



Department for
Communities and
Local Government

Trevor Holden
Chief Executive
Luton Borough Council
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Via email
trevor.holden@luton.gov.uk

25 September 2014

Dear Mr Holden,

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

I enclose a written notice to your authority of a proposed direction which the Secretary of State for Communities and Local Government is minded to give to your authority under section 4A of the Local Government Act 1986.

Yours sincerely

Paul Rowsell

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

The Secretary of State hereby gives the local authority known as Luton Borough Council notice of a direction that he proposes to give to the authority under section 4A of the Local Government Act 1986 ("the 1986 Act").

Having regard to the information available to him about the local authority's publicity, the Secretary of State proposes to direct Luton Borough Council to comply as soon as practicable and in any event by no later than 1 January 2015 with the following specified provision of the Recommended Code of 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 is:

"Where local authorities do commission or publish newsletters, newssheets or similar communications, they should not issue them more frequently than quarterly."¹

The Secretary of State also proposes to direct Luton Borough Council to consider the direction within 14 days and provide written confirmation to the Department for Communities and Local Government of that consideration.

The basis of the Secretary of State's proposal

In making this proposal the Secretary of State is clear that the Government's purpose is as far as is practicable to create 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. It is to further this priority that the Government has adopted measures to limit the scale of local authority newssheets etc., recognising that on the one hand such material can be damaging to the continuation of local independent media and on the other hand can fulfil a legitimate and beneficial purpose for local communities of communicating to them information about local services. 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. Moreover the Secretary of State recognises that the great majority of councils already publish their newssheets no more frequently than quarterly, notwithstanding the wide range of groups that display protected characteristics in the areas of many councils.

Information available to the Secretary of State indicates that Luton Borough Council is publishing a local authority newssheet, 'Lutonline', ten times a year; copies of the publication appear to be delivered to every household in the Borough. Such a publication would not comply with the provision in the Publicity Code that where local authorities do commission or publish newsletters, newssheets or similar communications, they should not issue them more frequently than quarterly.

Kris Hopkins MP wrote to Luton Borough Council on 15 August asking them to take steps to ensure that they were in compliance with the Code, and to write to indicate what action they intended to take. The Secretary of State has noted their reply,

¹ A provision in paragraph 28 (appropriate use of publicity) of the Publicity Code

which said the Council's approach is in keeping with the Code and that the Council were reviewing their communications strategy and 'Lutonline' would be included in that review. The Secretary of State's provisional view is that these arguments do not sufficiently outweigh the case for as far as practicable maintaining an environment as conducive as possible to the flourishing of an independent and politically free local media, which is an essential element of any effectively operating local democracy.

The Secretary of State is not aware of any special circumstances in Luton that could justify a departure from the frequency recommendations of the Publicity Code. Moreover, in any event, the Secretary of State considers it likely that were there to be any such circumstances, these would only justify one or two extra 'special' editions each year.

Public sector equality duty

The Secretary of State recognises it may be the case that some groups in the community who share certain protected characteristics will less readily be able to obtain the information currently circulated in 'Lutonline'. However, the Secretary of State believes that it is open to a council to effectively communicate as necessary with them about the services and other matters which are the responsibility of the council without publishing newsheets more frequently than quarterly. The Secretary of State recognises that the great majority of councils already publish their newsheets no more frequently than quarterly, notwithstanding the wide range of persons who share protected characteristics in the areas of many councils. Moreover, even if there is an adverse impact the Secretary of State's provisional view is that the proposed Direction would be justified because of the Government's overriding policy of maintaining across the whole country an environment that is conducive as possible to the flourishing of the independent and politically free local media. Such media is an essential element of any effectively operating local democracy and hence the pursuit of this policy is a high priority.

Representations on the Secretary of State's proposals

Luton Borough Council 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. The Council is invited to expressly consider their public sector equality duty. 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.

Signed by authority of the Secretary of State



R SEYMOUR

A senior civil servant in the Department for
Communities and Local Government
25 September 2014