

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD3068

Title: Appointment of the GLA's Monitoring Officer

Executive summary:

Under the Greater London Authority Act 1999 (the GLA Act), the Greater London Authority (GLA) is required to have three statutory officers: a Head of Paid Service; a Chief Finance Officer; and a Monitoring Officer. These are the only GLA officer roles to which appointments must be made by the Mayor of London and the London Assembly acting jointly.

The current Monitoring Officer is stepping down. A review undertaken of the Monitoring Officer role concluded that the GLA should establish it as a standalone post on a permanent basis.

Recruitment to the post has now been undertaken. Appointment is pending formal approval by the Mayor (via this Mayoral Decision) and the London Assembly (at its meeting on Thursday 15 December).

Decision:

That the Mayor approves the appointment of Rory McKenna as the GLA's Monitoring Officer with effect from 1 April 2023 and with the terms and conditions set out at 4.2 below, further to the interview conducted by a panel of Assembly Members and two representatives of the Mayor, noting that the appointment, together with the terms and conditions of appointment, is a joint decision with the London Assembly.

Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision and take the decision in compliance with the Code of Conduct for elected Members of the Authority.
The above request has my approval.

Signature:



Date:

8/12/22

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

Decision required – supporting report

1. Introduction and background

- 1.1 Under the Greater London Authority Act 1999 (GLA Act), the GLA is required to have three statutory officers: a Head of Paid Service; a Chief Finance Officer; and a Monitoring Officer. These are the only GLA officer roles to which appointments must be made, and terms and conditions determined, by the Mayor of London and the London Assembly acting jointly.
- 1.2 Prior to 2009, the role of Monitoring Officer was performed by the GLA's Head of Legal and Procurement. Following the transfer of the GLA's legal team to Transport for London and the establishment of shared-service arrangements, the Monitoring Officer role has been held by three individuals in the GLA. Each has undertaken the role as an 'add on' to their substantive post.
- 1.3 The current Monitoring Officer, Emma Strain, is stepping down from the role.
- 1.4 A review undertaken by the Chief Officer of the role and workload of the Monitoring Officer concluded that the GLA should put delivery of this key post on a more sustainable footing and establish it as a standalone post on a permanent basis. It will now be a 0.5 full-time equivalent (FTE) post, with flexibility required from the postholder to ensure responsiveness and that periods of high workload can be appropriately managed.
- 1.5 The London Assembly, via the GLA Oversight Committee on 6 October 2022, and the Mayor's Chief of Staff endorsed this new approach.
- 1.6 The GLA Statutory Officer Protocol (the Protocol) states, at paragraph 4.2:

"Unless there is an express decision of the Mayor and/or the Assembly to the contrary, the interviews for a vacant statutory officer post should be conducted by the Mayor and Assembly acting together as one panel and taking a joint decision through the use of one of the following options (to be determined by the Mayor and Assembly as necessary):

A. The Mayor, and also a member of staff appointed under s 67(1) of the GLA Act acting as an adviser to the Mayor if the Mayor so chooses, and a sub-committee of the Assembly's staffing committee with such membership being politically proportional as per the usual rules on proportionality; or

B. Up to two representatives of the Mayor, who must be staff appointed under s 67(1) of the GLA Act, and a sub-committee of the Assembly's staffing committee (with membership as set out in option A. above)."
- 1.7 The Protocol provides at paragraph 4.4 that the Head of Paid Service will participate in an advisory capacity in the interviews of candidates for the role of Monitoring Officer.
- 1.8 Paragraph 4.3 of the Protocol states:

"Formal decisions after the conclusion of the interview process on the appointment and the terms and conditions of that appointment will be taken by the Mayor via a Mayoral Decision form (following a recommendation from one of the Mayor's appointees if under option B.) and by the Assembly via the Assembly's staffing sub-committee making a recommendation to the full Assembly. Any offer of employment will need to be made conditional on, and subject to, the formal approval of the Mayor and the Assembly."
- 1.9 Accordingly, at its meeting on 6 October 2022, the London Assembly's staffing committee – the GLA Oversight Committee – established a sub-committee (the Monitoring Officer Appointment Sub-Committee) comprising all four of the Assembly's Group Leaders to undertake interviews, together with two of the Mayor's representatives, and recommend an appointee to the London Assembly. The

GLA Oversight Committee and the Mayor's Chief of Staff agreed the interview and shortlisting arrangements for the role.

