

GREATER LONDON AUTHORITY

[REDACTED]
(By email)

Our Ref: MGLA151019-4849

6 January 2020

Dear [REDACTED]

Thank you for your request for information which the Greater London Authority (GLA) received on 15 October 2019. Your request has been dealt with under the Freedom of Information Act (FOI) 2000.

You asked for:

The request relates to this press release issued by the GLA on 27 September 2019.

<https://www.london.gov.uk/about-us/governance-and-spending/good-governance/high-standards-conduct/monitoring-officer-activities>

I wish to request copies of all electronic and written correspondence held by the Greater London Authority relating to the issuing of that press release and/or letter, prior to the letter being issued.

This includes (but not exclusively), correspondence between (a) the monitoring officer and/or her staff, and between (b) (i) the Mayor, (ii) staff of the Mayor's office, and/or (iii) the London Assembly – including its staff and its members

Our response to your request is as follows:

Please find attached some of the information that the GLA holds within scope of your request.

We believe that further communications which we hold within scope of your request are exempt from disclosure under sections 42 (Legal Privilege) of the Act. Legal advice remains subject to legal professional privilege and is therefore exempt under section 42.

Legal Professional Privilege (LPP) protects confidential communication between lawyers and clients and is a fundamental principle of English law. The principle is based upon the need to protect a client's confidence that any communication with their legal adviser will be treated in confidence and not revealed without consent.

We have considered the public interest and strongly believe that the public interest in protecting legal professional privilege outweighs the public interest in disclosure.

The Information Commissioner's Office quotes from the Tribunal's case of Bellamy (2005):

"...there is a strong element of public interest inbuilt into the privilege itself. At least equally strong countervailing considerations would need to be adduced to override that inbuilt interest ... it is important that public authorities be allowed to conduct a free exchange of views as to their legal rights and obligations with those advising them without fear of intrusion, save in the most clear case..."

The general public interest inherent in section 42 will always be strong due to the importance of the principle behind LPP: safeguarding openness in communications between client and lawyer to ensure access to full and frank legal advice, which in turn is fundamental to the administration of justice.

If you have any further questions relating to this matter, please contact me, quoting the reference at the top of this letter.

Yours sincerely


Information Governance Officer

If you are unhappy with the way the GLA has handled your request, you may complain using the GLA's FOI complaints and internal review procedure, available at:

<https://www.london.gov.uk/about-us/governance-and-spending/sharing-our-information/freedom-information>

[REDACTED]

From: [REDACTED]@policeconduct.gov.uk>
Sent: 27 September 2019 17:59
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: press release

Hi [REDACTED]

Our amendments to your release in red below. I understand you will issue this as soon as you have sent the referral to us. I would appreciate it if you could send me a final of the copy issued to media.

Our media lines, once we have received the referral, will simply confirm: "The IOPC can confirm we have received a referral from the Monitoring Officer of the Greater London Authority (GLA) regarding a conduct matter against Boris Johnson and we are currently assessing this. This will take time to thoroughly assess and consider before any decision is taken as to whether it is necessary to investigate this matter."

Will this be on your website and social media, or just issued as a release?

[REDACTED] - please do call over the weekend if you need to.

Our amendments in red:

The Monitoring Officer of the Greater London Authority (GLA) has today recorded a 'conduct matter' against Boris Johnson and referred him to the Independent Office for Police Conduct (IOPC) so it can assess whether or not it is necessary to investigate the former Mayor of London for the criminal offence of misconduct in public office.

The 'conduct matter' has been recorded as allegations have been brought to the attention of the Monitoring Officer that Boris Johnson maintained a friendship with Jennifer Arcuri and as a result of that friendship allowed Ms Arcuri to participate in trade missions and receive sponsorship monies in circumstances when she and her companies could not have expected otherwise to receive those benefits.

The Monitoring Officer has a statutory duty to record any conduct matters that she becomes aware of relating to the Mayor in his capacity as equivalent to Police and Crime Commissioner for Greater London, which is called the Mayor's Office for Policing and Crime (MOPAC).

