



Department for
Communities and
Local Government

Enforcing the Code of Recommended Practice on Local Authority Publicity

Equality Statement



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Equality Statement

Name of Directorate

Department for Communities and Local Government
Local Government Policy
Democracy Division

Please list all the policy streams in your business area

The aim of the policy of enforcing the Code of Recommended Practice on Local Authority Publicity ('the Publicity Code') for county and district councils in England, London borough councils and the Common Council of the City of London ("principal authorities") is to secure 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, in order to protect the independent press from unfair competition and to ensure that publicity produced by authorities is appropriate.

On 31 March 2011 the Secretary of State for Communities and Local Government issued a new Publicity Code under section 4 of the Local Government Act 1986 ("the 1986 Act"), as amended by the Local Audit and Accountability Act 2014. This Code replaced earlier Publicity Codes that were applicable to local authorities in England. It was issued after both Houses of Parliament had debated and approved a draft of the new Code¹, this draft being prepared following a public consultation initiated in September 2010², and reflecting recommendations of the Communities and Local Government Select Committee's Inquiry into the Publicity Code.

Underpinning this new Publicity Code is the recognition both that good, effective publicity aimed at improving public awareness of a council's activities is entirely appropriate, and that publicity is a sensitive matter because of the impact it can have and the costs associated with it. It equally reflects the Government's view that local authorities should not produce newspapers that compete with the local independent media, and should focus their resources on frontline services, reducing resources expended on publicity such as newspapers, and above all that it is wholly inappropriate for taxpayers' money to be used to pay for material that could be perceived as political or competing with the independent press and media.

The new Publicity Code applies to all local authorities in England specified in section 6 of the 1986 Act, and to other authorities in England which have that provision applied to them by other legislation. These local and other authorities include county and district councils in England, London Borough councils, parish and town councils, National Parks authorities, the Broads Authority and combined authorities.

The new Publicity Code therefore includes specific guidance about the frequency, content and appearance of local authority newspapers, including recommending that principal local

¹ In accordance with section 4(5) of the 1986 Act.

² In accordance with section 4(4) of the 1986 Act.

authorities limit the publication of any newspaper to once a quarter and parish and town councils limit their newsletters to once a month. The new Code also represented a major reshaping of the earlier Codes, for clarity grouping the guidance under seven principles. These principles are that local authority publicity should be lawful, cost effective, objective, even-handed, appropriate, have regard to equality and diversity, and be issued with care during periods of heightened sensitivity.

Whilst the majority of local authorities comply fully with the Publicity Code's recommendations, it is a matter of concern to the Government that there are still cases where this is not so - for example, continuing cases where there are weekly publications of council newspapers.

Section 4A of the 1986 Act, gives the Secretary of State the power to direct an authority to comply with one, more or all of the provisions in the Publicity Code.

Section 4B of the 1986 Act, gives the Secretary of State the power to make an order, subject to the affirmative resolution process in both Houses of Parliament, requiring all local authorities in England, or all local authorities in England of a specified description, to comply with one, more or all of the provisions in the Publicity Code.

It is the Government's opinion that local taxpayers and electors should be able to be confident that the statutory framework for local government provides an effective safeguard against any council using taxpayers' money inappropriately or acting in a manner potentially damaging to others - the independent press - who have important roles in a democratic society.

It is the Government's opinion that where local authorities comply with the recommendations of the Publicity Code, local taxpayers can be confident that any of their money spent by their council on publicity is being used appropriately; and local independent newspapers - important contributors to sustaining a vibrant local democracy - will not be at risk through unfair, taxpayer funded, competition.

Identify any policy streams aimed at or impacting upon a Protected Group

Evidence of the impact of local authority newssheets on the independent press is not extensive. There are in particular certain consultation responses to the 2013 consultation 'Protecting the Independent Press from Unfair Competition' coming from the media. The Government does not consider that it is proportionate use of resource to research the matter further at a national level, as there have already been two public consultations, in 2010 and 2013 about the Publicity Code and protecting the independent press from unfair competition respectively. The following consideration of the enforcement of the Publicity Code is based upon enforcing the provisions in the Code relating to the frequency of publication of local authority newssheets, namely that principal local authorities should produce newssheets no more frequently than quarterly. The Government considers that the market for local authority information is not binary, with local authorities able to call on a variety of mechanisms to communicate with the public. Moreover, the Government considers ensuring the public get the information they need is more important than local authorities simply disseminating information with no assurance it is being considered by the recipient.

