

# MDA No.: 1340

## **Title: GLA Oversight Committee – *Governance of Trade Missions and the GLA Code of Conduct* Report**

### **1. Executive Summary**

- 1.1 At the GLA Oversight Committee meetings on 9 September, 15 September, and 21 September 2021 the Committee resolved that:

*Authority be delegated to the Chair, in consultation with the Deputy Chairman and party Group Lead Members, to agree any output from the meetings.*

- 1.2 Following consultation with party Group Lead Members, the Chair agreed the Committee's report on *Governance of Trade Missions and the GLA Code of Conduct*, as attached at **Appendix 1**.

### **2. Decision**

- 2.1 **That the Chair, in consultation with the Deputy Chairman and party Group Lead Members, agrees the Committee's *Governance of Trade Missions and the GLA Code of Conduct* Report as attached at Appendix 1.**

#### **Assembly Member**

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:**



**Printed Name:** Léonie Cooper AM

**Date:** 27 September 2022

### 3. Decision by an Assembly Member under Delegated Authority

#### Background and proposed next steps:

- 3.1 The terms of reference for this investigation were agreed by the Chair, in consultation with relevant party Lead Group Members and the Deputy Chairman, on 24 June 2021 under the standing authority granted to Chairs of Committees and Sub-Committees. Officers confirm that the report and its recommendations fall within these terms of reference.
- 3.2 The exercise of delegated authority approving the *Governance of Trade Missions and the GLA Code of Conduct* Report will be formally noted at the GLA Oversight Committee's next appropriate meeting.

#### Confirmation that appropriate delegated authority exists for this decision:

Signature (Committee Services):



Printed Name: Davena Toyinbo

Date: 21 July 2022

Telephone Number: 07521 266519

#### Financial Implications: NOT REQUIRED

Note: Finance comments and signature are required only where there are financial implications arising or the potential for financial implications.

Signature (Finance): Not Required

Printed Name:

Date:

Telephone Number:

#### Legal Implications:

The Chair of the GLA Oversight Committee has the power to make the decision set out in this report.

Signature (Legal):



Printed Name: PP Rebecca Arnold

Date: 21 July 2022

Telephone Number: 07827 231143

### **Supporting Detail / List of Consultees:**

- Susan Hall AM
- Caroline Russell AM
- Caroline Pidgeon MBE AM

## **4. Public Access to Information**

- 4.1 Information in this form (Part 1) is subject to the FoIA, or the EIR and will be made available on the GLA Website, usually within one working day of approval.
- 4.2 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.
- 4.3 **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

If yes, until what date:

### **Part 2 – Sensitive Information:**

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

Is there a part 2 form? NO

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## **Lead Officer / Author**

Signature: G. Brand

Printed Name: Gino Brand

Job Title: Senior Policy Advisor

Date: 21 July 2022

Telephone Number: 07511 213765

**Countersigned by Executive Director:**

Signature: 

Printed Name: Helen Ewen

Date: 26 September 2022

Telephone Number:

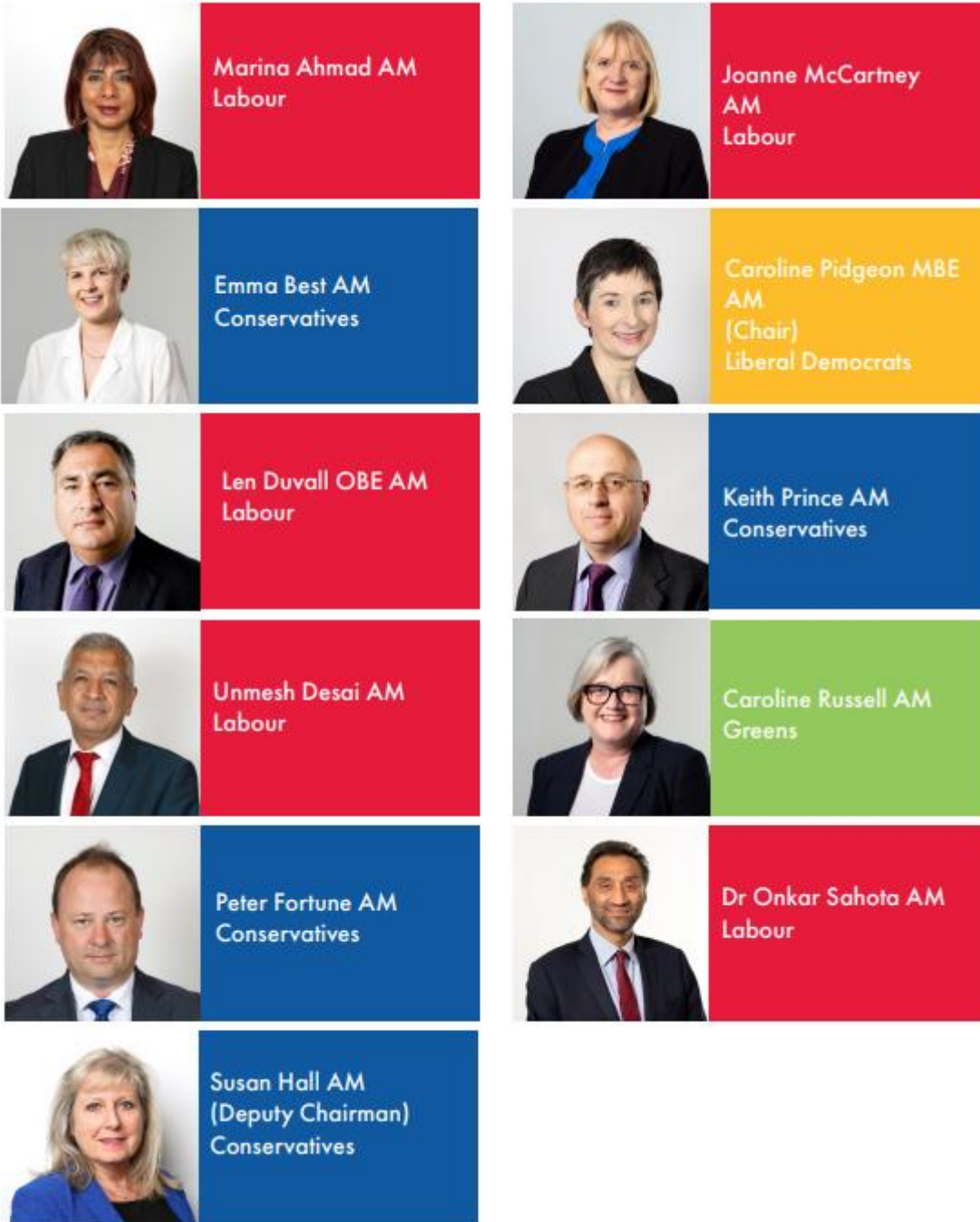
An aerial view of a city map, rendered in shades of green. The map shows a dense network of streets and buildings. Overlaid on the map are several people walking in various directions, some carrying bags or briefcases. The overall scene suggests a busy urban environment.

# Governance of Trade Missions and the GLA Code of Conduct

GLA Oversight Committee

**LONDONASSEMBLY**

## 2021-22 GLA Oversight Committee



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## Contents

Contents .....	4
Foreword.....	5
Executive Summary .....	7
Recommendations.....	10
Chapter one – Trade missions .....	12
Chapter two – Outcome of the Mayor and IOPC reviews .....	16
Chapter three – London & Partners.....	23
Chapter four – The GLA’s Code of Conduct .....	35
Chapter five – Dealing with complaints .....	45
Appendix A .....	50



## Foreword



**Caroline Pidgeon MBE AM**  
**2021-22 Chair of the GLA Oversight Committee**

On 22 September 2019, The Sunday Times published an article referring to an investigation it had undertaken, which it said revealed that The Rt Hon Boris Johnson MP failed to declare a series of potential conflicts of interest over a friendship with Jennifer Arcuri during the time that he held the office of Mayor of London. This report brought into question the effectiveness of the GLA's Code of Conduct.

The Sunday Times alleged that Jennifer Arcuri was given a total of £126,000 in public money and privileged access to three official overseas trade missions led by Boris Johnson in 2014 and 2015. It was alleged by The Sunday Times that one of Jennifer Arcuri's businesses received £11,500 in sponsorship money from a mayoral organisation – London & Partners (L&P)– when Boris Johnson was Mayor of London and that he did not declare a personal interest.

In October 2019 the London Assembly received legal advice that concluded that the GLA Oversight Committee's powers under s59 GLA Act 1999 do not extend to dealing with matters of conduct, and therefore – by extension – the allegation that Boris Johnson failed to comply with the GLA Code of Conduct when he was Mayor. Those are matters for the GLA's Monitoring Officer. This has heavily influenced the shape and direction of this investigation.

On 27 September 2019, and in response to the reports in the media, the GLA's Monitoring Officer recorded a conduct matter against the former Mayor of London, and referred the matter to the Independent Office for Police Complaints (IOPC).

The IOPC's investigation concluded that it was unnecessary to criminally investigate Mr Johnson for Misconduct in Public Office (MIPO). Once the IOPC's work had concluded, there was an opportunity for the GLA to consider the matter further. In light of legal advice received around its powers under s59 GLA Act 1999, it was decided that there was due cause to focus on the suitability of the GLA's Code of Conduct and the governance processes of L&P.

In light of the IOPC's findings, and the constraints on the Committee's position in respect of conduct, the GLA Oversight Committee believed that there were further matters to consider –

specifically the GLA's Code of Conduct, and the policies and processes around overseas trade missions and the payment of sponsorship money at L&P. This work was delayed as a result of the pandemic and encountered similar difficulties in respect of information provision and particularly as a result of Boris Johnson and his senior appointees not following GLA Records Management Guidance, specifically the requirement to transfer their email accounts to Executive Officers on their departure from office in 2016.<sup>1</sup>

This report considers the recommendations of the IOPC review, alongside the independent review of L&P's processes which was undertaken by the current Mayor. The investigation by the GLA Oversight Committee included three evidence gathering sessions in September 2021, with further evidence collected outside of these sessions, including through summonsed documents from L&P.

This report assesses the evidence the Committee has received across these sessions, including from experts on local authority codes of conduct; representatives from L&P; and beneficiaries of L&P's sponsorship and trade missions. This Committee makes a series of recommendations across these different areas, having identified areas of concern which could be improved.

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<sup>1</sup> @ \ h # # [Operation Lansdowne](#), p.21

## Executive Summary

The GLA Oversight Committee is responsible for reviewing, on behalf of the London Assembly, the Greater London Authority's corporate governance policies and activities.

Section 59 of the GLA Act 1999 states that the London Assembly shall keep under review the exercise by the Mayor of the statutory functions exercisable by him. The powers of the London Assembly include the power to investigate, and prepare reports regarding:

- any actions and decisions of the Mayor,
- any actions and decisions of any member of staff of the Authority,
- matters relating to the principal purposes of the Authority,
- matters in relation to which statutory functions are exercisable by the Mayor, or
- any other matters which the Assembly considers to be of importance to Greater London.

The GLA Oversight Committee conducted an investigation into L&P governance processes. L&P is the business growth and destination agency for London. It is part funded by the GLA and its mission is to create economic growth that is resilient, sustainable and inclusive. L&P promotes London across the world and aims to attract overseas organisations, events, students and visitors to the capital, as well as help retain and grow London companies. While L&P is a limited company, it nevertheless receives significant public money, and the public expects accountability around how their money is spent. The Mayor appoints the Chair of L&P and one other non-executive director, which is currently the Deputy Mayor for Business.

This investigation followed the recommendations of the IOPC report from May 2020 into whether it was necessary to criminally investigate The Rt Hon Boris Johnson MP for the common law offence of misconduct in public office. The IOPC report included a review of GLA and L&P policies and processes around the payment of sponsorship money and the allocation of places on Mayoral trade missions, as well as a review of the roles of the GLA International Office and Mayor's Office in overseas trade missions. This investigation took full account of that report and review, and in addition assessed the strength of the GLA Code of Conduct for Elected Members (Code of Conduct) by comparing it with other Codes of Conduct for public bodies.

