

Dear Mr Powell

Further to our previous correspondence, I am now writing to set out the further information that this Council needs to receive in order to respond to the Secretary of State's notice of a proposed direction. References below to paragraph numbers are to the paragraphs of the letter from DCLG dated 6 November 2017 ("the Letter"), originally purporting to be a direction, and now to be treated as a notice of a proposed direction.

1. The Letter is expressed in terms of the view taken by "the Secretary of State". Was the decision to issue the Letter taken by the present Secretary of State personally, or by some person on his behalf (and, if so, who was that?). The remainder of this letter refers to the Secretary of State, but those references should be taken as being or including references to the actual decision-maker, if different.

2. Please explain why the Secretary of State has issued the Letter now, not having issued a direction on the several previous occasions when representations have been made in answer to notices? What, if anything, does the Secretary of State think has changed? Why has the Secretary of State at this stage taken action against only some of the authorities which publish more frequently than quarterly?

3. Please identify what material was before the Secretary of State when deciding to issue the Letter. It will be sufficient to list the material at this stage – if there is anything else of which we require copies, I will let you know. We will be assuming, unless informed otherwise, that the same material (and no other material, apart from representations from ourselves and no doubt Hackney) will be before the Secretary of State when he comes to consider our response to the Letter.

4. Paragraph 10 of the Letter refers to an August 2017 London Assembly report, and quotes a passage from it. We have the published copy of the report. Our queries are –

(a) Is the quoted passage the only part of the report that the Secretary of State regards as relevant?

(b) What is the Secretary of State's understanding of the evidential basis for the statements made in the quoted passage?

5. In relation to the statements in paragraph 11 of the Letter that "more or wider circulating local newspapers would be available in the borough if the Council did not publish its own newspaper more frequently than quarterly" and that "other markets would probably develop for alternative media that would otherwise have been deterred by the existence of a Council newssheet published fortnightly", these are evidently of significance to the Secretary of State's reasoning, so it is essential that we understand correctly what they mean, and the basis for them. Are these predictions based upon anything other than supposition, and (if so) what? In this Council's case, what sort of additional local newspapers does the Secretary of State think would become available (paid for or free? published how frequently?), and which ones would circulate more widely? What exactly is meant by the reference to

“other markets . . . for alternative media”? Please also provide the article referred to in the last sentence of paragraph 11.

6. Does it remain the government’s policy that the sale of advertising space on websites or in other media by local authorities is appropriate and/or to be encouraged?

7. Paragraph 13 of the Letter deals with the issue of statutory notices. It is indicated that the Secretary of State is not yet wholly convinced by the Council’s arguments about value for money. So that we are clear, are the Secretary of State’s doubts about value for money a positive reason for proposing to make a direction, or is the significance of this point said to be simply that value for money considerations do not outweigh the other reasons for being minded to make a direction?

8. Also in relation to statutory notices, please provide us with any reports on, or analysis of, the pilot schemes for alternative approaches in (we believe) 24 areas that DCLG sponsored or encouraged in 2015.

9. Has the Secretary of State, or anyone else on behalf of the government (including any special advisors), had any meetings or correspondence with newspaper owners or other media interests in relation to this issue? If so, please provide the correspondence and/or notes of meetings.

10. When issuing the Letter, was the present Secretary of State aware of –

(a) The 2011 Select Committee recommendation for an independent review of the impact of local authority publications on other media; and

(b) The indication when the 2011 Code was published that there would be a review of its operation after 2 to 3 years?

If so, are we correct in assuming that there have been no such reviews? If that is wrong, please provide details. If it is right, why did the Secretary of State consider them to be unnecessary?

11. Finally, would you please confirm that the Secretary of State is content for us to obtain and make use of material that he produced for the purposes of the litigation involving Greenwich, even if implied restrictions upon doing so might otherwise exist?

I look forward to hearing from you.

Regards

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