

Submission to the Committee on Standards in Public Life

February 2009



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Executive summary

The London Assembly welcomes the Committee on Standards in Public Life's inquiry into local leadership and public trust in London and local government.

The Assembly believes that the strong mayor model of government has been a success, and that there is cross-party support for this model to be retained.

Recent developments, such as the Greater London Authority (GLA) Chief Executive's review of governance, have resulted in improvements in the accountability framework of the GLA group, and further improvements are in the process of being implemented.

However, the GLA is a young and uniquely complex group of organisations, and its culture and ways of working are still developing and evolving. The arrangements for ensuring transparency and accountability across the group must continue to develop if public trust and confidence is to be maintained.

The London Assembly does not seek to alter the fundamental balance of power between the Assembly and the Mayor. However, in some areas, there is consensus support for further refinement and development of the transparency of the Mayor and GLA group and of the Assembly's tools for holding the mayor to account.

The Assembly therefore puts forward in this submission some key proposals for further development of the GLA group's accountability framework. These proposals would provide greater transparency in areas that remain relatively opaque; clarity in areas where there is still confusion and unnecessary complexity; and accountability in areas where there are opportunities for current arrangements to be further developed or enhanced.

We trust that this submission will assist the Committee in its deliberations, and we look forward to answering the Committee's questions later in the spring.

The London Assembly's response to the Committee's consultation document

Introduction

The London Assembly welcomes the Committee on Standards in Public Life's inquiry into openness and accountability in London Government.

This response from the London Assembly focuses on the issues raised in the Committee's consultation paper that relate to the public and democratic accountability of the Mayor and Greater London Authority (GLA) group. For further background and explanation, we would refer the Committee to the factual briefing provided by the GLA in advance of the consultation, and the annexes to this response.

The introduction of the mayoral system for strategic government in London has undoubtedly been a success. Londoners see the office of the Mayor of London as important and influential, with the potential to make a real impact on their lives. Public understanding of the role of the Mayor and GLA has grown steadily since 2000, and participation in elections has also increased. In May 2008, more than 2.5 million Londoners turned out to cast their votes for the Mayor and Assembly – more than half a million more than turned out for the 2004 GLA elections.

Visible and accountable leadership has been established in relation to key services in London, and the performance of those services has been opened up to democratic scrutiny in some cases for the first time. This has helped to make the services more responsive to the needs of Londoners, enabled Londoners to hold the services to account, and driven improvements in performance as well as providing strategic direction for London's development.

The strong mayor model of regional government

The 'strong mayor' model of government has widely recognised benefits. A mayor can implement innovative policies (such as the congestion charging scheme, introduced by Ken Livingstone) without having to obtain support from a legislature. The mayor is clearly and directly accountable to the electorate for those policies, and the electorate can remove the mayor from office if they do not approve of their policies, conduct or decisions.

A strong mayor model of government, perhaps more than any other, must therefore include built-in and guaranteed requirements of transparency and accountability, regardless of the individual occupant of the office of mayor. This is necessary in order to preserve public trust and confidence in the system of government over the long term, and limit the ability of any

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individual mayor to disregard or frustrate these essential elements of good government.

The role of the London Assembly within the strong mayor model is to provide public democratic scrutiny of the mayor's strategies, decisions and policies.¹ The purpose of the public accountability provided by the Assembly is to inform the electorate about the mayor's activities and performance, and to provide critical challenge and review of the mayor's activities and performance on behalf of the electorate during the period between four-yearly elections.

This ongoing process of public scrutiny is essential to the effective operation of the mayoral model. Without it, a mayor could operate behind closed doors without systematic and independent monitoring and challenge and without the contribution that is made to mayoral strategies and decisions through the process of open democratic debate.

An effective accountability framework for the GLA group

The Committee has asked respondents to identify the elements of an effective accountability framework for the GLA group. There are several factors that combine to complicate the definition and implementation of an effective accountability framework within the context of the GLA group.

The governance and accountability framework of the group is highly complex as well as being relatively young. The framework has evolved and developed since 2000 and will inevitably and rightly continue to do so over the coming months and years.

The GLA is a unique combination of a US-style city mayor with elements that are more typical of traditional British political culture (such as the concept of a professional and independent civil service). This combination has clear benefits, as noted above. However it also gives rise to ambiguities and tensions such as some of those that have arisen in relation to the mayor's directly appointed staff.

