



Greater London Authority Act 1999

1999 CHAPTER 29

PART II

GENERAL FUNCTIONS AND PROCEDURE

Staff

67 Appointment

- (1) The Mayor may appoint—
 - (a) not more than two persons as his political advisers; and
 - (b) not more than ten other members of staff.
- (2) The Assembly, after consultation with the Mayor and taking into account, in particular,
 - (a) the manner in which, and the extent to which, the Mayor has exercised, or proposes to exercise, the powers conferred by subsection (1) above, and
 - (b) any views of the Mayor as to the exercise of the Assembly's powers under this subsection,may appoint such staff as it considers necessary for the proper discharge of such functions of the Authority as are respectively exercisable by the Mayor, the Assembly, and the Mayor and Assembly acting jointly.
- (3) Any appointment under subsection (1) or (2) above is an appointment as an employee of the Authority.
- (4) No appointment under subsection (1) above shall be such as to extend beyond the term of office for which the Mayor was elected.
- (5) Where the Mayor makes an appointment under subsection (1) above, he shall report to the Assembly in writing—
 - (a) the name of the person appointed,
 - (b) the post to which the person has been appointed, and

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- (c) the terms and conditions on which the person has been appointed.
- (6) Section 7 of the Local Government and Housing Act 1989 (staff to be appointed on merit) shall apply in relation to any appointment under subsection (1)(b) or (2) above as if the Authority were a local authority.
- (7) Section 8 of that Act (duty to adopt standing orders with respect to staff) shall apply in relation to staff appointed under subsection (1) or (2) above as if the Authority were a relevant authority.
- (8) Section 9(1), (9) and (11) of that Act (assistants for political groups) shall apply in relation to any appointment under subsection (1)(a) above as if—
 - (a) the Authority were a relevant authority; and
 - (b) any appointment to either of the posts in question were the appointment of a person in pursuance of that section.

68 Disqualification and political restriction

- (1) The following provisions of the Local Government and Housing Act 1989, namely—
 - (a) section 1 (disqualification and political restriction of certain officers and staff), and
 - (b) sections 2 and 3 (politically restricted posts and exemptions from restriction) so far as they have effect for the purposes of that section,
 shall have effect as if each of the bodies specified in subsection (2) below were a local authority.
- (2) The bodies are—
 - (a) the Authority;
 - (b) Transport for London;
 - (c) the London Development Agency.
- (3) A person employed by the Authority by virtue of his appointment under section 67(1)(b) above shall not, by virtue only of subsections (1) and (2) above, be disqualified from being or becoming an unpaid member of Transport for London or the London Development Agency.
- (4) For the purposes of subsection (3) above, the unpaid members of any body are those members of the body who do not receive any remuneration (whether from the body, the Authority or any other source) which they would not receive if they were not members of the body.
- (5) In section 2(3) of that Act, as it has effect in relation to the Authority by virtue of subsections (1) and (2)(a) above, any reference to the authority shall be taken to include a reference to the Mayor and a reference to the Assembly.
- (6) In section 2 of that Act, so far as it has effect for the purposes of section 1 of that Act, the expression “the statutory chief officers” shall be taken to include a reference to the chief finance officer, within the meaning of section 127 below,—
 - (a) of Transport for London, and
 - (b) of the London Development Agency,
 whether he is an officer, employee, member of staff or member of Transport for London or, as the case may be, the London Development Agency.

- (7) In the application of section 2 of that Act in relation to the London Development Agency by virtue of subsections (1) and (2)(c) above, any reference to the person designated under section 4 of that Act as its head of paid service shall be taken as a reference to the chief executive of the London Development Agency appointed under paragraph 4(2) of Schedule 2 to the Regional Development Agencies Act 1998.

69 Disqualification for membership of London borough councils

In section 80 of the Local Government Act 1972 (disqualification for election and holding office as member of a local authority) after subsection (2) there shall be inserted—

- “(2AA) A paid member of staff of the Greater London Authority who is employed under the direction of a joint committee the membership of which includes—
- (a) one or more persons appointed on the nomination of the Authority acting by the Mayor, and
 - (b) one or more members of one or more London borough councils appointed to the committee on the nomination of those councils,
- shall be disqualified for being elected or being a member of any of those London borough councils.”

