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Paul Rowsell

Via e-mail

29th April 2014

Our Ref MN29-04-114

Your Ref



Chief Executive's Office

Town Hall
Wellington Street
London
SE18 6PW

Main Number: [REDACTED]

Dear Paul,

Royal Borough of Greenwich Representation in Response to the SoS Notice

Thank you for your letter of 16 April 2014 in which you give notice that you propose to direct the authority to comply with specified provisions of the Code of Recommended Practice of Local Authority Publicity.

I wrote to you on 17 April and followed this up with a call on 22 April to ask for the information which the Secretary of State had regard to in reaching his provisional view that a direction would be appropriate. You replied on 22 April and followed this with the responses you received to the 2013 consultation on 'Protecting the independent press from unfair competition', most of which had little or nothing to do with this Council. There is no indication of what it is within these responses which the Secretary of State agrees or disagrees with, or which he has had regard to in relation to this Council. I do not consider this is a sufficient response to my request, and combined with a short 14 day period to make representations means the process is less than fair.

You say in your letter of 22 April that 'Your Council ... is the body best placed to know its full circumstances'. I am pleased at this recognition of the Government's commitment to put local authorities and their citizens in the control of their own affairs, but it is at odds with the Secretary of State's proposal to direct the Council to comply with the code of recommended practice of local authority publicity. 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.

I do not understand on what basis the Secretary of State considers that the Council's publicity is not even handed or objective. This is a serious allegation and I am entitled to understand on what basis it is being made. The allegation appears not in the notice you enclosed with your letter of 16 April, but in a press release dated 17 April. I invite the Secretary of State to consider the even handedness and objectiveness of the Council's publicity in the light of the Government's own publicity in that press release which contains the following statement:

"It is scandalous that bloggers have been handcuffed for tweeting from council meetings, while propaganda on the rates drives the free press out of business. Only Putin would be proud of a record like that."

I am astonished that the Secretary of State has given this notice and issued that press release after Councils have published notices of local government elections, in the light of Cabinet Office guidance which says:

10. Similarly, national announcements by the UK Government may have a particular impact on European issues, or on local areas, for example, the publication of policy statements which have a specific European or local dimension. Ministers will wish to be aware of the potential sensitivities in this regard and might decide, on advice, to postpone making certain announcements until after the elections. Obviously, such action needs to be balanced carefully against any implication that deferral itself could influence the political outcome. Each case should be considered on its merits. Again, in cases of doubt, further advice should be sought.

You invited our representations about your proposed direction and from the DCLG press release we understand that you consider the newspaper Greenwich Time (GT) is not even handed, objective and is published fifty times a year. We will address all these issues in our attached response.


We will also reply to the responses you received concerning GT to your consultation on the Code, as we understand the decision to issue a direction was based upon these representations. We will show how the majority of the points being made have no basis in fact.

I have not included legal arguments in these representations, but the Council's position is entirely reserved as to the lawfulness of any direction that might be made. I have referred above to the unfairness of the process, and to the lack of proper information about the basis on which the Secretary of State is minded to make the direction. I have also referred to the lack of even handedness and objectivity in the Secretary of State's public statements, which do not suggest an open-minded approach. I do not consider that, in the light of the legislation and the Code, and the evidence, the making of a direction would be rational or proportionate. I have also referred to equality, community and diversity issues which have relevance to the public sector equality duty here. I have referred to the fact that the publication of Greenwich Time in fact assists local media through the revenue generated by a freely negotiated printing contract on commercial terms; but I do not accept that it would be legitimate for the Council instead to be forced to subsidise local newspapers through the placing of statutory notices that, commercially, it would choose to publish itself.

Finally, there is in any case no justification for giving a direction that would simply make it mandatory for the Council to comply with the totality of the Code, when there is no suggestion of any issue with any aspect of the Council's publicity other than Greenwich Time.

A copy of this letter, our response and attachments will also be sent in hard copy as I feel it is vital that you have example paper copies of GT in order to be able to assess its quality in practice. Could I also highlight that Appendix 1 contains a confidential part which contains exempt information by virtue of Paragraph 3 of Schedule 12A of the Local Government Act.

Yours sincerely,


Mary Ney
Chief Executive
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