

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD3235

Update to the Code of Conduct and its appendices for Elected Members

Executive summary:

The Code of Conduct and its appendices, for Elected Members of the Greater London Authority (GLA), have been updated. The updates are detailed in section 1 of this decision form.

The Mayor of London is asked to approve the updates to the Code of Conduct, and its appendices, to take effect from 6 May 2024.

The updates to the Code of Conduct and its appendices are subject to joint approval by the Mayor (via this Mayoral Decision) and the London Assembly (at its Plenary meeting on 8 February 2024).

Decision:

That the Mayor, acting jointly with the London Assembly, adopts the changes to the current Code of Conduct and its appendices (as attached at Appendices 1-5), to take effect from 6 May 2024.

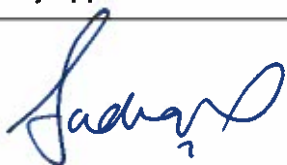
It should be noted this matter is subject to joint approval with the London Assembly.

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:

12/2/24

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 (2011 Act), the GLA is required to adopt a code dealing with the conduct that is expected of the Mayor and Assembly Members of the GLA when they are acting in that capacity. It also applies to the Mayor in his capacity as the statutory office holder of the Mayor's Office for Policing and Crime (MOPAC); the Deputy Mayor for Policing and Crime; and the two GLA Independent Persons appointed to assist with the discharge of ethical standards functions. It sets out how the Mayor and Members should behave in conducting their roles, and it is part of the GLA's ethical standards regime. The Code must be consistent with the seven principles of public life. It must also include appropriate provisions in respect of the registration of Members' interests and disclosure, of: pecuniary interests; and interests other than pecuniary interests.
- 1.2. The Assembly and the Mayor, acting jointly, approved a Code of Conduct in 2012. This was last reviewed and updated in March 2018. Any revisions to the Code and the documents contained within it is a joint decision between the Mayor and the Assembly.
- 1.3. The Monitoring Officer has had informal discussions with the Mayor's office and leading Assembly Members over the last few months regarding the proposed draft changes to the current Code of Conduct and its appendices.
- 1.4. Appendices 1-5 show the proposed revisions to the GLA's Code of Conduct and its appendices. Appendix 1 sets out the revised Code, with proposed revisions set out in highlighted text. The main proposed changes to the Code are as follows:
 - It is confirmed that the principles of public life form part of the Code.
 - The descriptors to the seven principles of public life have been updated.
 - Although the Localism Act 2011 does not define when a Member is acting in their 'official capacity', 'official capacity' is now defined, with the definition taken from the Local Government Association's Model Code of Conduct.
 - A definition of bullying conduct has been inserted using the Advisory, Conciliation and Arbitration Service wording.
 - Other registrable interests are defined, and the declaration of other registrable interests' requirements are the same for disclosable pecuniary interests.
 - There is now a requirement to disclose 'relationships' at meetings, and a footnote definition of what is meant by 'relationships' has been added.
 - The definition of a meeting has been amended to make it clear that meetings of panels fall within that definition.
- 1.5. Appendix 2 sets out the revised Guidance on making a complaint about a GLA Member's conduct, with proposed revisions set out in highlighted text.
- 1.6. The main proposed changes to the Guidance are as follows:
 - The document is now called a complaints procedure.
 - Reference to conduct complaints being made against the Independent Person has been removed.
 - A standard complaints form has been introduced.

- It is clarified that the Monitoring Officer can consult with the Independent Person at any stage in the conduct complaints process.
- Complainants are required to provide their real full name, address and email address, so that we can acknowledge receipt of their complaint.
- It is confirmed that the GLA does not normally investigate anonymous complaints, or complaints where the complainant wishes to remain confidential, unless there is a clear public interest in doing so.
- Categories of complaint that will not normally be suitable for investigation, save in exceptional circumstances, are articulated in more detail than previously (see section 3.3 in Appendix 2).
- The ability for the Monitoring Officer to pass the complaint to the Monitoring Officer of a different authority has been removed.
- It has been clarified that the Monitoring Officer may decide to appoint an Investigator to carry out an investigation.
- Timeframes are now included in the process. The Initial Assessment decision will normally be taken within 20 working days of receipt of the complaint and the subject Member's response. If the Monitoring Officer decides to undertake a formal investigation, the investigation shall normally take no longer than two months from the date of appointment of the Investigator.
- The requirement to publish, on the GLA's website, a decision not to investigate a complaint has been removed to bring it into line with custom and practice.
- Wording introduced at A.9 to cover the duty of care towards Members that are subject to a complaint which reads, *"The Monitoring Officer will be mindful that being the subject of a complaint may be stressful. The Deputy Monitoring Officer is available to provide support to elected Members where they are subject to a complaint."*