The GLA group brings together several previously unrelated organisations, each with its own culture and working arrangements. The GLA and functional bodies have multiple lines of funding and accountability and are subject to national, regional and local pressures and priorities. These

¹ Department for the Environment, Transport and the Regions, 1998, *A Mayor and Assembly for London: the Government's proposals for modernising the governance of London*

factors make it difficult to develop or impose a coherent accountability framework across the group.

It has been suggested that the complexity of London's governance arrangements is itself a barrier to effective accountability. Furthermore, the GLA has within the past year experienced the first ever transition from one mayoralty to another. This will inevitably give rise to previously unidentified issues as a new administration establishes its own culture and ways of working within the statutory framework.

Finally, the term 'accountability' is broad and amorphous. An effective accountability framework must meet requirements and expectations ranging from the application and enforcement of rules relating to conduct and probity, to the effective engagement of stakeholders and the public in the policy- and decision-making process.

The Assembly suggests that the following key elements are essential to an effective accountability framework for the GLA group (beyond the even more basic requirement of free and fair elections, which are taken as given in this case). This framework includes compliance-based accountability (such as the enforcement of rules relating to conduct and probity) and public democratic accountability (the process of asking questions, obtaining information, and making alternative proposals).

An effective accountability framework must meet requirements ranging from the application and enforcement of rules relating to conduct and probity to the effective engagement of stakeholders and the public in the policy- and decision-making process.

Key elements of the GLA group's accountability framework

- **Clarity of roles and responsibilities**
- **Enforcement of rules** relating to the conduct of business and office-holders, promotion of best practice in relation to conduct, and prevention of corruption, misconduct and misuse of power.
- **Transparency of decision-making.**
- **Provision of information**, both pro-actively and in response to reasonable requests.
- **Requirement for the executive publicly to explain and answer** for its decisions, actions and performance and for the outcomes of those decisions and actions.
- **Provision for alternative views and proposals to be put forward** to the executive by and on behalf of the public and other stakeholders, at a point in the policy- or decision-making process when it is possible for changes to be made in the light of those proposals; and a demonstration that these have been properly considered and understood and responses provided.
- **Provision for sanctions and / or remedies to be applied** in the event that the executive fails to comply with accountability requirements or if the exercise of accountability identifies failings.

Recent developments in the GLA group's accountability framework

The GLA Act 2007 and the Chief Executive's Governance Review Panel in 2008 took the GLA further towards an accountability framework for the GLA that would contain all these elements. The new Mayor has taken steps to enhance the accountability of his advisers and to improve the transparency of relations between the GLA and functional bodies.² All these steps will provide additional transparency and openness, and will go some way towards addressing issues that have arisen so far.

However, the Assembly believes that there are elements of the accountability framework that require further development in order to provide an appropriate degree of transparency and accountability without undermining the strong mayor model of government.

² Recent developments in the GLA's accountability framework are set out in further detail in Appendix 2 to this submission.

Measuring the effectiveness of accountability

The Committee has asked how effective scrutiny of the Mayor should be judged. There are inherent difficulties in assessing the effectiveness of democratic scrutiny:

- It is not generally possible to assess what would happen if no scrutiny took place. The preventative value of scrutiny cannot be measured.
- The executive may not always acknowledge the influence of the scrutinising body over its decisions and actions.
- The impact of recommendations may not be evident for some time after they have been made. The process of following up and assessing the impact of recommendations is ongoing and will always be incomplete at any given point in time.
- It is difficult to measure the value or impact of the process of asking questions in public and requiring the executive to provide answers and explanations.

It is tempting to try to measure the effectiveness of scrutiny by counting the number of recommendations that have been implemented, or applying other numerical analyses to the process and outputs of scrutiny work. However, such measures do not capture the complexity or the quality of accountability or the impact of effective scrutiny.

The Assembly would also not support any definition of effective scrutiny measured by negative tangible outcomes such as the application of formal sanctions against those who fail to comply with rules and regulations; democratic accountability is a more complex process, and should be aimed towards positive outcomes as well as providing accountability for failures and poor performance.

The Assembly has made an impact on a range of key issues of importance to Londoners through its work to hold the Mayor and GLA group to account. For example, the Assembly's review of the response to the 7 July attacks provided the only formal opportunity for survivors to give their views and the only public accountability of responding agencies. The report highlighted lessons to be learned and made 54 recommendations to improve the response to major incidents in London in the future. Most of the recommendations have been implemented, contributing to

improvements in communications and more effective care and support for individuals who are directly involved in major incidents in the future.