70 Terms and conditions of employment

- (1) A person appointed under section 67(1) above shall be employed on such terms and conditions (including conditions as to remuneration) as the Mayor thinks fit, within the financial resources available to the Authority.
- (2) A person appointed under section 67(2) above shall be employed on such terms and conditions (including conditions as to remuneration) as the Assembly, after consultation with the Mayor, thinks fit.
- (3) A person appointed under section 67(1) above shall not be required to perform any work or services for the Assembly or any member of the Assembly, except in accordance with subsection (4) below.
- (4) It shall be a condition of the employment of—
- (a) any person appointed under section 67(1)(b) above, and
 - (b) any person holding a politically restricted post under the Authority, other than a person appointed under section 67(1)(a) above,
- that he comply with the requirements of subsection (5) below.
- (5) Those requirements are that the person—
- (a) attends every meeting of the Assembly held pursuant to section 52(3) above which he is requested by the Assembly to attend; and
 - (b) answers any questions put to him by Assembly members at any such meeting.
- (6) The requirement of subsection (5)(b) above is that the person shall—
- (a) so far as reasonably practicable, answer any such question orally at the meeting at which it is put; or
 - (b) if for any reason it is not reasonably practicable to do that, provide a written answer before the end of the third working day following the day on which the question was first asked at the meeting.

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(7) For the purposes of subsection (4)(b) above, any question whether a person holds a politically restricted post under the Authority shall be determined in accordance with sections 2 and 3 of the Local Government and Housing Act 1989 (politically restricted posts) as those sections have effect for the purposes of section 1 of that Act by virtue of section 68(1) above.

(8) In this section “working day” has the same meaning as in section 45 above.

71 Disclosure by employees of interests in contracts

Section 117 of the Local Government Act 1972 (disclosure by officers of interests in contracts) shall apply in relation to employees of the Authority as if the Authority were a local authority and its employees were officers employed by that local authority.

72 Head of paid service

(1) Section 4 of the Local Government and Housing Act 1989 (designation and reports of head of paid service) shall apply in relation to the Authority as if—

- (a) the Authority were a relevant authority for the purposes of that section; and
- (b) the Mayor and Assembly members were the members of that authority.

(2) The person who, by virtue of subsection (1) above, is designated under section 4(1)(a) of the Local Government and Housing Act 1989 as the head of the Authority’s paid service must be a member of staff appointed under section 67(2) above.

(3) In the application of section 4 of the Local Government and Housing Act 1989 in relation to the Authority by virtue of subsection (1) above, the following provisions shall have effect.

(4) The duty imposed by subsection (1)(a) (appointment of head of paid service) shall be discharged by the Assembly after consultation with the Mayor.

(5) The duty imposed by subsection (1)(b) (provision of staff, accommodation etc for the head of paid service)—

- (a) so far as relating to the provision of staff, shall be discharged by the Assembly; and
- (b) so far as relating to the provision of accommodation or other resources, shall be discharged by the Mayor.

(6) Any report prepared under subsection (2) (report by head of paid service) shall be a report to the Mayor and the Assembly.

(7) The references to functions in paragraphs (a) and (b) of subsection (3) (matters concerning which proposals may be made in a report under subsection (2)) shall be taken as references to the functions of the Authority, whether exercisable by the Mayor, the Assembly, or the Mayor and Assembly acting jointly.

(8) It shall be the duty of the Mayor personally to consider any report to the Mayor and Assembly under subsection (2).

(9) The meeting required by subsection (5) to be held to consider any such report shall be a meeting of the Assembly which must not be held until—

- (a) the Mayor has submitted to the Chair of the Assembly a written statement of his views on the report; or

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- (b) the period of one month has elapsed since copies of the report were first sent to members of the Assembly without the Mayor having submitted any such statement;

and the reference in that subsection to section 101 of the Local Government Act 1972 (delegation) shall be taken as a reference to section 54 above.

- (10) In considering any such report at any such meeting, the Assembly shall take account of any views on the report which have been expressed by the Mayor in a statement submitted under subsection (9)(a) above.

73 Monitoring officer

- (1) Section 5 of the Local Government and Housing Act 1989 (designation and reports of monitoring officer) shall apply in relation to the Authority as if—

- (a) the Authority were a relevant authority for the purposes of that section; and
- (b) the Mayor and Assembly members were the members of that authority.

- (2) The person who, by virtue of subsection (1) above, is designated under section 5(1)(a) of the Local Government and Housing Act 1989 as the Authority's monitoring officer must be a member of staff appointed under section 67(2) above.

- (3) In the application of section 5 of the Local Government and Housing Act 1989 in relation to the Authority by virtue of subsection (1) above, the following provisions shall have effect.

