

## Transcript of Item 5: Appointments made by the Mayor under s. 67 of the GLA Act

**Darren Johnson (Chair):** Just to open generally, Nick [Boles], are there any lessons to be learnt from what has happened? Obviously we have had a couple of resignations and issues around that so what are the key lessons to be learnt?

**Nick Boles (Former Interim Chief of Staff to the Mayor):** I think there are obviously lessons to be learnt and with hindsight, which is a wonderful thing, there are some things that we did not do which we should have done, which I was responsible for and I regret that we did not do them. I think chief among those is that of doing a full-blown background check on all potential appointees. I think it is important that the Committee understands that just taking references would not actually have got us out of the situation that arose because those referees - I promise you - did not know any more than we did about the things that subsequently came to light about one of the Mayor's appointees.

One would have to have gone through a much fuller process of vetting or background checks which some of you may have been through - and I have been through for my current job at the Conservative Party - and it is an incredibly involved process. It takes a very long time to actually do it because it asks you for every previous address in the last 20 years, every previous place of employment; they then have to get in touch with those people and then they have to hear back.

Given the fact that the Mayor needed to take office - I think it was 24 or 48 hours after his election - and the reality of politics and the media pressure that requires you to make appointments early to show that you have got a strong team who are going to deliver your agenda, I actually do not see how it would have been possible. I am not pretending that we thought of it; I take full responsibility for the fact that we did not think of it. Even now with the benefit of hindsight, without changing the system and without specifically introducing a period of transition, then I do not see how one is ever going to avoid that kind of risk in future.

If you will bear with me for a second, I think that in Parliament when there is a change of government it is a very different situation because you have your Members of Parliament already there; many of them are already in your Shadow Cabinet and your Shadow Ministers and they have all been vetted to the extent that they have all been elected and subjected to scrutiny, and you move in seamlessly with that team into government. Therefore there is no need for an extended transition.

If you look around the world at most other directly-elected positions, they do have transitions and, indeed, my understanding is that with the previous Mayor [Ken Livingstone], when he became Mayor, when the Mayoralty was created, there was in fact a two-month period - I think it was from 8 May to 1 July - before the Mayoralty actually got going. Again, sensibly, he had some time to actually go out and talk to lots of people about the jobs he wanted them to do and was able to do proper checks that they were appropriate people to employ.

In 2004 it was not an issue because he was re-elected and he substantially, I believe, kept the same team. Then this was the first transition, so I would suggest - and again I want to emphasise this is not an attempt to evade responsibility and I do not evade that responsibility - for future that everybody think about introducing a period of transition.

**Darren Johnson (Chair):** Well we can certainly look at that and I was going to suggest in terms of questioning if we look firstly at the issue around appointments and the appointments process and then we look at the wider transition issue if people are happy with that.

**Brian Coleman (AM):** I think perhaps the issue around the particular appointments was that there is a difference between appointing those who have been elected and appointing people from completely outside the political system who have not been elected to anything ever in their entire lives. I do not believe we need a transition period at all. Governments manage to change overnight and councils manage to change overnight because, mainly, your new Government or your new council administration is made up of fellow people who have been elected to public office and therefore undergone the scrutiny that election to public office involves.

The problem, I think, occurs with this system which allows for the appointment of people who have not been elected to public office. My question is, Mr Boles, why was there the need to make this particular appointment so early on when other very significant and important appointments had waited two weeks or a month? If we had waited that month for this appointment we probably would not have been there.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** I will certainly answer your question, Brian, but just before also your premise. My understanding is that there is actually a great deal of complexity, shall we say, about appointing - other than the Statutory Deputy Mayor - elected Assembly Members to executive positions. Indeed, as you know, with Kit Malthouse (Deputy Mayor for Policing) it only works because of the fact that the Metropolitan Police Authority (MPA) is not part of the Greater London Authority (GLA). He therefore has no executive authority within this building. Within the MPA his authority derives from the fact that he is the Deputy Chairman of the MPA.

I think that if you presume that it is reasonable for the Mayor to appoint some people to have executive leadership authority over various aspects of policy, it is not actually, in my understanding, possible to appoint Assembly Members to those posts because they are not allowed to exercise that executive authority under legislation. Then there are other elected Members and, I agree with you, there is obviously the great advantage of elected Members; they, by-and-large, have been vetted in a rather less formal way by the political process; and the other problem with elected Members is one which I know that many of you have devoted a good deal of time to over the last few months and that was one of the Widdicombe Rules.

Therefore people who have been through an elected process in another authority have other things that restrict them from being appointed to positions of executive authority. I think that the current nature of the legislation drives you inexorably towards a position where some, not all, of the people that the Mayor is likely to appoint to his ten plus two positions [appointments made under Section 67 of the GLA Act (as amended)], are likely to be people who are not elected either to the Assembly or to any other body and therefore will not have been vetted by the political process. Therefore, the problem still remains but I understand you might think that is the thing we need to fix rather than the transition. I disagree with you.

Just on to your question about why we had to be in a rush. I think there is a combination of reasons. Clearly, you did not need to appoint all of the Mayoral appointees, and indeed the Mayor has not, and I think that was absolutely right and there was a process of picking the positions that needed to be filled early. I think we need to deal with the reality of modern politics and media which is that the first - and we can argue over whether it is 100 days, 60 days, 30 days or a week - is the time when there is maximum attention: "OK, what's this new Mayor going to do?"

Now, it would just simply not be good enough for the new Mayor to come in and say, "Right, I'm putting some advertisements in the *Evening Standard* and I'm asking for applications in two months' time." Indeed, you will also be aware of the pressure that the Mayor has come under - and the criticism indeed that he has faced - from the fact that he has not yet appointed somebody to lead on the environment or somebody to lead on housing. Everybody is saying, "Oh, it shows you're not interested in the environment or housing and that you don't care about it or you don't know what you want to do." He is slightly caught between a rock and a hard place. I think you have to make some appointments early. I think it is essential and we have learnt that all now and I feel that particularly strongly and keenly, that there is some process of vetting and I cannot see any alternative to a transition.

Your example about councils and Parliament does not apply as I had already explained because both in councils and in Parliament you have your team in place; they are your fellow councillors, your fellow Parliamentarians on the opposition benches; they have already been prepping for the job; they have been shadowing the job; they can move seamlessly in. That does not apply with a new Mayor and his team.

**Brian Coleman (AM):** In fact the ten and the two, as I understand it, do not necessarily have to have executive authority, they could just be what they were in the first term of the Assembly, Mayoral advisers advising the Mayor on policy areas without any executive authority in this building. As I recall it was only 2004 that they were all given executive director type status. Am I right?

