



## **PRESS RECOGNITION PANEL**

### **Minutes of the 26<sup>th</sup> meeting of the Press Recognition Panel Board held on 20 December 2016 at Mappin House, 4 Winsley Street, London W1W 8HF**

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

**In attendance:** Susie Uppal (Chief Executive), Paul Nezandonyi (Head of Communications and Stakeholder Management), Saima Ansari (Executive Administration Manager), Adam Gibbs and John Speed (JS2 Ltd), Caroline Roberts (Head of Regulatory Affairs) (Agenda Items 7 to 11) and Simon Edwards (Regulatory Affairs Manager) (Agenda Items 9 to 10)

## **BOARD MEETING – PUBLIC SESSION**

### **Welcome**

1. The Chair **welcomed** Members and attendees to the twenty sixth meeting of the Press Recognition Panel Board.
2. The Chair also **welcomed** James Connal (Capital PR) as the member of the public who was in attendance and content to be named as having been present.

### **Declaration of members' interests**

3. Emma Gilpin-Jacobs has taken up a full-time role with effect from 12 December as Senior Director with The Pew Trusts, a non-partisan organisation. Emma confirmed that there was no conflict of interest.

### **Minutes of the meeting held on 24 November 2016, outstanding actions and matters arising**

4. The minutes of the meeting held on 24 November had been circulated

earlier to the Board and these were recorded as correct. The Chair would sign a copy for the records.

5. The log of outstanding Board actions was **noted** and **agreed**.
6. The Board **noted** that there were no other matters arising that were not covered elsewhere on the Agenda.

#### **Chief Executive's Report – December 2016 – Paper PRP59(16)**

7. The Board received a paper which provided an update on Executive activity since the last Board meeting on 24 November.
8. The Chief Executive updated the Board on matters since her report was drafted:
  - the Independent Member for the Nominations Committee was confirmed as Mike Stevens following satisfactory due diligence and reference checks. The Selection Panel said that Mike was a very competent individual that brought complementary skills to the organisation. The Chair will be meeting Mike in the new year.
  - RPC had informed the Chief Executive that Judicial Review proceedings would be issued in January 2017. A letter had been received from Bindmans acting on behalf on IMPRESS who are an interested party in the proceedings.
  - The meeting with the Secretary of State on 19 December had taken place with the Chair, Harry Cayton and the Chief Executive. The Chair had also met Lord Fairfax earlier on 20 December and notes of both meetings will be published on our website.
  - A correction was provided in relation to para 15 of Annex A where IPSO is incorrectly stated as having launched a public consultation on possible changes to the Editors' Code. The Editors' Code of Practice Committee announced the public consultation on 1 December 2016.
9. The Board **noted** with thanks the contents of the Chief Executive's report.

#### **Finance Report November 2016 – Paper PRP60(16)**

10. The Board received a paper which provided an update on the financial position as at 30 November.
11. The following points were raised in discussion:
  - The Board **noted** the latest financial position as at 30 November. The Board **noted** that Judicial Review proceedings could have an impact on the forecast for staff resource and legal costs depending on

whether external support is required.

- The Board also **noted** that under 11.7 of the Charter, if the Board considered that its income was insufficient to deal with litigation it could request further funds from the Exchequer. At present, adequate funds are available so there is no requirement to request additional funds.
- Resources continue to be closely monitored in line with the work that needs to be done, with costs managed tightly as always.