Between 2013 and 2015 Jennifer Arcuri attended four trade missions linked to the GLA and L&P. Boris Johnson attended three of the missions arranged by the Mayor's Export Programme to Southeast Asia and New York, and one to Israel organised by the Mayor's International Business Programme.

Between 2012 and 2016 Jennifer Arcuri hosted a number of tech events in London through her new company Innotech. Boris Johnson spoke at four of these events in his capacity as Mayor of London. These were viewed by Jennifer Arcuri as successful events designed to bring key investors and opinion formers in the tech community under one roof.

Two of these events received funding from L&P. On 30 October 2013 Jennifer Arcuri held a 'Google Hangout' event at the World Islamic Economic Forum (WIEF) in the Excel Centre in London. This was sponsored by L&P for £10,000. On 26 June 2014 Jennifer Arcuri held the 'Tech v Brain' event at the Houses of Parliament and was awarded £1,500 sponsorship by L&P for this event. UK Trade & Investment (UKTI) is known to have awarded £10,000 for an event on 8 May 2014. This was attended by officials from L&P.

Following the report published in The Sunday Times which alleged that Boris Johnson overruled officials to take Jennifer Arcuri on trade missions, the Mayor (Sadiq Khan) set the terms for an independent review into the practices of L&P.<sup>2</sup> This review looked into L&P's process of selection of trade mission delegates and decisions about sponsorship. Work commenced in October 2019 and Kathryn Robinson was appointed to undertake the review.

In parallel with the Mayor's decision to hold an independent review, and in response to the reports in the media, the GLA's Monitoring Officer recorded a conduct matter against the former Mayor of London on 27 September 2019, and referred the matter to the IOPC.

On 21 May 2020, the IOPC informed Boris Johnson and the GLA that it would not be conducting a criminal investigation into the allegations.<sup>3</sup>

The Mayor's independent review into L&P's process of selection of trade mission delegates and decisions about sponsorship concluded in December 2019. This made seven recommendations to improve L&P's decision-making processes, however it generally found L&P's processes 'fit for purpose'.<sup>4</sup>

The IOPC investigation into the allegations against Boris Johnson found no evidence of a criminal offence, or evidence that he sought to influence the payment of funds to her or her companies. The IOPC's report does however state that there was some evidence that Boris Johnson was in an intimate relationship with Jennifer Arcuri during some of the relevant period, and notes that if he was in such a relationship, a failure to declare this as a conflict of interest could have constituted a breach of the broader Nolan Principles contained within the GLA 2012 Code of Conduct.

One of the key recommendations from the IOPC's report is that the GLA should undertake a review of its Code of Conduct – and ensure its requirements are both clear and consistently applied. Some of the GLA Oversight Committee's work has focussed on this aspect of the case, and to inform forthcoming work by the GLA's Monitoring Officer. The Localism Act 2011 was the basis for the last significant changes to the GLA's Code of Conduct. The Localism Act was designed to address corruption, while more recent reviews of codes of conduct focus on

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<sup>2</sup> The Times, [Exclusive: Boris Johnson overruled officials to take friend Jennifer Arcuri on jet set trade missions](#), 22 September 2019

<sup>3</sup> IOPC, [No criminal investigation of Boris Johnson for misconduct in public office while Mayor of London](#), 21 May 2020

<sup>4</sup> Robinson Review, [review\\_report\\_london\\_and\\_partners\\_process\\_of\\_selection.pdf](#), 17 December 2019

behaviours. There has been some important work in recent years on codes of conduct by the Committee for Standards in Public Life and the Local Government Association, which the GLA should consider and draw on as part of its own review into its Code of Conduct.

The GLA's Code of Conduct has potential gaps and areas where strengthening is needed, including the rules and guidance around non-pecuniary interests. As well as strengthening the Code of Conduct, how the changes within the Code are communicated to Elected Members is extremely important. There is a case for a yearly review of the Code of Conduct, which has been recommended for local authorities. The GLA's procedure for dealing with complaints changed following the Localism Act 2011. There is a case for the reintroduction of a standards committee, or similar body, to assist with complaints.

As a result of the independent review<sup>5</sup>, and the IOPC report, there has been a significant change in the process for deciding who goes on trade missions since 2015, with this now organised through the Mayor's International Business Programme (MIBP). L&P confirmed that it had adopted all seven of the recommendations from the independent review that was published in December 2019. The Committee considers that there is a case for regular reviews of process and adherence to the recommendations.

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<sup>5</sup> A Review of the London and Partners Process of Selection of Trade Mission Delegates and decisions about Sponsorship

## Recommendations

### Recommendation 1

The Committee acknowledges that L&P's processes before 2016 required improvement and that changes have been made. We recommend the continuation of regular reviews of the new processes to ensure they remain fit for purpose.

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### Recommendation 2

The Committee recommends that L&P addresses the risk that undue pressure from senior GLA officials and the Mayor undermines its processes and controls.

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### Recommendation 3

The Committee recommends that further work is done by L&P to ensure their purpose and practices are publicised better to ensure they are well understood. This includes publicity to help open up their work to new markets, industries, and entrepreneurs.

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### Recommendation 4

L&P should promote its services more widely to ensure potential beneficiaries have equal access and that participation is not limited to those with connections to L&P. As part of this L&P should look to expand into other industry sectors.

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### Recommendation 5

The Committee recommends that more should be done by L&P to publicise the opportunities for sponsorship monies, including to those involved in trade missions.

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### Recommendation 6

The Committee recommends that the GLA's review of the Code of Conduct draws on the significant recent research by the Committee on Standards in Public Life and the Local Government Association into codes of conduct, to ensure a code that is fit for purpose. This must recognise the unique nature of the GLA. The GLA should only adopt aspects of model codes of conduct that are appropriate to how the GLA operates.

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### Recommendation 7

The Committee recommends that the review of the Code of Conduct addresses the use of social media as part of the rules and guidance, including how often the Code should be reviewed to ensure its rules are up to date.

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### **Recommendation 8**

The Committee recommends that the review of the Code of Conduct must address non-pecuniary interests as part of the rules and guidance, with a particular focus on ensuring the guidance reduces the risk of misinterpretation of the rules.

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### **Recommendation 9**

The Committee recommends that the GLA provides training and guidance to Members at the beginning of each term with an annual refresher to ensure that all Members understand the Code of Conduct and its implications.

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### **Recommendation 10**

The Committee recommends that the GLA considers the possible range of sanctions for Members for breaches of the Code of Conduct, while recognising the reasons for the difference in approach to staff.

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### **Recommendation 11**

The Committee recommends consideration of a review function for the London Assembly and the Mayor that ensures the complaints process for breaches of the Code of Conduct is working effectively, while also ensuring that individual complaints can be dealt with in a timely and efficient manner. This might include setting up a GLA Standards Committee.

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## Chapter one – Trade missions

The GLA and the Mayor have been involved in regular trade missions since the GLA was established in 2000. Initially these were arranged directly by the GLA and from 2015 these were arranged by L&P. These trade missions are international trips where the Mayor, GLA officials, and business representatives travel together as a delegation to overseas destinations. The objective is for delegates to meet potential buyers or agents, participate in site visits and attend networking receptions. Potential buyers, agents, distributors, and joint venture partners are often sourced prior to each mission, providing delegates with the best opportunity of building profitable business relationships.

Trade missions provide businesses with significant advantages if they are exploring the opportunity to expand their operations overseas, or wishing to open up new trade markets. Trade missions aim to open doors and fast track companies to engage in dialogue with the right companies and the right individuals on one trip.

During this investigation the Committee heard significant support for how professionally the L&P trade missions are now run. One of the overriding themes of the evidence is that these trade missions are a huge opportunity for the companies involved and opened several doors in terms of connections for their businesses. This is an investigation into the processes around trade missions that focuses on these historic events, under the previous mayor, in order to identify any potential weaknesses, before assessing if current processes around trade missions are sufficiently robust under the current mayor.

### **The GLA trade missions that Jennifer Arcuri attended**

Between 2013 and 2015 Jennifer Arcuri attended four trade missions linked to the GLA and L&P. Boris Johnson attended three of these missions: three were arranged by the Mayor's Export Programme to Southeast Asia and New York, and one to Israel organised by the Mayor's International Business Programme.

### **International Conclave of Entrepreneurs (ICE) trade visit to South Africa – November 2013**

Jennifer Arcuri joined this trade mission with a delegation from ICE under the programme title SafarICE. The trade mission received £12,447 in funding from the GLA. UK Trade & Investment (UKTI) also contributed £18,030 in funding. The IOPC's investigation found that whilst the GLA provided financial support, there is no evidence that Jennifer Arcuri received a share of this money, and she has denied having any help with this trip.<sup>6</sup> However, it is reasonable to consider that Jennifer Arcuri, as a delegate of this trade mission, would have benefitted indirectly from the funding. ICE told the IOPC that UKTI funded the trip at the request of Boris Johnson, although according to the IOPC investigation, this has been disputed by the GLA.<sup>7</sup>

<sup>6</sup> Appendix C P34, [Operation-Lansdowne-final-decision-May-2020.pdf \(policeconduct.gov.uk\)](#)

<sup>7</sup> Appendix C P34, [Operation-Lansdowne-final-decision-May-2020.pdf \(policeconduct.gov.uk\)](#)



The website to apply to join the ICE visit to South Africa stated that it was sponsored by the Mayor's Export Programme. However, this visit was not included in any documentation for the Mayor's Export Programme for that year alongside other trade missions to Brazil, Turkey, India, Austria and Mexico. It was not included in an MQT response on the Mayor's Export Programme from November 2014.<sup>8</sup>

#### **Southeast Asia trade mission – November 2014**

In November 2014, Boris Johnson led a six-day trade visit to Singapore, Malaysia and Indonesia. This included 26 tech companies that successfully applied to be part of the trade mission. Jennifer Arcuri initially applied with Innotech, which did not meet the criteria. She subsequently pitched Playbox as an alternative, which was accepted as it met most of the sectoral criteria, but did not meet the eligibility criteria of having been established for at least 12 months. An exception was made for Playbox based on Jennifer Arcuri's previous successful trading track record. On her registration form for the pre-briefing event which took place fifteen days before the trade mission to the Far East, Arcuri crossed out 'Innotech' as the name of the company she was applying with and replaced it with 'Playbox'.<sup>9</sup> On the form, Arcuri put down that Playbox had been in existence since February 2013. This is at odds with the Companies House declaration, but it matches with Innotech's incorporation date.<sup>10</sup>

The IOPC's Operation Lansdowne report said that the GLA could not provide a record of the reasons for accepting Jennifer Arcuri onto the Far East trade mission.<sup>11 12</sup>

Despite the unclear circumstances leading up to Arcuri's participation in the Far East trade mission, the IOPC concluded that there is no evidence to suggest that Boris Johnson was aware of Arcuri's application to attend the trade mission.<sup>13</sup>

#### **New York trade mission – February 2015**

Boris Johnson led a six-day trade mission to Boston and New York through the Mayor's Export Programme. Jennifer Arcuri requested to attend this mission, but was told she did not qualify on a sectoral basis. According to emails sent between L&P staff, she was permitted by the Mayor's Office and L&P to unofficially attend some events.

