

# GREATER LONDON AUTHORITY

## REQUEST FOR MAYORAL DECISION – MD2946

### Title: Mayor's Cultural Leadership Board Creative Freelancer Allowance Framework

#### Executive summary:

This decision seeks approval to establish an allowance framework ("allowance") for freelance or unwaged appointees to the statutory Cultural Strategy Group known as the Mayor's Cultural Leadership Board ("the Board"). This will enable eligible members to claim recompense for their participation on the Board.

The proposed allowance will help to attract and retain freelance cultural practitioners such as producers, designers, artists, dancers and musicians whose expertise is underrepresented on the Board. The framework will prevent barriers to participation, it will help ensure that any freelance or unwaged members can fully contribute to the Board's activities, and provide insight into the full range of jobs and experiences across the cultural and creative industries and the night time economy, without incurring a financial loss.

#### Decision:

That the Mayor approves:

- i. the framework for an allowance (as set out in paragraph 2.1 of this decision form) in order to attract and retain creative freelancers or unwaged people to be members of the Mayor's Cultural Leadership Board to ensure the Board can provide advice and insight on the broad range of jobs and policy in London's cultural and creative industries and the night time economy
- ii. total expenditure of up to £60,750 for the remainder of this administration to fund the allowance
- iii. a rate for the allowance of £50 per hour for a maximum of 60 hours per annum (total £3,000) with quarterly 15 hour payments at £750; with delegated authority to the Executive Director, Good Growth to
  - determine applicants' eligibility (without the need for a decision form) and authorise payment of the allowance
  - change the hourly and annual level, eligibility and terms of the allowance's payment in future financial years subject to budgetary provision being available.

#### 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:

3/3/22

## **PART I – NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR**

### **Decision required – supporting report**

#### **1. Introduction and background**

- 1.1. This decision seeks approval to establish an allowance framework for creative freelance or unwaged appointees to the statutory Cultural Strategy Group known as the Mayor's Cultural Leadership Board ("the Board"). This will help to attract and retain freelance cultural practitioners, such as producers, designers, artists, dancers and musicians, whose expertise is under-represented to become members of the Board.
- 1.2. Culture, the creative industries and the night time economy are playing a major role in London's economic and social recovery following the COVID-19 global pandemic. Prior to the pandemic, London's creative economy generated £58.4bn per year, provided one in six jobs, and attracted four in every five visitors.
- 1.3. Culture has been shown to improve the health and wellbeing of Londoners, reducing isolation and loneliness (Survey of Londoners, 2019). It also offers young people a positive life path; revitalises neighbourhoods; and brings citizens and visitors together.
- 1.4. The Mayor's Cultural Leadership Board is a statutory Board (referred to in legislation as the Cultural Strategy Group) whose functions are: to help shape the Mayor of London's Culture Strategy; and to help keep the Mayor, and the Deputy Mayor for Culture and the Creative Industries, abreast of issues facing the creative industries, the culture sector and night time economy.
- 1.5. Members of the Board are experts in their field. Their advice helps with the development of policies, programmes and partnerships; and helps inform the Mayor's asks to central government.
- 1.6. The Board's priorities for the 2021-2024 administration will include, but will not be limited to, advising the Mayor on policies and interventions that will help to:
  - deliver creative training, jobs and growth
  - save existing and deliver new cultural infrastructure
  - boost the night time economy
  - ensure equality of access to, and representation within, the sectors.
- 1.7. Members of the Mayor's Cultural Leadership Board are expected to commit up to 60 hours to Board activities for each year of their tenure.
- 1.8. Duties of the Mayor's Cultural Leadership Board under the direction of the Chair include:
  - leading and convening individual sub-groups to support the impact of policy initiatives and programmes
  - supporting the creation of new strategic partnerships
  - promoting the Mayor's culture programme and policy initiatives
  - representing the views of the Mayor's Cultural Leadership Board, and its work at meetings and events
  - attending programme launches, policy roundtables and special events as representatives of the Mayor

- being responsible for consulting with peers in their sub-sectors, and communicating the needs and risks they face to the Mayor and his team
- monitoring progress and keeping the Culture Strategy under review.

