

PRESS RECOGNITION PANEL

Minutes of the meeting between Dr David Wolfe QC and Professor Tim Luckhurst held on 9 November 2015 at the University of Kent, Gillingham building, Medway Campus

Present:

Professor Tim Luckhurst (TL)
Dr David Wolfe QC (DW)
Paul Nezandonyi (taking notes)

Background to the meeting

- [DW wrote to TL](#) on 16 October 2015 after reading TL's foreword to the recently published report [Leveson's Illiberal Legacy](#). DW asked for the opportunity to meet TL to discuss the foreword, as part of the PRP's programme of engaging with the wide range of people who have an interest in press regulation.
- [TL responded](#) saying he would be pleased to find a time to meet with DW, if DW was sincerely convinced it would serve a useful purpose, and TL invited DW to the University of Kent's Centre for Journalism.
- [DW responded](#) to confirm that he wished to understand the nature and basis of TL's concerns and that meeting would be useful.
- [TL responded](#) and stated that he would be delighted to explain his position to DW, and TL also invited DW to give a talk to journalism students of the University of Kent's Centre for Journalism. During the session, DW spoke about the PRP and he answered questions.
- The section below summarises the discussion that took place between DW and TL. TL's side of the discussion has been redacted at the request of TL.

Discussion

- DW outlined the mechanism for winding up the PRP and explained that the independent Board had a security of tenure, as laid out in the Royal Charter. DW added that the Secretary of State for Culture, Media and Sport had recently restated his support for the recognition system in a [speech to the Society of Editors](#).
- DW explained that the PRP issued its guidance to regulators wishing to apply for recognition in September 2015 and that it would take time for regulators to digest the guidance and prepare an application.
- DW explained that there was nothing in the Charter that stated that recognition of a regulator should depend on the extent of membership of the applicant. DW stated that he could not prejudge an application and that the PRP would carry out a thorough assessment of any applications it received to determine whether or not it met the Charter requirements.
- DW explained that the PRP treated all stakeholders in the same way. DW explained that it was not the PRP's role to look back at the historic processes that had led to the Royal Charter. DW stated that the Charter and the wider legal framework that it

sat within were now in place, and the PRP was concerned with fulfilling its role as outlined in the Charter.

- DW explained that the PRP spoke to a wide range of stakeholders, ranging from small and large publishers, to campaign groups and trade bodies, to the members of the public. The PRP was confident that it received views from a wide range of people.
- DW stated that although IPSO had around 85 subscribers, it did not cover all publishers in the UK.
- DW explained that some smaller, local publications had a high penetration in their local areas, and that legal action against them would have a significant local impact, compared to larger national publishers. Legal action had the ability to drive many small publishers out of business.
- DW referred to TL's recent [Daily Mail article](#) about the recognition system in which he stated '*Here in the UK we face the prospect of a state-sanctioned regulator, backed by Royal Charter, exercising ultimate control over what we can read in our newspapers.*'
- DW explained that as far as the PRP was aware, there was no mechanism for undue influence. DW explained that the PRP was independent and that the Charter itself could only be amended by a two-thirds majority of each of the House of Commons, the House of Lords and the Scottish Parliament, and with the unanimous agreement of the Board itself.
- There was a discussion about global publishers. DW stated that there was nothing in the Charter to prevent global publishers from joining approved regulators, if they wished, and that the Charter did not make reference to where a publisher might be domiciled. DW explained that the Charter covered all relevant publishers and that there was no differentiation between online and offline publications or between those based in the UK and those based abroad. The 'carrots and sticks' were the same.
- DW asked TL about the '*eminent QCs*' referred to in his foreword to 'Leveson's Illiberal Legacy' who had provided legal advice on the potential conflict between the recognition system and the European Convention of Human Rights (ECHR).
- DW stated that the PRP was keen not to act in a way which could create a risk of a breach of Article 10 of the ECHR and that any guidance that TL or others could provide on their concerns would be welcome. DW explained that the PRP had tried to [contact Helen Anthony](#) but had not received a response.
- DW explained that the Government did not oversee the PRP's work. The PRP had received all of the agreed £3m Treasury funding intended to fund the PRP's first three years, and there were no government controls over the funding. The PRP did not have ongoing contact with the Treasury or Government (other than as part of its ordinary meetings with a range of stakeholders, the notes of which were available on its website). DW explained that the only way for someone to challenge the PRP's spending (i.e. as being inconsistent with the Charter) would be to take the organisation to court.
- DW stated that he did not feel under any undue pressure from Government or others.

- DW explained that the £3m was likely to last longer than three years and although there would be a significant amount of work to do in the first two years of the PRP's existence, beyond this the workload was expected to reduce. The PRP's staff were currently on temporary contracts and the PRP's current office space was hired on a short term basis. Beyond the initial funding, the organisation would likely be funded through charges made to regulators applying for recognition, and then by fees charged for reviews.