

From: Mark Hynes [REDACTED]
Sent: 13 December 2016 14:44
To: Conduct Code
Cc: Martin Esom; Cllr Chris Robbins; [REDACTED] Alex Powell; [REDACTED]
Subject: Waltham Forest News

Dear Sirs

I write in connection with the letter dated 2 December 2016 from Alex Powell to the Council's Chief Executive Martin Esom, which has been passed to me to respond to given the legal implications of a threat of a Direction being issued. The Council is extremely disappointed that despite the detailed representations made to the Secretary of State in the letter from my predecessor Helen Sidwell on the 19th May 2016, (which itself referenced a further 4 earlier letters to yourselves on the matter dating as far back as 29th April 2014), that the Council has yet again been threatened with a Direction from the Secretary of State. The Council has taken leading Counsel's advice and our position remains that if the Secretary of State were minded to issue a Direction under s 4A of the Local Audit and Accountability Act 2014, requiring the Council to comply with paragraph 28 of the Local Authority Publicity Code 2011 ("the Code"), we would consider any such direction unlawful and unless compelled to do so by court order, would not seek to comply with any such direction.

The Authority is obliged to have regard to the Code. They are under no obligation to comply with it, provided at any rate that they have considered and understood the Code and have cogent reasons for departing from it. The Council has given proper consideration to the Code, and has decided to depart from paragraph 28 for reasons that are perfectly cogent and have been previously explained.

Yours sincerely

Mark Hynes
Director of Governance and Law
London Borough of Waltham Forest

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