

GREATER LONDON AUTHORITY ACT 1999

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part X: Culture, Media and Sport

569. *Sections 375 and 376* relate to the Mayor's culture strategy. The Cultural Strategy Group for London is responsible for drafting the strategy. Outside London a Regional Cultural Consortium has been established in each of the eight English regions under a Chair appointed by the Secretary of State for Culture, Media and Sport. Each Consortium brings together wide representation of the region's cultural and creative interests including cultural agencies, local government and the creative industries. The Consortium is responsible for producing a regional cultural strategy. These non-statutory arrangements are broadly analogous to the arrangements established by the Act in London.

Section 375: The Cultural Strategy Group for London

570. *Section 375* establishes the Cultural Strategy Group for London which will assist the Mayor in the preparation and implementation of a culture strategy for London, and provide expert advice on the strategy. Subsection (2)(b) makes provision for possible future additions to the Group's role and functions (eg functions which may be delegated under section 380).

571. *Schedule 30* contains the constitution of the Cultural Strategy Group. It establishes that the Cultural Strategy Group is not a Crown body with the privileges entailed by that status, and its members and staff are not civil servants. It is able to undertake any actions or transactions which are necessary for the discharge of its functions. It is also able to acquire and hold land; this includes the provision of any required office space.

572. The Cultural Strategy Group will consist of between 10 and 25 members. It is for the Mayor to determine the exact size of the Group and its composition. The Mayor appoints members to the group - including appointing one of the members to chair it - and decides their length of tenure. Appointments are at the Mayor's discretion.

573. The Mayor can appoint individuals with relevant knowledge, experience or expertise. Before making any appointment it is the duty of the Mayor to consult appropriate persons or bodies. More specifically, in the case of appointments of representatives of particular bodies, the Mayor must consult that body first.

574. *Schedule 30* also contains administrative provisions relating to members' tenure of office (*paragraph 4*), members' expenses (*paragraph 5*), staff (*paragraph 6*), financial provisions (*paragraph 7*), the validity of the Group's proceedings (*paragraph 8*), and the validity of the Group's seal and members' signatures on behalf of the Group (*paragraphs 9 and 10*).

Section 376: The Mayor's culture strategy

575. *Section 376* provides for the Cultural Strategy Group to draw up a draft culture strategy. The Mayor has the power to give the Cultural Strategy Group directions requiring it to produce the draft strategy by a set date. The draft will be submitted to the Mayor, who has discretion to make any modifications to it. The document will then be published by the Mayor as the Mayor's "culture strategy". The Mayor (under section 41) and the Cultural Strategy Group together will keep the strategy under review. The Group can propose revisions to the Mayor and the strategy can be revised and reissued subject to consultation.
576. *Sections 41 to 44* apply to all the Mayor's strategies, and require the Mayor to follow certain procedural steps. Section 42 sets out the provisions for consultation in respect of all the Mayor's strategies. Where the Mayor wishes to make material revisions to the culture strategy which have not been recommended by the Cultural Strategy Group, Section 376 provides that the Group itself must be consulted along with the Assembly and the functional bodies, before any other persons or bodies the Mayor proposes to consult.
577. *Section 41* sets out matters to which the Mayor must have regard in preparing or revising any of the strategies. The content of the culture strategy however, is not prescribed by the Act. Subsection (5) of section 376 sets out a list of topics for which policies may be included in the strategy.

Section 377: Assistance by the Mayor for museums, galleries, etc.

578. *Section 377* gives the Greater London Authority the power to give assistance, both financial and non-financial, for the purposes of museums, galleries, libraries, archives and other cultural institutions. The assistance may be subject to conditions such as, for example, the keeping and inspection of accounts and records, or a requirement to repay any grant in full or in part.

