

**PRESS RECOGNITION PANEL**  
**Minutes of the meeting between David Wolfe and Ben Cohen held on 14**  
**January 2016 at PinkNews Media Group, London**

**Present**

Benjamin Cohen, Chief Executive of PinkNews Media Group (BC)

David Wolfe, Chair of the Press Recognition Panel (DW)

Paul Nezandonyi, Head of Communications and Stakeholder Engagement at the Press Recognition Panel (taking notes)

**Background to the meeting**

- DW wrote to BC on 4 January 2016 as part of the Press Recognition Panel's (PRP) ongoing programme of meeting with stakeholders to inform them about the PRP's work.
  
- BC agreed to meet with DW so a meeting was arranged for 14 January 2016.

**Discussion**

- DW opened the meeting by speaking about the specific role of the PRP, explaining that the organisation was created by Royal Charter following the Leveson inquiry. DW outlined the history of the PRP, including that it came into existence as a legal entity on 3 November 2014, before opening for applications for recognition on 10 September 2015, following a public consultation on the framework for recognition.
  
- DW briefly outlined the current regulatory system in the UK; he explained that there were two regulators, IMPRESS and IPSO, and a number of large and small publications who were outside the regulatory system. DW explained that regulators would need to comply with all of the recognition criteria in the Charter to be recognised by the PRP as an approved regulator.
  
- DW explained that the PRP is entirely independent of the press, government or any such body, and that the PRP's Board Members were appointed through a wholly independent process. The Charter secured the PRP Board Members' independence. DW explained that the PRP had received all the £3m Exchequer funding that was intended to fund the PRP's first three years of operation, and that there were no government controls over the funding.
  
- BC asked whether anyone else had come forward proposing to set up a regulator. DW responded that as far as the PRP was aware, no one else had come forward, but there was nothing to stop this from happening. DW explained that during the PRP's consultation on its proposed approach for assessing applications for recognition from press regulators, the PRP had

heard from a range of people who could potentially set up a regulator. DW added that the Charter did not place a restriction on how many regulators there could be, and that regulators could be set up by or on behalf of publishers.

- DW explained that during the PRP's consultation on its proposed approach for assessing applications for recognition the PRP identified the need for its processes to work for a wide range of regulators, so the PRP had established a system that should work for regulators of varying scales, including those encompassing large and small publishers.
- BC explained that PinkNews did not belong to a regulator, but he had been contacted by IMPRESS a number of times. BC asked whether IMPRESS currently had any members and DW responded that he did not know.
- DW explained that the recognition system was here to stay, regardless of whether or not regulators applied to be approved regulators now, or in ten years, if at all.
- DW explained that the Charter sat alongside provisions in the Crime and Courts Act. DW explained that the provisions related to exemplary damages came into force in 2015.
- BC asked how the provisions were applied, given that there was no approved regulator for publishers to consider signing up to. DW explained that he believed that the law was unlikely to be enforced until there was an approved regulator. DW believed that if a publisher was challenged, a court would consider the reasonableness of the publisher not belonging to an approved regulator.
- BC asked what a relevant publisher was. DW explained that the definition of a relevant publisher was provided by Section 41 of the Crime and Courts Act. A "relevant publisher" means a person who, in the course of a business (whether or not carried on with a view to profit), publishes news-related material (a) which is written by different authors, and (b) which is to any extent subject to editorial control. DW added that there were some exemptions.
- BC explained that PinkNews operated to a high standard of ethics and journalism. However, PinkNews received a lot of vexatious homophobic and transphobic complaints. BC explained that because PinkNews did not belong to a regulator, PinkNews was able to deal with these complaints as they wished, and they often ignored complaints that were vexatious or extremely offensive. BC was concerned that joining a regulator would mean that

PinkNews would not be able to ignore complaints in this way. BC explained that although PinkNews had a large number of readers, it was a small organisation and being regulated would mean that PinkNews would be tied up with dealing with vexatious complaints and legal cases. Some readers even tried complaining to Ofcom about PinkNews. However, currently no complaints went to court because there was never a case for PinkNews to answer due to the high standards the publication maintains.

- BC explained that the bulk of PinkNews's content was read in the US, and he asked what rights and protections US readers had under the recognition system. DW explained that the Charter did not place any geographic limits on where a reader is located or where a publisher was domiciled. The issue was where the publisher can be sued. If the publisher could be sued in the UK, then the Charter and the related provisions in the Crime and Courts Act would apply to the publisher.
- BC asked whether PinkNews would have to change its complaints handling process if it joined a regulator. DW explained that if PinkNews joined a regulator it would need to set up a complaints process that was compliant with the regulator's requirements. DW explained that if PinkNews subscribed to a regulator, complainants would be able to complain to the regulator if they were unhappy with the way PinkNews had handled their complaint, and the complainant would have the option to go through a Charter-compliant arbitration scheme as an alternative to going to court. DW added that a Charter-compliant arbitration scheme would have a system for filtering out vexatious complaints.
- BC explained that PinkNews was not currently in a position to think about setting up a regulator but it would be monitoring matters closely.
- BC explained that PinkNews operated to different standards than tabloids. PinkNews was sensitive about the issues it probed and all its investigations were evidence-based.
- BC asked whether or not comments posted by the public on websites in response to news stories were regulated in the same way as standard news articles; he added that PinkNews did moderate comments, and they did not allow comments on live criminal news stories, legal cases or on sensitive subjects. DW responded that since comments were subject to editorial control, they would be treated in the same way as news articles.
- BC asked whether or not the PRP was aware of other online publishers' plans - such as BuzzFeed and Huffington Post - in relation to regulation. DW

explained that he did not know what their plans were, but that the PRP was hoping to meet with more online publishers as part of the its ongoing programme of meetings with stakeholders to inform the PRP's work.

- BC and DW discussed the issue of how content issued by news publishers in the form of tweets and YouTube videos was regulated, and discussed the fact that there were boundary issues.
- BC and DW discussed who regulated content on broadcasters' websites, and whether or not this was the remit of Ofcom.