

# Transparency of the GLA Group

June 2013



## Committee Members

Len Duvall	Labour (Chair)
Jennette Arnold	Labour
Andrew Boff	Conservative
Darren Johnson	Green
Joanne McCartney	Labour
Steve O'Connell	Conservative
Caroline Pidgeon	Liberal Democrat
Valerie Shawcross	Labour
John Biggs	Labour (Rapporteur)

The GLA Oversight Committee is responsible for a range of matters, including responding on the Assembly's behalf to formal staffing consultations from the GLA's Head of Paid Service, monitoring scrutiny expenditure and approving the expenditure over a certain level, approving rapporteurship proposals, overseeing the programming of the Assembly's business and recommending to the Mayor a budget proposal for the Assembly for the financial year and then allocating that budget. In addition, the GLA Oversight Committee now has responsibility for scrutinising any actions or decisions taken by the Mayor on matters relating to education. The Committee usually meets ten times a year.

### Contact:

Tim Steer  
email: [tim.steer@london.gov.uk](mailto:tim.steer@london.gov.uk)  
Tel: 020 7983 4250

# Contents

	<b>Rapporteur's foreword</b>	<b>4</b>
<b>1.</b>	<b>Introduction</b>	<b>6</b>
<b>2.</b>	<b>Publishing contractual information</b>	<b>8</b>
<b>3.</b>	<b>Decision-making information</b>	<b>14</b>
<b>4.</b>	<b>Information provided to Assembly committees and Members</b>	<b>20</b>
<b>5.</b>	<b>Conclusion</b>	<b>25</b>
	<b>Appendix 1 Recommendations</b>	<b>26</b>
	<b>Appendix 2 Orders</b>	<b>29</b>
	<b>Notes</b>	<b>30</b>

## Rapporteur's foreword



It is very unusual nowadays for a politician in our democracy to argue *other than for maximum transparency*. The history of scandals and cover-ups, of discovered secrets revealing things 'we' were not meant to know, and of personal missions to get to the truth when organisations have circled the wagons, mean that questions about secrecy, openness and disclosure, while always a bit technical, are far more important than their technical dryness might suggest. And, more close to home, the ability of the Assembly, tasked with holding the Mayor and his agencies to account, to do its job clearly requires a high degree of openness and access to information. It is in the very nature of this problem that the things you often most want to know are those which are most jealously guarded by an organisation. Returning to the opening sentence, it seems often to be the case that a politician elected with a commitment to maximum transparency will find this a challenge to keep to.

And so, while 'transparency' never built a house or ran a bus service, it is a foundation of proper accountability. This scrutiny looked across the GLA family for examples of good practice, for inconsistencies, and for underlying issues the work highlighted. It found that there is good practice, but also considerable inconsistency across the organisations. It found that there are cultural issues, most notably with Transport for London, which often appears not to see why it needs to share information with the world. It also finds that there can be a tendency to laziness, in using a nugget of genuine confidentiality to justify withholding information that could be disclosed.

The Mayor's annual fares decision is a good test case. Setting the fares is a fundamental element of budget-making for the GLA Group but is hidden under a veil of secrecy. It is absurd that it is such an obscure process. The Assembly has repeatedly asked the Mayor and TfL to release more of the information that informs the annual decision but both Mayors to date have resisted such 'advice to the Mayor' (apart from the year the current Mayor published his predecessor's advice!). Getting this door to open has, after over a decade of trying, still not happened. I challenge the Mayor to end this nonsense. In anticipation of a refusal (and I am happy to be pleasantly surprised) I intend to use Freedom of Information legislation to try to obtain the advice given in advance of the January 2013 fares rise to test whether this crucial information will now be released.

I believe more detailed information Transparency should be an imperative for this Mayor. His fellow Conservatives in government have made a great deal of the priority they place on getting information and data into the public domain. London can be an exemplar of how this works in practice. There is a huge opportunity for the Mayor to offer leadership and show his credentials. If he can exemplify changes here in London's City Hall, it will affect how things are done elsewhere.

But the Mayor will need to use his position to drive change through. The strong Mayor model should not mean a secret Mayor – no Mayor or public body has a right to make decisions entirely in private, and a truly strong Mayor is one who is relaxed about openness, because he or she is fundamentally confident of the decisions made, and open to learning how to be better still.

A handwritten signature in black ink, appearing to read 'John Biggs', with a stylized flourish at the end.

**John Biggs AM**  
**Rapporteur for the GLA Oversight Committee**

# 1. Introduction

---

## Overview

The Mayor wants the organisations under his control to become more open and transparent. Through this investigation the Assembly has looked at what that means in practice and the obstacles he faces. We have looked at the Greater London Authority (GLA) and the ‘functional bodies’ making up the GLA Group – the London Fire and Emergency Planning Authority (LFEPA), Transport for London (TfL), the Mayor’s Office for Policing and Crime (MOPAC) and the London Legacy Development Corporation (LLDC). We have also taken evidence from the Metropolitan Police Service (MPS).

Things are moving in a positive direction and GLA Group bodies provide more transparency and access to data than ever before.

However, the approach is inconsistent and can still be overcautious. Barriers to greater openness include the culture of the organisations within the Group and approaches to commercial confidentiality. Bodies say they will release information where appropriate under the Freedom of Information (FOI) Act but this is often a laborious process and more information held by these public bodies should be released as a matter of course. This would save everyone time, effort and money.

---

The Government has set out its expectations of public sector organisations in relation to transparency. The Department of Communities and Local Government (DCLG) transparency code of practice says,

Greater transparency of public bodies is at the heart of enabling the public to hold politicians and public bodies to account. Where public money is involved there is a fundamental public interest in being able to see how it is being spent, to demonstrate how value for money has been achieved or to highlight inefficiency. Publication of data should also be used to open new markets for local business, the voluntary and community sectors and social enterprises to run services or manage public assets.<sup>i</sup>

The Mayor has committed to making London government more transparent and for the GLA Group to lead the way in transparency and openness.<sup>ii</sup> The Group's culture has shifted in recent years and there is considerable good practice. For example, functional bodies like LFEPA and TfL publish detailed and increasingly accessible service performance information; the London Datastore and the GLA Dashboard mean that there is much more raw data available now and TfL now leads the transport world in making real-time travel data available to app developers and others to enable new sources of information for passengers; details about many of the decisions taken by the Mayor and others around the Group are published; more information about contracts with external suppliers is becoming available; and we believe the situation has improved in some respects as a result of our scrutiny.