The Department for Communities and Local Government is committed to putting equality at the heart of its drive to build a strong economy and a fair society. It aims to develop programmes and policies that open up and enhance opportunities for people from all communities.

The Department has considered both the positive and negative impacts on people who share relevant protected characteristics, of the Secretary of State using his powers in the 1986 Act to enforce compliance with the Publicity Code, in particular to require principal local authorities to comply with the provision that local authorities limit the publication of any newssheet to once a quarter. The Department has considered the general information which is relevant to each authority, with consideration of specific examples where it has been put forward by the authority.

These groups, with reference to their protected characteristics, are:

- Age
- Disability
- Gender Reassignment
- Pregnancy and Maternity
- Race
- Religion or belief
- Sexual Orientation
- Gender
- Marriage and civil partnership

The Department has had particular regard with considering the impacts on groups with protected characteristics on the duties placed on local authorities by Section 149(1) of the Equality Act 2010 ("the 2010 Act"), in particular the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The Department has also had regard to the duty placed on local authorities under Section 142 of the Local Government Act 1972 of providing information concerning local services.

Age

The London Borough of Enfield, in their 9 October 2014 representation to the Secretary of State for Communities and Local Government, identified protected groups, especially the elderly, the disabled and ethnic and religious minorities and female single mothers as being over-represented among the more deprived sectors of Enfield's population, with those sectors having much less access to information via the internet. The Council went on to explain that in their most digitally excluded communities, up to a quarter of households do not have broadband at home, hence the importance of their magazine published in hard copy.

The London Borough of Hackney Council, in their 9 October 2014 representation to the Secretary of State for Communities and Local Government, included a contribution from Age Concern Hackney, who were concerned that the biggest difficulty confronting tens of thousands of older people in the area was accessing services provided by both statutory and voluntary sectors in a timely manner. Age Concern Hackney pointed out that older people needed to be aware of what services existed and where they can find them, and considered that the most effective way of communicating such information was a single and universally provided information source delivered to the door. Age Concern Hackney commented that many older people who attended events they organised found out about them from the free listings provided in the fortnightly council newspaper.

The Department has considered these arguments as part of its overall assessment of the potential differential negative impact upon any age group of requiring principal authorities to comply with the provision in the Publicity Code that authorities limit the publication of any newssheet to once a quarter. The Department is of the view that there are sufficient mitigating measures which could be taken to minimise these possible adverse effects.

These local authorities have a variety of communication methods at their disposal, other than newssheets, to effectively communicate with different age groups and meet the three 'needs' set out in section 149(1) of the 2010 Act. Effective communication with, for instance, the parents or carers of the very young, or with the elderly or their carers, does not depend upon the publication of a newssheet more frequently than quarterly. In addition to a quarterly newssheet, if a local authority chooses to produce one, local authorities will communicate with all their residents, including those from different age groups, through their website, paid for advertising, local Councillors, consultations, and direct contact with the Council, to name a few examples.

Furthermore, local authorities can use targeted communications to communicate effectively and efficiently with different age groups, by, for instance, distributing information in nurseries, schools, children's centres, doctor's surgeries, libraries, leisure centres, council offices and other public places as well as distributing information directly through their social or health services, for example through social workers, care homes, and community care workers, and through their partnership working with others parts of the public sector and the voluntary and community sector.

The majority of local authorities are able to communicate effectively with residents of different ages without needing to produce a newssheet more frequently than quarterly. Those local authorities that would be required to reduce their publication to quarterly – and it is only a small number that would be affected (the Government is aware of eleven such authorities and considers it possible that a handful of other authorities may exist) – will still be able to communicate with residents with different ages using a quarterly newssheet, in addition to the range of other communication methods previously identified.

The Department recognises that all residents in the affected local authorities, including individuals in this protected group, will experience a change in the way in which they access information, and will less readily be able to obtain the information currently circulated in local authority newsletters published more frequently than quarterly and delivered to the door. Examples of this information for this protected group include calendars including events such as playgroups, coffee mornings and age specific leisure activities, advance notice of relevant dates such as school and nursery applications and

bus pass renewals, age specific information about Council services such as education and social care, and age specific information about health matters such as vaccinations and a healthy lifestyle.

