduct in public life is more rigorously scrutinised than it was in the past, that the standards which the public demands remain high, and that the great majority of people in public life meet those high standards. But there are weaknesses in the procedures for maintaining and enforcing those standards. As a result people in public life are not always as clear as they should be about where the boundaries of acceptable conduct lie. This we regard as the principal reason for public disquiet. It calls for urgent remedial action.”*

8.23 The Nolan Committee’s third report stated local councillors are aware “*that high ethical standards are critical to maintain public confidence in local government.*”

We can also look to the GLA Standards committee’s terms of reference as these include “*promoting and maintaining high standards of conduct by the Mayor, Assembly Members, and co-opted members.*” The LBBDD Standards Committee terms of reference highlight the need to “*promote and maintain high standards of conduct by Members and Employees*”

8.24 Mr Barnbrook has said to us that he knew that what he was saying at the time was untrue, and this does seem at odds with the general principles of honesty and integrity, and leadership. Councillor Rush said that by making false statements this did undermine public confidence in the police and Councillor Rush. However Mr Barnbrook denied that in his meeting with us. The documentary evidence provided by both Councillor Rush and by Mr Barnbrook unfortunately does not assist us on this point. We consider that a Councillor/Assembly Member, as a leading member of the community, should uphold high standards of behaviour. Lord Bingham noted in *Porter v Magill* [2001] UKHL 67 and as recently reported in *(R (Mullaney) v The Adjudication Panel for England* [2009] EWHC 72 (Admin)) that “*..public powers are conferred as if upon trust that those who exercise powers in a manner inconsistent with the public purpose for which the powers were conferred betray that trust and so misconduct themselves.*” It is noted that a core purpose of the statutory conduct regime is to increase public trust



in local government by putting in place a framework to govern the behaviour that the public can reasonably expect from those it elects to represent it.

- 8.25 If the public were aware that Mr Barnbrook was in fact putting out statements that he knew were false, we consider that this could reasonably be regarded as undermining public confidence in both Members and the authorities as a whole in being able to fulfil their functions.
- 8.26 We have considered the issue of freedom of expression briefly and whether there could be any infringement of this right here. In APE 0414, the courts said *“It is important that the restraints should not extend beyond what is necessary to maintain proper standards in public life and that political expression is afforded a higher level of protection.”* We consider that a politician should be able to put across their political views, and make political statements regardless of whether other political parties or member of the public disagree with them.
- 8.27 However, the difference here is that Mr Barnbrook made statements which he knew at the time were inaccurate, which we consider were at the very least dismissive of the truth and at the most displayed a wilful disregard for factual accuracy. This is in our view a behaviour that must fall within the remit of the Code of Conduct and the standards regime.
- 8.28 We consider that in the context of this case, by knowingly putting false statements on the internet on a high profile issue, Mr Barnbrook, who is a high profile local politician has acted in a manner that could reasonably be regarded as:
- a) Reducing the public’s confidence in that member being able to fulfil their role; and
  - b) adversely affecting the reputation of members and the role of both Councillor and Assembly Member generally; and
  - c) reducing public confidence in the respective authorities ability to fulfil their functions and duties. Trust in elected representatives is essential and by knowingly making untrue statements it could reasonably be regarded that Mr Barnbrook may have damaged public confidence in, and harmed the reputation of elected representatives.

## **9. Finding**

In conclusion, we find that Mr Barnbrook has failed to comply with the Code of Conduct of both the GLA and the LBBB, by bringing his office and the respective authorities into disrepute.

## Schedule of evidence (documents in separate bundle)

### A: Complaint and relevant correspondence

Doc No	Date	Description	Pages
1		Code of Conduct of the Greater London Authority	1-10
2	July 2008	LBBB Members' Code of Conduct	11-20
3		Transcript of the statement made by Councillor/ Assembly Member Barnbrook.	21-22
4	25/09/08	Councillor Rush's complaint to the GLA	23-24
5	07/10/08	Councillor Rush's complaint to LBBB	25-26
6	20 21/10/08	<i>and</i> Emails between Councillor Rush and Nina Clark, providing further details of her complaint	27-28
7	07/10/08	Letter to Helen Sargeant from Councillor Rush	29-30
8	08/11/09	Emails between Councillor Rush and Nina Clark, requesting a review of the LBBB Assessment Sub-Committee decision	31-35
9	07/11/08	LBBB Assessment Sub-Committee Decision Notice	36-38
10	22/10/08	GLA Assessment Sub-Committee Decision Notice	39-40
11	23/10/08	Letter to Councillor/ Assembly Member Richard Barnbrook from Stephen Gee: 'Complaint against Richard Barnbrook, Assembly Member', attaching Decision Notice of 20/10/08	41-43
12	03/12/08	Review Summary of LBBB Standards Sub-Committee: 'Standards Sub-Committee (Review) MC9/08	44-45
13	13/02/09	Email to Councillor/ Assembly Member Richard Barnbrook from Helen Sargeant: 'Sept/05'	46-48
14	09/12/08	Letter from Hugh Boyle to Councillor Rush: 'Barking and Dagenham – Murder Statistics'	49

<b>B: Other relevant Evidence</b>			
15	Undated	Newspaper article – ‘BNP’s Barnbrook under fire over ‘YouTube murder claim’’. Barking and Dagenham Recorder.	50
16	11/12/08	Newspaper article – statement of Councillor Barnbrook in the Ilford Recorder: ‘Number of Murders not relevant’.	51
<b>C: Meetings with Councillor Rush and Councillor/Assembly Member Richard Barnbrook and comments on draft report</b>			
17	16/01/09	Notes of Standards Investigation with Councillor Mrs V Rush	52-56
18	06/02/09	Notes of Standards Investigation with Councillor/Assembly Member Richard Barnbrook	57-62
19	16/01/09	Notes of Standards Investigation with Councillor Mrs V Rush with Councillor Rush’s comments	63-68
20	18/03/08 and 01/04/09	Email Comments from Councillor Rush on draft report	69-72
21	15/04/09	Comments from Richard Barnbrook on draft report	73

*Conduct of investigation*

The Monitoring Officers of Barking & Dagenham and the GLA jointly requested that this investigation was undertaken by Satish Mistry, Interim Deputy Head of the GLA, and Sanjay Prashar, Deputy Head, Corporate Law and Employment. Helen Sargeant, Senior Legal Adviser, GLA was assisting Satish Mistry at the GLA. Since Mr Mistry's departure on 26 February 2009 Helen Sargeant, Senior Legal Adviser, GLA has been undertaking the investigation on behalf of the GLA.

Throughout this report we have referred to Councillor/Assembly Member Barnbrook as Mr Barnbrook for ease of reference.

This page is intentionally left blank

Councillor R Barnbrook

Legal & Democratic Services  
Civic Centre  
Dagenham  
RM10 7BN

Reference: NC/CC/MC9/08  
Date: 13 May 2009

Dear Councillor Barnbrook

### **Complaint by Councillor V Rush - MC9/08**

I write to update you on the complaint made against you in your capacities as a Member of Barking and Dagenham Council and as an Assembly Member of the Greater London Authority (GLA).

The relevant Standards (Consideration) Sub-Committees of each authority met separately on 29 April 2009 at City Hall to receive the investigation report into the allegation made against you that you acted in breach of the Members' Code of Conduct. Both Sub-Committees accepted the report recommendations and agreed that the matter will now proceed to a full hearing before further Sub-Committees of the two authorities meeting at the same time. I must, however, stress that they will make individual determinations as relevant to each Authority.

The main hearing is scheduled to take place between 8 June and 24 July 2009. **Please confirm by return if there are any dates (weekdays, daytime) within this period that you cannot attend before we set a date for the hearing.** The hearings procedures of Barking and Dagenham Council will apply and I have enclosed a copy for your reference.

I also enclose a further copy of the investigation report which as you know was carried out jointly between officers from Barking and Dagenham and the GLA respectively. In accordance with the Standards Committee (England) Regulations 2008 and the Guidance issued by the Standards Board for England, I need to raise the following matters ahead of the main hearing.

