

**Conduct of the Greater London Authority in the
Run-Up to the London Local Authority and General
Elections in 2010**

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CONDUCT OF THE GREATER LONDON AUTHORITY IN THE RUN-UP TO THE LONDON LOCAL AUTHORITY AND GENERAL ELECTIONS IN 2010

Part 1 – Introduction

1. This guidance sets out advice from the three statutory officers’¹ in relation to the behaviour required of the GLA in the run-up to the London Local Authority and General elections in 2010. The purpose of the guidance is to ensure that the GLA’s resources and facilities are not perceived by the public to have been used for election campaigning or political purposes in the run-up to an election.
2. Local elections in the thirty two London boroughs excluding the City of London will take place on Thursday 6 May 2010. It is anticipated that the General election will be held on the same day.
3. Special rules apply in the period immediately before elections. This period is referred to as the “pre-election period”. The pre-election period for the 2010 elections is from 29 March 2010 to 6 May 2010.
4. This guidance should be read in conjunction with guidance issued prior to the 2004 elections (“**the Use of Resources Guidance**”) and the supplementary guidance issued in 2008 (the “**Pre-Election Guidance**”). Although those documents were written for use when the GLA itself was holding elections, much of it is relevant to the London Local Authority and General elections. These documents can be found on <http://intranet.london.gov.uk/corporate-services/legal/useful-documents/index.jsp>

Normal business

5. The presumption is that the GLA’s normal business will continue during the pre-election period. The only exception is where a particular initiative, proposal, consultation or publication in the period could *reasonably* be regarded as giving a candidate or their supporters/political party an advantage in the election. In that case, then the initiative should be deferred until after the election.
6. The Mayor and Assembly Members’ positions are full time. Their GLA duties continue during the pre-election period and so they must devote sufficient time and attention to their GLA duties during this period, even if a candidate. It is particularly important that the Mayor and Assembly Members are careful in the use of questions and responses and motions in any GLA meeting or GLA public forum to not give a candidate, their supporters or political party any advantage in the election as stated above.

¹ They are the Chief Executive Leo Boland, the Interim Monitoring Officer Jeff Jacob and Martin Clarke, the Executive Director of Resources.

Enforcement

7. A breach of these rules can lead to disciplinary action in the case of staff and to the Mayor or Assembly Member being reported to the Standards Committee. Depending on the circumstances, action could also be taken by the GLA's auditors, the Ombudsman, the Electoral Commission and the courts.

Part 2 – Publicity and events

8. All GLA generated or funded publicity must be, and must be seen to be, politically neutral. Anything that could reasonably be regarded as giving a political candidate or their supporters/party an advantage in the election is not politically neutral. This applies no matter what the justifications for the publicity are. "Publicity" refers to any communication, in whatever form, addressed to the public at large or to a section of the public and includes press releases, newsletters, consultation exercises and unsolicited letters to constituents. Page 19 of the **Use of Resources Guidance** summarises the relevant rules.

9. The following conventions must be applied in the pre-election period.

- (a) GLA publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual politicians or their party groups.

However, it is acceptable for the Mayor, Assembly Members and GLA staff to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political.

The Mayor and Assembly Members hold key political or civic positions and as such can comment in an emergency or where there is genuine need for such a response to an important event outside the Authority's control.

- (b) Proactive GLA events arranged in this period should not involve any person standing for election who may be perceived to be attending because of their candidacy.
- (c) No proactive publicity (in any form) of candidates and other politicians involved directly in the election should take place during this period.
- (d) There is a general presumption *against* undertaking new GLA campaigns during the pre-election period in any area that might be considered controversial in relation to the local and general elections.
- (e) Special care should be taken in relation to current or on-going GLA publicity campaigns during the pre-election period. These can continue provided they are not open to reasonable criticism that they are being undertaken for party political purposes. GLA campaigns that are liable to be misrepresented as not being politically neutral (as discussed above) should be stopped until after the elections.

- (f) Requests to use GLA premises and facilities for non campaigning events can be considered provided that in doing so there is compliance with these rules.
- (g) If a candidate or agent requests to use meeting rooms at City Hall during the pre-election period for the purposes of their candidacy, they should be referred to Southwark Council which holds a list of meeting rooms that can be used for this purpose.
- (h) Where a photograph is taken with the Mayor or an Assembly Member this should only be outside the GLA premises or facility.

Requests for briefings and information

- 10. Requests to the GLA for information from candidates and their parties must be met in an even-handed manner. GLA staff may not provide briefings for use in election campaign debates/literature.
- 11. It is essential that the GLA provides an equal and transparent process to all candidates. Responses to requests for information from candidates should be factual. Staff should not offer opinions on candidates' policies or proposals or be in any way involved in the development of those policies.
- 12. Any requests for briefings should be referred to Public and Community Liaison Unit in the first instance.