However, we have found that approaches and cultures differ around the Group. While the GLA and the functional bodies say they want to be transparent, this doesn't always happen in practice. Some bodies have resisted releasing information which has eventually come into the public domain anyway. In other cases, information publication has been delayed, apparently to protect commercial confidentiality, which has later been shown to have been unnecessary.

Through this investigation, John Biggs AM has examined what greater transparency would mean in practice and assessed the barriers to greater openness. The review, on behalf of the London Assembly, looked at whether organisational cultures within the GLA Group encourage openness, and how decisions are made about what can and cannot be published. It also considered whether more information could be published about contractual agreements with private companies.<sup>iii</sup> A key element of the review was a detailed questionnaire sent to each organisation within the GLA Group aiming to assess and compare transparency arrangements. We are grateful to the bodies for their responses which provide useful comparative information and are published, along with a summary document, on the Assembly's website.<sup>iv</sup>

There are clear benefits to transparency. It can help mitigate the risks of poor practice, poor value for money, reputational damage and even corruption. The public also has a fundamental right to know how public money is being used. Remaining mindful of the potential cost of transparency measures, this report sets out some steps which should be taken to help the organisations in the GLA Group become some of the most transparent around the country.

## 2. Publishing contractual information

---

### Conclusions

There should be a presumption that all GLA Group contracts should be published unless there are pressing reasons not to – and this should only happen exceptionally. This will allow greater scrutiny of how public money is spent and could have a financial benefit. In many more cases it should be possible to release contracts in full, including financial information.

Commercial sensitivities are too often cited as reasons for withholding information. While this may be legitimate during contractual negotiations, for example, there are also cases where commercial arrangements that significantly affect public services are kept secret unnecessarily or for longer periods than they need to be.

---

The Government expects openness and transparency in public procurement. The DCLG code of practice for transparency recommends that contracts with businesses and other supplier organisations should be published as a matter of course. Transparency is also a requirement under European procurement rules which stipulate that the values of large public sector contracts and supplier names should be published.

There is some evidence that transparent procurement can save money and increase the number of bidders but the primary motivation is to ensure accountability.<sup>v</sup> The DCLG code of practice says, “Where public money is involved there is a fundamental public interest in being able to see how it is being spent, to demonstrate how value for money has been achieved or to highlight inefficiency.”<sup>vi</sup> Guidance to the Freedom of Information Act says there is generally a public interest in the disclosure of commercial information. It also notes that commercial sensitivity declines over time, often quite rapidly.<sup>vii</sup>

The GLA Group does not routinely publish all its contracts so information about sometimes large spending commitments is not open to scrutiny. A few contracts have been released following FOI requests<sup>viii</sup> but in other cases the Assembly and others have been frustrated by bodies that are unwilling or unable to make contract details available. An example of the latter is the contract TfL inherited from Tube Lines requiring it to make

large payments to Canary Wharf Limited because the Jubilee line upgrade overran. TfL acknowledged that it was making monthly payments of around £1.4 million but said it was unable to release contractual details because of a confidentiality agreement between the two organisations.<sup>ix</sup>

TfL is taking steps to improve this situation, focusing initially on sponsorship contracts, which have previously not been open to scrutiny. The Assembly and others have tried in vain to get full details of the agreement with Barclays for the cycle hire scheme into the public domain. The same has also been true of the Emirates contract to sponsor the Thames cable car, although TfL has now released it in full in response to an FOI request. In these cases, like the Canary Wharf example, TfL refused to disclose the information citing contractual confidentiality clauses – which can appear to protect the commercial interests of suppliers at the expense of the public interest. For example, it seems ludicrous that Barclays are abating payments to TfL because of the performance of the cycle hire scheme but that we cannot examine the relevant contractual terms. Similarly for Emirates, we knew that payments might be smaller than expected on the cable car project in some circumstances but not in what circumstances.

TfL says it will ensure future sponsorship contracts do not include such clauses which hinder its ability to publish information that it would otherwise want to release.<sup>x</sup> This is welcome but for existing agreements we believe it must be possible to release contractual performance terms even if other financial details must remain private.

TfL now also publishes redacted versions of all its highest value contracts. From July 2012, it began publishing contracts worth over £10 million – around 20-25 a year – and to date there are six available with financial information removed.<sup>xi</sup> It says that applying a threshold of £150,000 would mean publishing 250-300 contracts a year, which would be “too onerous”.<sup>xii</sup> TfL’s Commercial Development Director told the Assembly that people could request other contracts under FOI and that increasing the number of contracts published was a logistical challenge rather than a cultural issue: “The challenge that we have is trying to provide the information in a way that is meaningful and accessible without simply putting data out there in an unintelligible format. We have sought to have a balance here.”<sup>xiii</sup> We note that one of the principles underpinning the London Datastore is that making information meaningful and accessible should not delay its release. Information should be published in the format in which it is held; organisations are then welcome to do

things to make it more accessible but that should not be a reason to prevent publication.

In any case, TfL and the other functional bodies will probably need to publish more contracts in the future. During autumn 2012, the Government consulted on making its transparency code of practice a legal requirement for all public bodies. A final decision is awaited but as it stands the code would require all contracts to be published regardless of value.<sup>xiv</sup> This would mean very substantial changes in the practices of most public sector bodies and would certainly supersede our recommendations below.

Most of the functional bodies also publish some information listing active contracts but this is not consistent. TfL issues a list of active TfL and GLA contracts worth more than £500,000 and their approximate values in bands. As of February 2013 there were some 500 contracts listed.<sup>xv</sup> Crossrail also has a contracts register, although it only includes contracts which are defined as 'critical' by Crossrail. It is presented as a searchable webpage which is far more user-friendly than TfL's monthly PDF documents.<sup>xvi</sup> The MPS publishes a list of awarded contracts over £50,000 each month (but not a register of active contracts). LFEPA has published information about all its term contracts and since April 2012 has listed the names (but not generally the values) of all new contracts on the London Contracts Register.<sup>xvii</sup> The LLDC publishes the identities of the awardees of contracts above the relevant European procurement thresholds but says it will now consider a more systematic approach for publication.

We consider that Crossrail's model of a searchable webpage with an up-to-date list of active contracts (with the ability to provide hyperlinks to published contracts) most effectively allows proper scrutiny of commercial agreements.

