

REQUEST FOR MAYORAL DECISION – MD1381

Title: Shared Committee Services – GLA and LLDC

Executive Summary:

Since Autumn 2012, the GLA's Committee Services team has provided clerking support to the London Legacy Development Corporation (LLDC) – first in relation to its Planning Decisions Committee and then for its Board and all committees. As a result of the successful trial period, it is now proposed that the arrangements are formally entered into for the relevant LLDC Secretariat functions to be performed by the GLA. The Executive Director of Resources will finalise the arrangements and related documentation under delegated powers.

Decision:

The Mayor approves the GLA entering into an arrangement with the London Legacy Development Corporation for the GLA's discharge of the relevant London Legacy Development Corporation secretariat services functions, as set out in paragraph 1.5 below, under section 401A(3) of the Greater London Authority Act 1999.

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: 8 August 2014

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

Decision required – supporting report

1. Introduction and background

- 1.1 The purpose of this report is to seek Mayoral approval of the entry into an arrangement for the GLA's discharge of the relevant secretariat functions for the LLDC.
- 1.2 An overriding principle in the development of the project is the need to ensure that both the GLA and the LLDC receive quality clerking/democratic services in a cost effective way. The purpose of entering into the arrangement is that it would lead to the creation of a single team of professional and skilled officers who would provide consistent and high-quality level of service on meeting management, Member support and related governance across the GLA Group (excluding MOPAC).
- 1.3 In July 2014, and following an initial view from the Mayor that he was minded to support the proposed shared services arrangement for the relevant functions (as detailed below), the LLDC Board considered and approved the entering into of such an arrangement with the GLA.
- 1.4 The London Assembly (through its GLA Oversight Committee) was also formally consulted on the proposal. The Committee endorsed the proposal. The report to the Committee, including the business case for the proposal and its response, is attached at **Appendix A**.
- 1.5 Under the proposal, the GLA (through the Head of Committee and Member Services and the Committee Services team) will become responsible for the provision of the following functions for the LLDC:
 - Supporting the LLDC Board processes by facilitating the decision-making arrangements to ensure compliance with statutory requirements and the administration of LLDC's formal affairs.
 - Clerking of meetings of the LLDC Board, and its Committees, Panels and any other Member-level body as required by LLDC, including: oversight of the preparation and production of the agendas, reports, decision sheets and minutes and to oversee such other actions which arise as a result of these meetings; interpretation and recording of proceedings and decisions at such meetings having regard to statutory requirements and LLDC's Standing Orders and other related governance codes, rules and policies.
 - Clerk other LLDC meetings as may be required on an ad-hoc basis by the LLDC, including: oversight of the preparation and production of the agendas, reports, decision sheets and minutes and to oversee such other actions which arise as a result of these meetings; interpretation and recording of proceedings and decisions at such meetings having regard to statutory requirements and LLDC's Standing Orders and other related governance codes, rules and policies.
 - Provision of procedural and general advice in matters affecting LLDC's business and/or affecting Board Members and chief officers of LLDC.
 - Preparation of reports for the LLDC Board, its Committees, Panels, other Member-level meetings and any other subsidiary body as required; preparation of correspondence, notes of meetings and any other task (including updating the forward plan and undertaking any research required) related to the LLDC's decision-making processes.

- Provision of papers and minutes relating to meetings of the LLDC Board, its Committees and Panels to the LLDC for archiving.
- Undertake any associated function or duty for LLDC as may be required, such as: maintenance and revision as appropriate of LLDC's Standing Orders (including the Scheme of Delegation of Functions to Officers and procedures related to meetings and Board governance matters); the development of an annual programme of meetings of the Board and its Committees and Panels; managing information published on LLDC's web site in relation to its Member-level bodies and their meetings; maintenance of Board Members' registers of interests and gifts and hospitality and administration of the procedures and processes related to the compilation and updating of those registers; and/or periodic review of the Members' allowances and expenses scheme.