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<sup>8</sup> Mayor's Question Time, [Export Programme | Mayor's Question Time \(london.gov.uk\)](https://www.london.gov.uk/press-releases/mqt/2014/11/19), 19 November 2014

<sup>9</sup> GLA FOI response to *The Sunday Times*, p. 34-35

<sup>10</sup> [u @ V , THE INNOTECH NETWORK LIMITED - Overview \(free company information from Companies House\) \(company-information.service.gov.uk\)](https://www.companieshouse.gov.uk/company/08822222)

<sup>11</sup> @ \ h # - # [Operation Lansdowne](#), p. 16

<sup>12</sup> @ \ h # [Operation Lansdowne](#), p. 2 k

<sup>13</sup> @ \ h # # [Operation Lansdowne](#), p. 39

Arcuri's comments in separate interviews with the Daily Mail (October 2020) and The Mirror (March 2021) also suggest that she spoke to Johnson about the trade visit beforehand.<sup>14 15</sup>

A former Mayoral official stated in the evidence that he gave to the IOPC investigation that Boris Johnson was informed of Arcuri's attendance on the trip during a pre-briefing meeting and "rolled his eyes" in response.<sup>16</sup> It should be noted, however, that Boris Johnson's solicitor's letter from November 2019, as published in the IOPC's report, states: "If and when Ms Arcuri did attend any such events, our client was not previously expecting her to attend".<sup>17</sup>

At this time some of the events were being run by L&P's in-market team. There was no financial or administrative support provided by L&P.

### Israel trade mission – November 2015

This was a three-day trade mission to Tel Aviv with 16 representatives of the London Ed Tech sector. The mission was already in planning by the GLA but was passed to L&P to deliver as part of the existing GLA Export Programme, and was then replaced by the Mayor's International Business Programme. Jennifer Arcuri applied but was not accepted based on sectoral criteria. L&P were advised by Jennifer Arcuri that she had secured permission from a Mayoral advisor to attend, alongside the trade mission delegation and this was accepted by L&P. Administrative support in terms of booking a hotel room and sharing flight details were provided by L&P. The costs for both were met by Jennifer Arcuri. L&P paid for local travel and subsistence for the delegation.

### Events hosted by Jennifer Arcuri

Between 2012 and 2016 Jennifer Arcuri hosted a number of tech events in London through her company Innotech. Boris Johnson spoke at four of these events. These were viewed by Jennifer Arcuri as successful events designed to bring key investors and opinion formers in the tech community under one roof.

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<sup>14</sup> " - it's pretty much out there': Jennifer Arcuri has always been coy about what happened... Now she spells it out and reveals her new u † Daily Mail (17<sup>TH</sup> October 2020) <[Affair with Boris? Jennifer Arcuri: 'I think it goes without saying' | Daily Mail Online](#) >

<sup>15</sup> 8 U M " K The K Mirror

<sup>16</sup> IOPC, 'Append # ° [Operation Lansdowne](#), p.42

<sup>17</sup> IOPC, '° # ° [Operation Lansdowne](#), p.42 -

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*“Let me tell you, jobs were on the floor when we managed to get that Google Hangout on Air with San Francisco and Bloomberg. It was during a UKTI London is GREAT week in LA, and everyone was saying, “How did that happen?”. We were all excited, at the edge of our seats. That event alone got people going, “What is in London? Who is in London? Let’s go there. They are so cool. They throw these real great amazing Google Hangouts and check out their Mayor”. There was all that sort of stuff that happened as a result of that event. It opened all doors.”*

***Jennifer Arcuri***

***Entrepreneur and Founder, Hacker House and Innotech Network***

***GLA Oversight Committee, 21 September 2021***

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Two of these events received funding from L&P. On 30 October 2013 Jennifer Arcuri held a ‘Google Hangout’ event at the World Islamic Economic Forum (WIEF) in the Excel Centre in London. This was sponsored by L&P for £10,000. Boris Johnson made a brief appearance at the ‘Google Hangout’ where he announced a £100 million investment fund to attract and help tech companies from the Middle East expand their businesses into London<sup>18</sup>. A former Mayoral business advisor who was at Arcuri’s Google Hangout event at the WIEF, later commented to The Times about her involvement in the fund: “We were stunned . . . She had no experience of managing a fund or working in the Middle East.”<sup>19</sup>

There was no mention of the fund in the Mayoral press release that was issued to coincide with the WIEF.<sup>20</sup> At the GLA Oversight Committee on 21 September 2021, Jennifer Arcuri claimed that she “...never asked Boris Johnson to come to that event”.<sup>21</sup> The IOPC’s Operation Lansdowne report suggests that whilst there is no evidence that Boris Johnson had any influence over the awarding of this payment, his relationship with Arcuri may have influenced L&P officials’ treatment of her in respect of this matter.<sup>22</sup>

On 26 June 2014 Jennifer Arcuri held the ‘Tech v Brain’ event at the Houses of Parliament and was awarded £1,500 sponsorship by L&P for this event. The UKTI is known to have awarded £10,000 for an event on 8 May 2014. This was attended by officials from L&P but not Boris Johnson.

In April 2013, Boris Johnson spoke at Arcuri’s second Innotech Summit. There is no evidence that any financial contribution was made by the GLA. However, ‘Mayor of London’ was listed as a sponsor of the event and the logo can be seen in recordings of the event.<sup>23</sup>

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<sup>18</sup> The Times, [Boris Johnson’s £100m plan for former model Jennifer Arcuri | The Times](#), 25 September 2019

<sup>19</sup> The Times, [Boris K Arcuri | The Times](#), 25 September 2019

<sup>20</sup> GLA Press Release [Mayor welcomes World Islamic Economic Forum to London for the 1st time | London City Hall](#), 28 October 2013

<sup>21</sup> GLA Oversight Committee [Appendix 2 - Transcript of Agenda Item 4](#), 21 September 2021

<sup>22</sup> IOPC, Appendix C, Analysis [Operation Lansdowne](#), p. 33

<sup>23</sup> [Why don't I see a Google UK? | Innotech Summit 2013 - Google Hangout Part I with Boris Johnson - YouTube](#)

## **Chapter two – Outcome of the Mayor and IOPC reviews**

### **Key findings:**

- **The Mayor’s independent review found flaws in L&P’s decision making processes but generally found its processes ‘fit for purpose’.**
- **The IOPC investigation into the allegations against Boris Johnson found no evidence of a criminal offence.**
- **The IOPC did suggest that if Boris Johnson was in an intimate relationship with Jennifer Arcuri, a failure to declare this as a conflict of interest could have constituted a breach of the broader Nolan Principles contained within the GLA 2012 Code of Conduct.**

### **Background**

#### **Mayor’s independent review<sup>24</sup>**

On 22 September 2019 there was a report published in The Sunday Times that alleged Boris Johnson overruled officials to take Jennifer Arcuri on trade missions.<sup>25</sup> Following the report, the current Mayor of London set the terms for an independent review into the practices of L&P.

The terms of the independent review were set by the Mayor of London on 15 October 2019. These included reviewing the current processes in place at L&P (and any GLA involvement in them) in relation to determining delegates on trade missions, and deciding commercial sponsorship of external events and organisations.

The review covered: the processes that were in place at the time of writing the report, including documents; L&P’s website and online case management tools; and face-to-face meetings with relevant L&P staff. On 17 December 2019 ‘A Review of L&P’s Process of Selection of Trade Mission Delegates and decisions about Sponsorship’ by Kathryn Robinson, General Counsel to the London Fire Commissioner, was published.

#### **Recommendations**

The independent review commissioned by the Mayor made seven recommendations across three areas of L&P’s business:

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<sup>24</sup>Robinson Review, [review\\_report\\_london\\_and\\_partners\\_process\\_of\\_selection.pdf](#), 17 December 2019

<sup>25</sup> The Times, [Exclusive: Boris Johnson overruled officials to take friend Jennifer Arcuri on jet set trade missions](#), 22 September 2019

### **Decision Making Processes for determining membership of the Mayor's International Business Programme (MIBP)**

- 1) Market interest should be recorded. The application form should include the overseas markets the companies are interested in, since this forms part of the relevant consideration for companies joining the MIBP.
- 2) Objective decision making on MIBP applications, based on standard criteria, should be evidenced more clearly. There should be a clearer record of what information was considered and why a decision was taken to agree or decline a MIBP application with reference to the relevant criteria.
- 3) Transparency of decision making about MIBP cohorts could be improved. Although non-publication of a company on the MIBP cohort has not occurred in the last 12 months, it should be clear that this should be by exception and based on reasons acceptable to L&P, with the L&P website list of cohort companies marked accordingly where any company is not published. All 'in year' MIBP cohorts should be published on the L&P website.

### **L&P Decision Making Processes for Trade Mission Delegates**

- 4) Objective decision-making about delegate attendance at trade missions based on a set of standard criteria could be clearer: reasons for agreeing or refusing a delegate place on trade missions should be clearly and consistently recorded. If those criteria are departed from, clear objective reasons should be recorded.
- 5) Clear records should be kept of any discussions with the GLA Economic Development team, or any other third party, regarding the L&P decisions about delegate attendance.
- 6) Transparency could be improved. Publication of all trade missions for the past 12 months should be included on the L&P website.

### **Deciding commercial sponsorship of external events and organisations at L&P**

- 7) A reminder of the process for deciding sponsorship should be provided for L&P staff.

In the review, the Head of MIBP stated that:

- the focus and location of individual trade missions are based on the L&P 2019-20 Business Plan, which sets the priority industries and markets;
- further consideration of trade mission types and venues also takes place on the establishment of a new MIBP cohort;
- the cohort companies and the MIBP team discuss the options and agree the most appropriate arrangements to meet the MIBP objectives;<sup>26</sup>
- in terms of process, a business case for the trade mission is prepared by the MIBP team and presented to the Head of MIBP for approval;
- apart from the delegate companies, L&P's trade missions are also attended by MIBP team staff and sometimes by the Mayor of London or Deputy Mayor, Business; and Sponsors and business partners relevant to the trade mission sector industry may also attend but would be self-funded.

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<sup>26</sup> A Review of the London and Partners Process of Selection of Trade Mission Delegates and decisions about Sponsorship [review\\_report\\_london\\_and\\_partners\\_process\\_of\\_selection.pdf](#)

The review states that decisions regarding delegate attendance on trade missions are a matter for the MIBP team at L&P. However, where the trade mission is to include the Mayor of London, or Deputy Mayor, Business, the Head of MIBP shares the list of delegate attendees with the GLA Economic Development team.

On 23 January 2020 the GLA Oversight Committee considered the Mayor's independent review of L&P. The Chair noted that whilst the Mayor's review had focussed on L&P and the role of its Economic Development team, it mentioned less the role of the GLA's international team, and its input into trade missions, particularly where the missions concern the Mayor or their nominees.

The Committee requested that further work be carried out into the issues raised and findings brought back to the Committee prior to the March 2022 pre-election period. The COVID-19 pandemic meant that the GLA Oversight Committee was unable to proceed with the investigation.<sup>27</sup>

### **IOPC review**

On 27 September 2019, in response to the reports in the media, the Greater London Authority's Monitoring Officer, acting under powers delegated to her by the London Assembly's Police and Crime Committee, and in accordance with the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012, recorded a conduct matter against the former Mayor of London, and referred the matter to the IOPC.

The allegations, which were referred to the IOPC by the GLA in late September 2019, were that: "on more than one occasion, Boris Johnson, as Mayor of London, used his position to benefit and reward Jennifer Arcuri or her companies with sponsorship money and access to trade missions, potentially committing the offence of misconduct in public office."

This matter was referred to the IOPC by the GLA because, as the Mayor of London, Boris Johnson was also the head of the Mayor's Office for Policing and Crime, the equivalent of the Police and Crime Commissioner for London. Any indication a criminal offence may have been committed by the office holder, whether or not they still hold that position, must be referred to the IOPC to decide whether the matter should be criminally investigated.

On 21 May 2020, the IOPC informed Boris Johnson and the GLA that it would not be conducting a criminal investigation into allegations that Boris Johnson used his position while Mayor of London to benefit and reward American businesswoman Jennifer Arcuri.<sup>28</sup>

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<sup>27</sup> GLA notes: "That authority be delegated to the Chair, Len Duvall AM in consultation with party Group Lead Members and Caroline Pidgeon MBE AM, to progress further work of the Committee in relation to the Mayor's Review of London & Partners."