1.7. Appendix 3 sets out the current Guidance for Assembly Members appointed to positions by the Mayor. Other than correcting minor typographical errors, the document remains unchanged.

1.8. Appendix 4 sets out the revised Unified Planning Code of Conduct, with proposed revisions set out in highlighted text. The changes are largely cosmetic; they are intended to remove duplication, and make the document easier to read.

1.9. Appendix 5 sets out proposed changes to the current procedure for the registration and declaration of interests, gifts and hospitality with proposed revisions set out in highlighted text. The main proposed changes to the Guidance are as follows:

- The document has been updated to reflect the fact the new Code of Conduct requires the declaration and registration of "other registrable interests".
- The document clarifies the position on disclosable pecuniary interests and when criminal offences are committed.

1.10. The GLA Guidance on complaints and conduct matters about MOPAC and the Deputy Mayor for Policing and Crime are at Appendix 4 to the current Code. As the Police and Crime Committee are responsible for approving this document, it is not considered in this report.

2. Objectives and expected outcomes

2.1. A robust Code of Conduct forms a key part of the GLA's commitment to promoting high standards of ethical conduct in the GLA.

3. Equality comments

- 3.1. Under section 149 of the Equality Act 2010, the Mayor is subject to a public-sector equality duty and must have 'due regard' to the need to (i) eliminate unlawful discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act; (ii) advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and (iii) foster good relations between people who share a relevant protected characteristic and those who do not. Protected characteristics under section 149 of the Equality Act are age, disability, gender re-assignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage or civil partnership status (all except the last being "relevant" protected characteristics).
- 3.2. 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 adoption of the proposed revised Code and its appendices is also being considered by the London Assembly at its meeting on 8 February 2024.
- 4.2. There are no conflicts of interest to declare from those involved in the drafting or clearance of this Decision Form.

5. Financial comments

- 5.1. There are no direct financial implications arising for the Authority.

6. Legal comments

- 6.1. The GLA has a statutory duty in accordance with section 27(1) of the 2011 Act to promote and maintain high standards of conduct by Members of the GLA. The GLA must adopt a Code of Conduct for that purpose. The approval of the Code and any subsequent amendments is a function exercisable by the Mayor and Assembly acting jointly on behalf of the GLA in accordance with section 27(9) of the 2011 Act. Section 28 of the 2011 Act sets out the principles with which the Code of Conduct should be consistent and provides that the Code of Conduct should include provision for the registration and declaration of pecuniary interests and interests other than pecuniary. There are no statutory limits placed on what might be included in the Code of Conduct.

7. Planned delivery approach and next steps

- 7.1. The project will be delivered according to the following timetable:

Activity	Timeline
Mayor and Assembly approval	February 2024
Code takes effect (published to GLA website with highlighting removed)	6 May 2024

Appendices and supporting papers:

- Appendix 1 – Code of Conduct showing proposed changes highlighted
- Appendix 2 – Guidance on making a complaint about a GLA Member's conduct showing proposed changes highlighted

- **Appendix 3 – Guidance for Assembly Members appointed to positions by the Mayor**
- **Appendix 4 – Unified Planning Code of Conduct showing proposed changes highlighted**
- **Appendix 5 – Procedure for the registration and declaration of interests, gifts and hospitality showing proposed changes highlighted**

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 within either 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 12 February 2024.

✓

INTERIM CHIEF FINANCE OFFICER:

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

Signature:



Date:

12/02/2024

CHIEF OF STAFF:

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

Signature:



Date:

12/02/2024