**John Biggs (AM):** No.

**Darren Johnson (Chair):** 2003, I think it was.

**Anthony Mayer (Chief Executive, GLA):** 2002 or 2003.

**Janet Worth (Executive Director, Corporate Services):** 2002.

**John Biggs (AM):** They have never had that status and they still do not.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** That may be true but it happens to be not how any of the Mayoralties around the world that people admire (and nor the Mayoralties that have inspired the current Mayoral legislation) work. The Mayor of New York has lots of Deputy Mayors who have executive authority. My view is that it is exactly appropriate. We need to create a system that allows that to happen in a normal way with proper due diligence and vetting of the candidates for the posts.

**John Biggs (AM):** I think one of the most useful things we can do in the next few months, hopefully through the Corporate Governance Review, is to understand what we actually mean by the Section 67 posts. Would you say that you are absolutely crystal clear in your mind what the roles of those posts are?

**Nick Boles (Former Interim Chief of Staff to the Mayor):** No. I want to stress that we did everything that we could to abide by both the law and the precedent set by the previous Mayor in making those appointments. We went through the panels; we had the job descriptions; there was an independent member on the panels. We were, I believe, scrupulous in making that. I happen to think we were scrupulous in abiding by nonsense and the law is nonsense and the law should be changed.

I, myself, think that the distinction between the 67(1)b and the 67(1)a [of the GLA Act] is nonsense and that what you should have you should have only political appointees, you should decide how many is appropriate - probably fewer than 12; might be 6, might be 8 - and then just be honest about them. That an executive Mayor needs to have a political team - the previous Mayor did. I saw some minutes from a meeting, I believe, of this Committee even, a number of years ago in which somebody, probably one of the Members here now, claimed that the previous Mayor's 67(1) - whatever - appointees had a combined service of 150 years for that individual, Ken Livingstone, before they were appointed.

I think that is right and proper and is not something to be ashamed of. This idea of this sort of lazy name of cronyism ... well, what do you want? You want somebody to come into an office and employ people he does not know, he does not trust, he does not know whether they agree with him and does not know whether they are any good, or, do you want him to bring in people who can operate like an effective machine. Personally I would say change the law and then we will not have to pretend to jump through hoops that do not make sense.

**John Biggs (AM):** If I go back on Brian's [Coleman] line of questioning briefly, it was pretty apparent that Labour or the Tories were likely to win the Mayoral election from a long way off, so you knew some time back that you were in with a chance at the very least. There must have been some preparatory thinking about the transition. We talk about the need for a transition period but arguably any self-respecting opposition would have a transition period mapped out in its mind. I read an article, I think it was an interview with Linton Crosby [Boris Johnson Campaign Adviser], in which he seemed to be saying that he advised the Johnson team to not have a plan in place, that it would seem arrogant and it would be a misuse of precious time in the campaign. Is there any truth in that or am I just making it up?

**Nick Boles (Former Interim Chief of Staff to the Mayor):** I do not know whether it is the same article as the one that appeared in the Standard, I think, last week by Joe Murphy [Political Editor, *The Evening Standard*] or two weeks ago.

**John Biggs (AM):** I saw a transcript of an interview.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** I want to certainly put to rest any suggestion that I blame Linton for the mess I have landed myself in, because I do not.

**John Biggs (AM):** I trust, and I have been briefed, that you have come here today with a very clear remit which is to take the fall for everything.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** No, but you gave me an excuse to say something I wanted to say on the public record. I think that Linton was absolutely right in suggesting that the voter would have punished severely any public formal elaborate process of trying to form a team, approach potential candidates, discuss with them. As he said to me at the time, "There's not to be any carving up the spoils." I think he was absolutely right and I completely accepted that.

What we did do therefore was what we could do within the confines of that. The trouble is that is quite constrained. Boris [Johnson] (Mayor of London) and I had a number of meetings; I had a number of meetings with other people; I had chats with Richard Barnes AM; I had chats with other people who are involved in his campaign about who might be people who would come into question. We did a certain amount of thinking on that and also we talked about the structure, this whole idea of having Deputy Mayors - a number of them - of taking particular portfolio responsibilities was something, again, we came up with a number of models. It could only be private within, as it were,

the tight group. We could not approach any of these people. We certainly could not call up any of their previous employers because we had no status with which to do that, so you can see where I am ...

**John Biggs (AM):** I do appreciate you have come here to take the bullets for Boris [Johnson], if you like, and you are doing it very graciously without even hitting the ground. The other part of the question would be: if you need to have some sort of transition period, then pretty obviously with an election in May, there is an opportunity to put an interim team in, which you headed, and to not make haste with the Section 67 appointments, notwithstanding the nasty tendencies of people like me and Len [Duvall] to say, "You don't know what you're doing. You haven't appointed an environmental adviser yet." That is the small change of petty politics really, isn't it? You have got a four-year regime ahead of you at least and it is best to have a bit of hesitation in the first four months than to have it --

**Nick Boles (Former Interim Chief of Staff to the Mayor):** I agree with the hesitation. I would put it in a formal transition and I would just say you win an election on 1 May and the new Mayor takes over on 1 July. Frankly, the largest and most powerful country in the world seems to run itself perfectly happily on this basis, everybody accepts it, everybody would accept; I think the outgoing Mayor, in whatever case it was, would accept that they could not probably take any very significant decisions, and that if a crisis came up they would immediately consult with the Mayor-Elect. The fact is every other country seems to do it this way. Why try to create a sort of messy compromise when there is a clear alternative with precedents which is entirely appropriate to a directly elected model?

**Len Duvall (AM):** I have got a great deal of sympathy with the proposition you have about the transitional arrangements and, certainly, the tasks that you have to do in coming into office. Do you not think it would have been helpful -- because I am aware of a number of people asking questions of what has been going on around appointments, just straightforward information issues, and just not getting any information at all about the processes that you were using, accept maybe in formal arenas like this.

Then when you read the statements such as this - I will give you two:

*'I met Boris [Johnson] on Sunday afternoon for drinks at his house and he was on terrific form. I accepted the job this morning; signed all the vetting forms this afternoon; resigned my job from Flieshman-Hillard's at 6.00 pm this evening'.*

That was Guto Harri [Director of Communications, GLA]. Then when I read about the First Deputy Mayor's appointment and again a number of questions were asked of Mr Parker [First Deputy Mayor] and I think he was less than forthcoming with the answers about the processes he was engaged in and having to read in the press, which he described it, 'as a forced marriage'.

Now the lack of information during that period of time where you are highly busy, I accept - but in terms of information flows - plus these statements from colleagues, just indicate, and I accept that you may have gone through a process that has been described as by some legal counsel - I hope it was better than what you got for Simon Milton [Mayor's Senior Adviser on Planning, Housing and Sustainable Development] about his position quite frankly - that says that you are watertight against criticism.

Do you not think people are justified to actually start to question what has been going on, albeit I think you are able to provide or hopefully you will provide some further answers as we go into detail of it, about this period of time?

