

REQUEST FOR DIRECTOR DECISION – DD2139

Title: Licence agreement with the Newspaper Licensing Agency

Executive Summary:

It is important for the GLA Group to effectively engage with the media and thereby reach Londoners and beyond; and media monitoring plays an important part in meeting that objective. It provides the respective media teams with a comprehensive report of media reaction to the strategies, policies and activities of the GLA Group.

Newspaper Licensing Agency's (NLA) role is to ensure all organisations have access to the news they need whilst ensuring they are copyright compliant. The NLA licenses the copying of newspaper content on behalf of the copyright owners under the authority of the Copyright Designs and Patent Act 1988. The current NLA licence expires on the 1st June 2017. (see DD2012) It is proposed that a licence agreement is entered into by the GLA with the NLA for one year up to a maximum expenditure of £55,249

Decision:

That the Director approves:

- Expenditure of up to a maximum of £55,249 to enter into a licence agreement with the Newspaper Licensing Agency for one year; and
- A related exemption from the requirement in the Contracts & Funding Code in order to procure competitively to appoint the Newspaper Licensing Agency without a competitive procurement exercise.

AUTHORISING DIRECTOR

I have reviewed the request and am satisfied it is correct and consistent with the Mayor's plans and priorities.

It has my approval.

Name: *Jess Jacobs*

Position: *Executive Director - Communities and Intelligence*

Signature:



Date: *22/06/2017*

PART I – NON-CONFIDENTIAL FACTS AND ADVICE

Decision required – supporting report

1. Introduction and background

- 1.1 The GLA Group press cutting service was established in 2003 in order to deliver a more focused, responsive and efficient media monitoring service. This is a daily newsprint (national, regional, local and papers and trade journals) monitoring service that supports the communication work of the Mayor, Assembly and Transport for London. It is important for the GLA Group to engage effectively with the media and thereby reach Londoners and beyond and media monitoring plays an important part in meeting that objective.
- 1.2 The Media Monitoring service provided the respective media teams with a comprehensive report of media reaction to the strategies, policies and activities of the GLA Group. In October 2010 the in-house service was outsourced to an external media monitoring agency.
- 1.3 Following the decision in 2002-3 to establish an in-house service, and subsequently outsource the entire service in 2010 the GLA is still required to procure a licence annually from the Newspaper Licensing Agency (NLA). A fee has been negotiated for 2017-18 following an NLA audit and this fee is applicable irrespective of who supplies the service.
- 1.4 The service is jointly funded by TfL, Met Police and Crossrail and they are invoiced quarterly to recover their contributions. The costs are proportional to the amount of coverage each functional body attracts.
- 1.5 As the NLA is sole authorised owner and licensor of copyright in the newspaper content under the Copyright Designs and Patent Act 1988 the press cuttings service required cannot be obtained from any other supplier.

2. Objectives and expected outcomes

- 2.1 To continue to operate the Media Monitoring service in compliance with legal requirements. It is expected that the GLA Group will continue to hold a valid licence with the NLA.

3. Equality comments

- 3.1 There are no identifiable potential impacts, both positive and negative, of the decision on those with protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, gender, religion or belief, sexual orientation)

4. Other considerations

a) Links to strategies and Corporate Plan

The Mayor is committed to public information and engagement as stated in the corporate plan and the media is an established avenue of reaching Londoners and beyond. To ensure that the GLA communication strategy is effective, it is important to monitor media coverage of the GLA Group. Also establishing a GLA Group in-house monitoring service is in-line with the convergence agenda.

b) Impact assessments and Consultation

Consultation with TfL, the Met Police and Crossrail in regards to licence fees and aligning/merging the Met Police & Crossrail NLA licences has been carried out at the time of drafting of the original and subsequent Media Monitoring service agreements and at the regular quarterly service meetings held between TfL, GLA, Met Police, Crossrail & Precise (our current Media Monitoring service provider). No further consultation was considered appropriate or necessary in the circumstances.

c) **Risk**

It is illegal to operate or utilize a press cutting service without a licence and failure to procure one leaves the authority open to legal proceedings/challenge.

5. Financial comments

- 5.1 The cost of the Media Monitoring service's Newspaper Licensing Agency fee to cover the period 1st June 2017 to 31st May 2018 is £55,249, with the costs funded by the GLA, Transport for London, Met Police and Crossrail. The approximate proportional contribution towards this fee from the respective parties is broken down below and is proportionate to the amount of coverage each body attracts:

Funding Source	Amount (£)
GLA	5,784
Transport for London	32,776
Met Police	964
Crossrail	15,725
Total Fee	55,249

- 5.2 The GLA's share of these costs (£5,784) will be met from the 2017-18 Press Office Media Monitoring budget, held in External Affairs Directorate. The GLA will recover the costs of the contract by invoicing each body on a quarterly basis.

6. Legal comments

- 6.1 The foregoing sections of this report indicate that:

- 6.1.1 the decisions requested of the Director fall within the powers of the Authority, to do anything which is facilitative of or conducive or incidental to the promotion of economic development and wealth creation, social development and the improvement of the environment in Greater London; and
- 6.1.2 in formulating the proposals in respect of which a decision is sought officers have complied with the Authority's related statutory duties to:
- (a) pay due regard to the principle that there should be equality of opportunity for all people;
 - (b) consider how the proposals will promote the improvement of health of persons, health inequalities between persons and to contribute towards the achievement of sustainable development in the United Kingdom; and
 - (c) consult with appropriate bodies.

- 6.2 Under the Authority's Contracts and Funding Code ("Code") ordinarily competitive tenders should be sought or a call off made from an accessible framework for licensed services with a value of £55,249.28. However, section 10 of the Code also provides that an exemption from this requirement may be justified on the basis that the provider has exclusive rights to provide the supplies required. Therefore, as officers have indicated in this paper, because NLA are the sole owner and licensor of the required rights, the Director may approve the exemption and entry into a licence with NLA.
- 6.3 In order to facilitate the cost sharing arrangements with TfL, the Met Police & Crossrail, the Authority may charge TfL, the Met Police & Crossrail for the Authority's press cutting services under Section 93 of the Local Government Act 2003 but officers should ensure the sums charged do not exceed the costs of providing the service.

7. Planned delivery approach and next steps

The Newspaper Licensing Agency (NLA) is responsible for copyright protection of Newspapers - national, regional and local including digital copying and has the sole power to issue licences for the press cutting team's use of copyright protected materials. The GLA cannot use the materials lawfully without this license and therefore, the license is a legal requirement which only the NLA can fulfil.

This DD seeks permission to be exempted from the GLA's Contracts and Funding Code by way of directly appointing NLA to carry out the services. One of the grounds for exemption in section 10 of the GLA's Contracts and Funding Code to undertake a competitive procurement exercise is where no other supplier is able to undertake the services and consequently there is a complete absence of competition. Officers have confirmed that this is the case, and that this approach will provide value for money

This is an annual licence and this latest licence will cover the GLA for another year up to and including 31st May 2018. The current licence expires on the 1st June 2017

Appendices and supporting papers:

N/A

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

Note: This form (Part 1) will either be published within one working day after approval or on the defer date.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

If YES, for what reason:

Until what date: (a date is required if deferring)

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form -NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to
confirm the
following (✓)

Drafting officer:

Stephen Howell has drafted this report in accordance with GLA procedures and confirms that:

✓

Assistant Director/Head of Service:

Samantha Hart has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

Financial and Legal advice:

The Finance and Legal teams have commented on this proposal, and this decision reflects their comments.

✓

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature

m. d. all

Date

21.6.17

