

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD2603

Title: Gifts and Hospitality Policy and Procedure

Executive Summary:

As part of the Chief Officer's review of the registration and declaration of interests and gifts and hospitality, the Greater London Authority's Gifts and Hospitality Policy and Procedure requires review.

A number of policy changes are proposed as a result of the review, in respect of publication of values and the reason for acceptance; changing the threshold above which declarations should be made; and the process for handling corporate declarations.

The Mayor, acting jointly with the London Assembly, is now asked to adopt the revised policy which applies to the Mayor, the London Assembly, Mayoral Appointees and Statutory Officers.

This Decision provides for the Mayor's approval. Approval for all other GLA Staff will be sought from the Head of Paid Service.

Decision:

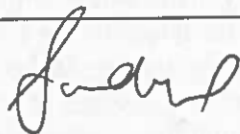
That the Mayor, jointly with the London Assembly, adopts the revised GLA Gifts and Hospitality Policy and Procedure as set out in Appendix 1.

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:

18/3/20

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

Decision required – supporting report

1. Introduction and background

- 1.1. The Greater London Authority's (GLA) Gifts and Hospitality Policy and Procedure (the Policy) is an important part of the GLA's commitment to high standards of conduct. The Policy applies to the Mayor, Assembly Members, co-opted Members and all GLA staff (including Mayoral Appointees). It was last approved in 2014, and a factual revision was undertaken in May 2019 to update references and reflect the current corporate template for the GLA's core governance documents.
- 1.2. The Chief Officer was asked by the Members of the London Assembly's GLA Oversight Committee in 2019 to review the GLA's approach to the registration of interests and of gifts and hospitality. As part of this review, a number of matters have been identified which require the Policy to be amended, namely:
- 1.3. Publication of the value of the gift/hospitality and reason for acceptance. The value and reason for acceptance of gifts/hospitality are recorded on Gifts & Hospitality declarations. This information will be made public for all gifts and hospitality declarations received in the new Mayoral term by the Mayor, Assembly Members and co-opted Members. It is intended to also be the case for all GLA Senior staff (including Mayoral Appointees) subject to the appropriate approvals as set out in section 6.2
- 1.4. The threshold for declaration will be changed from £25 to £50. The threshold value of gifts/hospitality to be declared has been set at £25 since the Policy was established many years ago and not updated to take account of inflation. As noted by the Committee on Standards in Public Life there is currently no specific legal requirement setting out how gifts/hospitality are to be registered, declared or published, and where they are; the thresholds set by local authorities vary at £25, £50 or £100. Having conducted some desk research, there does not appear to be a consistent position on this across London local government or national government. The Committee on Standards in Public Life recommends that local authorities should be required to establish a register of gifts and hospitality, with councillors required to record any gifts and hospitality received over a value of £50. Accordingly, the Policy has been updated so that the threshold for declarations of gifts and hospitality is £50. In addition, further guidance has been included to address situations where the value of a gift cannot be determined.
- 1.5. Corporate declarations. Corporate declarations are currently made where large numbers of tickets for sporting or cultural events are received by the GLA. These declarations are currently published online [here](#)¹. The Policy has been updated to note that corporate declarations will only be used to declare tickets which are donated to staff via a formal ballot process or provided to community groups. The Mayor, Assembly Members (and co-opted Members), Mayoral Appointees and GLA senior staff (the latter subject to Head of Paid Service approval) will be required to declare any/all tickets they receive as an individual personal declaration which will be published online and should not rely upon the corporate declaration.
- 1.6. The proposed revised Policy is attached in Appendix 1.

2. Objectives and expected outcomes

- 2.1 Adoption and publication of the Policy will ensure that the GLA continues to be in a strong position to comply with the Principles of Standards in Public Life as well as furthering its commitment to

¹ <https://www.london.gov.uk/about-us/governance-and-spending/good-governance/gifts-and-hospitality/corporate-declarations>

transparency and accountability. It also assists in ensuring that the GLA achieves high ethical standards, not only through the Mayor and Assembly Members but also through its staff.

