

# GREATER LONDON AUTHORITY

**Kathrin Lauber**  
(By email)

Our Ref: MGLA020720-6576

7 August 2020

Dear Ms Lauber

Thank you for your request for information which the Greater London Authority (GLA) received on 2 July 2020 and please accept my apologies for the slight delay in responding. Your request has been dealt with under the Freedom of Information Act 2000.

You asked for:

*I am writing, in accordance with Freedom of Information legislation, to request the release of correspondence between commercial entities and GLA staff during the development of the TfL advertising ban.*

*Specifically, I request any correspondence between the following entities: Advertising Standards Authority, APCO Worldwide (@apcoworldwide.com), Outsmart (@outsmart.org.uk), Headland Consultancy (@headlandconsultancy.com), British Takeaway Campaign and PepsiCo (@pepsico.com) and [named GLA staff members] The time span for which I would like to request such correspondence is April 2018 to January 2019.*

Our response to your request is as follows:

Please find attached the information we have identified within scope of your request. Please note that some names of members of staff are exempt from disclosure under s.40 (Personal information) of the Freedom of Information Act. This information could potentially identify specific employees and as such constitutes as personal data which is defined by Article 4(1) of the General Data Protection Regulation (GDPR) to mean any information relating to an identified or identifiable living individual. It is considered that disclosure of this information would contravene the first data protection principle under Article 5(1) of GDPR which states that Personal data must be processed lawfully, fairly and in a transparent manner in relation to the data subject.

If you have any further questions relating to this matter, please contact me, quoting the reference at the top of this letter.

Yours sincerely

**Paul Robinson**  
**Information Governance Officer**

If you are unhappy with the way the GLA has handled your request, you may complain using the GLA's FOI complaints and internal review procedure, available at:

<https://www.london.gov.uk/about-us/governance-and-spending/sharing-our-information/freedom-information>

[REDACTED]

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**From:** [REDACTED] [REDACTED] [REDACTED]@just-eat.com>

**Date:** Thursday, 1 November 2018 at 09:14

**To:** Paul Lindley [REDACTED]@london.gov.uk>

**Cc:** [REDACTED]

**Subject:** Re: Introduction: Just Eat and Paul Lindley, London Child Obesity Taskforce

Thanks Paul,

The 8th at 3pm would work best for me. [REDACTED], do please let me know if that would work for you. If not, we can take another look at diaries.

Best wishes,

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

*Web* [www.just-eat.com](http://www.just-eat.com)

*Mob* [REDACTED]

Fleet Place House, [2 Fleet Place, London, EC4M 7RF](#)

On Wed, 31 Oct 2018 at 23:34, Paul Lindley [REDACTED]@london.gov.uk> wrote:

Hi [REDACTED]

Thanks, I'll defer to [REDACTED] diary commitments -as he leads on our work and engagement with the hot food industry – but I have availability on 6<sup>th</sup> Nov at 12 noon, 8<sup>th</sup> Nov at 3pm or could be on a call on 14<sup>th</sup> or 15<sup>th</sup> Nov. Would any work – and [REDACTED] how is your diary looking?

Look forward to meeting, listen and speaking – to explore 😊

Keep smiling

**Paul Lindley** | Chair, London Child Obesity Taskforce

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City Hall, The Queen's Walk, London SE1 2AA | [REDACTED] @paul\_lindley |  
[www.london.gov.uk](http://www.london.gov.uk) | #LondonIsOpen

[REDACTED]

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**From:** [REDACTED] [REDACTED] [REDACTED] <[\[REDACTED\]@just-eat.com](mailto:[REDACTED]@just-eat.com)>

**Date:** Monday, 29 October 2018 at 13:38

**To:** Paul Lindley [REDACTED] <[\[REDACTED\]@london.gov.uk](mailto:[REDACTED]@london.gov.uk)>

**Cc:** [REDACTED]

**Subject:** Re: Introduction: Just Eat and Paul Lindley, London Child Obesity Taskforce

Hi Paul,

Great to hear from you and apologies for the delay in my response.

We have a number of workstreams in the public health space, and it would be great if we could get some time in to talk more about your priorities and ways which we might be able to link up on themes.

I'll be out of the office for the rest of this week, but have availability w/c 5 Nov and w/c 12 Nov.

Do let me know when might work for you and we can get something in diaries. Happy to come to you or for you to come to us, whichever you prefer.