The Assembly has published a range of reports relating to key areas of Mayoral responsibility including transport, the environment, climate change, planning and the economy. The Assembly scrutinises the preparations for the London 2012 Olympic and Paralympic Games as well as monitoring the arrangements to secure a legacy for London from the Games. In each of these areas the Assembly has contributed to more effective and responsive regional government in London.

The Assembly has also provided effective accountability of the Mayor by publicly questioning him on his policies, decisions and actions and bringing information into the public domain on issues of controversy and public interest (such as the allegations that were made late in 2007 about the involvement of a mayoral appointee in decisions about the allocation and administration of LDA grants).

The Assembly's proposals for further development of the GLA's accountability framework

Based on experience to date, the Assembly believes that there are some key areas for further development and refinement of the governance and accountability framework of the GLA group.

These proposals focus on the role of the Assembly in holding the Mayor publicly to account and contributing to the development of mayoral strategies. Assembly Members play important roles in compliance-based governance of the GLA group, through the Authority's Standards Committee, the joint appointment with the Mayor of the three statutory officers, the Assembly's Audit Panel, and the Assembly's scrutiny of the finance and performance of the GLA group. The Authority's Standards Committee is making a separate submission to the Committee (the Assembly has not agreed to the Standards Committee's submission).

The Assembly's proposals would not undermine the strong mayor model of government – they would strengthen it by ensuring that the essential elements of an effective accountability framework are in place, helping to increase and maintain public trust and confidence in this unique model of government in the long term.

The Assembly's key proposals are as follows. They are explained in further detail in the annexes to this submission.

Within the GLA

- **The Mayor should be required to publish a forward plan of key decisions.** Local authority executives are required to publish a forward plan of key decisions. This should be extended to the Assembly in order to provide opportunities for pre-decision scrutiny.
- **The Assembly should be empowered to call in mayoral decisions before they take effect.** Local authorities can call in key decisions before they take effect. This exposes key decisions to public debate and questioning and can shed light on the rationale for controversial decisions even if the decisions are not changed as a result. This power should be extended to the London Assembly.
- **The Assembly should be empowered to amend the mayor's draft strategies by a two-thirds majority.** This would provide the Assembly with a last-resort ability to amend any mayoral strategy that did not reflect an appropriate consensus and evidence base, and would formalise the Assembly's contributions to the development of mayoral strategies.
- **Further clarity is required about the role of GLA staff appointed by the Mayor, and about the related questions of how their conduct should be governed and how they should be held to account.** The Mayor's appointees are GLA staff, and are therefore subject formally to the same codes of conduct and restrictions as other GLA staff. However, depending upon their individual roles, priorities and skills, in practice they operate on a spectrum ranging from those who act as managers of GLA staff, to those who provide political and policy advice to the Mayor whilst providing direction to GLA staff (akin to special advisers in central government), to those at the other end of the spectrum who operate as unelected politicians (like members of a political cabinet). This range is not problematic in itself, provided there is an appropriate clarity and transparency about the basis on which they are operating and a corresponding range of mechanisms for them to do so transparently and in accordance with required standards of conduct, probity and accountability.

- **The appointment of mayoral advisers ‘on merit’ does not require an open competition but should involve thorough and effective assessments of qualifications and experience.**
- **When mayoral appointees become involved in decision-making in the GLA or functional bodies,** their involvement should be transparent, with relevant interests declared and their advice or direction clearly recorded.

Across the GLA group

- **There should be a consistent level of transparency across the GLA functional bodies and other bodies chaired by the Mayor or his appointees.** There is currently an unhelpful disparity between the bodies that are required to operate in accordance with local government rules of openness (the Metropolitan Police Authority and the London Fire and Emergency Planning Authority) and those that are not (Transport for London and the LDA).
- **The relationships between the GLA and the functional bodies will have to be kept under review.** In particular, the implications of the Mayor being empowered to chair the Metropolitan Police Authority for the scrutiny role of the Authority have not yet been fully explored or understood.