### **Redactions**

Even where contracts are published there is still debate about the removal of financial information. TfL has indicated that it will take a totally open approach with sponsorship contracts but not necessarily for other published contracts, which will have "redactions or confidential schedules as necessary".<sup>xviii</sup> This is concerning because widespread redactions would continue to make it impossible to assess value for money even if more contracts are published. It is also inconsistent: TfL has accepted arguments around transparency for sponsorship which suggests there may be opportunities to be more open with financial

information in other types of contract as well. The Public Accounts Committee concluded in 2012 that pricing information should be released across the board to make transparency meaningful and because it would reduce costs:

We are concerned that 'commercial confidentiality' may be used as an inappropriate reason for non-disclosure of data. If transparency is to be meaningful and comprehensive, private organisations providing public services under contract must make available all relevant public information. [...] Transparency on contract pricing which is often hidden behind commercial confidentiality clauses would help to drive down costs to the taxpayer.<sup>xix</sup>

There is clearly a need to protect the GLA Group's ability to secure the best commercial deal. The Information Commissioner recently upheld TfL's decision not to release details of its contract for advertising with CBS Outdoor. He agreed with TfL that its commercial interests would have been prejudiced, and that this outweighed the inherent public interest in disclosure. TfL accepted that in many circumstances the disclosure of contract prices assists in scrutinising how public funds are spent, and that prices obtained in one tender exercise are unlikely to mirror likely bids when a contract next comes up for tender. However, it argued successfully that in this case disclosure could affect future tenders for the contract even though there was no imminent re-let.<sup>xx</sup>

The Information Commissioner does not always agree with TfL's position. He ruled against efforts to withhold, under three different FOI exemptions, information from TfL's contract with Serco to operate the Cycle Hire scheme. TfL had argued that disclosure of the information could prejudice its own commercial interests as well as those of Serco. It said Serco's negotiating position would be undermined in future tendering exercises and was also concerned that disclosure would lead to bidders such as Serco being less forthcoming during future tender processes. However, the Commissioner ruled against TfL on every point, saying:

In order to satisfy [the Commissioner] that disclosure would be likely to prejudice Serco and/or TfL's commercial interests it would need to be shown that the chances of prejudice occurring are significant and weighty. Although the risk of prejudice need not be more likely than not, it must be substantially more than remote. [...] TfL has failed to point to any specific tender or negotiation where Serco's commercial interests would be undermined.<sup>xxi</sup>

To achieve greater levels of disclosure, we support the recommendation in the Government's code of practice that public sector contracts should include a 'transparency clause'. TfL and LFEPA have recently begun to include such clauses but extending this would make it clear to suppliers that if they enter into commercial arrangements with GLA Group organisations they should expect the details to be in the public domain. It would allow decisions on publication to be made in accordance with the public interest rather than that of suppliers. The London Borough of Redbridge includes a transparency clause in all of its contracts believing that routine full publication of contracts could increase competition and result in lower prices.<sup>xxii</sup> Routine full publication would also reduce the bureaucratic burden by removing the need to redact financial information.

### **Recommendation 1**

The GLA Group should implement the Government's transparency code of recommended practice. In particular, it should assert the principle that all contracts should be published unless there are pressing and genuine reasons not to.

### **Recommendation 2**

All GLA Group organisations should have a searchable webpage (akin to Crossrail's) with an up-to-date register of their active contracts including brief descriptions, contract values (as opposed to using value bands), the names of suppliers, contract end dates and hyperlinks to published contracts (including those released under FOI). If an organisation has a very large number of active contracts – perhaps over 500 – it could have a minimum price threshold for inclusion in the register as TfL does. However, in an age where this information is held electronically the administrative burden is much less than it would have been.

### **Recommendation 3**

It would be in the public interest for all GLA Group contracts to be publishable. As such, transparency clauses should be included routinely in all new contracts to allow them to be published in full, including financial information. Where a functional body believes a transparency clause could prejudice its commercial interest, and that this would outweigh the inherent public interest in openness and transparency, it should note the reason in its contracts register.

### **Recommendation 4**

GLA Group bodies should each adopt an open policy on the value of contracts that will be published. TfL has committed to publishing contracts worth over £10 million, which will result in 20-25 contracts a year being released. We believe this threshold is too high and that TfL should reassess it in order to publish more contracts. We do accept that volume may be a barrier so each body should determine a suitable value threshold, ensuring as many contracts as possible are published, and provide it to the Committee with reasons for the value chosen.

These recommendations should be seen as a minimum in advance of potential new government regulations which could force public bodies to publish all contracts in full.

### 3. Decision-making information

---

#### Conclusions

Too much information relating to decisions by the public bodies within the GLA Group remains unpublished. Formal decisions are also often taken in private. This means that accountability for those decisions is reduced.

Improvements in this area will require a change of organisational culture. The Mayor should review how more information around decisions can be made available to the public. The GLA Group can be cleverer about releasing information while maintaining the confidentiality of sensitive figures; we have suggested a hierarchy of confidentiality mechanisms to help achieve this.

---

Formal decisions are taken in broadly two ways around the GLA Group: first, by individuals – the Mayor at the core GLA and the Deputy Mayor for Policing and Crime (DMPC) at MOPAC; and, second, by decision-making boards and committees. The Mayor has an advisory board – the Investment and Performance Board – with published agenda papers and minutes but which meets in private. Ultimately, decisions rest with the Mayor alone and are recorded through published Mayoral decisions. MOPAC operates a similar system with formal ‘DMPC decisions’. The Assembly, LFEPA, TfL and the LLDC make and publish decisions through their boards and committees.

Unlike the GLA and MOPAC, the boards and committees of the Assembly, LFEPA, TfL and the LLDC are subject to the Access to Information rules.<sup>xxiii</sup> They have published agenda papers and minutes and are open to the public except for exempt items which the body can choose to consider in private. Unless information falls within certain categories under the rules it is illegal not to consider it in public. Even where an item can be categorised as exempt it is normally still for the body concerned to decide whether or not to consider that matter in private (rather than being required to by the law). Examples of potentially exempt items could include matters relating to a particular member of staff or sensitive contractual information. As for many public authorities, GLA Group agenda papers and decision forms are sometimes separated into an open ‘Part 1’ and a ‘Part 2’ with exempt information.

Confidentiality is currently accommodated in different ways within these structures. Mayoral and DMPC decisions can include confidential Part 2s containing sensitive material or publication can be delayed after the forms have been signed. For agenda papers and minutes, the crucial factor is whether the item is placed on the public or the private part of the agenda. This also determines whether discussion of an issue takes place before or after the public is excluded from meetings and whether it appears in published minutes. For all bodies, commercial confidentiality is the primary reason for making information exempt from publication.

