

<p>1 2 (2.00 pm) 3 LORD JUSTICE LEVESON: Yes, Mr Barr. 4 MR BARR: Thank you, sir. Before I resume my questioning, 5 I should say Mr Browne has helpfully confirmed the 6 precise date when he says that his clients, certainly on 7 the Sunday Mirror, last used Mr Whittamore. It was 8 2002. 9 LORD JUSTICE LEVESON: Thank you. 10 MR BROWNE: That is the Sunday Mirror. 11 LORD JUSTICE LEVESON: Thank you. 12 MR BARR: Ms Weaver, relationships with the police. You 13 explain in your witness statement -- I'm looking at 14 page 14 -- that there is an important relationship 15 between the press and the police, and you explain the 16 relationship and its importance as you see it. 17 At the end of paragraph 57, you say that you 18 yourself have had very little personal contact with the 19 police. Can I ask you, have you ever met 20 a chief constable? 21 A. I think I had lunch with Ian Blair with a number of 22 other people but it is so long time ago I'm afraid 23 I can't remember much about it. 24 Q. Have you met with any of his successors? 25 A. No, I haven't.</p> <p style="text-align: center;">Page 1</p>	<p>1 I had with Mr Wallace. There must be some concern that 2 off-the-record gets translated and is potentially 3 harmful? 4 A. Yes. Yes, you're absolutely right, sir. I'd have 5 thought that is the case. However, I would add that 6 I think any off-the-record guidance tends to be 7 restricted to the crime reporters, who are members of 8 the Crime Reporters Association, and they sort of know 9 the framework in which we're allowed to operate. Often 10 the police would give some information to the Crime 11 Reports Association and they wouldn't use it. I think 12 it relied on trust and respect in both ways, but I think 13 because of what's happened at the moment, the 14 News International situation, it does worry me it's 15 almost moved too far the other way. There's an almost 16 paralysis in the contact between the media and the 17 police and all the useful functions of that -- we just 18 won't have those benefits going forward. 19 LORD JUSTICE LEVESON: I understand. 20 MR BARR: Can we move on now to relationships with 21 politicians? You explain that you rarely have lunches 22 with politicians. You've had one meeting and one lunch 23 with the current Prime Minister before he was in power 24 at his invitation. You met Gordon Brown on several 25 occasions whilst he was in office, and equally, at</p> <p style="text-align: center;">Page 3</p>
<p>1 Q. Do you know whether any of your staff have met 2 chief constables? 3 A. I don't know, but I would have thought the crime 4 correspondent would have. 5 Q. I see. You explain in paragraph 58 that the 6 relationship is mutually beneficial and based on trust. 7 What is it that you are seeking from the relationship 8 with the police? 9 A. Stories. Information. 10 Q. And are off-the-record conversations between your 11 reporters and the police things that are commonplace? 12 A. I'm not an expert on this, because it is something that 13 would happen between my crime reporter and the police, 14 but sometimes I think the off-the-record guidance is 15 very important. One example that springs to mind is if 16 somebody had been arrested and we think that's 17 particularly significant, it could transpire that it's 18 not at all and then the sort of appeals to witnesses 19 decrease and people don't come forward. So sometimes 20 the guidance would just be: "We've arrested somebody but 21 we don't think it's particularly significant." I think 22 everybody's aware of their mutual responsibilities and 23 the legal process during those conversations. 24 LORD JUSTICE LEVESON: But there is a risk with all that, 25 isn't there? You must have heard the discussion that</p> <p style="text-align: center;">Page 2</p>	<p>1 several meetings and lunches with Mr Blair. Again, does 2 that reflect the political leaning of the 3 Sunday Mirror's editorial line -- 4 A. Yes. 5 Q. -- that you've seen much more of the Labour prime 6 ministers? 7 A. Yes. 8 Q. What is it that they were seeking from you in these 9 meetings? 10 A. I don't think they were seeking anything. I think it's 11 a healthy exchange of views between an editor who has 12 access to, say, 5 million readers, and the 13 Prime Minister's views, and -- we might want some 14 clarification on a policy. We might address our 15 readers' concerns. We are representing our readers, and 16 so if -- and we do a lot of polling of the readers. We 17 have something called Mirror Mouthpiece, so all the 18 issues that are primary in their minds we get to know 19 about. So we might raise those sorts of concerns with 20 them, or if we campaign for better treatment for 21 amputees or if we consider there's been breaches of 22 military -- it's something we might bring up in those 23 meetings, so -- I think they work well. I don't think 24 there's been a real issue outside of the recent 25 controversy.</p> <p style="text-align: center;">Page 4</p>