- (4) The duty imposed by subsection (1)(a) (appointment of monitoring officer) shall be discharged by the Assembly after consultation with the Mayor.

- (5) The duty imposed by subsection (1)(b) (provision of staff, accommodation etc for the monitoring officer)—

- (a) so far as relating to the provision of staff, shall be discharged by the Assembly; and
- (b) so far as relating to the provision of accommodation or other resources, shall be discharged by the Mayor.

- (6) For subsection (2) there shall be substituted—

“(2) It shall be the duty of the Greater London Authority's monitoring officer, if at any time it appears to him 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 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 injustice as is mentioned in Part III of the Local Government Act 1974 (Local Commissioners),

to prepare a report to the Mayor and the Assembly with respect to that proposal, decision or omission.

In this subsection “GLA body or person” means—

- (a) the Greater London Authority;
- (b) Transport for London, when exercising any function of the Greater London Authority by virtue of section 38 of the Greater London Authority Act 1999;

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- (c) the London Development Agency, when exercising any function of the Greater London Authority by virtue of section 38 of the Greater London Authority Act 1999;
- (d) the Mayor of London;
- (e) the London Assembly;
- (f) any committee or sub-committee of the London Assembly;
- (g) any committee or sub-committee of Transport for London or the London Development Agency, when exercising any function of the Greater London Authority in consequence of an authorisation under section 38 of the Greater London Authority Act 1999;
- (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 Greater London Authority Act 1999);
- (j) the Deputy Mayor of London;
- (k) any member of the London Assembly;
- (l) any member of staff of the Greater London Authority;
- (m) any member, or member of staff, of Transport for London or the London Development Agency, when exercising, or acting in the exercise of, any function of the Greater London Authority in consequence of an authorisation under section 38 of the Greater London Authority Act 1999;

and in the above definition of “GLA body or person” any reference to a member of staff of a body includes a reference to an officer or employee of that body.”

- (7) The duties imposed on the Authority by subsection (5) (to consider any report and to ensure that during the period of suspension no step is taken for giving effect to any proposal or decision to which the report relates)—
 - (a) so far as relating to a proposal, decision or omission of a GLA body or person in the case of a function of the Authority exercisable by the Mayor (or, by virtue of an authorisation under section 38(1) above, by a GLA body or person), shall be discharged by the Mayor;
 - (b) so far as relating to a proposal, decision or omission of a GLA body or person in the case of a function of the Authority exercisable by the Assembly (or, by virtue of arrangements under section 54 above, by a GLA body or person), shall be discharged by the Assembly; and
 - (c) so far as relating to a proposal, decision or omission of a GLA body or person in the case of a function of the Authority exercisable by the Mayor and the Assembly acting jointly, shall be discharged separately—
 - (i) by the Mayor, as if the case fell within paragraph (a) above, and
 - (ii) by the Assembly, as if the case fell within paragraph (b) above.
- (8) Accordingly—
 - (a) in its application in relation to the Mayor by virtue of subsection (7)(a) or (c)(i) above, paragraph (a) of subsection (5) shall have effect with the substitution for the words “at a meeting held not more than” of “within”; and
 - (b) in the application of that paragraph by virtue of subsection (7)(b) or (c)(ii) above, the meeting required to be held shall be a meeting of the Assembly.

- (9) In paragraph (b) of subsection (5), the reference to section 115 of the Local Government and Housing Act 1989 (duties in respect of conduct involving contraventions of financial obligations) shall include a reference to section 115A of that Act (which is inserted by section 131(9) below and makes provision in relation to the Mayor and the Assembly).
- (10) Where by virtue of subsection (7) above the Mayor or the Assembly is under a duty to consider a report, the Mayor or the Assembly in discharging that duty shall take account of any views on the report which have been expressed by the other of them in a statement submitted—
- (a) by the Assembly to the Mayor; or
 - (b) by the Mayor to the Chair of the Assembly.
- (11) Standing orders of the Authority shall make provision for or in connection with—
- (a) the period within which any statement by virtue of subsection (10) above must be submitted;
 - (b) the consideration of any such statement by the Mayor or, as the case may be, the Assembly;
 - (c) the period within which any meeting of the Assembly required by subsection (5) by virtue of subsection (7)(b) or (c)(ii) above must, or must not, be held.
- (12) Neither section 38 above nor section 54 above shall apply in relation to the duty imposed on the Mayor or the Assembly by virtue of subsection (7) above to consider a report.