

PRESS RECOGNITION PANEL
Minutes of the meeting with DCMS held on 2 December 2015
at Mappin House, 4 Winsley Street, London W1W 8HF

PRP: Dr David Wolfe QC (Chair of the PRP), Susie Uppal (Executive Director, PRP)

DCMS: Francesca Conlon, Ceri Morgan and Vivek Kumar

In attendance: Holly Perry (notes)

Welcome and introductions

1. David Wolfe (DW) began by welcoming DCMS officials to the PRP's offices. Ceri Morgan (CM) explained that Kate McGavin would shortly be returning from maternity leave and would take over CM's role, while Natalie Davis would shortly be taking over from Francesca Conlon (FC). Vivek Kumar (VK), DCMS legal adviser on press policy, would provide continuity.
2. DW explained that as usual, the fact of the meeting would be public, and an agreed note would be published on the PRP's website. The PRP was meeting DCMS in the context of it being a stakeholder, and would be meeting with other stakeholders in the New Year. The purpose of the meeting was to provide an update on progress, and to discuss recent key developments affecting the press.

Discussion

Consultation on recognition framework

3. DW provided DCMS with an update on the outputs of the public consultation held over the summer. The process had been positive and constructive, and the PRP met a considerable number of people during the roadshows held across the UK. Based on the consultation responses, the PRP had published its final recognition framework and guidance for applicants on 10 September 2015, and had opened for applications on the same day.
4. The emphasis in the recognition framework had been on the criteria set out in the Royal Charter. The PRP did not add to these (it did not have the power to do so), but provided guidance for applicants, adding supplementary information to assist. In terms of consultation responses, DW explained that there had been push back in both directions – some respondents felt the PRP had gone too far, others felt that a further supplementation of the criteria would have been helpful.

5. Some important issues of principle had arisen – for example, a number of respondents had asked whether a regulator could be recognised with no members. DW explained that there was nothing in the Royal Charter criteria which meant that recognition depended on the nature or extent of the regulator’s membership.

Forward look

6. Since September, the PRP had been working on other significant work areas which would be subject to public consultation in 2016, including:
 - arrangements for ad hoc and cyclical reviews of recognised regulators (consultation expected to take place in early 2016);
 - the PRP’s charging regime (consultation expected in mid-2016); and
 - plans for the annual report on success / failure of the recognition system, which was due to be published in September 2016, on the anniversary of opening for applications (the PRP would consult stakeholders on the contents of this report).
7. The PRP’s resource decisions had been planned and timed according to these key workstreams and to the potential for there being recognition applications from one or more regulators.
8. On the basis that the staff team was very small (just six at present), SU emphasised that changes in assumptions could have a big impact. For example, if an application for recognition was received unexpectedly, this would mean having to divert staff resource away from other key projects.

Business as usual

9. As well as the work on the recognition framework and planning for the future, the PRP had also been working on ‘business as usual’ activities including preparing the first annual report and accounts for the PRP, audited by the National Audit Office.

Crime and Courts Act

10. DW reported that a number of people had raised issues with the PRP about particular provisions within the Crime and Courts Act (CCA) allied to the Royal Charter during the public consultation. In summary, the issues included:
 - interest from, and support for, the benefits of costs protection for smaller publishers (to counter the chilling effects of the threat of court action);

- the suggestion that the arrangements might represent a breach of Articles 6 and 10 of the Human Rights Act (the PRP had requested sight of relevant legal advice, and the advice had not substantiated the claims);
- some misunderstanding in relation to the ‘relevant publisher’ definition, and significant misunderstanding of the ‘small publisher’ definition;
- a number of respondents had emphasised the advantages of a recognition system beyond costs protection e.g. the development of a kite mark of quality.

11. DCMS asked whether each of the individual responses was available on the PRP’s website. DW responded that they were, where individuals had confirmed that they were content for their response to be published.

12. DCMS reported that since the provisions relating to exemplary damages had come into force, there had been relatively little by way of stakeholder reaction.

13. There had been some reaction (by way of Parliamentary Questions, correspondence and meetings) following the Secretary of State’s speech to the Society of Editors. DCMS said that the Secretary of State was considering the costs provisions of the CCA carefully. As he said in his speech, the Secretary of State would like to see the press bring themselves within the Royal Charter’s scheme of recognition.

Proliferation of smaller publishers

14. DCMS asked for any information that the PRP had gathered during the consultation in relation to smaller publishers. DW responded that there were a significant number of smaller publishers, and some grey areas to be resolved through the courts as to definitions.

15. From the PRP’s point of view, the key issue had been to ensure that – in the design of the recognition process – that the full range of sizes was contemplated. The range and depth of publisher was just as important as the scale. The PRP is seeking to get a better view of the landscape of publishers of all sizes.

16. While the PRP wasn’t undertaking market analysis, there would be reference in the annual report on success / failure of the recognition system to the landscape and context of publishers of all sizes.

Public responses to the consultation

17. DCMS enquired about the level of direct public responses to the consultation. DW responded that there had been a mix of direct responses and a number routed through victims’ groups. The majority of group responses had in fact been quite targeted and specific in relation to particular issues e.g. complaints,

arbitration etc., while direct responses from the public had tended to focus on broad issues, sometimes outside of the PRP's scope, such as the legitimacy of the Royal Charter and recognition criteria.

Application from IMPRESS

18. DCMS asked about the likely timescales for an application for recognition from IMPRESS. SU responded that initially, IMPRESS had indicated that they were likely to apply for recognition soon after the PRP opened for applications. Currently, other than being aware that IMPRESS did intend to make an application, the PRP had no further information on any precise date on which that application would be received.

Geographical issues

19. DCMS asked whether the PRP had identified geographical issues during the consultation discussions. DW responded specific issues had arisen in relation to Scotland in the context of devolution, but that otherwise, the issues had been grouped by theme (e.g. the consultation events in Birmingham and Cardiff had been specifically targeted at local online publishers). A number of cross-cutting themes had emerged however, including changes in market competition, and the hollowing out of local print press triggering the rise of local online publishers.

Next steps

20. CM thanked DW and SU for providing a helpful update, and for an open two-way sharing of information regarding developments relevant to the PRP's work.

21. SU emphasised that the PRP would welcome early notice of any developments that were likely to affect the PRP's work. FC said that DCMS would be in touch once there was something to report.