**Nick Boles (Former Interim Chief of Staff to the Mayor):** If I did not think it was legitimate for you to ask questions I would not have come here as willingly as I have and I would not be answering your questions as openly as I am. I think it is entirely legitimate to ask questions. As I have said, I think we did the best we could in an unsatisfactory situation with a bit of legislation which is nonsense. As a result of that nonsense did we have to take a few corners on two wheels? We did and I do not pretend otherwise. On those two specific examples I think it would be wrong, quite wrong, to conclude that somehow Guto Harri was appointed to his job, or Tim Parker to his, on the basis of some sort of cursory examination.

Guto Harri is somebody who Boris has known forever, who has been somebody who - shall I say - broadly the Conservative Party, in various aspects, has talked to over a number of months about a number of different positions. Boris had been chatting to him long before this came up. The final conversation, where we persuaded Guto to leave the job that he had only just taken did take place at Boris' house and it was at a certain time of day when you might have a drink, and I do not think that is unreasonable. The suggestion that you seem to be making which is that that was where the interview took place would be wrong.

**Len Duvall (AM):** It is not what I am saying.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** No, no. He said he was offered the job then; that was not the interview.

**Len Duvall (AM):** Yes, well I am only saying what he has told other people and he has not rebutted this at all.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** The interview was a series of conversations with a number of people over a number of months, stretching into years, because most of us have known Guto for a very, very long time.

Tim Parker has been working closely with me for a number of months on the implementation team, which I run for the Conservative Party. Before the election Boris agreed that he thought that it would be a good idea to appoint someone to this new position of First Deputy Mayor and also agreed that it would be a good idea that it should be somebody with substantial private sector leadership experience. We came up with a number of potential candidates. It is a very difficult process because these are all people mostly in very big jobs. Tim Parker, fortunately, happened not to be because he had sold his last business, but most of the other candidates were people in jobs running Public Limited Companies and it is not something that they are not able to sneak out from to have endless meetings.

Nevertheless, we presented Boris with a few candidates. He had conversations with several and ultimately Tim [Parker] was the one who he decided to offer the job to and I am delighted that he accepted it. It was not a cursory process or a rushed one, but it was a private one.

**Len Duvall (AM):** OK, I understand those issues and I have a great deal of support for your notion of what should happen in terms of changes in legislation. I could provide you with the transcripts where Tim Parker was asked on a number of occasions about the process of his appointment and he did not quite bring himself to say some of those things that you have just said. Isn't it that bit about the arrangements and the issues that give some taint to some of the problems that are there?

**Nick Boles (Former Interim Chief of Staff to the Mayor):** Mr Duvall, you would be very welcome to put everything I have said to Tim --

**Len Duvall (AM):** No doubt he will agree.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** -- and I am sure he will confirm. It was not a formal process; we did not have, "This is your first round interview, this is your second round interview, this is your third round interview." We had a number of conversations with people who we knew very well, some people we knew less well - and Guto and Tim are both people we knew very well - there was a slightly more formal process because one needed to go through understanding what they have done; talking to them about what the job would involve; making sure that there was a relationship that would work between the Mayor and that individual.

That was not needed in the case of Tim Parker and Guto Harri, nevertheless a lot of conversations happened. Were they informal? Yes, they were. I think of necessity given the situation. We had not won an election; we did not know we were going to win an election and we could not go through a huge elaborate public process.

**Len Duvall (AM):** Just in my own mind to be clear, that process that you are trying to outline to me around Mr Parker's appointment was virtually the same process that you did around Mr Lewis' [Ray Lewis, former Deputy Mayor for Youth and Opportunities] appointment.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** Not quite. The Tim Parker process - that job - was in a sense the most important appointment the Mayor has made and is going to make and certainly he would feel that. Also we are very aware that it is a bold thing to appoint somebody who has no experience of the public sector and political operations, of somebody who is a Chief Executive from business to this position. We subjected it to particularly great scrutiny.

With Ray [Lewis], he is somebody who - and I would like to say right now that I still think that Ray Lewis is a marvellous man who has done more good than I will ever do in my life and I am going to try hard and I want that to be clear to everyone - we all knew and we had known him for a long time, well we felt like a long time - the last few years. Boris had worked closely with him over the campaign; deeply inspired by him and everything he had done at Eastside [the Eastside Young Leaders' Academy] and so that was a process that did not require ... where we should have put more effort, obviously in hindsight, was on checking on his background but the process of interviewing Ray, and I do not think anybody here has suggested to me that Ray or any of the other appointees are not qualified to do their jobs. The problem with Ray was some of the stuff in his past so perhaps we should have put more effort into that but the process of interviewing him was not as involved as the process of discussing with Tim Parker or the other candidates for that job that Tim Parker has now taken because it did not need to be.

**Len Duvall (AM):** OK, so what exactly was the Mayor's role then in Mr Parker's appointment prior to his announcement then? How many times did he meet him or conversations? How does that work then? What is the Mayor's role?

**Nick Boles (Former Interim Chief of Staff to the Mayor):** I mean I do not get a log of meetings that Boris had or every phone call he made. He had a number of meetings and conversations with Tim [Parker] and I have had many more before as had a couple of other people who were advising me and who knew Tim from before.

Let us be honest, it was as much Tim interviewing Boris as the other way round. This is a big decision for Tim Parker too, so he was not going to do it lightly. A number of conversations took place and they reached a conclusion that this was an appointment that they both felt very comfortable with.

**Darren Johnson (Chair):** OK. Mike [Tuffrey]?

**Mike Tuffrey (AM):** Thank you, Chair. Indeed, on Ray Lewis I since echo some things you said. I was careful when asked to comment to make the point that it was sad that there seemed to be no room in the system for somebody who kind of come up the hard way, whatever the rights and wrongs, and obviously I still do not know - and I do not think we know - the rights and wrongs because you have abandoned -- sorry, 'they' - you are a free man, you come back voluntarily --

**Len Duvall (AM):** The Mayor has abandoned him, that is what you want to say.

**Mike Tuffrey (AM):** -- has abandoned the process of getting to the bottom of it. I would express a lot of sympathy with the difficulty of what you had to do given the rules and so forth. My comment on that is it is hybrid system - part American - and it was set up by the Labour Government with a whole set of rules precisely to control one person and maybe others who they thought might be occupying that position. We are today bearing the price, it seems to me, if I can be vaguely political in that all these rules were put in place rather than saying exactly the sympathy I have for you to say, "Let's have a team and let's empower the post-holder to get on with it."

Two areas if I may, Chair. One is around this transition point and then the other is around what support and advice you had from our officers. The first one is around the transition. Whatever the rights and wrongs of the kind of legal American-style formal transition, couldn't you have created your own transition? I will explain what I mean by that, because I have described the process as it seemed to me from outside as somewhat of a shambles, in that you did appear to be making it up as you went along, and you have described taking corners on two wheels, and that ringing true. Couldn't you have said because of the difficulties of the transition,

"Here is the game plan. We're going to have a cabinet; they're going to be six members. They're going to have or have not executive responsibility. There are going to be these portfolios. We're now going into a process of appointing into those posts; some will happen straightaway, some will take a number of months. We will be up and running by 1 September, 1 October, whatever"

That would have helped us to understand what was going on and it would have given you the space, it seems to me, to have done that. I am talking about posts not people. Did you give any consideration to setting out a game plan and working towards it rather than appearing to rush into ...?