1. At the Consideration Sub-Committees on 29 April 2009, members indicated that they will require further evidence on the following matter to assist the hearing and help the Sub-Committees at that stage reach a final determination:

To establish via the police and/or the hospitals what the facts are around the number of murders/hospitalisations during the period referred to by yourself. I will be asking the investigating officers to make further inquiries in this regard.

2. The Sub-Committees will also wish to hear evidence from yourself on any areas of dispute identified within the investigation report. Please therefore confirm in writing by 26 May 2009 whether you dispute any parts of the investigation report, together with reasons. I enclose a form (Form A) to assist you in this regard. Please be advised that the Sub-Committees may choose not to allow you to raise any new points in the hearing which you have not specified to be in dispute beforehand.
3. If you have any new evidence in support of your case please indicate on Form B and also return this to me by 26 May 2009.
4. You have the right to be represented at the hearing by counsel, a solicitor or (if, and only if, the Standards Sub-Committees approve) by any other person.

Please also note that under the terms of insurance held by the Council for complaints under the Code of Conduct you are entitled to cover for your legal costs up to a maximum of £50,000. If you choose to access this cover the Council's insurance company will provide the necessary representation for you. **However, please be advised that if you are found to have breached the Members' Code of Conduct you will be liable to repay all legal expenses yourself in full.** I enclose a copy of the 'Councillors' Group Legal Protection Policy' for Barking and Dagenham for your attention. The provider is Zurich Municipal and their agent is DAS Legal Expenses Insurance Company Limited. If you wish to access this facility their number is 01179 342111, which you should call as soon as possible. Please be advised that the Council's insurance only covers advice and representation in relation to Barking and Dagenham.

The GLA also has an equivalent policy in place through the same Agent. I have raised the issue of cover with Zurich and they advise that in the first instance you contact them/their Agent on the number above to provide full details of any support you require and their claims team will advise you how best to proceed in the circumstances. I must stress that you are under no obligation to be represented; it is entirely your choice. The equivalent contact for the GLA policy is on 01179 340264.

As and when you have determined who, if anyone, will be representing you, please complete the attached Form D setting out details of any representative you wish to use at the hearing and return it to me by 26 May 2009

5. You are entitled to give evidence yourself and call witnesses in support of your case as outlined in the procedures. Please confirm:
  - a. If you intend to give evidence and if so whether verbally or in writing
  - b. If you intend to provide written evidence, please submit by 26 May 2009 concise witness statements setting out the evidence each witness intends to give. The statement should be signed and dated by the witness concerned.



- c. The names and status of all witnesses you intend to call to give evidence at the main hearing (please note that the Standards Sub-Committees will have ultimate discretion as to the evidence it will receive and the manner in which it can be presented). To assist with this I enclose Form E for inclusion of details of witnesses you intend to call. Please complete and return it to me by 26 May 2009.
6. The Standards Committees will have discretion to exclude the public from some or part of the main hearing and similarly they have discretion to withhold some or all of the investigation report from the public. However, as you will know from my earlier email, the report has been made available in the public domain by the GLA. Please confirm with reasons by 26 May 2009 whether you wish to ask the Standards Committee to exclude the public from any part of the hearing and/or to prevent further release of any part of the investigation report into the public domain.

If I can be of any help please do not hesitate to contact me.

Yours sincerely,

**Nina Clark**  
**Monitoring Officer**  
**(on behalf of both Authorities)**

cc: Fiona Ledden, Monitoring Officer, Greater London Authority  
Winston Brown, Legal Partner, Corporate Law & Employment  
Barking and Dagenham Council  
Sanjay Prashar, Deputy Head of Law, (Investigating Officer), Barking and Dagenham Council  
Helen Sargeant, Senior Lawyer, (Investigating Officer),  
Greater London Authority

Phone: 020 8227 2114  
Email: [nina.clark@lbbd.gov.uk](mailto:nina.clark@lbbd.gov.uk)  
Fax: 020 8227 2279  
Textphone: 020 8227 2685

This page is left intentionally blank

**From:** Richard Barnbrook  
**Sent:** 08 July 2009 15:29  
**To:** Buffoni Iris  
**Subject:** Forward to Nina Clark

Please **forward this letter to Nina Clark** today.  
Many thanks  
Richard Barnbrook

8<sup>th</sup> July 2009

Ms Nina Clark  
Monitoring Officer  
Legal and Demographic Services  
Civic Centre  
Dagenham

Dear Ms Clark

**Re Complaint from Cllr Rush**

I write again to update you as to my situation with regard to this matter.

I have to date not received any substantive responses to my requests made under the Freedom of Information Act 2000. Further letters chasing my requests were sent out today by first class mail.

I have appointed Mr Lee Barnes to represent me, and I believe that you already have his contact number. Mr Barnes is in possession of a full set of case papers. However, I am still awaiting clarification from him as to whether he is able to attend the hearing date, as he indicated that he may have another matter that he is dealing with that requires his attendance on that day. Unfortunately I do not yet have particulars of this and I am waiting for him to get back to me.

Obviously I am looking to Mr Barnes to deal with the pre-hearing inquiry forms as, I feel unable to cope with this myself.

I will of course do my best to keep you updated with all further developments.

Yours sincerely

Richard Barnbrook

This page is intentionally left blank

**PRIVATE AND CONFIDENTIAL**

Councillor R Barnbrook

Legal & Democratic Services  
 Civic Centre  
 Dagenham  
 RM10 7BN

Reference: NC/CC/MC9/08  
 Date: 9 July 2009

Dear Councillor Barnbrook

**Re: Complaint MC9/08**

I acknowledge receipt of your email of yesterday updating me on the position as to your preparations for the hearing of 21 July 2009.

It remains the case that neither I, nor any one in my Legal team, have heard from your legal representative, nor received from him the required information, despite reminders and attempted phone calls.

You now say that you are uncertain whether Mr. Barnes can attend the hearing on 21 July and are waiting for clarification from him. This is an unacceptable state of affairs. Your representative has had ample time to respond with the requested information, or at the very least to make contact to explain any difficulties he may have in attending the hearing on 21 July.

The position is that the Standards Committees of Barking and Dagenham Council and of the Greater London Authority are due to convene jointly on 21 July to hear the case against you. If you are saying that you or your representative cannot attend the hearing I would ask that you make a formal request for a postponement, with reasons, and indicate what dates you would be available.

**If I hear nothing further by midday on Monday 13 July 2009, the Standards Committees will convene on 21 July** and will need to decide how to proceed. That will be their decision and they may decide to adjourn to a new date or to proceed in your absence. Even if you do attend the hearing without having submitted the further information we have been seeking from you and produce new evidence, the Standards Committees may choose not to allow you to introduce it at that late stage. The result would be that the Standards Committees reach their decisions on the basis of information already before them. (I would of course place before them all correspondence which has passed between us on this matter including your email of 8 July so they can make an informed decision.)

Clearly it is far more preferable to have your full co operation before the hearing. Whilst we appreciate that you may have had some difficulties, it is also unacceptable to keep holding out the promise of information which is then not actually provided. I therefore urge you, yet again, to get Mr. Barnes to make contact as a matter of urgency to clarify your position.

Yours sincerely

Phone: 020 8227 2114  
 Email: nina.clark@lbbd.gov.uk  
 Fax: 020 8227 2279  
 Textphone: 020 8227 2685

**Nina Clark**  
**Monitoring Officer**  
**(on behalf of the Monitoring Officer of the Greater London Authority also)**

**cc:** Fiona Ledden, Monitoring Officer – GLA  
Winston Brown, Legal Partner, Corporate Law & Employment  
Margaret Freeman, Democratic Services Officer

## Legal & Procurement Group

City Hall  
The Queen's Walk  
More London  
London SE1 2AA  
Switchboard: 020 7983 4000  
Minicom: 020 7983 4458  
Web: [www.london.gov.uk](http://www.london.gov.uk)

### **Inspector Boyle**

Metropolitan Police – Barking and Dagenham  
9<sup>th</sup> Floor  
Maritime House  
1 Linton Road  
Barking  
IG11 8HG

Your ref:  
Our ref:  
HS/FL/Boyle1/MPS/030609  
Date: 03 June 2009

Dear Inspector Boyle

### **Re: Request to attend as a witness**

I am writing to request your attendance as a witness at a hearing of both the Greater London Authority and Barking & Dagenham Standards Sub-Committees on 21 July 2009 (this is not confirmed as yet, but we will confirm as soon as we know). This will be a concurrent meeting of both sub-committees and held at Barking Town Hall.

