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From: [REDACTED]@com
Sent: 06 May 2013 19:52
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Cc: stuart.godfrey@ [REDACTED], sarah.mcnamara@ [REDACTED]
Subject: Royal Borough of Greenwich's Response to DCLG Consultation on the Publicity Code
Attachments: Publicity code-1.doc; Distribution maps.pdf
[REDACTED]

Please find attached our response to the DCLG's consultation on the Publicity Code.

I would be grateful if you could confirm receipt of this email, copying in all the Royal Greenwich email addresses above.

Thanks,

Stuart Godfrey
Head of Communications
Royal Borough of Greenwich

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16/05/2013

Response form

Publicity Code Consultation 2013

About you

i) Your details

Name:	Stuart Godfrey
Position (if applicable)	Head of Communications
Name of Organisation (if applicable)	Royal Borough of Greenwich
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ii) Are the views expressed on this consultation an official's response from the organisation you represent or your own personal views?

Organisational response

☒

Personal views

☐

iii) Please tick the box which best describes you or your organisation:

District council	
Metropolitan district council	
London borough council	X
Unitary authority/county council/county borough council	
Parish council	
Membership organisation	
Newspaper proprietor	
Newspaper staff	
Business	
Councillor	

Member of the public	
Other	

(please comment):	
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Questions:

1. Introduction

- 1.1 Over the last decade, Greenwich Time has been part of a changing Council communications service in Greenwich. This has focussed on reducing costs and widening access to Council news and information. In doing so, the production of the paper accords with the demands of political neutrality.
- 1.2 Greenwich Time (GT) was launched by The Royal Borough of Greenwich in 1984. It was intended to provide news and information about the Council to all householders and was produced twice monthly for 10 months of the year and once in December and August.
- 1.3 In 2008 the Council began to publish GT on a weekly basis following persistent complaints from local residents that notifications of highways, planning and licensing applications were not received by them. Detailed meetings with the publishers of the main newspapers in the borough were held to request that they increase distribution across the whole borough.
- 1.4 Further subsequent meetings have taken place with local publishing groups at which they have reiterated that they would be unable to deliver either their own papers carrying Council information, or GT, to every home in the borough at present.
- 1.5 The Council has a statutory requirement to publish certain types of information, including notices of planning and licensing applications and highways and parking proposals. Many of these require weekly notification.
- 1.6 The Council had become aware that the publishers of weekly newspapers published statutory notices at considerable cost to local authorities and their taxpayers.

- 1.7 As discussions with the publishers of weekly papers failed, the Council decided to act and has in the process saved Royal Borough of Greenwich taxpayers around £1.5m per annum over the past five years which it has passed back to Council Tax payers in the form of five consecutive freezes.
- 1.8 In addition, the Council has utilised Greenwich Time to advertise Choice Based Lettings for Council housing, employment opportunities with the council and to provide notices of meetings, each of which it has also sought to promote on a weekly basis.
- 1.9 Additional services and opportunities are advertised for issues such as Foster Carers, Adoptions, community consultation etc.
- 1.10 GT is the only local, weekly, newspaper which is written by reporters based in the borough and which is focussed exclusively on Greenwich. In that respect, there is no other local, weekly, paper as the main papers in Greenwich cover several boroughs and are part of large newspaper groups.
- 1.11 Moreover, no other publication is currently distributed to the whole borough to ensure statutory notices reach all households and there is therefore no more cost effective mechanism for doing so than the Council producing GT.

2. Distribution

- 2.1 A priority for the Council is to deliver GT to all households in the borough in order to provide equity of access. As the paper carries local jobs and choice based lettings we make strenuous efforts to distribute the paper as widely as we can.
- 2.2 In the past, GT has been delivered with other papers and despite our best efforts distribution rarely increased above 60%.
- 2.3 In addition to door-to-door delivery, GT is also available from 75 agreed locations including local shops, leisure centres, libraries and doctor surgeries. GT can be downloaded free of charge from the council's website. It is made available on tape by local charity Talking Newspapers for people with visual impairments. The online version also has a read aloud option.

3. Advertising

3.1 GT has carried local advertisements since its inception.

3.2 The paper carries a number of different types of adverts:

- Council advertisements
- Private advertisements
- Partner advertisements from public sector bodies.

3.3 Council Adverts fall into a number of categories:

- Council jobs.
- Public health notices.
- Display ads.
- Statutory Notices.

3.4 Advertisements from private organisations are largely from small businesses advertising their services, but they also advertise any job vacancies and details of any license or planning applications they have made to the council.