<p>1 Q. So do you explain to the politicians what stories would 2 meet with your approval as an editor and those which 3 would not? 4 A. Do I explain what stories would meet with my approval? 5 Q. Yes. 6 A. I -- 7 Q. You like this subject, not this subject, like this 8 policy, not that policy? 9 A. We might talk about policies, yes. We might discuss 10 policies. I don't have many meetings, to be honest. 11 Q. Do you get the impression that the politicians listen 12 carefully to what you say the editorial line will be in 13 relation to a particular policy? 14 A. I think they probably pretend to but I suspect they meet 15 an awful lot of people and I'm not sure it has that much 16 impact. 17 Q. But would you agree with other witnesses we've heard 18 from that there's no doubt that as the editor of 19 a newspaper with a seven-figure readership, your paper 20 has influence over people's views and therefore is of 21 importance to politicians? 22 A. I can see why politicians would want to communicate with 23 7 million or less, about 5 million readers, but I think 24 our readers are very intelligent. I think they form 25 their own views and I don't think it's really impacted</p> <p style="text-align: center;">Page 5</p>	<p>1 the News International situation. I know Mr Wallace 2 talked about that this morning and I think everybody 3 perhaps did become too close, but I don't believe that's 4 the case at the Mirror. I don't think our 5 circulations -- we don't have as many papers as 6 News International so I don't think that's the case. 7 The Mirror traditionally for many years now has 8 supported the Labour Party so I don't believe 9 Conservatives would think it would be worth coming 10 anywhere near us. They probably wouldn't want to. 11 Q. If the details are perhaps a little different for 12 News International and for Trinity Mirror and the 13 Sunday Mirror in particular, the general principle 14 holds, doesn't it, that you have a large number of 15 readers in whose votes the politicians are interested? 16 A. Yes, that is true. 17 Q. Can we move now to the public interest test. You set 18 out various examples of how you have applied it, 19 starting at 73. This section of your witness statement 20 is page 17. 21 A. All right, sorry. Yes. 22 Q. It starts with a preamble in paragraph 71 in which you 23 say that you think that a privacy law has been 24 introduced as a result of a series of judgments and you 25 don't appear to be a fan of this development; is that</p> <p style="text-align: center;">Page 7</p>
<p>1 by a health minister writing a piece for us. 2 Sometimes we will ask cabinet ministers to write 3 a piece. It often explains this complicated issue in 4 the news. I think we asked Yvette Cooper to write 5 a piece for us at the weekend about police cuts, for 6 example. So it works both ways, and it directly puts 7 across views and explanations and background reasonings 8 to the readers. 9 Q. But it must be of importance to the politicians what 10 your editorial line is going to be on matters within the 11 Labour Party, for example of party leadership? 12 A. I don't -- yes, I suspect with party leadership it is, 13 but it doesn't really -- they don't influence what we 14 do. Well, they don't influence what I do, and I don't 15 think our editorial line or our stories really influence 16 them. I think it's quite a healthy relationship. 17 Q. Why are there such interactions between very senior 18 politicians and very senior journalists, editors, if 19 you're not influencing each other? 20 A. Are you talking generally or specifically the 21 Sunday Mirror? Because I think they're quite different 22 questions. 23 Q. If you do think there's a difference, could you explain, 24 please? 25 A. I think we know about what has been perceived as</p> <p style="text-align: center;">Page 6</p>	<p>1 right? 2 A. Sometimes I think the interpretation of what's in the 3 public interest is too narrow. 4 Q. So you're not saying that there shouldn't be a law which 5 takes privacy into account? 6 A. Not at all, no. I think everybody is entitled to 7 a private life. It's just as editors we spend probably 8 a disproportionate amount of time trying to balance up 9 articles 8 and 10 in a way editors probably never used 10 to 10, 15 years ago, and give it a lot of consideration. 11 The Rio Ferdinand story we mentioned before. I think 12 I sat on that story for a couple of weeks while 13 I wrestled with the competing tensions and I decided to 14 publish. 15 LORD JUSTICE LEVESON: But isn't it good that you did that? 16 Isn't that exactly what you should be doing? 17 A. No, it is good. It's what we should be doing. No, 18 I agree. 19 LORD JUSTICE LEVESON: Everybody says it's judge-made law. 20 The fact is that the Convention, which was written by 21 English jurists in the aftermath of the war, has been 22 part of the international responsibility for years and 23 what happened by the Human Rights Act was to bring it 24 into our domestic law, so there it is. 25 A. Exactly. As I said, it's just the way the law is at the</p> <p style="text-align: center;">Page 8</p>