<sup>28</sup> IOPC, [No criminal investigation of Boris Johnson for misconduct in public office while Mayor of London](#), 21 May 2020

In its decision document, Director General of the IOPC Michael Lockwood stated that his decision was based on the following conclusions, from the information the IOPC had acquired:<sup>29</sup>

- *“There is some evidence that Boris Johnson and Jennifer Arcuri may have been in an intimate relationship during some of the relevant time period when Jennifer Arcuri attended trade missions (this is relevant to whether there could ever be a sufficiently serious breach of the public's trust to engage MIPO).*
- *There is no evidence that Boris Johnson influenced the payment of any sponsorship monies to Jennifer Arcuri or her companies.*
- *There is no evidence that Boris Johnson sought to influence, or played an active part in securing, Jennifer Arcuri's participation in trade missions.*
- *There is some evidence that Boris Johnson may have been aware (disputed by Boris Johnson) that Jennifer Arcuri was on an attendee list for a New York trade mission event, but this awareness is not sufficient for me to suspect Boris Johnson of having committed MIPO.*
- *While Boris Johnson was not under an obligation to declare on his register of pecuniary interests Jennifer Arcuri's dealings with the GLA or L&P, if Boris Johnson was in an intimate relationship with Jennifer Arcuri, it would have been wise for him to have declared this as a conflict of interest, and a failure to do so could have constituted a breach of the broader Nolan Principles contained within the GLA 2012 Code of Conduct.”*

### Decision

The IOPC stated in its decision document that, as this does not amount to a potential criminal offence, this is now a matter for the GLA to consider. In referring this matter back to the GLA, the IOPC also made five learning recommendations to be considered by the relevant GLA Committees (the Police and Crime and/or Oversight Committee), relating to the following areas:

- Recommendation 1: GLA information management and retention
- Recommendation 2: the decision-making and record-keeping with regard to trade missions
- Recommendation 3: the decision-making on the payment of sponsorship monies
- Recommendation 4: the GLA Code of Conduct
- Recommendation 5: GLA support and training for the Monitoring Officer on the referral process

The Director General also stated that Recommendations 1 and 5, in particular, seek to address the difficulties the IOPC faced in acquiring the relevant background material from the GLA to enable him to reach a proper conclusion. It also stated that these difficulties had significantly lengthened the time it had taken to reach a decision.

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<sup>29</sup> IOPC, [Operation Lansdowne – Decision of IOPC Director Michael Lockwood as to whether to criminally investigate the Right Honourable Boris Johnson MP](#), 18 May 2020

The IOPC strongly urged the GLA and L&P to consider these recommendations in order to provide critical public assurance around their governance processes.<sup>30</sup> The context given by the IOPC for the third recommendation was the absence of clear policies and guidance, with the IOPC report stating that:

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“... the GLA considers using its inspection, scrutiny and audit powers to conduct a review of L&P policies and processes around the payment of sponsorship money. L&P may also wish to commission its own audit to review sponsorship payments, the reasons for them, and whether they have been appropriately authorised and provided value for money.”

### **IOPC, Decision on Operation Lansdowne**

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Further background to this recommendation from the IOPC noted that three allegations involved sponsorship payments to Jennifer Arcuri. However, there was no evidence that Jennifer Arcuri received any payment with regard to one of these allegations and with respect to the other two payments, the IOPC identified a number of concerns:

- The IOPC found no evidence of policies or guidance relating to sponsorship payments. A 'Procurement Policy' was in place at the time, but the IOPC was advised that it did not cover sponsorship payments.
- It does not appear that applicants were required to make formal applications for sponsorship, and no such applications were made. The payments to Jennifer Arcuri appear to have been agreed in conversations and via emails.
- There was no rationale recorded for decisions to pay sponsorship money and there was no assessment of whether such payments provided good value for money or furthered organisational objectives.
- An agreement to pay Jennifer Arcuri in advance was contrary to policy. No rationale for this was recorded.
- A payment was made to Jennifer Arcuri to '*smooth out*' her irritations over not having been invited to events. While this does not appear to be a proper use of the budget (and emails between L&P staff at the time support this), the IOPC was unable to confirm this because there did not appear to be any policy or guidance setting out the purpose for which the budget could be used.
- While there is no evidence Boris Johnson had any involvement in or knowledge of these payments, there is evidence that L&P employees involved in these payments knew Jennifer Arcuri and were aware of a relationship between Jennifer Arcuri and Boris Johnson. The evidence suggests that Jennifer Arcuri may have received beneficial treatment because those involved in these payments believed she had a close relationship with Boris Johnson.

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<sup>30</sup> IOPC, [No criminal investigation of Boris Johnson for misconduct in public office while Mayor of London](#), 21 May 2020



- These decisions involved senior staff and there was no challenge about the appropriateness of the payments. This raises questions about the culture within L&P at the time.
- Evidence suggests that these may not have been 'standard' commercial transactions and/or did not comply with the standards expected when spending public money.

The IOPC concluded that the lack of clear policies and recorded rationale for decisions taken can lead to perceptions of preferential treatment and/or improper motives. While L&P is a limited company, it nevertheless receives significant public money and the public expects accountability around how their money is spent. Sponsorship payments were and are an operational matter for L&P. The Mayor has the ability to hold L&P to account, he appoints the Chair of L&P as well as one other non-executive director. The IOPC recognised that efforts to improve transparency have been made by L&P in recent years, and its current Procurement Policy sets out a process to follow when providing 'direct awards' (sponsorship). However, the IOPC considered that requirements may be further strengthened, particularly in light of the nature, number and range of concerns identified above.

This report covers the investigation carried out by the GLA Oversight Committee in follow up to the Mayor's independent review and the IOPC's review. This includes evidence gathered from three public meetings held in September 2021.

On 14 November 2021, The Observer reported that previously unpublished diary extracts of the business interests of Jennifer Arcuri and details of how Boris Johnson allegedly overruled the advice of staff to promote these and 'win her affections'<sup>31</sup> were to be revealed.

The Observer reported on 29 January 2022 that previously unseen notes and text messages had been handed over to the GLA's Monitoring Officer as part of the investigation.<sup>32</sup>

The GLA Monitoring Officer received a complaint from Angela Rayner MP on 14 November 2021 in response to the original article published in The Observer. The GLA Monitoring Officer took steps to investigate the complaint. Following the same issues that were considered by the IOPC in its investigation, the GLA Monitoring Officer found that there *may* have been an intimate relationship between Boris Johnson and Jennifer Arcuri between 2012 and 2013. The GLA Monitoring Officer also found no evidence that Boris Johnson influenced the payment of any sponsorship monies to Jennifer Arcuri or her companies and there was no evidence that Boris Johnson sought to influence, or played an active part in securing, Jennifer Arcuri's participation in trade missions.

It was not the role of the Monitoring Officer, at that stage of the process, to investigate or determine whether any offence has been committed, neither was it the Monitoring Officer's role to investigate the veracity of the allegations or whether they were substantiated to any particular evidential level or degree.

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<sup>31</sup> The Observer, [Jennifer Arcuri: 'How Johnson pledged help for my business to win my love'](#), 14 October 2021

<sup>32</sup> The Observer, [Fresh revelations about Jennifer Arcuri affair threaten to damage Boris Johnson](#), 29 January 2022

It was the GLA Monitoring Officer's view that Boris Johnson's conduct did not constitute or involve, or appear to have constituted or involved, the commission of a criminal offence of MIPO and as a result concluded that the complaint is not a serious complaint.

A 'serious complaint' for the purposes of the Elected Local Policing Bodies (Complaints and Conduct) Regulations 2012 has the same meaning as in paragraph 2(6) of Schedule 7 to the Police Reform and Social Responsibility Act 2011, which defines a serious complaint as "a qualifying complaint made about conduct which constitutes or involves, or appears to constitute or involve, the commission of a criminal offence."

In relation to the GLA's Code of Conduct for Members, this applies when they are acting in their capacity as the Mayor and Assembly Members. It ceases to apply when they cease to hold office. The GLA is required by the Localism Act 2011 (the 2011 Act) to put in place arrangements under which allegations that a member breached the Code of Conduct can be investigated and decisions made about such allegations. These arrangements were agreed jointly by the Mayor and the Assembly in 2012 (and further minor updates were made with regard to specific elements of the code not related to this matter in 2018).

The code provides that all allegations about breaches of the Code of Conduct are made to and considered by the Monitoring Officer of the GLA. There are no express provisions in the 2011 Act that such arrangements should apply in relation to members who have ceased to hold office and to whom the Code of Conduct no longer applies. In circumstances where a member resigned from office or did not stand for election simply to avoid any possible investigation, an investigation of the conduct of that former member may be appropriate, but only if that took place very soon after the date of the offending conduct, and at the discretion of the Monitoring Officer.

However, in relation to the conduct of Boris Johnson that was the subject of the referral to the IOPC, noting that it took place between 2013 – 2015 when he was the Mayor of London, and that he no longer holds office as the Mayor, there is no further action that the Monitoring Officer can take in considering whether there has been any potential breach of the GLA's Code of Conduct, and if so to investigate it.

## Chapter three – London & Partners

### Key findings:

- **There has been a significant change in L&P's process for deciding who goes on trade missions since 2016, with this now done through the MIBP.**
- **Jennifer Arcuri was closely linked with L&P from 2012, during its formative years and attended a number of trade missions between 2013 and 2015.**
- **L&P confirmed that it had adopted all seven of the recommendations from the independent review that was published in December 2019.**
- **This Committee considers that there is a case for regular reviews of process and adherence to the recommendations.**

### Background

L&P is the business growth and destination agency for London. L&P is a not-for-profit company which operates as a social enterprise, half funded by the GLA and half from other sources, including its portfolio of commercial ventures.<sup>33</sup> L&P's mission is to create economic growth that is resilient, sustainable and inclusive. L&P promotes London across the world; attracts overseas organisations, events, students and visitors to the capital; and helps to retain and grow London companies. Its key international markets are North America, China, France, Germany and India.

The trade missions at L&P are designed to enable the MIBP companies to develop their international expansion by providing those companies with access to stakeholders in the relevant business sectors. Each year approximately a dozen trade missions are arranged by the MIBP team.

### Trade missions

One of the most prominent beneficiaries of L&P's trade missions in their formative years was Jennifer Arcuri. Jennifer Arcuri gave evidence to the GLA Oversight Committee on 21 September 2021 and spoke at length about her involvement with L&P during the early years of their existence, during which she was heavily involved in the tech scene in London.

Jennifer Arcuri's evidence highlighted the energy and vibrancy of the emerging tech scene at that time, while stressing that L&P was also a part of that early experience, boosted by the involvement of the former Mayor of London, Boris Johnson. Jennifer Arcuri detailed how she

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<sup>33</sup> London & Partners, [About London & Partners](#)

met David Slater, former Director of International Trade and Investment at an event in 2012 and had shared interests. At this point she still was an MBA student, and that the 2012 event brought together a number of people who would go on to be heavily involved in trade missions in the following years:

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*“... from day one at that first event in April, L&P was present. This was the first time in that press conference with the [former] Mayor [of London, Boris Johnson MP] that he had mentioned L&P publicly or had spoken about technology. It was a huge win for L&P to have captured the [former] Mayor in those very early, incipient Tech City days. That is what I remember of L&P after that first Innotech event in 2012. I had no idea that would happen, and that was the most organic timing, that he happened to speak on camera about L&P and the tech scene. That was the beginning of that.”*

**Jennifer Arcuri**  
**Entrepreneur and Founder, Hacker House and Innotech Network**

*GLA Oversight Committee, 21 September 2021*

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Jennifer Arcuri was asked about L&P’s role in trade missions pre-2016, which is an important distinction, given the processes involved in terms of governance of who is and is not sent on trade missions. The processes were initially managed by the GLA, however this transferred to L&P at the end of 2015. When questioned on L&P’s involvement in trade missions, some of the evidence is inconsistent, leaving room for different interpretation:

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*“To the point that they are making, L&P – at least in the days that I had met it – was very early on. There was an initial bit of funding and I remember they did not know how they were going to branch off and build the public-private partnership. I am not sure if that is when, in that 2016 pivot, they became more involved with trade missions. From what I remember, I had worked with L&P from New York, San Francisco, LA and London, in all four cities and they were all extremely active on the ground, finding entrepreneurs and companies and start-ups that could potentially move and make their home in London. There was a lot of crossover and that is what I remember.”*

**Jennifer Arcuri**  
**Entrepreneur and Founder, Hacker House and Innotech Network**

*GLA Oversight Committee, 21 September 2021*

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When asked a specific question about whether L&P, while not responsible for organising the trade missions, were at the heart of them, bringing businesses together, Jennifer Arcuri agreed.

