

Member 4A

From: Justin Griggs [REDACTED]
Sent: 03 May 2013 20:15
To: [REDACTED]
Subject: NALC response to consultation on Protecting the independent press from unfair competition
Importance: High
Attachments: Protecting The Independent Press From Unfair Competition.doc

Please find attached the National Association's response to the consultation on Protecting the independent press from unfair competition.

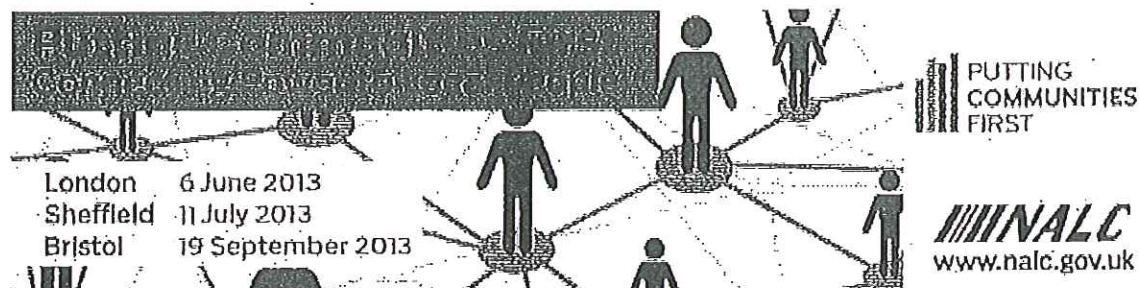
Regards,

Justin

JUSTIN GRIGGS
HEAD OF POLICY AND DEVELOPMENT

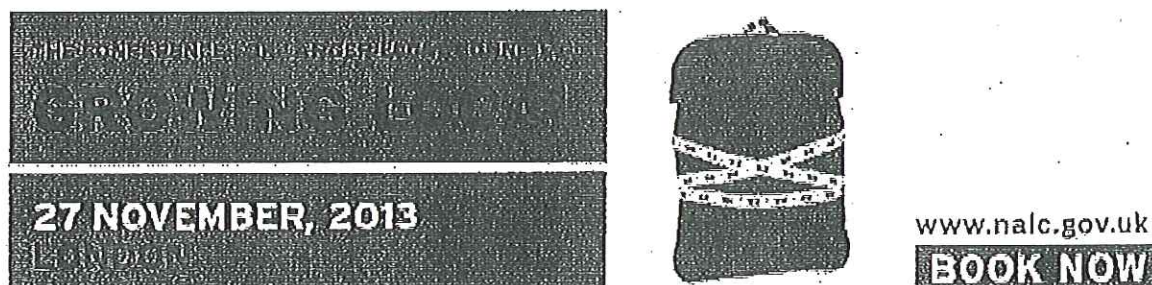
NATIONAL ASSOCIATION OF LOCAL COUNCILS
109 Great Russell Street
London WC1B 3LD

Submit your ideas and get involved: <http://whatnextforlocalism.org>
Follow me on Twitter: <http://twitter.com/JustinGriggs>
Or visit my blog: <http://nalcjustin.wordpress.com>
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Read LCR, our flagship magazine: <http://lcronline.org.uk>
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The image shows the NALC logo on the right, which includes the text "PUTTING COMMUNITIES FIRST" and "NALC www.nalc.gov.uk". To the left of the logo is a network diagram with several stylized human figures connected by lines. Below the diagram, a list of dates and locations is provided:

Location	Date
London	6 June 2013
Sheffield	11 July 2013
Bristol	19 September 2013



The image shows a book cover for "GROWING LOCAL" on the left, with the date "27 NOVEMBER, 2013" and the location "LONDON" below the title. To the right of the book cover is a small image of a book with a white ribbon tied around it. Below the book cover, the NALC logo is displayed, including the text "PUTTING COMMUNITIES FIRST" and "NALC www.nalc.gov.uk". Below the logo, the text "BOOK NOW" is written in a bold, black box.

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16/05/2013

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CB/JG/020513/Protecting The Independent Press From Unfair Competition

2 May 2013

Publicity Code Consultation
Council Conduct and Constitution Team
Department for Communities and Local Government
3/J1 Eland House
Bressenden Place
London SW1E 5DU

Dear [REDACTED]

**RESPONSE TO THE COMMUNITIES AND LOCAL GOVERNMENT CONSULTATION ON
PROTECTING THE INDEPENDENT PRESS FROM UNFAIR COMPETITION**

I am writing in response to your consultation on proposals "to protect the independent press from unfair competition by introducing legislation providing the Secretary of State with powers to make directions requiring one or more local authorities to comply with some or all of the Code of Recommended Practice on local authority (the publicity code) recommendations".

