

PRESS RECOGNITION PANEL

Note of the meeting of the PRP with Lord Best on 1 December 2016 at the House of Lords

David Wolfe, Chair of the Press Recognition Panel (PRP), was invited to meet with Lord Best who chairs the House of Lords Communications Committee. The note below covers the information that was provided to attendees.

Attendees

Lord Best (LB), Chair of the Communications Committee
Theodore Pembroke, Clerk to the Communications Committee

Attendees from the PRP

David Wolfe (DW), Chair of the PRP
Tim Suter, PRP Board member
Susie Uppal (SU), PRP Chief Executive

Discussion

1. LB noted that a debate on press regulation would take place in the House of Lords on 20 December 2016.
2. In terms of the Committee's meetings, Sir Alan Moses (IPSO), Lynne Anderson (NMA), David Wolfe (PRP) and Hacked Off would be appearing on 6 December 2016. Jonathan Heawood (IMPRESS) and Karen Bradley (Secretary of State for Culture, Media and Sport) would be appearing on 13 December 2016.
3. LB confirmed that the Committee would be sending out some questions when they had been firmed up. Probably later that day or the next.
4. LB noted that the Government's consultation on press regulation ran until 10 January 2017.
5. DW confirmed that the PRP would probably be putting in a response to the part of the consultation relating to section 40. The PRP had, in its annual report on the recognition system, explained how the recognition system worked and what mechanisms needed to be put in place for the system to be successful. The Charter sat alongside the provisions in the Crime and Courts Act 2013 that were key to the new system working. Section 40 had not yet been commenced so it could not be said that the recognition system was yet in place. SU explained that section 40 was an important part of the recognition system; it was very finely balanced in that it introduced both incentives and disincentives for relevant publishers.
6. DW confirmed that we had not identified any flaws in the Charter in relation to the recognition system. Others had stated concerns about Article 10 of the EHRC, but we had not been able to find any evidence which justified those concerns, particularly in relation to section 40. The PRP was wholly independent and no one had the ability to influence the decisions it took. The Criteria had not been challenged. DW confirmed that the only matter that had not played out in the way the Charter anticipated was that the successor to the Press Complaints Commission would be contributing to the funding of the recognition system. The PRP was guaranteed three years' funding from the Exchequer. The PRP was not seeking funds, just explaining the situation. If there were to be more funds, then they would need to be in place on a secure, long term and guaranteed basis to avoid any suggestion that funding would provide a mechanism for others to influence how the PRP assessed regulators.

7. DW confirmed that the PRP had not assessed IPSO, but by their own analysis their Board and governance structure and arbitration scheme did not comply with the Charter criteria. SU added that the criteria that the PRP applied were interconnected so it was likely that, on assessment, an organisation would be likely to fail on several criteria and not just one or two.
8. It was noted that some claimed that mandatory arbitration would be too expensive for local publishers. DW noted that the Charter required recognised regulators to operate a front-end filter (to filter out vexatious and frivolous claims) and a safety valve in that those publishers could be exempted from having to be part of a mandatory scheme if it appeared to the PRP that it would cause serious financial harm. In addition, the regulator could charge a small admin fee. SU added that it was important to note that in the current position, a genuinely small local publisher would run out of funds fast if they were sued by a wealthy litigant. For them, section 40 acted as a considerable incentive as they would be protected on costs. Section 40 acted as an incentive and a disincentive; it was finely balanced.
9. DW confirmed that we had not assessed IMPRESS against its draft new code. The PRP had an ongoing function to ensure that recognised regulators continued to meet the criteria, so should IMPRESS decide to adopt a new code, an assessment would be carried out at that time.