

# GREATER LONDON AUTHORITY

## REQUEST FOR MAYORAL DECISION – MD2607

### Title: Greater London Returning Officer fee for 2020 GLA elections

#### Executive Summary:

On 12 June 2018 the Mayor appointed the GLA's Chief Officer to the role of Greater London Returning Officer (GLRO).

This role is in addition to the role of Chief Officer (which incorporates the duties of Head of Paid Service) and the GLRO fee is in addition to the GLA Chief Officer salary to reflect the significant duties involved.

Therefore, following consultation with London Assembly party leaders, approval is sought for the Greater London Returning Officer's fee for the 2020 elections.

#### Decision:

The Mayor is requested to agree:

1. the fee for the Greater London Returning Officer undertaking the role in respect of the 2020 GLA elections, and
2. that the fee comprises a payment of £15,000 to be made as soon as is practicable following the delivery of the 2020 GLA elections, and a further payment of £5,000 to be paid contingent on no significant adverse issues which are within the control of the GLRO being raised by the Electoral Commission in their report which will follow the 2020 Elections.

#### 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:

10/3/20

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

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

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

- 1.1. The present Chief Officer, Mary Harpley, was appointed to the role of Greater London Returning Officer (GLRO) by the Mayor on 12 June 2018.
- 1.2. The GLRO has received a fee for their responsibilities in the preparation for, planning and management of each of the GLA elections since 2004 and the amount of this fee has been set prior to each of these elections.
- 1.3. The GLRO is appointed by the Mayor and this is reflected in the appointment letter for the GLRO role (dated 12 June 2018). The appointment letter provides that the GLRO role is in addition to the Chief Officer role (which incorporates the functions of the Head of Paid Service), that she would receive a one off payment for fulfilling that role following the delivery of any successful election process, and that the rate of remuneration for fulfilling the GLRO role would be based on Cabinet Office guidance in place at the time and would be confirmed with her in advance of the election.
- 1.4. On the appointment of Mary Harpley to the role of Chief Officer, the HOPS contractual terms did not make reference to the entitlement to and/or the amount of the GLRO fee, and as a result, it is the decision of the Mayor alone as to the amount of the fee payable. In addition, there is no specific Cabinet Office guidelines that relate to the performance of the GLRO although the Electoral Commission routinely prepares a report on the organisation of the elections which it will publish later in 2020.
- 1.5. Given the role of the GLRO, the Mayor believes it is right to seek to achieve a consensus with the London Assembly, and the Mayor has therefore consulted Assembly party leaders on the proposals for the GLRO fee for the 2020 GLA elections, who agree with the proposals set out in this form. It is proposed that the GLRO fee comprises a payment of £15,000 to be paid in 2020 following the delivery of the GLA elections and a further payment of £5,000 will be paid contingent on no significant adverse issues within the control of the GLRO being raised by the Electoral Commission in their report on the elections.

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

- 2.1. It is proposed that the GLRO fee for delivering the 2020 GLA elections should be set at £15,000 as in previous years and that an additional £5,000 be paid on the proviso that there are no significant adverse issues within the control of the GLRO raised by the Electoral Commission in their report.
- 2.2. On 7 July 2004, the GLA's Business Management and Appointments Committee (BMAC), the predecessor of the current GLA Oversight Committee, approved a report recommending that the GLRO receive a fee of £15,000 for their responsibility for planning, organising and running the GLA elections.
- 2.3. Additionally, they agreed the recommendation by the Chief Executive of Huntingdonshire District Council, from an independent report commissioned by BMAC to consider the role of the GLRO, that in future years, this fee should be uprated by a suitable index. BMAC agreed that the basis of the indexation of the fee should be in line with annual pay settlements for the Authority as a whole. The proposed total payment of £20,000, would represent an increase of just under 2% per annum since then.
- 2.4. Following the report from the Electoral Commission, the Mayor will confirm by letter to the GLRO whether the additional payment is due or not in accordance with the criteria set out in this decision. Such letter will be published in the Mayor's Report to the Assembly.

### **3. Equality comments**

- 3.1. The Public Sector Equality Duty set out in the Equality Act 2010 requires the identification and evaluation of the likely potential impacts, both positive and negative, of this decision on those with protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, gender, religion or belief, sexual orientation). The obligations under the Public Sector Equality Duty are placed upon the Mayor. Due regard must be had at the time a particular decision is considered.
- 3.2. No effects of this proposed decision, either positive or negative, are foreseen on persons with a protected characteristic under the Equality Act 2010.

### **4. Other considerations**

- 4.1. There are no direct 'Mayoral' Strategy Implications arising from this approval. However, the proper planning and conduct of GLA elections is an essential element of the Authority's statutory responsibility to support the GLRO.
- 4.2. The GLRO was not involved in the drafting or approval of this decision.

### **5. Financial comments**

- 5.1. Mayoral approval is sought to agree the fee for the Greater London Returning Officer undertaking the role in respect of the 2020 GLA elections and the fee be up to £20,000 (being the total of the £15,000 and £5,000 sum outlined above), plus employer's NI and pension contributions, will be funded from the 2020 Elections budget.
- 5.2. Under the Local Government Pension Scheme Regulations 2013 (which came into effect on 1 April 2014), the proposed fee payable to the GLRO is pensionable and will be administered by the London Pension Fund Authority as a separate arrangement from the Chief Officer's salary.

### **6. Legal comments**

- 6.1. The position of GLRO is established by the Greater London Authority Act (GLA Act) 1999 (sections 29, 424(2) and Part 1) and section 35(2C) of the Representation of the People Act 1983 as the person appointed by the Authority (by the Mayor on its behalf under section 35 GLA Act 1999 as no other provision is made) as the proper officer for the purposes of discharging the responsibilities of that role under those Acts.
- 6.2. The GLRO is the returning officer for the election of the Mayor and the 11 London List Assembly members. The GLRO also has powers of direction over Constituency Returning Officers for the election and return of the 14 Constituency Assembly members, and has functions under both Acts and the GLA Elections Rules 2007 as regards the organisation of the entirety of the GLA elections. The next ordinary GLA election is to be held on 7 May 2020 in accordance with section 3(1) of the GLA Act 1999.
- 6.3. The payment of the GLRO fee by the Authority is ancillary to the performance of the GLRO's functions under the legislation mentioned above and is made pursuant to the GLA's subsidiary powers under section 34(1) of the GLA Act 1999, which is a power exercised by the Mayor on behalf of the Authority.

### **7. Planned delivery approach and next steps**

- 7.1. The initial payment of £15,000 will be made as soon as is practicable following the delivery of the 2020 GLA elections.

- 7.2. The payment of £5,000 will be made as soon as is practicable following the publication of the Electoral Commission's report on the administration of the 2020 London Elections, provided that this report does not raise any significant adverse issues within the control of the GLRO.

**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 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:**

Charmaine DeSouza has drafted this report in accordance with GLA procedures and confirms the following:

✓

**Sponsoring Director:**

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

✓

**Mayoral Adviser:**

David Bellamy 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 9 March 2020.

**EXECUTIVE DIRECTOR, RESOURCES:**

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

Signature

*M. D. Alce*

Date

*9.3.20*

**CHIEF OF STAFF:**

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

Signature

*D. Bellamy*

Date

*9/3/2020*