By way of background, the GLA and the London Borough of Barking & Dagenham received a complaint by Councillor Valerie Rush into a potential breach of the Code of Conduct by Mr Barnbrook who is both an Assembly Member and Councillor. Both authorities sub-committees referred the allegation to their Monitoring Officers to investigate. A joint report was commissioned by the Monitoring Officers, and I enclose a copy of this investigation report and schedule of evidence for your information. The authorities relevant committees have agreed that this matter should be considered at a hearing.

You provided evidence on the request of Councillor Val Rush, and I enclose copies of your letter dated 9 December 2009 and the email dated 1 April 2009. This information was included in the Schedule of Evidence.

The Committee is particularly interested in your email to Councillor Rush dated 1 April 2009 (document 20), which stated that during the period all the injuries in Barking & Dagenham were deemed non-serious, there were no critical injuries requiring intensive care (on life-support) apart from hospital admissions for triage purposes. You will note Mr Barnbrook's evidence, in particular, document 21, in which he states "the victims were in intensive care"; "the Metropolitan Police statistics that they publish are inaccurate." Mr Barnbrook also said at interview that the person who he stated in his video who was murdered in the London Borough of Barking and Dagenham was actually murdered in Newham. When attending as a witness we will ask you to address these points as well as

what knowledge the police have about any offences at that time requiring hospital admission following violent incidents within educational establishments.

I should be grateful if you could confirm your availability for attendance at the hearing by Wednesday 17 June 2009. If you need any clarification on what we will asking you, please let me know. It would also be helpful if we had a witness statement in advance.

Yours Sincerely

**Fiona Ledden**

Head of Legal & Procurement & GLA Monitoring Officer

Encs



RESTRICTED

RESTRICTED

RESTRICTED

This page is intentionally left blank

**Case ref: Sept-05**

---

**Witness Statement of Lisa Newman**

---

1. My name is Lisa Newman and I am a Trainee Solicitor in the Legal and Procurement Group at the Greater London Authority (“the GLA”)
  
2. I was asked by Satish Mistry (the then Deputy Head of Law at the GLA and lead of the investigation at the time at the GLA ) to attend the investigation meeting on Friday 6 February 2009 with Assembly Member/ Councillor Barnbrook, and assist in taking a note of the questions put to Assembly member/ Councillor Barnbrook by the investigating officers and his answers.
  
3. The investigating officers were: Satish Mistry, Helen Sargeant - Senior Legal Advisor – Employment and Governance, GLA and Sanjay Prashar - Deputy Head, Corporate Law and Employment, London Borough of Barking and Dagenham. The questions had been drafted in advance and I was able to copy these in the notes that I took. I attempted to take a note of everything that was said by Assembly Member/ Councillor Barnbrook and the investigating officers but it was not always possible to follow everything that was said due to the speed and delivery of some of the questions and answers. I was not therefore able to produce a verbatim note of the meeting but I believe that the note I produced accurately reflected what was said.
  
4. Following the meeting, I typed my handwritten notes into a record of the meeting and sent this to the investigating officers to approve. If I was unsure about any of the content, then I highlighted this and the investigating officers were able to correct this using the notes that they had taken.
  
5. I believe that the typed up note was finalised by the investigating officers and was sent to Assembly Member/ Councillor Barnbrook. We asked him for any comments or corrections that he felt were necessary but I recall that he did not respond.

Name:

Signed:

Dated:

This page is intentionally left blank

**Case ref: Sept-05**

---

Witness Statement of Helen Sargeant

---

1. My name is Helen Sargeant and I am a Senior Legal Adviser – Employment and Governance, in the Legal and Procurement Group at the Greater London Authority (“the GLA”).
  
2. I was asked by the Head of Legal and Procurement and Monitoring Officer at the GLA to work with Satish Mistry (the then Deputy Head of Law at the GLA and lead of the investigation at the time at the GLA) on the investigation into whether or not Assembly Member/ Councillor Barnbrook had breached the Code of Conduct following the Decision of the GLA’s Assessment Sub-Committee.
  
3. I wrote to Mr Barnbrook on the 19 December 2008 explaining that we were arranging a meeting with him to discuss the allegations made by Councillor Rush. In the letter I set out two possible dates on the 20<sup>th</sup> and 21<sup>st</sup> January 2009. The letter was sent by email and copied to his PA, Simon Darby. I then had several emails with Simon Darby  

and further suggested a friend, political assistant, or trade union representative. After further discussion, Simon confirmed that 6 February 2009 was convenient. I wrote to Mr Barnbrook on 23 January 2009 confirming the time and date.
  
4. I informed him in this letter that “we will be taking notes, and are minded to record our conversation. If we wish to record the interview we will ask you to

give your consent beforehand. If we rely on information gained during this interview in a report, we will send you a copy of the interview record and give you an opportunity to comment on it. If we do not send you a copy of the interview record, you may request it. It is possible that what you say at interview may be disclosed in the report. Please inform me in advance if you will be accompanied and if so by whom. You may have a friend, political assistant or adviser with you during the interview. However, the person who accompanies you should not be a member of the standards committee, a GLA or council officer (except a political assistant) or a potential witness.”

5. In attendance at the meeting on 6 February 2009 was myself, Satish Mistry, Sanjay Prashar - Deputy Head, Corporate Law and Employment, London Borough of Barking and Dagenham, and Lisa Newman, Trainee Solicitor at the GLA. Lisa had been asked to take notes of the meeting. We had drafted a framework of questions which Mr Mistry had sent to Mr Barnbrook in advance of the meeting on 3 February 2009. The investigators (including myself) took it in turns to ask questions, and I also tried to take notes where I could of the points raised in the meeting. I was not able to write down everything because I was also asking questions, listening to the answers and thinking of further points. My notes are therefore not comprehensive, however, I did try and take down as many points as I could.
6. Following the meeting, Lisa Newman typed up her handwritten notes into a record of the meeting and sent this to me and the other investigating officers to review. I cross-referenced these to my notes, as well as my recollection of the meeting, and made some amendments. Mr Prashar also made a few comments.
7. Once all investigating officers had approved the record of the meeting, I sent it to Assembly Member/ Councillor Barnbrook on 13 February 2009 and copied it to Simon Darby (in an email.) In the letter I asked him if he could



review the record and make any alterations he considered necessary from his recollection of the interview. I then asked him to sign and date the declaration at the end of the interview record and initial the bottom of each page, returning one copy to me to the above address by Friday 20 February 2009. I stated in the letter that should he not sign and return a copy of the interview record by this date I will assume that he accepted and agreed with its content. I also said that if, on reading the interview record, he had any additional comments that he felt were relevant to the investigation, to address these to me in writing in a separate document and send back to me, or telephone me directly. I did not hear back from him further to this letter.

8. Mr Barnbrook was given a further opportunity to comment on the record of the meeting, as he was sent the draft investigation report, with the schedule of evidence which included the record of the meeting. He did not question the integrity of the record of the meeting as far as I am aware, but provided further comments.
  
9. I attach a list of documents further to this as Appendix A. (Available on the web at: <http://www.london.gov.uk/assembly/stnds-hearing/index.jsp>)

Name: Signed

Dated:

This page is intentionally left blank

## Helen Sargeant

---

**From:** Rubena Miah  
**Sent:** 22 December 2008 09:59  
**To:** Helen Sargeant  
**Subject:** FW: Letter

For your records.

-----Original Message-----

**From:** Rubena Miah **On Behalf Of** Helen Sargeant  
**Sent:** 19 December 2WB 15:43  
**To:** Richard Barnbrook  
**Cc:** Simon Darby  
**Subject:** Letter

Please see attached letter.



Letter to Richard  
Barnbrook 19,...