3. Equality comments

- 3.1. Section 149(1) of the Equality Act 2010 provides that in the exercise of their functions, public authorities must have due regard to the need to:
 - Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.2. Protected characteristics under the Equality Act are age, disability, gender re-assignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage or civil partnership status (the duty in respect of this last characteristic is to eliminate unlawful discrimination only).
- 3.3. The obligation in section 149(1) is placed upon the Mayor, as decision maker. Due regard must be had at the time a decision is being considered. The duty is non-delegable and must be exercised with an open mind.
- 3.4. The potential equalities implications of the proposed changes to this Policy have been considered and it is concluded there are no implications arising. The revised policy will apply to the Mayor, all Members and GLA staff.

4. Other considerations

- 4.1. The London Assembly GLA Oversight Committee has been consulted on the proposed changes.
- 4.2. The Policy is a matter for joint determination by the Mayor and London Assembly, and is also being submitted to the London Assembly for consideration and adoption at its meeting on 19 March 2020.
- 4.3. No specific conflicts of interest have arisen in the consideration of this decision.
- 4.4. The changes to the policies will need to be approved by the Head of Paid Service in accordance with the GLA's Head of Paid Service Staffing Protocol.

5. Financial comments

- 5.1 There are no direct financial implications arising from this decision.

6. Legal comments

- 6.1 Section 27 of the Localism Act 2011 provides that the GLA must promote and maintain high standards of conduct by its elected members (the Mayor and Assembly members). The Policy applies to both the Mayor and Assembly Members and therefore should be agreed jointly by both the Mayor and London Assembly.
- 6.2 The duty to promote and maintain high standards of conduct by elected members is also supported by promoting the same high standards amongst GLA staff. GLA staff are required to comply with the GLA's Code of Ethics and Standards for Staff ("the Code"). GLA staff appointed by both the Chief Officer (as Head of Paid Service) and the Mayor will be required to abide by the Policy. The Head of Paid Service, in accordance with the GLA's Head of Paid Service Staffing Protocol, will be required to

formally approve the Policy in respect of GLA employees excluding Statutory Officers and Mayoral Appointees. The Mayor and Assembly are jointly required to formally approve the Policy in respect of Statutory Officers in accordance with the Statutory Officer Staffing Protocol. The Mayor must formally approve the Policy in respect of Mayoral Appointees in accordance with section 70(1) of the Greater London Authority Act 1999 (the 1999 Act). Failure to comply with the Policy and the Code could result in disciplinary action.

- 6.3 The Policy refers to criminal offences that may be committed by staff. Section 117(2) of the Local Government Act 1972 which is applied to GLA employees by section 71 of the 1999 Act provides that an officer of a local authority shall not, under colour of their office or employment, accept any fee or reward whatsoever other than their proper remuneration. To do so is a criminal offence and is liable to a level 4 fine, currently £2,500.
- 6.4 The Policy also refers to the Bribery Act 2010, under which it is a criminal offence corruptly to solicit or receive any gift, reward or advantage as an inducement to doing or forbearing to do anything in respect of any transaction involving the GLA. The onus would be on the individual concerned – either the Mayor, or Assembly Member or member of staff – to disprove corruption in relation to a gift from a person holding or seeking to obtain a contract from the GLA.

7. Planned delivery approach and next steps

- 7.1 The revised Policy will be published on the intranet and on London.gov.uk once adopted by both the Mayor and Assembly. The Monitoring Officer will send further communication to all members of the GLA's Senior Leadership Team. This communication will include a requirement to remind staff of their general responsibilities regarding the acceptance of gifts and hospitality and the need to request authorisation in advance wherever possible.
- 7.2 The Policy will be regularly monitored for compliance, and factually updated (e.g. with changes to post titles). It is scheduled for a comprehensive update in early 2022.
- 7.3 The Monitoring Officer will continue to report the Audit Panel with regard to Gifts and Hospitality on a six-monthly basis. The next updates are scheduled for March and September 2020.

Appendices and supporting papers:

Appendix 1 – Revised Gifts and Hospitality Policy and Procedure

Public access to information

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

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

Part 1 - Deferral

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

Part 2 - Sensitive information

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

Is there a part 2 form - NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

Drafting officer:

Emma Strain has drafted this report in accordance with GLA procedures and confirms the following:

✓

Sponsoring Director:

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

✓

Mayoral Adviser:

David Bellamy has been consulted about the proposal and agree 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 16 March 2020.

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature

M. J. Allen

Date

16.3.20

CHIEF OF STAFF:

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

Signature

D. Bellamy

Date

17/3/2020.