4. Costs

4.1 The Council has worked hard to produce GT at the best possible price since it was first developed. In 2008 a hub was developed across a number of London boroughs to negotiate both print and distribution collectively and so benefit from the economies of scale in operating across a wide area. This cost saving measure would need to end should this legislation go through, thus increasing costs for local residents. The development of a weekly publication and a successful distribution rate of around 95% has enabled the Council to benefit financially in at least three ways:

- a. It secures a wider dissemination of information to residents (c.95%) compared to the 60% coverage achieved when distributed with other publications.
- b. Costs are substantially lower – the council saved over £2.3m in advertising costs during 2012/13.
- c. The print contract secured for GT permits this to be expounded across the council to drive further savings in print, publication and distribution costs.

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?

The Royal Borough of Greenwich believes the proposed legislation is misconceived. Compliance with the Publicity Code is already on a statutory basis. The Code is statutory guidance issued under section 4 Local Government Act 1986. Should anyone consider that the Authority has failed to have regard to the Code in coming to a decision on publicity, they may challenge that decision, either by way of judicial review or by way of an objection to the District Auditor.

The legislation being proposed is contrary to the government's commitment, restated in its Mid-Term Review, to put counties, cities, towns, villages, neighbourhoods and citizens in control of their own affairs. The government states that accountability is a central part of that process, and local authorities should be accountable to their local communities and local taxpayers when it decides how and when to publish information concerning its functions and communities.

Indeed the proposal represents a very considerable extension of direct Central Government control over local authorities. The Department's priorities are set out in its Structural Reform Plan which sets out the following objective:

4.3 Develop options to free local government from central control, including guidance, rules and funding mechanisms imposed by central departments.

Accordingly, adhering to this proposal would be directly contrary to the Department's expressed objective of Localism by seeking a statutory power to enforce guidance.

When Parliament enacted Section 27 of the Local Government Act 1988, it recognised that decisions on effective local authority publicity had to be taken locally, and that it was therefore appropriate to issue guidance, to which an authority must have regard in a local context. However it was also noted that it was not appropriate to incorporate the provisions covered by the Code into statute. The proposed power of direction is a back-door means to convert the general wording of the Code into quasi-statute.

Much of the information which local authorities have a duty to publish is date specific and therefore needs to be published promptly. For instance, it would serve little or no purpose to publish changes to services over bank holidays two months ahead of the date in question. It would also delay the determination of planning applications, or the introduction of road safety measures if an authority could only publish information once a quarter, or to cease to discharge a function because of an additional delay of three months in advertising and filling a vacancy. Indeed the Code provides no explanation for the limitation to quarterly publication. It is also perverse that parish Councils, which provide relatively few services, are excluded from the Code, whereas Borough Councils which provide hundreds of services are to be constrained by the whim of a Whitehall diktat to produce information only quarterly under the Code.

The proposed legislation is unnecessary if it aims to protect the independent press from unfair competition. In Greenwich, the advertising market in which GT operates is quite different from that of local newspapers. GT aims to solely secure advertising from local businesses which in general do not advertise in local newspapers. Many of the small, local businesses who advertise in GT cannot afford to advertise in other newspapers and as such these proposals threaten to damage local businesses. GT does not target advertising from car dealers and estate agents, nor does it accept advertising from escort services, massage parlours and sex chat lines. Furthermore, the Council would not wish to be seen to be condoning these advertisements by placing our own material, which will include

children's and youth provision in publications which promote these 'services'.

Many papers claiming to be 'local newspapers' are in fact part of regional or sub regional publishing groups (the Newsquest Media Group and the Tindle Newspaper Group) and as such tend to draw their advertising from a much wider geographical area. When the Council considered the new Code, it established that in editions produced during the week beginning 20 June 2011, 99% of GT's advertising space was booked by local Greenwich businesses, compared to around 34% for the Mercury and 18% for the News Shopper. The Evening Standard, which is published daily and carries local London news, is not freely available in Greenwich. There is no evidence that local newspapers face unfair competition from GT which has been produced for over 26 years – longer than many of the other local publications. What we have achieved is simple. We have delivered a cost effective solution for ensuring that information on the services we provide is disseminated to as many households as possible, which the local press are seemingly not able to do.

This is a view shared by the Communities and Local Government Select Committee report into this issue, which criticised the DCLG for producing no evidence to back up the assertion that council newspapers have damaged the local newspaper industry. Indeed it remains the case that no such evidence has been produced in order to back up the proposed legislation.