Helen Sargeant  
Senior Legal Adviser - Employment and Governance  
Legal and Procurement Group  
Greater London Authority  
City Hall  
The Queen's Walk  
More London  
London SE1 2AA

T: 020 7983 4483  
F: 020 7983 4700

## Legal & Procurement Group

Richard Barnbrook

[Richard.barnbrook@london.gov.uk](mailto:Richard.barnbrook@london.gov.uk)

City Hall  
The Queen's Walk  
London SE1 2AA  
Switchboard: 0207983 4 M 0  
Minicom: 0207983 4458  
Web: [www.london.gov.uk](http://www.london.gov.uk)  
Our Ref: HS/Legal/Sept-05  
Your Ref:  
Date: 19 December 2008

Dear Mr Barnbrook

### Ref: Sept-05

I write further to my letters dated 5 and 11 December 2008.

We have since been notified that the London Borough of Barking & Dagenham have also considered the same complaint and have decided that the complaint merits further action. We have been discussing this matter with Barking & Dagenham legal team, and have decided that the most appropriate way to consider this matter is by way of a joint investigation.

In order to progress this investigation, we (myself, Satish Mistry – Deputy Head of Law at the GLA, and Sanjay Prashar, Deputy Head of Law – Employment and Governance at Barking and Dagenham) would like to meet with you, and I should be grateful if you could let me know if you are available on any of the following times and dates:

Anytime from 10.30 am onwards until 4pm at City Hall on 20<sup>th</sup> January 2009

Anytime from 10.30 am onwards until 4pm at City Hall on 21<sup>st</sup> January 2009.

We estimate that the meeting should last an hour. It would be helpful if you could bring to this meeting copies of any documentation that you have with regards this matter. If you cannot make any of the above times, then please let me know and I will co-ordinate some other dates.

We still hope to have a preliminary report drafted by the end of January with a Standards Committee meeting in February to consider the report.

Direct telephone: 020 7983 4483 Fax: 020 7983 4700 Email [Helen.sargeant@london.gov.uk](mailto:Helen.sargeant@london.gov.uk)

If you have any queries Satish Mistry can be contacted directly on 020 7983 4124 by emailing [satish.mistry@london.gov.uk](mailto:satish.mistry@london.gov.uk) and my contact details are below. Please quote the reference number on all correspondence.

Yours sincerely

**Helen Sargeant**

Senior Legal Adviser  
Employment & Governance

020 7983 4483  
[Helen.sargeant@london.gov.uk](mailto:Helen.sargeant@london.gov.uk)

**Helen Sargeant**

---

From: Simon Darby  
Sent: 22 December 2008 15:21  
To: Helen Sargeant  
Subject: RE: Letter

Dear Helen,

I'll discuss this with Richard and have a date and time confirmed no later than tomorrow

Thanks,

Simon

Simon Darby  
PA, Richard Barnbrook AM  
City Hall  
The Queen's Walk  
London  
SE21 2AA

0207 9834173

-----Original Message-----

**From:** Rubena Miah **On Behalf Of** Helen Sargeant  
**Sent:** 19 December 2008 15:43  
**To:** Richard Barnbrook  
**Cc:** Simon Darby  
**Subject:** Letter

Please see attached letter.

<< File: Letter to Richard Barnbrook 191208.doc >>

Helen Sargeant  
Senior Legal Adviser – Employment and Governance  
Legal and Procurement Group  
Greater London Authority  
City Hall  
The Queen's Walk  
More London  
London SE1 2AA

T: 020 7983 4483  
F: 020 7983 4700

**Helen Sargeant**

---

From: Helen Sargeant  
Sent: 21 January 2009 17:15  
To: Simon Darby  
Subject: RE: Letter

Dear Simon

Many thanks. I will send out a formal letter confirming this, but if you could block out 2 - 3.30 at the GLA for now that would be great.

Thanks, Helen

Helen Sargeant  
Senior Legal Adviser - Employment and Governance  
Legal and Procurement Group  
Greater London Authority  
City Hall  
The Queen's Walk  
More London  
London SE1 2AA

T: 020 7983 4483  
F: 020 7983 4700

-----Original Message-----

From: Simon Darby  
Sent: 20 January 2009 15:09  
To: Helen Sargeant  
Subject: RE: Letter

Dear Helen,

Richard has indicated that Feb' 6th at the GLA will be fine. I suggest an afternoon appointment, but I will leave the specifics to your suggestion. [REDACTED]

Thanks,

Simon

Simon Darby  
PA, Richard Barnbrook AM  
City Hall  
The Queen's Walk  
London  
SE21 2AA

0207 9834173

-----Original Message-----

From: Helen Sargeant  
Sent: 20 January 2009 15:04  
To: Simon Darby  
Cc: Rkhard Barnbrook  
Subject: RE: Letter

Dear Simon

We have discussed, and I have an extra date to suggest of 27th January at Barking and Dagenham

Thanks, Helen

Helen Sargeant

Senior Legal Adviser - Employment and Governance  
Legal and Procurement Group  
Greater London Authority  
City Hall  
The Queen's Walk  
More London  
London SE1 2AA


Appendix 6a

T: 020 7983 4483  
F: 020 7983 4700


-----Original Message-----

**From:** Helen Sargeant  
**Sent:** 20 January 2009 12:29  
**To:** Simon Darby  
**Cc:** Richard Bambrook  
**subject:** RE: Letter

Dear Simon



Richard is able to bring a friend, political assistant or legal adviser to the meeting.



I would therefore like to invite Richard to a meeting on either the 3rd or the 6th February at either the GLA or Barking & Dagenham. Present at the meeting will be myself, Satish Mistry, Deputy Head of Law at the GLA, and Sanjay Prashar, Deputy Head of Corporate Law and Governance at Barking & Dagenham. Please confirm which day and available times that Richard will be able to attend, and I will then send him a meeting invite.

Thanks. Helen

Helen Sargeant  
Senior Legal Adviser - Employment and Governance  
Legal and Procurement Group  
Greater London Authority  
City Hall  
The Queen's Walk  
More London  
London SE1 2AA

T: 020 7983 4483  
F: 020 7983 4700

-----Original Message-----

**From:** Simon Darby  
**Sent:** 13 January 2009 13:55  
**To:** Helen Sargeant  
**Cc:** Richard Bambrook  
**Subject:** RE: Letter

2



Dear Helen.



Simon

Simon Darby  
PA, Richard Bambrook AM  
City Hall  
The Queen's Walk  
London  
SE21 2AA

02079834173

-----Original Message-----

From: Helen Sargeant  
Sent: 09 January 2009 17:09  
To: Simon Darby  
Subject: RE: Letter

Dear Simon



Thanks, Helen

Helen Sargeant  
Senior Legal Adviser - Employment and Governance  
Legal and Procurement Group  
Greater London Authority  
City Hall  
The Queen's Walk  
More London  
London SE1 2AA

T: 020 7983 4483  
F: 020 7983 4700

-----Original Message-----

From: Simon Darby  
Sent: 07 January 2009 14:04  
To: Helen Sargeant  
Subject: RE: Letter

Dear Helen,



Simon

Simon Darby

**PA, Richard Barnbrook AM**  
City Hall  
The Queen's Walk  
London  
SE21 2AA

0207 9834173

-----Original Message-----

**From:** Helen Sargeant  
**Sent:** 06 January 2009 14:08  
**To:** Simon Darby  
**Subject:** RE: Letter

Dear Simon

I look forward to hearing from you, and note the contents of your email.

Kind regards

Helen Sargeant  
Senior Legal Adviser - Employment and Governance  
Legal and Procurement Group  
Greater London Authority  
City Hall  
The Queen's Walk  
More London  
London SE1 2AA

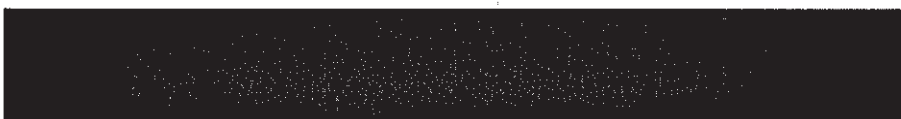
T: 020 7983 4483

F: 020 7983 4700

-----Original Message-----

**From:** Simon Darby  
**Sent:** 06 January 2009 13:37  
**To:** Helen Sargeant  
**Subjeb:** RE: Letter

Dear Helen.