Sections 378 to 379 and 381 to 382: The Mayor's tourism functions

579. *Sections 378 and 379* give the Authority, acting through the Mayor, certain powers and duties with respect to tourism in Greater London.
580. *Section 378* imposes a duty to promote Greater London, both at home and abroad, as a tourist destination in its own right and as a first destination or start point for visitors from overseas to the rest of the United Kingdom. There is also a duty to encourage the provision and improvement of tourist amenities and facilities in Greater London. This covers any amenities and facilities used by tourists and not just those provided solely for their use.
581. The Mayor has the power to do anything necessary for the purpose of fulfilling these duties including entering into arrangements with others, and acting overseas. Specific powers include undertaking publicity or other promotional activities; providing advisory and information services; and promoting and undertaking research.
582. Under *section 378* the Mayor is able to offer assistance for tourism-related initiatives, and also to charge for services and to receive contributions from others to help with the tourism duties. Such assistance may be made subject to conditions: eg that accounts and records be subject to inspection; or that a grant be repaid in full or in part in certain circumstances. Under *section 381* the Secretary of State may pay grants to the Authority for the exercise of its tourism functions subject to conditions, eg that the Mayor implement tourism schemes and initiatives in Greater London consistent with the national strategies for tourism.
583. In discharging the tourism functions, the Mayor must have regard to the desirability of undertaking appropriate consultation and co-operation with the Secretary of State, Tourist Boards (including the English Tourism Council whose legal name remains the

*These notes refer to the Greater London Authority Act 1999
(c.29) which received Royal Assent on 11th November 1999*

English Tourist Board) and other relevant persons and organisations (section 378(5)). The Mayor must also advise Tourist Boards and Ministers if required (section 379).

Section 380 Powers of delegation under Part X

584. *Section 380* largely mirrors section 38 which provides the general powers of delegation. Section 380 provides that functions under Part X can only be delegated to certain bodies and creates specific limitations. The Mayor is only able to delegate Part X functions to the Deputy Mayor and GLA staff, to another local authority including the Common Council, and to the Cultural Strategy Group for London or the London Development Agency. Decisions on the culture strategy, the making of byelaws for Trafalgar Square or Parliament Square and the holding of public rallies and demonstrations in the Squares are reserved for the GLA itself. Delegation of the policing of the squares is restricted to the GLA or a local authority.
585. Functions delegated must be carried out subject to any conditions the Mayor chooses to impose. Any delegation must, be in writing and, in the case of a local authority, with their written consent. Delegates are given specific powers under this section to carry out these functions and to operate through committees or employees unless otherwise directed by the Mayor. Delegation can be revoked.

Chapter II

Sections 383 and 384: Trafalgar Square and Parliament Square

586. Chapter II vests Parliament Square garden as part of the hereditary possessions and revenues of Her Majesty (*section 384*). It also transfers management responsibility for Trafalgar Square and Parliament Square to the Authority. These responsibilities in respect of Trafalgar Square (*section 383*) and Parliament Square (*section 384*) cover the repair and maintenance of the fabric (eg lighting, repairs to statues) and controlling and licensing their use (eg demonstrations, advertising). The transfer affects only the central island in each case. Responsibility for the roads surrounding the Squares remains with the highway authority (Westminster City Council) and is not affected.

Section 385: Byelaws

587. The Authority acting through the Mayor may make byelaws for the general regulation of the Squares. (These will replace the Parks and Other Open Places Regulations 1997, under which the squares were previously regulated.) The Mayor has an explicit power through the byelaws to regulate trading, and such byelaws may provide for the seizure and retention of property used in unauthorised trading. This would include the trader's outlet and goods. This power would enable the Mayor to implement a regime to control illegal trading. The Secretary of State is the confirming authority for the byelaws. The maximum fine for contravening trading byelaws will be level 3 on the standard scale (£1000). The maximum fine for contravention of any other byelaws will be level 1 on the standard scale (£200).

Section 386 Guidance

588. *Section 386* gives the Secretary of State the power to issue guidance to the Mayor about the exercise of certain functions such as the care, control, management and regulation of the Squares. The Mayor, and any person or body exercising functions on the Mayor's behalf, must take this guidance into account when exercising any duties or powers with respect to the Squares.