- 1.10 Interviews took place in November 2022. The interview panel comprised: the four Assembly Group leaders (the Monitoring Officer Appointment Sub-Committee); the Mayor's Chief of Staff; the Mayoral Director, Communications; and the Chief Officer (in an advisory capacity).

2. Objectives and expected outcomes

- 2.1 This decision asks the Mayor to approve the appointment of Rory McKenna as the GLA's Monitoring Officer with effect from 1 April 2023 and with the terms and conditions set out at paragraph 4.2 of this report, further to the interview conducted by a panel of Assembly Members and representatives of the Mayor, noting that the appointment, together with the terms and conditions of appointment is a joint decision with the London Assembly.

3. Equality comments

- 3.1 The recruitment to this post was undertaken in accordance with the GLA's recruitment processes as to equal opportunities.

4. Other considerations

- 4.1 The Monitoring Officer Appointment Sub-Committee met on 7 December 2022 and has unanimously recommended to the London Assembly that Rory McKenna, who is currently Monitoring Officer at South Cambridgeshire District Council, be appointed as the GLA's Monitoring Officer, with effect from 1 April 2023.
- 4.2 The Sub-Committee recommended to the London Assembly that the candidate be appointed on the basis of the job description attached at Appendix 1, at Grade 15 and on a 0.5 FTE basis, and on standard GLA terms and conditions.
- 4.3 In accordance with the arrangements set out in the Statutory Officer Protocol, the Mayor's Chief of Staff makes a corresponding recommendation to the Mayor as set out in this Decision form.
- 4.4 There are no conflicts of interest for any of those involved in the drafting or clearance of this decision form.

5. Financial comments

- 5.1 Budgetary provision has been made for this post in the draft budget that was considered by the Budget and Performance Committee on 22 November 2022.

6. Legal comments

- 6.1 The Mayor and the London Assembly acting jointly must appoint a Monitoring Officer (section 73(1) of the GLA Act).
- 6.2 The terms and conditions of the employment of the Monitoring Officer are to be such as the Mayor and the London Assembly acting jointly think fit (section 73(1C) of the GLA Act).
- 6.3 Section 73(1B) of the GLA Act requires a person appointed to the role of Monitoring Officer to be an employee of the GLA and incorporates sections 7 and 8 of the Local Government and Housing Act 1989 (LGHA) in respect of the appointment of the Monitoring Officer as an employee of the GLA.

Section 7 of the LGHA requires that staff must be appointed on merit. Section 8 of the LGHA requires relevant authorities to adopt standing orders in respect of staff, as required by regulations. The provisions and effect of those regulations that relate to statutory officers have been incorporated within the Statutory Officer Protocol, which is incorporated into Standing Order 12 of the GLA's Standing Orders.

7. Planned delivery approach and next steps

Activity	Timeline
Mayor and Assembly approval	December 2022
Appointment takes effect	1 April 2023

Appendices and supporting papers:

Appendix A - Statutory Officer protocol

Appendix B - Monitoring Officer job description

Public access to information

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

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

Part 1 - Deferral

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

Part 2 – Sensitive information

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

Is there a part 2 form – NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to
confirm the
following (✓)

Drafting officer:

Mary Harpley has drafted this report in accordance with GLA procedures and confirms the following:

✓

Sponsoring Director:

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

✓

Mayoral Adviser:

David Bellamy has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

Corporate Investment Board

This decision was agreed by the Corporate Investment Board on 5 December 2022.

✓

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature

D. Gove

Date

07/12/2022

CHIEF OF STAFF:

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

Signature

D. Bellamy

Date

03/12/2022

