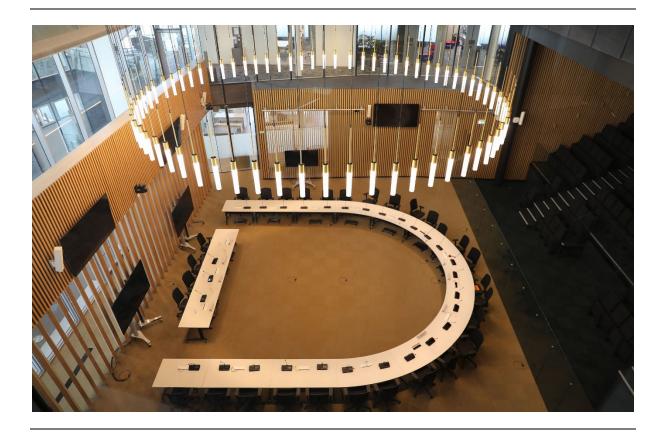
LONDONASSEMBLY

Research Unit

Mayoral decision-making processes in London

Summary:

The Greater London Authority (GLA) has a decision-making framework that outlines who is able to make decisions. Some decisions can only be taken by the Mayor – either due to law or due to policy choice – while others can be delegated to senior staff members. In June 2024, the GLA updated its decision-making framework, which included changes to financial thresholds of decisions (for example increasing the threshold for Mayoral sign off on spend from £150,000 to £250,000) and changing the review board that considers Mayoral decisions. This paper gives an overview of processes for making Mayoral decisions, including the role of the London Assembly.



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About the Research Unit

The London Assembly Research Unit provides an impartial research and information service. We undertake research and analysis on key issues in London to inform the Assembly's work. Our publications are made available for all Londoners.

This paper provides background information on how decisions are made in the GLA. It does not constitute guidance for staff. More detailed information about the decision-making process, and access to published decisions, is available via the GLA website: https://www.london.gov.uk/who-we-are/governance-and-spending/promoting-goodgovernance/decision-making

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1 Decision makers at the GLA

The GLA has a framework in place to determine who is able to make decisions; this framework was updated in June 2024 and made a number of changes to the process. The Mayor makes decisions that they must personally take by statute, other decisions that they have chosen to personally take – related to the financial amount and the nature of the decision. The Mayor is able to delegate other decisions to officers or political appointees within the GLA.

1.1 Which decisions does the Mayor personally take?

The GLA calls powers that normally should only be exercised by the Mayor 'Reserved Mayoral Matters'. Within this, there are two categories:

- Category 1: by law the Mayor **must** personally take these decisions and they may not be delegated under any circumstance.
- Category 2: decisions normally only exercised by the Mayor because of a policy choice, which can under certain circumstances be delegated to senior members of staff.

Most 'Reserved Mayoral Matters' fall within Category 2, decisions which the Mayor has decided to personally take. The current Mayor has decided that he wishes to take decisions that are:

- 'Specified Matters' a list of specific decisions that the Mayor has decided to personally take requiring a Mayoral Decision (MD) form.
- 'Novel, Contentious or Repercussive' (NCR) decisions, including those with no expenditure requiring a MD.²
- Approval of Non-Routine Financial Commitment of more than £250,000 requiring a MD.³ (As section 1.3 notes, decisions of less than this amount can be made by other members of staff. These include Director Decisions (DD), Assistant Director Decisions (ADD), and Delegated Authority Record (DAR) forms.)

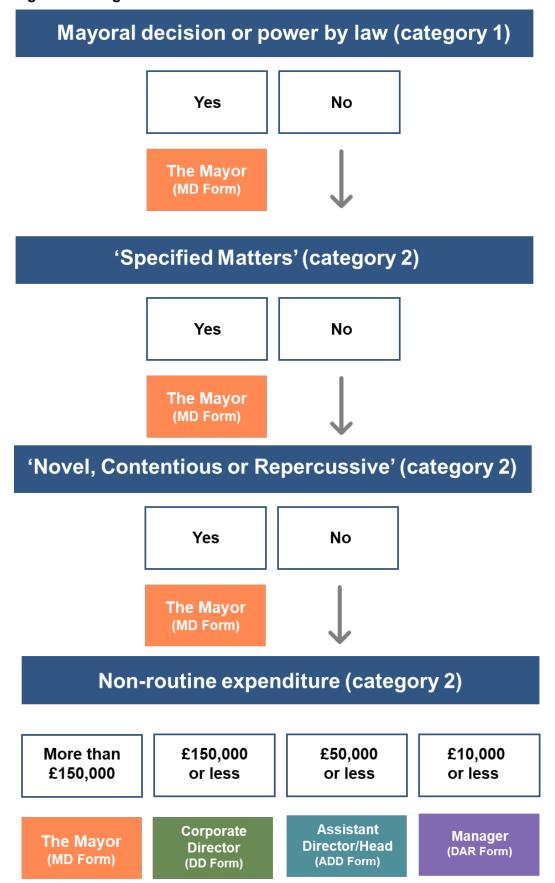
The approval threshold for non-routine financial commitment increased in June 2024 from £150,000 to £250,000, as outlined in MD3274.

¹ GLA, Mayoral decision-making in the GLA, June 2024

² The GLA framework does not provide a specific definition but where uncertainty arises over whether something counts as 'Novel, Contentious or Repercussive' (NCR) a number of senior staff (the Mayor, the Chief of Staff, the Chief Officer, the Chief Finance Officer, the Governance team) can clarify whether a Mayoral decision is required or provide written 'Permission to Proceed' where a Mayoral decision is not required.

³ The GLA guidance sets out what is considered routine and non-routine financial commitments. Non-routine includes programme expenditure, whereas routine includes expenditure from non-programme budgets that is approved at the same time the GLA budget is approved as well as staff salaries and office supplies, among others.

