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Rosalind Kendler

Department for Communities and Local
Government
Eland House
Bressenden Place
London SW1E 5DU

Date: **10 NOV 2010**

Dear Ms Kendler

We are writing to respond to the Communities and Local Government consultation on the draft Code of Recommended Practice on Local Authority Publicity.

The intention of the Code to prohibit the use of lobbyists in paragraph 5 of the introduction is noted. Paragraph 26 reads:

Local authorities should not incur any expenditure in retaining the services of private specialists, contractors or consultants ("lobbyists") with the intention of the publication of any material designed to influence public officials, Members of Parliament, political parties or the Government to take a particular view on any issue.

However, it is suggested that the implementation of this intention in paragraph 26 created unintended consequences, which will have a particular impact of the Greater London Authority (GLA).

The intention in paragraph 26 appears to have been to stop local authorities from instructing lobbying firms to speak on their behalf, particularly as private firms are not subject to public scrutiny. This is understood, but it should not prevent local authorities from using private firms or persons to produce research or professional advice for reports that they produce. In particular, the Code could stop the GLA from carrying out its statutory functions.

The GLA regularly publishes material, of which the corollary purpose could be said to be to influence public officials, Members of Parliament, political parties or the Government to take a particular view on any issue.

Such publications by the GLA include Mayoral Strategies, which the Mayor is required to publish by sections 41 – 42A of the GLA Act 1999 as amended. Also published are the results of the Assembly's scrutiny investigations by Assembly committees, in response to the duty under section 59 of the GLA Act of the London Assembly to hold the Mayor to account. Examples of these publications can be found on the GLA's website at www.london.gov.uk.

The following are examples of some Mayoral publications that could fall within the definition of lobbying in the draft code:

- Working Towards an Inclusive Games;
- Mayor's Proposals for Devolution;
- London: World Capital of Business.

And also some examples of Assembly publications:

- Cornered shops: London's small shops and the planning system;
- Report of the 7 July Review Committee;
- Every breath you take: an investigation into air quality in London.

Mayoral strategies and Assembly reports will frequently include work produced for the report by experts, professional paid third parties, such as engineers, architects, accountants and other experts on the various fields which are the concern of the GLA. This could bring these statutory documents within the definition of lobbying for the purposes of the draft Code.

Therefore, we wish to object to the current form of paragraph 26, on the particular grounds it could be interpreted as prohibiting the GLA from carrying out its statutory functions.

This alternative form of wording is therefore proposed:

Local authorities should not incur any expenditure in retaining the services of private specialists, contractors or consultants ("lobbyists") with the intention of the publication of any material by and in the name of the lobbyist on behalf of the local authority designed to influence public officials, Members of Parliament, political parties or the Government to take a particular view on any issue.

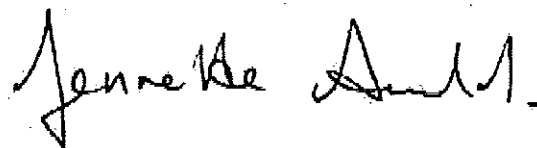
In addition we are concerned that the ban on lobbying at Party Conferences will prohibit Assembly Members attending with documentation that has been produced by the GLA.

Thank you for the opportunity to raise our concerns about a possible conflict between the requirements of the draft Code and the statutory functions of the GLA.

Yours sincerely



Boris Johnson
Mayor of London



Jennette Arnold OBE AM
Chair of the Business Management and
Administration Committee