

**PRESS RECOGNITIONAL PANEL**  
**Minutes of the 3<sup>rd</sup> meeting of the Press Recognition Panel Board**  
**held on 13 January 2015 at Victoria Portland House,**  
**Bressenden Place, London SW1E 5RS**

**Present:** Dr David Wolfe QC (Chair), Harry Cayton, Emma Gilpin-Jacobs, Carolyn Regan, Harry Rich and Tim Suter

**In attendance:** Holly Perry (Interim Governance Manager), John Price Williams (Interim Communications Advisor) and Gavin Sturge (Interim Finance Director)

**BOARD MEETING – PUBLIC SESSION**

**Welcome and Apologies**

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1. The Chair **welcomed** Members and attendees to the third meeting of the Press Recognition Panel Board. The Chair also **welcomed** the members of the public who were in attendance (all of whom confirmed that they were happy to be named as having been present):
  - Alistair Brett, Early Resolution CIC
  - Alex Cisneros, the IMPRESS project
  - James Connal, Capital PR
  - Dr Evan Harris, Associate Director, Hacked Off Campaign

**Declaration of members' interests**

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2. There were no declarations to add to those that had recently been published on the Panel's website.

**Minutes of the meeting held on 18 December 2014, outstanding actions and matters arising**

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3. The minutes of the meeting held on 18 December 2014 were **approved**. The Chair would sign a copy of the minutes as a correct record.
4. The log of outstanding Board actions was **noted** and **agreed**.
5. In relation to matters arising, the Board **noted** that:
  - Gavin Sturge was taking forward the necessary arrangements for securing Board insurance, following receipt of suggestions from Board Members of providers who were able to offer it. An initial meeting with a broker had taken place on 12 January and a further conversation with the broker would take place shortly. A proposal would be put to the

- Chair, and then to the Board's 27 February 2015 meeting for approval;
- the draft policy relating to bribery, corruption and whistle-blowing had been moved from the January 2015 meeting to the February 2015 meeting;
  - the Panel would move to a room within the Fleet Street Regus serviced offices with effect from 13 January 2015. Initially, the Panel would be occupying a larger office, owing to the fact that the occupants of the smaller room initially designated to the Panel had failed to vacate on the agreed date of early January. Towards the end of January, the Panel would be offered the original smaller office, or the option of remaining in the large office at no additional cost.

#### **Draft forward plan of meetings with stakeholders – PRP01(15)**

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6. The Board **considered** a paper prepared by Tim Suter setting out a proposed forward plan of meetings with stakeholders.
7. The following points were **noted**:
  - the principles on which the forward plan of meetings had been formulated, namely: (i) that the meetings would be clearly explained as being part of a wider initiative to gather early views from interested stakeholders on the background to, and future role of, the Panel; (ii) that organisations or individuals not specifically invited would nevertheless be encouraged to engage with the Panel; (iii) that while meetings would not be held in public, a note of the meetings would be published; (iv) that relevant regulatory bodies and others directly affected by the Panel's decisions would not be part of the initial phase of meetings (these meetings would be deferred until the Panel's approach to implementing the criteria for recognition were developed); and (v) that the Panel would also seek to engage with all relevant interested parties across the devolved nations, in line with the Panel's commitment to working across England, Wales, Scotland and Northern Ireland;
  - in addition to the regulatory bodies, a number of others would not be specifically invited to the initial phase of meetings, for the reasons set out in the paper, although they could attend (or the Board would arrange meetings with them) on request. These included meetings with: Parliament; editors and pressure groups; lawyers and law academics; broadcasters (and Ofcom); and media journalists.
8. The following points were raised in discussion:
  - it was **agreed** that five groups of meetings should be held during the first quarter of 2015, starting with an invitation to Sir Brian Leveson - with or without his Assessors. The other four groups of meetings were,

in order: key pressure groups; academics<sup>1</sup> and commentators; representative bodies of the press; and representative bodies for journalists;

- it was **agreed** that while there were logistical and practical reasons why the meetings had to be structured and prioritised in the manner set out, this did not prevent any individual or organisation interested in meeting with the Panel in making an approach to meet;
- it was **agreed** that a note would be placed in a prominent position on the Panel's website setting out the planned meeting dates and invitees, alerting any individual or organisation to make contact if they wished to meet with the Panel as part of any particular grouping;
- in some cases, named individuals were referred to and in other cases, just organisations. It was **agreed** that names were indicative, and that there might be other representatives who were better or best place to attend – the decision as to who would attend would be left to the individual organisations to determine;
- the intention was to hold the meetings on the morning of Board meetings between February and June 2015. It was **agreed** that where meetings were not possible (for diary reasons) on Board meeting dates, alternate dates would be agreed - on the basis of the date that suited the majority of Board Members (if not all Members were available);
- Tim Suter **agreed** to develop some headline questions, for publication on the Panel's website ahead of the individual meeting dates.