External London-wide bodies

- **We agree with London Councils’ position that it would be inappropriate for leaders of London’s local authorities formally to scrutinise the mayor on behalf of Londoners.** The role of London local authorities is to provide local executive leadership. This is incompatible (and potentially in conflict) with the role of holding the mayor to account for his strategic policies and decisions.
- **The Assembly should be empowered to obtain information and cooperation from bodies outside the GLA group that are chaired by the Mayor or have a significant London-wide role to play in delivering his strategies.** This would ensure that the Assembly is able to hold the Mayor to account in relation to policies developed and delivered by those bodies.
- **The Minister and Government Office for London should provide information to the Assembly about matters within their remit, and officials from the Government Office for London should**

attend meetings of the Assembly to answer questions. This would enable the Assembly to gain access to the full range of information and input necessary for and relevant to its investigations.

We trust that these proposals will assist the Committee both in its consideration of the questions it is considering about London and also in its wider consideration of how accountability and transparency are built into government locally and regionally across the UK.

Appendix 1 Recent developments in the GLA's accountability framework

The review of powers of the Mayor and Assembly and the GLA Act 2007

In 2006, the Government reviewed the powers of the mayor and the London Assembly. The Mayor's powers were extended and enhanced in relation to strategic planning decisions, housing, skills, climate change and health inequalities. The Assembly's powers were slightly enhanced. The Assembly's budget was separated from that of the mayor (although the Assembly still only has limited power to set its budget). The Assembly was given a new power to hold confirmation hearings with proposed appointees to public offices such as the chair of the TfL board.

The Chief Executive's Governance Review Panel

The governance arrangements of the GLA group were examined more recently by the then GLA Chief Executive's Governance Review Panel. (A copy of the panel's report has been provided to the Committee.) The Chief Executive's review made proposals for further clarification and development of the governance framework of the GLA group. The proposals are supported by the Mayor and Assembly and are in the process of being implemented. They include:

- developing the framework for governance across the GLA group to clarify how decisions are made and communicated across the group and set out the arrangements for interests to be declared and noted;
- developing protocols for the appointment and conduct of mayoral appointees; and
- increasing the transparency of the decision-making process.

Steps taken by the new Mayor

The current Mayor has also agreed to introduce additional measures to increase the transparency and accountability of the administration. These include:

- the publication of job descriptions and registers of interest for mayoral appointees;
- the publication of lists of all payments over £1,000; and
- the immediate publication of all executive decisions on the GLA website.

Appendix 2 The Assembly's proposals to enhance transparency and accountability within the GLA

There is a degree of transparency in the decisions-making process provided by the requirements of the GLA Act. However, for individual decisions taken by the Mayor (as opposed to the development of statutory strategies), this transparency only takes place retrospectively – decisions are taken in private and there are no requirements for transparency in advance about what decisions are to be taken and when. This means that the Assembly and the wider public are not able to contribute to decisions before they are made or in advance of them taking effect.

By contrast, local authority executives are required to publish forward plans, significant decisions are often taken in public, and key decisions are subject to call-in by the authority's scrutiny members. The Assembly proposes that these arrangements should be extended to the GLA.

The Mayor should be required to publish a forward plan of key decisions

In order to enhance transparency and accountability, the Mayor should be required to publish a forward plan of key decisions, providing the Assembly (and the public and other stakeholders) with an opportunity to review the issues and contribute to the decision-making process at a point at which it is still possible for that contribution to be taken into account.

This would expose significant decisions to a range of views and questions, resulting in a more transparent, effective and responsive decision-making process. It would therefore contribute to maintaining public trust and confidence in the Mayor's decision-making as well as contributing to the quality and effectiveness of mayoral decisions.³

The Assembly should be empowered to call in mayoral decisions before they take effect

Unlike local authorities, the Assembly can only scrutinise decisions after they have been taken and (in most cases) implemented. The Assembly proposes that the power of local authorities to call in decisions before they take effect should be extended to the London Assembly. The call-in process exposes potentially controversial and significant decisions to scrutiny at a point in the process when it were still possible for them to be

³ The GLA Chief Executive's Governance Review Panel suggested that pre-decision scrutiny, focusing on productive and beneficial challenge, should be encouraged – 'the Assembly could helpfully be given the opportunity to comment, as a non-statutory part of the policy making process, on Mayoral proposals and initiatives (prior to publication and implementation), other than those on which the Mayor is obliged to consult.'

amended. Even if decisions are not amended, the process provides an opportunity for controversial decisions to be critically challenged and debated in public. This provides a greater degree of transparency and enables the public to hear all sides of the argument from a range of political perspectives.