**Nick Boles (Former Interim Chief of Staff to the Mayor):** I completely accept that in an ideal world that would have been a good way to effectively create a transition. I believe that we do not operate in an ideal world. You have seen how rapidly it has diminished in the space of nine weeks or whatever it is that Boris Johnson has been Mayor - in those first few days and weeks all of the national media were focused and they were going to decide then and there was Boris Johnson up to the job. Did he have people who were going to come and do the key posts for him? Did he have a whole set of things that he was going to do? People who were going to drive through his agenda? Did he have that senior management team?

Remember ultimately my job was, yes, to help manage the situation and indeed I was in effect the transition; we did create a transitional team of myself and a few others, but my job was not just to manage that process, my job was to ensure that Boris [Johnson] had a very successful first couple of months. Until the unfortunate events of the last few weeks, I think that - I do not expect you guys

to admit it - most of the media certainly seem to think that he had had a pretty good first couple of months.

**Tony Arbour (AM):** We think he did, Nick!

**Mike Tuffrey (AM):** There is some sympathy around the table.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** Well, that is kind of you Tony. I think that I am afraid I just do not think that I as a politician could have advised Boris to go through what is an entirely rational approach that you have just set out.

**Mike Tuffrey (AM):** I understand that the media pressure would have been there to a point and so forth and you clearly need to do some things, but by going down that road and in a sense what we are trying to do today is, I hope, draw lessons for the future. I would commend it to the Committee that to find a way of creating some space which would not have removed the pressure but would have allowed you to say,

“Back off, guys. We’ve got a four-year term ahead of us. Give us a couple of months to get the right people in the posts. We’re going to look for the best. We’re going to have a process. We can’t appoint everybody on day one.”

Sitting here today I still do not have an organogram in my head. I do not know that I have ever seen one. I still do not know what this new administration actually looks like; I do not understand the difference between who is a Deputy Mayor and who is a Director and who is an Adviser and so forth. I still think we need, Londoners need to see --

**Nick Boles (Former Interim Chief of Staff to the Mayor):** I am not sure if you ever knew that in the last eight years either, Mike [Tuffrey], did you?

**Mike Tuffrey (AM):** No, this is going to be a new improved Mayoralty.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** I am not taking that as of the essence.

**Mike Tuffrey (AM):** OK, I would commend that --

**Brian Coleman (AM):** We have had no idea for the last eight years!

**John Biggs (AM):** Twaddle. Right, come on; let us get on with it.

**Mike Tuffrey (AM):** That is an issue I think we should look at and in a sense feeds into what support an incoming Mayor and administration can expect from the professional staff. Did you - you are a free man, you can speak freely - did they - I do not know who, maybe they are not in this room --

**Nick Boles (Former Interim Chief of Staff to the Mayor):** It does not feel like it I have to say.

**John Biggs (AM):** You can leave any time you like.

**Mike Tuffrey (AM):** Did they on the morning give you a game plan? Did they say, “Here are the rules. Here is how to do it”? Were we, the GLA, prepared for this administration? Give us some learning lessons.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** I have to say I could not commend more highly the sub-service, support and advice that we got from everybody who sat here and all of the people supporting them. I am sure that I and others rode many of them fairly ragged and expressed frustration and impatience on regular occasion with the rules. I do not know, Mike, whether you have been in business but in business you have to have lawyers to help you sign contracts, but what you are always after is not a legalistic lawyer but a commercial lawyer, somebody who will tell you what you absolutely have to do and will try to help get done what you want to do. I would say that that is exactly the service that we got from the officers.

They made it very clear. There needed to be formal interviews; there needed to be job descriptions; it was not enough to make the job description three-line; it did have to have either Tony Travers or Claer [Lloyd-Jones] in one of those interviews [as an independent witness]; that those interviews could not be perfunctory, that they had to be done properly and had to really genuinely test the ability of the person against the job description. They made all of that very clear and as a result I believe we went through a process that was entirely robust in terms of the requirements of the law, so I do not actually have any criticism of that. I believe they were asked to operate in a difficult situation and did so very, very well.

**Mike Tuffrey (AM):** OK, well that is advice around the process. I suppose I am looking for a prior bit of advice which said,

“OK, here are the pitfalls. We have been thinking - you knew a change in administration was possible - there are three models that you could look at. Here are the advantages and the disadvantages...”

**Nick Boles (Former Interim Chief of Staff to the Mayor):** Well I think that given the Head of Paid Service is himself shortly departing like me to pastures greener and new, that he will not therefore mind me saying that I did ask him before the election for quite a lot of information, which he provided: full organograms; full description of how the 67(1), (2), (b) and (a) worked; what we could and could not do; what appointments were needed; how the different Functional Body board appointments worked. We had a couple of meetings in which we went through a huge amount of material and, again, I feel that it was very much on the initiative of the Chief Executive that he approached us and said,

“I need somebody to talk to. You can’t believe the thing that’s coming to hit you if you’re not careful.”

Fortunately, I was there ready to catch at least some of the balls, though I have admitted I dropped one or two.

**Mike Tuffrey (AM):** If there was a take from our officers on that, it would be interesting before we move onto a different topic.

**Darren Johnson (Chair):** Anthony [Mayer]?

**Anthony Mayer (Chief Executive, GLA):** Yes, and this is not just a remark I am going to make because I am going very soon, but I think had Mr Johnson been asked on the Sunday, “Where are your team?” and was to give the answer,

“Mrs Worth is currently organising an advertising process. It could be several weeks before there are any appointments.”

I think, Mr Tuffrey, you would have been the first to say, "What on earth is going on?" I think Mr Boles is perfectly correct, and I lived through those exciting hours, that we were faced with a position that basically we had to set up a new administration from scratch within, in my case, because one was celebrating the most successful election process, Mr Coleman --

**Brian Coleman (AM):** Since the last one!

**Anthony Mayer (Chief Executive, GLA):** -- since the last one; four and a half hours sleep. I think it was perfectly acceptable for Mr Boles to lead a process of getting a team in very, very quickly. I think, Mr Tuffrey, if you think that is inadequate, what I would hope is that you would take the lead in securing a change in legislation to ensure we put ourselves in the same place as the Scots and the Welsh and allow us three weeks to go through the idealised processes, which I personally agree with, to get a team in. Mr Boles did not have that luxury. I stand foursquare behind Mr Boles.

**Tony Arbour (AM):** How is that for a trivial matter!

**Brian Coleman (AM):** As in low key.

**Jennette Arnold (Deputy Chair):** I do not know how to follow that except to say that for me it is not about taking sides, it is about how we can understand how we can be part of, if you like, if there is a next transition that we can then have a transition that actually pays some attention to the duty of care both to Londoners and to the people that are appointed. I say Londoners, Nick - and you will accept this - because of one of the appointees' presentation and charisma and because of the work that he had done he presented himself to over 1,000 young people and I know many of those are bitterly disappointed, post his resignation, so there is that there in the system that I am glad you take responsibility for, but I think others should take responsibilities for that as well. The last thing that our young people want this time is for sandmen to be put up in front of them then to be knocked down. That is what I am talking about: the duty of care, and I am glad you accept that.

