

PRESS RECOGNITION PANEL

Note of the meeting of the Press Recognition Panel (PRP) with peers held on 29 November 2017 at the House of Lords.

David Wolfe, Chair of the PRP and Susie Uppal, CEO of the PRP were invited to meet with Lord Lipsey who chairs an informal series of discussions among peers on press regulation. The note below covers the information that was provided to attendees.

Attendees

Lord Lipsey, Chair of the informal group
Earl Attlee
Baroness Hollins
Lord McNally
Gordon Ramsay
Lord Stevenson

Attendees from the PRP

David Wolfe (DW), Chair of the PRP
Susie Uppal, Chief Executive of the PRP
Paul Nezandonyi, taking the note

Welcomes and introductions

1. Lord Lipsey opened the meeting by explaining that the PRP's 2017 annual report on the recognition system had been published today. The PRP had been invited to attend this informal meeting to provide an account of the report.

The PRP's annual report on the recognition system

DW explained that

2. The 2017 report on the recognition system provided an update on PRP activity over the last 12 months.
3. In providing some context to the PRP's work, in November 2016 the Government launched a consultation on section 40 of the Crime and Court Act, but the outcome of the consultation was still unknown. DW described how section 40 operated and he explained that it could have been commenced at any time. Although section 40 did not take effect until there was a recognised regulator, commencement was not reliant on there being a recognised regulator.
4. Because section 40 had not been commenced, politics continued to be involved in press regulation – something which everyone agreed should not happen.
5. The PRP's annual report on the recognition concluded that the recognition system did not cover the majority of significant relevant publishers. However, it

was too early to assess the success or failure of the system because it had not yet been fully implemented. It was the PRP's view that it was too early to consider statutory regulation of the press.

6. There was a discussion about the potential outcomes to the Government's consultation on section 40.

Approved regulator

7. Over the last 12 months the PRP had continued to fulfil its Royal Charter obligations, including by assessing IMPRESS' application for recognition, and then overseeing the approved regulator.
8. The PRP's report explained that the NMA brought Judicial Review proceedings against the PRP's decision to recognise IMPRESS. The NMA challenged the legality of the decision. The High Court upheld the PRP's decision.
9. The High Court refused the NMA permission to appeal. The NMA had made an application to the Court of Appeal seeking permission to appeal the High Court's decision. The PRP would defend any appeal.
10. When IMPRESS successfully applied for recognition, it relied on the Editors Code. The approved regulator subsequently wished to implement its own code, and the PRP needed to be satisfied that the new code met the Charter criteria. The PRP assessed the code and the PRP was satisfied that IMPRESS continued to be Charter compliant.
11. During the last 12 months, the PRP has received two complaints asking the PRP to implement an ad hoc review. The PRP considered the complaints and determined that the threshold for an ad hoc review had not been met.

Publishers outside recognition system

12. 10 months ago the Culture, Media and Sport Committee said that IPSO should be given a year to be Charter compliant, however it was not clear who would assess IPSO against the Charter. The PRP had not assessed IPSO against the recognition criteria. It also appeared that there wasn't enough information about IPSO in the public domain to carry out a rigorous assessment. If the PRP was to assess IPSO, the PRP would need access to the same level and detail of information that IMPRESS provided in its application.
13. There were many publishers that belonged to neither IMPRESS or IPSO. The PRP had not spoken with the FT or the Guardian recently, so could not comment on their current views on press regulation, however they had their own complaints handling systems in place.
14. There was a discussion about the definition of 'relevant publisher'. DW explained that the definition included international, national, regional, local and hyperlocal titles that operated across print or online or both. It encompassed what might be

termed the ‘traditional print press’ as well as the range of newer publications that are proliferating due to the internet.

15. The new system of regulation applied to any and all news publishers that could be sued in the courts of England and Wales. For global companies established overseas, if they had a legal base in England or Wales sufficient for them to be subject to the jurisdiction of the courts here, the system applied to them.
16. There was a discussion about the range of new publishers that were emerging – particularly online. DW explained that there were some news publishers who were clearly within the system – for example HuffPost and BuzzFeed. DW stated that news programmes such as Radio 4’s Today now covered stories from online news publishers as well as from the traditional print media.
17. DW explained that there continued to be an ongoing debate about the status of social media platforms such as Twitter, Facebook and Snapchat. It was for the courts to decide whether they were relevant publishers.
18. There was a discussion about whether the world had moved on since Leveson published his report. DW explained that the PRP had not seen any evidence to suggest that the recommendations in the Leveson Report and the system that was subsequently intended to be put in place were no longer relevant or appropriate. The Leveson report, its recommendations, and the recognition system applied to all relevant publishers. Although the means of delivering news was changing (from paper to online) along with the range of publishers, the nature of the response to the issues identified in the Leveson Inquiry remained the same.

The PRP’s independence

19. It was untrue to say that the PRP was state-controlled. There was no mechanism for control. The government or politicians were not able to remove PRP board members, affect the PRP spending, or unduly influence the PRP’s decisions.
20. The PRP had met with Karen Bradley, Secretary of State for Digital, Culture, media and Sport (December 2016), and that during the meeting she confirmed that neither she nor any other politicians or part of government or the state had any ability to steer the PRP in its role.

The PRP’s finances

21. The PRP was funded by an initial exchequer grant of £3m. The PRP had been prudent with its finances and was continuing to use those funds. Since November 2017, that PRP was charging an annual fee to IMPRESS and was self-funding. If the PRP received another application for recognition, the applicant would be charged an application fee by the PRP. If the application was successful, the approved regulator would be charged an annual fee.

22. The shape and size of the PRP was reducing in line with the current level of operations to ensure that the PRP was able to fulfil its Charter obligations and manage its finances effectively.

Arbitration

23. There was a discussion about arbitration. The Charter required arbitration to be low-cost and compulsory for publishers who were members of an approved regulator. It was not possible for members of an approved regulator to opt-out of arbitration.

Investigations

24. There was a discussion about approved regulators' powers to carry out investigations. The Charter required approved regulators to be able to carry out an investigation when there were systemic *or* significant breaches of the standards code. and not merely where they are significant *and* systemic, which would be very different and a much higher threshold