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Mr Paul Rowsell  
Deputy Director - Democracy  
Department of Communities and Local  
Government  
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29 September 2014

Email: [ConductCode@communities.gsi.gov.uk](mailto:ConductCode@communities.gsi.gov.uk)

Dear Mr Rowsell

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

Thank you for your letter of 25 September 2014 to Mr Tim Shields, enclosing a further notice of a proposed direction under section 4A of the Local Government Act 1986.

It is a matter of concern that, despite nearly 5 months having passed since this Council made detailed representations in response to the notice given earlier this year, this new notice (which appears to be largely in standard form) makes so little attempt to engage with those previous representations, and does not answer any of the legitimate questions which they raised.

It is also a matter of concern that CLG continues to issue press releases which strongly indicate bias and predetermination of the issues.

In order for the Council to have a fair opportunity to make representations in response to the latest notice, we require clarification of certain points.

First, the notice makes it clear that the sole reason for the proposed direction is alleged concern that more frequent than quarterly publication of Hackney Today is “damaging to



the continuation of local independent media" or not "conducive to the flourishing" of such media. The Council's representations dated 29 April 2014 gave detailed reasoning as to why in our view there is no evidence for such an effect, nationally or in Hackney in particular. This is evidently a key issue. If the Secretary of State considers that there is such evidence, we require sight of that evidence, or details of precisely what it is, so that we can make representations in relation to it. If the Secretary of State does not respond to this request, we shall proceed on the basis that it is accepted that there is no such evidence. We shall also proceed on the basis, unless you identify what is not accepted and why, that the Secretary of State accepts the factual accuracy of everything said under the heading "Unfair competition with local newspapers?" in our previous representations.

We note also that the Secretary of State has not responded to the point made in our previous representations, that we did not know what there was in the consultation responses previously supplied that the Secretary of State was minded to accept and was considered to be relevant to the Council's case. Again, if no such material is identified now, so allowing us to address it in representations, we shall assume that there is none.

Secondly, we note that the press release issued by CLG refers to local authority freesheets as "a waste of taxpayers' money". Please confirm that the Secretary of State accepts as a matter of fact what is said in our previous representations under the heading "Waste of resources?", including in particular that to reduce the publication of Hackney Today to a quarterly basis would entail a net additional cost to the Council of not less than approximately £100,000 per annum. If that is disputed, please make clear on what basis, so that we may address the point in our representations.

Thirdly, we note that you have not responded to the request in our previous representations to set out clearly the Government's position concerning the publication of statutory notices. If you do not do so now, with details of the likely nature and timetable of any changes, we shall proceed on the basis that no such change is likely for the foreseeable future.

Fourthly, the notice does refer to the contention in our previous representations that reduction to quarterly publication would, in the particular circumstances of our borough, hamper the Council's ability to provide regular, timely information about local services and opportunities, in a manner that would impact disproportionately on certain groups. The notice states that the Secretary of State believes that it is open to a council (and, presumably, this Council) to communicate effectively with the groups concerned without publishing a newssheet more frequently than quarterly.

Please would you clarify what are the specific means by which the Secretary of State believes that the Council could avoid the consequences set out at pages 6 and 12-14 of our previous representations, in particular for those in the local community who are without ready internet access. Again, it is clearly necessary to have this information in order to make effective representations in response to the present notice. We would also





invite you to clarify the meaning of the sentence in the last paragraph of the notice, relating to representations, which says: "The Council are invited to expressly consider their public sector equality duty." In that connection we invite you to state whether CLG itself has yet prepared any (draft) equality impact assessment in respect of the contemplated directions, and (if so) to provide us with a copy.

We shall of course expect the period for making representations to run only from your substantive response to this letter, containing the material which we need to address. Given the time which the Secretary of State has taken to issue this notice since the previous correspondence, any refusal on his part to proceed on this basis would obviously be entirely unreasonable and unfair. Whether 14 days is in fact a sufficient period for the making of representations will depend upon the content of the response.

Finally, we note that the notice indicates that the Secretary of State proposes "to direct the London Borough of Hackney to consider the direction within 14 days and provide written confirmation to [CLG] of that consideration." Please would you identify the power under which the Secretary of State is entitled to give such a direction.

I shall look forward to hearing from you.

regards.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Gifty Edila', written over a faint circular stamp.

Gifty Edila  
Corporate Director for Legal, HR and Regulatory Services