### **Plans for Annual Governance Framework Review – Paper PRP61(16)**

12. The Board considered the proposed arrangements for the review of the PRP's governance framework and **agreed** the recommended timeframe for review.
13. The Board have been operating in a clear and transparent manner since its formation. The Board reviewed Annex A and the Board's approach to openness and transparency in Board meetings. The Board Rules of Procedure allow that the public may be excluded from part of a meeting that the Chair or Board decides should be held in confidence "*given the nature of the subject matter, such as where the discussion relates to the personal affairs of an individual or to matters which would attract legal professional privilege, or, exceptionally, where the Board decides that its evaluation of the issues involved could be prejudiced by being held in public.*"
14. The Board considered the types of matters that were usually considered in the confidential session of the Board and concluded that the Board Rules of Procedure did not require clarification. The potential consequences of holding meetings in public such as longer discussions or a possible increase in drafting (to explain options in more detail) should not be factors for determining whether a Board discussion should take place in a confidential session. The Board confirmed that the Board meeting is a meeting held in public but is not a public meeting that involves public participation. There should therefore be no need to change the way issues are discussed or explained in papers.
15. The Board agreed that the 'exceptionality' test to be applied to withholding the discussion from the public session should be rigorously tested to ensure that it did not become routine.
16. A key example of an issue that would be considered in the confidential session would be when the Board were discussing early drafts of a document that would be published in due course. The Board **agreed** that the decisions made in the confidential session should be reviewed post

meeting to decide whether they should be made public in the minutes of the meeting. The Board also welcomed the current practice of publishing minutes earlier.

**Post Meeting Note:** Part of the discussions and the decisions made in the Confidential Session at Paragraphs 19, 22, 23, 26, 27, 29, 30 and 34 will be published as part of the Minutes on the website.

### **Any other business and close of public session**

17. James Connal questioned whether the Board felt that they might have had a better discussion if the IMPRESS decision meeting had taken place in private and whether the Board would have reacted differently without the public attention.
18. The Chair commented that they had grown as a Board and felt confident to voice concerns and raise relevant matters and therefore holding the meeting in public was not an issue. The Chair thanked James Connal for his contribution.

## **BOARD MEETING – CONFIDENTIAL SESSION**

### **Minutes of the meeting held on 24 November 2016, outstanding actions and matters arising**

19. The confidential section of the Minutes was recorded as factually correct and it was noted that the confidential items of the Actions Log were up to date.
- 20-21 *Redacted*
22. The Board considered that it would be advantageous to keep trying to identify engagement opportunities in line with the PRP's communications strategy.
23. *First two sentences redacted.*  
The Board considered that the Government's consultation document had failed to explain the purpose of the recognition system and that the PRP's role was to speak for the system.

### **Government's Consultation on Press Regulation – Paper PRP62(16)**

- 24-25 *Redacted*

26. The Board **agreed** that it should be clearly stated that the recognition framework aims to deliver, without the chilling effect feared by the Press, both justice for the public and regulation that is impartial and independent. These benefits can only be delivered through full implementation of s40; the absence of which paradoxically maintains a political presence in place. Parliament put the recognition framework in place to achieve these outcomes.
27. The PRP's response is to agree to Q1.b. Essentially, we are saying to Government that s40 needs to be implemented to deliver the system and remove political presence. The Board **noted** that both the current and previous Secretaries of State have said that they want regulators to comply with the Charter criteria, but it is important to recognise that the system needs to be in place in its entirety, not just the Charter. Additionally, a regulator needs to satisfy all of the criteria not just some of them.
28. *Redacted*
29. The Board asked the Chief Executive to review the proposed timetable of activity so that the consultation response could be updated in line with the discussion and provided to the Board as soon as reasonable.

**Pre-action protocol letter - response – Paper PRP63(16)**

30. The Board confirmed that they were satisfied with their decision to recognise IMPRESS and did not intend to revisit this as suggested by the NMA through their solicitors. The response had been prepared on the basis that the Board intended to defend its decision.
- 31-33 *Redacted*
34. The Board agreed to delegate responsibility for signing of the final response to the Chief Executive and the Chair and delegate the responsibility of conducting the litigation to the Chief Executive (acting as the in-house lawyer and instructing external solicitors and/ barristers as required), with the Chair providing instructions on behalf of the Board in that process.

**Any other business and close of confidential session**

- 35-37 *Redacted*

**Date and time of next meeting**

38. The next scheduled meeting of the Board will take place at 09:00 on Thursday 26 January 2017 at Mappin House, 4 Winsley Street, London W1W 8HF.

Drafted: Saima Ansari  
Executive Administration Manager

Signed: Dr David Wolfe QC  
Chair

Dated: 26 January 17