The scope of the proposed power of direction is far wider than the stated purpose of the proposed power of direction and should be limited to the intended purpose of "protect(ing) the independent press from unfair competition." The Consultation paper sets out the purpose of the power of direction as being to protect the free press from unfair competition from local authority newspapers. In fact the only paragraph of the current Publicity Code which is directed to the issue of competition is Paragraph 28, set out below:

28. Local authorities should not publish or incur expenditure in commissioning in hard copy or on any website, newsletters, newssheets or similar communications which seek to emulate commercial newspapers in style or content. Where local authorities do commission or publish newsletters, newssheets or similar communications, they should not issue them more frequently than quarterly, apart from parish councils which should not issue them more frequently than monthly. Such communications should not include material other than information for the public about the business, services and amenities of the council or other local service providers.

The proposed power of direction would extend to all parts of the publicity Code, even though the vast majority of the current Code deals with matters unrelated to competition, fair or otherwise. Accordingly, any power of direction should be limited either to the specific purpose of "protect(ing) the independent press from unfair competition", or limited to requiring compliance with Paragraph 28 of the Publicity Code.

Furthermore, the inclusion of the proposed legislation within the DCLG's Structural Reform Plan provides no justification for the proposed change. The Plan is simply an internal document which reflects the Department's priorities. It is not the subject of consultation and, indeed, the website copy of the plan has not been updated since May 2012. So the fact that this proposal is included in the plan cannot be claimed as any argument in support of the proposal.

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

As stated above, the Code may already be enforced in the same way as other statutory guidance – by way of judicial review or by way of an objection to the District Auditor.

Once granted, the power of direction could be open to political abuse. As set out above, the proposed power of direction extends beyond the expressed purpose of preventing unfair competition with the free press, and extends to all parts of the current or any future guidance. Once the power of direction has been granted, its exercise is not subject to scrutiny by Parliament, but may be exercised by the Secretary of State without any restriction or constraint.

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 Council has already established a compelling case that publishing GT weekly is cost effective, and that it is not cost effective to use the local press to purchase statutory and other notices. The Council on a weekly basis publishes statutory notices (such as planning, licensing and highways notices), job vacancies, events, opportunities for foster carers and adopters and at least four pages promoting our choice based lettings scheme which allow prospective tenants to bid for social housing. Around a third of each weekly edition is made up of Council adverts. Because publishing houses will not offer local authorities the same rates as private organisations advertising their publications, GT is by far the cheapest option for all types of Council advertising and public notices. This is not because GT has been set up to undercut the market – indeed we procure our printing from one of the local newspaper groups. However this has not prevented us from providing the most cost effective solution to the Council's need to communicate with local residents; something this Code would seek to prevent.

As well as GT being the cheapest option for advertising public notices, the Council would need to advertise in at least two commercial newspapers, such as the Mercury and the News Shopper, to achieve anything close to the reach of GT. This would result in a significant increase in expenditure at a time when budgets are already under pressure. In 2012/13, the Council saved over £2.3m in advertising costs as a result of placing adverts in GT compared to the costs it would have incurred by advertising in the two other local newspapers.

Even then, as the Appendices show, this would still leave significant areas of our borough without any distribution by these publications.

The borough wide coverage of GT, the absence of a significant mass circulation alternative and the importance of including all the Borough's diverse communities is a compelling reason to publish GT weekly. This provides equal access to all the different local communities to choice based lettings, jobs, planning, highways and licensing information and the borough's tourism economy.

When the Council considered the new Code, audited distribution figures for the Mercury and the News Shopper showed that neither paper covered large parts of the borough and indeed they often failed to deliver to local wards that were among the deprived in England. These include Woolwich Dockyard (SE18), Woolwich Common (SE18), Woolwich Riverside (SE18), Glyndon (SE18), Abbey Wood (SE2), Eltham West (SE9 5) and Thamesmead Moorings (SE28). Thamesmead and Woolwich Common have high BME populations compared to the borough average.

The News Shopper and Mercury no longer provide a breakdown of their distribution figures based upon electoral wards in their media packs. In fact it would appear that the Mercury is no longer independently audited by ABC. However at the time the Code was published, the News Shopper claimed to deliver to just 1,130 households out of approximately 12,000 households in Woolwich, and the Mercury claimed to deliver to 7,408. In Thamesmead, the News Shopper claimed to deliver to 881 households out of approximately 8,500 households, and the Mercury claimed to deliver to 5,018. Neither newspaper is understood to deliver to the new communities on the Greenwich Peninsula or in the Royal Arsenal in Woolwich. The distribution maps attached show their distribution in the borough at the time the new Code was published.