However, the Department considers that the potential negative impact arising from the change in which those individuals in this group receive information can be effectively dealt with by the other communication channels that a Council can use, targeted communications of the type described above, and that the information described by Councils does not tend to change more frequently than quarterly.

Moreover, local authorities do not have to rely upon a council newssheet published more frequently than quarterly to promote equality and diversity or challenge intolerance towards any group, including those from different age groups.

The Department recognises that digital exclusion is an issue for older members of the public, as well as others in protected groups and those not in protected groups but, for instance, resident in areas not well served by internet coverage, particularly broadband. Whilst the Department would encourage local authorities to make the most of the opportunities provided by the internet and social media to communicate with the public, there are alternatives available to get information to the public and to particular protected groups. Local authorities should make use of targeted publicity by, for instance, ensuring that information about services and activities is made available to older residents both through placing that publicity in places they might visit or getting the publicity to residents directly, for instance by making use of social services to ensure that older residents receive the information they need.

Disability

The London Borough of Waltham Forest Council, in their representation of 9 October 2014 to the Secretary of State for Communities and Local Government, specifically commented that the disabled were more likely to read their council newssheet than non-disabled residents.

The Department has considered these arguments as part of its overall assessment of the potential differential negative impact upon any group of persons with disabilities of requiring principal authorities to comply with the provision in the Publicity Code that authorities limit the publication of any newssheet to once a quarter. The Department is of the view that there are sufficient mitigating measures which could be taken to minimise these possible adverse effects.

These local authorities have a variety of communication methods at their disposal to effectively communicate with those with disabilities and their carers and to meet the three 'needs' set out in section 149(1) of the 2010 Act. Effective communication with disabled people does not depend upon the publication of a newssheet more frequently than quarterly. In addition to a quarterly newssheet, if a local authority chooses to produce one, local authorities will communicate with all their residents, including those with a disability and their carers through their website, paid for advertising, local Councillors, consultations, and direct contact with the Council, to name a few examples.

Furthermore, local authorities can use targeted communications to communicate with residents with particular disabilities and their carers, be this the distribution of information in public buildings such as libraries, council offices, or leisure centres, or distributing them directly through their social or health services, for example social workers, care homes, and community care, and through their partnership working with others parts of the public sector and the voluntary and community sector.

The majority of local authorities are able to communicate effectively with disabled members of the public without needing to produce a newssheet more frequently than quarterly. Those local authorities that would be required to reduce their publication to quarterly – and it is only a small number that would be affected (the Government is aware of eleven such authorities and considers it possible that a handful of other authorities may exist) – will still be able to communicate with disabled members of the public using a quarterly newssheet, in addition to the range of other communication methods previously identified.

The Department recognises that all residents in the affected local authorities, including individuals in this protected group, will experience a change in the way in which they access information, and will less readily be able to obtain the information currently circulated in local authority newsletters published more frequently than quarterly and delivered to the door. Examples of this information for this protected group are calendars including events such as leisure activities for disabled people and specific information about Council services such as social care and benefits. By targeting publicity, local authorities can ensure that relevant publicity reaches those groups it will most benefit. However, the Department considers that the potential negative impact arising from the change in which persons with disabilities receive information can be effectively dealt with by the other communication channels that a Council can use, targeted communications of the type described above, and that the information described by Councils does not tend to change more frequently than quarterly.

Moreover, local authorities do not have to rely upon a council newssheet published more frequently than quarterly to promote equality and diversity or challenge intolerance towards any group, including those who are disabled. Nor do local authorities have to rely upon a council newssheet published more frequently than quarterly, and distributed to every household in the local authority, to provide information in alternative formats, such as in braille large print or in spoken word. Such information can be effectively disseminated using other, targeted, methods.

Gender Reassignment

The London Borough of Hackney Council, in their 9 October 2014 representation to the Secretary of State for Communities and Local Government, explained that their council newssheet positively reflected the borough's diversity, with coverage of events such as LGBT history month and the first Hackney Pride march against homophobic hate crime.

The Department has considered these arguments as part of its overall assessment of the potential differential negative impact upon gender reassigned persons of requiring principal authorities to comply with the provision in the Publicity Code that authorities limit the publication of any newssheet to once a quarter. The Department is of the view that there

are sufficient mitigating measures which could be taken to minimise these possible adverse effects.

