

Notes of the PRP consultation event held on 8 July 2015 at BBC Birmingham

Introduction

Between 8 June and 31 July 2015 the PRP held a public consultation on how we will receive and determine applications for recognition from independent press self-regulators. As part of the consultation we held eight public events across England, Scotland, Wales and Northern Ireland. The events were an opportunity for the public to have their say on the proposed recognition process and to find out more about the PRP.

This event in Birmingham was hosted by David Holdsworth, BBC Controller, English Regions. 23 members of the public attended. The notes below summarise the discussion, anonymised to protect the identity of individual members of the public.

Discussion

There was a discussion about ‘hyperlocals’ and how these were defined: some being small businesses employing 3-4 people; and others being not-for-profit managed by one person with a civic purpose. All share an interest in the region where they operate, in fact some were created to develop the geographical reputation of that area. They are innovative and creative. They are outside the mainstream press and/or do not come under a wide framework of major publications.

There was a discussion about the potential benefits of PRP recognition for hyperlocals – e.g. benefits arising from the Crime and Courts Act. It was felt that hyperlocals lacked awareness about the legal risks associated with their activity. The sector is maturing and research showed how hyper-locals could hold local authorities to account, but they were not always fully aware of the risks they were taking.

Reference was made to the “hole” being created for those who were outside of the regulatory framework: for example, a husband-and-wife team publishing news about their council estate to 6,000 households could be at risk of a lawsuit if they did not join a recognised regulator but were not aware of it. They create a “community” not an audience. Small hyperlocals needed support and advice to understand the system and mitigate risks.

There was some discussion about who would regulate hyperlocals. Regulation would probably be welcomed if it offered protection but hyperlocals needed to know who the regulator was.

David Wolfe explained that the PRP’s aim was to develop a process that would be suitable for all sizes and types of regulator, including potentially one set up by hyperlocals themselves. The PRP would be open to discussion about this, and although it would not write policies and procedures, the PRP would provide support and advice on the recognition process. There would be no charge for an application until 2017. When PRP designed its charging scheme (on which it would consult in 2016) it would take into account the needs of different types and sizes of regulator.

There was some concern that the proposed recognition framework might impose a burden on hyperlocals if they did not join a recognised regulator: the Leveson inquiry was about the behaviour of some of the large national titles, not the hyperlocals.

David explained that the PRP was there to implement Charter framework - it did not write it. He explained how the Crime and Courts Act provision and the arbitration service would work. The risk that hyperlocals could be silenced by threats of legal action were considered. It appeared that some hyperlocals could not distinguish clearly between personal and corporate liability.

The issue of trust was raised. Were hyperlocals trusted because of their “tone of voice” – writing in a way that people could relate to as compared with the large newspapers. Should regulators take into account tone of voice or will they only focus on factual accuracy. David referred to the requirements of criterion 8 in relation to the standards Code i.e. the requirement not to mislead people.

Asked how many regulators there would be, David Wolfe explained that the PRP could receive applications from any regulator that was formed and wished to submit an application. Acknowledging the potential confusion this might cause, David explained that public education and awareness would be aspects of both regulators’ and the PRP’s work.

Regulators would have to make clear to the public what the routes to redress are when they are unhappy with the actions of a publisher. The PRP could also help to signpost the public to the relevant regulator. One attendee said he would have more confidence in subscribers under a recognised regulator because there would be a mechanism to challenge and review what they publish. Another welcomed the work the PRP were doing.

The PRP Board was keen to design a framework that could accept innovative approaches to regulation - for example trade associations that set themselves up to represent a trade and also to set and uphold standards for members.

David confirmed that it was mandatory for regulators to offer an arbitration service to meet the requirements of criterion 22, with the aim of making it easier to arbitrate disputes between the public and publishers. Recognised regulators would have to operate transparently; for example, people would need to know the complaints procedures and arbitration system.

In response to a concern raised about public confidence in a system where publishers can set up their own regulator in their own interest, David explained that whilst publishers/ subscribers could help to create a regulator, the regulator would have to operate independently of the subscribers or press.

In relation to the effectiveness of sanctions imposed by a regulator on subscribers – for example if an apology published under the crossword in the last page - David referred to criterion 19 and the power of regulators to impose fines and direct subscribers to publish corrections. It was suggested that the indicators for criterion 19 could require that “corrections and sanctions should be appropriate to the platform of the publisher to accommodate the medium of publication and prominence of corrections.” All the indicators and evidence should be scalable and proportionate to the size and resources of regulator/subscribers.

Asked who the PRP reports to, David explained that the PRP is required to report to Parliament, the Scottish Parliament and the public on how the system is working.

Concerning representation of equality and diversity of communities they represent, David explained that the framework does not require that the Regulator’s Appointment Committee and Board takes this into account. The PRP as a public body is, however, required to have due regard to the Public Sector Equality Duty under the Equality Act 2010.