In local authorities there are time limits and other restrictions in place that prevent undue delays in the decision-making process. The evidence from local authorities suggests that the mayoral administration would not be impeded in its work by a requirement to publish a forward plan or by a related power for the Assembly to call in key decisions.

The Mayor should take key planning decisions in public

The exercise of the Mayor's power to direct approval or refusal of strategic planning decisions is significant and potentially highly controversial. Transparency in the decision-making process is crucial in building and maintaining public confidence in the process.

During the passage of the GLA Act 2007, the Assembly argued that the Mayor should be required to exercise his new power to direct approval of strategic planning decisions in public.⁴ This has been the consistent view of the Assembly, first elucidated in its report of June 2002 on the Mayor's planning decisions, *Behind Closed Doors*.⁵ We have been told that the current Mayor will take decisions in public in cases where he takes over planning applications, however a future Mayor could take a different view within the current regulations.

The Mayor should publish decision forms on the GLA website once they are signed

The Mayor reports his key decisions to the Assembly in his periodic report, as required by the GLA Act 1999. However, the Mayor is not required proactively to publish full details of his decisions, other than by providing them to anyone who requests them under FOI legislation or in response to requests by the Assembly.

Proactive transparency should be built in to the decision-making process. The Mayor should be required to publish all mayoral decision forms on the GLA website proactively so that full details of the decisions could be available for scrutiny by the public and the Assembly.

⁴ London Assembly response to the ODPM review of GLA powers, p. 14
<http://www.london.gov.uk/assembly/publications/docs/odpm-response.pdf>

⁵ http://www.london.gov.uk/assembly/reports/plansd/behind_closed_doors.pdf

This reflects the recommendation of the GLA Chief Executive's governance review panel, which suggested that the forms should be 'made available' automatically once signed.⁶ It also reflects the current Mayor's stated commitment to openness and transparency, set out in his accountability manifesto,⁷ and his more recent reiteration of this commitment. The Assembly welcomes these commitments, however we note that arrangements have not yet been put in place to implement this recommendation.

The Assembly should be empowered to amend the Mayor's draft strategies by a two-thirds majority vote

The GLA Act 2007 introduced a requirement for the Mayor to 'have regard' to the Assembly's comments on his draft strategies. However, the meaning of this term is unclear and untested in the context of scrutiny recommendations, and this new requirement does not ultimately provide the Assembly with powers to prevent a Mayor from proceeding with a strategy that is based on an inadequate evidence base, or does not have the support of a broad consensus of opinion. Given that the GLA is a strategic authority that relies upon partners to deliver its strategies, it would be a significant failing if a strategy were to be produced without adequate evidence or consensus support.

The Assembly argued during the review of GLA powers that it should be given the power to amend the Mayor's draft strategies by a two-thirds majority vote. This would mirror the budget-setting process, and give the Assembly a limited quasi-legislative role and an amending power of last resort.

⁶ GLA Chief Executive, July 2008, *GLA Group Governance Review – Final Report*, p. 8

⁷ Boris Johnson, 2008, *Making London's Mayor Accountable*, page 11

Appendix 3 The Assembly's proposals to enhance transparency and accountability in relation to the Mayor's directly appointed staff

Greater clarity is required as to the role and accountability of the Mayor's directly appointed staff

It is fair to say that the GLA Act does not set out clearly the anticipated role of the ten appointments to be made on merit – are they to act as special advisers along the lines of those working in the Civil Service; managers and leaders of staff; or members of the executive as in the US model of government?

In practice so far, different appointees have fulfilled different roles, depending on the requirements of the mayor, the area of work, and the skills and priorities of the individual appointees. Some mayoral appointees manage staff appointed by the Head of Paid Service of the GLA, whereas others operate more as special advisers, without any management responsibilities. Some appointees have operated in the public sphere, whereas others have been less visible, working within the GLA group to pursue the Mayor's agenda.

It is for the Mayor to determine what posts should be filled and how they should operate. The key questions in terms of transparency and accountability are whether it is clear what the roles and responsibilities of each adviser are, and whether they are effectively held to account for their actions on behalf of the Mayor.

The current Mayor has taken the welcome step of publishing the details and job descriptions of his appointees on the GLA website, which is a useful contribution to public transparency on their roles and responsibilities. The Committee may want to consider whether this should be reflected in any future guidance or legislation for London and mayoral models elsewhere in the UK.