- 1.6 Under the arrangement, it is anticipated that costs of providing the services (equivalent to 1.375 FTE posts and IT/FM charges – all costs to be charged on a cost recovery basis only) would be paid by the LLDC to the GLA on an annual basis (and subject to the formal three month review process). All costs and savings figures will be included in the report for consideration as part of the formal, final agreement between the organisations.
- 1.7 There are no staff affected at the LLDC by the transfer of functions; the relevant provisions of the TUPE legislation do not therefore apply in this case. The GLA has gone through a separate process, approved by the Head of Paid Service, to create posts that will provide the relevant services to the LLDC under this arrangement.
- 1.8 Following approval of the project, it is proposed that the arrangements for the transfer will be agreed in August 2014 with the GLA's discharge of the functions commencing by no later than 1 September 2014. To achieve this, the next steps include:
- Implementation of the practicalities of the arrangement (as set out in the appended outline business case); and
 - Development and execution of the documentation necessary to put the section 401A(3) arrangement into effect.

2. Objectives and expected outcomes

The objectives and expected outcomes of these proposals are (a) the effective delivery of relevant services to the LLDC on a cost-effective basis for both organisations, and (b) the delivery of wider efficiencies and service improvements to the GLA Group in relation to formal meetings.

3. Equality comments

The Head of Committee and Members Services has identified no adverse impacts on equalities. There will be no changes to staffing numbers or transfers or secondments of staff. The services will be provided by the GLA in accordance with its approved procedures.

4. Other considerations

a) Risk and issues

The LLDC's executive Director of Finance and Corporate Services and the GLA's Head of Committee and Member Services are responsible for managing the risks arising from the project. The risks have been regularly reviewed at project meetings.

b) Links to strategies and Strategic Plan

The proposal will support the more efficient delivery of clerking services within the GLA Group, which is to be used as the basis for potentially further expanding the scope of operations of the GLA's Committee Services team in order to seek further efficiencies and service improvements within the GLA Group in relation to the clerking support provided to the various boards and bodies within the Group.

c) Impact assessments and Consultation

The project is being developed in compliance with equalities legislation and impact assessments will be carried out where appropriate. Consultation with staff has been carried out, as it is essential for the successful delivery of the project that staff are engaged in a timely and effective way.

As noted at section 1.4 above the London Assembly has been consulted (through its GLA Oversight Committee) in accordance with section 401A(6) Greater London Authority Act 1999 (as amended). A copy of the report considered by the Committee is appended to this report. The Committee approved the proposal.

The LLDC Board, at its meeting on 22 July 2014, considered the proposal and gave its approval.

5. Financial comments

The shared services arrangement will operate on a cost-recovery basis, and will therefore result in income for the GLA. The detailed costs are subject to formal discussion and agreement between the two organisations and will be reflected in revised budgets for the 2015-16 year.

6 Legal comments

- 6.1 Under section 401A(3) of the GLA Act 1999 the Mayor may, after consultation with the Assembly, authorise the GLA to enter into arrangements for the discharge by it on behalf of a functional body of any functions which are of an administrative, professional or technical nature. "Administrative, professional or technical" functions are not defined by the Act but would include democratic or committee clerk services and procedural advice. The effect of section 401A(3) is for the GLA to discharge the democratic services functions itemised at paragraph 1.5 on behalf of LLDC.
- 6.2 The role of the London Assembly as consultee on matters under section 401A of the Act has been delegated to its GLA Oversight Committee. This is permitted under section 54(1) of the Act and section 1.4 above indicates that the appropriate consultation has been undertaken.
- 6.3 No LLDC staff are affected by the proposed transfer of functions (as the GLA has, in practice, been providing these services for the past 18 months). The TUPE legislation does not therefore apply in this case.

- 6.4 It is proposed that the finalisation of the terms of the proposed s 401A(3) arrangements with LLDC, and execution of the necessary documentation, will be undertaken by the GLA's Executive Director of Resources under the General Delegation given him under the Mayoral Scheme of Delegation.
- 6.5 The proposed arrangement is consistent with the GLA's public procurement obligations under EU procurement directives. The European Court of Justice has ruled that public bodies such as the GLA and LLDC can enter into co-operative arrangements in the public interest where one provides services to the other. In such instances EU public procurement rules are not triggered. It is considered that the proposed arrangement with LLDC under s 401A of the GLA Act 1999 is consistent with European procurement law.
- 6.6 Under Sections 38(1) and (2) of the GLA Act the Mayor may delegate the exercise of any function exercisable on behalf of the Authority by the Mayor to any member of staff of the Authority.

7. Investment & Performance Board

There are no costs to the GLA from this proposal, and it does not require IPB approval. The Board receives strategic updates on the implementation of shared services across the group.

