

Henry Peterson to David Lunts
10.12.2019

Dear Mr Lunts,

Thanks for your response below to my email and letter of November 11th 2019 (attached).

As a former local government officer I do indeed accept the need for the decision-makers in any local authority to have opportunities for 'policy deliberation' in private. But I continue to feel that OPDC over the past 18 months has relied far too heavily on such private discussions and/or on an excessive level of delegation of decisions from the Board to officers.

It is hard for the public to know which of these two trends has become more dominant within the organisation. All that we can tell from the outside is that critical issues and questions are not explored or explained in officer reports that are made public, and nor are they discussed in Board sessions open to the public. Very little significant contribution to Board discussions is made by a number of Board Members and much of the decision-making of the Corporation is therefore a closed book to London's public.

On the question of recent cancellation of meetings during the pre-election period, as per your email below, I do not know whether the application of 'purdah' guidance to the OPDC is something that you have decided, or that has been prescribed by GLA governance staff. All I would say is that:

- purdah guidance is increasingly being applied in Whitehall, local government and other public bodies in ways that become more wide-ranging with each election (General or Local). It is not clear why this is happening but many feel that trend is as much to do with delaying problematic decisions or announcements as to do with the origins and purpose of the purdah conventions
- The Local Government Association guidance (pasted at the foot of this email) does not suggest that OPDC need be cancelling meetings. While part of the Mayoral 'family' the OPDC is not a body run by politicians, and hence there is little or no risk that communications or actions by Board members could be seen as influencing the outcome of the General Election
- The LGA advice specifically notes that local authorities are allowed to '*continue to to discharge normal council business - including determining planning applications, even if they are controversial*'. As you will well know, this reflects the fact that planning decisions are deemed to be quasi-judicial and free from political bias. Planning functions surely remain the core of the role of the Corporation?
- None of the Borough Leaders who are OPDC Board members are standing for election at this time. I see that James Murray is a Parliamentary candidate in Ealing North, but it is hard to see that his attendance at some OPDC Board meetings is cause for cancellation of the 26th November Board meeting.
- OPDC publishes very little by way of press releases or publicity materials. The most recent three press releases at <https://www.london.gov.uk/about-us/organisations-we-work/old-oak-and-park-royal-development-corporation-opdc/about-opdc/opdc-latest-press-releases#acc-i-59529> are very anodyne and non-contentious politically..

The 26th September OPDC Board meeting, about which I complained over lack of openness and transparency, took place before the General Election was called. The 26th November 2019 meeting (regrettably cancelled) would have been an important opportunity for the public to learn more about OPDC activity and spend, in the current context of the Draft Local Plan and Cargiant's position. I for one am not persuaded that cancellation was necessary for purdah reasons and am happy to debate this with the GLA Monitoring Officer.

It may prove that 2020 is a year in which all falls into place for the OPDC, and that its approach to the regeneration of Old Oak North, its discussions with Cargiant, and the content of the fourth iteration of its Draft Local Plan emerge as being based on sound decisions and leadership by the Board. It may prove otherwise. If the latter, I believe that the Corporation's lack of openness in the past 18 months

in the way that it goes about its business will become an issue for Assembly Members and for Londoners.

The public now have to wait until the next scheduled OPDC Board meeting on January 30th to learn more about the Corporation's activities, including the use of a £10m additional in-year budget which many feel could lead to unwise and abortive expenditure of GLA resources. In the meantime, I will be looking at the agenda material for the Assembly's Budget and Performance Committee meetings on 16th and 18th December, and hope to learn more about the content of the OPDC HIF bid to Government and the conditions attached. At the moment, the agenda for this committee has all of its reports listed as 'to follow' and the committee's chair Gareth Bacon may well have taken on a new role as a MP post Thursday.

Yours sincerely,

Henry Peterson
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What purdah means in practice

What you should and shouldn't do during purdah.

Publicity is defined as “any communication, in whatever form, addressed to the public at large or to a section of the public.”

The first question to ask is: ‘could a reasonable person conclude that you were spending public money to influence the outcome of the election?’ In other words it must pass the ‘is it reasonable’ test. When making your decision, you should consider the following:

What you shouldn't do

- Produce publicity on matters which are politically controversial
- Make references to individual politicians or groups in press releases
- Arrange proactive media or events involving candidates
- Issue photographs which include candidates
- Supply council photographs or other materials to councillors or political group staff unless you have verified that they will not be used for campaigning purposes
- Continue hosting third party blogs or e-communications
- Help with national political visits, as this would involve using public money to support a particular candidate or party. These should be organised by political parties with no cost or resource implications for the council.

What you need to think carefully about

You should think carefully before you:

- continue to run campaign material to support your own local campaigns. If the campaign is already running and is non-controversial - for example, on issues like recycling or foster care - and would be a waste of public money to cancel or postpone them, then continue. However, you should always think carefully if a campaign could be deemed likely to influence the outcome of the election and you should not use councillors in press releases and events in pre-election periods. In such cases you should stop or defer them. An example might be a campaign on an issue which has been subject of local political debate and/or disagreement.
- launch any new consultations. Unless it is a statutory duty, don't start any new consultations or publish report findings from consultation exercises, which could be politically sensitive.

What you're allowed to do

- Continue to discharge normal council business - including determining planning applications, even if they are controversial.
- Publish factual information to counteract misleading, controversial or extreme - for example, racist/sexist information. An example might be a media story which is critical of the council, such as a media enquiry claiming that the salaries of all the council's senior managers have increased by five per cent. If this is not true, a response such as 'none of the council's senior management team have received any increase in salary in the last 12 months' is acceptable. It is perfectly right and proper that the council responds, **as long as it is factual**.
- Use relevant lead officers rather than members for reactive media releases.
- Use a politician who is involved in an election when the council is required to respond in particular circumstances, such as in an emergency situation or where there is a genuine need for a member-level response to an important event beyond the council's control. Normally this would be the civic mayor - as opposed to the elected mayor in those areas with elected mayors - or chairman, that is, someone holding a politically neutral role. If the issue is so serious, it is worth considering asking the council's group leaders to agree to a response which would involve all of them.
- If you are in any doubt, seek advice from your returning officer and/or monitoring officer, legal or communications colleagues.

Ultimately, you must always be guided by the principle of fairness. It is crucial that any decision you take would be seen as fair and reasonably the public and those standing for office.