

## Appendix: GLA Group transparency – Mayoral response (September 2013)

	Recommendation	Mayoral response
1	The GLA Group should implement the Government's transparency code of recommended practice. In particular, it should assert the principle that all contracts should be published unless there are pressing and genuine reasons not to.	<p>Agreed.</p> <p>The GLA Group has already made substantial progress in implementing the Government's transparency code.</p> <p>The Assembly is right to highlight the publication of contracts as the biggest remaining challenge. I expect all GLA Group bodies to publish as much contractual information as possible and each body is making the commitment set out below. Given the intensive staff input required, in most cases it is not envisaged that contracts will be routinely published until 2014.</p> <p>The GLA will publish all of its contracts. The GLA is currently in discussion with the provider of its procurement service (TfL) to see when this would take effect.</p> <p>As with the other recommendations, TfL's response is shown separately below.</p> <p>The London Legacy Development Corporate (LLDC) will publish a contracts register on a monthly basis from October 2013 with contract values shown in bands.</p> <p>The Mayor's Office for Policing and Crime (MOPAC) and the Metropolitan Police Service (MPS) will publish all their contracts from January 2014.</p> <p>The London Fire and Emergency Planning Authority's (LFEPA) register of active contracts is available via its website: <a href="http://www.london-fire.gov.uk/Procurement.asp">http://www.london-fire.gov.uk/Procurement.asp</a> - LFEPA contracts are available in alphabetical order and a copy of the contract will be attached to each entry from April 2014.</p>

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2	All GLA Group organisations should have a searchable webpage (akin to Crossrail's) with an up-to-date register of their active contracts including brief descriptions, contract values (as opposed to using value bands), the names of suppliers, contract end dates and hyperlinks to published contracts (including those released under FOI). If an organisation has a very large number of active contracts – perhaps over 500 – it could have a minimum price threshold for inclusion in the register as TfL does. However, in an age where this information is held electronically the administrative burden is much less than it would have been.	<p>Agreed in principle.</p> <p>As noted above, each body is making active efforts to publish as much contractual information as possible. In all cases, this will be done via their web pages. The exact form will differ between bodies.</p>
3	It would be in the public interest for all GLA Group contracts to be publishable. As such, transparency clauses should be included routinely in all new contracts to allow them to be published in full, including financial information. Where a functional body believes a transparency clause could prejudice its commercial interest, and that this would outweigh the inherent public interest in openness and transparency, it should note the reason in its contracts register.	<p>Agreed.</p> <p>Where these are not already included, all GLA Group bodies will be introducing transparency clauses to their standard contractual terms at the first available opportunity.</p> <p>Commercial interests will be subject to the usual tests under Freedom of Information legislation. I expect all GLA Group bodies to continue to be clear on what basis information has been withheld when that situation arises. I do not wish to be prescriptive by setting out how contracts registers should be compiled in each case but I would expect them to provide a full audit trail in the usual way.</p>
4	GLA Group bodies should each adopt an open policy on the value of contracts that will be published. TfL has committed to publishing contracts worth over £10 million, which will result in 20-25 contracts a year being released. We believe this threshold is too high and that TfL should reassess it in order to publish more contracts. We do accept that volume may be a barrier so each body should determine a suitable value threshold, ensuring as many contracts as possible are published, and provide it to the Committee with reasons for the value	<p>Agreed.</p> <p>GLA Group bodies are making the commitments set out below, subject to the exemptions set out in the Freedom of Information Act and the Environmental Information Regulations.</p> <p>The GLA will publish all of its contracts.</p> <p>TfL's response is shown separately below.</p>

