

# CODE OF CONDUCT OF THE GREATER LONDON AUTHORITY

## PART 1

### GENERAL PROVISIONS

#### Introduction and interpretation

1. — (1) This Code applies to **you** as a Member of the Greater London Authority (“the GLA”) or the Mayor’s Office for Policing and Crime (“MOPAC”) (as defined by section 1(3) below).

(2) Where **you** are a Member of MOPAC, this Code applies to you subject to section 31 of the Police Reform and Social Responsibility Act 2011 and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (as amended or re-enacted).

(3) The terms used in this Code are:

- (a) “the Authority” covers both the GLA and MOPAC (as applicable);
- (b) “Member” means:
  - (i) the Mayor of London;
  - (ii) Members of the London Assembly;
  - (iii) the Mayor of London in his/her capacity as the statutory occupant of MOPAC;
  - (iv) the Deputy Mayor for Policing and Crime (whether or not an Assembly Member); or
  - (v) any independent person appointed by the Authority to assist with the discharge of the ethical standards functions.

(4) This Code is to be read with the related documents in Part 3 (where applicable) and the principles of public life which form part of the Code and which are as follows:

#### Selflessness

Holders of public office should act solely in terms of the public interest.

#### Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for

themselves, their family, or their friends. They must declare and resolve any interests and relationships.

### Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### Honesty

Holders of public office should be truthful.

### Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

(5) It is your responsibility to comply with the provisions of this Code.

## **Scope**

**2.** — (1) You must comply with this Code whenever you act in your capacity as a member of the Authority. Capacity may include when—

- (a) you misuse your position as a Member; or
- (b) your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Member.

(2) Where you act as a representative of the Authority—

- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
- (b) on any other body, you must, when acting for that other body, comply with this Code except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

(3) In this Code "relevant authority" has the meaning given to it by section 27(6) of the Localism Act 2011. It also includes any "functional body" as defined in section 424 of the Greater London Authority Act 1999 (as amended).

## General obligations

3. — (1) You must treat others with respect.

(2) You must not—

- (a) do anything which may cause you or the Authority to breach the Equality Act 2010 or the Bribery Act 2010;
- (b) bully, victimise or harass any person (including by harassment of a sexual nature);
- (c) intimidate or attempt to intimidate any person who is or is likely to be—
  - (i) a complainant;
  - (ii) a witness; or
  - (iii) involved in the administration of any investigation or proceedings

in relation to an allegation that a Member (including yourself) has failed to comply with their Authority's code of conduct;

- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority; or
- (e) provide or offer to provide a reference for any candidate for employment or promotion with the Authority.

(3) In relation to police authorities and MOPAC for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

(4) In relation to sub-paragraph (2)(b) above:

- (a) the Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, or causes physical or emotional harm to the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others;
- (b) harassment is behaviour that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them;<sup>1</sup>
- (c) sexual harassment is unwanted conduct of a sexual nature; and
- (d) conduct can be considered sexual harassment even if it was unintentional or not intentionally directed at any specific person.<sup>2</sup>

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<sup>1</sup> As defined by the Equality Act 2010

<sup>2</sup> As defined by ACAS, 'What sexual harassment is: Sexual harassment – ACAS'

**4. You must not—**

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
  - (i) you have the consent of a person authorised to give it; or
  - (ii) you are required by law to do so; or
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is—
    - reasonable and in the public interest; and
    - made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

**5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute.**

**6. You—**

- (a) must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of your Authority—
  - (i) act in accordance with your Authority's reasonable requirements;
  - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any Local Authority Code of Publicity made under the Local Government Act 1986.

**7. — (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—**

- (a) your Authority's chief finance officer; or
- (b) your Authority's monitoring officer

where that officer is acting pursuant to their statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your Authority.

## PART 2

### INTERESTS

#### **Pecuniary Interests**

**8.** — (1) You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State and either:

- (a) it is an interest of yours; or
- (b) it is an interest of:
  - (i) your spouse or civil partner; or
  - (ii) a person with whom you are living as husband and wife; or
  - (iii) a person with whom you are living as if you were civil partners

and you are aware that that other person has the interest.

#### **Other registrable interests**

**9.** — (1) You have an “other registrable interest” if it is of a description specified in (2) (a) or (b) below and either:

- (a) it is an interest of yours; or
- (b) it is an interest of:
  - (i) your spouse or civil partner;
  - (ii) a person with whom you are living as husband and wife; or
  - (iii) a person with whom you are living as if you were civil partners

and you are aware that that other person has the interest.

(2) (a) The names and positions in any non-profit making organisation with which the Authority has dealings where you are a trustee or participate(s) in management of that body and which is not a disclosable pecuniary interest.

(2) (b) Any other Interest which you hold which might reasonably be likely to be perceived as affecting your conduct or influencing your actions in relation to your role on the Authority, and which is not a disclosable pecuniary interest.

(3) You also have an “other registrable interest” if it is of a description specified in (a) or (b) below:

- (a) any other office or position which you hold (including companies, trade associations and industry forums) and which is not a disclosable pecuniary interest

- (b) any other directorships of companies which you hold, and which is not a disclosable pecuniary interest.

### **Registration of pecuniary and other registrable interests**

**10.** — (1) You must, within 28 days of:

- (a) this Code being adopted or applied by the Authority; or
- (b) your election or appointment (where that is later)

notify the Authority's Monitoring Officer in writing of any disclosable pecuniary interests or other registrable interests you have at that time, and whether or not you consider that any of these interests should be treated as sensitive interests (as defined in paragraph 12 below).

(2) You must, within 28 days of becoming aware of any new disclosable pecuniary interest or other registrable interest or any change to any disclosable pecuniary interest or other registrable interest notified to the Monitoring Officer under sub-paragraph (1), notify the Authority's Monitoring Officer in writing of that new disclosable pecuniary interest or other registrable interest or change, and whether or not you consider that these should be treated as sensitive interests (as defined in paragraph 12 below).

### **Disclosable pecuniary interests, other registrable interests and "relationships" in matters considered at meetings or by a single Member**

#### *Meetings*

**11.** — (1) In this Code, "meeting" means:

- (a) any meeting of the London Assembly or any formal meeting held by the Mayor in connection with the exercise of functions of the Authority;
- (b) any meeting of the Assembly's committees (including panels established as an ordinary committee), sub-committee, joint committees, joint sub-committees, advisory committees or advisory sub-committee.

(2) If you attend a meeting and have and are aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at that meeting, you must – subject to paragraph 12 below (sensitive interests) – disclose that interest to the meeting, and may not – unless you have obtained a dispensation from the Authority's Monitoring Officer – (i) participate, or participate further, in any discussion of the matter at the meeting; or (ii) participate in any vote, or further vote, taken on the matter at the meeting.

(3) Subject to the Authority's Standing Orders, you may or may not be excluded from a meeting while any discussion or vote takes place that you are not permitted to participate in, as a result of sub-paragraph (2) above.

(4) If you attend a meeting and have and are aware that you have an other registrable interest in any matter to be considered, or being considered, at that meeting, you must

– subject to paragraph 12 below (sensitive interests) – disclose that interest to the meeting.

(5) In addition to disclosable pecuniary interests and other registrable interests it is important that “relationships” are disclosed if you attend a meeting and it is relevant to any matter to be considered or decision to be taken to avoid the perception of undue/improper influence. A “relationship” is something which would reasonably be perceived as affecting your conduct or influencing your actions in relation to your role on the Authority and your actions would give the impression to a reasonable member of the public with knowledge of all the facts that the “relationship” should be disclosed.<sup>3</sup>

#### Single Member action

(5) If you are empowered to discharge functions of the Authority acting alone, and have and aware that you have a disclosable pecuniary interest in any matter dealt with, or being dealt with, by you in the course of discharging that function, you must not take any steps, or any further steps, in relation to the matter (except for the purposes of enabling the matter to be dealt with otherwise than by you).

#### **Sensitive interests**

**12.** —(1) Where you consider (and the Authority’s Monitoring Officer agrees) that the nature of a disclosable pecuniary interest or other registrable interest is such that disclosure of the details of the interest could lead to you or a person connected with you being subject to intimidation or violence, it is a “sensitive interest” for the purposes of the Code, and the details of the sensitive interest do not need to be disclosed to a meeting, although the fact that you have a sensitive interest must be disclosed, in accordance with paragraph 11(2) or 11(4) above.

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<sup>3</sup> The “relationship” could be a person with whom you are in either regular or irregular contact with over a period of time who is more than an acquaintance. It is someone a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them. It may be a friend, a colleague, a business associate or someone whom you know through general social contacts. It may also be somebody to whom you are known to show animosity as you might equally be viewed as willing to treat them differently.



## **PART 3**

### **RELATED DOCUMENTS**

- 13.** The procedures attached at Appendix 1 apply in relation to any alleged breach of this Code.
- 14.** Formal guidance from the Monitoring Officer in respect of expected conduct by Assembly Members appointed to relevant positions by the Mayor of London is attached at Appendix 2.
- 15.** The Authority's Planning Code of Conduct is attached at Appendix 3.
- 16.** The procedures under which complaints made against the Mayor's Office for Policing and Crime are handled are attached at Appendix 4.
- 17.** The procedures under which registration and declaration of interests, gifts and hospitality are to be made are attached at Appendix 5.

Issue date	May 2024
Amendments made from previous version	<p>The descriptors to the seven principles of public life have been updated.</p> <p>When a Member is acting in their 'official capacity' is now defined.</p> <p>A definition of bullying conduct has been inserted using the Advisory, Conciliation and Arbitration Service wording.</p> <p>Other registrable interests are now defined, and the declaration requirements are the same for disclosable pecuniary interests.</p> <p>There is now a requirement to disclose 'relationships' at meetings, and a footnote definition has been added.</p> <p>The definition of a meeting has been amended to make it clear that panels fall within the definition.</p>
Approved by	Mayor under cover of MD3235 Assembly at Plenary meeting 8 February 2024
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Senior owner	Monitoring Officer
Document owner	Monitoring Officer

**GLA MEMBER CODE OF CONDUCT COMPLAINTS  
PROCEDURE**

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*NOTE: There is a useful summary of the complaint process in the Introduction section below, after paragraph A.8.*

## **INTRODUCTION**

### **What does this document deal with?**

- A.1 You should read this document if you want to complain about the behaviour or conduct of any of the following individuals:
- (a) the Mayor of London;
  - (b) any of the 25 London Assembly Members;
  - (c) any co-opted Member of the Greater London Authority (GLA).

### **General information about the GLA and the GLA's Code of Conduct**

- A.2 The Mayor of London and the 25 Members of the London Assembly are elected "Members" of the Greater London Authority. Details regarding the Mayor of London can be viewed here: <https://www.london.gov.uk/about-us/mayor-london/mayor-and-his-team>. Details of the London Assembly Members can be viewed here: <https://www.london.gov.uk/about-us/london-assembly>.
- A.3 These elected Members must comply with the GLA's Code of Conduct. This Code of Conduct sets out the standards of behaviour and conduct required of these Members. The following is not a complete list but, by way of example, the Code of Conduct requires GLA Members to treat others with respect; not to bully any person; not to disclose confidential information; not to act in a manner that could reasonably be regarded as bringing their office or the GLA into disrepute; and it also requires GLA Members to disclose and register any pecuniary interests and other registrable interests they have in GLA business. For full details of the Code of Conduct, please visit the following link: <https://www.london.gov.uk/about-us/governance-and-spending/good-governance/high-standards-conduct>.
- A.4 If you do not have Internet access, please contact the GLA's Monitoring Officer (contact details below para A.6) for paper copies.

### **Other complaints**

- A.5 If you want to complain about something that is not to do with the behaviour of a GLA Member which is contrary to the GLA's Code of Conduct, you should visit the following link for information about the GLA's Corporate Complaints procedure: <https://www.london.gov.uk/about-us/contacting-city-hall-and-mayor-5/complaints>; or you can contact the Public Liaison Unit by completing the form online: <https://www.london.gov.uk/contact-us-form>; or in writing to The Public Liaison Unit, Greater London Authority, City Hall, Kamal Churchie Way, London, E16 1ZE.
- A.6 If you are unsure, you should contact the GLA's Monitoring Officer for assistance by emailing [MonitoringOfficer@london.gov.uk](mailto:MonitoringOfficer@london.gov.uk) or by writing to The Greater London Authority's Monitoring Officer, City Hall, Kamal Churchie Way, London, E16 1ZE.

## **Complaining about a GLA Member's behaviour or conduct – summary of the complaints process**

- A.7 The GLA's Monitoring Officer is responsible for dealing with any complaints that the Code has allegedly been breached.
- A.8 The Monitoring Officer will approach all complaints with an open mind and will apply this guidance equitably.
- A.9 The Monitoring Officer will be mindful that being the subject of a complaint may be stressful. The Deputy Monitoring Officer is available to provide support to elected members where they are subject to a complaint.

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

### Stage 1 – Making a complaint

In order to make a complaint, you must fully complete the standard code of conduct complaint's form. Please contact [MonitoringOfficer@london.gov.uk](mailto:MonitoringOfficer@london.gov.uk) for a copy of the form. If you do not have Internet access, please contact the GLA's Monitoring Officer for a paper copy of the complaint form.

### Stage 2 – Early informal resolution

If appropriate, the GLA's Monitoring Officer will normally try to resolve your complaint informally.

### Stage 3 – Initial assessment of your complaint

If informal resolution is not appropriate, the Monitoring Officer will assess the complaint and decide whether formally to investigate the allegations contained therein. If the Monitoring Officer decides that the complaint should be investigated, they will undertake a process (details of which are set out below) to determine whether or not the complaint is to be upheld. If the complaint is not to be investigated, the Monitoring Officer will write to you to explain why.

### Stage 4 – Investigation of the complaint

If the GLA's Monitoring Officer does decide to investigate your complaint, the final summary investigation report and finding will be published on the Authority's website. In cases where the Monitoring Officer upholds your complaint, they can apply no formal sanction other than to provide an opinion on the conduct of the GLA Member in the context of the Code of Conduct.

There are no appeal mechanisms within this process. Should you be dissatisfied with the Monitoring Officer's decisions and/or actions at any point, you may be able to complain to the Local Government Ombudsman or to the courts.

The Monitoring Officer may consult with either or both the GLA's appointed Independent Persons at any stage in the process.

# **STAGE 1 – MAKING A COMPLAINT**

## **HOW TO COMPLAIN ABOUT A MEMBER’S CONDUCT AND**

## **WHAT YOU AND THE MEMBER ARE TOLD AFTER YOU HAVE MADE A COMPLAINT**

### **How to complain**

- 1.1. If you want to complain that a Member of the GLA (the Mayor of London, the 25 Assembly Members or any co-opted Members of the Authority) has breached the GLA’s Code of Conduct you must make your complaint in writing.
- 1.2. You can do this by completing a Code of Conduct Complaint Form and submitting this to the Monitoring Officer at [MonitoringOfficer@london.gov.uk](mailto:MonitoringOfficer@london.gov.uk)
- 1.3. Alternatively, you can send your completed form to: The Greater London Authority’s Monitoring Officer, City Hall, Kamal Chunchie Way, London, E16 1ZE. The information you must include is set out in section 1.5 below. If you do not complete the form in full or provide sufficient supporting evidence to demonstrate that the Member has breached the Code, then the Monitoring Officer can refuse to treat it as a valid complaint.
- 1.4. Generally speaking, the GLA’s Monitoring Officer, has various legal duties to ensure that the GLA and its Members comply with the law.
- 1.5. You should clearly set out the following information in your complaint:
  - (a) your real full name, address and email address, so that we can acknowledge receipt of the complaint;
  - (b) the name of the Member you allege has breached the Code of Conduct;
  - (c) what the Member has done that you allege breaches the Code of Conduct, and which paragraphs of the Code you allege they have breached. (If you are complaining about more than one Member you should clearly explain what each individual person has done that you allege breaches the Code of Conduct);
  - (d) you should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said;
  - (e) you should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates, it is important to give a general timeframe;
  - (f) you should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible;
  - (g) you should provide any relevant background information;
  - (h) you should say what action you think would be appropriate to resolve your complaint;
  - (i) you should say if you want to keep your name and address confidential and should clearly state this in your complaint. In this case we would not disclose your name and address to the Member without your prior consent. However, the GLA does not normally investigate anonymous complaints or complaints where the complainant wishes to remain confidential,

unless there is a clear public interest in doing so. The Monitoring Officer's decision will be final;

- (j) you should say if you think the complaint is capable of Informal Resolution and what action you think should be taken to resolve your complaint – see Stage 2 below for further information.

### **What happens once you submit a complaint?**

- 1.6. All complaints about a Member's conduct will go to the GLA's Monitoring Officer.
- 1.7. If the Monitoring Officer is unsure whether you are actually making a Code of Conduct complaint, they will contact you to clarify.

### **What you and the Member are told next**

- 1.8. Upon receiving a fully completed complaint, the Monitoring Officer will usually, within five working days:
  - (a) acknowledge receipt to the complainant;
  - (b) unless there are good reasons not to, write to the Member you are complaining about:
    - (i) stating that a complaint has been made against them;
    - (ii) providing them with your name (unless the Monitoring Officer has agreed not to provide it);
    - (iii) stating the relevant paragraph or paragraphs of the Code you allege the Member has breached;
    - (iv) asking the Member if they think the complaint is capable of being resolved informally; and
    - (v) stating that the complaint will be considered by the Monitoring Officer.
- 1.9. If the Monitoring Officer is clear that you are making a complaint that a GLA Member has breached the GLA's Code of Conduct, the Monitoring Officer will normally try to resolve your complaint informally.

## **STAGE 2 – EARLY INFORMAL RESOLUTION**

### **What is informal resolution?**

- 2.1. Where the GLA's Monitoring Officer decides that it may be appropriate to seek informal resolution, they will contact the Member you are complaining about, to find out if your complaint can be resolved informally, without recourse to formal assessment and investigation.
- 2.2. There may be a whole range of actions available that may be appropriate to try and resolve your complaint informally.
- 2.3. Some examples are: the Monitoring Officer having a discussion with the Member you have complained about; arranging for the Member to do something which you have asked them to do; arranging a discussion between you and the Member; obtaining an apology from a Member.
- 2.4. It is important, therefore, that you tell us in your complaint what action you think should be taken to resolve your complaint.



# **STAGE 3 – INITIAL ASSESSMENT**

## **Initial assessment of your complaint**

- 3.1. The Monitoring Officer will conduct an initial assessment of all valid complaints on a case-by-case basis (unless they have been resolved informally) and, in doing this, will also take into account relevant guidance and advice (and may seek the views of an Independent Person appointed by the GLA for such purposes). This decision will normally be taken within twenty working days of receipt of your complaint and the subject Member's response.
- 3.2. The Monitoring Officer may also take into account any relevant criteria and factors that, over the course of time, the GLA's Standards Committee had previously taken into account when assessing complaints.
- 3.3. In light of the absence of formal sanctions available to the Monitoring Officer to apply in the event of a formal breach of the Code, the GLA expects this complaints process to be proportionate to the issues raised and the expected outcomes. The Monitoring Officer will therefore take into account the wider public interest and the cost to the public purse of undertaking any investigation into alleged breaches of the Code. Complaints are, therefore, only likely to be taken forward for investigation where the allegations are objectively and reasonably considered to be serious matters. Whilst every complaint will be judged on its particular merits, the following complaints will not normally be suitable for investigation, save where the Monitoring Officer accepts there are exceptional circumstances:
  - 3.3.1 A complaint by one Member of the Authority against another that only alleges a lack of due respect.
  - 3.3.2 A suggestion that an elected Member who has exercised their right to voice a legitimate opinion has brought their office and/or the Authority into disrepute by so doing.
  - 3.3.3 The failure of an elected Member to respond to correspondence or to choose to terminate correspondence with an individual.
  - 3.3.2 Complaints that appear to relate the GLA's services rather than a Member's conduct - these will be referred to the Public Liaison Unit.
  - 3.3.3 Complaints that appear to relate to the political policies or performance of a Member in their role – these will be referred to the Member and/or their political Group for response if one exists/it is appropriate.
  - 3.3.4 Complaints that relate to another authority or an alleged breach of another authority or body's Code of Conduct.
  - 3.3.5 Vexatious or frivolous complaints or complaints which are intended to insult individuals.
  - 3.3.6 Minor or "tit-for-tat" complaints that do not justify the time and resources of an investigation.
  - 3.3.7 Complaints which relate to matters or events more than three months before the date of the complaint.
  - 3.3.8 Complaints by a Member against another Member will not normally be investigated until the Monitoring Officer considers that other processes, e.g. informal mediation or political group processes (where appropriate), have been exhausted.

- 3.3.9 Complaints that are already subject to other internal or external processes (e.g. Judicial Review) will not be investigated until those other processes have completed to enable the complaint to be resolved by other means. Determination of such complaints will be suspended until the other process is finalised.
- 3.3.10 Complaints that reveal a criminal offence where a complaint could be made to the police. The Monitoring Officer will wait until the police investigation and any proceedings have concluded or the police have confirmed no proceedings will be issued.
- 3.4. After conducting an initial assessment of your complaint, the Monitoring Officer will do one of the following:
- (a) decide that no action should be taken on your complaint (and inform you and the Member of this decision and the related reasons); or
  - (b) decide that they are minded to investigate your complaint, subject to representations of the Member you have complained about (who may seek the views of an Independent Person appointed by the GLA for such purposes); or
  - (c) decide to investigate your complaint (and inform you and the Member of this decision and the related reasons).

#### **How are you told about the Monitoring Officer's decision?**

- 3.5. The Monitoring Officer will write to you and the Member you are complaining about following the initial assessment to inform them of the outcome.

#### **A decision of 'no action' is the end of the GLA process**

- 3.6. Where the Monitoring Officer has decided that no action should be taken on your complaint, there is no ability to ask the GLA for a review of the Monitoring Officer's decision, which is final. In these circumstances, you may be able to complain to the Local Government Ombudsman (53-55 Butts Road, Coventry CV1 3BH; Telephone: 0300 061 0614; Website: <https://www.lgo.org.uk>).

## **STAGE 4 – INVESTIGATION AND DECISIONS**

- 4.1. Where the Monitoring Officer decides that a complaint should be investigated further, they may ask you, the Member you are complaining about, and other relevant people to provide them with detailed information or explanations, possibly by way of an interview. The Monitoring Officer may decide to appoint an Investigator to carry out an investigation and the investigation shall normally take no longer than two months from the date of appointment of the investigator.
- 4.2. Before determining the complaint, the Monitoring Officer will seek and take into account the views of at least one Independent Person appointed by the GLA for such purposes. The Member you are complaining about may also seek the views of the Independent Person in relation to your complaint.
- 4.3. Information obtained in doing the investigation will only be released to individuals or organisations where this will allow your complaint to be dealt with properly.
- 4.4. In addition to taking into account the views of the Independent Person, the Monitoring Officer may, when seeking to reach a finding on the complaint, take into account relevant guidance, professional advice and relevant criteria and factors that, over the course of time, the GLA's Standards Committee had previously taken into account when taking decisions on complaints.
- 4.5. The role of the Independent Person(s), in law, is:
  - (a) to give views, which must be taken into account, to the Monitoring Officer before they make a decision on an allegation that they have decided to investigate;
  - (b) to give views, if requested by the Monitoring Officer, on any other allegation that has been received; and
  - (c) to give views to any Member, or co-opted Member, of the Authority if that person's behaviour is the subject of an allegation.
- 4.6. The Independent Person must, within a reasonable timescale (not usually more than 21 days), provide the Monitoring Officer with views in writing, to describe in particular what they would see as an appropriate outcome to the matter under consideration, taking into account all of the related information and circumstances.

### **What happens when your complaint is investigated and the investigation is completed?**

- 4.7. Once the investigation is completed, the Monitoring Officer will:
  - (a) find that the Member you have complained about has failed to comply with the GLA's Code of Conduct ("a finding of failure"); **OR**
  - (b) find that the Member you have complained about has not failed to comply with the GLA's Code of Conduct ("a finding of no failure"); and
  - (c) prepare a written summary report of the investigation which contains a statement of what their finding is; and
  - (d) send a copy of the report to you and the Member you are complaining about as soon as is reasonably possible after making the decision; and

- (e) publish the summary report (those elements that are not private and confidential) and finding on the GLA's website.
- 4.8. In cases where the Monitoring Officer upholds your complaint, they have no legal powers to apply formal sanctions other than to provide an opinion on the conduct of the GLA Member in the context of the Code of Conduct.
- 4.9. There is no ability to appeal against the Monitoring Officer's decision on a complaint following any such investigation, as that decision is final. In these circumstances, you may be able to complain to the Local Government Ombudsman (53-55 Butts Road, Coventry CV1 3BH; Telephone: 0300 061 0614 Website: <https://www.lgo.org.uk>).
- 4.10. The Monitoring Officer will produce regular reports for the Mayor and London Assembly, containing such summary information as can properly be provided in respect of the discharge of their functions under the Authority's ethical standards regime.

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Issue date	May 2024
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Amendments made from previous version	<p>Reference to conduct complaints being made against the Independent Person has been removed.</p> <p>A standard complaints form has been introduced. It is clarified that the Monitoring Officer can consult with the Independent Person at any stage in the conduct complaints process.</p> <p>Complainants are required to provide their real full name, address and email address, so that we can acknowledge receipt of their complaint.</p> <p>It is confirmed that the GLA does not normally investigate anonymous complaints, or complaints where the complainant wishes to remain confidential, unless there is a clear public interest in doing so.</p> <p>Categories of complaint that will not normally be suitable for investigation, save in exceptional circumstances, are articulated in more detail than previously (see section 3.3).</p> <p>The ability for the Monitoring Officer to pass the complaint to the Monitoring Officer of a different authority has been removed.</p> <p>It has been clarified that the Monitoring Officer may decide to appoint an Investigator to carry out an investigation.</p> <p>Timeframes are now included in the process. The Initial Assessment decision will normally be taken within 20 working days of receipt of the complaint and the subject Member's response. If the Monitoring Officer decides to undertake a formal investigation, the investigation shall normally take no longer than two months from the date of appointment of the investigator.</p> <p>The requirement to publish, on the GLA's website, a decision not to investigate a complaint had been removed to bring it into line with custom and practice.</p> <p>Wording introduced at A.9 to cover the duty of care towards Members that are subject to a complaint</p>
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Approved by	Mayor and London Assembly, acting jointly
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Review date	May 2026
Senior owner	Monitoring Officer
Document owner	Corporate Governance Manager, Group Finance and Performance

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## Guidance for Assembly Members appointed to positions by the Mayor

1. If you are a Member of and attend a meeting of an ordinary committee or sub-committee of the Assembly and any matter for determination before that meeting relates to a decision made by another of the Assembly's committees or sub-committees of which you are a Member you should disclose this fact to the meeting, and consider whether you are properly able to: (i) approach the matter with a genuinely open mind so as not to give rise to any reasonable perception on the part of a member of the public that you have a conflict of interest, and then whether you consider that you are properly able to: (ii) participate, or participate further, in any discussion of the matter at the meeting; and/or (iii) participate in any vote, or further vote, taken on the matter at the meeting.
2. If you are a Member of and attend a meeting a committee or sub-committee of the Assembly and any business before that meeting relates to any matters you have dealt or are dealing with as a representative of, adviser to or as someone formally exercising functions on behalf of the Mayor, you should consider whether you are properly able to: (i) approach the matter with a genuinely open mind so as not to give rise to any reasonable perception on the part of a member of the public that you have a conflict of interest, and then whether you consider that you are properly able to: (ii) participate, or participate further, in any discussion of the matter at the meeting; and/or (iii) participate in any vote, or further vote, taken on the matter at the meeting.
3. If you are a Member of the Assembly who has been appointed as a representative of, adviser to or as someone formally exercising functions on behalf of the Mayor, and if you are a Member of and attend a meeting a committee or sub-committee of the Assembly and any business before that meeting relates to decisions on the establishment and/or appointment of Members, chair(s) and deputy chair(s) to any ordinary committee, ordinary sub-committee or advisory body that has within its terms of reference the responsibility to review any of the functions you have been appointed by the Mayor to exercise on his behalf, you should consider whether you are properly able to: (i) approach the matter with a genuinely open mind so as not to give rise to any reasonable perception on the part of a member of the public that you have a conflict of interest, and then whether you consider that you are properly able to: (ii) participate, or participate further, in any discussion of the matter at the meeting; and/or (iii) participate in any vote, or further vote, taken on the matter at the meeting.
4. The guidance contained in paragraphs 1-3 above does not apply where you attend the meeting for the purposes of answering questions or otherwise giving evidence relating to that decision, action or matter. The guidance set out within paragraphs 1-3 (above) does apply where you attend a meeting as a substitute Member of the committee/body in question.

**GREATER LONDON AUTHORITY****UNIFIED PLANNING CODE OF CONDUCT****Purpose**

1. This Code is intended to ensure that those it applies to conduct themselves in accordance with the highest standards of probity, openness and transparency in the sphere of the GLA's planning work.

**Scope and application**

2. This Code applies to the following people involved in exercising the GLA's (Mayoral or Assembly) planning functions, including those providing advice on or scrutinising them:
  - (a) the Mayor;
  - (b) the Statutory Deputy Mayor, other Assembly Members and co-opted Members of the Assembly's committees (if any);
  - (c) other Deputy Mayors and any other member of GLA staff appointed by the Mayor;
  - (d) other members of GLA staff, including those supporting the Assembly;
  - (e) all other office-holders, consultants or contractors engaged by the GLA to exercise or support Mayoral or Assembly planning functions.
3. "Decision-Maker" refers to anyone formally exercising (determining) a statutory decision in relation to a planning matter. This is usually the Mayor but can include others acting under delegated powers: the Statutory Deputy Mayor, other Deputy Mayors and other GLA staff members. Where appropriate, it may also include Assembly Members and their support staff in relation to the Assembly's role in scrutinising planning matters.
4. Nothing in this Code is intended to restrict the legitimate and appropriate scrutiny of the Mayor's exercise of planning functions (including by GLA staff and others on their behalf) by the Assembly, its committees and individual Assembly Members.

**Guiding Principles: The Seven Principles of Public Life**

5. The Seven Principles of Public Life (as approved at any time by the Committee on Standards in Public Life) apply at all times in relation to the planning work of Decision-Makers. They are widely publicised and set out in the GLA Code of Conduct for Elected Members.



## **The 7 principles of public life**

### 1. Selflessness

Holders of public office should act solely in terms of the public interest.

### 2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

### 3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### 4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### 5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### 6. Honesty

Holders of public office should be truthful.

### 7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## **Enforcement**

6. Failure to comply with the expectations set by this Code may result in action being taken against:
  - (a) the Mayor, Statutory Deputy Mayor and Assembly Members: under the GLA Members' Code of Conduct Complaints Procedure;
  - (b) GLA staff (whether appointed by the Mayor or Head of Paid Service): under the Code of Ethics and Standards for Staff and other relevant disciplinary policies and procedures; and
  - (c) other office-holders, consultants or contractors: under the terms of their appointment, engagement or other relationship with the GLA.

## **General requirements**

7. Those covered by this Code shall ensure the following:

- (a) all planning matters are transparent and considered solely on their planning merits and in the wider public interest;
- (b) proper and adequate reasons are recorded or published for decisions;
- (c) there can be no bias nor should there be any appearance of bias arising from personal interests or connections;
- (d) any discussion about a specific planning proposal, or planning matters generally, does not prejudice or prejudice the formal exercise of any planning functions (also see the text on Pre-determination below in paragraphs 15 to 17);
- (e) there is openness in the GLA's relations with all interested parties;
- (f) that no improper or undue influence is brought to bear by or on behalf of any of the persons to whom this Code applies on any other person (including GLA staff, office-holders, consultants or contractors) in connection with any planning matter;
- (g) any information gained in the course of their work is not misused for personal gain or political purposes;
- (h) they shall not seek to promote their own private interests or those of any persons, businesses or other organisations with whom they have relationships or connections by giving them advantages or more favourable treatment than others (see paragraph 9 below);
- (i) They shall demonstrate that planning decisions have been taken on their planning merits and in the wider public interest;
- (j) they shall avoid the perception of bias or pre-determination: Decision-Makers and all persons involved in the exercise of planning functions must avoid doing anything from which they could reasonably be regarded as having a "closed mind" as to the outcome of the decision (see paragraphs 15 to 17 below);
- (k) they shall avoid giving grounds for legal challenge.

#### Pecuniary interests

8. Pecuniary interests have to be disclosed and declared by:
  - (a) the Mayor, Statutory Deputy Mayor and other Assembly Members in accordance with Part 2 of the GLA Members' Code of Conduct;
  - (b) all GLA staff (including Deputy Mayors and other staff appointed by the Mayor) in accordance with the Code of Ethics and Standards for Staff;
  - (c) other office-holders, consultants or contractors engaged by the GLA in accordance with the Code of Ethics and Standards for Staff as if they were GLA staff for this purpose.

#### Effect of having a pecuniary interest

9. "Pecuniary interest" includes anything that is required to be disclosed and registered under the above Codes, whether or not it has actually been registered.
10. The Decision-Maker, or other person involved in the exercise of the planning functions to which the pecuniary interest relates, must contact the Monitoring Officer or if a member of Staff contact their

manager (who may contact the Monitoring Officer and obtain legal advice) without delay to flag the issue and take advice and:

- (a) must not exercise, or be involved in any way in any of the support processes related to, the function to which the interest relates (e.g. not just taking the decision but giving advice or writing reports etc in relation to it);
  - (b) (where the law allows) must delegate or formally arrange for some other appropriate person to take the decision or undertake the work they would have been involved in and record that fact with the Governance Team; and
  - (c) must not lobby “behind the scenes” or otherwise promote their views in relation to the matter.
11. If delegation of the decision/matter to another person is prohibited by statute, then the planning function must not be exercised unless legal advice confirms it can.

#### Non-pecuniary interests, relationships and potential conflicts of interest

12. In addition to pecuniary interests it is important that other non-financial matters and “relationships” are disclosed to avoid the perception of undue/improper influence.
13. Some examples of where non-pecuniary interests or relationships must be disclosed in relation to planning include:
- (a) where a Decision-Maker is subject to a party whip in relation to a planning matter, they must declare the existence of the whip and its nature;
  - (b) where Assembly Members are also on a local Planning Committee or the board of a functional body they should declare the interest when attending any meeting on a relevant application; or
  - (c) the Decision-Maker is a friend or relative of a person who is involved or stands to benefit from the planning matter in question.

#### Effect of having a non-pecuniary interest

14. The same requirements apply as if the person concerned had a pecuniary interest: the Monitoring Officer or manager must be contacted and the same restrictions apply.

#### Pre-determination and bias

15. The Mayor or other Decision-Maker on a planning matter must not do anything by which it could reasonably be regarded as them having a “closed mind” as to the outcome of the decision.
16. Having taken legal advice from the planning legal advisor, if they consider that it is possible to reasonably regard themselves as having a closed mind as to that particular decision, then that decision should be delegated to another appropriate person.
17. In particular:
- (a) there is no pre-determination simply by virtue of the fact the Mayor takes over a planning application for the Mayor’s own determination, nor by the Mayor or other Decision-Maker being active in planning issues generally (including expressing views or campaigning on planning

matters) provided that in doing so they do not do anything from which they could reasonably be regarded as showing they have a closed mind or have predetermined any future planning decision, application or matter, and they must be careful not to give any such impression; and

- (b) the Mayor shall not automatically be precluded from exercising planning functions, including assuming jurisdiction over an application, when one of the GLA's Functional Bodies has an interest in that function.

### **Pre-application/post submission discussions and meetings**

- 18. In the interests of promoting the highest standards of development in Greater London and facilitating consultation on matters of potential strategic importance, the staff of the Authority may provide pre-application advice relating to planning matters of potential strategic importance to potential applicants in accordance with the procedures set out in the GLA's pre-application advice service.
- 19. Before any discussion takes place, it must be made clear that the advice given by officers does not constitute a formal response or decision by the Mayor (or any person to whom the Mayor may have delegated the function). Any views or opinions expressed are without prejudice to the Mayor's formal consideration of the application or that of such delegated person(s).
- 20. In the interests of open consultation, Decision-Makers and persons involved in the exercise of planning functions may, for the purpose of discussion and clarification only, agree to receive presentations on potential planning applications, or to have meetings with potential applicants or applicants, local authorities and other interested parties, provided that relevant GLA staff are also present, and:
  - (a) shall ensure that a note is kept and filed of any such meetings and placed on the website in the event of such an application being formally notified to the Mayor in due course;
  - (b) may seek to involve other interested parties in such meetings;
  - (c) shall ensure that no indication of opinion is given or a view expressed that may give the impression that a final view on the application/matter in question has already been reached; and
  - (d) shall ensure that discussions do not develop into negotiations and confirm that such meetings do not form part of the formal determination process.

### **Site visits**

- 21. The Mayor will not normally attend any site visits unless they have directed to become local planning authority. Where any planning matter requires a site visit these shall be carried out in accordance with the Procedure for Representation Hearings.

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Amendments made from previous version	The changes are largely cosmetic; they are intended to remove duplication, and make the document easier to read
Approved by	Mayor and London Assembly, acting jointly
Review date	May 2026
Senior owner	Monitoring Officer
Document owner	Governance and Performance Manager

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## **Appendix 4 of the GLA Code of Conduct**

### **GLA Guidance on complaints and conduct matters about the Mayor's Office for Policing and Crime and the Deputy Mayor for Policing and Crime**

#### **Introduction**

1. This guidance deals with complaints and conduct matters about the conduct of a 'Relevant Office Holder'. The Relevant Officer Holder is either the office holder of the Mayor's Office for Policing and Crime (MOPAC), (which is the person holding office as the Mayor of London), or the person appointed to the office of the Deputy Mayor for Policing and Crime (DMPC) (see also the definitions section below). The appropriate regulations are the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (the Regulations) and nothing in this guidance overrules the provisions of these Regulations.
2. The London Assembly Police and Crime Committee (the Committee) has delegated its functions under the Regulations to the Greater London Authority's (GLA) Monitoring Officer (the Monitoring Officer).
3. Any complaint to the Committee shall be immediately directed to the Monitoring Officer and any other information under the Regulations which relates to a function which the Committee has delegated to the Monitoring Officer will be passed immediately to the Monitoring Officer.
4. The Monitoring Officer will keep the Committee informed of matters relating to the conduct of a Relevant Office Holder and provide the Independent Office for Police Conduct (IOPC) with all such assistance as it reasonably requires.
5. This guidance shall be updated from time to time and shall be read in conjunction with the Regulations and the statutory guidance issued by the IOPC from time to time.

#### **Definitions**

6. A "Relevant Office Holder" is the holder of the offices of the Mayor's Office for Policing and Crime and the Deputy Mayor for Policing and Crime, and in relation to any conduct includes a person who:
  - a) holds the relevant office at the time of the conduct but subsequently ceases to hold that office; or
  - b) holds the relevant office at the time when a complaint or conduct matter comes to the attention of the Monitoring Officer but did not hold that office at the time of the conduct.
7. A "complaint" is a complaint about the conduct of a Relevant Office Holder.

8. A “serious complaint” is a complaint made about conduct which constitutes or involves, or appears to constitute or involve, the commission of a criminal offence.
9. A “conduct matter” is where there is an indication (whether from the circumstances or otherwise) that a Relevant Office Holder may have committed a criminal offence. Conduct matters can arise without a complaint being made (for example, legal proceedings).
10. For the purposes of this guidance, reference to “consultation/consult with Committee as appropriate” may include verbal or written updates to the Chair and Deputy Chair of the Committee, and verbal or written updates to the formal meetings of the Committee.

## **Complaints**

11. The following paragraphs 11 to 59 apply only in relation to complaints made about the conduct of a Relevant Office Holder. A complaint, and the way it is handled, is not the same as a conduct matter, and the two processes are separate and distinct.

A: Address for complaints

12. The Monitoring Officer will notify MOPAC (the corporate entity) of the name and address of the Monitoring Officer, to whom complaints by members of the public are to be directed and shall specify how MOPAC will publish such information.

B: Receipt of complaints

13. A member of the public may complain to the following people or organisations, although, except in the case of alleged criminal conduct, complaints are encouraged to be made direct to the Monitoring Officer:
  - a) The Monitoring Officer;
  - b) The Committee;
  - c) The IOPC;
  - d) Directly to the Relevant Office Holders;
  - e) The Commissioner of Police of the Metropolis.
14. Where a complaint is made to the Relevant Office Holder about their conduct, the Relevant Office Holder must tell the Monitoring Officer of the complaint.
15. Where a complaint is made to the Commissioner of Police of the Metropolis, the Commissioner of Police of the Metropolis must tell the Monitoring Officer.
16. The Regulations provide that when a complaint is made to the IOPC about the Relevant Office Holder, the IOPC must tell the Committee (usually via the Monitoring Officer) of the complaint

unless it considers that there are exceptional circumstances to justify notification not being given. Upon receipt, the Monitoring Officer will inform the Committee.

17. The Monitoring Officer will determine, on receipt of information, whether it meets the definition of a “complaint” (see the definitions section above). If the information received does not amount to a “complaint”, the Monitoring Officer will write to the member of the public and explain this and no action will be taken. The Monitoring Officer will also provide an update to the Committee.
18. Following receipt of a complaint about the conduct of the Relevant Office Holder, other than in the following circumstances, the Monitoring Officer must record the complaint in the Register (see paragraph 19 to 21):
  - a) the complaint has or is being dealt with by criminal proceedings against the person whose conduct it was;
  - b) the complaint has been withdrawn.
19. Recording a complaint does not mean that there has been any assessment or consideration of the merits of the complaint or that the complaint has any substance at this stage of the process. Such assessment will be made later in the process.
20. The Monitoring Officer must establish and maintain a Register within which to record all key details about the complaint (the date received, the complainant, a summary of the complaint / the category into which it falls, the date on which it was recorded, an indication of intended action on the complaint and any other information relevant).
21. The Monitoring Officer must notify the Chief Executive of MOPAC that a complaint has been recorded.
22. If the Monitoring Officer does not record a complaint, the Monitoring Officer must tell the complainant of the decision not to record the complaint and therefore to take no action upon it, and explain the grounds on which that decision was made, whether in relation to whole or part of the complaint.

C: Consideration as to whether the complaint is a “serious complaint”

23. This section C is in accordance with the requirements specifically given to the Monitoring Officer by the IOPC and the IOPC’s 2022 guidance<sup>1</sup>.
24. Once the complaint has been recorded, the Monitoring Officer will make an initial assessment of the complaint to decide whether or not it meets the definition of a “serious complaint”. In order to assist with the initial assessment, the Monitoring Officer will obtain any information that is readily available. This includes gathering information that is held by the Relevant Office

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<sup>1</sup> [https://www.policeconduct.gov.uk/sites/default/files/Documents/statutoryguidance/Operational advice note to police and crime panels.pdf](https://www.policeconduct.gov.uk/sites/default/files/Documents/statutoryguidance/Operational%20advice%20note%20to%20police%20and%20crime%20panels.pdf)



Holder, the GLA, or any other organisation (to the extent that it is readily available), and may include decision forms, emails, and any other documents that are relevant to the complaint. It may be appropriate to contact the complainant to fully understand the complaint before an assessment can be carried out. Depending on the nature of the complaint, this initial assessment may take time to complete. For the avoidance of doubt, the Monitoring Officer will not create any new evidence, for example, by interviewing witnesses.

25. The Monitoring Officer should look at the conduct which is alleged in the complaint and consider whether that conduct, if proven, would constitute a serious complaint. If it would, then the criteria for mandatory referral is met. The Monitoring Officer is not at that stage able to consider the merits of the complaint, but instead should focus on the nature of what is being alleged. It will not be sufficient for a complainant to simply say that a serious complaint is alleged. However, once the complainant goes beyond that and alleges particular conduct, then the assessment should be whether such conduct, if proven, would amount to a criminal offence.
26. In undertaking this assessment and prior to reaching a view as to whether there is a serious complaint, the Monitoring Officer shall consult the Committee as appropriate and may also consult the IOPC.

D: Referral of a serious complaint to the IOPC

27. If the Monitoring Officer determines from the information and evidence gathered that the complaint is a "serious complaint", the Monitoring Officer will notify the Committee of this and will refer it to the IOPC as soon as is practicable, and in any event not later than the end of the day following the day on which it becomes clear to the Monitoring Officer that the complaint must be referred or the IOPC tells the Monitoring Officer that it must be referred. The fact that a serious complaint is sensitive or urgent does not override the requirement for the Monitoring Officer to undertake the initial assessment before making a referral. The Monitoring Officer should be adequately sighted on the detail of the matter in order to come to an informed decision and decide which criminal offence is alleged. The Monitoring Officer should consider what arrangements are in place to avoid delay in referring urgent or sensitive matters. The need to provide information should be balanced against the timeliness of making the referral.
28. On referring a complaint to the IOPC, the Monitoring Officer should supply all relevant available information (including any information and evidence considered in the initial assessment) that is likely to assist the IOPC when making its decision, together with the referral form.
29. In addition, the Monitoring Officer must give written notification to the complainant and to the Relevant Office Holder concerned of the referral, unless it appears to the Monitoring Officer that notifying the person complained about might prejudice a possible future investigation.
30. The IOPC will decide whether or not to investigate the complaint and will tell the Monitoring Officer in writing of the decision. If the IOPC decides that an investigation is necessary, it will decide whether it should be a managed investigation or an independent investigation.

31. Where the IOPC determines that it is not necessary for it to investigate a complaint, it will refer the complaint back to the Monitoring Officer. The IOPC will tell the complainant and the Relevant Office Holder of this decision.
32. Following any referral back of the complaint by the IOPC, the Monitoring Officer will deal with the complaint in accordance with the section below: Resolution of Complaints.

E: Preserving evidence

33. When a complaint comes to the attention of the Monitoring Officer, the Monitoring Officer must take all appropriate steps to obtain and preserve evidence that is readily available in relation to the conduct in question, both initially and from time to time after that. The IOPC may give the Monitoring Officer directions for obtaining and preserving evidence and the Monitoring Officer must comply with any such directions.
34. Where a complaint is made to the Relevant Office Holder about their own conduct, the Relevant Office Holder must take all appropriate steps to obtain and preserve evidence in relation to the conduct in question, both initially and from time to time after that. The IOPC or the Committee or the Monitoring Officer may give the Relevant Office Holder directions to take steps to obtain and preserve evidence. The Relevant Office Holder must comply with any such directions.

F: Copies of complaints

35. Where a complaint is recorded, the Monitoring Officer shall supply to the complainant a copy of the record made of the complaint and, subject to the following paragraphs, supply to the person complained against a copy of the complaint.
36. A copy of the complaint supplied to the person complained against may be in a form which keeps anonymous the identity of the complainant or of any other person.
37. The Monitoring Officer may decide not to supply a copy of a complaint if they are of the opinion that to do so:
  - a) might prejudice any criminal investigation or pending proceedings; or
  - b) would otherwise be contrary to the public interest.

The Monitoring Officer will consult with the Committee as appropriate in this regard.

38. Where the Monitoring Officer decides not to supply a copy of a complaint, they shall keep that decision under regular review.

G: Disapplication of the Regulations

39. If the Monitoring Officer considers that a complaint which has been recorded (and is not one

that must be referred to the IOPC) is one in respect of which either it should be handled otherwise than in accordance with the Resolution of Complaints section below or no action should be taken, and it falls within the category of complaints set out in paragraph 37, then the Monitoring Officer may instead handle the complaint in whatever manner (if any) they think fit. The Monitoring Officer will consult with the Committee as appropriate in this regard.

40. The categories of complaints are where the Monitoring Officer considers:

- a) the complaint is concerned entirely with the conduct of the Relevant Office Holder in relation to a person who was working in their capacity as a member of the Relevant Office Holder's staff at the time when the conduct is supposed to have taken place;
- b) more than twelve months have elapsed between the incident giving rise to the complaint and the making of the complaint and either there is no good reason for the delay, or injustice would be likely to be caused by the delay;
- c) The matter has already been the subject of a complaint;
- d) The complaint is anonymous, and it is not reasonably practicable to find out a name or address;
- e) The complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints;
- f) The complaint is repetitious.

41. A repetitious complaint is one which is substantially the same as a previous complaint, or concerns the same conduct as a previous conduct matter, contains no fresh allegations which affect the account of the conduct complained of, no fresh evidence, being evidence not reasonably available at the time the previous complaint was made and in respect of which a previous determination or withdrawal of complaint has been made.

42. The Monitoring Officer must notify the complainant that they have decided to handle the complaint in this way.

H: Withdrawal of complaints

43. If the Monitoring Officer receives written notification that the complainant wishes to withdraw their complaint or does not want any further action to be taken in relation to their complaint, signed either by them or a person acting on their behalf, then the Monitoring Officer must record the withdrawal.

44. If a complainant has indicated that they wish to withdraw a complaint but does not provide signed written notification, the Monitoring Officer must write to the complainant to find out whether they wish to withdraw the complaint. If the complainant responds and indicates that they do wish to withdraw the complaint, or if there is no response within 21 days, the complaint should be treated as if a signed written notification of withdrawal had been received. If the complainant responds that they do not wish to withdraw the complaint, the complaint must continue to be dealt with under the Regulations.

45. If the complaint has been referred to the IOPC and has not been referred back to the Committee, the Monitoring Officer must notify the IOPC that they have recorded the withdrawal of the complaint. The IOPC will then decide whether the withdrawn complaint should be treated as a conduct matter and will tell the Committee of the decision.
46. In any other case, the Monitoring Officer must consider whether the withdrawn complaint relates to conduct which should be treated as a conduct matter (i.e. it constitutes or involves, or appears to constitute or involve, the commission of a criminal offence). If it should, it must be recorded and treated as a conduct matter. If not, then no further action needs to be taken under the Regulations in relation to the complaint.
47. The Monitoring Officer shall notify the Relevant Office Holder complained about if:
- a) the Monitoring Officer records the withdrawal of a complaint or the fact that the complainant does not want any further action to be taken in relation to his or her complaint;
  - b) the Monitoring Officer decides that a complaint should be treated as a conduct matter;
  - c) the IOPC decides that a complaint should be treated as a conduct matter;
  - d) the complaint will no longer be dealt with under the Regulations due to the withdrawal.
48. If the Monitoring Officer previously decided not to tell the Relevant Office Holder of the complaint because they believed it may prejudice any criminal investigation, pending proceedings or would not be in the public interest, the Monitoring Officer does not need to tell the Relevant Office Holder of the withdrawal.

I: Resolution of Complaints

*Resolution in accordance with the GLA's ethical standards regime – applies to the holder of MOPAC and DMPC where they are a member of the London Assembly*

49. A complaint which has been recorded about the office holder of MOPAC or a holder of the office of DMPC who is a member of the London Assembly at the time when the complaint is recorded, and which is not required to be referred to the IOPC, shall be dealt with by the Monitoring Officer as if it was were a written complaint made under the GLA ethical standards regime<sup>2</sup>.
50. The Monitoring Officer shall, as soon as is practicable, inform the Committee of the outcome of the complaint.

*Informal resolution – applies where the holder of the office of DMPC is not a member of the London Assembly*

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<sup>2</sup> See the Code of Conduct of the Greater London Authority including Appendix 1 Guidance on making a complaint about a GLA member's conduct

51. Where a complaint is made against a holder of the office of DMPC, who is not a member of the London Assembly at the time when the complaint is recorded, the Monitoring Officer shall make arrangements for the complaint to be subject to informal resolution.
52. Informal resolution may include the appointment of a Deputy Monitoring Officer to secure the informal resolution of the complaint.
53. Procedures for informal resolution shall not include a formal investigation of the complaint in accordance with the GLA's ethical standards regime but documents in relation to the complaint and meetings with the person complained against may be required of the person complained against.
54. Where it appears to the Monitoring Officer that the complaint had in fact already been satisfactorily dealt with at the time it was brought to their notice, the Monitoring Officer may, subject to any further representations, treat it as having been resolved.
55. The Monitoring Officer shall, as soon as it practicable, give the complainant and the person complained against an opportunity to comment on the complaint.
56. Where the person complained against chooses not to comment on the complaint, the Monitoring Officer shall record this fact in writing.
57. The Monitoring Officer shall not, for the purposes of informally resolving a complaint, tender on behalf of the person complained against an apology for their conduct unless the person complained against has admitted the conduct in question and has agreed to the apology.
58. Where a complaint has been subject to informal resolution, the Monitoring Officer shall as soon as practicable make a record of the outcome of the procedure and send a copy of that record to the complainant and the person complained against.
59. A Monitoring Officer shall not publish any part of any such record unless they:
  - a) have given the complainant and the person complained against the opportunity to make representations in relation to the proposed publication; and
  - b) have considered any such representations and are of the opinion that publication is in the public interest.

J: Keeping the Police and Crime Committee informed

60. The Monitoring Officer shall provide timely updates to the Committee as set out above in relation to complaints, serious complaints and resolution of them.

## Conduct matters

61. The following paragraphs 62 to 84 apply only in relation to conduct matters about a Relevant Office Holder. A conduct matter, and the way it is handled, is not the same as a complaint, and the two processes are separate and distinct. It is also important to acknowledge that a conduct matter could become a complaint. In addition, as set out at paragraph 45 above, a withdrawn complaint could become a conduct matter.

### A: Considering whether civil proceedings or other circumstances amount to a conduct matter

62. This section A is in accordance with the requirements specifically given to the Monitoring Officer by the IOPC and the IOPC's 2022 guidance.

63. Where information comes to the attention of the Monitoring Officer in civil proceedings or in other circumstances about the conduct of a Relevant Office Holder, the Monitoring Officer shall consider whether there is a conduct matter.

64. In considering whether there is a conduct matter arising in civil proceedings or in other circumstances, the Monitoring Officer shall gather and consider all information that is readily available. This includes gathering information that is held by the Relevant Office Holder, the GLA, or any other organisation (to the extent that it is readily available), which may include, but is not limited to, decision forms, emails, and any other documents that the Monitoring Officer considers are relevant. Depending on the nature of the matter, this may take time to complete. For the avoidance of doubt, the Monitoring Officer will not create any new evidence, for example, by interviewing witnesses.

65. In undertaking this consideration, and prior to reaching a view as to whether there is a conduct matter, the Monitoring Officer shall consult the Committee as appropriate and may also consult the IOPC.

### B: Recording conduct matters arising in civil proceedings

66. Where:

- a. the Monitoring Officer has received notification that civil proceedings relating to any matter have been brought by a member of the public against a relevant office holder, or it otherwise appears to the Monitoring Officer that such proceedings are likely to be so brought; and
- b. it appears to the Monitoring Officer (whether at the time of the notification or at any time subsequently) that those proceedings involve or would involve a conduct matter,

the Monitoring Officer shall record that matter.

67. The Monitoring Officer must notify the Chief Executive of MOPAC that a conduct matter arising in civil proceedings has been recorded.

68. However, the Monitoring Officer does not need to record the matter if it has already been recorded as a complaint or has been, or is already being, dealt with by means of criminal proceedings against the person to whose conduct the matter relates.

69. Civil proceedings involve a conduct matter if—

- a) they relate to such a matter; or
- b) they are proceedings that relate to a matter in relation to which a conduct matter, or evidence of a conduct matter, is or may be relevant.

C: Recording a conduct matter arising in other circumstances

70. If the Monitoring Officer determines that the matter amounts to a “conduct matter”, as defined, the Monitoring Officer will record that matter.

71. The Monitoring Officer must notify the Chief Executive of MOPAC that a conduct matter in other circumstances has been recorded.

72. However, the Monitoring Officer does not need to record that matter if it has already been recorded as a complaint or has been, or is already being, dealt with by means of criminal proceedings against the person to whose conduct the matter relates.

73. The IOPC may direct the Monitoring Officer to record a matter that has come to the attention of the IOPC which is a conduct matter but has not been recorded by the Monitoring Officer.

74. Where the Monitoring Officer records a conduct matter, the Monitoring Officer will refer the matter to the IOPC, in accordance with the procedures set out below for referrals to the IOPC.

75. The Monitoring Officer will establish a Register within which to record all key details about the conduct matter which can be readily accessed and examined by the IOPC, if required.

D: Matters occurring outside of England and Wales

76. Where the conduct did not occur in England and Wales, it is the duty of every Relevant Office Holder to notify the Monitoring Officer, of any investigation, allegation or proceedings in relation to their conduct which would amount to a conduct matter if the conduct took place in England and Wales.

77. Where notification is given under paragraph 76, the Monitoring Officer shall handle the matter in whatever manner they see fit.

E: Referral of a conduct matter to the IOPC

78. Where the Monitoring Officer has recorded a conduct matter, the Monitoring Officer will refer it to the IOPC as soon as is practicable and no later than the end of the day following the day on

which it first becomes clear to the Monitoring Officer that the conduct matter must be referred or the IOPC tells the Monitoring Officer it must be referred. The fact that a recordable conduct matter is sensitive or urgent does not override the requirement for the Monitoring Officer to undertake the relevant determinations before making a referral. The Monitoring Officer should be adequately sighted on the detail of the matter in order to come to an informed decision and decide which criminal offence is alleged. The Monitoring Officer should consider what arrangements are in place to avoid delay in referring urgent or sensitive matters. The need to provide information should be balanced against the timeliness of making the referral.

79. On referring a conduct matter to the IOPC, the Monitoring Officer will supply all relevant available information that is likely to assist the IOPC when making its decision, together with the referral form. This includes any information and evidence obtained during the initial assessment referred to in section A above.
80. In addition, the Monitoring Officer must give written notification to the Relevant Office Holder concerned of the referral, unless it appears to the Monitoring Officer notifying the Relevant Office Holder might prejudice a possible future investigation.
81. The IOPC will decide whether or not to investigate the conduct matter and will tell the Monitoring Officer in writing of the decision. If the IOPC decides that an investigation is necessary, it will decide whether it should be a managed investigation or an independent investigation.
82. Where the IOPC determines that it is not necessary for it to investigate a conduct matter, it will refer the conduct matter back to the Monitoring Officer.
83. Following referral back of a conduct matter, the Monitoring Officer will report the outcome of the IOPC's determination to the Committee. The Monitoring Officer will deal with the conduct matter in such manner (if any) as the Monitoring Officer may determine.

F: Keeping the Police and Crime Committee informed

84. The Monitoring Officer shall provide timely updates to the Committee as set out above in relation to conduct matters and the IOPC's consideration and determination.

## **Record Keeping**

85. The Monitoring Officer shall keep records of:
  - a) every complaint and purported complaint made;
  - b) every conduct matter recorded by the Monitoring Officer arising from civil proceedings or otherwise coming to the attention of the Monitoring Officer; and
  - c) every exercise of a power or performance of a duty under the Regulations.



86. The Monitoring Officer shall report, on a regular basis, the summary details (such as can be reported in public), on the exercise of any and all of these functions to the Committee for monitoring purposes and will include a summary of the matters listed in the above paragraph 85 a) to c).

### **Provision of Information to the IOPC**

87. The Monitoring Officer shall provide to the IOPC all such information or documents specified, and all evidence or other things so specified or described by the IOPC in a notification given by the IOPC to the Monitoring Officer and in a manner and within a time so specified.

Issue date	29 September 2022
Amendments made from previous version	Minor updates to reflect new IOPC guidance. Previous version approved in November 2020
Approved by	Police & Crime Committee
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Senior owner	Monitoring Officer
Document owner	Monitoring Officer

## Procedure for registration and declaration of interests, gifts and hospitality

### 1. Pecuniary and Other Registrable Interests

- 1.1. GLA Members are required in law, and under Part 2 of the GLA's Code of Conduct, to notify the GLA's Monitoring Officer in writing of their Disclosable Pecuniary Interests (DPIs). They are also required under the GLA's Code of Conduct to notify the GLA's Monitoring Officer in writing of their Other Registrable Interests (ORIs).
- 1.2. All GLA Members must, within 28 days of their becoming a Member, notify the GLA's Monitoring Officer of any DPIs or ORIs which have not already been entered into the GLA's register. This should be done by completing and signing the form, entitled 'Register of Interests - *Notification of Disclosable Interests*' and returning it to the GLA Monitoring Officer. Failure to do so is a breach of the Code.
- 1.3. Further, it is a criminal offence as follows:
  - (a) without reasonable excuse, failing to comply with the duty to disclose all DPIs either 28 days after becoming a Member; or at a meeting where a DPI is required to be disclosed; or to the Monitoring Officer 28 days after such a meeting;
  - (b) without reasonable excuse, to participate in a meeting in contravention of the restrictions imposed where a Member has a DPI in a matter being considered;
  - (c) without reasonable excuse, to take steps where the Member is a sole decision taker, and is aware that they have a DPI in the matter in issue;
  - (d) If a Member knowingly or recklessly provides information that is false or misleading when required to disclose an interest.

#### Updating your notifications / register of interests

- 1.4. Within 28 days of becoming aware of any changes to your DPIs or ORIs, or of acquiring a new DPI or ORI, you must write to the GLA's Monitoring Officer notifying them accordingly. Failure to do so is a breach of the Code.. Please also see paragraph 10 of the GLA's Code of Conduct.

#### Sensitive Interests

- 1.5. Where the nature of an interest is such that you and the Monitoring Officer agree that disclosure of the details of the interest could lead you, or a person connected with you, being subject to violence or intimidation, it will be a sensitive interest, and will not be published by the GLA. If you think you have an interest that should be treated as sensitive, and not published, you will need to complete the section at the end of the form, entitled *Sensitive Pecuniary Interests*. Please also see paragraph 12 of the GLA's Code of Conduct.

### Gifts and Hospitality

The GLA (by the Mayor and the Assembly acting jointly) has committed to requiring its elected Members to declare the receipt of any gifts and hospitality with an estimated value of £50 or more. Below is a link to the GLA's existing guidance on gifts and hospitality:

[https://www.london.gov.uk/sites/default/files/gifts\\_and\\_hospitality\\_policy\\_and\\_procedure\\_july\\_2022.pdf](https://www.london.gov.uk/sites/default/files/gifts_and_hospitality_policy_and_procedure_july_2022.pdf).

- 1.6. All Members are required to continue to declare the receipt of any gifts and hospitality in accordance with the Authority's existing procedures and guidance, by registering gifts and hospitality received on the Authority's online database. The online database may be viewed here: <https://www.london.gov.uk/who-we-are/governance-and-spending/promoting-good-governance/gifts-and-hospitality>.

## **2. Dispensations**

### Disclosable Pecuniary Interests

- 2.1. Under the Code of Conduct, where an elected Member has, and is aware that they have, a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at a meeting of the Assembly or one of its committees, they may not participate, or participate further, in any discussion of the matter, or participate in any vote, or further vote, taken on the matter at the meeting UNLESS they have obtained a DISPENSATION from the Authority's Monitoring Officer.
- 2.2. Where an elected Member (i.e.: the Mayor, the statutory Deputy Mayor or the Deputy Mayor for Policing and Crime) has a Disclosable Pecuniary Interest in any executive decision, they cannot obtain a dispensation – and must not take, and must therefore delegate, the executive decision.

### Criteria for obtaining a Dispensation

- 2.3. The Monitoring Officer may grant a dispensation allowing a Member to:
    - (a) participate in the discussion; or
    - (b) vote on the matter; or
    - (c) participate in the discussion, and vote on the matter (in which they have a Disclosable Pecuniary Interest)
- BUT only where the Monitoring Officer considers that:
- (a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;
  - (b) without the dispensation the representation of different political groups of the meeting transacting any particular business would be so upset as to alter the likely outcome of any vote;

- (c) the granting of the dispensation is in the interests of persons living in the Authority's area (please see the footnote below for a guide as to when this may arise);<sup>1</sup> or
- (d) it is otherwise appropriate to grant a dispensation.

#### Applications for a dispensation

- 2.4 To obtain a dispensation, an elected Member must personally write to the Monitoring Officer explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought.
- 2.5 The Monitoring Officer may decide to consider the application through written representations, but may also discuss the application with the elected Member.

#### Decision and Records

- 2.6 In granting a dispensation, the Monitoring Officer must specify the period of time for which it has effect, which may not exceed four years.
- 2.7 The Monitoring Officer will record their decision in writing and keep it with the GLA's Register of Interests.

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<sup>1</sup> As a guide, this might for example be where relevant and legitimate views would not otherwise be heard; or where some material harm would occur to relevant persons living in London were the Member(s) not able to participate and or vote.

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Date of approval and issue	May 2024
Changes from Previous version	<p>The document has been updated to reflect the fact the new Code of Conduct requires the declaration and registration of “other registrable interests”.</p> <p>The document clarifies the position on disclosable pecuniary interests and when criminal offences are committed.</p>
Approved by	Mayor and London Assembly, acting jointly
Review date	May 2026
Senior owner	GLA Monitoring Officer
Document owner	GLA Monitoring Officer

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