8. Planned delivery approach and next steps

Activity	Timeline
Approval from Assembly (via GLA Oversight)	23 July 2014
Approval from the Mayor	August 2014
Arrangement for transfer of functions agreed	31 August 2014
GLA's Discharge of the functions commencing	1 September 2014

Appendices and supporting papers:

Outline Shared Committee Services Business Case & Report to GLA Oversight Committee, 23 July 2014 - Appendix A

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) 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 either be published within one working day after approval or on the defer date.

Part 1 Deferral:

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

If YES, for what reason:

Until what date: (a date is required if deferring)

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be 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:

Ed Williams has drafted this report in accordance with GLA procedures and confirms the following have been consulted on the final decision.

✓

Assistant Director/Head of Service:

Ed Williams has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

Sponsoring Director:

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

✓

Mayoral Adviser:

Sir Edward Lister has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature

Date

CHIEF OF STAFF:

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

Signature

Date

Subject: Consultation on Shared Committee Services with the London Legacy Development Corporation

Report to: GLA Oversight Committee

Report of: Executive Director of Secretariat and Executive Director of Resources

Date: 23 July 2014

This report will be considered in public

1. Summary

- 1.1 The report represents consultation by the Mayor with the London Assembly, as required in law, in relation to a proposed shared services arrangement between the Greater London Authority (GLA) and the London Legacy Development Corporation (LLDC) in respect of the committee services / secretariat functions.

2. Recommendation

- 2.1 **That, prior to any decision by the Mayor under section 401A of the Greater London Authority Act 1999 (as amended), the Committee notes the proposed establishment of administrative arrangements for the discharge by the GLA of the relevant parts of LLDC's committee services/secretariat function and gives any comments on those proposals as it deems necessary.**

3. Background

- 3.1 As reported to the last meeting of this Committee (25 June), the shared committee services arrangement between the GLA and Transport for London (TfL) has allowed (because of the additional resources provided by TfL) the GLA also to enter into an informal arrangement with the LLDC for the provision of committee services over the last year. This arrangement has, by common consent, worked well for both organisations and has also ensured the enhanced coordination of procedural advice and delivery of services through closer working. Senior managers have concluded that a formal arrangement should be entered into.
- 3.2 The Mayor is therefore minded to give approval under the powers given to him in relation to shared services within the GLA Group by s401A of the GLA Act 1999 (as amended). As part of that decision making process, the Mayor is seeking the views of the London Assembly (via this Committee). A decision to enter into the proposed arrangements will also need to be taken by the LLDC. The project sponsors for the proposal are Mark Roberts, Executive Director of Secretariat at the GLA and Jonathan Dutton, Executive Director of Finance and Corporate Services, LLDC.

4. Issues for Consideration

- 4.1 The proposal is to establish administrative arrangements between the GLA and LLDC for the discharge by the GLA of the relevant LLDC functions under section 401A of the Greater London Authority Act 1999 (as amended). Section 401A(3) of the Act allows GLA Group constituent bodies (which include the GLA and LLDC) to establish such arrangements for the discharge by any one or more constituent bodies on behalf of any other constituent body of any functions of that other which are of an administrative, professional or technical nature. There are no staffing implications, under TUPE or any other provision, arising from these proposals in either organisation.
- 4.2 If the proposal, as set out in the attached outline business case, is approved by the Mayor following consultation with the Assembly, the GLA and the LLDC will then enter into a detailed, formal agreement. It is proposed that, subject to consultations and final approvals, the arrangement would come into effect on a date in August 2014.

5. Legal Implications

- 5.1 Under section 401A of the Greater London Authority Act 1999 ("the Act"), the Mayor may, after consultation with the Assembly, authorise the GLA and any functional body to enter into arrangements for the discharge by the GLA or any functional body on behalf of one or more of the other, of any function of that other which are of an administrative, technical or professional nature.
- 5.2 The power of the Assembly to consult on these matters under section 401A of the Act has been delegated to the GLA Oversight Committee. This is permitted under section 54(1) of the Act.

6. Financial Implications

- 6.1 The shared services arrangement will operate on a cost-recovery basis, and will therefore result in income for the GLA. The detailed costs are subject to formal discussion and agreement between the two organisations and will be reflected in revised budgets for the 2014-15 year.