The National Association of Local Councils (NALC) is the nationally recognised membership and support organisation representing the interests of around 9,000 parish and town councils and many parish meetings in England. Our councils serve over 15 million people in places ranging from small rural communities to large towns and small cities.

Summary

The National Association's main concerns on the proposals contained in the consultation are set out below:

- there is no evidence parish and town council publications such as newsletters are competing unfairly with local newspapers, therefore there are no reasons the code should be put into primary legislation;
- the existing code provides for the Secretary of State to take action against a parish or town council if there is evidence they have breached the code and to our knowledge there have been no breaches or any action taken;
- the proposal to introduce legislation giving more powers to the Secretary of State is anti-localist, flies in the face of localism and is a threat to local democracy and its already in-built accountability to local people;
- we do not support the Secretary of State having further powers to determine the frequency or require compliance regarding the content of parish and town council publications such as newsletters;
- parish and town councils should not be restricted or prevented from raising concerns with Government, parliamentarians and other decision-makers through the proposals on lobbying;

- we do not support Parliamentary time being taken up putting the existing code into legislation and this time would be put to better use reforming outdated legislation to help parish and town councils do their job more efficiently and effectively.

Issues

In response to the specific questions asked in the consultation, our responses are outlined below. In developing our response we have consulted and drawn upon the expertise and practice of 9,000 parish and town councils and 38 county associations of local councils.

We are concerned about the timing of the consultation, in particular it taking place during local government elections (at both county council and parish and town council level) which contravenes Government's own principles for conducting consultations.

As a precursor to the questions it is our strong view parish and town councils should not be restricted from publishing information such as newsletters to local residents less frequently than monthly. The Department for Communities and Local Government currently supports the Quality Parishes Scheme which as an initiative to set standards of practice in parish and town councils requires them to publish information at least 4 times a year. The scheme is currently being reviewed and the Department through officials are contributing to this review.

Question 1: Views on the proposed legislation are invited, and in particular do consultees see the proposals as fully delivering the commitment to give greater force to the Publicity Code by putting compliance on a statutory basis?

There is no evidence parish and town council publications such as newsletters are competing unfairly with local newspapers, therefore there are no reasons the code should be put into primary legislation.

The existing code already provides for the Secretary of State to take action against a parish or town council if there is evidence they have breached the code and to our knowledge there have been no breaches or action taken.

Despite many of the Government's positive ambitions for parish and town councils under the localism agenda, the proposal to introduce legislation giving more powers to the Secretary of State is anti-localist, flies in the face of localism and is a threat to local democracy and its already in-built accountability to local people.

The Government should recognize there are many commercial and other reasons why local news papers in this country are failing, largely because of the advent of social media and electronic communications, so should explore other avenues to encourage the growth of local newspapers and how to best support them.

Question 2: If there is alternative to the power of direction, how will this meet the aim of improved enforcement of the code?

There is no need for an alternative to the current Code. We agree that local authority publications, including those of parish and town councils, should be objective, and that party politics should remain absent.

Obviously given the current financial climate, the National Association is not opposed to guidance the Code gives on cost-effectiveness. Indeed – like many principal authorities – parish and town councils do not have the resources to advertise and inform the public by paying to publicise in the local press.

Question 3: This consultation invites evidence of the circumstances where the code was not met and the implications of this on competition in local media.

The National Association is not aware of any examples where a parish or town council has breached the code.

Conclusion

The National Association does not support the proposals set out in the consultation as they are anti-localist, fly in the face of localism and serve as a threat to local democracy.

There is no evidence parish and town council publications are competing unfairly with local newspapers, or are breaching the current code, therefore there are no reasons the code should be put into primary legislation.

Furthermore, we do not support the Secretary of State having further powers to determine the frequency or require compliance regarding the content of parish and town council publications.

Parliamentary time should not be taken up putting the existing code into legislation. Instead of being used to bring in new 'Henry VIII law's', any Parliamentary time would be put to better use reforming outdated legislation to help parish and town councils do their job more efficiently and effectively. This would include reforms to rules governing the way parish and town councils can make payments, the electronic despatch of agendas, allowances to co-opted councillors and also on parish polls.

I hope that the Department finds this submission helpful.

Should you require any further information on this matter then please do not hesitate to contact me on [REDACTED] or via email at chris.borg@nalc.gov.uk

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Chris Borg'.

CHRIS BORG

POLICY AND DEVELOPMENT MANAGER

