

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD3206

Appointment of Independent Persons and related arrangements under the Localism Act 2011

Executive summary:

In accordance with the Localism Act 2011, arrangements must be put in place for the appointment, by the GLA, of at least one Independent Person (IP) who has a statutory role under section 28(7) of that Act in relation to complaints alleging that elected members have breached the GLA's Code of Conduct.

The GLA currently has two IPs, whose appointments end on the 31 December 2023. Recruitment for these posts has been undertaken.

The Mayor is now asked to approve the extension of the two existing IPs' tenure, for the period 1 January 2024 to 2 May 2024. The Mayor is asked to approve the appointment thereafter of Suzanne McCarthy and Farhat Sadik as IPs under section 28(7) of the Localism Act 2011 for the period 3 May 2024 to 30 April 2026.

The Mayor is also asked to agree to pay each IP £1,250 per annum as an allowance, payable in April each year, for the work undertaken in the previous year.

These matters are subject to joint approval by the Mayor (via this Mayoral Decision) and the London Assembly (at its Plenary meeting on Thursday 7 December 2023).

Decision:

The Mayor is requested to:

- approve the extension, to 2 May 2024, of the appointment of Suzanne McCarthy and Alan Simcock as Independent Persons (IPs) under section 28(7) of the Localism Act 2011
- approve the appointment of Suzanne McCarthy and Farhat Sadik as IPs under section 28(7) of the Localism Act 2011, from 3 May 2024 to 30 April 2026; and to delegate authority to the Monitoring Officer, in consultation with the Mayor's Chief of Staff, to extend the appointments for up to two years (noting that extensions will be subject to the joint approval of the London Assembly)
- agree, with effect from May 2024, to pay each IP £1,250 per annum as an allowance payable in April each year for the work undertaken in the previous year.

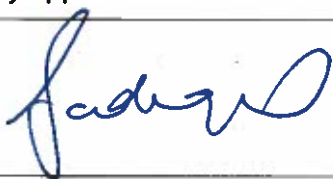
It should be noted that these matters are subject to joint approval with the London Assembly.

Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:



Date:

12/12/23

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

Decision required – supporting report

1. Introduction and background

- 1.1. In accordance with the Localism Act 2011 arrangements must be put in place for the appointment, by the GLA, of at least one Independent Person (IP). An IP's views must be sought and taken into account by the Monitoring Officer before the latter makes any decision on any allegation he has decided to investigate against an elected Member of the GLA (i.e. the Mayor or a member of the London Assembly). Members who have had an allegation made against them may, if they wish, also seek the views of the IP.
- 1.2. Following an appointment process, involving public advertisement and interviews by a panel, the Mayor and the London Assembly agreed, in June 2012, to appoint Suzanne McCarthy and Alan Simcock as the GLA's IPs. They have been carrying out the role since then.
- 1.3. The Mayor, acting jointly with the Assembly, has extended their appointments over the years. Most recently, in November 2022, a further one-year extension was agreed, running up to 31 December 2023.
- 1.4. The Monitoring Officer recently initiated a recruitment exercise, going out to advert in September 2023, in accordance with section 28(8)(c)(i) of the Localism Act 2011. A selection panel consisting of the Mayor's Chief of Staff, the Chair of the London Assembly, the Monitoring Officer and the Deputy Monitoring Officer was convened to consider the applications before interviewing shortlisted candidates on 14 and 15 November 2023.

2. Objectives and expected outcomes

- 2.1. This decision asks the Mayor to extend the appointments of the current GLA IPs until 2 May 2024; and, with effect from 3 May 2024, approve the appointments of Suzanne McCarthy (a current IP) and Farhat Sadik until 30 April 2026, further to the interviews conducted by the selection panel (set out at 1.4, above), and noting that the appointments are a joint decision with the London Assembly.

3. Equality comments

- 3.1. There are no effects of this proposed decision, either positive or negative, that are foreseen on persons with a protected characteristic under the Equality Act 2010.

4. Other considerations

- 4.1. The next Mayoral and Assembly elections will take place in May 2024. On the recommendation of the Monitoring Officer, and following discussions with the Mayor's Chief of Staff and leading Assembly Members, it is considered prudent to further extend the term for the current IPs until 2 May 2024, in order to have continuity during this period.
- 4.2. In addition, further to the outcome of recent interviews, the Mayor is asked to agree to appoint Suzanne McCarthy and Farhat Sadiq as IPs under Section 28(7) of the Localism Act 2011 for the period 3 May 2024 to 30 April 2026, noting that such appointments are also subject to approval by the Assembly.
- 4.3. Finally, the Mayor and Assembly are jointly asked to agree that each IP is paid an annual allowance of £1,250. This cost is to be met from the standards budget for that period, which is held in the Chief Officer's Directorate. This would supersede the previous decision of the Mayor and the Assembly that

the IPs be paid an allowance of £125 for attendance at any formal meeting and/or on each occasion on which they were asked to provide written views to the Monitoring Officer in relation to a formal complaint under investigation; but no allowance for the times when they were consulted by a Member. In practice, the IPs have not claimed any allowance for their work over the past six years. Following discussions with the Mayor's Office and leading Assembly Members – and considering the approach taken by London boroughs in the remuneration of their IPs – it is now proposed that the IPs instead be paid an annual allowance, with effect from May 2024.

5. Financial comments

- 5.1. It is proposed that each IP is paid an annual allowance of £1,250. This cost will be met from the standards budget for that period, which is held in the Chief Officer's Directorate. There is sufficient budget to cover these costs in the current year and future years' planned budgets.

6. Legal comments

- 6.1. Section 28(7) of the Localism Act 2011 provides that arrangements must be put in place, under which allegations of a breach of the Code of Conduct for elected Members can be investigated and action taken. Those arrangements must include provision for the appointment of at least one IP. The Localism Act 2011 does not limit the number of IPs who can be appointed by an authority.
- 6.2. Any decision to extend the duration of the appointments of IPs' is a joint decision of the Mayor and the London Assembly, by virtue of section 27(6) and (9) of the Localism Act 2011, and any decision to extend such appointments, are subject to any relevant and applicable provisions of section 28 of that Act. The Mayor may delegate the exercise of his part of that joint decision to a member of staff of the Authority. This is by virtue of section 38(1-2) of the Greater London Authority Act 1999.

7. Planned delivery approach and next steps

Activity	Timeline
Mayor and Assembly approval	December 2023
Appointments take effect	<ul style="list-style-type: none">• 1 January 2024 (extension of the current IPs)• 3 May 2024 (new IPs)

Appendices and supporting papers:

Appendix 1 – Details of the Independent Persons' biographies.

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will be published either within one working day after it has been approved or on the defer date.

Part 1 – Deferral

Is the publication of Part 1 of this approval to be deferred? NO

Part 2 – Sensitive information

Only the facts or advice that would be exempt from disclosure under the FoIA should be included in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form? NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to
confirm the
following (✓)

Drafting officer:

Rory McKenna has drafted this report in accordance with GLA procedures and confirms the following:

✓

Sponsoring Director:

Mary Harpley has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

Mayoral Adviser:

David Bellamy has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

Corporate Investment Board

This decision was agreed by the Corporate Investment Board on 11 December 2023.

✓

INTERIM CHIEF FINANCE OFFICER:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature:



Date:

11/12/2023

CHIEF OF STAFF:

I am satisfied that this is an appropriate request to be submitted to the Mayor.

Signature:



Date:

11/12/2023