However, despite the publication of job descriptions on the GLA website, there remains a lack of clarity as to the different roles of mayoral appointees. The current Mayor has made appointments to positions described as 'deputy mayors' (aside from the statutory Deputy Mayor) and 'directors'. The Assembly's view is that despite a number of public discussions on this issue, there remains a lack of clarity as to the meanings of these titles and the respective powers and responsibilities of deputy mayors and directors.

The Assembly has publicly questioned all the new Mayor's appointees on their roles and priorities, and will continue to provide public accountability during the remainder of the administration.

The appointment of advisers on merit does not require an open competition but should involve thorough and effective assessments of qualifications and experience

The GLA Act 1999 requires that the Mayor's ten advisers (but not the two political advisers) should be appointed 'on merit'. Following the election of a new Mayor in May 2008, the GLA interpreted this to mean that there should be some form of merit test (a job description, cv and interview), but that external advertisement and competition were not required.

Following the appointments and the early departure of a number of appointees for various reasons, there was inevitable debate about the process by which mayoral appointments are made, and particularly about how the requirement to appoint on merit should be interpreted.

For appointments intended to act as advisers to the Mayor, it seems reasonable that the Mayor should select whomever he believes is best placed to provide him with the advice he requires. An open competition in such cases could be seen as unnecessary and excessively bureaucratic and time-consuming, hampering the ability of a new Mayor to get his programme underway.

However, in order for public confidence to be maintained, there must be transparency and integrity in the appointment process so that Londoners can make their own judgements as to the merit of the appointment process and the resulting decisions.

The appointment panels for Mayoral appointments immediately following the elections included an independent element. This was intended to provide an independent validation of the process and an external verification that the Mayor could reasonably decide to make the proposed appointments on the basis of that process. The Authority's Standards Committee is reviewing the role of the independent element following concerns that their role and remit was unclear.

The Assembly's Business Management and Administration Committee questioned Nick Boles, interim chief of staff, on the lessons to be learned about mayoral appointments from the appointments made during the first two months of the new Mayor's administration. The Committee found that

the qualifications and references of appointees had not been thoroughly tested as part of the appointment process, and wrote to the Mayor to recommend that future appointments processes should include appropriate checks.

The GLA is now developing a protocol for mayoral appointments that is intended to clarify arrangements in respect of the merit test, checking of references and qualifications, and the role of the independent element in the appointment processes. The Assembly's Business Management and Administration Committee will be reviewing the proposed protocol to ensure that all the relevant lessons learned so far are reflected.

The merit test for mayoral appointees to posts with management responsibilities should include tests of management skills and competence

Some mayoral appointees have management responsibilities over permanent GLA staff. For example, under the current Mayor, the Director of Media and the Director of Marketing both manage permanent GLA staff appointed by the Head of Paid Service. The previous Mayor's Director of Media and Marketing similarly managed GLA staff.

There must be measures in place to prevent the politicisation of the permanent staff at City Hall and to protect staff working directly to mayoral appointees. For these reasons, the Assembly suggests that it would be in the Mayor's interest and the Authority's interest to test candidates for appointments to management positions to assess their management skills and abilities. For posts that consist primarily of management of staff rather than providing advice, it may be appropriate to undertake a more open, competitive appointment process.

Appendix 4 The Assembly's proposals for enhancing transparency and accountability across the GLA group

There should be a consistent level of transparency across the GLA functional bodies and bodies chaired or appointed by the Mayor.

The LDA has arguably operated behind closed doors to an excessive degree in the past. This has meant that there was very limited transparency, harming the Assembly's ability to hold the LDA to account, and damaging public trust and confidence in the LDA. The new LDA board has introduced new arrangements to increase the transparency of the organisation. More meetings are taking place in public, and agendas and papers for meetings of the board and its committees are now published five days in advance of each meeting. However, there remains an unresolved question of how much information is treated as confidential by the LDA and on what basis – the Assembly intends to pursue this issue over the coming months.

TfL's decision-making processes have also been opaque, with board panel meetings taking place in private and an ongoing failure to provide timely and comprehensive information in response to Assembly Members' questions. TfL has recently reviewed its arrangements to respond to questions from Assembly Members and is introducing a new process designed to provide timely and comprehensive responses to requests for information.

