

PRESS RECOGNITION PANEL

Minutes of the 33rd meeting of the Press Recognition Panel Board held on 24 October 2017 at Mappin House, 4 Winsley Street, London W1W 8HF

Present: David Wolfe QC (Chair), Harry Cayton, Emma Gilpin-Jacobs, Carolyn Regan and Harry Rich.

In attendance: Susie Uppal (Chief Executive), Paul Nezandonyi, Simon Edwards, Adam Gibbs and Saima Ansari

BOARD MEETING – PUBLIC SESSION

Welcome

1. The Chair **welcomed** Members and attendees to the thirty third meeting of the Press Recognition Panel Board.
2. The Chair noted Tim Suter's resignation and departure from the PRP following his appointment to the Board of OFCOM commencing on 2 October 2017. The Board formally congratulated Tim on his new appointment and expressed appreciation for Tim's contribution to the organisation during his tenure.

Declaration of members' interests

3. There were no new declarations to note.

Minutes of the meeting held on 23 August 2017, outstanding actions and matters arising

4. The minutes of the meeting held on 23 August 2017 were noted as factually correct. The Board noted the log of outstanding actions and noted that there were no other matters arising that were not covered elsewhere on the Agenda.

Chief Executive's Report – October 2017 – Paper PRP41(17)

5. The Board received a Paper which provided an update on Executive activity since the September CEO report.

6. The Board reviewed the correspondence that had been received and noted that the Chief Executive of IPSO had confirmed that there is no bar to IPSO publishers also joining an approved regulator such as IMPRESS.
7. The Board discussed the Data Protection Bill 2017 due to enter the Committee stage of the House of Lords. Under Exemptions, Schedule 2, Part 5, para 24(4) states that in determining whether it is reasonable to believe that publication would be in the public interest, the controller must have regard to any of the codes of practice or guidelines listed in sub-paragraph (5) that is relevant to the publication in question. The codes of practice and guidelines listed are—
 - (a) BBC Editorial Guidelines;
 - (b) Ofcom Broadcasting Code;
 - (c) IPSO Editors' Code of Practice.
8. The reasoning behind the inclusion of IPSO by the Bill legislative drafters is unclear. It was noted also that in the past the RFC had asserted that ownership of the code lay with them so the terminology in the draft bill would also seem to be incorrect.
9. Following Lord Leveson's recommendations the Charter was created by Parliament to set the criteria that a press regulator would need to meet to ensure that it was independent, properly funded and able to protect the public. The PRP was established by the Charter as the independent body to oversee those UK press regulators that it has assessed as having met the Charter criteria. Only approved regulators should be formally included in the legislation.
10. The Board agreed that the Executive should write to recommend the inclusion of the PRP's approved regulator's standards code in the list.
11. The Chair thanked the Board and the Executive for the thorough analysis that been undertaken when assessing the IMPRESS application for recognition. The Judicial Review judgement issued on 12 October 2017 had very clearly and unambiguously affirmed that the Board had made a lawful decision on all grounds.
12. The Board **noted** with thanks the contents of the Chief Executive's report.

Finance Report September 2017 – Paper PRP42(17)

13. The Board received a Paper which provided an update on the financial position as at 30 September 2017.

14. The following points were raised in discussion:
- The Board **noted** the latest financial position as at 30 September 2017 and the 6-month review of the budget (reforecast) carried out in October 2017 (prior to the judgment of the Judicial Review).
 - Counsel fees and disbursements may increase as indicated.
 - The PRP's own internal legal costs would be calculated so that costs could be claimed from the NMA, as ordered by the court.
 - IMPRESS will be paying its first fee instalment by 3 November 2017.
 - It was noted that the HMRC ruling confirmed that the fees would be VAT exempt.
15. The Board agreed that as the current banking arrangements continue to meet the PRP's needs, no changes should be made at this stage.
Post meeting note: Barclays Bank have confirmed that the current account will be made dormant and will not affect the continued use of the Barclays deposit account.
16. The Board formally confirmed the continued appointment of the Chief Executive as the PRP's accounting officer.

Any other business and close of public session

17. None raised.

BOARD MEETING – CONFIDENTIAL SESSION

Minutes of the meeting held on 23 August 2017, outstanding actions and matters arising

18. The confidential section of the Minutes was recorded as factually correct.

Chief Executive's Report – October 2017 – Paper PRP41(17)

19. The Board were informed that there had been a slight error by JS2 in September's payroll where individual pension contributions for four members of staff were not deducted. The affected staff were notified immediately and the payments deducted from October's payroll as agreed. JS2 rapidly spotted the error and ensured corrective measures have been taken to prevent the mistake from being repeated. No further action was required.

Audit and Risk Committee verbal update

20. The Chair of the ARC provided a verbal update to the meeting that had

taken place earlier that morning. The ARC had discussed the recent audit and noted that there were no recommendations from the NAO to the ARC for consideration.

21. The ARC considered the requirement for an internal audit as part of its regular review and concluded that in view of the size and relative lack of complexity of the PRP and the control measures in place, an internal audit will not be commissioned. This matter will be reviewed annually by the ARC.
22. The ARC had considered an indicative timetable for the 17/18 audit and agreed with the NAO that the financial information will be provided at a condensed single stage. A further update on the planning for the audit will be provided to the Board in due course.
23. redacted
24. The ARC will be considering the impact of the General Data Protection Regulation that comes into effect in May 2018 and the Board will be kept informed.
25. The risk register has been updated and amongst other changes, takes into account the outcome of the Judicial Review. The updated register will be considered by the Board at its next meeting in December 2017.
26. A copy of the ARC minutes will be circulated to the Board for information once agreed.

**Update on IMPRESS Board media activity Implementation Plan –
Paper 43(17)**

27. In December 2016 and January 2017, the News Media Association and the Professional Publishers Association made allegations that members of the IMPRESS Board, Code Committee and CEO had published highly partisan, negative and extreme views of certain publishers and sections of the UK press. This it was said “raised concerns regarding the suitability of senior figures within IMPRESS to be involved in the regulation of the press, having regard to “the requirements of independence and impartiality that are embodied in the Charter”.
28. The PRP Executive sought a response from IMPRESS to the complaint and carried out its own investigation in accordance with the PRP’s published guidance on cyclical and ad hoc reviews to determine whether there was a risk that any of the recognition criteria had been breached.

29. The matter came before the PRP Board in March, July and August 2017 (published Minutes are available on the website). At its March 2017 meeting, the PRP Board noted that the issues raised a risk of non-compliance by IMPRESS with criterion 23 of the Royal Charter, in that some of the statements complained of could give rise to a perception that membership of IMPRESS was not open to all publishers on fair, reasonable and non-discriminatory terms. IMPRESS was made aware of those views.
30. Given that any decision to undertake an ad hoc review rests with the Board, at its July meeting the Board considered the Executive's further assessment and noted that, whilst it had initially appeared that there was a risk of non-compliance of criterion 23, the risk was now potentially reduced (and anyway any such non-compliance was not likely to be 'serious', as defined in the PRPs guidance) given the actions that had been taken so far (and as contemplated) by IMPRESS most particularly in its undertaking an internal investigation with a view to acting to remedy the position.
31. The Board considered it appropriate to wait to take a final view when IMPRESS had completed the implementation of the actions it decided upon. The Board also noted that given that there is no current likelihood of any of the affected publishers applying for IMPRESS' membership, there would probably in any event be no public interest in carrying out an ad hoc review at this time.
32. The PRP Executive therefore delayed their final assessment until the recommendations had been substantively progressed and IMPRESS and its report fully published.
33. The PRP Board noted that IMPRESS published its internal review panel report on the allegations on 26 September 2017 and that the IMPRESS Board has fully adopted the recommendations made by that report which have now been largely implemented. The action taken by IMPRESS includes:
- The introduction of a draft new Code of conduct for IMPRESS staff, Board and Committee members.
 - The publication of a new register of interests for Board members, the Chief Executive and Chief Operating Officer to include any significant publications, previous paid and unpaid roles and any support for pressure groups which seek to influence others on any issue related to the news publishing industry and IMPRESS' work.
 - Amending IMPRESS articles of association to include a requirement that

a Board member's term of office will be brought to end if he/or she can no longer act fairly and impartially.

- An IMPRESS Board resolution on 12 September 2017 creating two separate sub-committees' A and B of IMPRESS Board. Regulatory sub-committee B which will deal with relevant publishers which fall into IMPRESS tariff band 7 (turnover of £20 million or more) and any complaints brought by those publishers, their editors or senior executives or journalists. Sub-committee A which will deal with regulatory matters in relation to all other actual and prospective members save where there is a complaint or an investigation that concerns an article that was originally published by, or is otherwise sourced from, a publisher that is or would be regulated by Sub Committee B were it a member of IMPRESS.

- Confirmation that Martin Hickman, Maire Messenger Davies and Emma Jones will not serve on sub-committee B and that Jonathan Heawood will not administer it.

- Advertising for two new Board members

34. The PRP Board also noted that as far as it was aware no complaint had been made by any actual or currently likely prospective members of IMPRESS.

35. In the circumstances the PRP Board agreed with the assessment of the PRP Executive that although there had been a risk of non-compliance of criterion 23, the risk was now reduced (and anyway any such non-compliance was not likely to have been 'serious', as defined in the PRPs guidance) given the actions that had been taken by IMPRESS (most particularly in the adoption of the recommendations of its internal investigation) to remedy the position and given that the affected publishers are anyway not currently likely to seek membership of IMPRESS.

36. Should the position of any those publishers position change then the PRP would review the situation to see if any action was required.

37. Given the factors above, there would no significant public interest in a formal ad hoc review as contemplated by the Charter being undertaken now.

38. The impact of the measures adopted by IMPRESS and IMPRESS' recognition generally will in any case be reviewed on a cyclical basis in accordance with the PRP's published guidance.

Draft state of recognition report – Paper PRP44(17)

39. redacted

40. The Board **agreed** that it would be useful to write to the Secretary of State for DCMS to address inaccuracies brought out during her recent Committee appearance. The letter should be copied to the DCMS Committee for information.

Post meeting note: A letter was sent by the Chair to the SofS and copied to the Committee on 6 November 2017.

Review of ad hoc and cyclical review guidance – Paper PRP45(17)

41. redacted

42. redacted

43. redacted

44. redacted

Any other business and close of confidential session

45. None raised.

Date and time of next meeting

46. The next scheduled meeting of the Board will take place at 09:00 on Wednesday 20 December 2017 at Mappin House, 4 Winsley Street, London W1W 8HF.

Drafted: Saima Ansari
Executive Administration Manager

Signed: David Wolfe QC
Chair

Dated: 13 November 2017