Many thanks,

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

*Web* [www.just-eat.com](http://www.just-eat.com)

*Mob* [REDACTED]

Fleet Place House, [2 Fleet Place, London, EC4M 7RF](#)

On Sat, 27 Oct 2018 at 17:47, Paul Lindley [REDACTED] [@london.gov.uk](mailto:[REDACTED]@london.gov.uk)> wrote:

Many thanks [REDACTED]

Hi [REDACTED] If you could give me a little background and insight into your thinking, I'd love to meet , or with my colleague [REDACTED], and listen to each and explore if we can align and galvanize some change.

Keep smiling  
Error! Filename not specified.

**Paul Lindley** | Chair, London Child Obesity Taskforce

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City Hall, The Queen's Walk, London SE1 2AA | [REDACTED] [@paul\\_lindley](mailto:[REDACTED]@paul_lindley) | [www.london.gov.uk](http://www.london.gov.uk) | #LondonIsOpen

[REDACTED]

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**From:** [REDACTED] [REDACTED]@newingtoncomms.co.uk>  
**Date:** Wednesday, 10 October 2018 at 17:58  
**To:** [REDACTED] [REDACTED]@just-eat.com>  
**Cc:** [REDACTED] [REDACTED]@newingtoncomms.co.uk>, Paul Lindley  
[REDACTED]@london.gov.uk>  
**Subject:** Introduction: Just Eat and Paul Lindley, London Child Obesity Taskforce

Dear [REDACTED]

As promised, we wanted to connect you with Paul Lindley, Chair of the Mayor of London's Child Obesity Taskforce following the British Takeaway Campaign's initial call with Paul last month.

For a quick reminder, Paul's Taskforce was established to reduce childhood obesity in London and close the health inequality gap across the capital, and is currently working with different stakeholders to develop an action plan of recommendations to put to the Mayor's office in January.

Conscious that you mentioned Just Eat would be interested to speak to Paul / potentially feed into plans, so we'll leave it to you to contact Paul (in copy) to go ahead with next steps.

If either of you have any questions please do get in touch.

Best wishes,

[REDACTED]

[REDACTED]

Newington Head Office  
96 Great Suffolk Street  
London SE1 0BE

[REDACTED]

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**From:** [REDACTED] [REDACTED]@newingtoncomms.co.uk>  
**Date:** Friday, 9 November 2018 at 11:16  
**To:** Paul Lindley [REDACTED]@london.gov.uk>  
**Cc:** [REDACTED]@newingtoncomms.co.uk>  
**Subject:** Follow up: Childhood Obesity Taskforce and the British Takeaway Campaign

Hi Paul,

I'm getting in touch following our discussion about the work of the Childhood Obesity Taskforce and the British Takeaway Campaign.

We very much appreciated you taking the time to talk us through your ambitions for the taskforce. We share your aim of reducing childhood obesity which is why the takeaway sector is already making changes to provide a range of healthy options to customers. For example, almost three quarters offer smaller portion sizes, two thirds offer low fat options and more than half offer reduced salt options, whilst many have adopted healthy alternative cooking techniques such as air-frying. Together these steps mean there is an option to suit everyone, but most importantly they come together to make a big overall difference to the range of healthy options available to customers.

As we touched upon when we spoke, many takeaway restaurants want to go further. However, the majority are small independently-run businesses who face significant cost pressures – including rising rents, food prices and business rates. These are real barriers to businesses playing their part in encouraging healthier eating.

It is in this context that takeaway businesses need support from regional and national government. As a campaign, we will soon be launching an initiative to provide a set of practical steps that takeaways can take to promote healthy eating, based upon best practice.

But action by takeaways is only one part of the solution to tackling childhood obesity. It requires all of us – including Government, business, schools and parents – to play a part in making a difference. We therefore remain committed to supporting the work of the taskforce, and would be keen to explore what support the taskforce could recommend to the Mayor to help takeaway businesses build on the positive changes they have already made.

Best,

[REDACTED]

  
Newington

[REDACTED]

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 12 November 2018 18:00  
**To:** [REDACTED] Emma Strain  
**Cc:** [REDACTED]  
**Subject:** RE: London Food Strategy consultation - request for meeting

Hi [REDACTED]

Can I suggest that the meeting this week is limited to yourselves. We are also keen to speak to TfL's direct partners (Exterior / JCD) this week, but planned to do this separately via their contacts in TfL. Then we can use the meeting later in the month to reach out to a much wider group of industry representatives, so convening your members would be very helpful.