L&P did not recognise this position. In its evidence to the Committee on 15 September, L&P stated it was not involved in trade missions before 2016. L&P subsequently confirmed that it was not involved in organising trade missions before 2016, and that Jennifer Arcuri was in fact talking about inward investment, where companies in-market are identified and brought to London. L&P stated that she was not talking about trade and exports, where London-based businesses are supported to reach international markets. While she was correct to say that L&P undertook this inward investment work, it was not related to the Mayor's Export Programme missions led by the GLA.

The confusion around these points, and the nature of L&P's involvement, points at the very least to a lack of clarity about work in this area pre-2016. The Committee has seen an improvement in the present processes under the current mayor.

### **Recommendation 1**

The Committee acknowledges that L&P's processes before 2016 required improvement and that changes have been made. We recommend the continuation of regular reviews of the new processes to ensure they remain fit for purpose.

The Committee also heard evidence from Jennifer Arcuri reiterating that she believes that she did not receive preferential treatment from L&P, and that the process for when she was working with them is very different from the one anyone applying to L&P now would need to go through.

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*"I was at L&P almost every other day, so it did not bother me in the slightest to have to do what they requested, to come back to London to see them. I did have to stick to the stiff protocol. Under no circumstance was it like 'Oh, Jennifer, you're in.' David Slater made it very clear that all marketing stuff had to go through the channels, which it did. Both times that I received money, I was responsible not only to present the value add to the organisation, but to follow up with a PDF of what Innotech did, and the videos and the links."*

### **Jennifer Arcuri**

#### **Entrepreneur and Founder, Hacker House and Innotech Network**

*GLA Oversight Committee, 21 September 2021*

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The Committee notes this evidence and some other evidence it heard that there was not preferential treatment for Jennifer Arcuri in terms of following the protocols that were laid out at the time. However, it does appear that the protocols at the time were not up to the standard

they should have been, as recognised in the Mayor's independent review in 2019, and that Jennifer Arcuri's close relationship with L&P meant she benefitted from this, in part by being around, and in part through her own persistence.

The Committee also remains concerned that emails released by L&P show Jennifer Arcuri being given permission by one of the Mayor's advisors to attend a trade mission in New York in an unofficial capacity. A Mayoral Advisor also suggested that Jennifer Arcuri should refrain from going directly to the Mayor as he did not always have sight of his diary, which would seem to indicate Jennifer Arcuri's appetite for dealing directly with Boris Johnson. On these points Jennifer Arcuri's evidence to the Committee was more defensive, however it did reveal some further named contacts with whom the Committee has followed up.

The Committee also heard that Jennifer Arcuri never attended trade missions in an official capacity, making her involvement, and the lack of transparent process, a further point of concern and confusion. As a minimum this opened L&P and the Mayor up to a perception of lack of due process and favouritism.

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*"I never actually attended a trade mission in a formal capacity. My relationship with L&P was built through and amongst the organisation, through the friendships and the business relationships I had built with them, again through the remit of my videos and my physical in-person events."*

### **Jennifer Arcuri**

#### **Entrepreneur and Founder, Hacker House and Innotech Network**

*GLA Oversight Committee, 21 September 2021*

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The Committee understands that Jennifer Arcuri was given access to funds and trade missions, as set out earlier, due to her personal relationship with L&P. Jennifer Arcuri's relationship with the former Mayor and how far this was understood by GLA and L&P officials also remains of concern.

In one enlightening section of evidence, Jennifer Arcuri told the Committee about what the Mayor's office knew about her relationship with the Mayor.

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*“... I will say that it was not so much that people knew about my secrets any more than I knew of theirs. I could name at least three high-profile flings. People knew that the [former] Mayor had an interest in me and that he had somewhat of a crush on me. When we went to events, everyone could see the dramatic difference in this man when I entered the room, and so there was not ever a time where I felt I had to say anything. People kind of assumed what they wanted, but there was never any discussion about any of it.”*

**Jennifer Arcuri**

**Entrepreneur and Founder, Hacker House and Innotech Network**

*GLA Oversight Committee, 21 September 2021*

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Alongside this evidence, Jennifer Arcuri also described herself as “the most annoying, perseverant hustler”, which was another theme running through her evidence – that it was down to her perseverance that she got the opportunities she had, more than anything else. The Committee still considers that tighter processes, with more formal policies, may have allowed equity of opportunity for other businesses, and not relied on or been influenced by the perseverance by specific individuals.

**Review of L&P processes**

At the 15 September 2021 meeting, the Committee heard that L&P had welcomed the independent review of their processes commissioned by the current Mayor, that it had been a constructive dialogue and that L&P had adopted all seven of the recommendations from the review.

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*“We have implemented all the recommendations, and we now carry out annual internal audits, of the recommendations to ensure that they have been, and continue to be, enforced. The first of those audits took place in June last year [2020]. As with most audits, you always find something where you can improve.”*

**Andrew Cooke**

**Managing Director, Operations and Governance, London & Partners**

*GLA Oversight Committee, 15 September 2021*

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L&P also admitted that it had previously not kept good records and that it had improved its record-keeping.

In terms of the process for getting people onto trade missions, there had also been some significant changes in approach, changing what had previously been known as the Mayor’s Export Programme (MEP) pre-2015. The MEP aimed to build on the opportunity of the Mayor or another senior official from the GLA when they make an international trip and would

consider building a trade mission around that trip. The advantage of this approach was that it could maximise the role of the Mayor or other senior figures in delivering the programme.

The process is now different, with the MIBP putting forward business cases twice a year for where they want to send proposed missions. This would be built on what the members of the MIBP have listed as being their sector focus and their location focus. It is therefore led by the customer rather than the Mayor's diary.

The process is also enhanced by proposed business cases going to a Committee for approval, and then the mission being advertised publicly, so that not only the members of the programme can see it but also other companies that are not yet on the programme. It is seen as a good recruitment tool. Applicants to that programme have to pass certain criteria which are written in a similar way to a job description, whereby a company that meets most of the criteria, and would clearly benefit, may have a better chance of getting on a mission than otherwise.

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*"... the fundamental difference in process between the Mayor's Programme as run by the GLA and our programme as set up in 2016 is that you need to be a member of the programme to go on a mission. There are two gateways. Whereas previously the mission was populated really on the basis of where the Mayor or other senior people were going. That is the first difference. Then the second difference is we that choose the locations on the basis of customer need."*

**Allen Simpson**  
**Acting Chief Executive, London & Partners**

*GLA Oversight Committee, 15 September 2021*

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The responsibility for trade missions at L&P sits with a senior leadership team that consists of directors with spheres of control of more than one area. In addition, there will be a head of MIBP, who is responsible for making sure that the decisions are made in the right way and that outcomes are achieved. The head of MIBP is answerable to their director, and, in a governance sense, answerable as well to European Regional Development Fund (ERDF) and ultimately to L&P's auditors and to the L&P Board. In terms of contact with the Mayor's office, L&P confirmed that its most likely contact would be the adviser to the Deputy Mayor for Business.

## **Recommendation 2**

The Committee recommends that L&P addresses the risk that undue pressure from senior GLA officials and the Mayor undermines its processes and controls.



The analysis in the independent review showed that there are a variety of means by which companies come to the attention of the MIBP Trade Manager to be considered for delegate places on a trade mission. Nevertheless, the Trade Managers capture the details of interested companies onto a central record, which includes basic information about the reasons for their interest. The review stated that decisions are taken by a suitably senior and qualified person within the MIBP team, given that only companies on the MIBP can be allocated a delegate place.

The review determined that previously there were no recorded criteria for deciding the allocation of delegate places on a trade mission against which the interested companies' applications were determined, nor was there a recording of reasons for the decisions to allocate places. However, on three of the four spreadsheets reviewed, there were broad reasons recorded for why a delegate was placed, although these would benefit from more detail in places – for example why a company was described as 'not the right fit'.

On 15 September 2021, the Committee heard further information about how a company might be selected for a trade mission:

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*“Then there is a separate process in terms of them applying for a trade mission. There we are looking at their sectoral makeup, because typically the trade mission focusses on a particular sector, therefore they need to be involved in that sector. Then we are looking at a broader fit, potentially, within the overall trade mission. Because we are limited in terms of the numbers, we take on a trade mission, quite often they are oversubscribed, and we want to ensure that we have the right mix of companies within that trade mission.”*

**Andrew Cooke**

**Managing Director, Operations and Governance, London & Partners**

*GLA Oversight Committee, 15 September 2021*

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On the subject of having the right people in place, L&P was clear that it regularly reviews its governance processes but also the wider processes. It also stated that it was confident in the team and its policies, and that it would expect the senior leadership team to continue to want to improve and enhance the approach.

One of the conclusions of the independent review was that the absence of any recorded objective reasons by L&P for agreeing that companies join as delegates potentially leaves L&P open to difficulties in demonstrating that relevant factors were taken into account, and consistent consideration was given to each application. The review states that it would also be important to record the basis for providing a delegate place to a company which did not fall within the trade mission target business sector.

At the 15 September 2021 meeting, L&P senior officers were asked, hypothetically, if the Deputy Mayor for Business had asked for a company to be sent an application form for a trade mission, that this would have an impact on the company's likelihood of going on the mission. L&P was clear in its response that this would not be a factor and an important reason for having the right people and policies:

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*"I hope, we are talking in the abstract of course, but I would hope that if you or the Deputy Mayor for Business, or anybody else, made a referral to us that we would ensure that it was treated according to the criteria. I would be very disappointed if any of our officers accepted a company that did not qualify because of whom it was referred by. If we did that, we would struggle to pass audit."*

**Allen Simpson**  
**Acting Chief Executive, London & Partners**

*GLA Oversight Committee, 15 September 2021*

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The review cites the example of respective roles of strategic oversight by the GLA and operational decision-making by L&P in relation to the trade mission to China in November 2018. The decision on delegate attendance remained with and was taken by the L&P decision-maker. The review suggests that, where such discussion takes place, it is important that full records are maintained and objective reasons recorded by L&P for any change of stance.

### **Beneficiaries of L&P**

As part of the evidence session on 21 September 2021, the GLA Oversight Committee also heard from four companies that had taken part in L&P trade missions post-2016 once the policies for engagement on L&P trade missions had changed. The Committee heard how beneficiaries became involved with L&P and the GLA, what impact that involvement had on their business, and any issues relating to access to GLA sponsorship and Mayoral trade missions.

The companies appeared to find out about opportunities to be involved with trade missions either through word of mouth, or in one instance from seeing the Mayor, Sadiq Khan, on television. Through the process of applying for the trade missions they were not made aware of other sponsorship opportunities with L&P.

On the question of whether L&P had improved its communications as a way of promoting the opportunities available to companies wishing to get involved, there was further evidence of how the tech industry in London had evolved over the years:<sup>34</sup>

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<sup>34</sup> London Assembly GLA Oversight Committee, [Transcript of Agenda Item 4 – London & Partners and GLA Governance – Panel 1](#), 21 September 2021

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*“Initially, the tech industry five or six years ago was a lot less sophisticated and developed and it has obviously grown hugely now. There are also people like us who have been through trade missions and have had a really positive experience. The whole programme has been instrumental in so many different ways for my company and myself as a CEO and a leader in London. We are the positive examples that are crucial, really, to get the next generation and up and coming start-ups involved.”*

**Melinda Nicci**  
**Chief Executive Officer and Founder, Baby2Body**

*GLA Oversight Committee, 21 September 2021*

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There was further evidence of a support network around applicants, especially with a view to encouraging female entrepreneurs to get involved, and for there to be more education about what was on offer.

