

IN THE MATTER OF:

AN INQUIRY UNDER THE INQUIRIES ACT 2005

INTO THE CULTURE, PRACTICES AND ETHICS OF THE PRESS

CHAired BY THE RT HON LORD JUSTICE LEVESON

SECOND WITNESS STATEMENT OF DAVID JOHN BROOKES

I, **DAVID JOHN BROOKES**, of the Birmingham Mail, Floor 6, Fort Dunlop, Fort Parkway, Birmingham, B24 9FF **WILL SAY** as follows:

1. I am the Editor of the Birmingham Mail and Editor-in-Chief of Trinity Mirror Midlands. Trinity Mirror Midlands is owned by Trinity Mirror plc ("**Trinity Mirror**").
2. I am making this statement in response to a notice dated 29 June 2012 pursuant to section 21(2) of the Inquiries Act 2005 (the "**Notice**") addressed to me at the Birmingham Mail. This is my second witness statement to the Leveson Inquiry (the "**Inquiry**"). My first witness statement was dated 11 November 2011 and was provided to the Inquiry in response to an earlier notice dated 29 September 2011 pursuant to section 21(2) of the Inquiries Act 2005.
3. Where the contents of this statement are within my own knowledge they are true and where the contents are not within my own knowledge I indicate the source of my belief and believe them to be true.
4. I am not authorised to waive any privilege on behalf of Trinity Mirror or Trinity Mirror Midlands and nothing in this statement is intended to constitute a waiver of privilege on behalf of any of them.
5. I deal with the matters set out in the Notice below, following the order of the Notice and using the Inquiry's numbering and headings.

Question 1: Who you are and your current job title

6. I am the Editor of the Birmingham Mail and Editor-in-Chief of Trinity Mirror Midlands, which publishes the Birmingham Mail. At the time I made my First Witness Statement to the Inquiry I was Editor-in-Chief of BPM Media. I now have editorial responsibility for the Birmingham Mail, Coventry Telegraph and for a number of the weekly publications in the region.

Proposal for Self Regulation

The Notice states:

"Lord Black has submitted to the Inquiry a proposal for "a New and Effective System of Self-Regulation"¹. In his submission Lord Black states:

¹ <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/06/Submission-by-Lord-Black-of-Brentwood1.pdf>

"Responses to the industry consultation from within an extremely diverse set of businesses have inevitably been varied. Parts of the industry – particularly the regional and periodical press – have been understandably anxious about such substantial change, especially when the current system works well for them (as the Inquiry has heard) and above all for their readers. They have rightly been worried about the potential increase in costs and bureaucracy of a new system. But at the other end of the spectrum, some national publishers have argued for even tougher controls. At the end of the day, therefore, this proposal seeks so far as is possible to balance these views. But there is no doubt to me that the vast majority of the industry sees them as credible, likely to prove effective and that they will take part. Northern and Shell has indicated that it is willing to participate, subject to detailed contract terms."

7. Whilst I was previously aware of Lord Black's proposals, which I understand to be PressBof's (Press Standards Board of Finance) proposals and therefore refer to them in this statement as such, I have considered them in detail for the first time (and to the extent possible in the time made available to me) for the purposes of responding to this Notice.

Question 2: To what extent were you personally involved in drawing up this proposal for a new system of self-regulation based on contractual obligations, as now set out by Lord Black?

8. I was not personally involved in drawing up this proposal.
9. I did have a visit (to Birmingham Mail's offices in Birmingham) from Lord Hunt earlier this year, at which we discussed what was being proposed. At that meeting, Lord Hunt broadly outlined the proposals, although he did not go into any great detail. I recall that I expressed the view that press freedom should be retained in the proposals and that self-regulation was still the best option; however, from the outline of the proposals that Lord Hunt gave me, it appeared that there were to be enough safeguards included such that it would amount to a strong proposal to continue with self-regulation. I did not have any further discussions with Lord Hunt about the proposals following that meeting.

Question 3: How far would you personally, in your capacity as editor, expect to be involved in the final decision as to whether your publication signed up to the contractual obligations envisaged by this system? Please explain in full how that decision would be taken.

10. I would not expect to be involved in the "final" decision as to whether my publications sign up to the contractual obligations envisaged by the system, because that decision would be made at a corporate level by Trinity Mirror.

11. The Regional Editorial Director, Editors-in-Chief and other senior daily title editors attend a high-level meeting on a fairly regular basis, which we refer to as an "editors' forum". I would expect that the proposal will be raised at that forum and that any issues with respect to the proposal that the editors wish to comment upon will be discussed there. If I had any specific comments or concerns about the proposals I would raise them at this forum or otherwise directly with Trinity Mirror's senior management. I would anticipate that Trinity Mirror would like to have the agreement of Editors-in-Chief from the various regions before deciding to enter into any such obligations, however, as with all decisions of this nature made in the Group, the final decision will be made at a corporate level. I am not aware of the details of the process which will be followed by Trinity Mirror in making that final decision.

Question 4: In so far as you are able to do so, please indicate whether your publication is at present fully ready and committed to enter into these contractual obligations. If it is not at present fully ready and committed, please explain why, and detail any changes that would need to be made to the proposal, any further development to proposal [sic] required, or any preparatory steps that would need to be taken at your publication, in order to put it in the position of being fully ready and committed to enter into these obligations. If there are no circumstances in which it would be prepared to enter into obligations of this nature, please explain why not.