These local authorities have a variety of communication methods at their disposal to effectively communicate information to the public, including those who are gender reassigned and to meet the three 'needs' set out in section 149(1) of the 2010 Act. In addition to a quarterly newssheet, if a local authority chooses to produce one, local authorities will communicate with all their residents through their website, paid for advertising, local Councillors, consultations, and direct contact with the Council, to name a few examples.

The Department recognises that all residents in the affected local authorities, including individuals in this protected group, will experience a change in the way in which they access information, and will less readily be able to obtain the information currently circulated in local authority newsletters published more frequently than quarterly and delivered to the door. The Department is not aware of examples of information that would be particularly relevant to those in this protected group. However, the Department considers that the potential negative impact arising from the change in which those individuals in this group receive information can be effectively dealt with by the alternative communication methods referred to above.

Moreover, local authorities do not have to rely upon a council newssheet published more frequently than quarterly to promote equality and diversity or challenge intolerance towards any group, including those who are gender reassigned.

Pregnancy and Maternity

The Department has considered the potential differential negative impact of requiring principal authorities to comply with the provision in the Publicity Code that authorities limit the publication of any newssheet to once a quarter upon those in the pregnancy or maternity group. The Department is of the view that there are sufficient mitigating measures which could be taken to minimise these possible adverse effects.

These local authorities have a variety of communication methods at their disposal to effectively communicate with parents and parents-to-be and to meet the three 'needs' set out in section 149(1) of the 2010 Act. Effective communication with this group does not depend upon the publication of a newssheet more frequently than quarterly. In addition to a quarterly newssheet, if a local authority chooses to produce one, local authorities will communicate with all their residents, including parents and parents-to-be through their website, paid for advertising, local Councillors, consultations, and direct contact with the Council, to name a few examples.

Furthermore, local authorities can use targeted communications to communicate effectively with those in this group by, for instance, distributing information in nurseries, schools, children's centres, doctor's surgeries, libraries, leisure centres, council offices, register offices, and other public places as well as distributing them directly through their social services or health services, for example social workers, and through their partnership working with others parts of the public sector, and health visitors in particular, and the voluntary and community sector.

The majority of local authorities are able to communicate effectively with families or those about to start a family, including those adopting or fostering, without needing to produce a newssheet more frequently than quarterly. Those local authorities that would be required to reduce their publication to quarterly – and it is only a small number that would be affected (the Government is aware of eleven such authorities and considers it possible that a handful of other authorities may exist) – will still be able to communicate with parents and parents-to-be using a quarterly newssheet, in addition to the range of other communication methods previously identified.

The Department recognises that all residents in the affected local authorities, including individuals in this protected group, will experience a change in the way in which they access information, and will less readily be able to obtain the information currently circulated in local authority newsletters published more frequently than quarterly and delivered to the door. Examples of this information for this protected group are calendars including events such as playgroups, breastfeeding cafés, leisure activities, specific information about Council services such as registering a birth, nurseries, adoption and fostering, and information about health matters such as vaccinations. However, the Department considers that the potential negative impact arising from the change in which those individuals in this group receive information can be effectively dealt with by the other communication channels of the type described above, and that the information described by Councils does not tend to change more frequently than quarterly.

Moreover, local authorities do not have to rely upon a council newssheet published more frequently than quarterly to promote equality and diversity or challenge intolerance towards any group, including those in the pregnancy and maternity group.

Race

The Department has considered whether requiring principal authorities to comply with the provision in the Publicity Code that authorities limit the publication of any newssheet to once a quarter these representations will have a potential differential negative impact upon any racial group. The Department is of the view that there are sufficient mitigating measures which could be taken to minimise these possible adverse effects.

Local authorities have a variety of communication methods at their disposal to effectively communicate with the public and to meet the duty set out in section 149(1) of the 2010 Act. Effective communication does not depend upon the publication of a newssheet more frequently than quarterly. In addition to a quarterly newssheet, if a local authority chooses to produce one, local authorities will communicate with all their residents, regardless of their race through their website, paid for advertising, local Councillors, consultations, and direct contact with the Council, to name a few examples.

The majority of local authorities are able to communicate effectively with members of the public without needing to produce a newssheet more frequently than quarterly. Those local authorities that would be required to reduce their publication to quarterly – and it is only a small number that would be affected (the Government is aware of eleven such authorities and considers it possible that a handful of other authorities may exist) – will still be able to communicate with people from all racial groups using a quarterly newssheet, in addition to the range of other communication methods previously identified.