These mechanisms are sometimes used in unhelpful ways and we want to reduce this. For example, even TfL Board members have asked questions about how TfL decides what information to present in the public section of meetings and what is discussed in private. One said he felt that information relating to one item was ‘put away on a highly dubious basis’.<sup>xxiv</sup> In this case the debate was around the split of information between an open part 1 and a closed part 2 but papers can also be reserved in their entirety for the private section of the meeting. This means not only that discussions are not held in public but also that background information is not available. This is also the case for reserved papers for the GLA’s Investment and Performance Board and Mayoral Decisions that are not published immediately they are signed.

---

### **Policing decision-making**

Transparency of policing decision-making has been affected by changes in policing governance structures. Previously, under the Metropolitan Police Authority (MPA), many more decisions were taken in public through the MPA’s committee structure. This changed with the creation of MOPAC when the Mayor (and, by delegation, the Deputy Mayor) became solely responsible for overseeing policing in London.

MPS internal decision-making boards are “focussed on operational policing” and reports are not generally published.<sup>xxv</sup> Once agreed internally by the MPS, non-operational reports (relating to money, people or buildings) and all significant (over £500,000), novel or contentious issues are signed off by the Deputy Mayor and published by MOPAC. This raises questions about how the MPS decides which decisions are novel or contentious and we will look for further discussion with the MPS and MOPAC on openness in MPS decision-making.

---

While transparency would be best served by publishing in full, we have identified a hierarchy showing the order in which confidentiality

mechanisms should be used in decision forms and agenda papers where there is genuinely sensitive material:

1. Every report should be published in full unless there are pressing reasons to do otherwise.
2. Redactions – if a paper contains a limited number of sensitive items (e.g. figures or names), redactions allow them to be removed with all other information remaining visible. GLA Group organisations do not generally use redactions in decision-making papers at present but their benefit would be to make clear what information has been reserved (although we accept that redactions are principally applicable to information outside the Access to Information rules). It should often be possible for redactions to be time-limited.
3. Confidential part 2s – where redactions would be unfeasible because of the amount of sensitive information, confidential part 2s can allow the nature and background of a decision to be published while sensitive information is withheld. Standards should ensure that as little information as possible is in Part 2s and that Part 1s fully explain the decision being made and identify parties wherever possible. The GLA’s Housing and Investment Group agendas, which are often almost entirely blank, illustrate the potential advantages of part 2s over reserved papers.<sup>xxvi</sup> Information in part 2s could also be released on a specified date where it is clear that the information will no longer be sensitive (e.g. after a contract has been awarded).
4. Reserved or delayed papers – bodies should avoid altogether withholding or delaying the publication of papers in their entirety. Doing so means that no information about a decision is available; sometimes there is no way of knowing even that a decision has been taken, as in the case of delayed Mayoral decisions. There should always be an open part 1 for every item, presenting background information and the nature of the decision.

An example of a paper where a confidential part 2 could have avoided delaying publication is the Mayoral decision to commit additional funding to the December 2012 New Year’s Eve fireworks display.<sup>xxvii</sup> It was signed on 22 November 2012 but not published until April 2013. Had commercially sensitive information been included in a confidential part 2, the decision could have been published and scrutinised in November when it was made; and the part 2 could have been published in April when the sensitivities had passed. Using part 2s instead of delayed or reserved papers would also allow the public enough detail to make an FOI

request should they believe withholding information would not meet the tests under the legislation.

Ultimately, though, we believe more of this information could simply be published in the first place. Key to this are organisational cultures and systems, particularly a system to check whether report authors could do more to release information they had originally judged to be sensitive but over time becomes less so. We recognise, as with contracts, that there is a balance between the benefits of transparency and the needs of bodies to protect their commercial interests. However, as has been shown over the last few years, this balance can be shifted further towards the side of transparency without appreciable harm to commercial interests. Prerequisites for this will include a clear and consistent test to determine whether information can be withheld (including criteria for commercial confidentiality), people within organisations tasked with challenging, case by case, whether it has been met and an overarching presumption that information should be published.

---

### **Crossrail**

As a wholly-owned subsidiary of TfL, Crossrail says it is committed to complying with the Government's transparency code of practice.<sup>xxviii</sup> Its searchable contracts register has been noted by the Committee as good practice (above). However, Crossrail's approach to publishing contracts and decision-making information is less transparent than its parent organisation: it does not routinely publish contracts themselves, whereas TfL publishes contracts over £10 million with financial information redacted and all new sponsorship contracts in full; and Crossrail's Board papers are not published and its meetings are held in private.

Although it is set up as a company, Crossrail is entirely funded by taxpayers and London businesses. We have therefore written to Crossrail and TfL to begin a dialogue about bringing Crossrail into line with TfL's transparency policies and standards in order that more of its contractual information and decision-making is in the public domain.

---

Finally, we are concerned about changes that are reducing transparency around the corporate governance of TfL. The Localism Act 2011 brought TfL under existing local government legislation and required it to open up its committees to the public. However, this development is being undermined by new structures and practices:

- Peter Anderson, the Chair of TfL's Finance and Policy Committee, told the Assembly that a new panel – the Projects and Planning Panel – has been established since the Localism Act.<sup>xxix</sup> Although formal decision-making takes place at Board or committee meetings, panels such as this are not covered by the Access to Information rules and do not sit in public so much of the in-depth discussion about TfL's investment programme is again happening behind closed doors.
- Mr Anderson also referred to new informal sessions of the Board where members can talk to the Mayor and senior officers in private. He compared these to a FTSE 100 company where the non-executive directors “regularly get together to talk about the business, to talk about issues”

Although the Transport Commissioner recently told the Assembly that he “accepts fully the need for public disclosure of things that should be legitimately in the public interest”, his view of the purpose and potential pitfalls of transparency perhaps sums up a prevailing view at TfL:

You would like of course for us to show every failing in the organisation on a piece of paper where it could be triumphed by one or more people in the Assembly as an example of public sector ineptitude, but actually the truth is that this is a very commercial organisation and I have some experience of running private sector organisations and you do not do your best commercial negotiation in public.<sup>xxx</sup>

This is quite a shocking statement: we understand the need to keep some information private but TfL is a public organisation spending several billion pounds of public money every year and we believe there is a public interest in Board members' oversight of TfL happening in open meetings with open agenda papers.