Kind Regards,

Simon

Simon Darby  
**PA, Richard Barnbrook AM**  
City Hall  
The Queen's Walk  
London  
SE21 2AA

0207 9834173

-----Original Message-----

**From:** Helen Sargeant  
**Sent:** 24 December 2008 10:50  
**To:** Simon Darby  
**Cc:** Richard Barnbrook; Satish Mistry  
**Subject:** RE: Letter

Dear Simon

Thank you for your email.

Could you let me know in the first week of January with regards this, and are you also able for me to share this information with the investigator and Monitoring Officer at Barking & Dagenham?

Kind regards  
Helen

Helen Sargeant  
Senior Legal Adviser - Employment and Governance  
Legal and Procurement Group  
Greater London Authority  
City Hall  
The Queen's Walk  
More London  
London SE1 2AA

T: 020 7983 4483  
F: 020 7983 4700

-----Original Message-----

**From:** Simon Darby  
**Sent:** 23 December 2008 11:53  
**To:** Helen Sargeant  
**Cc:** Richard Barnbrook  
**Subject:** RE: Letter

Dear Helen,



Kind Regards,

Simon

Simon Darby  
PA, Richard Barnbrook AM  
City Hall  
The Queen's Walk  
London  
SE21 2AA

0207 9834173

-----Original Message-----

**From:** Rubena Miah On Behalf Of Helen Sargeant  
**Sent:** 19 December 2008 15:43  
**To:** Richard Barnbrook  
**Cc:** Simon Darby  
**Subject:** Letter

Please see attached letter.

<< File: Letter to Richard Barnbrook 191208.doc >>

Helen Sargeant  
Senior Legal Adviser - Employment and Governance  
Legal and Procurement Group  
Greater London Authority

City Hall  
The Queen's Walk  
More London  
London SE1 2AA

T: 020 7983 4483  
F: 020 7983 4700

Page 1  
of 1

Page 1  
of 1

## Helen Sargeant

---

From: Rubena Miah on behalf of Helen Sargeant  
Sent: 23 January 2009 14:24  
To: Richard Barnbrook  
Subject: Letter

Please see attached letter



Letter to Richard  
Barnbrook 23...

Helen Sargeant  
Senior Legal Adviser - Employment and Governance  
Legal and Procurement Group  
Greater London Authority  
City Hall  
The Queen's Walk  
More London  
London SE1 2AA

T: 020 7983 4483  
F: 020 7983 4700

Richard Barnbrook  
Assembly Member  
City Hall  
The Queen's Walk  
More London  
London  
SE1 2AA

[Richard.barnbrook@london.gov.uk](mailto:Richard.barnbrook@london.gov.uk)

By email and internal post

**Private & Confidential**

Dear Assembly Member

**Ref: Sept-05**

Following previous correspondence on this, I am writing to confirm the interview arrangements for Friday 6 February 2009 at 2pm at City Hall and to give you some additional information. The meeting will be held in conference room 8 on the lower ground floor.

The interview will be conducted by myself, Satish Mistry, Deputy Head of Law at the GLA and Sanjay Prashar, Deputy Head, Corporate Law and Employment at the London Borough of Barking & Dagenham it will be conducted further to the powers set out under the Local Government Act 2000.

We will be taking notes, and are minded to record our conversation. If we wish to record the interview we will ask you to give your consent beforehand. If we rely on information gained during this interview in a report, we will send you a copy of the interview record and give you an opportunity to comment on it. If we do not send you a copy of the interview record, you may request it. It is possible that what you say at interview may be disclosed in the report.

Please inform me in advance if you will be accompanied and if so by whom. You may have a friend, political assistant or adviser with you during the interview. However, the person who accompanies you should not be a member of the standards committee, a GLA or council officer (except a political assistant) or a potential witness.

I estimate the interview will take approximately one to one and a half hours.

I enclose the following documents that may be required at the interview. We will also have copies available at the interview.

- A transcript of your blog article entitled "A tale of two Cathedrals"
- An extract from the Ilford Recorder dated 11 December 2008
- A letter from Hugh Boyle, Inspector, Performance and Review Unit, Barking & Dagenham Police to Councillor Val Rush, dated 9 December 2008

it is also important that you have copies of any other relevant documents with you, as they may be needed during the interview. If we receive any further documents before the interview we will forward these onto you.

When the investigation is finished, we will report to both the GLA and Barking & Dagenham Standards Committee. The respective standards committees will decide whether there has been a breach of the Code, and what action should be taken including whether to refer the matter to the Adjudication Panel for England.

Before we complete this investigation, you will be sent a draft of the investigation report to enable you to make any representations you consider necessary. Having considered these, we will then issue the final report.

I must also ask that you treat any information provided to you during the course of the investigation as confidential. In addition, there are statutory restrictions on the disclosure of information obtained by the monitoring officer. This is covered by section 63 of the Local Government Act 2000 and disclosure of information contrary to this is a criminal offence. Anyone who accompanies you to your interview should also be made aware of the restrictions on disclosure of information.



If you have any queries prior to the interview, please do not hesitate to contact me on 020 7983 4483 or by email to [helen.sargeant@london.gov.uk](mailto:helen.sargeant@london.gov.uk).

Yours sincerely

A handwritten signature in black ink, appearing to be 'HS'.

Helen Sargeant  
Senior Legal Adviser - Employment and Governance  
Legal and Procurement Group  
Greater London Authority  
City Hall  
The Queen's Walk  
More London  
London SE1 2AA

T: 020 7983 4483  
F: 020 7983 4700

**Helen Sargeant**

---

**From:** Matthew Kleebauer  
**Sent:** 03 February 2009 17:18  
**To:** Helen Sargeant  
**Subject:** FW: Investigation Sept 05

-----Original Message-----

**From:** Matthew Kleebauer  
**Sent:** 03 February 2009 17:09  
**To:** Richard Barnbrook  
**Cc:** Simon Darby  
**Subject:** Investigation Sept 05

**Please see attached**



Letter to Richard Barnbrook.doc (149 KB)  
Questions.doc (149 KB)



GREATER LONDON AUTHORITY  
Legal & Procurement Group

Richard Barnbrook

[Richard.barnbrook@london.gov.uk](mailto:Richard.barnbrook@london.gov.uk)

City Hall  
The Queen's Walk  
London SE1 2AA  
Switchboard 020 7983 4000  
Minicom: 020 7983 4458  
Web: [www.london.gov.uk](http://www.london.gov.uk)

**Our Ref: REF SEPT 05**  
**Your Ref:**  
**Date: 3 February 2008**

PRIVATE AND CONFIDENTIAL

Dear Assembly Member

Re: Code of conduct investigation

You will be aware that we are currently undertaking a joint investigation with the London Borough of Barking and Dagenham into a complaint that there has been a breach of the respective codes of conduct

For this purpose we are due to interview you this Friday 6 February at 2 pm at the GLA offices.

To assist you we have agreed to let you have a framework of the questions, which we now attach.

For your information I will be accompanied by Helen Sargeant, Senior Legal Adviser - Employment and Governance at the GLA and Sanjay Prashar, Deputy Head, Corporate Law and Employment, Barking and Dagenham.