Figure 1: Categories of decision and decision-makers



A full list of 'Specified Matters' are included in an appendix to the GLA's decision-making framework. This includes:

- Certain Mayoral appointments (unless expressly delegated), including
 - Chair of Transport for London
 - Deputy Mayor for Policing and Crime
 - London Fire Commissioner and Deputy Mayor for Fire
 - Chair of a Mayoral Development Corporation
 - The Mayor's representative as Chair of the London Waste and Recycling Board [now ReLondon]
 - Chair of the Cultural Strategy Board [now the Cultural Leadership Board]
 - Chair and/or Deputy Chair of the London Pensions Fund Authority
- Approval of the text of the seven statutory Mayoral strategies for submission to the Assembly and publication (apart from non-material text changes)
- Decisions to give **statutory direction or guidance** to functional bodies, London Waste and Recycling Board and boroughs in relation to air quality functions.
- Functions around the **annual budget process**, and presentation of draft consolidated and final budgets to the Assembly.
- Confirmation to establishing a road user charging scheme, including varying or revoking a scheme.
- Making **capital or revenue grants** between the GLA and a Functional Body and/or between Functional Bodies where the value is over £250,000.
- Some specified matters relate to the acquiring or disposal of land by the GLA or Mayoral Development Corporations.

Category 1 powers do not all relate to decisions the Mayor must take (for example attendance at Mayor's and People's Question Time) but are specified within legislation as Mayoral powers that must be carried out by the Mayor. Most of the powers are outlined in the GLA Act 1999, but some local government legislation also applies:

- The power to delegate functions cannot be delegated and must be taken by the Mayor.
- Any function exercised by the Mayor under delegation from a government Minister, including decisions relating to the Adult Education Budget.
- Appointment of any of the 11+2 GLA staff.⁴
- A direction in relation to a borough's Local Development Scheme.
- A duty to consider reports from the Head of Paid Service, Chief Finance Officer or Monitoring Officer.

As a result, decisions being made by the GLA in these areas will be subject to the Mayoral Decision process (see section 3).

⁴ Under <u>section 67(1)</u> the GLA Act 1999, the Mayor may appoint up to two political advisers and 11 other members of GLA staff. Current appointments under the 11+2 provision include the posts of Chief of Staff, Deputy Chief of Staff, several Mayoral Directors and most Deputy Mayors. The statutory Deputy Mayor and Deputy Mayor for Policing and Crime are not included as they are appointed under separate provisions.

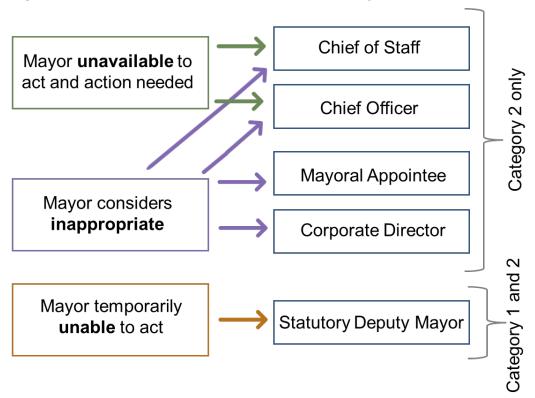
1.2 What happens if the Mayor is unavailable?

The GLA framework sets out three circumstances where the Mayor may not be able to make a decision related to a Reserved Mayoral Matter:

- The Mayor is unavailable and the decision is needed before they are likely to become available.
- The Mayor considers it inappropriate, for example due to a conflict of interest.
- The Mayor is temporarily unable to act this situation is foreseen in the GLA Act and includes instances where the Mayor is unable to act due to illness, absence abroad, imprisonment or for another reason.

The following diagram outlines who is able to make decisions and the type of decisions in each circumstance:

Figure 2: Decision makers in the absence of the Mayor



Only when the Mayor is temporarily unable to act does another person become an Acting Mayor who can make Category 1 as well as Category 2 decisions. This is the role of the Statutory Deputy Mayor, or the Chair of the Assembly if there is not a Statutory Deputy Mayor.

Otherwise, for decisions for which the Mayor is unavailable or where they would consider it inappropriate, certain positions can make Category 2 decisions. This varies slightly depending on which circumstance applies, but includes the Chief of Staff and the Chief Officer in both circumstances and notes that if practicable the person taking the decision should consult others, including the Mayor if possible.

1.3 Which decisions can be delegated?

In line with local authority legislation,⁵ the GLA Act 1999 allows the Mayor to delegate functions that are **not** Reserved Mayoral Matters, and impose certain conditions to organisations carrying out the function, to the following:

- The Deputy Mayor
- Any member of staff of the Authority
- Transport for London
- Mayoral Development Corporations
- Homes England
- Local authorities⁶

This section of the legislation is described as 'General Delegation'. The Act does not allow the Mayor to delegate functions to the Assembly.

The GLA's decision-making framework outlines, within the GLA, which staff members are able to make decisions. It outlines that all senior members of staff are able to make decisions that are not reserved for the Mayor and are within that person's area of responsibility.

Senior members of staff are defined as:

- the GLA Chief Officer
- Executive Directors up to £250,000 for approval
- Mayoral Appointees
- Assistant Directors up to £75,000 for approval

Additionally, Heads of Unit can approve up to £10,000, taken via a DAR rather than a MD.7

The Mayor can decide to personally exercise the powers that can be delegated under the 'General Delegation'. Additionally, there are a small number of exceptions to the 'General Delegation', for example two specific powers relating to the Mayor's power to 'call-in' planning applications that are of 'potential strategic importance' (PSI applications)⁸ and these can only be made by the Mayor, Statutory Deputy Mayor or to one or more of the 11+2.

⁵ Section 101 of the <u>Local Government Act 1972</u> states that a local authority may choose to discharge any functions to a Committee, sub-Committee, officer or another local authority.