<p>1 moment. The section 12, which is meant to have -- of 2 course, being lawyers, you have particular regard to 3 freedom of expression. Sometimes I feel that's not 4 giving enough consideration.</p> <p>5 MR BARR: If I understand you, you're saying in principle 6 you're happy for freedom of expression to be balanced 7 with rights to privacy in individual cases, but what 8 concerns you is where the line is being drawn and the 9 additional time that it takes you to --</p> <p>10 A. No, the additional time is not an issue. I think it's 11 really where the line is being drawn. I mean, it is 12 very subjective, but it's really where the line is being 13 drawn that concerns me. It's less of an issue now, but 14 about a year ago there was a series of injunctions which 15 seemed to rain down on us like confetti from rich, 16 powerful men trying to keep their infidelities or 17 wrongdoing out of the papers and I personally didn't 18 agree with some of those injunctions.</p> <p>19 Q. Feeling rather better about life since the Rio Ferdinand 20 judgment, are you?</p> <p>21 A. I'm feeling a lot better, yes.</p> <p>22 LORD JUSTICE LEVESON: Actually, it's the same law; it's 23 just how you try and balance the factors.</p> <p>24 A. It is subjective but I do think there is -- a wider test 25 could be really: is it in the public benefit? And</p> <p style="text-align: center;">Page 9</p>	<p>1 white area. It's a grey area. Each case turns on its 2 facts. So I wouldn't be that stupid. But -- of course 3 it's subject to people's rights, but sometimes it feels 4 that what the public consider -- and I think they're the 5 greatest barometer of what really is in the public 6 interest -- isn't considered and there's a narrow 7 definition under the PCC code that makes it quite clear 8 it's not confined to that and I think sometimes --</p> <p>9 LORD JUSTICE LEVESON: You're getting quite close to saying 10 what's in the public interest is what the public are 11 interested in.</p> <p>12 A. I am getting close to saying that but I am not saying 13 that. I think the two overlap at times, obviously, but 14 I just think it's been interpreted too narrowly at times 15 and I think things which I would consider in the public 16 interest and I think readers would consider in the 17 public interest are often deemed to be private by 18 judges. Is that fair?</p> <p>19 MR BARR: Well, it's your view, which you've made clear.</p> <p>20 LORD JUSTICE LEVESON: You're entitled to your opinion.</p> <p>21 A. It's just simply that, it's my opinion.</p> <p>22 MR BARR: I can't go through all of the examples, many of 23 which will have to be taken as read --</p> <p>24 LORD JUSTICE LEVESON: They're all in your statement and 25 they'll all be available for everybody to see.</p> <p style="text-align: center;">Page 11</p>
<p>1 I think the readers should have a greater say, in many 2 ways, what's in the public interest. The interpretation 3 is decided by judges, quite rightly, sir, but 4 sometimes --</p> <p>5 LORD JUSTICE LEVESON: You don't have to say "quite 6 rightly", but the fact is that if you say it's decided 7 by readers, then nothing would be kept out of the 8 public --</p> <p>9 A. Well, no --</p> <p>10 LORD JUSTICE LEVESON: Because they have to decide.</p> <p>11 A. Well, within reason and obviously subject to people's 12 rights, but I do think that perhaps what the readers 13 think is acceptable -- and that's the general public -- 14 is a pretty good barometer of what, in this day and age, 15 we should consider is in the public interest.</p> <p>16 MR BARR: Can I be clear about exactly what you're saying 17 here? Are you aligning yourself with Mr McMullan, who 18 came along earlier to this Inquiry --</p> <p>19 A. No, not at all. Not at all. I'm promoting an idea, 20 a suggestion that -- we are talking about suggestions 21 and ideas going forward -- that I think at times the 22 public interest is defined too narrowly today.</p> <p>23 Q. So you're not --</p> <p>24 A. I'm not promoting -- obviously people are entitled to 25 privacy. Of course they are. It's not a black and</p> <p style="text-align: center;">Page 10</p>	<p>1 MR BARR: Indeed. Can I ask a question arising out of 2 paragraph 76, which is about a kiss-and-tell story. Do 3 you think there are ethical considerations about 4 kiss-and-tell stories?</p> <p>5 A. Could I just say we don't really use the word 6 "kiss-and-tell". I will do a story about a relationship 7 in which there's a legitimate public interest. It tends 8 to be a word that commentators on broadsheets use to 9 describe tabloid stories, if you don't mind me just 10 saying that.</p> <p>11 Q. Let's get down to the details. We're going to be 12 dealing with theoretical mundane details before anybody 13 gets excited. The version you give an example of, 14 page 18 of your statement, Lord Strathclyde, is someone, 15 a woman who comes forward to you --</p> <p>16 A. Yes.</p> <p>17 Q. -- wanting you to publish a story.</p> <p>18 A. Yes, that's correct.</p> <p>19 Q. A volunteer. Perhaps the next grade is when a newspaper 20 advertises for people to come forward to reveal 21 infidelities. Does your paper do that?</p> <p>22 A. We don't advertise to reveal infidelities. We do ask 23 people to come forward if they have stories we might 24 like to publish, but that's not necessarily about 25 celebrities. That could be about any wrongdoing. In</p> <p style="text-align: center;">Page 12</p>