### **Recommendation 5**

The Mayor should review practice around the GLA Group – informed by the responses provided to this investigation – to identify how more information around decisions can go into the public domain. His response should:

- Indicate how he will implement the hierarchy of confidentiality mechanisms, avoiding reserved and delayed papers in favour of part 2s and redactions. We want there to be a Group-wide commitment to including an open Part 1 for every agenda paper and decision form to avoid papers that are reserved in their entirety or have their publication delayed.
- Include a clear test for use across the GLA Group to determine whether information should be withheld from publication and/or considered in private, including criteria for when information is commercially sensitive, and when and how any such information could subsequently be released. This is particularly important for information that is not covered by Access to Information rules where the bases for deciding what information will and will not be published can be less clear.
- Indicate who within each GLA Group organisation is responsible for determining whether the test above has been met and ensuring that the best confidentiality mechanism is being used.
- Make proposals as to how progress in publishing more decision-making information could be monitored over the coming months.
- Comment on the changes to the structure under TfL's Board which mean detailed conversations are continuing to happen in private despite the intention of the Localism Act to bring more of them into the public domain.

## 4. Information provided to Assembly committees and Members

---

### Conclusions

Assembly scrutiny committees and individual Assembly Members do not receive all the support they require to fulfil their role and the GLA Group organisations should be more forthcoming with the information they provide. This applies both to regular data provision and responses to information requests and reports.

It should be clearer that it is the duty of everyone working for or on behalf of the GLA Group to assist the Assembly in its scrutiny role. Better joint working, including improved responses to information requests and reports, would ultimately result in more effective policy-making.

Where the Mayor has previously intervened – in relation to MOPAC, for example – the situation has improved. The Mayor should respond similarly to the ongoing concerns raised in this report. In the first instance he needs to address the timeliness of responses by TfL, as well as the quality and consistency of engagement by MOPAC and in his own correspondence.

---

Committees often do not get adequate responses to requests for information or their reports. These can be thin responses which do not respond to specific questions raised or, in some cases, very long blanket responses that still do not provide the answers sought. When responses are received they can be significantly after the deadline and some functional bodies regularly require chasing.

Some responses from TfL, MOPAC and the Mayor have been particularly poor in the past few months. As an example, the Transport Committee published a report into cycling in November 2012 and asked for a response by the end of February 2013 (over three months later). After several weeks of chasing the response (which was good) eventually arrived on 3 April. Earlier in the investigation, the Committee had also been frustrated by a long-delayed response to an information request in advance of a meeting.<sup>xxxii</sup> When it did arrive – the day before the session

and too late to be properly considered by Members – it did not respond to all the Committee’s questions or provide the requested level of detail.

These problems with TfL’s engagement with the Committee around cycling spoiled what was otherwise a collaborative and productive piece of work, but they were not unrepresentative of recent experiences. During the last 12 months the Transport Committee and the Budget and Performance Committee have had other problems getting information on transport issues and some examples are given in the endnotes to this report.<sup>xxxii</sup>

The availability of information about policing was not helped by changes in policing governance structures, although an intervention by the Mayor did eventually improve the situation. For some time after its creation in January 2012, MOPAC’s approach to providing information to the Police and Crime Committee was particularly poor: many requests simply went unanswered and important data about crime and the financial position of the MPS ceased to be provided. Ultimately, the Assembly had to ask the Mayor to step in and the results – including a 20 working day deadline for correspondence and crime data being made available on the London Datastore – show what is possible when he gives this kind of problem his personal attention.

The MPS has been more responsive but there have been problems here too. The Assembly was first promised regular workforce monitoring data over two years ago but it has still not been provided.<sup>xxxiii</sup> The MPS again committed to this in October 2012 but over six months later, despite considerable chasing, it has not yet been released.<sup>xxxiv</sup> Future MPS workforce projections, as requested by the Budget and Performance Committee in order to assess how reforms are affecting policing capacity, have also been promised by the Mayor “when the information is finalised” with no indication of when that will be.<sup>xxxv</sup> In addition, the Police and Crime Committee received late responses from both the MPS and MOPAC to pivotal information requests relating to its investigation into the governance of Taser.

Some other recent Mayoral responses have been below the standard we would expect. His recent letter regarding the Police and Crime Committee’s response to the draft Police and Crime Plan did not engage in any coherent way with the detailed recommendations the Committee had made. This is despite the Committee’s work having a considerable impact on the final Plan, for example all neighbourhood officers will now be allocated to a ward and identifiable to the public, addressing the

Committee's concerns about locally known officers.<sup>xxxvi</sup> Similarly, the Mayor's responses to the Budget and Performance Committee during the budget process did not address some of the recommendations intended to help the Assembly in its role in setting the budget. For both the policing plan and the budget, the Assembly was a statutory consultee and the Mayor had a legal duty to have proper regard for its recommendations, explaining how he had taken them into account.

Finally, as well as committees, individual Assembly Members have faced problems in getting information from the functional bodies, hindering their ability to represent the electorate. This particularly relates to MOPAC which has had a very poor record of responding to Member enquiries. Its figures for the period until February 2013 show that over 20 per cent of answers to letters from Members missed the 20 day target response time with some subject to unacceptably long delays.<sup>xxxvii</sup> We will need updated data to see whether there have been any more recent improvements. There have also been issues around correspondence from Members' staff which MOPAC has sometimes treated differently from Member enquiries. The Assembly requested previously that MOPAC should not make such a distinction and should treat enquiries from Members and their staff in the same way.

One Member is particularly concerned about delayed and missing MOPAC responses to enquiries and has lodged a complaint with the Information Commissioner. Responses to two of her enquiries have taken 160 days or more and she calculates that the average response time has been over 60 days.<sup>xxxviii</sup> Part of the problem is that MOPAC still has not set up the single point of contact for Member enquiries, despite the then Deputy Mayor for Policing and Chief Executive of the MPA agreeing to do so as MOPAC was established 18 months ago.<sup>xxxix</sup>

On a more positive note, Members have received better responses from TfL since it set up a new system (including a dedicated email address) to deal with enquiries. While there can still be issues with more complex cases and some responses can lack detail, TfL's average enquiry response time is now 13 days, with 25 per cent answered within one day, 60 per cent within ten days and up to 93 per cent within 20 days. We hope that other functional bodies – particularly MOPAC – will learn lessons from the way this was implemented.

Furthermore, LLDC has consistently provided useful and timely responses to information requests. It has handled commercial sensitivities in an open and helpful manner, for example, in responding to a recent request

from the Budget and Performance Committee regarding the future of the Olympic Stadium. LLDC provided helpful information where it could, and it also gave reasoned explanations where ongoing commercial negotiations meant that information could not yet be released. The Committee appreciated its approach of setting out what information it could and could not provide and why, rather than glossing over the request. The next step would be to commit to providing the information as soon as the commercial sensitivities had passed, with likely dates for the release of this information.