⁶ GLA Act 1999, section 38

⁷ A decision form is required for all non-routine programme spending above £10,000 otherwise it is recorded via a Delegated Authority Record

⁸ As outlined in <u>Town and Country Planning (Mayor of London) Order 2008</u> and sections 2A to 2F of the <u>Town</u> and Country Planning Act 1990

2 Mayoral decisions in context

2.1 How do decisions align to Mayoral strategies?

Mayoral strategies

Mayoral strategies, both statutory and non-statutory, can be published as Mayoral decisions. Statutory strategies are a Reserved Mayoral Matter and therefore will always have a Mayoral decision; non-statutory strategies may go through the Mayoral decision process if they meet the criteria, for example if they are considered 'Novel, Contentious or Repercussive'. Examples of published strategies as Mayoral decisions include:

- Transport Strategy, MD2236
- Housing Strategy, <u>MD2290</u>
- Environment Strategy, MD2292
- Health Inequalities Strategy, <u>MD2344</u>
- The London Plan, MD2594
- Economic Development Strategy, MD2379
- Culture Strategy, MD2382
- Skills for Londoners Strategy, MD2299
- The Mayor's Equality, Diversity and Inclusion Strategy, MD2212
- London Food Strategy, MD2387

For some strategies, further Mayoral decisions have followed or preceded the publication and finalisation of the strategy. For example, a number of Mayoral decisions were published related to the Mayor's statutory obligation to publish a Transport Strategy and a Mayoral decision was required for each of its subsequent amendments:

- 28 February 2017 Mayoral direction to TfL to, among other things, prepare a revised Transport Strategy, MD2081
- 20 June 2017 Mayoral decision to approve the draft strategy document (and executive summary) for the purpose of the formal statutory consultation of the public and stakeholders, MD2136
- 19 February 2018 Mayoral decision to finalise strategy, MD2236
- 16 May 2022 Mayoral decision to direct TfL to, among other things, draft revised strategy text that includes road user charging and provided additional guidance to TfL, MD2987
- 25 November 2022 Mayoral decision to approve the amendment to the Mayor's Transport Strategy to expand the Ultra Low Emissions Zone, MD3047

Multiple Mayoral decisions were needed because under the GLA framework the Mayor has decided that decisions relating to:

- a) Directions and guidance to functional bodies
- b) Approval of statutory strategies and amendments

are Reserved Mayoral Matters (Category 2) that the Mayor normally makes themself.

Similarly, for the London Plan there is a Mayoral decision for publication, (MD2594), to approve expenditure for independent examination of the plan (MD2324) before publication, and afterwards in relation to London Plan guidance (MD2861).

The decisions relating to statutory strategies note the Assembly's formal role in being consulted on strategies and ability to reject them, but the approval of decisions following consultation and approval to adopt a strategy sits with the Mayor.

The role of strategies in decisions

Mayoral decisions are required because they meet the criteria outlined in section 1.1 rather than to enact Mayoral strategies. That said, the GLA's framework outlines that one of the purposes of a Mayoral decision form and the process is that it "links decisions to Mayoral strategies and priorities, including priority outcomes". Therefore, Mayoral decision forms should generally highlight how the GLA is delivering its strategies and will be aligned with them, but forms are not required formally to connect a decision to a strategy commitment. The connection to Mayoral strategies and/or priorities is generally highlighted under the 'Other considerations' section of the Mayoral decision. Decisions may relate more specifically to GLA priorities as outlined in the Mayor's budget (see section 2.2), for example budget themes or recovery missions, rather than specific strategies, or include both. Examples include:

- MD3241 Life off the Streets grant funding 2024-25: makes reference to two Mayoral strategies in relation to the decision:
 - Housing Strategy: Policy 7.2, "Supporting Rough Sleepers off the Streets"
 - Health Inequalities Strategy: "Addressing homelessness and rough sleeping is one of the seven objectives set by the Mayor to achieve the aim that all Londoners benefit from an environment and an economy that together promote good mental and physical health."
- MD3234 Free Holiday Meals Programme Year 2: does not make reference to Mayoral Strategies but does reference the Mayor's budget themes of Social Justice, Health and Children & Young People.
- MD2984 Pride in London 2023-27: makes reference to several recovery missions (the format of the Mayor's budget before 2024-25) as well as the Mayor's Culture Strategy; Diversity, Equality and Inclusion Strategy; and Strategy for Social Integration.

2.2 How do decisions link to the Mayor's budget?

Parts of the Mayor's annual budget are published as Mayoral decisions. For 2024-25, this included:

- MD3250 GLA: Mayor budget for 2024-25
- MD3242 GLA Group Capital Spending Plan for 2024-25

⁹ Mayoral Decision-Making in the Greater London Authority, June 2024

 MD3243 Approval of the 2024-25 Council Tax and Precepts and Communication to Council Taxpayers

Decisions relating to the budget are generally published after the Assembly vote on the Mayor's budget, with a key Assembly power being that Assembly can amend the budget on a two thirds majority.

The GLA's decision-making framework outlines that the budget sets the funding envelope and differentiates between 'Programme' and 'Non-programme' budgets, also known as 'Non-routine' and 'Routine' expenditure. Funding for non-programme budgets is approved with the Mayor's budget, whereas programme expenditure requires a decision form.

For example, the Mayor's 2023-24 budget outlined spending in relation to Free School Meals (outlined in the Appendix to MD3103) in March 2023 and in July 2023, a Mayoral decision (MD3146) approving the expenditure outlined more specific policy spending and aspects such as equality and financial considerations and any changes to the expenditure set out in the budget. Additionally, in October 2023 a Director Decision (DD2655) approved £100,000 expenditure within the funding envelope of MD3146 for monitoring and evaluation of the programme. Therefore, funding relating to decisions is not necessarily discrete.

Where Mayoral decisions are committing expenditure, an overall amount of approved expenditure is included and the period over which the money will be spent. All Mayoral decisions have a 'financial considerations' section. Some decisions include more information, for example:

- A breakdown of approved spending and how each area of funding will be used.
- An outline of the total expenditure if the decision is committing additional funding to a previous Mayoral decision.
- The funding stream or programme.
- The recipient(s) or number of recipients of funding.

Each Mayoral decision is categorised in relation to a GLA Directorate, which will indicate how expenditure connects to the Mayor's budget. Decisions may also include information about which Mayoral themes and priorities within the budget are relevant to the decision. However, as mentioned in section 2.1, decisions may relate to multiple themes and are not required to outline which theme the funding is coming from in the Mayor's budget.

2.3 What role does the Assembly have in Mayoral decisions?

The London Assembly generally does not have a role in the creation of Mayoral decisions and has its own decision-making structure. A small number of joint decisions are taken by the Mayor and the Assembly, including:

- The pay award for Mayoral appointees and Statutory Officers (MD2355)
- The Statutory Officer Protocol, a governance document of rules and regulations for the Head of Paid Service, Chief Finance Officer and Monitoring Officer (MD3117)
- The update to the Code of Conduct and its appendices for Elected Members (MD3235)

¹⁰ This programme expenditure related to £135m and therefore far exceeded the £150,000 threshold for a Mayoral decision

Appointment of the Chief Finance Officer (MD3270)

There are a number of other decisions the Mayor formally makes where the Assembly is a statutory consultee. Notably, the Mayor must consult the Assembly on statutory strategies, and the Assembly has the power to reject them by a two thirds majority, as mentioned in section 2.1. For these decisions, the Assembly fulfils a formal role in the decision-making process, which would be noted in the text of the Mayoral decision form. For the majority of Mayoral decisions, however, the Assembly does not have a formal role; it would not be consulted on proposed decisions and cannot amend or reject them.

Instead, the Assembly's role in relation to Mayoral decisions is to investigate and report on decisions. This is set out in Section 59 of the GLA Act 1999, which states:

"The Assembly shall keep under review the exercise by the Mayor of the statutory functions exercisable by him. For the [se] purposes, the powers of the Assembly include in particular power to investigate, and prepare reports about

- (a) any actions and decisions of the Mayor,
- (b) any actions and decisions of any member of staff of the Authority,
- (c) matters relating to the principal purposes of the Authority,
- (d) matters in relation to which statutory functions are exercisable by the Mayor, or
- (e) any other matters which the Assembly considers to be of importance to Greater London."¹¹

3 The decision-making process

In June 2024, the Mayor approved – via MD3274 – changes to the GLA's decision making framework. As well as the increase to the financial thresholds, the previous review board, the Corporate Investment Board (CIB) (active from 2016 to 2024), was replaced by the Mayoral Delivery Board (MDB). The last meeting of the Corporate Investment Board was held on 20 May 2024 and the first meeting of the MDB on 3 June 2024. The minutes from the last CIB outlined that the GLA was making these changes so that "as the strategic authority for London, could more effectively deliver the Mayor's priorities. The Board heard proposals to establish collaborative internal structures, with input from across the GLA Group, designed to oversee and maintain strategic oversight of programmes and the impact they had on a series of London-level outcomes." ¹²

3.1 Who reviews Mayoral decisions?

Before the Mayor acts, a number of GLA teams are involved in the drafting and reviewing of Mayoral decisions. Figure 3 outlines the key process for Mayoral decisions. This involves input from:

- Mayoral Delivery Board (MDB), a board made up of political appointees and the GLA's Corporate Management Team to review decisions (see section below).
- Legal and finance teams review, both before and after submission to MDB.

¹¹ GLA Act, Section 59

¹² Corporate Investment Board Minutes, Monday 13 May 2024

- **Officer** review, with an Executive Director review pre-MDB submission and Chief Finance Officer review post-submission.
- **Political appointees** review decisions at other stages as well as at MDB, with a Mayoral adviser (ordinarily a Deputy Mayor) reviewing pre-submission to MDB and the Chief of Staff reviewing post-MDB.

The GLA has a decisions team, which coordinates Mayoral decisions and the review of decisions at its MDB.

Figure 3: Process for approving Mayoral decisions

Decision drafted			
Legal	Finance		
Executive Director	Mayoral adviser		
Mayoral Delivery Board submission			
Legal	Finance		
Mayoral Delivery Board			
Chief Finance Officer	Chief of Staff		
Mayor			

Mayoral Delivery Board

The MDB acts as an informal advisory board that reviews Mayoral decisions forms before they are approved by the Mayor.

The Membership of the MDB is expanded compared to the CIB. The Chief of Staff continues to be the Chair of the MDB, and members of both boards include Mayoral appointees and Deputy Mayors. The MDB includes within its membership staff that previously attended the CIB but were not listed as part of the membership, including the Chief Officer and Executive Directors. It also includes some functional body representation.

Outside of the Deputy Mayor, who is also an Assembly Member, the Assembly does not have a role in reviewing Mayoral decision forms before they are approved by the Mayor.

The table below summarises the membership of the MDB compared to the CIB, as of July 2024.

Table 1: Membership of CIB and MDB

CIB Members	MDB Members
David Bellamy, Chief of Staff (Chair)	David Bellamy, Chief of Staff (Chair)
Richard Watts, Deputy Chief of Staff	Richard Watts, Deputy Chief of Staff
Felicity Appleby, Mayoral Director, Political and Public Affairs	Felicity Appleby, Mayoral Director, Political and Public Affairs
Sarah Brown, Mayoral Director, Communications	Sarah Brown, Mayoral Director, Communications
Ali Picton, Mayoral Director for Mayoral Operations	Ali Picton, Mayoral Director for Mayoral Operations
Tom Copley, Deputy Mayor for Housing and Residential Development	Tom Copley, Deputy Mayor for Housing and Residential Development
Seb Dance, Deputy Mayor for Transport	Seb Dance, Deputy Mayor for Transport
Howard Dawber, Deputy Mayor for Business and Growth	Howard Dawber, Deputy Mayor for Business and Growth
Sophie Linden, Deputy Mayor for Policing and Crime	Sophie Linden, Deputy Mayor for Policing and Crime
Joanne McCartney AM, Deputy Mayor for Children and Families	Joanne McCartney AM, Deputy Mayor for Children and Families
Jules Pipe CBE, Deputy Mayor for Planning, Regeneration and the Fire Service	Jules Pipe CBE, Deputy Mayor for Planning, Regeneration and the Fire Service
Justine Simons OBE, Deputy Mayor for Culture and Creative Industries	Justine Simons OBE, Deputy Mayor for Culture and Creative Industries
Dr Debbie Weekes-Bernard, Deputy Mayor for Communities and Social Justice	Dr Debbie Weekes-Bernard, Deputy Mayor for Communities and Social Justice
	Mary Harpley, Chief Officer
	Mostaque Ahmed, Director of Corporate Services, LFB
	Natan Doron, Mayoral Head of Policy
	Enver Enver, Interim Chief Finance Officer
	Phil Graham, Executive Director, Good Growth

Jamilla Hinds-Brough, Head of Mayoral Delivery
Darren Mepham, Interim CEO, MOPAC
Niran Mothada, Executive Director, Strategy and
Communications
Tunde Olayinka, Executive Director,
Communities and Skills
Tim Steer, Executive Director, Housing and
Land
Dianne Tranmer, Executive Director for
Corporate Resources and Business
Improvement
Alex Williams, Chief Customer and Strategy
Officer, TfL
Dr Tom Coffey OBE (Observer), Mayoral Health
Advisor

The MDB has an expanded remit compared to the CIB, for example with a focus on delivery outcomes and mandates and sub-Committees. The Terms of Reference for the MDB are:

- Recommend to the Mayor a set of new mandates for the delivery of outcomes via an agreed set of GLA programmes;
- Recommend to the Mayor the delivery plans for each GLA programme upon the recommendation of the relevant MDB Committee;
- Consider changes to delivery plans in line with the decision-making protocol;
- Appoint members of the MDB Committees;
- Approve membership of the Programme Boards;
- Consider drafts of mayoral strategies before adoption;
- Review and approve in principle all Mayoral Decisions before they are presented to the Mayor for approval, once Decisions, where required, have been reviewed by the relevant MDB Committee;
- Provide sight of all Director and Assistant Director Decisions before these are signed once Decisions, where required, have been reviewed by the relevant MDB Committee:
- Receive performance reports from each MDB Committee, to include issues for consideration by MDB in line with an updated portfolio management framework;
- Working with the Chief Finance Officer, advise the Mayor in issuing Budget Guidance to the GLA Group in support of their priorities, and give direction to the core GLA: Mayor budget;
- Consider quarterly information relating to the GLA's overall financial and delivery performance before it is published and submitted to the London Assembly's Budget & Performance Committee;
- Consider other GLA issues and proposed decisions which are statutory, significant and/or cross-cutting and fall outside the remit of the MDB Committees;
- Consider updates on business relevant to the week ahead;

- Receive updates from other mayoral and GLA Boards, bodies and groups where these are not covered by the updates from the MDB Committees and where it is agreed that these are of value to MDB;
- Provide sight of decisions to be taken by the Deputy Mayor for Policing & Crime and MOPAC officers under MOPAC's Scheme of Delegation;
- Provide sight of Deputy Mayor for Fire Decisions before these are signed; and
- Consider forward plans of proposed decisions from the other functional bodies with a view to deciding whether and when MDB needs further information on these.¹³

The previous CIB had the following Terms of Reference:

- To consider and coordinate GLA decisions subject to the Authority's formal decisionmaking process, in advance of sign-off by the Mayor or relevant officer;
- To consider information relating to the GLA's financial and delivery performance;
- To consider drafts of GLA strategies and to receive reports on progress in implementing those strategies;
- To consider other GLA issues which are significant and/or cross-cutting;
- To receive updates from CIB sub-groups;
- To consider decisions to be taken by the Deputy Mayor for Policing & Crime under MOPAC's Scheme of Delegation; and
- To consider forward plans of proposed decisions from the other functional bodies. 14

The structure and frequency of meetings for the MDB is generally the same as it was for CIB meetings, taking place weekly. Decision forms and, for Mayoral decisions, a covering summary paper to the board are submitted via the GLA Decisions Team seven days in advance of the meeting and added to the agenda.

As with the CIB, <u>minutes</u> from the Board are published on the GLA website and includes the following information:

- Board members present
- Officers and observers present at the meeting
- Reference numbers of Mayoral decisions being discussed in the meeting and the decision of the MDB, for example 'approved in principal for review by the Mayor', or including 'subject to minor amendments'.
- Delegated authority decisions noted in the meeting
- MOPAC decisions
- Updates from functional bodies, for example forward plans or other update reports from Mayoral boards.

Agendas are published in advance of the meeting; documents submitted to MDB about decisions are not published alongside the minutes of the meeting.

Different mayoral administrations have had different structures in place in relation to predecision-making processes. Under the 2012-2016 administration, there was an Investment

¹³ Mayoral Delivery Board, <u>Information about the Mayoral Delivery Board</u>

¹⁴ Corporate Investment Board, Information about the Corporate Investment Board

<u>and Performance Board</u>, and a <u>Housing Investment Group</u> that reviewed spending proposals ahead of Mayoral decisions.

3.2 Decisions relating to GLA programmes

The previous <u>GLA decision-making framework</u> outlined different rules and procedures for recording and publishing decisions for certain GLA programmes, in particular ones that involve large amounts of funding, for example from central government. Some of these processes have not been finalised with the new 2024 framework and therefore may be subject to change.

The Adult Education Budget

The Adult Education Budget will be renamed the 'Adult Skills Fund' from the start of the 2024-25 academic year. Decisions relating to the Adult Education Budget are Category 1 decisions that must be taken personally by the Mayor, as they are delegated by the Secretary of State. In 2021, MD2736 outlined changes to the way that Mayoral decisions relating to the Adult Education Budget could be made, essentially that decisions can either be made – either at a Board meeting or through a Mayoral decision form.

In 2018, <u>MD2328</u> set up the governance arrangements for the Adult Education Budget (AEB), which included a Mayoral Board. The Mayor chairs the <u>AEB Mayoral Board</u> which considers decisions with the purpose:

- "to advise on key decisions related to adult education in London including strategic priorities and funding requirements
- to consider how the programme aligns to the Mayor's <u>Skills for Londoners</u> <u>Strategy</u> and the Mayor's manifesto commitments on skills."¹⁵

The Board meets four times a year and its Members are:16

- the Mayor's Deputy Chief of Staff
- Deputy Mayor for Business and Growth
- Chief Finance Officer

The Board's constitution includes terms of reference and information about the Board, including reference to the Assembly:

"AEB Mayoral Board meetings will not be held in public, reflecting the accountability arrangements Parliament has put in place for the GLA, in that the Mayor is answerable to the London Assembly through Mayor's Question Time only after he has taken decisions." ¹⁷

The Board publishes minutes and an agenda for each meeting.

For Reserved Mayoral Matters (Category 1 or Category 2), a Mayoral decision form is required like any other (for example MD3191) and go to the MDB. For other decisions, the Mayor is able to sign a short proforma and approve the decision at the meeting. The Board acts as an advisory body, with final decision-making sitting with the Mayor, but the Board can make recommendations to the Mayor for approval.

¹⁵ Adult Education Budget (AEB) Mayoral Board

¹⁶ At the time of writing, this membership is subject to the confirmation of an updated constitution on 8 July 2024.

¹⁷ Adult Education Budget Mayoral Board Constitution

The GLA's <u>AEB Assurance Framework</u> is published online and provides further details of the process.

Affordable Homes Programme

The 2024 decision-making framework for the Affordable Homes Programme (AHP) notes the following in relation to the AHP and Land Investment programmes:

"Omission of the separate rules regarding Affordable Homes Programme and Land Investment programmes. The revised rules for these will now be contained within relevant Mayoral Decisions. Pending the approval of the latter, the delegations to the Executive Director of Housing and Land as set out in the previous Framework (see MD2830) will still apply." 18

The following information sets out the previous framework, which will apply until further decisions have been made.¹⁹

The GLA AHP for 2021-26 received £4 billion from central government²⁰ and as such constitutes a large proportion of the GLA's capital budget each year. An overall Mayoral decision was published at the start of the programme (MD2707) and included a delegation that allocations within the AHP can be approved by the Executive Director of Housing and Land and therefore not require a decision form.

There are two instances where a decision form relating to the AHP would be necessary, which are:

- If the decision is Novel, Contentious or Repercussive requiring a **Mayoral** decision
- If the decision is a complex financial commitment requiring a **Director** decision

Each quarter, the GLA Housing Statistics page publishes 'Affordable Housing Delegated Approvals', which outlines funding approved by senior staff in the Housing & Land directorate. This information includes:

- The programme
- The provider (and provider code)
- Grant amount
- Date approved
- The person who approved²¹

Land investment programmes

As noted above, decision-making process for this and other programmes may be subject to further changes under the revised 2024 framework, which are still to be confirmed at the time of writing.

The GLA's land investment programmes have received Mayoral funding (£250 million Homes for Londoners Land Fund from 2017) and government funding (£486 million from

¹⁸ Mayoral Decision-Making in the Greater London Authority, June 2024

¹⁹ Appendix A, MD2830 Update to GLA Governance Documents, 2022

²⁰ Affordable Homes Programme 2021-2026 Funding Guidance, GLA, November 2020

²¹ GLA Affordable Housing Statistics

2018). The 2022 GLA decision document states that different rules are in place for this programme in order to:

"respond swiftly to opportunities for intervention in a fast-paced property market where transactions take place at speed. The delegation enables officers to undertake necessary due diligence and, at least, confirm initial interest in acquiring land and/or property within timescales driven by the market."

Two Mayoral decisions have outlined the decision process in place for these funding streams:

- MD2207 Homes for Londoners Land Fund: this decision from December 2017 delegated decisions to the Executive Director for Housing & Land, with involvement of the GLA Land and Property (GLAP) Investment Committee.²³
- MD2396 Land Assembly, Small Sites and Accelerated Construction Funds: this
 decision from November 2018 provided a standing delegation to the Executive
 Director for Housing & Land.

In both instances, a **Director** decision is required as part of the delegation, unless decisions are **Novel**, **Contentious or Repercussive**, where a **Mayoral** decision is required. Director decisions and Mayoral decisions would be discussed at the MDB as with other decisions.

4 Recording and publishing decisions

The GLA Group's governance framework commits the GLA and functional bodies to transparency and as a result the GLA publishes Mayoral and other types of decisions online. The GLA also provides a summary of key decisions to the Assembly, in line with its duty under the GLA Act.

4.1 Why are decisions recorded?

The GLA Group has a shared <u>Corporate Governance Framework Agreement</u>.²⁴ One of its commitments within this is for each organisation to promote a culture of openness, transparency and accountability. Within decision-making specifically, it notes a clear procedure for documenting and reporting decisions, meeting the requirements embodied in the local government transparency code, and seeking to go beyond them.

The Mayor also has an obligation to inform the Assembly of decisions. Under <u>Section 45</u> of the GLA Act, the Mayor must submit a report to the Assembly outlining decisions taken by the Mayor which 'he considers to be of significance' and the reasons behind them. There are ten reports per year, in line with Mayor's Question Time, and the reports must be submitted no later than five clear working days before the meeting. The reports are published as part of the agenda pack and sent to Assembly Members via email by the Committee Services team.

²² Appendix A, MD2830 Update to GLA Governance Documents, 2022

²³ In its <u>annual report</u>, GLAP Ltd describes this Committee as "A Land Fund Investment Committee has been established as a GLAP sub-committee to provide leadership and direction to the use of the Land Fund, as well as any subsequent expansion of the Land Fund."

²⁴ The GLA Group consists of the GLA and five functional bodies: Transport for London, Mayor's Office for Policing and Crime, London Fire Commissioner, London Legacy Development Corporation, and Old Oak and Park Royal Development Corporation.

The way that this information is provided is not outlined in the legislation, therefore having the decisions published on the website within a database is not a statutory requirement. Information provided on the database is usually more detailed than the information provided to the Assembly, due to length, but reference codes – which give a decision a unique identifier – are included in the summary decision to the Assembly and the full published decision online.

4.2 How are decisions recorded?

The GLA publishes a <u>Decisions Database</u> which records key information in relation to decisions.

The Decisions Database includes decisions made by:

- The Mayor
- GLA Executive Directors
- GLA Assistant Directors
- The Deputy Mayor for Fire (see section 5.1)
- The Greater London Returning Officer (Mary Harpley as GLA Chief Officer)²⁵

GLA decision forms are made up of two sections: Part 1 and Part 2. Part 1 relates to 'non confidential facts and advice' whereas Part 2 sets out information exempt from publication, information that would be exempt under the Freedom of Information Act 2000. The Part 2 form requires a reason for why information is exempt (for example commercial sensitivity), comments from a legal adviser and a review date, a point at which to decide whether the information should still be exempt. Not all decisions include a Part 2, and the published Part 1 document sets out whether there is a Part 2 form.

For Part 1 forms, the GLA says that it aims to publish each decision and relevant background information within one working day of sign off. This is not a set requirement and the GLA is able to defer publication; for example, the GLA is not able to publish decisions during pre-election periods of sensitivity. For deferral of decisions that are not related to pre-election periods, the GLA decision team notes that common reasons are due to: commercial sensitivity, where a procurement process is due to be undertaken, or to align with a public announcement. The GLA does not publish information relating to how many decisions meet its aim of publication within one working day of sign off.

Each decision contains the following information:

- Decision type (e.g. Mayoral or Director)
- Reference code
- Date published
- Date signed
- Directorate
- Decision-maker

²⁵ Decisions made by the Greater London Returning Officer relate to GLA Elections, for example directions to boroughs and approval of spending for ballots, advertising etc.

²⁶ Publication during pre-election periods of sensitivity varies depending on the type of election and the subject matter – for Mayoral elections decisions generally are not published, whereas for General Elections most decisions will continue to be published with the exception of decisions considered overtly political.

The addition of the publication date of decisions followed a Mayoral question from former Assembly Member Caroline Pidgeon in 2020.²⁷ This became available on decisions from 2021 onwards.

Published decisions records on the website also contain an executive summary and outline the decision, including the amount of expenditure approved, the signed decision document and appendices, where applicable, and 'non-confidential facts and advice' under the following subheadings:

- Introduction and background
- Objective and expected outcomes
- Equality comments makes reference to equalities legislation, with the Equality Impact Assessment often as an Appendix
- Other considerations this may include discussion of key risks and mitigation, implications for sustainable development, the workforce, procurement, equalities or other issues; it also includes a declaration about any potential conflicts of interest
- Financial comments a breakdown of expenditure
- Legal comments the legislation and powers the Mayor is using to make the decision
- Planned delivery and next steps for example a timeline and milestones
- Appendices and supporting papers for example the Equality Impact Assessment.

The database is not searchable, but filters can be applied by year signed/published, area of work and who made the decision.²⁸

5 Functional bodies

This section sets out how Mayoral decisions may apply to functional bodies and the decision-making frameworks that each has in place. For decisions that relate to functional bodies, if the decision is a Reserved Mayoral Matter, a Mayoral decision form will be required in the usual way, for example a Mayoral directions or guidance to functional bodies would be published on the GLA decisions database.

5.1 London Fire Commissioner

Decisions made by the London Fire Commissioner (LFC), who oversees the London Fire Brigade (LFB), are subject to the Mayor's <u>LFC Governance Direction 2018</u>.²⁹ This Direction provides a framework for how the Mayor and the Deputy Mayor for Fire³⁰ will be involved in LFC decisions. In summary:

²⁷ MQ2020/3292 Mayoral Decision Publication Date Transparency, 15 October 2020

The database cannot be downloaded in other formats; in 2009 the London Datastore published a summary version of decisions provided to the Assembly in Excel: https://data.london.gov.uk/dataset/mayors-decisions
 Under the GLA Act 1999, the Mayor has the power to direct LFC as to the exercise of their functions. The LFC Governance Direction 2018 is the only formal direction issued by the current Mayor to the LFC.

³⁰ Deputy Mayor for Fire is a statutory position. The Mayor may delegate any of their functions in relation to fire and rescue to the Deputy Mayor. The role may be combined with other duties, as it is for the current Deputy Mayor, Jules Pipe CBE, who fulfils the role of Deputy Mayor for Planning, Regeneration and the Fire Service.

- The Mayor appoints the London Fire Commissioner and Deputy Mayor for Fire as Category 2 Reserved Mayoral Matters.
- The Mayor approves the final versions of key documents, including LFC's Community Risk Management Plan.³¹
- The Deputy Mayor for Fire must approve any LFC expenditure above £150,000, significant property transactions, the appointment of Assistant Commissioners, and the submission of a proposed annual budget to the Mayor.

While the 2024 GLA framework increased the threshold to £250,000, this does not apply to the LFC.

Where Mayoral or Deputy Mayor approval is required under the Direction, this would ordinarily lead to a proposed Mayoral decision or Deputy Mayor for Fire Decision (DMFD), which is considered at MDB before being signed off. However, formal Mayoral decision or DMFD forms have not to date been produced for decisions on officer appointments and budget submissions.

Decisions relating to the LFB are published, both ones made by:

- The London Fire Commissioner, on the LFB website
- The Mayor or <u>Deputy Mayor for Fire</u>, on the GLA website

5.2 Mayor's Office for Policing and Crime

As the head of the Mayor's Office for Policing and Crime (MOPAC), the Mayor does not have the power of direction over it like other functional bodies. Decisions relating to MOPAC that meet the criteria for a Mayoral decision will be signed off by the Mayor in the normal way.

Additionally, MOPAC has its own <u>scheme of delegation</u> that sets out which decisions can be delegated and the thresholds for decisions.

Within this, the Mayor appoints the Deputy Mayor of Policing and Crime to exercise the functions of the organisation with the exception of the following decisions:

- Issuing a Police and Crime Plan.
- Making recommendations to the Home Secretary in relation to the appointment of a Commissioner of Police of the Metropolis.
- Making representations in relation to the appointment of a Deputy Commissioner of Police of the Metropolis.
- Being consulted in relation to the appointment or removal of an Assistant Commissioner, a Deputy Assistant Commissioner or Commander of the Metropolitan Police Service (MPS).
- Suspension of the Commissioner or Deputy Commissioner of the MPS, or calling upon either of them to retire or resign.

³¹ The requirement for the Mayor to approve the strategy and other documents is also set out in the <u>GLA Act</u> <u>1999, section 327G</u>. The Act also stipulates that the Assembly must be consulted before Mayoral approval is granted.

 Agree any annual cost of living increase for the Deputy Mayor for Policing and Crime and will not delegate this function.

MOPAC decisions are similarly reviewed by the MDB as per its terms of reference, see section 3.1.

MOPAC publishes its own <u>Decisions Database</u>, which outlines decisions made by senior staff within MOPAC, for example the Deputy Mayor for Policing and Crime.

5.3 Transport for London

TfL has published a Scheme of Delegation within its <u>Standing Orders</u>, which sets out how it is governed and who can make decisions within the organisation – for example decisions delegated to the Chair, Board or Committees. For example, it sets out that "in situations of urgency, the Board delegates to the Chair the exercise of any of its functions" and that the Commissioner is responsible for implementation of the Mayor's Transport Strategy and "provision of safe, efficient, integrated and economic transport facilities and services to, from and within Greater London."

As well as the ability to direct functional bodies generally, a number of Reserved Mayoral Matters relate to TfL, for example:

- The Mayor appoints the Chair of TfL
- Approval of the Transport Strategy
- Annual TfL fares

Since 2018, TfL has published directions received from the Mayor on its website, as well as being on the GLA Decisions Database.³² Recent examples of Mayoral direction to TfL include:

- MD3254 Amendment to London Vehicle Scrappage Scheme Delegation: The
 existing Delegation and Direction to TfL was amended to confirm that TfL is able to
 use the Scheme to fund the donation and removal of non-compliant vehicles from
 use in Greater London to Ukraine.
- MD3247 Off-peak Friday fares trial: The Mayor directed TfL to introduce a trial of all-day off-peak fares on Fridays on all TfL rail services and pay-as-you go fares on National Rail services in London, from Friday 8 March 2024 to Friday 31 May 2024 inclusive. Funding of £24m has been allocated to support the trial.
- MD3221 March 2024 fare change: The Mayor issued a direction to TfL in relation to implementing the March 2024 fare change. The changes included freezing TfL-regulated fares set by the Mayor, which would be funded by increasing TfL's retained business rates income.

TfL does not publish its own database of decisions.

5.4 Mayoral Development Corporations

A number of Reserved Mayoral Matters relate to Mayoral Development Corporations (MDCs), for example:

³² TfL, 'How we are governed', Mayoral Directions to TfL

- Setting up a MDC
- Appointing the Chair of MDC
- Setting borrowing limits (Category 1)
- Some decisions relating to the disposal or acquisition of land by the GLA.

London Legacy Development Corporation

The GLA has issued <u>Governance Directions</u>, outlining how the Mayor wishes the Corporation to carry out its functions in accordance with the Localism Act 2011. The London Legacy Development Corporation (LLDC) also has its own <u>scheme of delegation</u> outlining its governance structures and decision-making. These two documents interact, for example the Governance Directions state that the Mayor should be consulted before the LLDC makes changes to its standing orders or scheme of delegation.

In the same way as other functional bodies, decisions made by the Mayor in relation to the LLDC are published on the GLA Decisions Database, for example in 2023, MD3202 set out the Mayor's approval to reduce the area of the LLDC as part of its transition.

LLDC does not publish its own decisions database.

Old Oak and Park Royal Development Corporation

As with LLDC, the GLA has issued <u>Governance Directions</u> outlining how the Mayor wishes Old Oak and Park Royal Development Corporation (OPDC) to carry out its functions and its own <u>scheme of delegation</u> outlining which members of staff can make decisions and where consent from the Mayor is required.

Mayoral decisions related to OPDC are published on the overall GLA database. In addition, OPDC publishes its own <u>decisions database</u>, which outlines decisions made by its Chief Executive Officer and Directors.

Other formats and languages

If you, or someone you know needs this report in large print or braille, or in another language, then please call us on: 020 7983 4100 or email assembly.translations@london.gov.uk

Chinese

如您需要这份文件的简介的翻译本, 请电话联系我们或按上面所提供的邮寄地址或 Email 与我们联系。

Vietnamese

Nếu ông (bà) muốn nội dung văn bản này được dịch sang tiếng Việt, xin vui lòng liên hệ với chúng tôi bằng điện thoại, thư hoặc thư điện tử theo địa chỉ ở trên.

Greek

Εάν επιθυμείτε περίληψη αυτού του κειμένου στην γλώσσα σας, παρακαλώ καλέστε τον αριθμό ή επικοινωνήστε μαζί μας στην ανωτέρω ταχυδρομική ή την ηλεκτρονική διεύθυνση.

Turkish

Bu belgenin kendi dilinize çevrilmiş bir özetini okumak isterseniz, lütfen yukarıdaki telefon numarasını arayın, veya posta ya da e-posta adresi aracılığıyla bizimle temasa geçin.

Punjabi

ਜੇ ਤੁਸੀਂ ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਸੰਖੇਪ ਆਪਣੀ ਭਾਸ਼ਾ ਵਿਚ ਲੈਣਾ ਚਾਹੋ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਇਸ ਨੰਬਰ 'ਤੇ ਫ਼ੋਨ ਕਰੋ ਜਾਂ ਉਪਰ ਦਿੱਤੇ ਡਾਕ ਜਾਂ ਈਮੇਲ ਪਤੇ 'ਤੇ ਸਾਨੂੰ ਸੰਪਰਕ ਕਰੋ।

Hindi

यदि आपको इस दस्तावेज का सारांश अपनी भाषा में चाहिए तो उपर दिये हुए नंबर पर फोन करें या उपर दिये गये डाक पते या ई मेल पते पर हम से संपर्क करें।

Bengali

আপনি যদি এই দলিলের একটা সারাংশ নিজের ভাষায় পেতে চান, তাহলে দয়া করে ফো করবেন অথবা উল্লেখিত ডাক ঠিকানায় বা ই-মেইল ঠিকানায় আমাদের সাথে যোগাযোগ করবেন।

Urdu

اگر آپ کو اس دستاویز کا خلاصہ اپنی زبان میں درکار ہو تو، براہ کرم نمبر پر فون کریں یا مذکورہ بالا ڈاک کے پتے یا ای میل پتے پر ہم سے رابطہ کریں۔

Arabic

ال حصول على ملخص لهذا المستند بلغتك، فرجاء الانتصال برقم الهاتف أو الانتصال على العنوان البريدي العادي أو عنوان البريد البالكتروني أعلاه.

Gujarati

જો તમારે આ દસ્તાવેજનો સાર તમારી ભાષામાં જોઈતો હોય તો ઉપર આપેલ નંબર પર ફોન કરો અથવા ઉપર આપેલ ૮પાલ અથવા ઈ-મેઈલ સરનામા પર અમારો સંપર્ક કરો.