Part 3 – Use of resources

- 13. The use of the GLA's resources and facilities (staff time, property, premises, printing facilities, telephony including mobile phones, email and internet facilities, consumables and stationery etc) for the political activities of a registered political party or for the purposes of a candidate's elections (whether an independent or party candidate) is an "impermissible" donation and therefore unlawful. These rules apply at all times although they have greater significance in the run-up to an election and special care must be taken.
- 14. Detailed rules are set out in the Political Parties, Elections and Referendums Act 2000, which also sets out civil and criminal penalties for evading the rules. Generally, impermissible donations must be repaid by the party or person that received them at the market value of the GLA resources used. They must also be declared to the Electoral Commission if over £200 in value. Impermissible donations include the following:
 - (a) Publishing party political or campaigning material using GLA resources;
 - (b) Using GLA postal facilities to distribute such material;
 - (c) Working on campaign activities within the building or while on GLA work-related time; and
 - (d) Using accommodation within the building for fundraising or campaign events, including policy launches (whether by the Mayor or Political Groups on the Assembly) where they might reasonably be identified with

or be seen to support the policies of a particular political party or candidate.

15. Section 75 of the Representation of the People Act 1983 specifically prohibits the GLA and anyone else (other than candidates or their agents) incurring *expenditure with a view to promoting or procuring a candidate at an election* by doing any of the following things: holding public meetings or organising any public display, issuing advertisements, circulars or publications, or otherwise presenting to the electors the candidate or his/her views or the extent or nature of his/her backing, or disparaging of another candidate. It is a corrupt practice to breach section 75 and a successful candidate who does so runs the risk of his/ her election being declared void and the candidate being barred from public elected office for up to five years.

Part 4 - Position of Assembly Members standing for election

16. Assembly Members who are also standing for election as MPs or Councillors need to ensure that they take extra caution in carrying out their GLA duties, undertaking any GLA publicity or using GLA resources during the pre-election period and must not use GLA resources or facilities for the political activities of a registered political party or for the purposes of their election.
17. The GLA duties of Assembly Members continue during the pre-election period and they must devote sufficient time and attention to their GLA duties during this period, even if a candidate. However they should not be involved in proactive campaigns or events during this period.

Part 5 - Staff

18. All GLA staff must avoid any action or behaviour that is not politically neutral when on work related time or using GLA funded resources and facilities.
19. GLA staff not holding politically restricted posts can use their leave entitlement, or arrange to take unpaid leave, or otherwise support a candidate or political party in the elections in their own time subject to normal GLA arrangements for agreeing such leave. They must not bring the GLA into disrepute by anything they do.

Politically restricted posts

20. Individuals who hold politically restricted posts are subject to wider restrictions to ensure their political neutrality. These statutory restrictions apply to their private activities as well as to their work related activities.
21. The rules in relation to politically restricted posts have recently changed to remove the political restrictions which previously applied to persons who earned more than a specified salary. Consequently the political restrictions now apply to those persons who undertake one or both of the following:
 - (a) Give advice on a regular basis to the authority themselves, to any committee or sub-committee of the authority or to any joint committee on which the authority are represented or where the authority are operating

executive arrangements, to the executive of the authority, to any committee of that executive, or to any member of that executive who is also a member of the authority.

- (b) Speak on behalf of the authority on a regular basis to journalists or broadcasters.
22. In addition, Politically Restricted Staff cannot carry out any Restricted Activities in their private time. This includes canvassing; giving interviews, speaking at public meetings and writing/publishing articles that appear intended to affect support for a political party. The full range of “Restricted Activities” is listed on page 14 of the Use of Resources Guidance. However, they can be active members of political parties provided they do not engage in any Restricted Activity, which also includes holding office in the party and speaking to the press on its behalf. Politically Restricted Staff cannot take unpaid leave or use their own personal leave entitlement to carry out restricted activities.

Part 6 - Contacts

- 23. Requests for information from candidates should be referred to Public and Community Liaison Unit.
- 24. Anyone requiring legal advice or clarification of how these guidelines should be applied should contact John Jackson (7126 2459), Steve Gee (7126 3703) or Felicity Morris (7126 3069) of TfL Public Law or, if an Assembly Member, Paul McArthur on (7983 4972).
- 25. Anyone requiring clarification in relation to politically restricted posts should contact Juliette Carter, Head of Human Resources (7983 4194).