The Committee also heard that the application process for the L&P trade missions was a lengthy one, with support offered by L&P throughout the application process. The application process in the post-2016 landscape does appear to have been thorough, with applicants needing to provide a large amount of information about their businesses to be considered. The companies also described initially being rejected as their companies were not big enough, with not enough staff employed.

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*“I remember the form being quite lengthy, with a lot of extensive details about revenue, investment, staff, a lot of focus on financial growth of the company to date, and particularly full-time employees that were able to support the founder to take time away from the company while they were on the missions, etc.”*

**Dr Elin Haf Davies**  
**Chief Executive Officer and Founder, Aparito**

*GLA Oversight Committee, 21 September 2021*

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As well as what appears to be an extensive application process, none of the companies had previously applied to an L&P trade mission pre-2016 nor did they have any links to the Mayor or the Mayor’s office. This is consistent with the evidence heard throughout the investigation: that post-2016 the application process for L&P trade missions is considerably more robust than beforehand.

There was also significant support for how professionally the L&P trade missions were run. One of the overriding themes of the evidence is that these trade missions were a huge opportunity for the companies involved and opened several doors in terms of connections for their businesses.

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*“The first time we went on a trade mission or got involved in the application, I had a misperception that perhaps this was an opportunity to meet new customers over a glass of champagne in the Ambassador’s reception or whatever, and possibly there would be some form of support financially in terms of hotels, flights, etc. But that was not the case. As I got on to the first mission, it kind of opened up in front of me. The organisation behind it was the real value. The networking, the fact that it was done in such a professional way, so that when one of those things will drop out through somebody being ill or something changing, as ultimately they do if you have an agenda of 20 items over two or three days, there was a real concerted effort then to fill that gap and to make it a meaningful use of time.”*

**Chris Scattergood**

**Chief Revenue Officer and Founder, FundamentalVR**

*GLA Oversight Committee, 15 September 2021*

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Alongside the organisation, the communication around the event was also positively described, so that all participants knew what to expect and exactly when further trips would be coming up. This again points to a far more professional organisation with an appropriate structure and policies.

### **Recommendation 3**

The Committee recommends that further work is done by L&P to ensure their purpose and practices are publicised better to ensure they are well understood. This includes publicity to help open up their work to new markets, industries and entrepreneurs.

The Committee heard from the beneficiaries that there had been an initial reluctance from L&P to support new industry sectors, and while it was encouraging to see L&P successfully include Med Tech, it does raise the opportunity for L&P to be more inclusive of industry sectors. The Committee heard how the beneficiaries heard about L&P through their own networks and not from L&P directly.

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*“Initially, L&P had a bit of an unhealthy focus on FinTech and we really wanted to diversify and capture Gen Z<sup>35</sup>.....What we did was have conversations with them [L&P] and say, ‘You really need to focus on education’, and they did listen and put on an EdTech mission, which was wonderful.”*

**Kim Rihal**

**Head of Partnerships and Co-founder, Equal Education**

*GLA Oversight Committee, 21 September 2021*

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#### **Recommendation 4**

L&P should promote its services more widely to ensure potential beneficiaries have equal access and that participation is not limited to those with connections to L&P. As part of this, L&P should look to expand into other industry sectors.

#### **Sponsorship**

L&P’s evidence on the sign-off process indicated that this is covered in their procurement policy, and it is just like purchasing any other service. They have thresholds in terms of sign-off from £10,000 for a head of department, up to £180,000 where sign-off goes to the Board.

Andrew Cooke gave evidence on the sign-off processes for a direct award at the 15 September GLA Oversight Committee: *“The individual needs to prepare a business case of the benefits and any risks associated with that activity. As well as the delegated authority sign-off, those business cases are signed off by the procurement manager, the director of the relevant department and me. If the expenditure is above my delegated limit of £50,000, then they [applications] will be signed off by the chief executive, chairman or Board, as necessary.”*

L&P provided £10,000 of sponsorship monies towards a World Islamic Economic Forum (WIEF) event that Jennifer Arcuri was involved in organising.

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<sup>35</sup> Generation Z consists of people born between 1997 and 2012. The oldest of this generation are starting their post-education years, starting new careers, and possibly starting families.

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*“Just for the Committee’s interest, I led the trawl to understand what had happened in the case of that sponsorship. It is quite clear from that trawl, my judgement from that trawl, is that what happened is that the appropriate officer within L&P made a decision that specific event was a good opportunity to give L&P a platform at WIEF, the conference.”*

**Allen Simpson**

*Acting Chief Executive, London & Partners*

*GLA Oversight Committee, 15 September 2021*

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L&P gave evidence that the process for allocating sponsorship monies has been tightened since 2016, including making it clear to staff that for commercial partnerships it requires a direct award form to be completed and assessed for all sponsorships over £5,000.

Kim Rihal, Head of Partnerships and Co-founder, Equal Education, and Dr Elin Haf Davies, Chief Executive Officer and Founder, Aparito, both gave evidence that they had not been made aware of sponsorship monies while going through the process of applying for trade missions.

### **Recommendation 5**

The Committee recommends that more should be done by L&P to publicise the opportunities for sponsorship monies, including to those involved in trade missions.

## **Chapter four – The GLA’s Code of Conduct**

### **Key findings:**

- **The Localism Act 2011 was the basis for the last significant changes to the GLA’s Code of Conduct. The Localism Act was designed to address corruption, while more recent reviews of codes of conduct focus more on behaviours.**
- **There has been some important work in the recent years on Codes of Conduct which the GLA should consider as part of its own review into its Code of Conduct.**
- **The GLA is a unique organisation and this must be reflected in its own Code of Conduct.**
- **The GLA’s Code of Conduct has potential gaps and areas where strengthening is needed, including the rules and guidance around non-pecuniary interests. The GLA’s current review of the Code of Conduct is the appropriate way for these gaps to be addressed.**
- **As well as strengthening the Code of Conduct, how the changes within the Code are communicated to Members is also extremely important.**
- **There is a case for a yearly review of the Code of Conduct, which has been recommended for local authorities and training for Members.**

### **GLA Code of Conduct**

#### **Overview**

The Code of Conduct of the GLA sets out how its Elected Members must conduct themselves when performing their functions and how unacceptable behaviour will be dealt with.

The GLA’s Members are:

- the Mayor of London
- the statutory Deputy Mayor of London
- the Deputy Mayor for Policing and Crime
- Members of the London Assembly
- any independent person appointed by the Authority to assist with the discharge of the ethical standards functions.

These Members must comply with the GLA’s Code of Conduct, which sets out the standards of behaviour and conduct required of them. The following is not a complete list but, by way of example, the Code of Conduct requires GLA Members to: treat others with respect; not bully

any person; not disclose confidential information; not act in a manner that could reasonably be regarded as bringing their office or the GLA into disrepute; and it also requires GLA Members to disclose and register any pecuniary interests they have in GLA business.

The Code is considered alongside the seven Principles of Public Life (also known as the Nolan Principles) a set of ethical standards which apply to all holders of public office.

### **The Nolan Principles**

The Nolan Principles are the seven Principles of Public Life. They are:

- selflessness,
- integrity,
- objectivity,
- accountability,
- openness,
- honesty, and
- leadership.

The GLA's Code of Conduct is drawn from The Localism Act 2011.<sup>36</sup> This also sets the local standards framework for codes of conduct in other organisations. A summary of how codes of conduct have evolved over time can be found in **Appendix A**.

The GLA's Code of Conduct has not been substantially reviewed since its creation in 2012. In March 2018 the GLA made some minor updates to the Code in relation to some allegations of sexual harassment within Parliament and within the media industry. The Code was updated at this point to ensure that sexual harassment was explicitly addressed and that the Bribery Act was reflected.<sup>37</sup>

An updated version of the Ministerial Code was published in May 2022.<sup>38</sup> This applies to all government ministers. The new version continues to include the expectation that a Minister would offer to resign for knowingly misleading Parliament and clarifies that a range of sanctions, including a public apology and a salary forfeit, is available for other breaches of the code. This is supported by the Committee for Standards in Public Life (CfSPL) which has stated

<sup>36</sup> Legislation.gov.uk, [Localism Act 2011](#)

<sup>37</sup> GLA Oversight Committee, [Transcript of Agenda Item 6 – London & Partners and GLA Governance: GLA Code of Conduct](#), 9 September 2021

<sup>38</sup> [Ministerial Code - GOV.UK \(www.gov.uk\)](#)



that an expectation for a Minister to resign for any breach of the code whatsoever was disproportionate.<sup>39</sup>

### GLA Review of the Code of Conduct

In 2019, in response to the work of the GLA Oversight Committee, the GLA's Chief Officer and Monitoring Officer looked at registers of interest and the registration of interests, and gifts and hospitality related to staff. This included non-pecuniary interests and set out additional requirements for staff in that area. As part of that work, it was noted that the GLA's Code of Conduct for Members did not include sufficient information about non-pecuniary interests, but that a review of the Code of Conduct would consider this. This review of the Code of Conduct was originally planned for 2020, around the time of the Mayoral and London Assembly elections, however this was delayed due to the COVID-19 pandemic.

In the past two years there have been a number of reviews published making recommendations for local authorities on Codes of Conduct. Alongside this, in 2020, the IOPC made recommendations for the GLA to consider in a future review of the Code.<sup>40</sup> The IOPC review recommended that:

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*"In any revised Code of Conduct, the GLA ensures that requirements to disclose interests are consistent and do not conflict with one another or with other applicable policies and/or procedures. The GLA may wish to consider how public expectations of the obligations of public officials and the standard to which they should be held, including 'The seven Principles of Public Life', may be appropriately reflected in requirements to disclose any interests. It may also wish to consider the applicability of the Code of Ethics to elected members to avoid circumstances in which (more junior) Mayoral staff are, or are perceived to be, held to a higher standard than the Mayor themselves."*

### IOPC, Decision on Operation Lansdowne

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In reviewing its Code of Conduct, the GLA can draw on significant work in this area, which may help to strengthen the code. The evidence collected by the GLA Oversight Committee has shown that there are gaps, but also that regular reviews of the Code may be beneficial.

### Committee for Standards in Public Life (CfSPL) review into local government standards

The CfSPL conducted a review of local government standards in 2019.<sup>41</sup> This report concluded that while local authorities are required to have in place a Code of Conduct of their choosing that outlines the behaviour required of Councillors, there is considerable variation in the length, quality and clarity of Codes of Conduct.

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<sup>39</sup> [Upholding Standards in Public Life - Published Report - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/624442/Upholding-Standards-in-Public-Life-Published-Report-2021.pdf), 1 November 2021

<sup>40</sup> IOPC, [No criminal investigation of Boris Johnson for misconduct in public office while Mayor of London](https://www.ioipc.org.uk/wp-content/uploads/2020/05/IOPC-Report-21-May-2020.pdf), 21 May 2020

<sup>41</sup> A review by the Committee on Standards in Public Life, [Local Government Ethical Standards](https://www.cfspl.org.uk/wp-content/uploads/2019/12/Local-Government-Ethical-Standards.pdf)

This lack of consistency creates confusion among members of the public, and among Councillors who represent more than one tier of local government. The report also identified that many Codes of Conduct fail to adequately address important areas of behaviour such as social media use and bullying and harassment, and recommended that an updated model Code of Conduct should therefore be available to local authorities in order to enhance the consistency and quality of local authority codes. The CfSPL recommended that:

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*“Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly-accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon Code of Conduct breaches.”*

### ***CfSPL, Review of Local Government Standards***

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The report also made a number of recommendations about the sanctions that should be enforceable, including that local authorities should be given the power to suspend Councillors, without allowances, for up to six months. While all of these recommendations were directed at Government and published in 2019, they had not received a response from the Government on the recommendations.<sup>42</sup>

The report also includes a list of 15 recommendations for best practice, aimed at local authorities.<sup>43</sup> Some examples of these recommendations include:

- Local authorities should include prohibitions on bullying and harassment in Codes of Conduct;
- Principal authorities should review their Code of Conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities;
- A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the Code of Conduct, the process for handling complaints, and estimated timescales for investigations and outcomes;
- Monitoring Officers’ roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority;
- Senior officers should meet regularly with political group leaders or group whips to discuss Standards issues.