The Department recognises that all residents in the affected local authorities, including individuals in this protected group, will experience a change in the way in which they access information, and will less readily be able to obtain the information currently circulated in local authority newsletters published more frequently than quarterly and delivered to the door. An example of information for this protected group is raising awareness of particular health risks that are greater for people from some racial groups, such as diabetes and tuberculosis. However, the Department considers that the potential negative impact arising from the change in which those individuals in this group receive information, will be effectively dealt with by the other communication channels that a Council can use, and that the information described by Councils does not tend to change more frequently than quarterly.

Local authorities do not have to rely upon a council newssheet published more frequently than quarterly to promote equality and diversity or challenge intolerance towards any group. Nor do local authorities have to rely upon a council newssheet published more frequently than quarterly, and distributed to every household in the local authority, to print information in minority languages. Such information can be effectively disseminated using other, targeted, methods.

Religion or belief

The London Borough of Hackney, in its 9 October 2014 representation to the Secretary of State for Communities and Local Government, commented that the Charedi Orthodox Jewish community in the borough did not use the internet at home and so are more likely to access information about the council and its services through reading the council newssheet.

The Department has considered these representations in ascertaining the potential differential negative impact upon any group of any particular religion or belief of requiring principal authorities to comply with the provision in the Publicity Code that authorities limit the publication of any newssheet to once a quarter. The Department is of the view that there are sufficient mitigating measures which could be taken to minimise these possible adverse effects.

These local authorities have a variety of communication methods at their disposal to effectively communicate with the public and to meet the duty set out in section 149(1) of the 2010 Act. Effective communication does not depend upon the publication of a newssheet more frequently than quarterly. In addition to a quarterly newssheet, if a local authority chooses to produce one, local authorities will communicate with all their residents, regardless of their religion or beliefs, through their website, paid for advertising, local Councillors, consultations, and direct contact with the Council, to name a few examples.

The majority of local authorities are able to communicate effectively with members of the public without needing to produce a newssheet more frequently than quarterly. Those local authorities that would be required to reduce their publication to quarterly – and it is only a small number that would be affected (the Government is aware of eleven such authorities and considers it possible that a handful of other authorities may exist) – will still be able to communicate with people with particular regions or beliefs using a quarterly newssheet, in addition to the range of other communication methods previously identified.

The Department recognises that all residents in the affected local authorities, including individuals in this protected group, will experience a change in the way in which they access information, and will less readily be able to obtain the information currently circulated in local authority newsletters published more frequently than quarterly and delivered to the door. Examples of this information for this protected group are calendars including events such as religious events or celebrations. However, the Department considers that the potential negative impact arising from the change in which those individuals in this group receive information, will be effectively dealt with by the other communication channels that a Council can use, targeted communications of the type described below, and that the information described by Councils does not tend to change more frequently than quarterly.

Local authorities do not have to rely upon a council newssheet published more frequently than quarterly to promote equality and diversity or challenge intolerance towards any group.

Nor does a local authority have to rely upon a council newssheet published more frequently than quarterly to communicate with any group of a particular religion or belief that prohibits them, for instance, accessing information via the internet. Whilst the internet is an important information disseminating tool, it is not the only one at a local authority's disposal. Local authorities can use targeted communications to communicate effectively with those in particular religious groups by working with those groups to arrange for dissemination of targeted information at, for instance, places of worship or faith schools, as well as doctor's surgeries, libraries, benefits offices and other public places, and through their partnership working with others parts of the public sector and the voluntary and community sector in particular.

Sexual Orientation

The Department has considered whether requiring principal authorities to comply with the provision in the Publicity Code that authorities limit the publication of any newssheet to once a quarter will have a potential differential negative impact upon groups of persons by reason of their sexual orientation. The Department is of the view that there are sufficient mitigating measures which could be taken to minimise these possible adverse effects.

These local authorities have a variety of communication methods at their disposal to effectively communicate with the public and to meet the duty set out in section 149(1) of the 2010 Act. Effective communication does not depend upon the publication of a newssheet more frequently than quarterly. In addition to a quarterly newssheet, if a local authority chooses to produce one, local authorities will communicate with all their residents, regardless of their sexual orientation, through their website, paid for advertising, local Councillors, consultations, and direct contact with the Council, to name a few examples.