<p>1 fact, I think we had a very good expose of bailiffs and 2 the way they were treating the debtors as a result of 3 one of those call-ins, so -- I mean, this story 4 I wouldn't actually call a kiss-and-tell. It's a woman 5 who's come forward who is a single mother, who turned to 6 a cabinet minister for help with a CSA, so it's not 7 quite a -- 8 Q. It's quite clear that this is a category, your story, of 9 a volunteer. I'm asking you now about people who come 10 forward because you have advertised that you are 11 interested in stories and prepared to pay for them? 12 A. Yes. 13 Q. As I understand your answer, you're saying you don't 14 specifically advertise for what I might have called 15 kiss-and-tell stories, but you do advertise generally 16 for stories? 17 A. Yes. 18 Q. And that would include people coming forward -- 19 A. Yes, you're correct, yes. 20 Q. -- with stories about infidelities. 21 Finally, it would be a positive encouragement taking 22 someone under the wing of the newspaper and giving them 23 a bit of a steer as to who they might want to go out and 24 try to seduce. 25 A. No, we've never done that.</p> <p style="text-align: center;">Page 13</p>	<p>1 something you asked about me earlier, but -- it is a bit 2 of an irony, but the Starsuckers situation, for example. 3 If a newspaper had done that -- I know there's 4 a legitimate public interest in what he was trying to 5 achieve, but it was largely a fishing expedition 6 which -- sadly, had we done it on a newspaper, we might 7 have found ourselves in breach of the code. 8 LORD JUSTICE LEVESON: Yes, of course the risk of all that 9 is that the reporter says, "I have rock solid 10 information about X. I'm not prepared to reveal who 11 told me or why he or she told me, but this is all solid 12 and therefore I want to do this", and without going to 13 go back to it, one can't really test. 14 A. No, you're right. It's very difficult to make the 15 decision in advance. I think in this particular case we 16 were acting on information from a whistle-blower who had 17 approached us, so we knew. But it is the difficulty of 18 investigative journalism. You're hoping there's 19 a public interest at the end of an honest endeavour to 20 try and expose wrongdoing. 21 LORD JUSTICE LEVESON: No, I don't think I'd worry so much 22 about that, because if there is a public interest in 23 doing what you're doing, then you have the public 24 interest even if the story doesn't emerge at the end. 25 That, I think, is why Mr Barr was asking you whether it</p> <p style="text-align: center;">Page 15</p>
<p>1 Q. You've never done that. Do you think that's unethical? 2 A. As I said, I judge each case on its merits, but I can 3 understand one thinking that the principle of that is 4 unethical. 5 Q. I see. Your fifth example, which I think is the one 6 you've just adverted to, the bailiffs, can I ask you 7 about that? You used subterfuge in that story. Was it 8 your decision to use subterfuge? 9 A. This was a few years ago. No, I don't think I was 10 involved in the decision. I think the news desk would 11 have probably taken advice from the lawyer. 12 Q. When someone in the editorial chain takes a decision 13 that subterfuge is going to be used, is that recorded in 14 writing? 15 A. No, it's not. 16 Q. Do you think that it might be good practice in the 17 future for the use of subterfuge to be documented in 18 advance and the public interest reasons for it recorded? 19 A. Yes, I wouldn't be opposed to that at all. 20 LORD JUSTICE LEVESON: These aren't very common, presumably 21 in the light of what you say? 22 A. No, they're not, really. The way the PCC code is that 23 if -- for example, you can't just go on, as you call it, 24 a fishing expedition. You have to be acting on specific 25 information, which ironically -- I hate to refer back to</p> <p style="text-align: center;">Page 14</p>	<p>1 was a good idea to record your public interest 2 reasons -- it might be subterfuge, it might be some 3 other conduct which would otherwise be in breach of the 4 code -- so that you have a record before it all 5 happens -- 6 A. Yes, yes. 7 LORD JUSTICE LEVESON: -- as to what you thought, so that if 8 nothing does come about it, then you can say, "This is 9 why we thought what we thought." 10 A. Yes, that would be a good idea. It would be very 11 helpful. 12 MR BARR: Moving now from the examples that you've chosen to 13 give to another example. This is the case of 14 Mr Jefferies. Although your paper wasn't the subject of 15 the contempt proceedings, it was nevertheless the 16 subject of criticism for its covering of the story, 17 wasn't it? 18 A. Yes, it was. It doesn't diminish the crime, if you 19 like, but we did a very small five-sentence story, 20 and -- I know you've heard from other editors, sir, but 21 I'm afraid I was off at the time. It was new year and 22 I wasn't in the office. 23 Q. Yes. 24 A. We said his favourite poem was Oscar Wilde's "Ballad of 25 Reading Gaol" and there's obviously an issue with that</p> <p style="text-align: center;">Page 16</p>