In 2020, the Local Government Association published the Model Councillor Code of Conduct<sup>44</sup> as part of its work on supporting all tiers of local government to continue to aspire to high

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<sup>42</sup> CfSPL, [#JackieWeaver – a catalyst for change in local government standards](#), 8 February 2021

<sup>43</sup> A review by the Committee on Standards in Public Life, [Local Government Ethical Standards](#)

<sup>44</sup> [Model Councillor Code of Conduct](#)

standards of leadership and performance. It is worth noting that if the government adopts the recommendations made by the CfSPL requiring legislative change, this will require further changes to this Model Code.

### **Development of codes of conduct**

During its 9 September 2021 meeting, the GLA Oversight Committee heard from Paul Hoey, Co-Director of Hoey Ainscough Associates, about the evolution of Codes of Conduct and the evolution of the most recent Local Government Association (LGA) Code of Conduct, which he was involved in drafting.

Mr Hoey previously worked for the Standards Board for England, which was a national regulator responsible for a Code of Conduct in 2001 and which applied to all Councillors from a parish councillor up to the Mayor of London. This was replaced by the Localism Act 2011, on which the GLA's Code of Conduct is based.

On the CfSPL's 2019 report, he noted that it expressed concern that a lot of the codes they reviewed did not cover interests appropriately. To ensure this was addressed, the LGA have reverted back to Codes of Conduct that were similar to the codes in existence before the Localism Act 2011:

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*"... we have reverted back to a Code which looks much more like the old national Code because that was a fairly comprehensive set of rules, a fairly comprehensive set of interests, and members found it a lot easier to understand. That is the journey the Code of Conduct has gone on."*

### **Paul Hoey, Co-Director, Hoey Ainscough Associates**

*GLA Oversight Committee, 9 September 2021*

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He also added that he felt the GLA's current Code of Conduct is broadly fit for purpose and covers the same rules as the LGA Code, with some slightly different language. However, he described the section covering interests as 'deficient'.<sup>45</sup> It is worth noting, therefore, that it appears likely that any review of the GLA's Code of Conduct may mean that it reverts, in a similar way, to something resembling the former national code.

However, the Committee also heard that codes of conduct had changed over time, with a move to encourage different behaviours because of a concern over how best to protect against scandals and corruption.

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<sup>45</sup> GLA Oversight Committee, [Transcript of Agenda Item 6 – London & Partners and GLA Governance: GLA Code of Conduct](#), 9 September 2021

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*“There has been a journey, a development in codes in that in 2000 concerns were more about corruption, broadly speaking. There had been a number of high-profile examples of scandals in local authorities... As time has gone on, there is more of a focus these days on behaviours.”*

**Jonathan Goolden, Regulatory and Public Sector Partner  
Wilkin Chapman**

*GLA Oversight Committee, 9 September 2021*

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There is a need for the GLA’s review of the Code of Conduct to strike a balance between how much needs to be spelt out in rules (with the inevitable risk that lists of activity are read as being definitive rather than indicative), and how much needs to be covered by guidance. The CfSPL review points towards a code that is likely to spell the rules out more explicitly, but there remains an overall shift towards encouraging good behaviours, ahead of trying to legislate against potential problems.

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*“...I am quite sure there is a lot of good information and analysis that we can gain from the work that Paul and colleagues have done on the LGA’s review and their Model Code of Conduct, so that is an area that we need to look at. There is also the work from the Committee on Standards in Public Life and the recommendations they have made. We would be looking at those as well.”*

**Emma Strain, Monitoring Officer  
GLA**

*GLA Oversight Committee, 9 September 2021*

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In 2020, the Local Government Association published the Model Councillor Code of Conduct<sup>46</sup> as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is worth noting that if the government adopts the recommendations made by the CfSPL requiring legislative change, this will require further changes to this Model Code.

The Committee also recognises that the GLA is a unique organisation with important differences from other local authorities. The structure of the GLA, as well as the London Assembly’s statutory scrutiny function to hold the Mayor to account, add extra layers of complexity. The review of the Code of Conduct should therefore ensure it recognises the unique nature of the GLA.

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<sup>46</sup> [Model Councillor Code of Conduct](#)

## **Recommendation 6**

The Committee recommends that the GLA's review of the Code of Conduct draws on the significant recent work by the Committee on Standards in Public Life and the Local Government Association into codes of conduct to ensure a code that is fit for purpose. This must recognise the unique nature of the GLA. The GLA should only adopt aspects of model codes of conduct that are appropriate to how the GLA operates.

## **Where are the gaps in the GLA's Code of Conduct?**

### **Social media**

One of the areas where the GLA's Code of Conduct is likely to require an update to rules is Members' use of social media, an area that has changed extensively since the GLA's Code was developed. The GLA's Monitoring Officer has expressed a desire to understand and implement changes to the Code, and to consider best practice, with regard to the use of social media. The GLA Oversight Committee has highlighted that the Code needs to be prescriptive enough to avoid breaches, but may also need to be updated regularly, given the fast-changing nature of the field.

Social media is a notoriously difficult area to monitor and rule on, and the current lack of clarity in the GLA's rules can cause problems. The Code of Conduct does not make it explicit that it only applies to Members when they are acting in their role as a Member of the Assembly, and not in their personal capacity. This lack of clarity not only means that it is difficult to make judgements but can also mean that the GLA is potentially open to receiving higher numbers of complaints from members of the public, who might not understand the criteria for complaints. The distinction between a Member acting in their own personal capacity or as a Member of the London Assembly is also a difficult area to judge.

Social media has added an extra dimension to Codes of Conduct and shown the difficulties in trying to futureproof a policy, without regular reviews. At the 9 September evidence session, the Committee heard that policies around social media should be reviewed on an annual basis, due to standards changing.

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*"Social media did not exist 20 years ago, and things like social media are an example of something where best practice moves quite quickly."*

**Jonathan Goolden, Regulatory and Public Sector Partner  
Wilkin Chapman**

*GLA Oversight Committee, 9 September 2021*

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The GLA's Monitoring Officer also confirmed that social media, and the use of it by Members, is the cause of several pieces of correspondence from the public, as they do not always agree with what Members say on social media. One of the challenges when dealing with these complaints is the public perception that elected politicians are always acting in this capacity when they are using social media, which is not necessarily the case. As the Code of Conduct only applies when Members are acting in their capacity as Members of the Authority, there is no basis under which the Monitoring Officer can, or should, investigate the Member.

Added to this, there is an imbalance between the guidance given to staff and to Members on this subject. At present the GLA provides guidance to staff about their use of social media, but there is no such guidance given within the Code of Conduct.

The CfSPL has made recommendations to the Government that could bring deeply offensive postings, which may have a wider political angle, within the scope of the Code of Conduct. There are potential issues around freedom of speech related to this. However, this is another area where the GLA should consider if and how the Code of Conduct could be strengthened, as well as any accompanying guidance, during its review.

### **Recommendation 7**

The Committee recommends that the review of the Code of Conduct addresses the use of social media as part of the rules and guidance, including how often the Code should be reviewed to ensure its rules are up to date.

### **Non-pecuniary interests**

The Committee believes there is evidence that non-pecuniary interests (or referred to below as 'other interests') are not covered sufficiently by the current Code of Conduct. This is acknowledged by the GLA's Monitoring Officer as a gap in the current Code and was reinforced by the evidence received by the Committee throughout the investigation as an area for potential change.

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*“What it does not do is say very much about other interests. It does not provide adequate coverage of what constitutes an ‘other interest’ and what the requirements are of Members in declaring other interests. We also do not provide any guidance that would help people to think about how to interpret that.”*

**Emma Strain, Monitoring Officer  
GLA**

*GLA Oversight Committee, 9 September 2021*

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The Committee believes that this is an area of particular importance for the GLA to consider when strengthening the Code. The current Code indicates that elected Members “have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.” However, it offers no definition of what might constitute ‘any private interests’ or provide any associated guidance. Without this guidance, there is too much room for individual interpretation by Members, which could lead to significantly different understandings of what is required.

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*“Members, in our experience, then need specific rules because if it is left for the Member themselves to resolve that without any guidance, that is when it can be difficult for a Member to work out. You can come up with two different answers. One person might think, ‘I have resolved this in the public interest’, and another person with the same interest might think, ‘I have resolved it’, in a different way. That is why we tend to look for codes that go into greater detail.”*

**Paul Hoey, Co-Director,  
Hoey Ainscough Associates**

*GLA Oversight Committee, 9 September 2021*

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In order to ensure that the GLA’s Code of Conduct is fit for purpose, it must strengthen the rules and guidance on non-pecuniary interests to provide clarity and reduce the risk of rules being broken due to misinterpretation. The Committee therefore recommends that the rule around non-pecuniary interests is properly articulated in the revised Code of Conduct and associated guidance is provided.

### **Recommendation 8**

The Committee recommends that the review of the Code of Conduct must address non-pecuniary interests as part of the rules and guidance, with a particular focus on ensuring the guidance reduces the risk of misinterpretation of the rules.

#### **Training and communication**

Alongside strengthening the Code and its accompanying guidance, it is also important that there is a robust communication procedure in place. The Committee agrees with the GLA's Monitoring Officer that an important part of any changes to the Code is how these changes are communicated to Members, so that everyone is clear what the changes are and what they mean in practice.

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*"Part of the review of the Code has to be that once we change something, we need to make sure that everyone is aware of it and therefore how we provide information and training to Members should be part of that process and what we do with it... There is nothing to stop us reviewing that element of guidance as well, as part of this work. I think it would be a sensible thing to do."*

**Emma Strain, Monitoring Officer  
GLA**

*GLA Oversight Committee, 9 September 2021*

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There is also potentially some further work on how and when changes to the Code of Conduct should be communicated, and whether there are examples of best practice that the GLA could learn from. The Committee therefore recommends that this becomes part of the review, and that updated guidance is issued alongside the new Code of Conduct.

### **Recommendation 9**

The Committee recommends that the GLA provides training and guidance to Members at the beginning of each term with an annual refresher to ensure that all Members understand the Code of Conduct and its implications.



## Chapter five – Dealing with complaints

### Key findings:

- **The GLA's procedure for dealing with complaints changed following the Localism Act 2011.**
- **There is a case for the reintroduction of a Standards Committee, or similar body, to assist with complaints.**

### Making a complaint

The GLA's Code of Conduct document explains the process for making a complaint against a Member. Previously, there was a legal requirement for the GLA to have a Standards Committee which was responsible for dealing with these complaints under a process commonly referred to as 'Local Assessment.'

Following a change to the law (as contained within the Localism Act 2011), the Mayor of London and London Assembly have delegated authority to the GLA's Monitoring Officer to deal with any complaints of alleged breaches of the Code.

### Summary of how the new Local Assessment Process works

**Stage 1 – Making a complaint:** In order to make a complaint, the complaint must be sent in writing to the Monitoring Officer at the GLA.

**Stage 2 – Early Informal Resolution:** If possible, the GLA will normally try to resolve the complaint informally.

**Stage 3 – Initial assessment of the complaint:** If informal resolution is not possible, the GLA's Monitoring Officer will assess the complaint and decide whether formally to investigate the allegations contained therein. If the Monitoring Officer decides that the complaint should be investigated, he/she will undertake a process to determine whether or not the complaint is to be upheld.

**Stage 4 – Investigation of the complaint:** If the GLA's Monitoring Officer does investigate the complaint, the final summary investigation report and finding will be published on the Authority's website. In cases where the Monitoring Officer upholds a complaint, he/she can apply no formal sanction other than to provide an opinion on the conduct of the GLA Member concerned as compared to the expectations of the Code of Conduct.