The Assembly welcomes these steps by the LDA and TfL. We would propose that arrangements should be put in place across the GLA group to provide a consistent level of transparency – there is no compelling reason why they should not operate in accordance with local authority requirements of openness and transparency. The Assembly would extend this proposal to include non-GLA bodies that are now chaired by the Mayor, such as the London Homes and Communities Agency Board, and the London Skills and Employment Board.

We suggest that the Committee consider whether to recommend standards that could be applied to similar organisations elsewhere either now or in the future, in order to enshrine in their constitutions a set of standards of transparency and accountability. Such essential components of the governance of publicly funded organisations should not be subject to the will of a mayor's appointed board members.

The involvement of mayoral appointees in decision-making is not unacceptable in itself – however, their interests must be publicly declared, it should be clear what involvement they have had, and they should be accountable for their actions

In March 2008 the Assembly published a statement of concerns regarding the involvement of a mayoral appointee in grants provided by the GLA and LDA. The key issues arising from the controversy were (a) a lack of transparency about how the adviser had been involved in decisions taken at the GLA and LDA and (b) the allegation that he had prejudicial interests which were not apparent to those making decisions or to the public.

The Chief Executive's governance review made proposals to address these issues, and these proposals are now being implemented across the GLA group. The Assembly will monitor the new arrangements to ensure that they achieve the desired impact.

The Assembly is particularly concerned to examine proposed arrangements for the interests of Mayoral advisers to be declared and apparent to the entire GLA group, rather than just the GLA; arrangements to clarify the powers and responsibilities of mayoral advisers; and arrangements to ensure that the governance arrangements across the GLA group are adequate to provide transparency and compliance with ethical and conduct requirements.

The London Development Agency (LDA) has introduced arrangements to report to its board on advice received from mayoral advisers and their involvement in matters relating to the Agency. This provides greater transparency as to the involvement of mayoral advisers in the operations of the LDA.

In the light of the lessons learned during the first eight years of the GLA's existence, the Committee might usefully consider whether future models of government which include different organisations under one 'group' umbrella should include in their design some built-in provisions for transparency in the interactions between different parts of the group.

Appendix 5 The Assembly's proposals for enhancing transparency and accountability in relation to external London-wide organisations

It would be inappropriate for London's local authorities formally to hold the Mayor to account on behalf of Londoners

We agree with London Councils' position that they are not the appropriate body to provide public democratic accountability of the Mayor. Local authority leaders play an important role in providing leadership at a local government level. As in all other effective models of government, the arrangements for public democratic accountability must be built in to the model, rather than being carried out by an external organisation with an entirely different and potentially conflicting role.

The new City Charter between the Mayor and local authorities must include specific provision for transparency and accountability

The relationships between the GLA and local authorities should be made more transparent through the City Charter that is currently being developed. Specific provision will need to be made to ensure that any new bodies can be effectively held to account on behalf of Londoners.

The Assembly should be empowered to obtain information and cooperation from bodies appointed by the Mayor

The Assembly's power to hold the Mayor to account could be further enhanced if it had a formal relationship with London-wide bodies appointed or chaired by the Mayor. This would enable the Assembly to obtain information and cooperation from those bodies without relying upon informal relationships and ad-hoc cooperation arrangements.

The Mayor has powers of appointment and strategy development in relation to a number of bodies, but the Assembly does not have corresponding powers to obtain information or cooperation from those bodies unless they establish a contractual relationship with the GLA or receive grants from the GLA. This could limit the Assembly's ability to obtain information required to hold the Mayor to account for his actions in relation to these bodies and for the performance of the bodies themselves.

This is particularly important in cases where the boards cannot hold mayoral-appointed chairs or members to account in the manner usually expected of a board (i.e. they cannot remove them from the board), or in cases where the all board members are appointed by the mayor. Both of these factors combined mean that the boards themselves are not in a position to hold the Mayor's appointees effectively to account in a manner usually expected of a board. That role falls to the Assembly, but at present the Assembly has no formal scrutiny powers other than the power to hold

confirmation hearings for appointments of chairs to the Museum of London and the London Pensions Fund Authority.

The organisations in question are as follows.

- London Skills and Employment Board
- Homes and Communities Agency board
- London Waste and Recycling Board
- London Pension Fund Authority
- Museum of London.