If you have any further queries, I would be happy to talk them through, but in the meantime please do liaise with [REDACTED] re availability.

Best wishes,

[REDACTED] | **Senior Manager – SMEs, Food & LEAP**  
Regeneration & Economic Development team

**GREATER LONDON AUTHORITY**  
City Hall  
The Queen's Walk  
London  
SE1 2AA

Tel: 020 7983 [REDACTED]  
Email: [REDACTED]@london.gov.uk

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**From:** [REDACTED] <[REDACTED]@outsmart.org.uk>  
**Sent:** 12 November 2018 17:35  
**To:** Emma Strain <[REDACTED]@london.gov.uk>  
**Cc:** [REDACTED] <[REDACTED]@london.gov.uk>; [REDACTED] <[REDACTED]@london.gov.uk>; [REDACTED] <[REDACTED]@tfl.gov.uk>; [REDACTED] <[REDACTED]@london.gov.uk>  
**Subject:** Re: London Food Strategy consultation - request for meeting

Hi Emma - thanks. Appreciate you're busy.

What I really wanted to do was get an idea of who you might be thinking would be involved in the meeting you referred to later in the month (we can certainly help use our convening power for that to help bring



industry members together from individual companies), and who might be appropriate for a meeting this week - perhaps just a couple of us from Outsmart as the trade body?

Happy to co-ordinate with [REDACTED]

Thanks

[REDACTED]

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**From:** Emma Strain <[REDACTED]@london.gov.uk>  
**Sent:** Monday, November 12, 2018 4:13 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Re: London Food Strategy consultation - request for meeting

Dear [REDACTED]

I'm in back-to-back meetings tomorrow so am asking [REDACTED] to give you a call to find a slot this week. [REDACTED] please can you also talk to [REDACTED] to make sure you are free too?

I look forward to seeing you.

Best,

Emma

**Emma Strain**  
Executive Director, Communities & Intelligence  
Assistant Director, External Relations  
Monitoring Officer  
Email: [REDACTED]@london.gov.uk | M +44(0) [REDACTED] | DD: +44(0) 20 7983 [REDACTED]

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**From:** [REDACTED] <[REDACTED]@outsmart.org.uk>  
**Date:** Monday, 12 November 2018 at 15:15  
**To:** Emma Strain <[REDACTED]@london.gov.uk>  
**Cc:** [REDACTED] <[REDACTED]@london.gov.uk>, [REDACTED] <[REDACTED]@london.gov.uk>, [REDACTED] <[REDACTED]@tfl.gov.uk>  
**Subject:** Re: London Food Strategy consultation - request for meeting

Dear Emma,

Thank you very much for your response. Do you possibly have a number I could contact you on? Might be easier to have a very quick chat about this and to work out when best for a meeting.

Best wishes,

██████████

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**From:** Emma Strain <██████████@london.gov.uk>  
**Sent:** Friday, November 9, 2018 8:11:01 PM  
**To:** ██████████  
**Cc:** ██████████ ██████████ ██████████  
**Subject:** Re: London Food Strategy consultation - request for meeting

Dear ██████████

David has asked me to respond to your email on his behalf.

Since the consultation process closed we have been looking in detail at the issues raised by industry and some of the ideas that organisations such as yours put forward. We are just in the process of finalising our position this week, and therefore your email is well timed. We are just in the process of identifying some suitable dates later this month to convene the OOH sector but given your key role in representing the sector, we would be happy to meet with you separately ahead of these sessions. Do you have any availability next week?

Kind regards

Emma

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**From:** ██████████ <██████████@outsmart.org.uk>  
**Sent:** Tuesday, November 6, 2018 5:42 pm  
**To:** David Bellamy  
**Cc:** Leah Kreitzman; Emma Strain; Jack Stenner; Nick Bowes  
**Subject:** London Food Strategy consultation - request for meeting

Dear David,

I'm writing as campaign director for Outsmart, the national trade body that represents Out Of Home (OOH) advertising media owners in the UK, to request a meeting with you and your team in relation to the ongoing consultation on the London Food Strategy.

We share the Mayor's ambition to tackle childhood obesity with evidence-based measures that will maximise the impact on this serious issue whilst minimising the economic impact to our members. Our aim is to work constructively with you at City Hall to introduce effective measures that go beyond just the

TfL estate so they have a truly London-wide impact, and could become an exemplar for the rest of the country.