### Rationale and purpose

#### 1.9. The rationale for an allowance framework is that:

- freelancers make up nearly half of the jobs in the capital's culture and creative industries (Mayor of London, 2021)
- during the pandemic, 3m freelancers were excluded from government support schemes and are disproportionately affected by financial risk (ExcludedUK, 2021)
- "ethnically diverse people are under-represented in the arts sector [and] over-represented amongst the arts freelance community", representing 51 per cent of the workforce (Inc Arts, 2021)
- freelancers' voices have historically been under-represented on the Mayor's Cultural Leadership Board
- freelancers offer particular perspectives, expertise and knowledge of culture, the creative industries and 24-hour London
- the policies and programmes delivered under the Mayor of London's culture strategy need to be inclusive, and take into consideration the issues faced by creative freelancers
- it builds on the Mayor's work to develop policies that improve structures, including pay and working conditions for creative freelancers who are known to:
  - be highly skilled but relatively low-paid, with two-thirds holding a university degree but with an average income under £20,000 per annum (Centre for London, 2021)
  - spend considerable time looking for paid work; a US study found that the majority of design freelancers spent up to six hours a week looking for paid work, while nearly a quarter spent seven hours or more (Payoneer, 2017).

#### 1.10. The proposed allowance framework:

- will help attract creative freelancers or unwaged people who might otherwise be deterred from applying because of the potential loss of time spent looking for or undertaking paid work
- seeks to compensate freelance or unwaged Board members for their time on Board-related work
- will help ensure that, once on the Board, freelance or unwaged members can fully contribute to the Board's activities without incurring a financial loss
- will remove financial barriers to participation, and so enable the recruitment of a more diverse board.

### Proposal

#### 1.11. Eligible freelance or unwaged members of the Board will be offered an allowance as compensation for their time as a Board member up, to a maximum of 60 hours per annum. The allowance will be offered to Board members, subject to application and eligibility, who have served for a full or part quarter from 1 April 2021 to date, as well as those who join or continue as Board members in 2022-23 and in future financial years. A fixed total of 15 hours can be claimed per quarter on submission of the allowance claim form, and will be paid in arrears. The rate of the allowance is to be £50 per

hour for a maximum of 60 hours (total £3,000) with quarterly 15-hour payments at £750. Those claiming the allowance will not be required to provide time-sheets or other evidence of their time spent on Board work or activities, but they will submit a claim form. It is proposed that the Executive Director, Good Growth, be the delegated authority to determine applicants' eligibility for the allowance and pay it (without the need for a decision form).

1.12. Members will qualify for the allowance payment if they are either:

- a freelancer (self-employed)
- unwaged (unemployed).

1.13. This framework has been specifically aimed and created for freelance creative practitioners such as but not limited to producers, designers, artists, dancers and musicians who have been historically under-represented on the Board. The eligibility criteria, set out in the Mayor's Cultural Leadership Board Freelance and Unwaged Members Allowance Framework – Eligibility, Terms and Conditions (see Appendix 1), will be communicated to all members by the Chair of the Board and the Secretariat.

1.14. Members will apply annually for the allowance by completing the Mayor's Cultural Leadership Board Allowance Freelance and Unwaged Members Application Form (see Appendix 2). Members will then claim the payments, quarterly, by completing and submitting a claim form to the Secretariat.

1.15. All Board Members take personal responsibility for declaring any conflicts of interests that may arise as stated in the Mayor's Cultural Leadership Board Code of Conduct under 'Declaration of Interests'.

#### Budget

1.16. Payments for the allowance will be issued from the Culture and Creative Industries Unit – Culture Strategy budget line.