We look forward to seeing you

Yours sincerely

Satish Mistry  
Deputy Head of Law and Governance  
02079834093  
[Satish.Mistry@london.gov.uk](mailto:Satish.Mistry@london.gov.uk)

Enc. Framework of Questions

**Direct telephone:** 020 7983 4093 **Fax:** 020 7983 4700 **Email** [Satish.Mistry@london.gov.uk](mailto:Satish.Mistry@london.gov.uk)

GREATER LONDON AUTHORITY  
Legal & Procurement Group

City Hall  
The Queen's Walk  
London SE1 2AA  
Switchboard: 020 7983 4000  
Minicom: 020 7903 4458  
Web: [www.london.gov.uk](http://www.london.gov.uk)

Questions:

1. For how long have you used website blogs in your political capacity as a tool for communicating to the electorate?
2. We understand that the blog can be viewed on You Tube and the Daily Telegraph website. Is it posted elsewhere?
3. Do you know how many hits have been entered against the blog?
4. You were specific in your comments that there were 2 incidents of knife attacks in the B&D area within a stated period resulting in 3 deaths. From where did you source this information?
5. Do you have a system for verifying statistical data or other factual information before publicising it?
6. Do you accept that the details regarding the murders which you gave on your blog were factually inaccurate?
7. Do you regret making the statement?
8. The complainant has referred the investigation officers to a letter sent by yourself to 2 local newspapers in December 2008. In the letter you suggest that it made no difference as to how many deaths there had been. Do you still subscribe to that view and if so why?
9. If you knew the information to be inaccurate why was it (the video) left on the blog at the time of the letter being published?
10. Are you aware of whether it (the video) is still on the blog?
11. As a local politician do you feel you have a role in managing the public's perception of crime both in Band D and in London generally?
12. What would you say in response to the proposition that the comments which form the subject matter of this investigation would have had the effect of undermining the public's trust and confidence in Local Government and in the Police?

**Helen Sargeant**

---

**From:** Helen Sargeant  
**Sent:** 13 February 2009 16:24  
**To:** Richard Barnbrook  
**Cc:** Simon Darby  
**Subject:** Record of meeting 6 February 2009 - By email and internal mail

Please find attached letter and record of meeting.



Letter to Richard Barnbrook 13...



Record of meeting 6 Feb 09.doc...

Helen Sargeant  
Senior Legal Adviser - Employment and Governance  
Legal and Procurement Group  
Greater London Authority  
City Hall  
The Queen's Walk  
More London  
London SE1 2AA

T: 020 7983 4483  
F: 020 7983 4700

## Legal & Procurement Group

Richard Barnbrook,  
Assembly Member

[Richard.barnbrook@london.gov.uk](mailto:Richard.barnbrook@london.gov.uk)

Private & Confidential

City Hall  
The Queen's Walk  
More London  
London SE1 2AA  
Switchboard: 020.79834030  
Minicom: 0207903 4458  
Web: [www.london.gov.uk](http://www.london.gov.uk)  
Our Ref: **HS/Legal**  
Your Ref:  
Date: 13/02/2009

Dear Mr Barnbrook,

Ref: **Sept/05**

I write further to our interview of 6 February 2009 and enclose as agreed two copies of the record taken from the interview.

Record:

I would be grateful if you could review the record and make any alterations you consider necessary from your recollection of the interview. Please then sign and date the declaration at the end of the interview record and initial the bottom of each page, returning one copy to me to the above address by Friday 20 February 2009. Should you not sign and return a copy of the Interview record by this date I will assume that you accept and agree with its content.

The copy of the interview record has been provided to you solely to enable you to confirm the accuracy of the interview. It should not be disclosed or used for any other purpose. You are, however, able to disclose these documents to your solicitor, should you choose to appoint one, or other representative, for the purpose of seeking advice in relation to this investigation.

If, on reading the interview record, you have any additional comments that you feel are relevant to the investigation, please address these to me in writing in a separate document and send it to the above address, or by sending an email to [helen.sargeant@london.gov.uk](mailto:helen.sargeant@london.gov.uk). Alternatively you can telephone me directly 020 7983 4483.

Yours sincerely

Helen Sargeant  
Senior Legal Adviser – Employment and **Governance**

Direct telephone: 020 7983 4486 Fax: 020 7983 4700 Email: [Helen.sargeant@london.gov.uk](mailto:Helen.sargeant@london.gov.uk)

Notes of Standards Investigation with Councillor and Assembly Member Mr R Barnbrook

Friday 6 February 2009  
Committee Room 8  
City Hall  
14:00 – 15:30

Present:

Councillor and Assembly Member Mr R Barnbrook (RB)  
Sanjay Prashar, Deputy Head- Corporate Law and Employment LBBB (SP)  
Helen Sargeant, Senior Legal Adviser Employment and Governance (HS) – GLA  
Satish Mistry, Deputy Head of Law (SM) – GLA  
Lisa Newman, Trainee Solicitor (LN) - GLA

RB stated that he thought this complaint was a personal attack on him and was upset about other recent complaints that had been made about him, which he considered to be personal also.



**HS Question 1. For how long have you used website blogs in your political capacity as a tool for communicating to the electorate?**

RB said that he hasn't and that he doesn't use blogs. He said he hasn't got the knowledge to do this. RB said that this is either done by his aides or the BNP film crew. HS asked how long RB had appeared on blogs.

RB said from approximately 2004/ 2005. RB said that he doesn't use 'google' as a means of disseminating information but that he understands that other websites lift and use the content from his blog.

**HS Question 2. We understand that the blog can be viewed on You Tube and the Daily Telegraph website. Is it posted elsewhere?**



SM asked if he checked the content.

RB said he did and that he takes responsibility for this.

SM asked RB if he had looked at the statement in question on his blog.

RB said no, that he didn't recall looking at this one, and that he didn't have time to see the final version.

**HS Question 3.** Do you know how many hits have been entered against the blog?

RB said he was too busy to look at these and that he doesn't follow them.

**HS Question 4.** You were specific in your comments that there were 2 incidents of knife attacks in the **B&D** area within a stated period resulting in 3 deaths. From where did you source **this** information?

RB said that prior to the video going out, there was a murder of a young African Caribbean woman in Barking and Dagenham. The other incidents were two fatal attacks in Gorsebrook ward and Parsloes ward.

HS read out what the blog said about these three incidents. RB clarified that the woman who was killed was from Barking and Dagenham, but was killed outside the area in Newham.

SM clarified with RB that he said on the video that the attack was in Barking and Dagenham.

RB said that this statement "came out wrong" because of the speed of his delivery. RB meant to say that the woman was from Barking and Dagenham and murdered in Newham.

SM asked whether there was evidence to support this? RB said yes.

SM clarified that what RB meant to say was that there had been a murder of a girl from Barking and Dagenham. RB said this was correct and what he had meant. RB said he has evidence to show the occurrence of this.

SM referred back to the second statement on the blog where RB had said that there were two murders. RB said that this is what he had said - but that the two people didn't die, they were critically ill, but didn't die. RB said he "spoke too soon." He knew at the time of the statement that they were on life support.

HS asked if this statement was still on the blog? RB said he didn't know because he doesn't check it and hasn't been asked to pull it.

SM said "before we move on, can I put something to you. You said that you don't check the blog, but you said you take responsibility for it and you didn't know [about the possible inaccuracy] until you got the complaint. You then took the opportunity to view the blog?"

RB said "no, well I was in front of the camera, I generally know what I say, but no...that's not true, I did look at the blog. Christine Evans (Mothers Against Knives) told me about the complaint. I then had a brief look at this". He said that he now accepts that there were two inaccuracies.

RB said the videos are usually on the personal blog for three weeks.

SM asked whether RB had looked at the blog and noticed the inaccuracies?

RB said "no". He said that the national BNP party including legal asked him whether he wanted to leave it up as he did believe that the overall tenor still stands that it should be left on there regardless of the misstatement and that he said yes. RB said his belief in gun-crime is strong enough to keep it on the website and that he was of the view that this would be removed in 4-6 weeks anyway.

RB said that he felt because Christine Evans had made comments about the school, then the blog should remain.

**SP Question 5.** Do you have a system for verifying statistical data or other factual information before publicising it?

RB said verification was from three sources:

1. Media
2. Police
3. Public

He said that the information from the public was very important and said "I always believe without question and will report. This is the same in this situation, I was told [about the incidents] by the public and I confused what they were saying".

RB said that he did have a system to verify the information that the public gave him in this case. He said he got the information as to the location of the attacks but that he mixed up exactly where the attack took place.

SP "from what you have said, can you tell us if there is an audit process for screening information before publishing it?"

RB said "yes", by using 1. the press 2. the police and 3. local community (leaks). RB said he sometimes used his first-hand notice of witnessing the incident, such as witnessing a cordoned off crime scene and asking the police what has happened.