As I'm sure you are aware, our members work closely in partnership with TfL to display advertisements on, and invest in, its estate. We welcome the consultation process and we made a comprehensive response earlier in the year. A copy is attached for your reference.

In a recent Mayor's Question Time at City Hall (13 September 2018), Mr Khan said, "My officials are working with industry partners to ensure we minimise any unintended consequences." We welcome this commitment to have dialogue with industry but we are concerned that since the written consultation itself closed on 5 July, we have not had an opportunity to meet with officials to discuss these issues.

We'd like to put that right now. Of all stakeholders involved in this process, it is our members who will be most adversely impacted should the blunt instrument of an outright ban on advertising HFSS food and drink products be enforced. We hope we can arrange to meet with you to discuss how we can work together to produce an ambitious, evidence-based scheme that will achieve the maximum impact on reducing childhood obesity in London that we all seek.

I would be grateful if you could provide me some options for times and dates of such a meeting at your earliest convenience.

Yours sincerely

[Redacted Signature]

[Redacted Name]

Campaign Director

[Redacted Address Line]

[outsmart.org.uk](http://outsmart.org.uk)

[@OutsmartOOH](https://twitter.com/OutsmartOOH)

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 04 December 2018 09:57  
**To:** [REDACTED] Emma Strain  
**Cc:** [REDACTED]  
**Subject:** RE: follow-up from meeting to discuss HFSS advertising across TfL Estate

Dear [REDACTED]

Emma has asked me to respond to you on this, as I am the GLA lead for this policy. I am disappointed to hear that the consultation process did not meet your expectations, despite engagement with Outsmart both during and after the formal consultation process. To be clear, it is standard practice for a public consultation process to include a period of engagement over several months, followed by a period of policy development which includes rigorous options assessment and consideration of all responses put forward by stakeholders and other parties. We have already published policy guidance and a full explanation of why we are taking forward the policy in this way. We will also publish a full consultation report alongside the London Food Strategy later this month which will provide full details of the options put forward by industry and the rationale for not taking forward some of these ideas. But there is much we can still work together on.

What we are now keen to do is engage with all parties to understand how we can best implement this policy. Last week we invited all of TfL's direct media partners to City Hall, where we had an extremely constructive and helpful session. Later this week we will be meeting with some of the brands and business representative bodies from the food and drink sectors. On 12 December we have invited stakeholders from across the OOH industry to meet with us, and have asked Outsmart to extend this invitation to its members. This meeting will kick off an ongoing dialogue with the OOH industry, which we will regularise through the proposed 'working group' meeting, which will allow us to continue to engage with the OOH industry on implementation, impact and evaluation. I would be very keen to have a further conversation with you about the membership and role of this group and would also be more than happy to discuss the policy in more detail ahead of the 12<sup>th</sup> December. We are also keen to meet with the creative agencies that will be key to implementing this policy successfully and would therefore appreciate your views on convening a session with these firms in the new year.

If you would like to discuss any of this further, or set up a follow up a meeting as proposed, please do not hesitate to contact me.

Best wishes,

[REDACTED]

[REDACTED]  
[REDACTED]  
Senior Manager – SMEs, Food & LEAP

**GREATER LONDON AUTHORITY**

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LEP Website: lep.london  
LEP Twitter: @LondonLEP

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**From:** [REDACTED] [REDACTED]@outsmart.org.uk]  
**Sent:** 03 December 2018 11:12  
**To:** Emma Strain <[REDACTED]@london.gov.uk>  
**Cc:** [REDACTED] <[REDACTED]@tfl.gov.uk>; [REDACTED] <[REDACTED]@london.gov.uk>; [REDACTED]  
<[REDACTED]@london.gov.uk>; [REDACTED] <[REDACTED]@outsmart.org.uk>  
**Subject:** RE: follow-up from meeting to discuss HFSS advertising across TfL Estate

Dear Emma

Thank you for your email response to the points I raised earlier on behalf of the industry. As we stated from the outset, we share the Mayor's objective to reduce childhood obesity. We believe we have a responsibility as an industry to help search for solutions to this pressing issue, rather than being painted as the primary cause of the problem, and it is in this spirit that we wish to engage.