The Assembly should have formal powers to obtain information and cooperation from London-wide bodies involved in delivering the Mayor's statutory strategies

The Strategic Health Authority for London and the London Ambulance Service

The Mayor has statutory duties to reduce health inequalities and promote public health. The Strategic Health Authority and the statutory Health Adviser are key stakeholders in this regard, but the Assembly has no formal powers to obtain information or cooperation from them and instead relies upon informal arrangements. The Assembly's Health and Public Services Committee has built a constructive relationship with the Strategic Health Authority and there have been several examples of the Assembly contributing positively to policies affecting the health of Londoners.

One example of positive interaction between the Mayor, Assembly and Strategic Health Authority is the Assembly's work on emergency life support training in London. The review looked at the provision and potential benefits of emergency life support across London, and the report recommended that a scheme should be developed to provide targeted emergency life support training to older people in London. Such a scheme has the potential to save many lives, as has been shown in other cities such as Seattle. The Mayor has indicated his support for this recommendation and has undertaken to pursue it with the Strategic Health Authority. Such action would be in direct support of the mayor's duties to address health inequalities in London.

In order to follow up this work, the Assembly will require access to information held by the Strategic Health Authority. In order to do so, the

Assembly relies upon informal cooperation arrangements. The Assembly has no formal powers to require the production of information by the SHA or their attendance to answer questions. The Assembly argues that its relationship with the SHA should be formalised in order to provide greater transparency and accountability and to assist the Assembly in gathering information to hold the Mayor to account.

An Assembly power to secure information and cooperation from the Strategic Health Authority would complement the local arrangements whereby local authorities have the power to scrutinise the planning, provision and operation of health services in their area.⁸

The Assembly would apply a similar argument to the London Ambulance Service, which has a role in relation to the Mayor's health inequalities duties as well as its role in responding to major incidents in the capital, both of which are key strategic issues within the remit of the Mayor but outside the scrutiny powers of the Assembly.

Other bodies with a role to play in delivering mayoral strategies

There are several London-wide bodies or directorates / divisions of national bodies that have a key role to play in implementing the Mayor's strategies but which the Assembly has no formal relationship with. They include the Environment Agency, Royal Parks Agency and Constabulary, British Waterways, Commission for Architecture and the Built Environment, Arts Council and English Heritage London Advisory Committee, the Port of London Authority, HEFCE, and the Civil Aviation Authority).⁹

The Assembly argues that it should have formal powers to obtain information and cooperation with these bodies in order to enable the Assembly to hold the Mayor to account for his policies, actions and decisions in relation to those policy areas. At present, the Assembly relies upon informal cooperation arrangements with these bodies.

The Minister for London and civil servants from the Government Office for London should contribute to London Assembly investigations

The Government Office for London has generally refused to provide formal views or information to the Assembly on the basis that it is accountable to Parliament.

⁸ Health and Social Care Act 2001, s7

⁹ See London Governance Commission report, page 51, and Assembly's response to the ODPM review of GLA powers, pp. 40-42

The Assembly accepts that the Government Office for London and the Minister for London are accountable to Parliament. However, they hold information that is directly relevant to the Assembly's work in holding the Mayor to account and investigating issues of importance to Londoners.

One example of the difficulties caused by this situation is the Assembly's review of the response to the 7 July attacks. The London Resilience Team, based at the Government Office for London, did not contribute formally to the review (although its officers did provide informal advice and information). This hampered the Assembly's ability to gather comprehensive information about the response, including information about the regional coordinating role of the London Resilience Team and the London Resilience Forum (which comprises the Mayor and functional bodies as well as other relevant organisations).

Cabinet Office guidance requires ministers and civil servants to consider invitations from the devolved legislatures as they would an invitation from a Select Committee, notwithstanding the fact that ministers and civil servants are accountable to Parliament.¹⁰ These arrangements appear to work in practice. On that basis, the Assembly argues that this guidance should be extended to the London Assembly. This would enable the Assembly to obtain access to information that is important and relevant to the task of holding the Mayor to account, and it would provide increased transparency in the relationship between the GLA and GOL.

The role of the Government Office for London should be streamlined to reflect the fact that there is an elected regional authority for London

There is a political consensus across the Assembly and with the Mayor that the Government Office for London should be dramatically streamlined to reflect the unique governance arrangements of London. Service delivery responsibilities should be devolved to those public authorities best placed to undertake and be accountable for those functions.

¹⁰ Devolution Guidance Note 12, *Attendance of UK Ministers and Officials at Committees of the Devolved Legislatures*, available at <http://www.justice.gov.uk/docs/dgn12.pdf>