I just have to challenge you and say you said that it would take weeks and months to get references. It would take a telephone call to a number of significant people and organisations and I focus on the fact that one of the things I pick up is one of the people who resigned said that he was a Justice of the Peace (JP) and he was not. That is something that could have been checked, so there were just some basic checks that could have been made and I just find it amazing that you say you had a whole raft of people from the GLA around you, you knew people, and that you appeared not to even check out these basic qualifications that were stated.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** Fair enough, Jennette, I was not suggesting checking references because, by-and-large, I think people on their CVs put two or three references, so that would take weeks and months. What I was saying was that a full process of background check or vetting - or whatever you like to call it - which many companies provide, does take a long time and I know because I have been through it. Kroll is one of the best companies that does it. I have been through the Kroll process; it is - I am not sure if you are allowed to use this language in this august body - ball-breaking. The idea for doing that for seven, eight people when you are trying to do quite a lot of other things in those early days was not realistic, I think, without the kind of transition that we have been discussing.

What you are clearly right in saying is that we could have made ... We knew that the individual in question had been in the Church of England, it was not actually one of his most recent jobs and often at times people provide references from their two or three and the Prison Service would have

provided no clue and obviously Eastside would have provided a very positive clue as well. I do not think it would have necessarily come through.

On the JP you do make a good point, and I will be honest with you, we all knew Ray [Lewis] and believed in him, had openly, and within my case certainly no regrets, associated ourselves with him enthusiastically. It did not occur to us to doubt any of this stuff and I do not want to bring this pop psychology here but I think that Ray was amazed when Boris asked him to do this job. I think it was a chance he had never imagined in his life and it was completely out of the context of any job he had ever done before. He is not a politician, he is not like us, we all know the rules of the game, we all know that you are fair game and that you will take hits and therefore you must not leave these risks out there. I think he had been invited to apply to be a JP; he had been through a number of the interview processes and I think just in a moment of madness he sort of wanted to make sure that he somehow was fit to be in this august position.

I have to say I have total sympathy for that while nevertheless being absolutely clear that it totally disqualified him from continuing in a position once it became known. It was an idiotic thing to do but on a human level it was not as if he was making up something that had no element of truth in it. He was embellishing something that hopefully was about to be true and certainly no indication has come back from the Ministry of Justice that it was not about to be true, it just had not got there yet. I do not defend our failure to do it; we believed in the guy and I still believe in the guy in his work, so that is why we went into it without doing any of these things.

**Jennette Arnold (Deputy Chair):** OK. Brian [Coleman] raised the point there is a two-parter here: if you are an elected member you come ready-vetted and you have lived your life in that spotlight. Are you accepting that because of the executive mayor model, which I totally support, that it is reasonable to be looking for people away from the political world who have this expertise and clearly I think the work that Ray Lewis has done with those young people - I have had the pleasure to meet them - and their lives are totally different having been thrown on the scrap heap by so many other organisations. When you then are looking at individuals like this, would you then say that it is absolutely essential, in terms of the duty for them and for the service that they are going to be providing, that there is need for proper vetting for them?

**Nick Boles (Former Interim Chief of Staff to the Mayor):** No, I think that that is a subtle distinction that I welcome actually. I think that is a very good point that in a sense appointing a Kit Malthouse [Deputy Mayor for Policing] or an Ian Clement [Deputy Mayor for Government Relations], who has been a leader - people like that - or even a Kulveer Ranger [Director for Transport Policy] who is a Parliamentary candidate, Vice-Chairman of the Conservative Party, that is one thing and that you can do. I agree, I think that probably the natural conclusion is not that you should not make these bold appointments of people who have got other experience, because I think, if anything, politics needs more of them rather than fewer, but that you should understand therefore that there are different requirements to go through that process. We know that now. I probably will not make this mistake again.

**Jennette Arnold (Deputy Chair):** Thank you.

**Richard Barnes (AM):** I worked very closely with Ray Lewis. I am still in close contact with him. I admire what he has done in the past. I regret bitterly that this accident happened. I was surprised at the speed with which Jack Straw [Secretary of State for Justice] and the Ministry of Justice actually came back with the answer that he was not a JP. I do not believe in conspiracy theories but it does not keep me awake at night.

**John Biggs (AM):** I do not think a minister - Jack Straw personally - went to a filing cabinet.

**Richard Barnes (AM):** However that is not the question I wanted to pose to you, Mr Boles.

**John Biggs (AM):** No, I think that should be challenged. I think that should be challenged.

**Richard Barnes (AM):** The question I want to pose to you is there are two sides to appointments and the other side of that --

**John Biggs (AM):** I think it is quite improper. I think that is quite an improper line of questioning.

**Darren Johnson (Chair):** Let us pick that point up in a minute, John [Biggs].

**Richard Barnes (AM):** The other side of appointments is vacancies; that you actually have posts that you can appoint people to. Clearly, over the previous eight years the Mayor has appointed people who were closely associated to him within this administration. How easy was it for those people to actual leave that administration? Were there stumbling blocks? What advice were you given? Were you involved in the process which they left, because I certainly remember reading in the newspapers that a number of them believed that they should be here for life?

**Nick Boles (Former Interim Chief of Staff to the Mayor):** I had not been involved in the process of negotiating the departure of the previous 67(1), (2), (a) and (b). All I do remember was hearing, which slightly astonished me, that while on the one hand they were on fixed-term contracts which expired with the previous Mayoralty, that nevertheless they had employment rights beyond that fixed term. Now, I am rather --

**Fiona Ledden (Head of Legal & Procurement):** Chair, I am sorry to interrupt this questioning, but I am concerned that this may encroach on legal negotiations and the things that are happening at this point in time. I am quite prepared, if we need to, to advise you if we need to go into exempt session, but at this point in time it is not appropriate, I have to say, to have this conversation. I do apologise for interrupting both to the Deputy Mayor and indeed to Mr Boles but I really am nervous about this continuing at this point in time.

**Darren Johnson (Chair):** OK, fine.

**Richard Barnes (AM):** Well, I recognise the advice but it is the process not individuals that we are talking about.

**Fiona Ledden (Head of Legal & Procurement):** I suppose what I am saying is that we are in the middle of working some of that process through because it is early days and how it is going to --

**Nick Boles (Former Interim Chief of Staff to the Mayor):** The truth is I cannot say any more than I have said already. I am not involved in any of the details. I was aware of what seemed to me as likely paradoxical situation. I hope that over the next eight years, until you have your next Mayoral transition, that you will have time to work out that among other nonsense's of the law.