### **Engagement during policy formation**

We clearly have different views of what this consultation process might have involved. Our expectation, perhaps naively, was that it would have amounted to more than just a written, paper exercise and might have actually included meeting industry stakeholders to explore in more depth some of the issues, concerns and, indeed, alternatives that were put forward in good faith. It would be useful to know, for instance, what other proposals were put forward by other organisations and why they were discounted.

Our suggestions included looking at ways to harness the power of advertising for positive benefits and broadening the scope of any proposals put forward by the Mayor so that they extended beyond just the TfL estate and could become a truly London-wide initiative. We feel it's regrettable that, despite the offer being there, we did not have an opportunity to sit down in person and discuss how we could work together on these as well as hearing feedback directly from you on their relative merits. The message seemed to be "we know best" and that our proposals lacked value. Given the financial hit the industry is now about to take following the imposition of new restrictions, it will be a more challenging commercial environment to roll out these ambitious plans.

### **Implementation timeline**

We recognise that since the consultation was released the imposition of a ban was a clear possibility. But we believed it to be a genuine consultation that could have resulted in alternative scenarios, rather than a rubber stamp exercise. Whilst the industry has been on notice, the extent of the ban was far more wide-ranging than anticipated (and, consequently, more commercially impactful both to our members and TfL) including significant implications to other clients rather than just the core food and drink sector.

As far as we're aware from early discussions with TfL officials, there remains a lot of work still to do to provide clarity on a wide range of grey areas such as incidental images, graphical representations and references to food and/or non-alcoholic drinks that promote the consumption of HFSS foods. This impacts a huge range of non-food and drink advertisers such as holiday, travel and tourism sectors who advertise extensively on the TfL estate and are wholly unprepared for what lies ahead just after the Christmas/New Year break.

Closer engagement with the industry during the consultation process itself would have given policymakers a better understanding of business and could have revealed some of these issues at an early date. That would have ensured everyone was better prepared for the extent of the ban. As it is, in the run-up to the Christmas break, and the promised draft guidance on the GLA website yet to have materialised, it is arbitrary and unreasonable to expect the industry to be in a position to cope with the repercussions of a hasty implementation date early in 2019. This is likely to have a further negative impact on revenue streams as advertisers consider other simpler options to engage their audiences. As we have stated previously, following the details of the policy being fully agreed and publicised, we believe at least six months' notice is needed to ensure a smooth transition and minimise the potential for legal challenges.

### **Industry Working Group**

We are pleased that you welcome our idea of an ongoing joint working group to be set up to iron out some of the further unintended consequences of the policy as they come to light as well as reviewing the impact of the policy on meeting its stated objectives whilst minimising revenue losses to both the industry and to TfL. Having spoken to our members most directly impacted such as Exterior and JCDecaux, I know they would like to be involved as well as other industry bodies such as ISBA, the Incorporated Society of British Advertisers. We would be grateful for suggestions on how quickly it can be established.

Best Wishes

[REDACTED]

Director of Outsmart

[REDACTED]

[outsmart.org.uk](http://outsmart.org.uk)

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**From:** Emma Strain <[REDACTED]@london.gov.uk>

**Sent:** 22 November 2018 10:27

**To:** [REDACTED] <[REDACTED]@outsmart.org.uk>

**Cc:** [REDACTED] <[REDACTED]@tfl.gov.uk>; [REDACTED] <[REDACTED]@london.gov.uk>; [REDACTED] <[REDACTED]@london.gov.uk>; [REDACTED] <[REDACTED]@outsmart.org.uk>

**Subject:** RE: follow-up from meeting to discuss HFSS advertising across TfL Estate

Dear [REDACTED]

Thank you for your email. You raise a number of points in your email, so let me respond to each of them separately below.

### **Engagement during policy formation**

Please be assured that the views expressed by industry during the consultation period have formed the cornerstone of the work we have been undertaking over the last few months. This certainly wasn't a 'binary, paper exercise' and throughout the policy development we have been testing solutions to the concerns raised by industry. A range of options have been looked at and we genuinely feel that the proposed policy is the right approach – balancing impact with ease of implementation and alignment with existing regulation.

### **Implementation timeline**

The Mayor set out his ambitions to remove the advertising of 'junk food' from the TfL estate back in April this year. This gave industry clear notice that a change in policy was coming. We therefore consider an additional three months to finalise implementation reasonable on the basis that we will support your members by engaging with brands to ensure that adapt to this policy and continue to advertise on the TfL estate. We would also be happy to meet with any clients that you have particular concerns about.