SP said "we are concerned that this wasn't the case here. Your statement was inaccurate."

RB said that in this case, it was because he spoke too quickly and got it wrong. RB said the filming was very rushed and he spoke too quickly. "I dispute that. I didn't try and cause scaremongering. That's just politics and I made a statement."

SP asked "why wasn't this picked up on the video before going on the blog?"

RB said that "they must have assumed that the details were correct. There have been attacks in Barking and Dagenham so it would be likely that this could be true."

**SP Question 6.** Do you accept that the details regarding the murders which you gave on your blog were factually inaccurate?

RB said he accepted that the evidence was factually inaccurate but that he will not make an apology. "I won't accept the fact that knife crime doesn't exist. I will take responsibility, but will not apologise".

SM asked whether RB would apologise for the statement being inaccurate?

RB said "no, I would say that the information that was given over was not correct. But until knife crime is over, I will not apologise". RB said that a mistake was made, it was not malicious but could be seen as aggressive. RB said that he did not regret making the statements, but he did regret not putting the correct information over, and it would be have been better if the correct information had been put across. He regretted saying that there were two murders when there were not.

SM clarified that the officers present are not responsible for making a decision in this case.

SP said "can I just say that we will not be taking a decision on this, we are just. We are just looking at whether you have brought your office into disrepute".

RB asked for clarification on what 'disrepute' means

HS. SM and SP all said that this depends on what facts are established in this case

**SP Question 7.** Do you regret **making** the statement?

RB said "No, i do regret saying that two people died and they didn't, but I don't regret saying about the murder".

**SP Question 8.** The complainant has referred the investigation officers to a letter sent by yourself to 2 local newspapers in December 2008. In the letter you suggest that it made no difference as to how many deaths there had been. Do you still subscribe to that view and if so why?

RB said that what he was saying here is that nothing is being done in the Borough, even if one person dies or twenty, something still has to be done.

**SM Question 9.** If you knew the information to be inaccurate why was it (the video) left on the blog at the time of the letter being published?

RB said "I thought it would have been pulled."

**SM Question 10.** Are you aware of whether it (the video) is still on the bloy?

RB said he thought it would have been removed, especially if there are inaccuracies.

HS asked if the video was still on there?

RB said they will be removed because of the inaccuracies, but it was not an apology.

**SM Question 11** As a local politician do you feel you have a role in managing the public's perception of crime both in B and D and in London generally?

RB asked "can you be more accurate as to 'control'? i think that the politician should report what is happening."



SM said "but the difference here is that they were inaccurate. Do you accept that you have a higher level of responsibility?"

RB said "I could have said that three murders took place, that wouldn't have been inaccurate, murders have happened in the Borough, it was the speed of my delivery. I could have said that people are dying by the knife and that would have been accurate. I don't believe that I misled them, there are murders happening."

RB said that 3 murders took place at Chadwell Heath.

SM said "you say that but police figures say the number of knife crime is decreasing."

RB said that he can see that knife crime is happening.

SM said "but you were talking about murders [in this statement]."

RB said that he didn't trust the figures and that he had made a Freedom of Information Act request and had different figures returned.

SM said that the Monitoring Officer would need to see those figures. SM said that if RB's figures were different, that was important.

RB said he also had figures from local papers.

SM clarified that the police figures show that there were no murders in the period RB was talking about.

RB said that there were figures from the Metpolice coming out at that time, showing that there were murders in London.

SP said that RB's statement was in relation to Barking and Dagenham, and not London as a whole.

SM agreed and said that it was important to compare figures before this can be investigated further and asked RB to provide the documentation.

SM Question 12. What would you say in response to the proposition that the comments which form the subject matter of this investigation would have had the effect of undermining the public's trust and confidence in Local Government and in the Police?

RB said that he doesn't believe this to be the case. He said the police don't have the resources. it doesn't undermine the police as the police don't have the power to deal with this.

SM asked whether RB thought his comments undermined politicians?

RB said "no, politicians should say what is happening. They should tell people that they should petition government to solve this problem. I feed back to the community what is happening in real life."

RB said that parents say to him that the police can't do anything because they have no resources, and therefore what is the point of me complaining because the police are not able to do anything.

SP said that he thought the interview should go deeper at this point. "I accept what you are saying, but whenever you provide factual data, you have (as a politician) got to make sure that this is accurate. if you say there have been two murders and there hasn't, this will raise the fear of crime. This is what is in contention. No one is questioning your role as a politician, but if you rely on information to make a point, this must be accurate."

RB said "I accept that, but i could have made lots of other reports if I'd wanted to undermine police and the Borough. If I had to go through this again, I would do it again, but making sure it was accurate." RB said his comments were to show that this is happening, it was not enough for politicians to say it is all going nicely.

SM said that he thought that completed the questioning and asked RB if he had any questions.

RB said that his actions weren't intentional.

SM told RB that this would be dealt with independently and asked what documentation RB would like to leave for the Monitoring Officer.

RB said he would like to leave all of the evidence he had and that he had lots about knife crime in the Borough.

SM clarified whether RB would be using this as evidence to show the level of knife crime in the Borough? He asked RB to identify what relates particularly to this complaint and police statistics.

RB said he would ask Simon Darby to do this

It was agreed that RB would submit his evidence by Friday 13 February 2009.

I have read these notes and accept them as a true and accurate record of the interview

Signed.. ..

Dated.. ..

Meeting Fri 6/2/09

Appendix 6a  
of Conduct Code

- 1. some difficulty finding relevance
- what is relevance + by Friday



Private direct attacks on me by Cdr Pugh

recent complaint - by Cdr Pugh - to apologise for being called by first name



But - may have been said too quickly - mix up 2 reports

Referral to psych

- 1. Blogs - aides or by film-making crew -
- 2004/5 approx. I/we do not use google. Go into website + blog

Nothing to do with me whatsoever. People who post it - read out + then check it.

accept responsibility. Didn't look at it.

London M.A.K - statement came after Nat. Not on website.

Affect/purpose

4. Pic + 2 videos

mistake !! of speed coming out

- ① 1 month copy - murder in Newham from B + D - knifed her
- ! factually poor - has evidence

- ② 2 ~~fatal~~ knife } casually but didn't die
- Saebouk word } intensive care / life-threatening knife attacks.
- Palestini used } - at the time, knew they were a life support,
- in B + D

meant 2 say murder in Newham from B + D.

Not been requested to put it. Not as correct.

3 murders did take place

Did look thru the blog ∴ Christine Evans CHIAK  
what looked at it - now accept there were 2 inaccuracies  
- yes

Instructed ∴ of complications - footage  
∴ Christine Evans make comments about sch.

∴ prob w/ knife crime inborough  
These videos - max 3 weeks - taken off.

said to national website - BNP-legal  
- do u believe that overall tenor still stands that it should be left  
regardless of misstatement actual

Thought 4-6 weeks would come off. Thought they deleted  
Blog - after complaint raised. Accept inaccuracies.

∴ GOS thought it could come off.  
Not done intentionally.

S. media

discussions w/ police

public - if public come round ~~and~~ + ask a few  
times

→ said mentioned it 2 RB - RB got mixed up from  
where.

smets made - attacks

knifing bit 2 schools, 8 station - attacked

1 of those attacks

other attack in Parklaw Park } youths from  
J sep

90% of info goes out

- press, local comm, from local  
police

Slip-ups

if socio-mongery - politics  
human error

Didn't recognise that mistake

RB - ∴ of knife attacks is murders

realise that escalation

national party - could be factual situation

if news subject - are u sure about this

BUT ∴ it is an issue

accept factually inaccurate - not make a formal  
apology, slipped up on words

prob is still there.

RB - info given over not full facts

- not apologise

- mistake made - not malicious, <sup>not delib seen</sup> aggressive

- 2 fatalities

- doesn't regret making statements:

regret not putting correct info over. Better if correct info through.

If don't do things murders

Regret saying 2 died whereas didn't.

8. If 1 person died or more doesn't matter.

Here - nothing happening

1 is too many.