1.17. For the financial year 2021-22, the Mayor approved the expenditure relating to the Mayor's Cultural Leadership Board under [MD2811 item 1.45](#):

*"1.45 GLA funding of £100,000 will deliver the Observatory and research, alongside supporting the statutory MCLB [Mayor's Cultural Leadership Board] itself (events, access) and delivering on key priorities for culture and the creative industries set out in the Mayoral manifesto."*

1.18. The rate of the allowance is to be £50 per hour. This rate was determined following review of:

- the available budget
- scales of pay, remuneration, incentives and allowances for advisory participation such as focus groups from across the GLA
- external non-staff reimbursement policies from the public sector
- day rate cards for roles from across the creative industries.

1.19. A fixed total of 15 hours can be claimed per quarter.

1.20. For remainder of financial year 2021-22, a budget of up to £6,750 has been ringfenced for allowance payments.

1.21. Members' payments will be processed in line with the GLA Non-Staff Expenses Policy, Part E.

1.22. In subsequent years, 2022-23 and 2023-24, and subject to standard GLA and Mayor of London budget-setting exercises, a total GLA investment of up to £27,000 per annum will be budgeted to support the delivery of the allowance. This is a total of expenditure of up to £60,750 for the remainder of this administration. It is proposed that the Executive Director, Good Growth, be given

the delegated authority to approve changes to the hourly and annual level; eligibility; and terms of the allowance's payment in 2022-23 and future financial years, subject to approved budget provision being available.

## **2. Objectives and expected outcomes**

- 2.1. The objective of the allowance framework is to attract and retain creative freelancers and unwaged people to be members of the Mayor's Cultural Leadership Board.
- 2.2. Embedding the framework into future Cultural Leadership Board recruitment will help to deliver the following outcomes:
  - encourage creative freelancers, a currently an under-represented group, to apply to become members on the Mayor's Cultural Leadership Board during the recruitment
  - retain existing creative freelance members on the Board
  - enable all members of the Mayor's Cultural Leadership Board, under the direction of the Chair, to carry out their duties as stated in 1.8
  - enable the recruitment of a more diverse board.

## **3. Equality comments**

- 3.1. Under section 149 of the Equality Act 2010, as a public authority, the Mayor of London must have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation; and to advance equality of opportunity, and foster good relations, between people who have a 'protected characteristic' as defined in the Equality act 2010 and those who do not.
- 3.2. Approval of the proposed Mayor's Cultural Leadership Board allowance framework supports the Mayor's commitment to:
  - lead by example by fairly compensating the freelance creative workforce, which is known to be underpaid
  - ensure their Boards are representative of London's social, experiential and ethnic diversity, which has the potential to carry city-wide benefits.
- 3.3. The allowance framework will help to ensure that a representative Board is in place to advise the Mayor on the creation of opportunities and provision of social and economic benefits in the capital and for Londoners; and to ensure that Londoners from all backgrounds, including those who have protected characteristics, are able to enjoy, experience, and earn a living from London's culture and creative industries, and night time offer.
- 3.4. The allowance framework, in combination with a targeted recruitment campaign, could help address the issue that "ethnically diverse people are under-represented in the arts sector [and] over-represented amongst the arts freelance community", representing 51 per cent of the workforce (Inc Arts, 2021).

## **4. Other considerations**

- 4.1. In June 2020, the Mayor and London Councils established the London Recovery Board. It is supported by the London Recovery Taskforce, which will coordinate actions to meet these challenges. The Mayor's Cultural Leadership Board advises the Mayor on issues and opportunities in

culture, the creative industries and 24-hour London that impact across the GLA's programmes and initiatives. These in turn support the following Recovery missions and foundations, to help London recover from the impact of COVID-19:

- Helping Londoners Into Good Work mission
- High Streets for All mission
- Health and Wellbeing mission
- Building Strong Communities mission
- Spatial Development foundation
- Engaging Londoners foundation
- Equality, Diversity and Inclusion foundation
- Supporting Businesses, Jobs and Growth foundation

4.2. The Mayor's Cultural Leadership Board is tasked with writing the Mayor of London draft Culture Strategy. Culture for all Londoners, the Mayor's landmark strategy for culture, outlines a vision to ensure all Londoners can engage with and contribute to the capital's rich cultural offering on their doorsteps. Other Mayoral strategies with a strong emphasis on culture and the creative industries are as follows:

- A City for All Londoners, wherein culture is seen as key to the capital's future success, both for integrating and strengthening communities and supporting more liveable and successful places
- Skills for Londoners Strategy, the Mayor's strategy to create a post-16 technical and vocational education and skills system that meets the needs of Londoners and businesses, especially following the Adult Education Budget being devolved to London and the Mayor's ambitions for a creative skills academy
- Inclusive London, the Mayor's Equality, Diversity and Inclusion Strategy, which sets out that a successful city needs to work well for all residents. Everyone should be able to share in its prosperity, culture and community life, whatever their age, social class, disability, race, religion, gender, gender identity, sexual orientation, marital status, or whether they are pregnant or on maternity leave
- The London Plan, which for the first time has culture infrastructure embedded in it.

#### Impact assessments and consultations

- 4.3. In 2020, the Mayor co-commissioned a report from the Centre for London that recommended the Mayor of London create a 'Client Charter of good practice' to help address the disparity in pay and conditions faced by self-employed people, particularly in culture and the creative industries.
- 4.4. This framework could act as a precedent and be extended, subject to appropriate decision making, to other statutory and non-statutory Mayoral advisory boards to offer an allowance, where budget allows, to freelance or self-employed contributors.
- 4.5. Is it is not considered necessary that specific consultation be undertaken in relation to this proposal.

#### Risks

Risk	Mitigations in place	RAG rating
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The Mayor's Cultural Leadership Board is not representative of London's experiential, social or ethnic demographic.	A recruitment pack, supported by a targeted communications plan, to attract creative experts from under-represented groups to apply to sit on the Board.	Green
The Mayor's Cultural Leadership Board is unable to attract or retain creative freelance or unwaged members.	A recruitment pack, with the allowance framework embedded, to encourage creative freelancers to apply to sit on the Board.	Green
The Mayor's Cultural Leadership Board is not a representative voice from across the creative workforce, and therefore not well placed to advise the Mayor of London, or the Deputy Mayor for Culture and the Creative Industries.	A recruitment pack, to clearly state the types of roles from with culture and the creative industries that need to be represented on the Board.	Green
The number of annual claimants exceeds the budget.	There is a risk that this will not be sufficient in subsequent years. This will be considered in future budget bids, as more evidence on need becomes available.	Amber

#### Conflicts of interest

- 4.6. Members sign and adhere to the Mayor's Cultural Leadership Board, Code of Conduct. Members are reminded to declare any 'financial and non-financial interests' as they arise.

### **5. Financial comments**

- 5.1. Approval is sought for the expenditure of £60,750 (inclusive of tax and NI where applicable) to fund payments to members, should they claim, of the the Mayor's Cultural Leadership Board until May 2024, the remaining Mayoral term.
- 5.2. This will be funded from Culture Strategy budgets held within the Culture and Creative Industries Unit; and proposed for future years, subject to the Authority's annual budget-setting process.
- 5.3. It should be noted that these payments may be subject to tax and national insurance contributions for which their status will be determined through advice of a tax adviser. This will ensure that the GLA correctly accounts for these payments in accordance with HMRC regulations and guidance. Any payments in regards to tax and national insurance will have to be contained within the £60,750 allocated for this proposal over the remaining period of the current Mayoral term. All appropriate budget adjustments will be made.

### **6. Legal comments**

- 6.1. The foregoing sections of this report indicate that the decisions requested of the Mayor concern the:
- exercise of the GLA's general powers under section 30 of the Greater London Authority (GLA) Act 1999 (as amended) to pay the proposed allowance to eligible Board members, falling within the GLA's statutory powers to do such things considered to further or that are facilitative of, conducive or incidental to the promotion of economic development and wealth creation, and social development in Greater London

- exercise of the GLA's subsidiary powers under section 34 of the GLA Act to do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of any of its other functions
- functioning of the Mayor's Cultural Leadership Board (formally called the Cultural Strategy Group for London) pursuant to section 375 and Schedule 30 of that Act.

