

## **THE LOCAL GOVERNMENT ACT 1986 NOTICE UNDER SECTION 4A(5)**

On 25 September 2014 the Secretary of State for Communities and Local Government ("the Secretary of State") gave the local authority known as the Royal Borough of Greenwich ("Royal Borough of Greenwich") notice of a direction that he proposed to give to the authority under section 4A of the Local Government Act 1986 ("the 1986 Act").

Having carefully considered the representations received from the Royal Borough of Greenwich, and having regard to that, information available to him about the Royal Borough of Greenwich's publicity, and the enclosed Equality Statement, the Secretary of State hereby gives further notice to the Royal Borough of Greenwich of a direction that he proposes to give to the Royal Borough of Greenwich under section 4A of the 1986 Act. This notice replaces the notice of 25 September 2014.

The Secretary of State proposes to direct the Royal Borough of Greenwich to comply as soon as practicable and in any event by 31 March 2015 with the following specified provision of the Code of Recommended Practice on Local Authority Publicity ("the Publicity Code") issued under section 4 of the 1986 Act on 31 March 2011 having been approved by a resolution of each House of Parliament.

The specified provision, which can be found in paragraph 28 of the Publicity Code, is:

"Where local authorities do commission or publish newsletters, newssheets or similar communications, they should not issue them more frequently than quarterly."

The Secretary of State also proposes to direct the executive of the Royal Borough of Greenwich to consider the direction within 14 days.

### The basis of the Secretary of State's proposal

Appropriate use of publicity concerns the frequency, content and appearance of council newsletters, in order to prevent unfair competition with local newspapers. The Secretary of State has applied the Government's policy of as far as is practicable creating an environment which is as conducive as possible to the flourishing of independent and politically free local media, which is an essential element of any effectively operating local democracy.

The Secretary of State has also carefully considered all the circumstances of this case involving the Royal Borough of Greenwich. As set out below, his provisional view is that these circumstances do not warrant a departure in this case from the Government's policy in relation to the publication of local authority newssheets. It is to further this policy that the Government has adopted measures to limit the frequency of local authority newssheets etc. The balance which, with the approval of Parliament, the Publicity Code strikes is that the newssheets etc. of principal local authorities should be published no more frequently than quarterly.

The Royal Borough of Greenwich argue that they are not well served by local newspapers in terms of coverage of the whole borough, so the frequent publication of 'Greenwich Time' allows the Council to communicate with all their residents. The

Secretary of State accepts that Greenwich Time may have some community functions and serves the purpose of dissemination of information for the benefit and cohesion of the community. However, his provisional view is that this does not override the policy as set out in the Publicity Code of limiting the frequency of Council newssheets, as much of this function could be delivered through a quarterly publication, supported as appropriate with other communication channels such as the Council website, targeted leaflets in Council and local partners' buildings (libraries, children's centres, schools, doctors' surgeries, churches, etc.), social media etc.

The Royal Borough of Greenwich argue that there is no evidence that 'Greenwich Time' has had an impact on local newspapers, with the launch of several new hyper local newspapers, and the advertising policy of 'Greenwich Time' is designed to prevent competition with the local press. The Secretary of State accepts that the impact on the independent press in Greenwich may not be easy to assess. He notes, however, that the Royal Borough of Greenwich itself states that the borough is not well served by local newspapers, and he considers it is possible that more or wider circulating local newspapers would be available in the borough if there were no Council newspaper. Moreover, his provisional view is that even if the council newspaper has little or no impact on the local press currently available in the borough, this does not override the Publicity Code's policy of as far as is practicable creating an environment which is as conducive as possible to the flourishing of independent and politically free local media. This is because if 'Greenwich Time' was produced on a quarterly basis some of the advertising that it currently takes would probably be available to other local media, and other markets could have developed for alternative media that would have been deterred by the existence of a Council newssheet published every fortnight.

The Royal Borough of Greenwich argue that 'Greenwich Time' is a cost effective means of communication. The Royal Borough of Greenwich have estimated that it would cost an additional £2 million in advertising costs to place statutory adverts, job adverts and run of page adverts (in particular for their choice based lettings, which reduce the number of empty properties in the borough) in the local press each week. If publication was quarterly, they would need to cancel their £250,000 printing contract with Trinity Mirror. The Royal Borough of Greenwich has generated significant savings from avoiding the need to publish standalone leaflets. Even if this were to be the case, and the Secretary of State is not convinced of these arguments, the Secretary of State's provisional view is that this does not override the Publicity Code's policy of as far as is practicable creating an environment which is as conducive as possible to the flourishing of independent and politically free local media, by limiting the frequency of local authority newssheets. This is because the flourishing of an independent and politically free local media is an essential component of any local democracy.

