



PRESS RECOGNITION

PANEL

10th Floor, 88 Wood

Street

London

EC2V 7RS

contact@pressrecognitionpanel.org.uk

npanel.org.uk

22 June 2015

Dear Lord Best,

Response from the Press Recognition Panel to the House of Lords Select Committee on Communications Report – Press Regulation: where are we now?

I am writing to you as Chair of the House of Lords Communications Select Committee in response to the queries raised in the Committee's report, published on 23 March 2015, *Press Regulation; where are we now?* The report raised two questions for the Press Recognition Panel (PRP) to which I have responded below.

We have waited until after the General Election period and to allow for the Committee being reconstituted following the election before providing our response. We also thought the new Committee would like to have an update on the work PRP has been carrying out in the period since my appearance before your Committee earlier this year.

Background

1. As the Committee knows, the PRP was established on 3rd November 2014 by a Royal Charter following the Leveson Inquiry. Its main role is to consider applications made by press-self regulators who want to be recognised as 'approved regulators'.
2. The PRP will also carry out both ad hoc and scheduled reviews to make sure recognised regulators continue to comply with the criteria and will withdraw recognition if they do not.
3. It is also the PRP's function to report on any success or failure of the recognition system and to report annually to parliament if there is no recognised regulator or if in its opinion, the system of regulation does not cover all significant relevant publishers.

Response to the Committee's questions

4. In its report, the Committee posed two questions for the PRP.
5. ***Question 1. If there are no applications, and the Press Recognition Panel assumes a 'holding pattern', for how long would it be allowed to remain in this configuration? Would it continue to receive Government funding and to what level?***
6. The PRP's role is to receive and assess applications from any press self-regulator that wishes to apply for recognition and our work towards being in a position to do this from autumn 2015 is well advanced. Since the Committee published its report, Impress – the Independent Monitor of the Press (a potential new regulator) has announced that it plans to apply for recognition. However, if there are no applications, the PRP's level of activity would be adjusted.

As above, the PRP is required to report to Parliament, the Scottish Parliament and the public one year after it opens for applications on how the system of recognition is working. If there have been no applications for recognition, the PRP will include this in its report. It will be for Parliament(s) to decide what happens next.

7. The PRP has been given a grant of £3m for its first three years of operation (from November 2014). We anticipate that this will be adequate for us to set up the structure and processes required under the Charter so that we are able to receive applications for recognition and to operate during that three year period. After that time it is implicit in the Charter that we will be funded through charging fees to regulators. We will consult publicly on our initial proposals for fee charging early next year.
8. ***Question 2: Who could make the decision to dissolve the Press Recognition Panel?***
9. In order to dissolve the PRP or to amend the Royal Charter, a two thirds majority would be required in the House of Commons, the House of Lords and the Scottish Parliament. The PRP's Board would also have to agree to any amendment to the Charter. We believe that this provides us with the security and independence we need to carry out our role.

Update on the PRP's work

10. Since the Committee published its report, the PRP has been continuing its work to prepare to accept and consider applications for recognition from press self-regulators.
11. One of our key activities during the past few months has been meeting with a wide range of stakeholders including academics, commentators, interest groups, regulators (including both IPSO and Impress) and relevant publishers (including the Financial Times, Independent, and Guardian groups). We invited some stakeholders to meet us and others asked to talk to us. These discussions have provided us with a better understanding of the landscape we are operating in and the wide range of perspectives which exist and have helped to shape out approach to the wider consultation.

12. A number of important issues have emerged from that process – one specific one which I would like to raise is the range of relevant publishers which are in existence. Many people view our work from the perspective the 87 relevant publishers who are signed up to IPSO, plus those national newspapers which have opted to remain outside. However, in numerical terms at least, the number of traditional news publishers regulated by IPSO (87) is dwarfed by the number of independent publishers which possibly number in the hundreds. Many of these (including those sometimes called ‘hyper local’) publishers are often at the cutting edge of news journalism.
13. In a broad sense, the term hyper locals refers to the large number of local online and paper publications which are focused on a specific community or geographic area. These are small organisations with limited funds but in many ways they raise no different issues to the largest publishers. They may be investigating issues in the local council or building company, rather than at a multinational level but they are still at the cutting edge of investigative journalism and need the free speech protections that we all value; and within their area they often have very high levels of readership.
14. The benefits for these organisations of being part of a recognised regulator include protection for them through the Crime and Courts Act from the imposition of exemplary damages and legal costs, alongside incentives such as the provision of arbitral schemes that enable brave journalism not cowed by the chilling effect of legal fees (or even just the threat of legal fees). It would also allow them to make a clear public statement that they are adhering to a framework designed to protect the public interest which could have reputational benefits as well as the opportunity for additional income streams such as from local authorities seeking to publish statutory notices in the area.
15. Many such publishers are likely to be interested in the protection which membership of a recognised regulator could offer. We have been conscious in our work of the need to interpret the Charter criteria in a way that works for a regulators which may have these kind of small organisations as part of their membership.
16. Another key area of our work has been to develop proposed guidance for how we will interpret the Charter criteria. Many of the 28 criteria are clear and straightforward but we believe that some others require more information about the kind of evidence the PRP would need recognise that a regulator was compliant.
17. On 8 June, we launched a consultation on our proposed recognition matrix and also on the process for receiving applications for recognition. The consultation runs until 31 July.
18. Our consultation proposals are available on our website for people to review and respond to and we are also holding a series of events around the UK, aimed at both stakeholders and members of the public, to gain as wide a range of views as possible. I attach hard copy versions for each of the members of your Committee. We would be pleased to receive consultation responses from the Committee or any of its members (or indeed any other parliamentarians).

19. We will be considering the feedback we receive from the consultation during the summer and will review our application process in the light of the responses. We intend to be open to receive applications in the autumn of this year and will publish on our website all the documentation needed to make an application with accompanying guidance where relevant.

I hope the Committee finds this information helpful. Please let me know if there is any other information about the PRP and its work which you would like me to provide.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Wolfe', written over a large, light-colored circular mark.

Dr David Wolfe QC

Chair, Press Recognition Panel

Enclosed; hard copies of our consultation document.