11 December - didn't know if both had died at the ~~time~~ time.

9. Thought it had been pulled.

10. Thought it had been removed.

Now that it is removed.

If they are still as there - will be pulled :: of inaccuracies, not :: of apology

11. <sup>official</sup> ~~people~~ - higher level of responsibility.

3 murders took place @ Chadwell Heath. Even if inaccurate, but murders do take place @ Chadwell Heath.

Mac time should have been taken.

Knife crime in the borough not responsible to <sup>tell people</sup> knife crime.

RB - knife crime.

- doesn't trust the figures from the letter.

\* FBI - Simon Darby - Met. Police say ↑

recorder + RB

B + D - Stabilised or ↑

copy doc

10. not enough people.

Society - too aggressive  
hold a knife

pol. - take issues that r paramount & goodwill  
of commy

not job & tie other issues

falling in my job - LMAK petition - to send  
message of holding + carrying knives.

pol's job

parents - police can't do anything 'i' no resources

" - what is the point we complaining 'i'  
police not doing anything.

If you are providing data in support of your  
pol's

- take effort & provide std<sup>b</sup> accuracy

RB not doing work

fear of crime going & go up

Lot of PCs stopped down.

police - lacking

fear - 50/60 complaints that have come & live.

RB - if I wanted a u-m police + council

did have made a lot stronger street

- this was saying this is happening

not enough to pol's & say all going nicely

wd do T same thing altho make one

not inaccurate.

90%.

Docs - knife crimes in borough, wounds

Violent related crime

the Vol book -> Shows the prob of knife crime

in borough.

Stats - Mon/Tues - Simon Darby - 4 wurden ill. <sup>Appendix 6a</sup> ~~backlog~~  
Wed - latest info.

RB

Local Investigation

06/02/09 CR8

Evidence → ask B.D. <sup>commit to don't do the purpose of the</sup> supplementary evidence. What does she want to rely upon? Ask Pat a response by 13.02.09

→ attack on RB for making a comment:

→ upset about types of complaints e.g. latent

Q1. HS

RB → haven't, don't use blogs I haven't got knowledge to go further down by aides or film crew of BNP.

HS → but how long have you appeared on

RB → 2004/2005

RB → we do not use Google I understand that the websites use the content Q2 HS have seen on etymology J-74

But I take resp

for ~~the~~ my blog

SN → but you check the content?

RB → yes, I check and accept responsibility

SN → did you look at the particular one in question?

RB → no, I don't recall looking at this one. Didn't have time to see the final one

RB

RB

Q3 → Trying to look at those could be OK, OK

I don't follow them



Q4 RB Prior to video going out, there was a murder of a young African Caribbean woman <sup>with two from</sup> the B&D  
 other were 2 fatal attacks in Cusbrook Wood and  
 Brindlow

HS clarifying blog. RB said not one from B&D, but  
 killed outside B&D area in Newham

SM → but you said the attack was in B&D

RB → but it came out wrong. I meant she was  
 from B&D and murdered in Newham.

Smart evidence supports this? RB → yes

SM → just to make the point → you meant to say that  
 there was a murder of a girl <sup>from</sup> the B&D

RB → yes → that's what I meant. → and have evidence  
 to show this.

SM → going back to 2nd statement on blog → you said  
 2 murders. RB → yes, but they didn't die, they were  
 critically ill, but didn't die. I spoke too soon. ○

HS → this is still on the blog?

RB → I don't know. I don't check it. I haven't been  
 asked to pull it.

SM → before we move on, can I put something to you  
 → you said you don't check the blog, but you take  
 responsibility for it and you didn't know that  
 until you got the complaint you then took the  
 opp to view the blog? RB → no. well, I was in  
 front of the camera. I generally know what I say. ○

but no. that's not true, I did look at the blog. Christine Evans (max) told me about the complaint & then had a brief look at this.

The videos came normally on the personal blog for 3 weeks

SM → but did you look at the blog and notice the inaccuracies?

RB → well, no. the national BNP website said do I want to leave it up. I said yes, my belief in gun-culture is strong enough to keep it up, if the news that this would be wiped off between 4-6 weeks.

RB → I felt what Christine Evans's experiences were sufficiently strong enough for me to carry on with this, despite a glitch.

Q4

1. Media
2. Police
3. Public → v. important. I always believe without question and will report. This is the same in this situation. I was told by public and I cashed out what they were saying.

Q5, RB → yes, I have a system for verifying. I get information as to the location of the attacks. There was a

Smit → from what you've said, can you tell us if there is an audit process for screening info before

going to public.

RB → yes

1. Press

2. Police

3. Local comm. (leaks).

also, sometimes this is first-hand notice of witnessing the incident.

SP  
Sally

→ we are concerned that this wasn't the case. Your statement was inaccurate.

RB → no, in this case it was because I spoke too quickly and got it wrong. Filming was very rushed and I spoke too quickly.

I dispute that I didn't try and cause scaremongering that's just politics and I made a statement.

Sally → why wasn't this picked up on the video before going on the blog?

RB → ~~they must have~~ assumed that the details are correct. There have been attacks in B&D so would be likely that this could be true.

QB → RB I accept the evidence was factually inaccurate, but I will not make an apology. I won't accept the fact that knife crime doesn't exist. Will take responsibility, but not apologise.

SM → would you apologise that the statement was inaccurate?

RB → No, I would say that the info. that was

given over was not correct.

until his crime is over, I ~~would~~ will not apologise.

SM → This is a matter for someone else

SP RB → yes.

~~Just~~ → can I just say that we will not be making a decision on this, we are just looking at all facts in the non office. We are just looking at whether ~~we~~ <sup>you</sup> have brought your office into disrepute.

RB → what does this mean? we have to establish facts first.

Q7 <sup>Prison</sup> Danjay do you regret your comments?

RB → no, I do regret saying that 2 people died and they didn't, but don't regret saying about the murder.

Q8 SP → what is being put here is that nothing is being done in the borough, even if one person dies or 20, something still has to be done

Q9 → ~~RB~~ RB → I thought it would have been pulled

Q10 → RB → thought it would have been removed, esp if there are inaccuracies

HS → if they are still as there?

RB → they will be removed because of inaccuracies

Q.11 RB can you be more accurate as to control?  
I think that the politician should report what is happening.

SM, but the difference here is that they were inaccurate? Do you accept that you have a higher level of responsibility?

RB → I could have said 3 murders took place, wouldn't be inaccurate, murders have happened in the borough. It was the speed of my delivery. I could have said 'people are dying by knife', would have been accurate. I don't believe I misled them → there are murders happening.

SM. You say that, but police figures say the number of knife crime is decreasing.

RB → I see that this is happening.

SM → But these are murders.

RB → well I don't trust those figures, I have made a FOI request.

SM → well we need to see that. If your figures are different, that is important.

RB → I have figures from local papers.

SM → well the police figures show that there were no murders in the period you are talking about.

RB ~~SM~~ → well there were figures from police coming out at that time showing figures of murder in London, that there were murders.

SP → these police figures are re-London B&D, not London.

SM → yes → we need to compare figures.

Q12

RB → no → the police don't have the resources. It doesn't undermine the police. Police don't have power to deal with this.

SM → condemn politician?

RB → no, politicians should say what is happening. Should tell people that they should petition governments to solve this problem.

○ I lead back to the community what is happening in real life.

SP → I think we should go deeper. I accept what you're saying, but whenever you provide factual data, you have (as a politician) got to make sure that this is accurate. If you say there have been 2 murders and there hasn't, this will raise the fear of crime. This is what is in contention. No one is questioning your role as a politician, but if you rely on info to make a point, this must be accurate.

RB → I accept that, but I could have made lots of other reports if I'd wanted to undermine police and the borough.

○ If I had to go through this again, I would do it again, but making it sure it was accurate.

○ SM → I think that completes the questioning, do you have any questions?

RB Not intentional.

SM → we will deal with this independently.  
→ what doc. would you like to leave us with?

RB → all of it → tot of evidence of knife crime in the borough

SM → you will say that this shows level of knife crime in the borough. Can you show us what relates particularly to this complaint and police practices.

RB → yes, will do this. Simon Darby