<p>1 and we apologised.</p> <p>2 Q. On reflection, an English teacher teaching Oscar Wilde</p> <p>3 is not something from which anything much can be --</p> <p>4 A. With the details. We apologised and we did get it</p> <p>5 wrong, obviously. It was a bad decision.</p> <p>6 Q. The articles are at the back of tab 5. It's rather</p> <p>7 lengthier than you'd remembered, if you look at pages 6</p> <p>8 and 7. That was the actual coverage. I think you were</p> <p>9 referring, were you, to the column at the bottom right?</p> <p>10 A. Sorry if I'm mistaken. I understood that the complaint</p> <p>11 was about the small story on the right. Obviously it</p> <p>12 doesn't diminish the impact it had on Mr Jefferies.</p> <p>13 Q. Could you help us with where things went wrong and how</p> <p>14 a repeat of this sort of coverage could be avoided?</p> <p>15 A. I'm sorry because I wasn't in the office. It was new</p> <p>16 year's eve, I think two nights before -- I was off that</p> <p>17 week. I wasn't, on this particular occasion, involved</p> <p>18 in the editorial decision-making so I don't quite know</p> <p>19 why that happened but I think people recognise it was</p> <p>20 a poor misjudgment.</p> <p>21 Q. I see. Can I ask you now about whistle-blowing. You</p> <p>22 have a whistle-blowing policy, Trinity Mirror does, as a</p> <p>23 group.</p> <p>24 A. Yes, a whistle-blower's charter, yes.</p> <p>25 Q. Does it get used much on the Sunday Mirror?</p> <p style="text-align: center;">Page 17</p>	<p>1 "While I was concerned by some of Mr Owens'</p> <p>2 remarks --"</p> <p>3 A. Oh --</p> <p>4 Q. "-- and he too realises he did make some misjudged</p> <p>5 comments ..."</p> <p>6 What I want to know is: what comments was it that</p> <p>7 Mr Owens realised were misjudged?</p> <p>8 A. I can't recall which specific comments. I think there</p> <p>9 are a number, but I only became aware of this story when</p> <p>10 the Guardian contacted us and I spoke to Mr Owens at the</p> <p>11 time and he apologised and explained he had said some</p> <p>12 unhelpful things. But of course he didn't, at that</p> <p>13 time, have the benefit of a transcript. He was</p> <p>14 responding to the story in the Guardian.</p> <p>15 Q. But his reaction when first questioned by you was</p> <p>16 apologetic?</p> <p>17 A. Yes. He'd already realised -- obviously, you'll go into</p> <p>18 more detail when Mr Owens gives evidence but he realised</p> <p>19 that it wasn't in the public interest at some stage and</p> <p>20 he didn't even report his meeting to the news desk,</p> <p>21 and -- so the news desk were also unaware of this until</p> <p>22 the Guardian contacted us. And even if it had --</p> <p>23 I would just like to say this story would never have</p> <p>24 been published.</p> <p>25 Q. Yes, you make that very clear in your witness statements</p> <p style="text-align: center;">Page 19</p>
<p>1 A. I don't know. I don't believe so, but I believe they'll</p> <p>2 probably approach HR. No one's come back to me.</p> <p>3 Q. So as far as you're aware, can you recall a single</p> <p>4 instance of the whistle-blowing policy being used?</p> <p>5 A. No, I can't.</p> <p>6 Q. Your second witness statement deals with the exchanges</p> <p>7 between Mr Owens and Mr Atkins. We are, for the reasons</p> <p>8 that Mr Browne explained this morning, treading</p> <p>9 carefully on this ground and I don't want to ask you</p> <p>10 about Mr Owens' state of mind. But you do say in this</p> <p>11 witness statement -- I'm looking now at page 5 --</p> <p>12 A. Sorry, I was looking at clause 5.</p> <p>13 Q. Look at paragraphs 17 and then 20. You say in</p> <p>14 paragraph 17 that while you were concerned by some of</p> <p>15 Mr Owens' remarks and he too realises that he did make</p> <p>16 some misjudged comments, it's only fair to point out</p> <p>17 that he did try and explain that a lot of information</p> <p>18 would be private and he did show he was conscious of the</p> <p>19 issue of public interest, and then you quote.</p> <p>20 What I'd like to ask you is: what realisation did he</p> <p>21 communicate to you that he had made some misjudged</p> <p>22 comments?</p> <p>23 A. Sorry, I have -- I don't understand the question. What</p> <p>24 realise -- at what point --</p> <p>25 Q. You say:</p> <p style="text-align: center;">Page 18</p>	<p>1 and set out the reasons. You say you formed the</p> <p>2 judgment that you don't think Mr Owens acted wisely and</p> <p>3 you say that you did speak to him --</p> <p>4 A. Yes, I did.</p> <p>5 Q. -- once the story came to your attention.</p> <p>6 Having spoken to Mr Owens about the matter, did you</p> <p>7 circulate any reminder to your staff about anything</p> <p>8 arising from the Starsuckers film?</p> <p>9 A. I didn't actually feel it was necessary because I think</p> <p>10 at the time there was sort of -- not disruption in the</p> <p>11 official but concern, and so we discussed it among</p> <p>12 ourselves but there was no formal email. But I did</p> <p>13 speak to the desk and individual reporters who I spoke</p> <p>14 to about it -- who I was talking to about it.</p> <p>15 Q. The --</p> <p>16 A. I think they realised, and I think Mr Owens did -- and</p> <p>17 I know he's not here but I would like to say: apart from</p> <p>18 this incident, he's a very, very good and professional</p> <p>19 reporter.</p> <p>20 Q. The film was released and the Sunday Mirror didn't cover</p> <p>21 the release of the Starsuckers film or review it. Why</p> <p>22 was that?</p> <p>23 A. We have one page of -- we're a weekly paper, we have one</p> <p>24 page of film reviews a week and to be honest, I don't</p> <p>25 think our readers would be that interested. I think it</p> <p style="text-align: center;">Page 20</p>

5 (Pages 17 to 20)