If this timeline poses any specific contractual risks to your members, then this is something we would urge them to urgently raise directly with TfL. I understand that TfL's main partners (Exterion and JCD) are due to meet with the media team at TfL next week.

### Future engagement

We very much welcome ongoing engagement with you and your members and would be very keen to discuss the formation of an ongoing joint working group.

Kind regards,  
Emma

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**From:** [REDACTED] <[REDACTED]@outsmart.org.uk>  
**Sent:** 20 November 2018 14:59  
**To:** Emma Strain <[REDACTED]@london.gov.uk>  
**Cc:** [REDACTED] <[REDACTED]@tfl.gov.uk>; [REDACTED] <[REDACTED]@london.gov.uk>; [REDACTED] <[REDACTED]@london.gov.uk>; [REDACTED] <[REDACTED]@outsmart.org.uk>  
**Subject:** follow-up from meeting to discuss HFSS advertising across TfL Estate

Dear Emma

Thank you for taking time to meet with us last week to explain the Mayor's intended policy announcement to ban advertising of food and drink products that are high in fat, salt or sugar. As we have previously stated in writing and reiterated in the meeting, we want to work constructively and in partnership with the Mayor's office to address the serious issue of childhood obesity (in London, but also elsewhere) with effective, evidence-based measures. However, a number of concerns remain which have only been amplified by recent media reports.

Firstly, we are extremely disappointed that our members, of all stakeholders those who will be most adversely impacted by the proposed ban, have not been more fully involved in the policy-formulation process. Back in July when we submitted our response to the consultation, we made an unambiguous offer to engage with you to help develop effective, practical solutions to meet the Mayor's objective but we heard nothing in reply. The belated meeting last week only came about after we pressed for it, and it was clear that the policy by then was already a *fait accompli*. This suggests that the consultation was a binary, paper exercise with no real intent to consider other proposals or solutions. If that is the case, it is disappointing as our members have some very real and constructive approaches, which go beyond a TfL-only scheme and would make significant inroads to achieving the Mayor's objective.

To our minds, this did not feel like a proper engagement process of listening and learning, rather we were simply being told what the policy was going to be. As such, this approach seems to contradict what the Mayor stated to Assembly Members back in September when he reassured them that "my officials are working with industry partners to ensure we minimise any unintended consequences." As we now see it, this appears far from the truth - we had not been involved at all at that point, nor in any meaningful way since.

We were further surprised, following what appeared a candid meeting, that despite being briefed on maintaining full confidentiality (and sticking to it, in good faith), to see the policy splashed across the pages of the Evening Standard the very next day! The piece suggested an announcement as early as this week – we had been led to believe by you in our discussion that it was still a few weeks away. As a result of this apparent change in circumstances, we would require some urgent clarification on this specific point so we can brief members appropriately.

We completely accept the legitimate role that the Mayor and the GLA has to create policy, but we also expect that the executive will be guided by due process when doing so, particularly where we share a joint financial interest. We hope that there is still scope to rectify this.

Secondly, based on feedback from our members received since Thursday we are concerned about an implementation date just three months after any announcement is made (sometime in February 2019, if the announcement is to come this week). Below, I will spell out clearly why this approach would be potentially catastrophic for the industry, resulting in far reaching consequences which we do not think you have taken fully into consideration. The concerns are threefold:

- 1) An arbitrary deadline like this demonstrates a real failure to understand how our members' businesses operate (including the relationships they have with their clients and intermediaries). Better awareness amongst your team could have been remedied by fuller engagement in the consultation process (which, as I have stated already, we offered in our initial consultation response, submitted some five months ago).
- 2) Typically, most media campaigns are planned many months in advance of the public ultimately seeing the advertisements on our holdings. Our clients are investing now in 2019 programmes. Creative teams at our clients are already devising campaigns which will become 'live' in the second, third and fourth quarters of the calendar year. Those for the first quarter are invariably 'in the can' devised, invested in and completed. The impact of this arbitrary choice of three months will be far reaching to the London creative industries, a sector previously recognised as an economic powerhouse by the Mayor who wants to be seen as the most pro-business ever.
- 3) Most of our members have ongoing, often multi-year, contractual commitments with clients who are likely to be caught by the ban. The implications of enforced contractual failings brought about by external policy are significant. The risk is costly and wholly unnecessary litigation. Any proposals provided for under this policy must ensure that members' existing property rights are protected, or our members could potentially be caught inadvertently in breach of contract with their clients. This is an extremely important consideration, and we would urge further discussion with the industry around transitional arrangements and the ultimate implementation date.