9. The Board **agreed** the draft forward plan of meetings with stakeholders subject to the points raised in discussion. The Chair **thanked** Tim Suter for progressing the plans so effectively and efficiently.

#### **Governance Framework update – PRP02(15)**

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10. The Board considered a paper which presented draft policies - to be adopted pending public consultation - on: gifts and hospitality; complaints about individuals at the Press Recognition Panel; Welsh Language Scheme; and political activity.
11. In relation to the specific policies and position statements, the following points were raised in discussion:

##### *Gifts and hospitality*

- it was **agreed** that there would never be circumstances when the

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<sup>1</sup> Carolyn Regan declared a conflict, in that one of the academic institutions referenced in the paper was City University London, of which she was a Council Member (Chair of Remuneration Committee and Member of Restructuring Committee).

acceptance of gifts by either individual Board Members or their relatives would be acceptable;

- in relation to hospitality, the Panel's response needed to be proportionate – in terms of process, it was **agreed** that all offers of hospitality would be channelled through the Chair, via the Executive Director or Governance Manager, to ensure that responses were appropriate, consistent, proportionate and recorded accurately;
- individual Board Members were advised to continue to operate as usual in their personal capacities, on the basis that a clear line should be drawn between Members' personal and Panel business at any engagement or event;
- in relation to speeches made on behalf of the Panel by the Chair or Board Member, it was **agreed** that any decision to speak would be determined on merit – but that fees would not be accepted. It was agreed that reasonable expenses connected with a speaking engagement were acceptable;
- the Chair **thanked** Carolyn Regan for her input to the drafting.

#### *Complaints handling policy (complaints about an individual at the Press Recognition Panel)*

- as the title indicated, the policy was intended to govern complaints about individuals – the Board **noted** that a separate policy would be developed in relation to complaints about what the Panel's role in making recognition decisions and related matters;
- given that the policy related to individuals, the Board **agreed** that it was justifiable to expect complaints to be made within three months;
- in relation to complaints about the Chair, it was **agreed** that these would be directed to the Senior Independent Director, once appointed. Until such time as the Senior Independent Director was appointed, the policy would be amended to direct complainants to another Board Member, who would consult with at least one other Board Member;
- the Chair **thanked** Tim Suter for his input to the drafting.

#### *Welsh Language Scheme*

- the Board **noted** that the Welsh Language Act 1993 did not apply to the Panel, however it was **agreed** that the Panel should adopt a Welsh Language Scheme on a voluntary basis;
- it was **noted** that the Welsh Language Commissioner was currently consulting on an extension of the requirements placed on public bodies in relation to Welsh Language Schemes – the Commissioner's consultation was understood to close in February 2015, with a consultation response expected in summer 2015 – the Board **agreed** to review its position, in light of the key recommendations arising from

the consultation.

#### *Political activity*

- the Board **noted** that the drafting of a position statement had been brought forward in light of the forthcoming General Election, taking place on 7 May 2015;
  - the Board **noted** that the proposed policy did not preclude passive activity, but any pro-active activity was barred – to include: holding any office, performing any role or undertaking any activity within or in relation to a political party which allowed or required the person to speak on behalf of that party or a candidate standing on its behalf in an election;
  - in relation to the period of restricted activity leading up to an election ('purdah'), the Board **agreed** - given that its independence means that it stands entirely outside the political process, and the clear political activity guidelines agreed – that it should not be bound to a period of complete restriction in terms of its activities, in the same way that other public bodies might be. The Board would instead apply an appropriate and proportionate approach, one that would be in accordance with the parameters set by the Royal Charter. The Panel would consider and agree the extent of restriction of activities, if any, at the Board's 25 March 2015 meeting.
12. In summary, the Board **approved** the following policies as interim positions, subject to reflection of the points raised in discussion, to be adopted pending further consideration in light of public consultation:
- Gifts and Hospitality policy and register (register to be published on a six-monthly basis);
  - Complaints policy (about individuals at the Press Recognition Panel);
  - Welsh Language Scheme; and
  - Political activity policy.
13. The Board **delegated authority** to the Chair and Interim Governance Manager to finalise the documents and publish on the Panel's website as part of the a consultation process for the governance framework, in line with the approach to consultation agreed at the 5 December 2014 meeting and with a view to the Board considering final policies in the light of any public comment at the Board's April 2015 meeting (allowing eight weeks for public consultation).