A 'conduct matter' exists where there is information that indicates that a criminal offence may have been committed. It does not mean that this is proved in any way.

The IOPC will now consider if it is necessary for the matter to be investigated.

The action has been taken in accordance with the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (the '2012 Regulations') and section 31 and Schedule 7 (Chapter 4) of the Police Reform and Social Responsibility Act 2011 (the 2011 Act').

INFORMATION FOR REPORTER:

The Mayor's Office for Policing and Crime came into existence in January 2012 and Boris Johnson became its statutory 'occupant' in his capacity as the then Mayor of London.

At that point, Boris Johnson became subject to the provisions as to conduct contained in Chapter 4 of the 2011 Act including the 2012 Regulations.

The Mayor is responsible for policing policy for the capital and holding the Metropolitan Police Commissioner to account. As a result, a special standards framework applies to the Mayor. This is set out in the 2011 Act and 2012 Regulations. Any indication of potential involvement of a crime must be passed by the Monitoring Officer to the IOPC for investigation.

The GLA's Monitoring Officer continues to have jurisdiction concerning such conduct and to exercise the functions of a police and crime panel under the 2012 Regulations in respect of his conduct during that time.

[REDACTED]
[REDACTED]
Independent Office for Police Conduct (IOPC)
10 South Colonnade
Canary Wharf
London
E14 4PU

[REDACTED]
[REDACTED] [@policeconduct.gov.uk](https://twitter.com/policeconduct)
www.policeconduct.gov.uk
Follow us on Twitter at: [@policeconduct](https://twitter.com/policeconduct)

From: [REDACTED]@london.gov.uk>
Sent: 27 September 2019 17:36
To: [REDACTED]@policeconduct.gov.uk>
Cc: [REDACTED]@london.gov.uk>
Subject: press release

Hi [REDACTED]

Good to speak just now. As discussed, please see here the press release that we intend to issue very soon. Grateful if you could confirm asap that there are no issues from your perspective.

Copying my colleague [REDACTED] who is on call from our team this weekend.

Many thanks,

[REDACTED]

GREATER LONDON AUTHORITY

news release

Office hours: [REDACTED]
Out of hours and weekends: 020 7983 4000

FOR IMMEDIATE RELEASE: Friday 27 September 2019

Monitoring Officer of the Greater London Authority refers Boris Johnson to Independent Office for Police Conduct

The Monitoring Officer of the Greater London Authority (GLA) has today recorded a 'conduct matter' against Boris Johnson and referred him to the Independent Office for Police Conduct (IOPC), so it can determine whether or not the former Mayor of London may have committed misconduct in public office.

The 'conduct matter' has been recorded as allegations have been brought to the attention of the Monitoring Officer that Boris Johnson maintained a friendship with Jennifer Arcuri and as a result of that friendship allowed Ms Arcuri to participate in trade missions and receive sponsorship monies in circumstances when she and her companies could not have expected otherwise to receive those benefits.

The Monitoring Officer has a statutory duty to record any conduct matters that she becomes aware of relating to the Mayor in his capacity as equivalent to Police and Crime Commissioner for Greater London, which is called the Mayor's Office for Policing and Crime (MOPAC).

A 'conduct matter' exists where there is information that indicates that a criminal offence may have been committed. It does not mean that this is proved in any way.

The Director General of the Independent Office for Police Conduct will now consider if it is necessary for the matter to be investigated.

The action has been taken in accordance with the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (the '2012 Regulations') and section 31 and Schedule 7 (Chapter 4) of the Police Reform and Social Responsibility Act 2011 ('the 2011 Act').

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The GLA's Monitoring Officer continues to have jurisdiction concerning such conduct and to exercise the functions of a police and crime panel under the 2012 Regulations in respect of his conduct during that time.

, Mayor of London's Press Office

GREATER LONDON AUTHORITY
City Hall, The Queen's Walk, London SE1 2AA

london.gov.uk

[\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)

Out-of-hours: 020 7983 4000

[\[REDACTED\]@LDN_pressoffice](mailto:[REDACTED]@LDN_pressoffice)

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