

## **PRESS RECOGNITION PANEL**

### **Note of the meeting of the PRP with peers held on 26 October 2016 at the 1 Millbank, Westminster**

David Wolfe, Chair of the Press Recognition Panel (PRP), was invited to meet with Lord Lipsey, who chairs an informal series of discussions among peers on press regulation. The note below covers the information that was provided to attendees.

#### *Attendees*

Lord Lipsey, Chair of the informal group  
Lord Best  
Baroness Hollins  
Gordon Ramsay  
Nathan Sparkes  
Lord Strasburger

#### *Attendees from the Press Recognition Panel (PRP)*

David Wolfe (DW), Chair of the PRP  
Harry Cayton (HC), Board Member  
Harry Rich (HR), Board Member  
Susie Uppal, Chief Executive  
Paul Nezandonyi, Head of Communications

#### **Welcome and introductions**

1. DW thanked Lord Lipsey for inviting the PRP to meet. DW explained that two significant events had taken place recently: The PRP had published its first annual report on the recognition system (13 October 2016), and the PRP Board had agreed to recognise IMPRESS as an approved regulator (25 October 2016).

#### **Section 40 and concerns about Article 10 of the ECHR**

2. DW described how as part of the PRP's assessment of IMPRESS' application for recognition, the public and third parties had the opportunity to provide feedback to the PRP on the application. During that process, some respondents outlined concerns that section 40 of the Crime and Courts Act 2013 contravened Article 10 of the European Convention on Human Rights (ECHR). David explained that the PRP had attempted to understand the basis of those concerns and the PRP had asked for the legal advice behind them. However, all that the PRP received was a piece of advice about section 34 of the Act (regarding exemplary damages) and even that was prepared before the Act came into force.

#### **Concerns in relation to small publishers**

3. In relation to this, DW discussed concerns that had been raised by some commentators that small publishers would not be able to afford the fees charged by approved regulators. DW explained that this issue was addressed during the

PRP's consultation on proposals for recognition in June 2015. Membership fees of an approved regulatory body needed to be reasonable, and the PRP was satisfied that this was the case with IMPRESS.

4. DW explained that an argument put forward by some commentators following IMPRESS being recognised by the PRP was that section 40 would place immense financial pressure on small, local newspapers. The Secretary of State for Culture, Media and Sport referred to this concern when she appeared in front of the Culture, Media and Sport Committee on 24 October 2016. However, the nature of the publications expressing concern was unclear.
5. In terms of small publishers, DW explained that those who belonged to an approved regulator would be charged a low fee and they would have access to an arbitration system. The Charter required recognised regulators to have in place arrangements to filter out vexatious or frivolous challenges. In addition, when the PRP conducted a cyclical review, if it appeared that the arbitration system was causing severe financial harm to subscribers who only publish on a local or regional basis, the PRP could determine that those subscribers were not required to participate in the regulator's arbitral process.

### **Concerns about local publishers**

6. It was possible that the Secretary of State was referring to local publishers who did not belong to an approved regulator. Indeed, most of the recent media coverage on this issue concerned local newspapers. However, as far as the PRP could tell, the particular local newspapers raising concerns were in fact part of larger publishing groups such as Trinity Mirror, Archant, or Johnston Press. They were not 'small', independent newspapers who were considering whether to join IMPRESS.
7. DW explained that the publishers who were concerned about the financial impact of section 40 had the choice of belonging to an approved regulator, whether that meant signing up to IMPRESS or setting up their own regulator which could apply for recognition.

### **The publishing landscape in the UK**

8. DW explained that the current debate on press regulation sometimes failed to recognise the true scale of the publishing landscape in the UK. The UK's publishing landscape did not merely consist of ISPO's publications, the national publications outside of IPSO (The FT, The Guardian, and The Independent) and a lot of tiny hyperlocals as some people appear to present it.
9. Other such publishers which are likely to be within the framework of the Charter include, for example, Huffington Post and Pink News. These publications have significant readerships.

### **Political interference in press regulation**

10. DW explained that there was currently a paradox in place: Everyone agreed that that politicians should not have control over press regulation, but the ongoing

question over the commencement of section 40 and the Secretary of State saying that she would like regulators to meet at least the standards of the Charter (without the PRP potentially being the independent assessor of that) effectively meant that the issue of press regulation was left in her hands.

### **The recognition system is not yet in place**

11. HC explained that because the recognition system had not been put into place, it was not currently possible to assess whether the system was working.
12. DW explained that there were currently very limited incentives for recognised publishers to apply to an approved regulator – whether that regulator was IMPRESS or anybody else. But even more fundamentally, there was very limited access for members of the public to obtain justice against publishers who chose not to be member of an approved regulator.

### **The PRP Board's decision to recognise IMPRESS**

13. There was a discussion about the possibility of the PRP's decision to recognise IMPRESS being judicially reviewed. DW stated that he was confident that the Board had made a robust and lawful decision. Some commentators had raised some issues which were not relevant to the PRP's consideration of the application.
14. DW clarified that the Charter stated that if the PRP was unable to afford to meet the costs of such litigation it can request funds from the Exchequer.
15. DW explained that a decision report on IMPRESS would be published within 30 days of the decision meeting. He confirmed that the PRP had not assessed IPSO in any way.
16. David explained that in assessing IMPRESS, the PRP Board dedicated a considerable amount of time to looking at the mechanics of the trusts through which money was paid to IMPRESS, and the mechanisms by which influence could be brought. It was the PRP Board's view that the fact of somebody funding a press regulator did not in and of itself compromise the regulator's independence and indeed the Charter itself said that the fact of industry funding a regulator did not in and of itself compromise independence. What mattered was the mechanism through which the funding was provided and the potential for influence.
17. The Charter also stated that funding settlements should cover a four or five-year period. The PRP Board scrutinised all the information available and satisfied itself that there were practices in place to ensure there were no possibilities for undue influence. The PRP would look at the situation again in two-years' time at a cyclical review. Also, if there were any material changes to IMPRESS' funding arrangements in the meantime, the PRP would need to look at them and that could trigger an ad hoc review.

18. HR explained that when the decision report was published, it would show the very clear set of barriers between IMPRESS and its funders.

### **The PRP's educative role and reporting obligations**

19. DW explained that the PRP had a proactive approach to communicating its work, which included using its website, roadshows and meetings with stakeholders.

20. HR explained that the PRP Board had taken the view that the organisation had a role in presenting facts related to its work and that it had a very clear role in educating and information provision.

21. DW explained that the recently published annual report on the recognition system fulfilled two obligations. It reported on whether the PRP had recognised any regulators and fulfilled the ongoing requirement to report (to Parliament, as well as the public) on any success or failure of the recognition system.

22. DW informed the group that the PRP would consider providing information to parliamentarians on the recognition system in the coming days.