<p>1 was a Channel 4 film, wasn't it? We tend to cover the 2 big main releases which would have mass appeal. I don't 3 think the film did very well. I think it had a quite 4 limited appeal, if I recall. There's no specific reason 5 not to.</p> <p>6 Q. There were very many things discussed between Mr Owens 7 and Mr Atkins. One was that Mr Atkins expressed a real 8 interest in celebrity stories. Is it right that 9 a newspaper like yours is very interested in celebrity 10 stories in general terms?</p> <p>11 A. Yes. I mean, we try to reflect a national conversation 12 and most of our readers are interested in celebrity but 13 actually it's not the prime reason for buying the paper. 14 All our surveys say that big news stories is a first 15 reason, sport the second and celebrity comes in third. 16 So it's always been part and parcel of tabloid coverage 17 for many years, but ...</p> <p>18 Q. If I can ask you to turn in tab 3 to page 9, 19 paragraph 50. Mr Owens said -- do you have that yet?</p> <p>20 A. Sorry, I'm in the wrong place.</p> <p>21 Q. Tab 3, page 9.</p> <p>22 A. Sorry, I'm working off my bundle, not the one today. 23 There are no numbers on my pages.</p> <p>24 LORD JUSTICE LEVESON: It's 49004 in the bottom left-hand 25 corner. Right-hand corner, I'm sorry.</p> <p style="text-align: center;">Page 21</p>	<p>1 isn't it?</p> <p>2 A. Yes. As I said, we would never have published this 3 story.</p> <p>4 Q. Secondly, he says, the information could be used 5 essentially to barter for a different type of story. 6 "If we don't publish this, then will you give us a story 7 on that?"</p> <p>8 A. I'm not sure that is what he means. You would probably 9 have to clarify that with Mr Owens.</p> <p>10 LORD JUSTICE LEVESON: I wonder whether he doesn't mean 11 "Here's a way of distinguishing the flat denial from the 12 admission", because actually you have some mechanism to 13 stand the story up.</p> <p>14 A. Also, I think the problem is when you're meeting 15 people -- and of course, we do have a lot of call-ins -- 16 you don't know if they're hoaxers, liars or genuine 17 people. So you go along and you assess and you evaluate 18 and part of that process is engaging with someone, if 19 you like, sort of pretending to get on with them. 20 That's one of the things that journalists have to do. 21 You meet all sorts of people you probably wouldn't want 22 to spend your time with but you pretend to get on with 23 them. I think that's all he was doing and I think -- 24 obviously, I wouldn't attach the sort of importance to 25 this as I would if he was here in evidence, giving</p> <p style="text-align: center;">Page 23</p>
<p>1 A. Got it, thank you.</p> <p>2 MR BARR: Looking at paragraph 50, it says: 3 "If someone has had that operation, then it is true, 4 correct, and you go to them. The problem you can have, 5 you always have, you can come to me and say, 'Fern 6 Britton has had a gastric band', and we go to Fern 7 Britton and she says, 'No, I haven't', and her agents 8 say, 'No, she hasn't.' We are in a difficult spot then 9 because it is a flat denial and it can happen. Often 10 they lie. But then you are faced with a situation 11 whereby we might say to you, 'Guys, look, we are not 12 going to use this information, but can you give us 13 anything else other than just your word? Is there 14 a document somewhere, a piece of paper? Is there an 15 email, something that would prove she had it?'"</p> <p>16 It seems there that Mr Owens is raising two possible 17 uses of the material that was being offered. One, he's 18 suggesting that if a newspaper has information about 19 a story, it can be used to be put to the subject of the 20 story and if the subject of the story confirms it, then 21 it can be published. That's what he's suggesting, isn't 22 it? In this case, using the example of Ms Britton.</p> <p>23 A. It does appear to be.</p> <p>24 Q. Would you agree with me that if the information in the 25 first place is obtained illegally, that is problematic,</p> <p style="text-align: center;">Page 22</p>	<p>1 evidence. These are things said on the hoof, trying to 2 engage, and I suspect -- and I don't know, but 3 I remember when I was a reporter, you're thinking: "Is 4 this guy for real? Is he a liar?" So you are saying, 5 "Are there any documents in existence?" It's very 6 difficult. You come at it as if: "Everyone's lying to 7 me. I'm sure they're lying. Let's see what they're 8 actually going to provide."</p> <p>9 In his defence, by the time he got back to the 10 office -- well, not by the time he got back to the 11 office, but over the next few days, I think -- I haven't 12 actually -- I'm not sure, but he'd realised that he 13 couldn't proceed with this story, which is why he didn't 14 mention it to the news desk. So I can see why this 15 looks very interesting, but I really don't think -- 16 although of course it's not up to me to make that 17 judgment --</p> <p>18 MR BARR: We'll be exploring that with Mr Owens in due 19 course.</p> <p>20 A. Yes, of that significance.</p> <p>21 Q. You gave an endorsement of Mr Owens' general talents as 22 a general reporter.</p> <p>23 A. Yes.</p> <p>24 Q. It's rightly pointed out to me that if we go back to the 25 end of tab 5, to the story we were looking at about</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 Mr Jefferies --</p> <p>2 A. Mr Jefferies, yes. I'm afraid --</p> <p>3 Q. -- that it says:</p> <p>4 "Suspect in poem about killing wife. Exclusive by</p> <p>5 Nick Owens and Alistair Self."</p> <p>6 Is that the same Nick Owens?