The Department recognises that all residents in the affected local authorities, including individuals in this protected group, will experience a change in the way in which they access information, and will less readily be able to obtain the information currently circulated in local authority newsletters published more frequently than quarterly and delivered to the door. Examples of this information for this protected group are calendars

including events such as LGBT Pride. However, the Department does not consider that this will necessarily lead to a potential negative impact arising from the change in upon which those individuals in this group receive information, given this can be effectively dealt with by the other communication channels that a Council can use and that the information described by Councils does not tend to change more frequently than quarterly.

Moreover, local authorities do not have to rely upon a council newssheet published more frequently than quarterly to promote equality and diversity or challenge intolerance towards any group.

Gender

The Department has considered whether requiring principal authorities to comply with the provision in the Publicity Code that authorities limit the publication of any newssheet to once a quarter will have a potential differential negative impact upon groups of persons by reason of their gender. The Department is of the view that there are sufficient mitigating measures which could be taken to minimise these possible adverse effects.

These local authorities have a variety of communication methods at their disposal to effectively communicate with the public and to meet the duty set out in section 149(1) of the 2010 Act. Effective communication does not depend upon the publication of a newssheet more frequently than quarterly. In addition to a quarterly newssheet, if a local authority chooses to produce one, local authorities will communicate with all their residents, regardless of their gender, through their website, paid for advertising, local Councillors, consultations, and direct contact with the Council, to name a few examples.

The Department recognises that all residents in the affected local authorities, including individuals in this protected group, will experience a change in the way in which they access information, and will less readily be able to obtain the information currently circulated in local authority newsletters published more frequently than quarterly and delivered to the door. Examples of information for this protected group include raising awareness of gender specific health risks and support for lone parents, who tend to be women. However, the Department considers that the potential negative impact arising from the change in which those individuals in this group receive information can be effectively dealt with by the other communication channels that a Council can use and that the information described by Councils does not tend to change more frequently than quarterly.

Moreover, local authorities do not have to rely upon a council newssheet published more frequently than quarterly to promote equality and diversity or challenge intolerance towards any group.

Marriage and civil partnership

The Department has considered whether requiring principal authorities to comply with the provision in the Publicity Code that authorities limit the publication of any newssheet to once a quarter will have a potential differential negative impact upon groups of persons by reason of their marital or partnership status. The Department is of the view that there are sufficient mitigating measures which could be taken to minimise these possible adverse effects.

These local authorities have a variety of communication methods at their disposal to effectively communicate with the public to and meet the duty set out in section 149(1) of the 2010 Act. Effective communication does not depend upon the publication of a newssheet more frequently than quarterly. In addition to a quarterly newssheet, if a local authority chooses to produce one, local authorities will communicate with all their residents, regardless of their marital or relationship status, through their website, paid for advertising, local Councillors, consultations, and direct contact with the Council, to name a few examples.

The Department recognises that all residents in the affected local authorities, including individuals in this protected group, will experience a change in the way in which they access information, and will less readily be able to obtain the information currently circulated in local authority newsletters published more frequently than quarterly and delivered to the door. The Department is not aware of examples of information that would be particularly relevant to those in this protected group. However, the Department considers that the potential negative impact arising from the change in which those individuals in this group receive information can be effectively dealt with by the alternative methods of communication available to local authorities.

Moreover, local authorities do not have to rely upon a council newssheet published more frequently than quarterly to promote equality and diversity or challenge intolerance towards any group.

Summary

In summary, the Department recognises that it may be the case that some groups in the community who share certain protected characteristics may less readily be able to obtain the information included in local authority newsletters that are published by the local authority more frequently than quarterly, if publication of those newsletters is restricted to quarterly.

However, the Department considers that it is open to a local authority to effectively communicate as necessary with the public, including those in protected groups, about the services and other matters that are the responsibility of the council without publishing newssheets more frequently than quarterly. Examples of such means of communication include distributing information directly through council offices, libraries, doctor's surgeries, leisure centres, nurseries, schools, web sites, e mail and social media, through community care workers and social workers and through partnership working with other parts of the voluntary and community sector.

