Notes of the PRP consultation event held on 11 June 2015 at Glasgow Caledonian University, Glasgow

Introduction

Between 8 June and 31 July 2015 the PRP held a public consultation on how we would 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 Glasgow was chaired by David Wolfe QC, Chair of the Press Recognition Panel (PRP). 11 people attended the event. The notes below summarise the discussion, anonymised to protect the identity of individual members of the public.

Discussion

David opened the event by outlining the background to the PRP and its role, which was to receive applications for recognition from press self-regulators. The PRP must also report both to the public and Parliament one year after opening for applications on how the system of recognition is working.

The issue was raised as to whether something different might happen in Scotland. It appeared that neither the Conservatives nor the SNP had plans to do anything more on press regulation.

There was some agreement that there seemed to be no appetite in the Scottish Government to change the press regulation system. By not passing the Defamation Act 2013, there were already big differences. The Scottish Government seemed to have made a call that their system would be more favorable to the press - but the McCluskey Report (recommending legal press regulation in Scotland) had been dropped.

David explained the provisions of the Crime and Courts Act 2013 (CCA), which did not apply in Scotland. David thought the Act would apply to Scottish publications if they also published in England but not if they published solely in Scotland. David added that this was a media law issue, and was outside the PRP's remit.

Reference was made to an ECHR appeal "in waiting," the first time a publication had punitive damages awarded against it for not being part of a recognised regulator. The legal process could take 2 to 3 years. A countervailing point was made that exemplary damages awards were rare.

David stated that exemplary damages were easier to seek and award in the English courts. The CCA cost shifting provisions, by contrast, would act as a "carrot" rather than a "stick".

When asked what the Charter criteria say about what was a ‘relevant publisher’ David gave the example of ‘hyperlocals,’ many of whom could be said to be relevant publishers.

Asked about criteria 13 and the role of serving editors (on a complaints committee advising the Board on complaints) David stated that in his view, this was one of the Charter criteria that seemed quite self-explanatory. If it was felt that more guidance was needed then this should be raised in response to the consultation so the PRP could consider whether to add more indicators or evidence.

The question was raised as to whether there was an appeals system for those who had complained to regulators. David said that the PRP did not have a role in considering appeals and there is no Charter requirement for an approved regulator to offer an appeals system.

The issue of whether or not an application for recognition should be published for comment was discussed. There were concerns about how members of the public would be able to feed into the process if only the name of the applicant was published. David stated that it was currently not the PRP’s intention to publish, but given its commitment to openness and transparency, the PRP would keep this under consideration.

There was a discussion regarding whether the PRP had any plan to change the Charter. David explained the PRP’s reporting obligations and the fact that these included the opportunity to report on how the recognition system was working.

David asked about ‘hyperlocals’ in Scotland. In response, it was explained that these were commonplace, especially following the Scottish referendum. Hyperlocals were seen as being outside the regulatory landscape and it was not clear whether they would want to sign up to a common regulatory platform.

The Crime and Courts Act takes members of recognised regulators out of the costs system because they force arbitration. However, even with the Crime and Courts Act in place, many hyperlocals would still fall outside Charter protection: many would not fall under the definition and some would not be able to afford membership of a regulator. Others might not want to be part of a regulatory system.

It was also noted that for hyperlocals, Charter recognition might be a good incentive as it could provide a badge of quality.