12. For the reasons I have outlined in response to Question 3, I am not in a position to confirm at this stage that my publications are at present fully ready and committed to enter into these contractual obligations, or as to whether there are no circumstances in which it would be prepared to enter into obligations of this nature. I also understand that PressBof's proposals are still only currently in draft form, such that they are still a work in progress.
13. My publications already adhere to the Editors' Code of Practice (the "Code"). When there are changes made, such as for example a tightening of the "public interest" defence, there is a communication of that change made to all staff. I believe that the same process would apply by way of preparation for these proposals, if they were to be implemented. My understanding is that Trinity Mirror would inform senior management, including editors, in each of the regions they were committed to adhering to Lord Black's proposal and signed up to the contractual obligations. Editors-in-chief and editors would then cascade that information to their senior editorial teams who in turn would brief their teams of journalists. A system of checking that the information has been relayed to all staff would also be implemented. The communication to all editorial staff would also explain the proposals and what they involve in practice, in order to ensure that everybody was made

aware of their implications and consequences. I would also envisage the 'Code' being re-published and distributed to all staff and in-house workshops put in place.

14. There are other aspects of the proposals that might require preparatory steps to be taken. For instance, I note that one aspect of the proposal is that there would be a requirement for a "responsible person" or compliance officer to be appointed by each "Regulated Entity" responsible for publishing newspaper and/or magazine titles. I do not know at this stage whether this would require the appointment of a compliance officer at a group level and/or at a regional level, and whether this would therefore require any preparatory steps to be taken at my publications, although I can see that is a possibility.
15. I note that another aspect of the proposal is for the introduction of an annual certification process, for which each "Regulated Entity" would be required to produce factual information about the publisher, copies of any internal manuals, codes or guidance used by journalists, brief details of the compliance process, details of any incidents known to involve a material breach of the Code and details of the steps taken in response to any adverse adjudications. My publications currently maintain a register of complaints made to the Press Complaints Commission ("PCC") and those matters involving legal correspondence. The outcome of the complaints is monitored and then communicated to the news editors and their teams. I also complete a monthly risk register for the Trinity Mirror Board which details potential legal issues and other risks to the company. We do not currently monitor pre-publication advice, and a preparatory step might therefore need to be taken if we were required to do so, however I believe that would be an administrative step and quite straightforward to implement.
16. In summary, I believe that if Trinity Mirror committed my publications to PressBof's proposals, whilst those changes would need to be communicated internally (in accordance with the line of communication already in place for changes of this nature) and some other largely administrative, preparatory steps would need to be taken, my publications would be in a position to comply once those steps had been taken.

Question 5: What specific differences would membership of a system of the kind set out by Lord Black, underpinned by contractual obligations, make to the culture, practices and ethics of your publication?

17. In relation to issues of ethics, I believe that at my publications the journalists are fully aware of and compliant with the Code. My publications endeavour to uphold the highest

standards, not least because they are close to and work with the community. It is blatantly apparent that newsrooms are shrinking due to the financial pressures on the newspaper industry, particularly with respect to regional publishing. One positive aspect of this is that it is the more experienced, quality journalists that have tended to remain, and that it is those journalists who are relied upon to carry out the in-depth, investigative and analytical reporting.

18. I believe that the Leveson Inquiry has already, from a regional perspective, caused journalists to revisit what they do in respect of the Code and the PCC. No editor wants to be rebuked by the PCC and, on the few occasions we do breach the Code, we take steps to try to ensure that we do not do so again, not least in order to maintain our reputation within the local community. That would continue to be the case with any regulatory body that replaces the PCC in the future and it appears to me that the new proposals would reinforce this.
19. Therefore, I believe that any specific difference would be more about further strengthening the current practices at my publications, and the checks that are already in place (such as the need to verify any potentially contentious stories with at least two independent sources and to seek advice from the legal team as necessary). It is also likely to make the journalists more aware of the consequences of not complying. I believe that any such changes will only make a publication stronger.
20. I can see that other specific differences may develop over time. For instance, I believe that it is important that the public should have confidence in the new system and that having lay people involved in the new structure, as has been proposed, may improve this confidence. It may also have an influence on the outlook of stories in the future, depending upon the way in which rulings from the new regulatory were to develop and influence this outlook over time.

Question 6: Is there any other comment you wish to make on the proposal put forward by Lord Black, or on the proposals put forward by others, that are now published on the Inquiry website at <http://www.levesoninquiry.org.uk/about/module-4-submissions-on-the-future-regime-for-the-press/>

21. I believe that the proposal appears to be workable, in particular in still allowing for press freedom, which is fundamental. The new proposals allow investigative reporting to continue but ensure that journalists are much more aware of the "public interest" in publishing stories and are more aware of the consequences of a failure to comply.

22. Another positive aspect is the inclusion of more safeguards for the public. Self-regulation means that complaints can be dealt with more quickly, which is important to ensure that they are effective (because otherwise the story has already been forgotten by the public before, for instance, there has been any opportunity to correct it).
23. I note that one of the proposed changes would be to enable third parties or groups to bring a complaint in certain circumstances. I would be interested to see how this would work in practice, however I believe that it is right that the capacity for a group to complain is available and therefore right that that is included in PressBof's proposals.

Signed....



David John Brookes

Dated: 12 July 2012