Creating an environment conducive to the flourishing of an independent press is beneficial to a healthy democracy. A healthy independent press helps to ensure that local authorities address the needs of protected groups both by holding local authorities directly to account and giving the public, including those in protected groups, the information they need to hold their authority to account.

Who has responsibility for developing these policies?

Paul Rowsell, Deputy Director, Democracy
Steve McAllister, Conduct and Council Constitutions Team Leader

Ruth Miller, Local Public Service Reform Team Leader

Are there any EU or other statutory regulations that need to be adhered to regarding equalities?

Equality Act 2010.

The following summary will be analysed and used as evidence which you considered in demonstrating due regard to the Public Sector Equality Duty. Have you used information from any of the following sources when developing policies?

Throughout the policy development process the Department has had regard to the consultation³, and the consultation responses⁴ to both the 2010 consultation on the Code of Recommended Practice on Local Authority Publicity, which led to the publication of the new Code in March 2011⁵, and to the consultation⁶, and the responses to the consultation on protecting the independent press from unfair competition⁷.

The Local Government Association and the National Association of Local Councils were both consulted on the proposed revisions to the Publicity Code, and the attention of each principal authority in England was drawn to the proposed revisions, with a consultation paper and proposed revised Code placed on the Department's website. Over 350 consultation responses were received from organisations, local government, publishers, newspapers and members of the public.

In addition to the consultation exercise run by the Department, the Communities and Local Government Select Committee conducted an inquiry into the Publicity Code, reporting its findings on 27 January 2011. The Department has had regard to that report⁸ in developing its policy of enforcing the Code.

³ Code of Recommended Practice on Local Authority Publicity consultation September 2010
<https://www.gov.uk/government/consultations/local-authority-publicity-code>

⁴ Code of Recommended Practice on Local Authority Publicity consultation Government response February 2011
<https://www.gov.uk/government/consultations/local-authority-publicity-code>

⁵ Code of Recommended Practice on Local Authority Publicity March 2011
<https://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity>

⁶ Protecting the independent press from unfair competition consultation April 2013
<https://www.gov.uk/government/consultations/protecting-the-independent-press-from-unfair-competition>

⁷ Protecting the independent press from unfair competition Government response to the consultation May 2013
<https://www.gov.uk/government/consultations/protecting-the-independent-press-from-unfair-competition>

⁸ Communities and Local Government Committee report on Proposed Code of Recommended Practice on Local Authority Publicity January 2011
<http://www.publications.parliament.uk/pa/cm201011/cmselect/cmcomloc/666/666.pdf>

The Department has also had regard to the Impact Assessment⁹ and Explanatory Memorandum¹⁰ for the Code of Recommended Practice on Local Authority Publicity.

The 2013 consultation on protecting the independent press from unfair competition resulted in responses from the Local Government Association, the National Association of Local Councils, from the Newspaper Society, two local newspapers, 68 principal councils and from others including journalists, councillors and members of the public.

The Department has also had regard to representations made by the London Borough of Enfield, the Royal Borough of Greenwich, the London Borough of Hackney, the London Borough of Hillingdon, the London Borough of Lambeth, Luton Borough Council, the London Borough of Newham, North Somerset Council, the London Borough of Waltham Forest and the London Borough of Tower Hamlets in response to written notices served on those authorities that the Secretary of State proposes to exercise his powers under Section 4A of the Local Government Act 1986 to direct the authority to comply with the provisions in the Publicity Code that where local authorities commission or publish newsletters, newssheets or similar communications, they should not issue them more frequently than quarterly.¹¹

The notice reminded the authority that they make written representations to the Secretary of State about the proposed direction, and each authority was expressly invited to consider their public sector equality duty.

In summary, the points that each authority made were:

London Borough of Enfield

- Protected groups, which are over-represented in Enfield's deprived areas, are most in need of information, which they currently get from 'Our Enfield', the Council's magazine.

Royal Borough of Greenwich

- 'Greenwich Time', the Council's weekly newspaper, is effective at reaching residents from BME backgrounds in comparison to local commercial newspapers
- Distributed to wards that are amongst the most deprived in the country, to which local commercial newspapers do not entirely deliver, thereby allowing the Council to communicate with these residents
- Allows the Council to fulfil the duty to tackle prejudice and promote understanding
- Restricting the Council to quarterly publication of Greenwich Time will have very significant implications for the ability of various groups who share protected characteristics (including, but not limited to, race, religion, disability and sex) within the borough to access information, including the information that they need to access services effectively.