The Royal Borough of Greenwich have referred to their powers as amended by section 3 of the 1986 Act and argue that 'Greenwich Time' is a useful way for the Royal Borough of Greenwich to comply with their public sector equality duty in providing information concerning local services (including health and community services and significant London events), and they use 'Greenwich Time' to influence the attitudes of local people in relation to health, crime, community cohesion etc. The

Royal Borough of Greenwich further argues that as 'Greenwich Time' is delivered to the whole borough, it allows the Royal Borough of Greenwich to communicate with those communities that do not receive local newspapers, including in particular residents from black and minority ethnic backgrounds and more deprived areas, and so fulfil its public sector equality duty. The Secretary of State recognises that it may be the case that communication with the community, including groups that display protected characteristics, would be more effective via a physical publication. However, much of the information in 'Greenwich Time' could be delivered through a quarterly publication, supported as appropriate with other communication channels. The Secretary of State's provisional view is that communication by a quarterly publication will continue to effectively reach the community, while following the Publicity Code's policy of enabling as far as is practicable an environment which is as conducive as possible to the flourishing of independent and politically free local media, by limiting the frequency of local authority newssheets, and so protecting local democracy. In reaching this view, the Secretary of State has had regard to the enclosed Equality Statement.

The Royal Borough of Greenwich argue that 'Greenwich Time' is welcomed as a weekly publication by residents, community representatives, charities and businesses, and particularly by business for the favourable advertising rates that it offers. The Secretary of State recognises that 'Greenwich Time' is welcomed by the community but his provisional view is that this does not outweigh the importance of allowing an environment for independent and politically free local media, by limiting the frequency of local authority newssheets, and so protecting local democracy. Furthermore, the information in 'Greenwich Time' could be delivered through a quarterly publication, supported as appropriate with other communication channels. The Secretary of State further considers that it is not appropriate for council tax payers to effectively subsidise the advertising of local businesses in 'Greenwich Time'.

The Royal Borough of Greenwich argue that publishing 'Greenwich Time' quarterly would not be cost effective and publishing statutory notices in other publications would only reach part of the population. The Secretary of State accepts that it could be the case that to publish statutory notices in the local media could cost more and reach fewer households, but his provisional view is that this does not outweigh the Publicity Code's policy of as far as is practicable creating an environment which is as conducive as possible to the flourishing of independent and politically free local media, by limiting the frequency of local authority newssheets, and so protecting local democracy. The majority of local authorities comply with their obligation to publish statutory notices while also complying with the provisions in the Publicity Code on frequency of publication of newsletters, newssheets or similar communications.

The Royal Borough of Greenwich argue that making the proposed direction would be unlawful on the basis of procedural unfairness, irrationality, the public sector equality duty and bias. The Secretary of State does not accept the Council's arguments that making the proposed Direction would be unlawful. In determining whether or not it is appropriate to exercise the power under section 4A of the 1986 Act, the Secretary of State carefully considered the matters at each stage of the decision making process, including reviewing the Royal Borough of Greenwich's representations of 30

September and 9 October 2014 and producing an Equality Statement in order to establish whether by exercising his powers, the objectives in section 149 of the Equality Act 2010 will or might be affected.

Representations of the Secretary of State's proposals

The Royal Borough of Greenwich may make written representations to the Secretary of State about the proposed direction within the period of 14 days beginning with the day on which this notice is given to it. Representations received by the Department may be subject to a request under the Freedom of Information Act 2000. Under the Freedom of Information Act, there is a statutory Code of Practice with which public authorities must comply and we cannot give an assurance of confidentiality in all circumstances.

Any representations should be sent to the Department for Communities and Local Government at [ConductCode@communities.gsi.gov.uk](mailto:ConductCode@communities.gsi.gov.uk).

Signed by authority of the Secretary of State

P ROWSELL

A senior civil servant in the Department for  
Communities and Local Government

29 January 2015