If anything, the circulation figures of the Mercury appear to have receded even further since the Code was introduced, with their media pack claiming 65,019 copies are distributed across the three boroughs

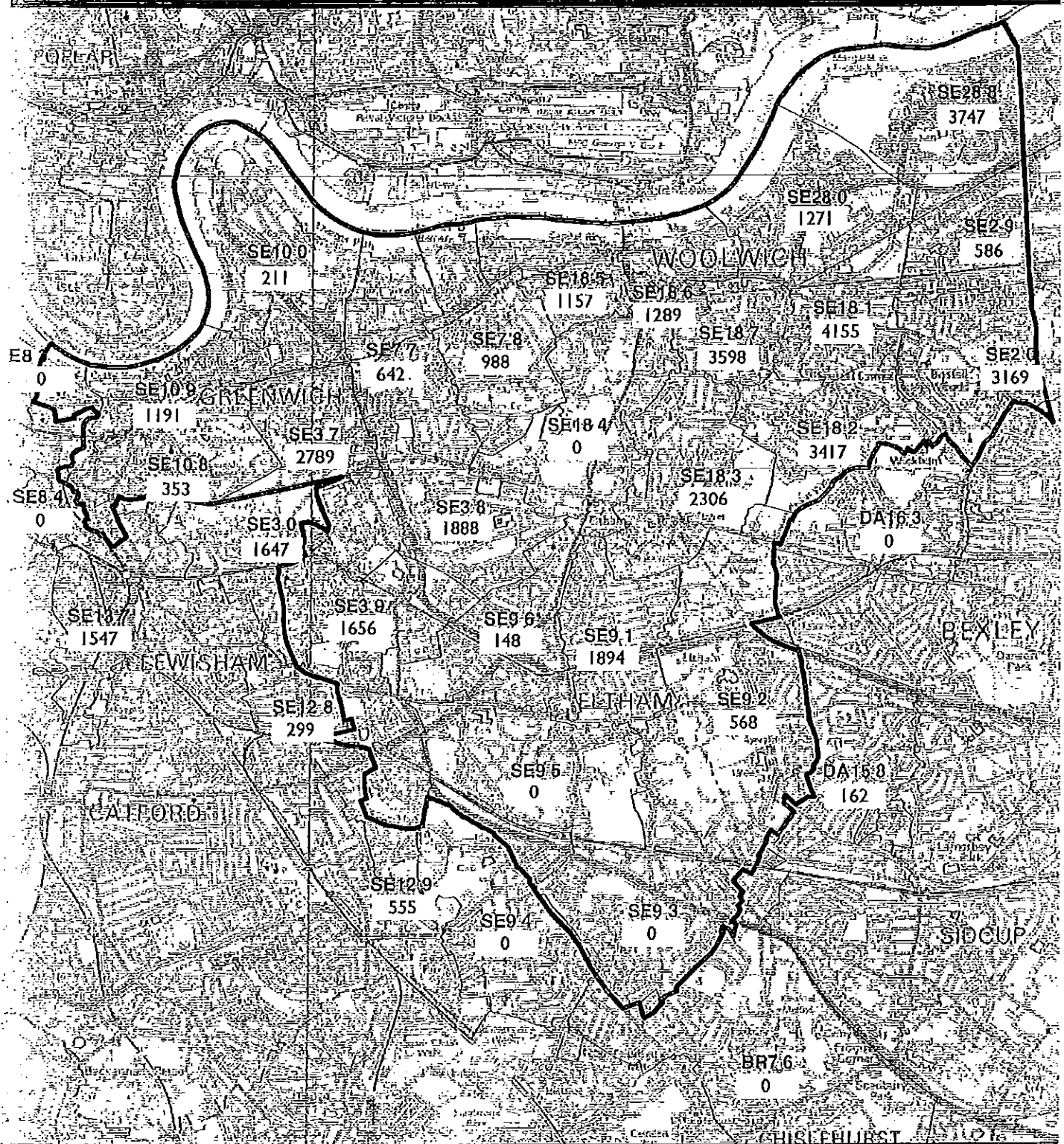
of Greenwich, Lewisham and Bexley. This equates to an average of just 21,673 households being delivered to in each borough, barely one-fifth of the households in the Royal Borough of Greenwich. Moreover, in our discussions with local publications, many explicitly stated they would not deliver to poorer districts and housing estates as this did not fit with their advertising demographic.

To conclude, the proposed Code would simply serve to increase costs for local taxpayers at a time when Council budgets are already under pressure because of the considerable cost of publishing statutory notices in local newspapers. Many local residents would no longer receive notification of statutory consultations due to poorer distribution networks and Council taxpayers in Greenwich would lose the equivalent of at least £1.5m of public money to pay for a worse service.

We agree with the Government's rhetoric that localism works best. There seems no better example of the cost and damage of Whitehall interference than this proposal.

Mercury Distribution Figures

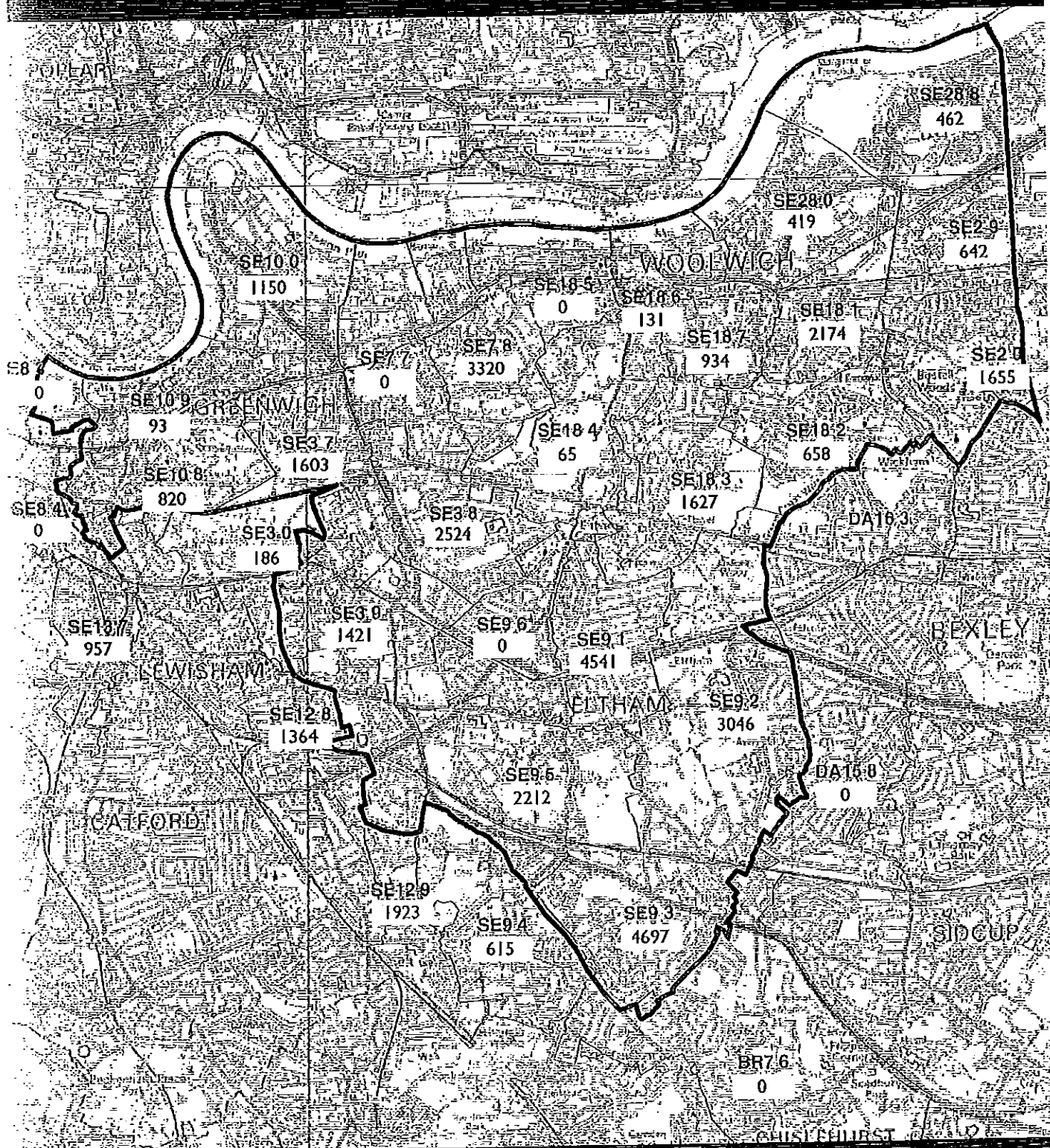
Number of copies delivered



Source: Mercury Media Pack

News Shopper Distribution Figures

Number of copies delivered



Source: News Shopper Media-Pack