6.2 Although the Mayor has powers to pay Board members allowances in respect of travel or other expenses properly incurred by them (para 5, Schedule 30) this would not extend to paying a general allowance towards time to be spent on Board-related work as that does not involve travel or other expenses, and so the Mayor's powers under that provision would not authorise the payment of the proposed allowance on the basis proposed. The Board's own subsidiary powers under paragraph 1 (3) of Schedule 30 would not authorise its payment either. Therefore payment of the allowance can be made but under the Authority's section 30 and section 34 general powers on the basis mentioned above.

6.3 In formulating the proposals in respect of which a decision is sought, officers have complied with the Authority's related statutory duties to:

- pay due regard to the principle that there should be equality of opportunity for all people
- consider how the proposals will promote the improvement of health of persons, health inequalities between persons and to contribute towards the achievement of sustainable development in the United Kingdom
- consult with appropriate bodies.

6.4 In taking the decisions requested, the Mayor must have due regard to the Public Sector Equality Duty – namely the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010; and to advance equality of opportunity, and foster good relations, between persons who share a relevant protected characteristic (race, disability, gender, age, sex, sexual orientation, religion, marriage and civil partnership status, and pregnancy and maternity) and persons who do not (section 149 of the Equality Act 2010). To this end, the Mayor should have particular regard to section 3 (above) of this report.

6.5 If the Mayor is minded to make the decisions sought, officers must ensure that:

- clear criteria, processes regarding and terms applicable to the access to and payments of the allowance set are put in place prior to any commitment being made to the same
- they develop those criteria, processes and terms taking account of tax advice, which should be sought from the GLA's tax adviser
- those criteria, processes and terms are consistent with the GLAs' Expenses and Benefits Framework and are adhered to.

## 7. Planned delivery approach and next steps

Activity	Timeline
Subject to approval of this MD: reappointment of former Mayor's Cultural Leadership Board members	Q4 2021-22
Eligible members invited to apply for 2022-23 allowance	Q4 2021-22
First Mayor's Cultural Leadership Board Meeting if quorate following reappointments of former Board members	Q4 2021-22
Recruitment campaign for additional Mayor's Cultural Leadership Board members commences	Q1 2022-23
Allowance payments made quarterly to members	Q2 2022-23

New Board members appointed	Q2 2022-23
New Board members inducted and invited to apply for allowance	Q2 2022-23
Allowance payments made quarterly to all eligible members	Q3 2022-23
Eligible members invited to apply for 2023-24 allowance	Q4 2022-23
Allowance payments made quarterly to all eligible members	Q1 2023-24

### **Appendices and supporting papers:**

Appendix 1 – Mayor's Cultural Leadership Board Freelance and Unwaged Members Allowance – Eligibility, Terms and Conditions

Appendix 2 – Mayor's Cultural Leadership Board Freelance and Unwaged Members Allowance Framework – Annual Application Form

**Public access to information**

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after it has been approved or on the defer date.

**Part 1 – Deferral**

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

**Part 2 – Sensitive information**

Only the facts or advice that would be exempt from disclosure under the FoIA should be included in the separate Part 2 form, together with the legal rationale for non-publication.

**Is there a part 2 form – NO**

**ORIGINATING OFFICER DECLARATION:**

Drafting officer to confirm the following (✓)

**Drafting officer:**

Jezreel James has drafted this report in accordance with GLA procedures and confirms the following:

✓

**Sponsoring Director:**

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

✓

**Mayoral Adviser:**

Justine Simons OBE has been consulted about the proposal and agrees the recommendations.

✓

**Advice:**

The Finance and Legal teams have commented on this proposal.

✓

**Corporate Investment Board**

This decision was agreed by the Corporate Investment Board on 14 February 2022

✓

**EXECUTIVE DIRECTOR, RESOURCES:**

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

**Signature**

**Date**

*D. Gane*

23/2/22

**CHIEF OF STAFF:**

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

**Signature**

**Date**

*D. Bellamy*

28/2/22