#### **Freedom of Information Act update – paper PRP03(15)**

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14. The Board **received** a paper which provided an update on correspondence from the Ministry of Justice (MoJ) relating to the application of the Freedom

of Information Act 2000 (FOIA) to the Press Recognition Panel. The MoJ had indicated in its letter to the Chair that FOIA contained a power for a body to be designated as a public authority for the purposes of the Act by Order. The Board's views were invited on the advantages and disadvantages of coming under the scope of FOIA, to inform the contents of a response to the MoJ.

15. The following points were raised in discussion:

- the Board **noted** that in light of the Ministerial commitment that had been made at the time the Charter was being contemplated, it was likely that the Panel would come under the scope of FOIA in due course in any event, but that did not impact on its response in being consulted on the point;
- the Board **agreed** that given the Panel's already-stated commitment to openness and transparency, and its position on publishing information proactively (e.g. all correspondence, Board papers and minutes etc.) the additional work that would be generated by being formally subject to FOIA was likely to be minimal;
- nevertheless, it was **agreed** that the costs of compliance and resource implications would be monitored and kept under review were that to be the case;
- the Board had already made a commitment – on which it was currently consulting – to act as if FOIA applied. The Board **noted** that voluntary compliance meant that an individual who took issue with the Panel's response to any such request could not raise the matter with the Information Commissioner (IC), as the IC would have no jurisdiction;
- the key question for the Board was whether being subject to the jurisdiction of the IC and the Information Tribunal (as would be the case if FOIA applied) would compromise the Panel's independence. The Board agreed that given the decisions of the IC and Tribunal were made within an established legal framework and by persons who are themselves appointed for their independence from Government and other extraneous influences, the risks to its independence arising from any decision were minimal.

16. The Board:

- **noted** the correspondence from the Ministry of Justice dated 19 December 2014;
- **agreed** the contents of a response to the Ministry of Justice, reflecting the key points covered in discussion; and
- **delegated** authority to the Chair to finalise the draft reply.

17. The Board received a paper which set out a bank-reconciled set of accounts as at 31 December 2014 for the Board's consideration.
18. The Board:
- **noted** the position regarding the Panel's income and expenditure as at 31 December 2014, including the net surplus of £813,171 currently (but with various decisions about staff and other expenditure yet to take) predicted for the end of the financial year end;
  - **requested** that the cost of the Executive Director, who was expected to be in post by the end of January 2015, should be reflected in the figures for February and March 2015;
  - **noted** that a budget for 2015/16 had yet to be prepared – the draft budget would be prepared once the Executive Director was in post;
  - **noted** that Harry Rich, as the Board member with responsibility for reporting to the Board on the management of the finances of the Panel, would meet with Gavin Sturge on a quarterly basis to discuss the financial position in detail, ahead of the Board meetings in March, June, September and December each year;
  - **noted** that Gavin Sturge was in the process of registering the Panel with HMRC for corporation tax (the exact route that the Panel needed to take to register was yet to be confirmed by HMRC).

### **Closing discussion**

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19. The Chair invited the members of the public who were in attendance to make any observations and to raise any questions. The following points were made:
- the Board were to be applauded for its commitment to openness and transparency, and for opening Board meetings to the public;
  - in relation to Paper PRP01(15) Draft forward plan of meetings with stakeholders, it was felt that if groups representing victims were considered to be 'pressure groups', then groups representing commercial lobbying groups needed to be similarly labelled. The Chair responded that the term 'pressure group' was not intended to be loaded, and would be re-termed 'other interest groups';
  - in relation to the discussion ahead of the House of Lords Communications Committee (taking place in the confidential strategy session following the Board meeting), one attendee cited a lack of clarity in the evidence that the Panel had submitted in relation to the

timescales and arrangements for the coming into force of sections 34 to 42 of the Crime and Courts Bill 2013. The Chair confirmed that the matter would be clarified in the oral evidence session later that day<sup>2</sup>.