**Jennette Arnold (Deputy Chair):** Oh, is he only staying for eight years?

**Tony Arbour (AM):** That is what he said. He is a man of his word.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** He said that he is not running more than --

**Darren Johnson (Chair):** I want to bring the Chief Executive in. Anthony [Mayer]?

**Anthony Mayer (Chief Executive, GLA):** Two points, Mr Barnes, just to show I am being equally fair to everybody. First of all in regard as to whether somebody is a magistrate or not: I do not think you need the direct intervention of the Home Secretary. That person either is or is not.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** He was not.

**Anthony Mayer (Chief Executive, GLA):** He was not. Next, I think the idea of a political conspiracy on this one, well, possibly, but beyond me, and I know most things. Secondly, in terms of the Mayoral advisers: the previous regime collectively - Mrs Ledden, no individuals - I would like to say two things. One is under the European fixed-term employment directive. They had employment contracts that extended beyond the end of their fixed-term contract. Law, Mr Barnes, when you are listening.

**Richard Barnes (AM):** I am, indeed.

**Anthony Mayer (Chief Executive, GLA):** Two, they behaved throughout, as far as I am concerned - and I am sure to the extent that I would agree with Mr Boles and Mr Boles would agree with me - with exemplary dignity and have all gone through a process of reaching an accommodation which - Mrs Worth, you can confirm - is going well and is not basically leading to any massive conflict, any ill will and I think is basically a great achievement, not only on behalf of Mr Boles and his team, Mrs Worth and her team, but also those individuals.

**Brian Coleman (AM):** Chairman, is the Chief Executive telling us that there are outstanding issues then from the departure of the previous regime members?

**Richard Barnes (AM):** It sounds like it.

**Janet Worth (Executive Director, Corporate Services):** I think we need to move on unless you want to go into confidential session.

**Darren Johnson (Chair):** Yes, well we have got confidential session later.

**Brian Coleman (AM):** Well I would not want the press thinking that --

**Jennette Arnold (Deputy Chair):** Oh it is mischief. Mischief!

**Tony Arbour (AM):** No, he said it. He said it.

**Brian Coleman (AM):** He has either said it or he has not said it. Are there outstanding issues? If there are, fine. I do not want to know the details, but if there are outstanding issues, fine. There are outstanding issues?

**Janet Worth (Executive Director, Corporate Services):** There is an ongoing process.

**Anthony Mayer (Chief Executive, GLA):** That is all I want to say.

**John Biggs (AM):** It should be an essentially administrative process --

**Anthony Mayer (Chief Executive, GLA):** Yes.

**John Biggs (AM):** -- and should not require the intervention of politicians from our side, your side or whatever.

**Anthony Mayer (Chief Executive, GLA):** No.

**Brian Coleman (AM):** Nor involve taxpayers' money.

**John Biggs (AM):** Yes.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** Nor did it.

**John Biggs (AM):** No, absolutely.

**Darren Johnson (Chair):** OK. We will move on. John [Biggs]?

**John Biggs (AM):** Thank you. Just for the record, are you satisfied that you have checked all references and bona fides of all the appointments that you have overseen in your time here?

**Nick Boles (Former Interim Chief of Staff to the Mayor):** No, I just explained. We did not check references --

**John Biggs (AM):** No, but have you since then?

**Nick Boles (Former Interim Chief of Staff to the Mayor):** Well, as you know, I left the post as Interim Chief of Staff at the end of June

**John Biggs (AM):** OK. Have you initiated a process which would ensure that that happens?

**Nick Boles (Former Interim Chief of Staff to the Mayor):** That process was initiated after my departure, I understand, and is currently ongoing.

**John Biggs (AM):** If I told you I was a Bishop in the Catholic Church and it turned out I was not even a Catholic, you would investigate that to ascertain if that was a lie or not?

**Nick Boles (Former Interim Chief of Staff to the Mayor):** Again, I no longer have a position and have not done since the end of June. I understand this process has been initiated and will now be conducted with regard to every Mayoral appointment.

**John Biggs (AM):** OK, that is very good. Just in passing, do you think that Confirmation Hearings should apply to Section 67 posts?

**Brian Coleman (AM):** No.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** No. I think that the Mayor should make his appointees -- you can challenge them; you can drag them in front of you like you dragged me in front of you, subject them to all forms of torture.

**John Biggs (AM):** No, we have not, you came willingly. I think you phoned us to ask to come actually.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** The Mayor should pick his or her team and that team should be judged on their performance and subjected to full scrutiny, but the

Mayor is, as Jennette [Arnold] has pointed out, meant to be an executive leader and should have a team of executives around him or her to help him discharge those duties.

**John Biggs (AM):** One other housekeeping question and then I wanted to move onto something a bit more substantial, which is about job descriptions. I note you have not paid tribute to the excellent work of the opposition in holding you to account, but one of the criticisms has been about the - what would you call it - job description inflation, if you like. That someone who is basically one of the 12 advisers to the Mayor - one of the Apostles, if you like - suddenly becomes an administrative chief executive when they are not. Do you have any comment on that? Do you think that was a mistake or is it the right thing to do?

**Nick Boles (Former Interim Chief of Staff to the Mayor):** No, I do not think any mistakes were made, as I pointed out, in either the process of determining the roles or I do not actually think that any of the mistakes were made in terms of the selection of people who were qualified to fulfil those roles. The mistake that was made was not to check on their backgrounds, particularly, as Jennette has pointed out, with respect to the people who were not previously politicians. No, I do not. I think that the role to which you are referring is the right role, is a clear role, everyone knows what it means and that is what it is going to do.

**John Biggs (AM):** I cannot remember what it is called now. It is the First Deputy Mayor and Chief Executive.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** Chief Executive of the GLA group.

**John Biggs (AM):** Just for the record, an alteration was made to the job description of that post which was to clarify - shall we say - or delete the implication or the assertion that it had some sort of line management responsibility for the Chief Executive. I think that did need to be clarified and that implied a misunderstanding on your part, or the Mayor's part since you are merely a disciple of his, in what the Section 67 posts actually were.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** Fair enough. We changed the job description. By-and-large we listen to advice. When the advice is good advice we take it.

**John Biggs (AM):** It is quite a serious difference though. It was designated as a Chief Exec who had an implied executive authority over the whole GLA family and turned out to be a sort of advisory, consultative, liaison post that our Chief Exec - the real Chief Exec - can clarify this if we need to be clarified on it.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** I am sorry I just think this is all to me splitting hairs. It seems to me that you had views; they were taken on board; a job description was agreed upon; the guy has been appointed to the job; he is now doing the job - rather well in my view - so, what is there to discuss?

**John Biggs (AM):** Plenty, but you are history, if you like, on this one.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** Exactly. Looking forward to being even more history!

