

MONITORING OFFICER ROLE AND RESPONSIBILITIES

The responsibilities as set out in law are as follows:

- Section 73 of the Greater London Authority Act 1999 (GLA Act) provides that the Mayor and the Assembly, acting jointly, shall appoint a person to be the GLA’s monitoring officer (MO).
- Section 73 of the GLA Act provides that an appointment of the person to be the GLA’s MO is an appointment as an employee of the GLA.
- Section 73 amends section 5 of the Local Government and Housing Act 1989 in respect of the MO of the GLA.
- Section 5(2) of the 1989 Act (as it applies to the GLA’s MO) provides that MO has a duty to prepare a report to the Mayor and the Assembly if at any time it appears that any proposal, decision or omission of a GLA body or person has given rise to, or is likely to or would give rise to—
 - a) a contravention by that GLA body or person or any other GLA body or person of any enactment or rule of law or of any code of practice made or approved by or under any enactment, or
 - b) any such maladministration or failure as is mentioned in Part III of the Local Government Act 1974 (Local Commissioners).
- A “GLA body or person” means:
 - a) the Greater London Authority
 - b) Transport for London (TfL) and any Mayoral development corporations when exercising any function of the GLA by virtue of section 38 of the 1999 Act
 - c) any committee or sub-committee of TfL or a Mayoral development corporation when exercising any function of the GLA in consequence of an authorisation under section 38 of the 1999 Act
 - d) any member, or member of staff, of TfL or a Mayoral development corporation when exercising, or acting in the exercise of, any function of the GLA in consequence of an authorisation under section 38 of the 1999 Act
 - e) the Mayor of London
 - f) the London Assembly
 - g) any committee or sub-committee of the London Assembly
 - h) any joint committee to which the Mayor of London has power to appoint members (whether or not the power is the subject of an authorisation under section 38(1) of the 1999 Act)
 - i) the Deputy Mayor of London
 - j) any member of the London Assembly
 - k) any member of staff of the Greater London Authority
 - l) any reference to a member of staff of a GLA body includes a reference to an officer or employee of that body.
- The duty under section 5(2) is a statutory duty which must be performed by the MO personally and cannot be delegated to someone else unless they are ill or away, or otherwise unable to act, in which case a Deputy MO can take over the role.

- The MO also has a range of functions relating to the conduct of the Mayor of London and Assembly Members. These include the arrangement of local investigations into Member conduct, the provision of advice to the Mayor and Assembly Members on the Members' Code, and the establishment and maintenance of the Register of Members' Interests and of Gifts and Hospitality.

The main role and responsibilities of the MO are summarised as follows:

Rule of law

1. Report on contraventions or likely contraventions of any enactment or rule of law.
2. Where a suspected incident of fraud involves an allegation of improper behaviour by the Mayor or an Assembly Member, work together with the Executive Director of Resources to ensure a process is followed that aligns both with the GLA's standards regime and the GLA's Fraud and Corruption Response Plan (Anti-Fraud and Corruption Policy & Response Plan).
3. Provide advice on vires issues, maladministration, and probity to the Mayor and Assembly Members.

Conduct

4. Key role in promoting and maintaining high standards of conduct for officers, the Mayor and Assembly Members.
5. Receive allegations of misconduct by the Mayor and Assembly Members.
6. Investigate misconduct of the Mayor and Assembly Members in compliance with the GLA's procedure for handling complaints.
7. Liaise with Independent Members.
8. Provide advice to the Mayor and Assembly Members on interpretation of the Code of Conduct.
9. Review, update and issue guidance relating to the handling of complaints against the Mayor of London and Assembly Members.
10. Receive reports from Members or officers of any concerns regarding the conduct of another statutory officer (Member-Officer Protocol). Such concerns will be dealt with in accordance with the Statutory Officer Protocol.
11. Receive any breach of the relevant planning protocol by a Mayoral appointee and where appropriate, make a report of the matter to the Mayor and the Assembly (Protocol on Mayoral Appointments).
12. Review, update and issue guidance relating to the GLA's Unified Planning Code of Conduct for elected and co-opted Members of the Authority, noting this Unified Planning Code also applies to GLA senior staff and mayoral appointees.
13. Provide advice in relation to officers' standards of conduct (para 2.4(a) of the Staff Code of Ethics).

Interests, Gifts & Hospitality

14. Set and keep under review under guidance associated with gifts and hospitality and interests.
15. Establish and maintain registers of interests and gifts and hospitality for the Mayor, Assembly Members and officers.

Use of resources

16. Review, update and issue guidance, together with the Head of Paid Service and the Chief Finance Officer, on the GLA's use of resources.
17. Various responsibilities identified in the GLA's Use of Resources Guidance such as the review and consideration of the use of hyperlinks on the GLA web pages of Assembly Members and the Mayor, receive notifications of any decision to undertake initiatives/events and/or to issue announcements and publicity material on matters that could be regarded as significant or politically sensitive or controversial during the pre-election period.
18. Provide guidance and advice to officers and the Mayor and Assembly Members during the pre-election period regarding the use of GLA resources.
19. Review and maintain guidance about the use of personal/private social media (and not GLA social media) by officers on their own time and equipment (para 47 GLA Code of the Use of GLA Resources).

Police and Crime Committee delegation

20. Handle complaints on behalf of the Police and Crime Committee against the Mayor's Office for Policing and Crime and the Deputy Mayor for Policing and Crime.
21. Review, update and issue guidance relating to the handling of complaints against the Mayor's Office for Policing and Crime and the Deputy Mayor for Policing and Crime.

Other functions

22. Undertake the functions of the proper officer of the GLA under Sections 229 (photographic copies of documents) and 234 (authentication of documents) of the Local Government Act 1972 as applied to the GLA by Section 75 of the GLA Act 1999 (included in the functions of the MO listed in Appendix 1 of the Protocol for Statutory Officers).
23. Liaise with responsible officers to ensure consistency across the GLA Group in respect of codes, documents and procedures referenced in and flowing from the GLA Group Corporate Governance Framework Agreement.
24. Lead for the GLA Group on group-wide review of the Corporate Governance Framework Agreement (on a periodic basis).
25. Report on any findings by the Local Government Ombudsman.
26. Appointment of Deputy MO as required.
27. Rule on questions relating to the Scheme of Delegation in relation to the day to day conduct of decision making by the GLA (Scheme of Delegation of Functions of the London Assembly). This includes letters of dispensation.
28. Undertake new member induction
29. Undertake Member training

Ends