We could learn from the Government's approach to parliamentary select committees. Cabinet Office guidance emphasises the principle that it is the duty of civil service officials to be as helpful as possible to select committees:

Select Committees have a crucial role in ensuring the full and proper accountability of the Executive to Parliament. [...]

The central principle to be followed is that it is the duty of officials to be as helpful as possible to Select Committees. Officials should be as forthcoming as they can in providing information, whether in writing or in oral evidence, to a Select Committee.<sup>x1</sup>

Such guidance could usefully be produced for those working for the GLA Group. It could set out the Assembly's role in effective policy-making and spending decisions, as well as clarifying the Mayor's expectation that high-quality assistance should be provided. Poor engagement with the Assembly risks undermining its purpose and stopping Members doing the job they are elected to do.

### **Recommendation 6**

The Mayor should prepare guidance for people working for the GLA Group clarifying that it is their duty to assist the Assembly in its role. This should also be made clear in documentation when new appointments are made.

### **Recommendation 7**

In addition to addressing the specific concerns above, the Mayor should establish standards for responses to Assembly committees and individual Members. He may wish to use the following parameters, some of which are already established, as a starting point:

- Full responses to correspondence will be received within 20 working days. Functional bodies will not need to be chased.
- Responses to reports will be received within a maximum of three months.
- Quality: responses should address each recommendation in turn (even if it is to say why it has not been accepted) and engage with a committee's concerns and the conclusions it has drawn.

In future, the Assembly secretariat will systematically monitor responses to committee information requests and reports. It will report to the GLA Oversight Committee instances where responses take longer than 20 working days or three months respectively. It will also report responses when committee chairs consider them to be poor quality. The GLA Oversight Committee may also choose to refer these cases to the Mayor.

### **Recommendation 8**

To reduce delays in its responses to correspondence, we consider that MOPAC should, as a matter of urgency, set up a single email address specifically for enquiries from Members and Members' staff. Additionally, the distinction that MOPAC previously tried to draw between enquiries from Members and their staff was inappropriate and MOPAC should confirm that this is no longer its approach.

## 5. Conclusion

Through this investigation we hope to speed up improvements in transparency which are undoubtedly already taking place in many public sector organisations. The GLA Group is moving in the right direction but more needs to be done. We have made what we believe are practical recommendations for next steps. We intend to follow up their implementation through continuing discussions with the relevant people around the GLA Group, including at the July meeting of the GLA Oversight Committee.

To go beyond our recommendations, there needs to be a wider cultural change. Officers and others working on behalf of the GLA Group should not look simply to release the minimum levels of information in order to comply with regulations and standards. There should be a positive rather than a negative presumption regarding publication – unless there is a good reason to withhold it, get it into the public domain before someone asks. This kind of cultural change will not just happen; it needs leadership from the Mayor and other senior figures who themselves will need to set the highest standards.

Finally, it is clear that commercial sensitivity is the most difficult obstacle to greater transparency. There are both real and perceived risks in releasing more commercial information but, for public bodies, commercial concerns must be seen in the context of the substantial public interest in transparency and openness. As the Information Commissioner has said, it must be possible to demonstrate that the risk of commercial prejudice is “substantially more than remote” and we consider that this test is often not satisfactorily met as it stands.

This Committee will periodically review how transparency around the Group is changing. We will look for progress against the current position (as set out in the questionnaires submitted to this investigation) and evidence that the initial presumption has shifted to publishing contracts, agenda papers and decision forms, rather than withholding this important information.

# Appendix 1 Recommendations

## Recommendation 1

The GLA Group should implement the Government's transparency code of recommended practice. In particular, it should assert the principle that all contracts should be published unless there are pressing and genuine reasons not to.

## Recommendation 2

All GLA Group organisations should have a searchable webpage (akin to Crossrail's) with an up-to-date register of their active contracts including brief descriptions, contract values (as opposed to using value bands), the names of suppliers, contract end dates and hyperlinks to published contracts (including those released under FOI). If an organisation has a very large number of active contracts – perhaps over 500 – it could have a minimum price threshold for inclusion in the register as TfL does. However, in an age where this information is held electronically the administrative burden is much less than it would have been.

## Recommendation 3

It would be in the public interest for all GLA Group contracts to be publishable. As such, transparency clauses should be included routinely in all new contracts to allow them to be published in full, including financial information. Where a functional body believes a transparency clause could prejudice its commercial interest, and that this would outweigh the inherent public interest in openness and transparency, it should note the reason in its contracts register.

## Recommendation 4

GLA Group bodies should each adopt an open policy on the value of contracts that will be published. TfL has committed to publishing contracts worth over £10 million, which will result in 20-25 contracts a year being released. We believe this threshold is too high and that TfL should reassess it in order to publish more contracts. We do accept that volume may be a barrier so each body should determine a suitable value threshold, ensuring as many contracts as possible are published, and provide it to the Committee with reasons for the value chosen.

These recommendations should be seen as a minimum in advance of potential new government regulations which could force public bodies to publish all contracts in full.

### **Recommendation 5**

The Mayor should review practice around the GLA Group – informed by the responses provided to this investigation – to identify how more information around decisions can go into the public domain. His response should:

- Indicate how he will implement the hierarchy of confidentiality mechanisms, avoiding reserved and delayed papers in favour of part 2s and redactions. We want there to be a Group-wide commitment to including an open Part 1 for every agenda paper and decision form to avoid papers that are reserved in their entirety or have their publication delayed.
- Include a clear test for use across the GLA Group to determine whether information should be withheld from publication and/or considered in private, including criteria for when information is commercially sensitive, and when and how any such information could subsequently be released. This is particularly important for information that is not covered by Access to Information rules where the bases for deciding what information will and will not be published can be less clear.
- Indicate who within each GLA Group organisation is responsible for determining whether the test above has been met and ensuring that the best confidentiality mechanism is being used.
- Make proposals as to how progress in publishing more decision-making information could be monitored over the coming months.
- Comment on the changes to the structure under TfL's Board which mean detailed conversations are continuing to happen in private despite the intention of the Localism Act to bring more of them into the public domain.

### **Recommendation 6**

The Mayor should prepare guidance for people working for the GLA Group clarifying that it is their duty to assist the Assembly in its role. This should also be made clear in documentation when new appointments are made.