**Len Duvall (AM):** You cannot get away fast enough.

**John Biggs (AM):** The next question. You have already highlighted that Mr Malthouse has a potential conflict in that he is an Assembly Member who therefore cannot occupy an executive role,

the only Assembly Member who can is the designated Statutory Deputy Mayor, but he can get around this, if you like, by being an executive member of the Police Authority. I am happy to withdraw the words 'get around it' if you like.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** Does your colleague two chairs down [Brian Coleman AM] 'get around' the provisions by being Chair of London Fire and Emergency Planning Authority [LFEPA]? No, it is entirely legitimate to be Chair of LFEPA and to exercise responsibilities of the Chair and it is entirely legitimate to be Deputy Chair of the Metropolitan Police Authority and exercise responsibilities. Indeed, your colleague next door to you is doing the same thing. There is no 'getting around'.

**Brian Coleman (AM):** That is the same as the London Development Agency [LDA].

**John Biggs (AM):** OK, yes, absolutely. Myself, Len Duvall and, I think, Brian [Coleman] - well I am not too sure with Brian for obvious reasons - do not have or never had offices on the eighth floor, or personal assistants (PAs) on the eighth floor.

**Tony Arbour (AM):** That is because there are so many of us.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** If you want to get into the question of where people sit, be my guest. I think it is an entire irrelevance. The point is that he has a Deputy Mayor position because he is the Mayor's adviser on policing and crime issues and he has a position on the board of the MPA which is one that is entirely legitimate where he has roles and responsibilities fitting to a board member of a Functional Body.

**John Biggs (AM):** Perhaps you will see where I am going then when we raise the question of Mr Milton because --

**Brian Coleman (AM):** Sir Simon Milton.

**John Biggs (AM):** I am not really into titles. Mr Milton.

**Brian Coleman (AM):** Do not worry, you will never get one, John.

**John Biggs (AM):** Well, I have declined them up till now, not that I have had many of them.

**Roger Evans (AM):** Keeps you busy all day, doesn't it?

**Richard Barnes (AM):** I know what you call those, John.

**Brian Coleman (AM):** Haven't you had an honorary doctorate, John?

**John Biggs (AM):** Not for a university I would call crap anyway. We can talk about that outside the meeting. We are not here to interview me. On the Simon Milton question, he is a man who you seem to take an awful lot of time to realise was in an incompatible position. It may be that the final resolution of this happened after you had left. Can you talk us through that because he was appointed, it was announced he was going to be a Deputy Mayor, I think, and then he became --

**Richard Barnes (AM):** No.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** Never was announced as such.

**John Biggs (AM):** It is now going to be a Deputy Mayor position following his resignation.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** No, it was never announced that he was going to be Deputy Mayor previously and retain his position as a councillor. My understanding is he has, since I departed, been appointed as a Deputy Mayor and at the same time made clear that he is standing down as a councillor. There has been no problem at all. We always respected the fact that as a elected councillor he could not have a paid position in the Authority; he never had a paid position in the Authority; he is now going to have a paid position in the Authority and he will no longer be a councillor when he takes up the paid position in the Authority .

**John Biggs (AM):** You see, you may find if we were to ever meet for a pint, which is unlikely I suspect but you never know, that we would agree that there are ways in which the law should be ironed out to make it easier for people to do perfectly reasonably what you expect them to do.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** I agree. No, I would put the Widdicombe Rules into my little list of legislative changes that I hope that Mike will get the Liberal Democrats on side, if you can get Labour on side and then I will do my bit to get the Tories on side.

**Len Duvall (AM):** Alongside Mr Pickles [Eric Pickles, Member of Parliament for Brentwood & Ongar] who does not agree?

**Mike Tuffrey (AM):** Sweep away the Thatcher legacy! We would agree on that.

**John Biggs (AM):** I think there is some merit in some aspects of the Widdicombe Rules.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** Yes, I agree with that.

**John Biggs (AM):** Possibly they can be viewed in some circumstances as an obstacle. I put it to you this way: if somebody has - and I suspect I know what you are going to say but let us try it again - an office, a PA, a telephone extension, an email, has speaking engagements as an adviser, is clearly giving advice to the Mayor and is clearly holding meetings with officers in City Hall to discuss detailed aspects of policy then the fact that they are not paid and have Pay-As-You-Earn (PAYE), to my mind, a technical detail, indeed arguably a subterfuge to cover the fact that they are effectively sailing as close to the edge of the law as to be more or less outside of it. Now, I am not suggesting anyone has been acting unlawfully but I think the clarification over this last weekend has ended any such uncertainty. Would you agree with that as an analysis?

**Nick Boles (Former Interim Chief of Staff to the Mayor):** I would agree only that we took legal advice on how we could get the people to advise Boris who Boris wanted to have advising him while remaining within the law. We, I think, spent quite a lot of the Authority's money on a distinguished Queen's Counsel (QC) who advised us that Simon Milton, fulfilling the position as an unpaid adviser with no powers of executive delegated authority or anything like that and with no pay, was within the law. That was good enough for me. I believe in getting the job done and giving the Mayor the advice that he wants and did that. We were told that it was legal.

It might be true that that law is nonsense and it might be true that if one could amend that law in some way, and I agree with you, not to entirely get rid of it because the spirit of the Widdicombe Rules was a good one. I do not think that the spirit of the Widdicombe Rules intended to stop someone as qualified as Simon Milton from providing advice to the Mayor of London. I think it would be better if the law was changed so that one did not have to go through various hoops that we did go through, but I am absolutely clear that we went through all the hoops that were required in order to be in full compliance with the law. I am delighted that that was the situation then and I

am even more delighted now that Boris is going to get his advice on a more consistent and regular basis because he is going to be paid.

**John Biggs (AM):** There was a point where, in Mayor's Questions, the Mayor asserted that Simon Milton's position was 'watertight'. At what point did it cease to be 'watertight'?

**Nick Boles (Former Interim Chief of Staff to the Mayor):** It was always water-tight, it could have carried on indefinitely in my view, it just happened to be that Simon [Milton] and the Mayor decided that they would both like for him to take up a fulltime position. He did so and decided, therefore, to stand down as a councillor and as Chairman of the Local Government Association (LGA), but until the point in which that position was reached it was watertight, it would still be watertight if they had not reached that point and it would be watertight in eight years' time when Boris Johnson stands down as Mayor of London, if he had decided to continue that arrangement till then.

**Len Duvall (AM):** Look, what is your definition of an informal adviser?

**Nick Boles (Former Interim Chief of Staff to the Mayor):** An informal adviser, I think, is somebody who gives informal advice, isn't it? I think, in a sense, the informal is linked to the word unpaid. If you are paid to give advice then in some sense one could say that it is formal advice. If I happen to bump into John [Biggs] in a pub and accept that kind offer of a pint which he has just made and he asked me for advice on how to become the next Mayor of London then I would qualify that, given that I was not paid for it, as informal advice.

**John Biggs (AM):** Right. I think I would not take the offer.

**Len Duvall (AM):** Therefore what processes, in terms of protection for the Mayor, the institution of the office of the Mayor or the GLA, should be put in place surrounding formal advisers then?