List of appendices to this report:

Appendix 1 – Outline Business Case for Shared Committee/Secretariat Services with LLDC

Local Government (Access to Information) Act 1985
List of Background Papers: None
Contact Officer: Ed Williams, Head of Committee & Member Services, GLA
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Outline Business Case for a Shared Committee / Secretariat Services Arrangement between the GLA and LLDC

Background

In accordance with the Mayor's general policy approach to shared services within the GLA Group, the LLDC (soon after its establishment) asked the GLA to provide clerking support to its Planning Decisions Committee on an informal basis. This arrangement was deemed to have worked well and was expanded, in 2012, to cover the full range of the LLDC's formal meetings on a trial basis.

Based on the view of the managers involved in reviewing these arrangements over time (the GLA's Head of Committee & Member Services and the LLDC's Executive Director of Finance and Corporate Services), it has been agreed in principle that the GLA should now formally take on the clerking functions for the LLDC board and committees.

This will ensure the continued effective delivery of services to the LLDC and see the creation of a team at the GLA with responsibility for providing committee services support for Mayoral boards, the London Assembly, Transport for London, the London Fire & Emergency Planning Authority and the London Legacy Development Corporation – and thereby creating the scope for economies of scale and the sharing of best practice in relation to meetings and Member services across all of these organisations.

Process

Following informal agreement between the GLA (represented by the Executive Director of Secretariat) and the LLDC (represented by its Executive Director of Finance and Corporate Services for these purposes), the Mayor would, subject to formal consultation with the London Assembly, be asked take a decision to exercise the powers conferred on the GLA under s401A of the GLA Act 1999 (as amended) to enter into the proposed shared services arrangement and to discharge the relevant functions on behalf of LLDC.

There are no associated staffing implications arising from these proposals (as the inclusion of LLDC functions within the job descriptions of relevant posts within the GLA's Committee Services team has previously been approved as part of its restructuring this year).

The proposed commencement date of the new arrangements is September 2014.

Standards

The functions listed below will be delivered:

- To the highest quality standards (ensuring that all functions abide by the standards set out in the Democratic Services Quality Manual and that ISO 9001:2008 accreditation is achieved for the function) and in accordance with all relevant timescales and deadlines (as required by the LLDC Board, its Members and/or senior officers); and
- In accordance with the LLDC's rules and procedures regarding confidentiality and information security, being mindful of the requirements of the Freedom of Information Act and the Data Protection Act and other statutory requirements in relation to the publication and handling of information;
- In accordance with the arrangements that will be set out in the Arrangements for Discharging Functions documentation that will be entered into between the GLA and the LLDC.

Functions

Under the proposal, the GLA will become responsible for the provision of the following LLDC services under the shared services arrangement:

1. Supporting the LLDC Board processes by facilitating the decision-making arrangements to ensure compliance with statutory requirements and the administration of LLDC's formal affairs.
2. Clerking of meetings of the LLDC Board, and its Committees, Panels and any other Member-level body as required by LLDC, including: oversight of the preparation and production of the agendas, reports, decision sheets and minutes and to oversee such other actions which arise as a result of these meetings; interpretation and recording of proceedings and decisions at such meetings having regard to statutory requirements and LLDC's Standing Orders and other related governance codes, rules and policies.
3. Clerk other LLDC meetings as may be required on an ad-hoc basis by the LLDC, including: oversight of the preparation and production of the agendas, reports, decision sheets and minutes and to oversee such other actions which arise as a result of these meetings; interpretation and recording of proceedings and decisions at such meetings having regard to statutory requirements and LLDC's Standing Orders and other related governance codes, rules and policies.
4. Provision of procedural and general advice in matters affecting LLDC's business and/or affecting Board Members and chief officers of LLDC.
5. Preparation of reports for the LLDC Board, its Committees, Panels, other Member-level meetings and any other subsidiary body as required; preparation of correspondence, notes of meetings and any other task (including updating the forward plan and undertaking any research required) related to the LLDC's decision-making processes.
6. Provision of papers and minutes relating to meetings of the LLDC Board, its Committees and Panels to the LLDC for archiving.
7. Undertake any associated function or duty for LLDC as may be required, such as: maintenance and revision as appropriate of LLDC's Standing Orders (including the Scheme of Delegation of Functions to Officers and procedures related to meetings and Board governance matters); the development of an annual programme of meetings of the Board and its Committees and Panels; managing information published on LLDC's web site in relation to its Member-level bodies and their meetings; maintenance of Board Members' registers of interests and gifts and hospitality and administration of the procedures and processes related to the compilation and updating of those registers; and/or periodic review of the Members' allowances and expenses scheme.

Review

Following commencement of the proposed arrangements, the provision of service to LLDC will be monitored by LLDC's Executive Director of Finance and Corporate Services. There would be informal review meetings on a quarterly basis with the GLA's Head of Committee and Member Services in order to provide feedback and resolve any issues arising in relation to service delivery.

There will be formal review meetings between the GLA's Executive Director of Secretariat and the LLDC's Executive Director of Finance and Corporate Services where revisions to the formal requirements under the shared services arrangement will be discussed and agreed as necessary, including in relation to costs, charges and resources (including staff). Chief Officers of both authorities will be informed in advance of any proposed significant revision to the arrangements, with reports for formal decision prepared as necessary. Regular update reports on the operation of all shared services arrangements within the GLA Group are presented to the Mayor and London Assembly by the GLA's Executive Director of Resources

Staffing matters

In order to maintain the present quality service, which is recognised to include the need to ensure continual communications with LLDC Members and officers and the need to be able to respond quickly to events and requests, the GLA would commit to:

- ensuring that relevant members of Committee Services staff and GLA managers would be present at LLDC offices and meeting venues for all relevant meetings and in advance of those meetings at important points in the business cycle, as well as being continually available for contact during normal working hours;
- ensuring that any future recruitment to any GLA management position that would be involved in the provision of services to LLDC would, as a minimum, include the participation of LLDC's Executive Director of Finance and Corporate Services or his/her representative as they deemed necessary.

Costs

Under the arrangement, it is anticipated that costs of providing the services (equivalent to 1.35 FTE GLA posts, management costs and IT/FM charges – all costs to be charged on a cost recovery basis only) would be paid by LLDC to the GLA on an annual basis (and subject to the formal three month review process).

All costs and savings figures will be included in the report for consideration as part of the formal, final agreement between the organisations.

Conflicts of interests

There may be situations where an actual or potential conflict of interest arises between the GLA and LLDC in relation to decision-making processes and/or governance issues. The LLDC's Executive Director of Finance and Corporate Services and the GLA's Executive Director of Secretariat would be responsible for resolving any actual or potential conflicts of interests that may arise.

The staff in the GLA Committee Services team providing services to LLDC will liaise with and seek advice as necessary (legal or otherwise) from LLDC officers; the LLDC staff involved in the day-to-day arrangements involved in this agreement will liaise with and seek advice as necessary from GLA officers.

Information security

It is acknowledged that the confidentiality of LLDC's information must be maintained at all times and that robust arrangements agreed with LLDC will be put in place to ensure the confidentiality of such information (which shall include reference to IT security for information held electronically and the location and other duties of staff providing services to LLDC within City Hall).

Risk

Risk	Impact	Probability	Mitigation
Conflict of interest may arise in certain circumstances	Low	Low	Arrangements will be put in place to deal with this. No such conflict has arisen during the lengthy period of informal operation of these arrangements. The GLA's role is fairly limited in terms of LLDC governance, so the impact of any potential or actual conflict would be low.
The confidentiality of LLDC's information is not maintained	High	Low	There has been no evidence of failure to maintain confidentiality during the 12 month trial period. Robust arrangements will be agreed with LLDC to ensure the confidentiality of its information going forward
The project exceeds the planned costs and becomes unaffordable	Medium	Low	A structure for reasonable fees and charges will be agreed and then reviewed on a regular basis. A reasonable and collegiate approach is expected to be adopted by both organisations
Lack of clarity of scope leading to service delivery problems	Medium	Low	The Working Arrangements document, that will form part of the final agreement, will include detailed information in relation to the operation of the specific arrangements. This will be discussed in detail and agreed by both organisations prior to implementation of the arrangements, and thereafter kept under review

The responsibility is clearly upon relevant GLA and LLDC officers to ensure that the service is kept under review, that feedback received is acted upon swiftly and that all costs are monitored and discussed throughout the period of the agreement in order to mitigate and/or dispose of risks to the delivery of an excellent service.