</p> <p>7 A. He didn't write that story. His name shouldn't be on</p> <p>8 it. Because we were on a bank holiday weekend, he sat</p> <p>9 on the desk and he put the story through to the back</p> <p>10 bench, and he's rather upset his name is on it. He's</p> <p>11 obviously heard what Mr Atkins said in his statement.</p> <p>12 Q. Well, if he put the story through to the back bench,</p> <p>13 does that mean he formed part of the production chain,</p> <p>14 as it were?</p> <p>15 A. If he was on -- if he was in the role of news editor,</p> <p>16 but he wasn't. He was merely helping move copy through.</p> <p>17 He didn't write and story and he wasn't involved in</p> <p>18 it --</p> <p>19 Q. In its writing, but was he involved in its editing in</p> <p>20 the broadest sense?</p> <p>21 A. No, he wasn't. He was literally a reporter who had --</p> <p>22 or who had helped support the news desk on that</p> <p>23 particular day.</p> <p>24 Q. So why is his byline on it?</p> <p>25 A. It shouldn't have been. It really shouldn't have been.</p> <p style="text-align: center;">Page 25</p>	<p>1 question is no, it wouldn't be different.</p> <p>2 A. Exactly. No, it wouldn't be different. I'm wary of</p> <p>3 a constant log that people have to fill in, because</p> <p>4 I think it restricts just free flow of information,</p> <p>5 because people are wary -- just wary of things being</p> <p>6 written down about them, and the other more practical</p> <p>7 reason that you operate at a very fast pace and if we</p> <p>8 record conversations all the time, which is something</p> <p>9 I know you brought up with other editors --</p> <p>10 LORD JUSTICE LEVESON: The only log that I'm actually</p> <p>11 contemplating is in relation to these difficult</p> <p>12 decisions. If you're provided with a story about --</p> <p>13 a news story which doesn't involve doing any more than</p> <p>14 gathering the news, and of course commenting on it, as</p> <p>15 you're entitled to do, then the story will speak for</p> <p>16 itself. If you've been given information by a person</p> <p>17 about themselves, then again there is no internal</p> <p>18 dialogue that's necessary. But if you are deciding: is</p> <p>19 this appropriate to publish for public interest, what is</p> <p>20 the balance?</p> <p>21 A. Yes.</p> <p>22 LORD JUSTICE LEVESON: Which you've said occasionally</p> <p>23 happens --</p> <p>24 A. It happens very frequently, actually, weighing up the</p> <p>25 balance on the public interest, I'd say.</p> <p style="text-align: center;">Page 27</p>
<p>1 It's just one of those things. It shouldn't have been.</p> <p>2 Q. A final question: do you think it is important that</p> <p>3 bylines are accurate?</p> <p>4 A. I do. I do, and that shouldn't have happened. But in</p> <p>5 the heat of -- you know, newspapers work under enormous</p> <p>6 pressure and have to make very quick decisions a lot of</p> <p>7 the time when things get put through and he might have</p> <p>8 answered some -- I don't know. I don't know why it was</p> <p>9 put on, but it was a mistake and it shouldn't have</p> <p>10 happened.</p> <p>11 MR BARR: Thank you. Those are all my questions.</p> <p>12 LORD JUSTICE LEVESON: Thank you very much. Can I just ask</p> <p>13 you one of the questions I asked Mr Wallace: do you</p> <p>14 think that the interest in papers such as the</p> <p>15 Sunday Mirror would be diminished or the type of stories</p> <p>16 that you write would be reduced by the sort of approach</p> <p>17 to propriety and the ethics that we talked about being</p> <p>18 rather more clearly enforced?</p> <p>19 A. I'm not sure, because obviously here, for all the right</p> <p>20 reasons, we're hearing all the negatives about the</p> <p>21 paper, but I actually think that my staff are sort of</p> <p>22 very businesslike, professional and ethical in their</p> <p>23 conduct. Of course over a period of time there will</p> <p>24 be -- you can find the worst examples.</p> <p>25 LORD JUSTICE LEVESON: But on that basis, the answer to my</p> <p style="text-align: center;">Page 26</p>	<p>1 LORD JUSTICE LEVESON: And should I publish -- should I do</p> <p>2 something --</p> <p>3 A. Subterfuge, yes.</p> <p>4 LORD JUSTICE LEVESON: Subterfuge or whatever. Why would it</p> <p>5 be so problematic?</p> <p>6 A. Only because most of the main planks of stories do have</p> <p>7 elements of risk somewhere where you might not even know</p> <p>8 it's going to come. So to have to write an ongoing sort</p> <p>9 of audit of the dialogue between people on those</p> <p>10 stories, I just don't think we'd have the resource to do</p> <p>11 it.</p> <p>12 On the subterfuge calls, I agree with you, because</p> <p>13 actually I think it's mutually beneficial. You can</p> <p>14 illustrate that you really had considered the public</p> <p>15 interest.</p> <p>16 LORD JUSTICE LEVESON: You see, talk about the big stories.</p> <p>17 Take the Ferdinand story. You made it clear that</p> <p>18 actually you worried about that for some little time.</p> <p>19 A. Yes.</p> <p>20 LORD JUSTICE LEVESON: Would it have been so problematic for</p> <p>21 you to say, "Right, I have decided in the end, having</p> <p>22 thought about it --"</p> <p>23 A. No, it wouldn't be and my only concern would be: would</p> <p>24 that be legally disclosable?</p> <p>25 LORD JUSTICE LEVESON: But wouldn't it help you if it was?</p> <p style="text-align: center;">Page 28</p>