**Nick Boles (Former Interim Chief of Staff to the Mayor):** Sorry, I do not quite understand what you are asking.

**Len Duvall (AM):** Well, I do not quite understand. Informal advice really is, as I think one of your colleagues said, someone who comes up to you at a cocktail party. It is hardly someone who has an office on the eighth floor, who talks directly to officers, who gives speeches on public platforms about policy issues; that sounds a tad like not informal to me. I think you will be acting as an informal adviser, maybe, once you leave and depart. I can understand that being informal - maybe you will not - but if you get a chance if you are asked in those issues, there is a slightly different position to informal adviser as in the nature of Simon Milton's job.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** You are entirely at liberty to take that view. I have told you what my view is which is the 'informal' being linked to the word paid or unpaid and if you are unpaid then your advice is informal. That is my view - I am not saying it is your view - it happens to be my view and I will stick with it.

**Len Duvall (AM):** OK, well let us go back to this then because I do not understand, because it is quite logical in terms of some of the processes that you have put forward this afternoon. Kit Malthouse, you have gone through the test around Widdicombe, around Kit Malthouse. You sort of go through a test around Simon Milton and gets you to a position where you have advice from a counsel that says if it is unpaid and it is informal then it is appropriate to carry on. Except that the Widdicombe Rules includes a whole number of other tests which are not just concerned with

payment. I do not understand your thought processes that sometimes you just do not make that jump to that other side of that process.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** Look, but I did not read the Widdicombe provisions - I have no intention of ever reading the Widdicombe provisions - I employed - or rather Fiona [Fiona Ledden, Head of Legal and Procurement, GLA] employed - a lawyer on behalf of the Authority to advise us and the Authority in question, who was a QC with some record, I believe, and reputation, advised us that what mattered was whether he was paid or unpaid. We therefore decided that that was the thing that we need to be careful about and we were. If there were other provisions in there then I would be slightly amazed that that QC did not advise us of them, but I am not aware of them.

**Len Duvall (AM):** Thank you.

**Fiona Ledden (Head of Legal & Procurement):** I do not know if it helps but there were some additional requirements that people may remember in relation to the advice because I think the advice has been distributed which also talked about having a protocol and it also talked about having a letter which I did write to Sir Simon Milton which talked about things like not being able to bind the Authority in decision making because clearly that was one of the items that it was important to put down around the safeguards that you talked about. If you look at the advice, that last paragraph, just does talk about having some additional --

**Nick Boles (Former Interim Chief of Staff to the Mayor):** There was never any question that Sir Simon was going to bind the Authority and indeed the Mayor made very clear at that time to the extent that he was delegating planning powers he was delegating them to Ian Clement rather than to Simon Milton.

**Len Duvall (AM):** Let us be very careful here. It is not about that it is about advice to the Mayor. It is not about him taking executive decisions which, for the record, Chair, there was - and I am happy to share this in terms of future deliberations so we avoid these situations again - some further work being undertaken from the monitoring officer at my request looking at further aspects that Simon Milton pre-empted by taking the right decision, I believe, and I am happy to share that with Members of this Committee because I do think the important principles, which I think was established in the first instance but fell short in terms of Simon Milton, was not followed through, were quite clear about the Widdicombe Rules.

I can understand why people took the decision they did, in terms of the legal advice, but they were questions of a different nature, not the questions I was posing to the monitoring officer in those issues. I do believe that a similar process was going on in Westminster Council under their scrutiny body where, again, the terms of reference for the job would have found the fact that there may well be a breach.

Now I think the question is it is best to avoid these situations. I do not take any comfort in that. It just seems to me that people should have looked more clearly and deeply into this issue as it was requested. I also raised it a number of occasions with the Mayor informally saying this was an issue and he needed to get to grips with it. I would like that recorded in the minutes and I am certainly more than happy to disclose the correspondence that I had with the monitoring officer which somewhat events have overtaken, because I think it is important around some of the issues that have gone on in the last seven or eight weeks.

**Darren Johnson (Chair):** Well, that will all be on the transcript then.

**John Biggs (AM):** Say the Mayor is sitting, as I assume he will do, in a room with all of his Deputy Mayors. How does he tell the difference between the informal advice he gets from Kit Malthouse and the formal advice he gets from an employed Deputy Mayor?

**Richard Barnes (AM):** I help him!

**John Biggs (AM):** How do you find your way around that? I am just interested because I think the law may be a nonsense but there is clearly a tension there, isn't there?

**Nick Boles (Former Interim Chief of Staff to the Mayor):** I mean I am not aware that the Mayor has any problem in distinguishing between the two. I am not aware --

**John Biggs (AM):** So he says, "OK, Kit [Malthouse], I ignore you."

**Nick Boles (Former Interim Chief of Staff to the Mayor):** Let me be clear. I am not aware that the Mayor has himself any executive decision-making powers with respect to policing and therefore it does not ever apply that he has to ask for advice on executive decisions he might make as Mayor with regard to policing. What he talks to the Deputy Mayor of Policing about is what is going on in the Metropolitan Police Authority of which the Mayor is shortly going to become Chairman as soon as he is legally able of which Kit Malthouse is currently Deputy Chairman.

**John Biggs (AM):** I think on some non-delegable decisions the Mayor does have a legal competence, but that is an angels on the head of the pin thing, possibly. The thing I was more interested in talking about though is delegation, where you presumably advise the Mayor on the delegation of his powers primarily to Ian Clement, who must have been very disappointed the weekend after last when they were taken back again, I think, primarily.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** Deeply relieved, I think, if you asked him, but anyway.

**John Biggs (AM):** Can you take us through your thinking on that and how you advised and decided that what were prima facie some of the key roles that the Mayor should be delegated to a point where he might spend the whole of his four years in total ignorance of the issues that he was -

**Nick Boles (Former Interim Chief of Staff to the Mayor):** That was clearly never going to happen because what we have set out right from the start is a process whereby all of the Mayoral appointees had regular conversations with the Mayor about the issues of which he needs to be kept abreast and certainly Ian Clement was having regular meetings with the Mayor about the various planning issues that he was dealing with when he did exercise those delegated powers. For any powers that remained delegated that will continue to be the case.

I will give you an honest view from the seat that I recently vacated, which is that I think it is completely ridiculous that there is not vastly more delegation of executive decision-making powers than there currently is. It is utterly absurd that the Mayor has to sign a Mayoral decision form which 29 other people have signed every time £3 is spent, a letter is sent or somebody has sent a birthday card wishing them many happy returns. It is at a ludicrous point. You need this person, the Mayor, to be focusing on big issues of policy, major decisions that will have a real impact on the lives of Londoners and not to be caught up into some pettifogging trail of paperwork to record minute tiny decisions that have no effect on anybody's life for the better. I would say there is too much of it, but anyway, we have always been clear that he is briefed on anything that is delegated.

**Darren Johnson (Chair):** OK, I would like to draw this to a close now. Thank you very much for coming along.

**Nick Boles (Former Interim Chief of Staff to the Mayor):** Thank you very much. I wish you farewell.