### **Recommendation 7**

In addition to addressing the specific concerns above, the Mayor should establish standards for responses to Assembly committees and individual Members. He may wish to use the following parameters, some of which are already established, as a starting point:

- Full responses to correspondence will be received within 20 working days. Functional bodies will not need to be chased.
- Responses to reports will be received within a maximum of three months.
- Quality: responses should address each recommendation in turn (even if it is to say why it has not been accepted) and engage with a committee's concerns and the conclusions it has drawn.

In future, the Assembly secretariat will systematically monitor responses to committee information requests and reports. It will report to the GLA Oversight Committee instances where responses take longer than 20 working days or three months respectively. It will also report responses when committee chairs consider them to be poor quality. The GLA Oversight Committee may also choose to refer these cases to the Mayor.

### **Recommendation 8**

To reduce delays in its responses to correspondence, we consider that MOPAC should, as a matter of urgency, set up a single email address specifically for enquiries from Members and Members' staff. Additionally, the distinction that MOPAC previously tried to draw between enquiries from Members and their staff was inappropriate and MOPAC should confirm that this is no longer its approach.

## Appendix 2 Orders

### How to order

For further information on this report or to order a copy, please contact Tim Steer, Scrutiny Team Manager, on 020 7983 4250 or email: [tim.steer@london.gov.uk](mailto:tim.steer@london.gov.uk)

### See it for free on our website

You can also view a copy of the report on the GLA website:  
<http://www.london.gov.uk/assembly/reports>

### Large print, braille or translations

If you, or someone you know, needs a copy of this report in large print or braille, or a copy of the summary and main findings in another language, then please call us on: 020 7983 4100 or email: [assembly.translations@london.gov.uk](mailto:assembly.translations@london.gov.uk)

#### Chinese

如您需要这份文件的简介的翻译本，  
请电话联系或按上面所提供的邮寄地址或  
Email 与我们联系。

#### 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  
adresini aracılığıyla bizimle temasa geçin.

#### Punjabi

ਜੇ ਤੁਸੀਂ ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਸੰਖੇਪ ਆਪਣੀ ਭਾਸ਼ਾ ਵਿਚ ਲੈਣਾ  
ਚਾਹੋ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਇਸ ਨੰਬਰ 'ਤੇ ਫੋਨ 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 উল্লিখিত 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

الحصول على ملخص لهذا المستند بلغتك،  
فارجاء الاتصال برقم الهاتف أو الاتصال على  
العنوان البريدي العادي أو عنوان البريدي  
الإلكتروني أعلاه.

#### Gujarati

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

# Notes

- 
- <sup>i</sup> Department of Communities and Local Government, [Transparency code of recommended practice](#), September 2011, para 5
- <sup>ii</sup> Boris Johnson, election manifesto, 2012
- <sup>iii</sup> The scope of the investigation is set out in more detail [here](#).
- <sup>iv</sup> The report and associated material can be found on the Assembly's publications [page](#).
- <sup>v</sup> Research for the EU shows that openness and transparency in procurement can save money and increase the number of bidders for contracts ([link](#)). However, it focuses on the stages before a contract is awarded (publishing a Prior Information Notice and an Invitation to Tender, and running an open process), rather than publication of contracts or their value.
- <sup>vi</sup> Department of Communities and Local Government, [Transparency code of recommended practice](#), September 2011, para 5
- <sup>vii</sup> Ministry of Justice, [Freedom of Information guidance, exemptions guidance 43: commercial interests](#), May 2012, pages 11 and 6.
- <sup>viii</sup> More details of TfL contracts released following FOI requests can be found [here](#).
- <sup>ix</sup> Email from TfL to John Biggs AM's office, 16 August 2012
- <sup>x</sup> "In future we will adopt a policy of presumption of full transparency, including publishing the Authority's [TfL's] contracts with sponsors." (Letter to the Chair of the Budget and Performance Committee from Graeme Craig, Commercial Development Director, TfL, 5 April 2013)
- <sup>xi</sup> Contacts since July 2012 are on the Contracts Finder [website](#).
- <sup>xii</sup> TfL, Audit Committee, [Agenda Item 12](#), para 3.19(f)
- <sup>xiii</sup> Graeme Craig. Commercial Development Director, TfL, speaking at the Budget and Performance Committee on 16 April 2013
- <sup>xiv</sup> This consultation ran between 25 October and 20 December 2012 and responses are currently being assessed. More information is available [here](#).
- <sup>xv</sup> TfL's contracts register can be found [here](#). The price bands are £500k-£1m, £1m-£5m, £5m-£10m, £10m-£25m, £25m-50m, £50m-£100m and £100m+.
- <sup>xvi</sup> Crossrail's contracts register can be found [here](#).
- <sup>xvii</sup> The London Contracts Register can be found [here](#).
- <sup>xviii</sup> TfL, Audit Committee, [Agenda Item 12](#), para 3.19(f)
- <sup>xix</sup> House of Commons Public Accounts Committee, [Implementing the transparency agenda](#), 16 July 2012, conclusion 6
- <sup>xx</sup> Information Commissioner's [decision](#) FS50448146, 9 January 2013, paras 18 & 19
- <sup>xxi</sup> Information Commissioner's [decision](#), FS50387116, 5 December 2011, para 20
- <sup>xxii</sup> Based on a conversation with the Chief Financial Services Officer at the London Borough of Redbridge.

---

<sup>xxiii</sup> A Centre for Public Scrutiny briefing on associated regulations from 2012 can be found [here](#). The relevant part of the Local Government (Access to Information) Act 1985 can be found [here](#). Schedule 12A, Part 1 of the Act describes exempt information and is reproduced below:

1 Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under, the authority.

2 Information relating to a particular employee, former employee or applicant to become an employee of, or a particular officer, former officer or applicant to become an officer appointed by—

(a) a magistrates' court committee, within the meaning of section 19 of the Justices of the Peace Act 1979; or

(b) a probation committee appointed under paragraph 2 of Schedule 3 to the Powers of Criminal Courts Act 1973.

3 Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority.

4 Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.

5 Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority.

6 Information relating to the adoption, care, fostering or education of any particular child.

7 Information relating to the financial or business affairs of any particular person (other than the authority).

8 The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services.

9 Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.

10 The identity of the authority (as well as of any other person, by virtue of paragraph 7 above) as the person offering any particular tender for a contract for the supply of goods or services.

11 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office-holders under, the authority.

12 Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with—

(a) any legal proceedings by or against the authority, or

(b) the determination of any matter affecting the authority, (whether, in either case, proceedings have been commenced or are in contemplation).