⁹ Code of Recommended Practice on Local Authority Publicity Impact Assessment February 2011
<https://www.gov.uk/government/publications/local-council-publicity-code-impact-assessment>

¹⁰ Code of Recommended Practice on Local Authority Publicity Explanatory Memorandum March 2011
<https://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity>

¹¹ Letters sent to local authorities about compliance with the code of practice on local authority publicity
<https://www.gov.uk/government/collections/code-of-practice-on-local-authority-publicity>

London Borough of Hackney

- Protected groups need information, which they get from 'Hackney Today', the Council's fortnightly newssheet', in particular those subject to digital exclusion (including the Charedi Orthodox Jewish population), the elderly, disabled people, ethnic groups, religious groups
- Other relevant demographics are those in social housing, the unemployed, those experiencing health inequalities, those with very high levels of health problems such as mental health, obesity and under-immunisation, and the more than 40 per cent of children living in poverty
- The Council use 'Hackney Today' to promote equality and diversity

London Borough of Hillingdon

- 'Hillingdon People', the Council's monthly magazine, reaches out to a very significant number of individuals and groups in the borough who have protected characteristics and in its absence, they will less readily have access to important local information and hence be adversely affected (examples of promoting services to elderly residents and Hillingdon People available as a recording and in large print)

London Borough of Lambeth

- 'Lambeth Talk', the Council's monthly magazine, provides useful information about a range of services and supports key outcomes around health and wellbeing
- Considerable diversity in the borough and 'Lambeth Talk' allows the Council to support community resilience and have regular contact with different communities
- Council best placed to recognise and judge how to respond to that need

Luton Borough Council

- Content of 'Lutonline', the Council's magazine, reflects diversity of Luton and so plays important role in celebrating that diversity, so to lose the ability to reach every household with these messages would inhibit ability to meet equality duty

London Borough of Newham Council

- Local circumstances (diversity, deprivation, population churn) mean that a frequent newsletter (the 'Newham Mag') is required to ensure residents, in particular from protected groups, are able to access information
- These groups least likely to access information by other means

North Somerset Council

- Groups would find it harder to access information, especially given the largely rural aspect and current deficiencies in modern technology

London Borough of Waltham Forest

- Unique demography that justifies differential approach (diverse population, English as a second language, high population churn)
- Readership breakdown demonstrates read by protected groups, who find 'Waltham Forest News', the Council's magazine, useful (ethnic minorities, disabled)
- No other way that the Council can effectively reach its diverse population and promote community cohesion whilst reducing the risk of radicalisation (promote equality of opportunity and foster good relations)

London Borough of Tower Hamlets

- 'East End Life', the Council's weekly newspaper, is published in additional languages and market research has shown that it has a high degree of penetration into racial and ethnic communities which are otherwise hard to reach
- Used to promote community cohesion and to eliminate discrimination

Have you discovered any of the following and as a consequence taken actions on identified equality issues?

The Department has assessed the potential negative differential impacts to persons with the protected characteristics of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sexual orientation, gender or marriage and civil partnership. Given the alternative methods of communication available to local authorities, the Department considers that the potential negative differential impact may be effectively mitigated.

When your policies are finally implemented which groups are most likely to benefit?

The Department considers that all persons, including those with the protected characteristics of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sexual orientation, gender and marriage and civil partnership will benefit from the securing of 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.

In considering the above information have any gaps in data or equalities information been identified?

The Department has identified no gaps in data or equalities information.

Overall, can you make an assessment of the potential of this policy; programme/service to have a substantial equalities impact on discrimination, fostering good relations or advancing equality of opportunity? Please try to limit your answer here to less than an A4 page.

Enforcement of the provisions in the Publicity Code, that is, the Secretary of State using his powers under Section 4A of the 1986 Act to direct a local authority to comply with one, some or all of the provisions in the Code is not expected to have any substantial equalities impact on discrimination, fostering good relations or advancing equality of opportunity.

This analysis was undertaken by Steve McAllister and Ruth Miller.

Advice sought from Wendy Russell Barter.

SCS sign off: Paul Rowsell

I have read the available evidence and I am satisfied that this demonstrates compliance, where relevant, with Section 149 of the Equality Act 2010 and that due regard has been made to the need to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations.