



Department for
Communities and
Local Government

Daniel Fenwick
Director of Governance
London Borough of Waltham Forest
Waltham Forest Town Hall
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Walthamstow
E17 4JF

Via email
daniel.fenwick@walthamforest.gov.uk

3 October 2014

Dear Mr Fenwick,

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

Thank you for your letter of 29 September and your follow up letter of 2 October about the notice to your Authority of 25 September 2014, issued under Section 4A(5) of the Local Government Act 1986 ("the 1986 Act"). For the avoidance of doubt, the 25 September 2014 notice supersedes the notice of 16 April 2014.

The notice of 25 September sets out the basis of the Secretary of State's proposal to direct your Authority to comply with a single specified provision of the Publicity Code, namely that local authority publications should not be issued more frequently than quarterly. The notice included the Secretary of State's provisional views about matters which officers of your Authority had previously drawn to his attention. These matters included the arguments that publishing 'Waltham Forest News' at the current frequency is the most cost effective way for your Authority to meet its duties in publishing statutory notices and other publicity; that your Authority are unaware of any credible evidence to support the assertion of unfair competition with local newspapers; and that your Authority consider that the trend of 'Waltham Forest Guardian' losing readers each year was unaffected by the decision of your Authority to increase frequency of publication.

You will no doubt be aware that section 149 of the Equality Act 2010 (the public sector equality duty) does not require the Secretary of State to produce a formal equality impact

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assessment. The Secretary of State specifically addressed some potential issues in accordance with the requirements of the public sector equality duty, along with some provisional conclusions, at page 2 of the notice, and will keep the issue under careful review.

The Secretary of State considers that your Authority has all the information necessary for it to make written representations about the proposed direction to comply with the requirement to issue publications no more frequently than quarterly, including representations about the possible impact of such a direction on the Authority and those it serves, and about the possible actions that might be open to your Authority in response to those impacts.

The notice of 25 September is issued under Section 4A(5) of the 1986 Act. Section 4A(6) of the 1986 Act provides that the Secretary of State may not give a direction to an authority before the end of a period of 14 days beginning with the day on which notice under subsection (5) was given to it, in this case, 25 September 2014. We therefore confirm that the 14 day period will end on 9 October 2014. Section 4A(7) of the 1986 Act provides that the authority may make written representations to the Secretary of State about the proposed direction within that 14 day period.

As the notice explains, the policy underlying the proposal is as far as is practicable to create an environment which is as conducive as possible to the flourishing of independent and politically free local media which is an essential element of any effectively operating local democracy. It is self evident that an environment in which there are local authority newssheets is not as conducive to the flourishing of an independent press as an environment in which there are none. The availability of such newssheets means that people have less need or incentive to buy commercial media, and to the extent that the local authority newssheets attract paid advertising there is less advertising revenues for the independent media. However, the Government recognises that local authority newssheets can be an effective means for informing the public about local public services and the activities of their local authority. Accordingly, the Government's approach has been to adopt measures which strike a balance, limiting but not prohibiting local authority newssheets. The balance the Publicity Code strikes, a balance that has been approved by affirmative resolution in both Houses of Parliament, is that the newssheets of principal local authorities should be published no more frequently than quarterly.

The Secretary of State recognises that the great majority of authorities already publish their newssheets no more frequently than quarterly, notwithstanding the wide range of groups that display protected characteristics in the areas of many authorities. If your Authority considers that it should not be directed to act like that great majority of authorities and publish its newssheet no more frequently than quarterly, given the clear statement in the Publicity Code, and the notice issued on 25 September, it is for your Authority to explain within the 14 day period, if it so wishes, why having considered the approaches adopted by the great majority of authorities, it believes they are not appropriate for it.

In respect of your request for confirmation of the power under which the Secretary of State may direct your Authority to consider the direction within 14 days and provide written confirmation to us of that consideration, the relevant power is to be found in Section 4A(3) of the 1986 Act. This provides that a direction may specify the steps that an

authority to which it is given must take to comply with it, and specify the time within which such an authority must comply with it.

Yours sincerely,

A handwritten signature in cursive script that reads "P. Rowsell". The signature is written in dark ink and is positioned above a horizontal line.

Paul Rowsell