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	<p>chosen.</p> <p>These recommendations should be seen as a minimum in advance of potential new government regulations which could force public bodies to publish all contracts in full.</p>	<p>LLDC will apply a £10,000 threshold for its contracts register.</p> <p>MOPAC and the MPS will publish all of their contracts.</p> <p>LFEPA will apply a £10,000 threshold for publishing its contracts.</p>
5	<p>The Mayor should review practice around the GLA Group – informed by the responses provided to this investigation – to identify how more information around decisions can go into the public domain. His response should:</p> <ul style="list-style-type: none"> <li>• Indicate how he will implement the hierarchy of confidentiality mechanisms, avoiding reserved and delayed papers in favour of part 2s and redactions. We want there to be a Group-wide commitment to including an open Part 1 for every agenda paper and decision form to avoid papers that are reserved in their entirety or have their publication delayed.</li> <li>• Include a clear test for use across the GLA Group to determine whether information should be withheld from publication and/or considered in private, including criteria for when information is commercially sensitive, and when and how any such information could subsequently be released. This is particularly important for information that is not covered by Access to Information rules where the bases for deciding what information will and will not be published can be less clear.</li> <li>• Indicate who within each GLA Group organisation is responsible for determining whether the test above has been met and ensuring that the best confidentiality mechanism is being used.</li> <li>• Make proposals as to how progress in publishing more decision-making information could be monitored over the coming months.</li> </ul>	<p>Agreed.</p> <p>Providing full information on decision-making is integral to the transparency agenda and I know that GLA Group bodies already place a strong emphasis on publishing the rationale underlying the decisions they take.</p> <p>In terms of the specific points raised:</p> <ul style="list-style-type: none"> <li>• I expect all GLA Group bodies to publish as much information relating to decisions as possible. In some cases reserved or delayed papers are unavoidable but these instances should be relatively rare. As one example of my commitment, I know that GLA officers are currently ensuring that a substantially higher proportion of Housing Investment Group (HIG) papers are published as a matter of routine than has previously been the case.</li> <li>• As was made clear in the responses to the Assembly scrutiny, these tests already exist through the Freedom of Information Act and the Environmental Information Regulations.</li> <li>• I am of the view that transparency should be led from the top of each organisation and so I would expect the chief executive of each body, or equivalent, to be the responsible officer for transparency issues.</li> <li>• I am happy for the Assembly to set out how it wishes to monitor</li> </ul>

	<b>Recommendation</b>	<b>Mayoral response</b>
	<ul style="list-style-type: none"> <li>Comment on the changes to the structure under TfL's Board which mean detailed conversations are continuing to happen in private despite the intention of the Localism Act to bring more of them into the public domain.</li> </ul>	<p>the publication of decision-making information.</p> <ul style="list-style-type: none"> <li>Please see TfL's response shown separately below.</li> </ul>
6	<p>The Mayor should prepare guidance for people working for the GLA Group clarifying that it is their duty to assist the Assembly in its role. This should also be made clear in documentation when new appointments are made.</p>	<p>Agreed in principle.</p> <p>I would expect all GLA Group officials to respond to Assembly requests in a professional manner. Similarly, I would expect the Assembly to treat GLA Group officials in the same manner.</p> <p>However, I am not sure that formal guidance or additions to appointment letters would necessarily help in this regard as the solution does not lie in bureaucratic initiatives but in cultural change.</p>
7	<p>In addition to addressing the specific concerns above, the Mayor should establish standards for responses to Assembly committees and individual Members. He may wish to use the following parameters, some of which are already established, as a starting point:</p> <ul style="list-style-type: none"> <li>Full responses to correspondence will be received within 20 working days. Functional bodies will not need to be chased.</li> <li>Responses to reports will be received within a maximum of three months.</li> <li>Quality: responses should address each recommendation in turn (even if it is to say why it has not been accepted) and engage with a committee's concerns and the conclusions it has drawn.</li> <li>In future, the Assembly secretariat will systematically monitor responses to committee information requests and reports. It will report to the GLA Oversight Committee instances where responses take longer than 20 working days or three months respectively. It will also report responses when committee chairs consider them to be poor quality. The GLA Oversight Committee</li> </ul>	<p>Agreed.</p> <p>In terms of the specific points raised:</p> <ul style="list-style-type: none"> <li>I expect, and shall to continue to expect, all correspondence to be answered within 20 working days, including Assembly letters.</li> <li>Responses to reports should be sent within the deadline set by the Assembly, provided that it is reasonable. A maximum time elapse of three months is eminently reasonable.</li> <li>I agree that responses to Assembly reports should take the trouble to address each recommendation in turn and provide a full account of the GLA Group's response to the issues raised.</li> <li>I am happy to look at– or ask my team to look at – any instances in which GLA Group officials fail to meet the standards set out above, provided that they are non-trivial.</li> </ul>

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	may also choose to refer these cases to the Mayor.	
8	<p>To reduce delays in its responses to correspondence, we consider that MOPAC should, as a matter of urgency, set up a single email address specifically for enquiries from Members and Members' staff. Additionally, the distinction that MOPAC previously tried to draw between enquiries from Members and their staff was inappropriate and MOPAC should confirm that this is no longer its approach.</p>	<p>Agreed.</p> <p>MOPAC has established such an email address:  <a href="mailto:correspondence@mopac.london.gov.uk">correspondence@mopac.london.gov.uk</a></p> <p>In line with protocol in place elsewhere, enquiries from Members' staff should be treated as though they were enquiries from the Members themselves.</p>