## **STRATEGY SESSION**

### **Update on Executive Director recruitment – paper PRP05(15)**

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20. The Board **considered** a paper which updated the Board on the latest developments in relation to the recruitment of an Executive Director for the Press Recognition Panel, following discussion at the Board's 5 and 18 December 2014 meetings.
21. The Board **noted** the following points:
- that the vacancy had been advertised on Friday 19 December 2014 via The Sunday Times online, the Guardian online, and the Guardian Media online as well as on the Press Recognition Panel website. In addition, contact had been made with the following recruitment consultancies to put forward interim candidates: Gatenby Sanderson, Odgers Berndtson and Veredus;
  - that by the closing date of Friday 9 January 2015, a total of 26 applications had been received – full details had been circulated to the Board by email on Sunday 11 January 2015.
  - that between 10 January and 12 January 2015, the recruiting panel had undertaken the shortlisting exercise, assessing each candidate against the essential and desirable criteria, and marking each candidate as 'yes', 'no' and 'maybe' for interview;
  - that six individuals had been invited for interview on 14 January 2015.
22. The following points were raised in discussion:
- the Board **agreed** that the shortlist was strong, with a good range of individuals presenting a variety of backgrounds, experience and perspectives;
  - the Board **agreed** the questions to be asked at the interview, which flowed directly from the criteria in the person specification, with the

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<sup>2</sup> At the oral evidence session at the House of Lords on 13 January 2015, the Chair clarified that: Sections 37-39 of the Act made provision for exemplary damages, which would (by operation of section 61(7) of the Act) come into force automatically one year from the date the Panel came into existence i.e. 3 November 2015 and would apply whether or not a body had been recognised by the Panel as an approved regulator by that date. Sections 40-42 of the Act made provision for costs orders and the definition of 'relevant publisher' in section 41 and Schedule 15 (which also applied to the exemplary damages provisions). They needed to be commenced by Order by the Secretary of State (as set out in section 61(2) of the Act). By operation of section 40(6) of the Act, the costs provisions of section 40, even when commenced, did not apply until such time as a body is first recognised as an approved regulator.

addition of a question to tease out the candidates' views on what lies at the heart of the Panel's work;

- it was **agreed** that in relation to time commitment, the role was likely to be full time (i.e. five days a week) though if an individual requested a degree of flexibility, it could potentially be compressed into four days a week;
- it was **noted** that with the exception of one individual, all the candidates were available to start immediately;
- the potential conflicts of interest of one candidate were **noted**, which would be dealt with at interview.

23. Following discussion, the Board:

- **noted** the applicants for the role;
- **noted** the process by which the decisions on shortlisting had been reached;
- **noted** the individuals who had been invited for interview on 14 January 2015;
- **noted** that the individuals being interviewed would be asked to bring their passports to the interview, as proof of the right to work in the UK;
- **agreed** the interview process document, including the questions to be asked at interview;
- **noted** that references for the preferred candidate would be taken up prior to confirming an offer of appointment;
- **delegated authority** to the Chair, Harry Cayton and Carolyn Regan (the recruiting panel) to recommend appointment to the Board. A short report from the Chair on the candidate(s) above the line / recommended for appointment would be submitted to remaining Board Members (Emma Gilpin-Jacobs, Harry Rich and Tim Suter) as soon as possible after 14 January;
- **noted** the timetable for further work.

24. In terms of an induction process for the successful candidate, the Board **agreed** that the individual would be offered meetings with all Board Members and interim staff at the earliest opportunity. An important early task would be to ensure the individual was briefed on the values agreed at the facilitated session on 5 December 2014.

### **Discussion ahead of House of Lords Communications Committee, 13 January 2015 – Verbal**

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25. Tim Suter, who had been a special adviser to the House of Lords Communications Committee in the past led a discussion, providing briefing and context on the Committee, its members and its work plan, and the key issues likely to arise at the hearing taking place later on 13 January 2015.

26. In Board **noted**:

- that the evidence prepared by the Chair and cleared by the Board by email over the Christmas holidays - providing an overview and context for the Committee's information - had been submitted to the Clerk to the Committee on 5 January 2015, and subsequently published on the Panel's website;
- that the Clerk to the Committee had sent a list of questions to the Chair on 9 January 2015, which had been circulated to all Board Members.

**Any other business**

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27. There was no other business.

**Date and time of next meeting**

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28. The Board **noted** that the next scheduled meeting of the Board would be held on Friday 27 February 2015, starting at 10.00am.