

ASSOCIATED NEWSPAPERS

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Dr David Wolfe QC
Chair
The Press Recognition Panel
Mappin House,
4 Winsley Street
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Dear David

Thank you for letting me know that the Press Recognition Panel intends to make its decision on IMPRESS's application for recognition at its meeting on August 23.

As you know from our submissions, we believe, in common with the vast majority of the newspaper industry, that this poses a very serious threat to freedom of expression.

For that reason I plan to attend the meeting on behalf of Associated Newspapers, although it has not been easy to arrange to do so at such short notice.

I note that members of the public and other interested parties will not be permitted to speak at the meeting.

This is regrettable because there are a number of issues surrounding the holding of this meeting, and the making of your decision, over which the PRP does not appear to have discharged its responsibilities in a way appropriate for a public body.

I would be very grateful if you could give answers to the following questions:

1. The PRP has been assessing IMPRESS's application for seven months. Why was it considered necessary to make your decision on the application in third week of August, when many stakeholders who would have wanted to attend are on vacation?
2. The fact that the PRP was meeting on August 23 has been known for a considerable time. Given that August is the holiday season and many stakeholders would find it difficult to change arrangements, why was the fact that the IMPRESS decision would be made on that day, in public, not announced until August 5, just 18 days before the meeting?
3. Your announcement states that information received during calls for information, and other papers relating to the IMPRESS application and the PRP's assessment of it, will not be published until after the decision has been made. How will stakeholders at the meeting be able to verify that concerns expressed by Associated Newspapers and others about IMPRESS's failure to meet Royal Charter criteria have been properly considered?

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4. On July 15 the PRP published on its website a document entitled 'Guidance for Applicants'. The PRP is normally punctilious about notifying stakeholders about its activities. As far as we are aware, stakeholders were not notified about this guidance, nor was there any press announcement. Why was this the case?
5. The PRP has carried out consultations on nearly every aspect of its work. Why was there no consultation on this Guidance?
6. The Guidance says '*we will not adopt an overly restrictive approach to interpretation [of the Royal Charter]. We recognise there may be more than one way of meeting each criteria...*' Clause 3.2 of the Charter makes clear that: '*Provisions and definitions to assist in the interpretation of this Charter are contained in Schedule 4 (Interpretation)*'. Where does the Charter authorise the PRP to make its own interpretation of the Charter Criteria?
7. How has the PRP come to its conclusion that Clause 1 of Schedule 4 of the Charter '*could include a situation where the regulator is formed on behalf of any publishers who might later choose to join*'?
8. Does the PRP accept that in the absence of this interpretation, the IMPRESS application does not meet the definition of a regulator under this Clause?
9. The Guidance says: '*The PRP does not interpret the Charter as requiring the regulator to have current members in order to be eligible for consideration for recognition.*' How did it reach this interpretation?
10. It says further: '*an applicant regulator will need to show that they have the relevant procedures in place and they are ready and able to operate those procedures.*' As far as we are aware IMPRESS has never handled a complaint, made an adjudication, or issued an advisory notice. How can the PRP determine whether or not IMPRESS is ready and able to operate whatever procedures it may have in place?
11. Royal Charter Recognition Criterion 6 says quite unequivocally that: '*Funding for the system should be settled in agreement between the industry and the Board.*' The Guidance says: '*There is nothing in the criteria or the Charter which precludes funding for the regulator being provided via or from a third party.*' How did the PRP reach this conclusion when the Royal Charter sets out so clearly how funding should be provided?
12. The Guidance says: '*...we consider that criterion 6 does, as a minimum, require some form of consultation that the wider industry could respond to if it wished.*' IMPRESS carried out a consultation, which lasted four weeks and ended on July 6, 2016. As far as I am aware we and other stakeholders were not notified of this consultation and therefore did not respond. The Guidance was published on July 15. Were IMPRESS aware that the requirement to hold a consultation would be included in the Guidance before the Guidance was published? If so, why were other stakeholders not made aware?
13. Why did the PRP not publish its Guidance, and notify stakeholders of this requirement, before the consultation was launched, in order to give them an opportunity to respond?

14. The Guidance claims that Royal Charter Criterion 7 does not require the participation of serving editors in a regulator's Code Committee. How does the PRP justify that interpretation in the light of the second sentence of Criterion 7, which says '*Serving editors have an important part to play...*'?
15. The Guidance says: '*We do not consider it part of the PRP's role to determine any dispute over ownership of the Editors' Code.*' However Criterion 7 states quite clearly: '*The standards code must ultimately be the responsibility of, and adopted by, the Board...*' Could the PRP explain in what way the Editors' Code of Practice, which IMPRESS says it will use initially, is the responsibility of the Board of IMPRESS?
16. When did the PRP take its decision (a) to compile and (b) to publish section 5 of the Guidance for Applicants?
17. Can the PRP confirm that in the absence of this guidance, IMPRESS would be able to meet the requirements of Criteria 6 and 7?
18. We and other stakeholders responded to two calls for information on IMPRESS's application on the clear understanding that the Recognition Criteria would apply as presented in the Royal Charter, without interpretation or embellishment. Why did the PRP not publish section 5, which conveniently reinterprets a number of Criteria in a way which makes it easier for IMPRESS to meet them, until these consultations had closed.
19. Will the PRP now reopen these consultations?
20. It appears to many stakeholders that this Guidance has been drawn up without consultation and published without notice in order to give the PRP grounds to decide that IMPRESS fulfils a number of Royal Charter Criteria which it would otherwise fail to fulfil. Has the PRP given consideration to the likelihood of legal challenge in these circumstances?

I look forward to receiving your response before your meeting on August 23.

With best regards.



Peter Wright
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Associated Newspapers