We urge you to engage with us on these matters. We think it vital that we are able to provide you with clear evidence which you need to assess before you select an implementation deadline. If speed is of the essence to the Mayor, then we believe it would need to be at least six months after any policy announcement is made to prevent the threat of legal action. We remain committed to discussing how we can work with you to overcome this specific challenge.

Furthermore, we feel it is critical to highlight any unforeseen consequences of acting out a policy, without taking into consideration some very pertinent factors that might result in less efficacy. It is important not to see this policy approach in isolation from other media. The proposed implementation adds significant complexity into the 'mix' for the out of home sector against competitors. To explain, clients, when faced with decisions about which media to employ for their campaigns, face a range of options of which OOH advertising is just one. Any complexity or restrictions that are created for one of those choices will inevitably make it a less attractive option *vis-à-vis* the others.

Our members are already reporting conversations with clients which raise concerns about a more complex OOH environment to advertise. The potential consequences here are two-fold:

- 1) The consideration clients are making is not necessarily to substitute the content of their planned campaigns for 'healthy' options but to switch their spend, completely or in part, to other media.
- 2) This will have a significant impact, not only on our members' revenues, but by consequence on TfL's revenues, its ability to invest and potentially become tipping point for higher fares.

We would again urge proper ongoing discussions with the industry to ensure the proposals are as clear as possible, including the remaining grey areas you identified at the meeting, so we are not left at a competitive disadvantage.



Finally, as we have previously stated, we are committed to working in partnership with you on combating childhood obesity. In our consultation response (Section 5) we highlighted a number of initiatives to harness the power of advertising that could really make a difference to this significant issue. If we could make one recommendation, even at this late stage, we would urge the Mayor, alongside any proposed ban he initiates, to create an industry working group with GLA officials to iron out some of the detail alluded to above, to review the impact of the proposals following implementation and to help develop these positive initiatives further. Given what inevitably is going to be seen as bad news for our members, I believe this would be at least one positive sign that could build trust and tap into their goodwill over the coming months.

I remain available at any time to discuss any of the above points further.

Yours sincerely



Director of Outsmart



[outsmart.org.uk](https://outsmart.org.uk)

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 11 December 2018 13:55  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: meeting tomorrow

Great, thanks [REDACTED]

[REDACTED] – good to e-meet you. We have recently sent out an invite and chaser emails to our contacts at the AA, IPA and ASA as below but it sounds like they may be out of date. So I will include you on an email we are due to send shortly to invite you to a rescheduled meeting of the OOH industry to discuss the TfL healthier eating advertising policy that will be coming into effect from 25 February next year. And if you have more up to date contacts for the IPA and ASA that would be really helpful.

AA	[REDACTED] <a href="mailto:[REDACTED]@adassoc.org.uk">@adassoc.org.uk</a>
IPA	[REDACTED]
ASA	[REDACTED] <a href="mailto:[REDACTED]@asa.org.uk">@asa.org.uk</a>

Also, happy to arrange a separate meeting with you if you think that would be helpful.

Best wishes,

[REDACTED]

[REDACTED] [REDACTED] | **Senior Manager – SMEs, Food & LEAP**  
Regeneration & Economic Development team

**GREATER LONDON AUTHORITY**

City Hall  
The Queen's Walk  
London  
SE1 2AA

Tel: 020 7983 [REDACTED]  
Email: [REDACTED]@london.gov.uk

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**From:** [REDACTED] [REDACTED]@outsmart.org.uk>  
**Sent:** 11 December 2018 13:30  
**To:** [REDACTED] [REDACTED] <[REDACTED]@london.gov.uk>  
**Cc:** [REDACTED] [REDACTED]@adassoc.org.uk>; [REDACTED] [REDACTED]@adassoc.org.uk>; [REDACTED] <[REDACTED]@adassoc.org.uk>  
**Subject:** meeting tomorrow

Hi [REDACTED]

Thanks for your time earlier.. Next week: i can do Monday or Weds only. After that its w/c 7th January

Can I introduce you to Advertising Association contacts on cc: [REDACTED]  
[REDACTED]

AA can check your IPA and ASA contacts are current if you send them over..

Thanks

[REDACTED]

Director of Outsmart

+ [REDACTED]

[outsmart.org.uk](http://outsmart.org.uk)