13 Information which, if disclosed to the public, would reveal that the authority proposes—

(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

(b) to make an order or direction under any enactment.

14 Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

15 The identity of a protected informant

---

<sup>xxiv</sup> Daniel Moylan at the TfL Board's Finance and Policy Committee meeting on 13 March 2013. The information in question was subsequently published in an open Board paper.

<sup>xxv</sup> MPS response to the Committee's questionnaire

<sup>xxvi</sup> See the agendas from [21 March 2013](#) and [23 May 2013](#) as examples.

<sup>xxvii</sup> [Mayoral Decision 1100](#)

<sup>xxviii</sup> Crossrail Ltd was formed as a company in 2001 to develop a new railway across London from Maidenhead to Shenfield which is due to open 2018. The company became a wholly owned subsidiary of TfL in 2008. Follow this [link](#) to the transparency section of Crossrail's website.

<sup>xxix</sup> Peter Anderson, Chair of TfL's Finance and Policy Committee, speaking at the Assembly Transport Committee meeting on 17 April 2013

<sup>xxx</sup> Sir Peter Hendy, Commissioner, TfL, speaking at the Assembly Transport Committee meeting on 17 April 2013

<sup>xxxi</sup> The Committee wrote to TfL on 2 July 2012 asking for written information by 20 August (7 weeks) to inform a Committee meeting with TfL and other guests on 11 September. Despite chasing on most days by officers, a response did not arrive until the day before the meeting. The response did not respond to all the Committee's questions and further requests were made, with limited success, to get improved information. The Transport Commissioner told the Committee that the delays were due to the Olympic and Paralympic Games.

<sup>xxxii</sup> A. The Transport Committee wrote to the Mayor in November 2012 regarding TfL's progress in improving Tube performance and delivering the line upgrades. A response was sought via the GLA transport team and TfL on a regular basis and eventually received on 9 April 2013.

B. The Budget and Performance Committee recommended in February 2012 that TfL should develop a new policy on sponsorship and provide it to the Committee by the end of 2012 at the latest. The Mayor accepted this recommendation but, despite much chasing, TfL did not respond until 5 April 2013 and the Committee is still waiting for much of the information it had requested. TfL has said that a detailed sponsorship strategy and operational guidelines will be available in autumn 2013.

C. The Budget and Performance Committee has been repeatedly frustrated by responses to requests for information about the Mayor's fares decision. It initially wrote to TfL in September 2012 requesting an analysis of the implications of three fares scenarios. TfL's response was brief and unhelpful, failing to address the Committee's request. The Committee has since twice made similar requests to the Mayor but his responses have not engaged with the Committee's concerns either. This suggests that the Mayor and TfL are unwilling to provide this information but by not explaining or justifying their position they have failed to deal with the requests directly.

D. On 23 March 2013, the Budget and Performance Committee requested information about TfL's investment programme and capital budget. TfL's response did not engage with the Committee's questions in two important ways. First, TfL was asked to set out the costs of the investment programme in its 10-year Business Plan but only provided the funding package already agreed with government to 2014-15, despite the Committee clearly requesting the assumed costs for the remaining years of the Plan. We understand from subsequent discussions that this information was considered sensitive in advance of the Spending Review but this was not explained in TfL's response.

---

Second, TfL did not provide the original expected completion date for each investment project, as requested, and only provided currently assumed completion dates.

<sup>xxxiii</sup> Operational Policing Measures (OPM) analysis, undertaken by the MPS, shows the number of officers and staff operating in different positions within the force. In a [letter](#) dated 4 October 2011, MOPAC's predecessor, the Metropolitan Police Authority, accepted a recommendation by the Budget and Performance Committee that it should provide quarterly data showing "a breakdown of how [MPS] officers, special constables, PCSOs and other non-warranted staff are deployed between the roles defined under OPM analysis". The MPA said, "In principle the MPA/S would have no concerns about providing this data. [...] Relevant MPA and MPS officials would welcome the opportunity to discuss the frequency with which this could usefully be provided to the Assembly."

<sup>xxxiv</sup> The Deputy Commissioner again committed to making this information available to the Assembly on a quarterly basis at the Budget and Performance Committee meeting on 23 October 2012.

<sup>xxxv</sup> Mayor of London, [Draft Consolidated Budget Part 2](#), 31 January 2013, para 4.11

<sup>xxxvi</sup> The Committee's recommendations had considerable impact on the changes being implemented, notably:

- The final Plan included more information on how MOPAC will work with partners to deliver criminal justice priorities. MOPAC has since committed to developing a detailed action plan with partners that can be shared with the Committee.
- The MPS has committed that all neighbourhood officers will be allocated to a ward and identifiable to the public, addressing the Committee's concerns about locally known officers.
- The Mayor has agreed to bring an annual report on progress against the Plan to the Committee.
- The final Plan included greater consideration of other priority crimes, such as sexual violence and dangerous driving. MOPAC is developing a 'performance dashboard' to measure progress against these crimes that are not part of their headline 20.20.20 Challenge.
- MOPAC has recognised the need to work with independent experts to develop evidence-based policy.
- MOPAC is implementing more rigorous processes to interrogate the data presented by the MPS and ensure it is accurate.
- The final Plan includes a high level commitment to ensuring that officer supervision arrangements are adequate and MOPAC will hold the MPS to account for delivery against its People Strategy.
- There is acknowledgement of the police's role in safeguarding vulnerable children and young people.
- The final Plan recognises the importance of tackling health issues and substance misuse in preventing reoffending.

<sup>xxxvii</sup> 27 or 123 enquiries from Assembly Members were responded to late between April 2012 and February 2013 (MayorWatch, [How quickly does MOPAC answer its post?](#), 21 April 2013). A letter from the Mayor's Chief of Staff to the Chair of the Assembly's Police and Crime Committee dated 30 October 2012 refers to the 20-day target response time.

<sup>xxxviii</sup> Jenny Jones AM

---

<sup>xxxix</sup> Note of meeting between the Assembly's Police and Crime Working Group, the Police Commissioner and the Chair , Chief Executive and Deputy Chief Executive of the MPA, 16 November 2011

<sup>xl</sup> Cabinet Office, [Information on the powers of Select Committees](#), 2005, paras 9 and 53

**Greater London Authority**

City Hall  
The Queen's Walk  
More London  
London SE1 2AA

Enquiries 020 7983 4100  
Minicom 020 7983 4458  
ISBN 978 1 84781 163 9

**[www.london.gov.uk](http://www.london.gov.uk)**

This publication is printed on recycled paper