## Sanctions

The Committee is concerned that the sanctions available to deal with the conclusion of an investigation are limited. Once the Monitoring Officer has completed the investigation into the complaint, the Monitoring Officer will:

- i. find that the Member that has been complained about has failed to comply with the GLA's Code of Conduct ('a finding of failure'); or
- ii. find that the Member that has been complained about has not failed to comply with the GLA's Code of Conduct ('a finding of no failure'); and
- iii. prepare a written summary report of the investigation which contains a statement of what their finding is; and
- iv. send a copy of the report to the person who complained, and the Member who was complained about, as soon as is reasonably possible after making the decision; and
- v. publish the summary report (those elements that are not private and confidential) and finding on the GLA's website.<sup>47</sup>

By comparison, GLA staff are subject to the GLA's Code of Ethics and Standards for Staff. This explains what the GLA expects of its staff so that they conduct themselves properly and professionally and maintain high standards in public service. If a member of staff is found to have breached these standards, they can have disciplinary proceedings brought against them, and ultimately can be dismissed.

The GLA's Monitoring Officer has confirmed that the difference in standards for staff and Members is due to be considered through the current review of the Code of Conduct.

This is also in part due to the Localism Act, which signalled a change of approach in this area. The Localism Act works from a position that, whilst employees have a contract and can be dismissed, politicians are elected to power and the electorate can choose to remove them from office at each election.

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*"That is why the Localism Act and the sanctions are as they are, because it is saying you have a different relationship than an employee, doctor, lawyer, or teacher, who are regulated separately. You cannot vote your teacher out of office."*

***Paul Hoey, Co-Director,  
Hoey Ainscough Associates***

***GLA Oversight Committee, 9 September 2021***

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The general approach was different before the Localism Act was introduced in 2011. Previously, there were powers whereby a Member could be suspended from the Authority or could be disqualified by an independent tribunal. That approach worked on the basis that a politician is

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<sup>47</sup> [Decisions by the Monitoring Officer | London City Hall](#)

like any other professional and therefore separated professional standards from the electorate's right to vote them in or out of power. The thinking behind this was there may a long period of time before the electorate gets the opportunity to vote, and potentially remove or suspend someone. It also raises questions such as whether the electorate would remember by the time they had the chance to vote, and whether it would have an effect on their vote if, for example, they had voted for the same political party their whole life.

On 21 July 2020 the CfSPL published a report on '*Sanctions in respect of the conduct of Members*'.<sup>48</sup> The report considered the system of sanctions for breaches of the Code of Conduct for Members of Parliament, concluding an inquiry that was started in May 2019.

The inquiry looked to address a number of issues:

- The perceived 'sanctions gap' in the current system;
- The need for clarity on why particular sanctions have been imposed in individual cases; and
- The need for an expanded suite of sanctions to cover cases of bullying, harassment and sexual misconduct by Members under the Independent Complaints and Grievances Scheme (ICGS).

As part of its recommendations, the CfSPL noted that it was concerned about the lack of 'intermediate sanctions' available in dealing with cases – that is, where a sanction stronger than apology but less severe than suspension is called for. It therefore drew up a new suite of sanctions which the Commissioner, the Committee, the Panel and the House can, as appropriate, impose in individual cases. These include a requirement to attend training, the withdrawal of services, access to facilities or participation in travel, and dismissal from a Select Committee. This provides an interesting example of how sanctions might be expanded beyond the current GLA examples.

The Committee believes this is a complex area and heard evidence of instances where local authorities have used the wrong procedures to resolve conduct issues. One such case concerns Ledbury Town Council, where it tried to use a grievance process to deal with a Member conduct issue, in a situation which was not appropriate. The matter ended up in court and was found in favour of the Member.<sup>49</sup>

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<sup>48</sup> UK Parliament, [Committees, Committee on Standards publishes report on Sanctions in respect of the conduct of Members](#)

<sup>49</sup> BAILII, [England and Wales High Court \(Administrative Court\)](#), 17 April 2018

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*“That gets very complicated when it is an Assembly Member who is considered to be doing the bullying or harassing, because there is no formal or legal mechanism in the Code of Conduct to remove the Assembly Member from the workplace.”*

**Jonathan Goolden, Regulatory and Public Sector Partner  
Wilkin Chapman**

*GLA Oversight Committee, 9 September 2021*

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This raises some important questions for the GLA to consider when reviewing the Code of Conduct. Changing sanctions in the context of the Localism Act will be challenging, but the Committee believes that the GLA should consider possible sanctions against Members in its revised Code of Conduct.

### **Recommendation 10**

The Committee recommends that the GLA considers the possible range of sanctions for Members for breaches of the Code of Conduct, while recognising the reasons for the difference in approach to staff.

The Committee has also considered how long former Members should be covered by the Code and whether it was appropriate to be able to take sanctions against Members who are no longer serving. The GLA’s Monitoring Officer gave a succinct response to the question of how far their powers would cover.

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*“My monitoring officer powers are limited by the passage of time. The Code of Conduct is really clear. It applies when the Mayor or the Assembly Members are acting in their capacity as that Member. The Localism Act - that is really clear that when someone ceases to hold office then the Code no longer applies. That means that in my capacity as monitoring officer I would not be investigating something that is very historic.”*

**Emma Strain, Monitoring Officer  
GLA**

*GLA Oversight Committee, 9 September 2021*

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In legal terms, the Assembly’s mechanisms for dealing with allegations only applies to an allegation if the allegation is that a Member has failed to comply with the Code of Conduct. There are also no means of applying a sanction against somebody who is no longer a Member.

The Committee also heard that in order to change this approach, and for sanctions to be applied to former Members, legislative change would be required. While the Committee believes there may be circumstances under which it may be appropriate for the Code of Conduct to be used in relation to former Members, the evidence heard during this investigation suggests that this is not possible at present and is something that is unlikely to change.

### **Standards Committee**

Before the Localism Act, the GLA was required to establish a Standards Committee as part of its complaints procedure. The current system is unusual, in that the Monitoring Officer is the decision-maker at the end of the complaints process. In other local authorities, this would normally be conducted by a hearing panel composed of Members of the Authority, plus some independent members. The thinking behind this is to have Members hold other Members to account, as they have the best understanding of what it is like to be a Member.

The Committee has heard evidence that the GLA may wish to move towards considering a panel to make the final decision on investigations. The Committee therefore recommends that this is something the GLA should consider as part of its review.

### **Recommendation 11**

The Committee recommends consideration of a review function for the London Assembly and the Mayor that ensures that the complaints process for breaches of the Code of Conduct is working effectively, while also ensuring that individual complaints can be dealt with in a timely and efficient manner. This might include setting up a GLA Standards Committee.

## Appendices

### Appendix A

#### Timeline of local government standards regimes in England

<b>1994</b>	Committee on Standards in Public Life established to advise the Prime Minister on ethical standards of public life.
<b>1995</b>	The Committee publishes its first report, under the chairmanship of Lord Nolan. The report sets out Nolan’s seven principles of public life.
<b>1997</b>	The Committee publishes its third report, calling for a new standards regime to replace the National Code of Local Government Conduct.
<b>2001</b>	<ul style="list-style-type: none"> <li>• Model Codes of Conduct for different levels of local government (district, parish) issued by the Government.</li> <li>• Under the Local Government Act 2000, the Standards Board for England (later Standards for England) is established to promote high ethical standards and to investigate complaints of misconduct by councillors.</li> <li>• Under the Act, Local authorities are obligated to adopt the Model Code of Conduct and to create a Standards Committee to promote and maintain standards of conduct.</li> </ul>
<b>2005</b>	In a House of Commons debate, Eric Pickles states that the Conservative Party plans to “abolish the Standards Board.”
<b>2007</b>	A new Model of Conduct for local authorities is issued by the Government.
<b>2008</b>	<ul style="list-style-type: none"> <li>• The Local Government and Public Involvement in Health Act 2007 is passed and contains an amendment to the Local Government Act 2000, which allows Standards Committees to conduct an initial assessment of allegations against Members of the authority who have failed to comply with the authority’s Code of Conduct.</li> <li>• Under the Standards Committee (England) Regulations 2008, Standards Committees are allowed to take a more pro-active role in promoting standards and in ruling on questions of ethical conduct.</li> <li>• GLA Standards Committee is established to consider complaints that a GLA Member may have reached its Code of Conduct with a number of sub-committees involved in determining these complaints.</li> <li>• GLA adopts its Code of Conduct.</li> </ul>
<b>2011</b>	Localism Act 2011 is passed – the Standards Board for England and the national model Code of Conduct are abolished. There is no requirement for local authorities to have a Standards Committee; but they are required to maintain a Code of Conduct and must deal with allegations of breaches in the code and any failure to register pecuniary interests.
<b>2012</b>	<ul style="list-style-type: none"> <li>• New GLA Code of Conduct is adopted based on the ‘light touch’ requirements of the Localism Act 2011.</li> <li>• GLA Standards Committee is dissolved.</li> </ul>
<b>2018</b>	GLA adopts Code of Conduct, which remains unchanged from the 2012 version.

## Other formats and languages

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### Vietnamese

Nếu ông (bà) muốn nội dung văn bản này được dịch sang tiếng Việt, xin vui lòng liên hệ với chúng tôi bằng điện thoại, thư hoặc thư điện tử theo địa chỉ ở trên.

### Greek

*Εάν επιθυμείτε περίληψη αυτού του κειμένου στην γλώσσα σας, παρακαλώ καλέστε τον αριθμό ή επικοινωνήστε μαζί μας στην ανωτέρω ταχυδρομική ή την ηλεκτρονική διεύθυνση.*

### Turkish

Bu belgenin kendi dilinize çevrilmiş bir özetini okumak isterseniz, lütfen yukarıdaki telefon numarasını arayın, veya posta ya da e-posta adresi aracılığıyla bizimle temasa geçin.

### Punjabi

ਜੇ ਤੁਸੀਂ ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਸੰਖੇਪ ਆਪਣੀ ਭਾਸ਼ਾ ਵਿਚ ਲੈਣਾ ਚਾਹੋ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਇਸ ਨੰਬਰ 'ਤੇ ਫ਼ੋਨ ਕਰੋ ਜਾਂ ਉਪਰ ਦਿੱਤੇ ਡਾਕ ਜਾਂ ਈਮੇਲ ਪਤੇ 'ਤੇ ਸਾਨੂੰ ਸੰਪਰਕ ਕਰੋ।

### Hindi

यदि आपको इस दस्तावेज का सारांश अपनी भाषा में चाहिए तो उपर दिये हुए नंबर पर फोन करें या उपर दिये गये डाक पते या ई मेल पते पर हम से संपर्क करें।

### Bengali

আপনি যদি এই দলিলের একটি সারাংশ নিজের ভাষায় পেতে চান, তাহলে দয়া করে ফো করবেন অথবা উল্লেখিত ডাক ঠিকানায় বা ই-মেইল ঠিকানায় আমাদের সাথে যোগাযোগ করবেন।

### Urdu

اگر آپ کو اس دستاویز کا خلاصہ اپنی زبان میں درکار ہو تو، براہ کرم نمبر پر فون کریں یا مذکورہ بالا ڈاک کے پتے یا ای میل پتے پر ہم سے رابطہ کریں۔

### Arabic

الوصول على ملخص لهذا المستند بلغتك،  
فرجاء الاتصال برقم الهاتف أو الاتصال على  
العنوان البريدي أو عنوان البريدي  
الالكتروني أعلاه.

### Gujarati

જો તમારે આ દસ્તાવેજનો સાર તમારી ભાષામાં જોઈતો હોય તો ઉપર આપેલ નંબર પર ફોન કરો અથવા ઉપર આપેલ ટપાલ અથવા ઈ-મેઇલ સરનામા પર અમારો સંપર્ક કરો.

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