<p>1 A. Well, not -- well, actually, the way I've seen, you 2 know, most counsel use material, they would -- in 3 fact -- you'd risk that they'd infer a meaning that 4 actually they were really alive to the fact that they 5 shouldn't have done it in the first place, and so I'd be 6 very cautious of what I put in that log for it being 7 exploited by the --</p> <p>8 LORD JUSTICE LEVESON: Yes, on the basis that then lawyers 9 will come along and --</p> <p>10 A. Yes, which is --</p> <p>11 LORD JUSTICE LEVESON: -- twist what you say?</p> <p>12 A. I'm sure they wouldn't do that, but there's a risk, sir, 13 that that could happen.</p> <p>14 LORD JUSTICE LEVESON: Yes, well --</p> <p>15 A. It --</p> <p>16 LORD JUSTICE LEVESON: The trouble is that if you don't have 17 something, then you risk the line: "Well, you've made 18 all this up later. This wasn't what you were thinking 19 about at all. You just thought this was a wonderful 20 story. You didn't give a monkeys about his privacy and 21 you never thought about it." Whereas if you say, "Well, 22 actually, I did, and this was my reasoning ..."</p> <p>23 A. Yes. No, there is very good reason to do it. I'm just 24 highlighting concerns --</p> <p>25 LORD JUSTICE LEVESON: I understand.</p> <p style="text-align: center;">Page 29</p>	<p>1 Q. You explain that in 2010 the column won the Cudlipp 2 Prize for excellence in tabloid journalism presented at 3 the annual awards ceremony by the Press Gazette. You 4 have been shortlisted four times. You've twice won the 5 Consumer Journalist of the Year award presented by the 6 Trading Standards Institute, an award which is open to 7 journalists in any media.</p> <p>8 Your statement is being taken as read and has been 9 considered by the Inquiry, so I won't go through it all, 10 but in short, you explain to us some of the problems 11 that you had in practice tracking down people who are 12 fraudsters.</p> <p>13 A. Yes, certainly. Fraudsters, by their nature, tend to 14 make it hard to be found, not just by journalists like 15 me but possibly by the police or trading standards, and 16 not least by the people they've ripped off, who are 17 likely to be quite unhappy. Some can go to great 18 lengths to hide, others are less successful.</p> <p>19 My concern about prior notification is that if it 20 becomes an obligation to contact someone before you 21 write about them, then the crooks, who are most 22 successful at going to ground, are the ones you won't be 23 able to write about. It also follows, I think, that 24 they are the ones who have been the most successful 25 rip-off artists because they then have the wherewithal</p> <p style="text-align: center;">Page 31</p>
<p>1 A. -- which spring to mind, as you've just mentioned, but 2 I can see the arguments for doing it.</p> <p>3 LORD JUSTICE LEVESON: I understand. Thank you. Thank you 4 very much.</p> <p>5 A. Thank you very much.</p> <p>6 MR BARR: Sir, our next witness is Mr Penman. 7 MR ANDREW WILLIAM PENMAN (affirmed) 8 Questions by MR BARR</p> <p>9 MR BARR: Mr Penman, you've provided an eight-page witness 10 statement to the Inquiry. Are the contents of your 11 statement true and correct to the best of your knowledge 12 and belief?</p> <p>13 A. They are, yes.</p> <p>14 Q. Thank you. The topic of your witness statement is the 15 subject of prior notice.</p> <p>16 A. Yes.</p> <p>17 Q. You tell us that you write the Penman and Sommerlad 18 Investigate column in the Daily Mirror, which first 19 appeared in January 1997.</p> <p>20 A. Under a different name then. We had slightly different 21 personnel at the time.</p> <p>22 Q. And the purpose of the column broadly is to conduct 23 consumer investigations into wrongs which have been 24 alleged by the readership?</p> <p>25 A. In the main, yes.</p> <p style="text-align: center;">Page 30</p>	<p>1 to, for example, incorporate their company overseas or 2 set up overseas PO Boxes or even be physically based 3 overseas.</p> <p>4 I was going to give you a quick example of two 5 people running the same scam. One was quite easy to 6 track down, another very hard. There was a more 7 successful one who had made millions of pounds by 8 ripping off the public who had fled overseas with his 9 money.</p> <p>10 Very briefly, the situation was this. It's a fairly 11 modern scam and a rampant one. It's called 12 land-banking. The FSA estimates that the public loss is 13 about £200 million. Late last year, I looked at this 14 issue and I found -- actually I found three people who 15 had been running land-banking scams, which, very 16 briefly, involve selling plots of fields to the public, 17 saying that the value will rocket when the land gets 18 planning permission for, say, housing. This never 19 happens and the poor investors are left with worthless 20 bits of field somewhere in the country.</p> <p>21 I found the directors of -- three directors of two 22 companies that had been put into compulsory liquidation 23 in the High Court in the public interest in various 24 parts of the UK, partly because they were stupid enough 25 to have personal licence plates on their cars, which</p> <p style="text-align: center;">Page 32</p>

<p>1 made them a little bit easier to find than might 2 otherwise have been the case.</p> <p>3 There was a director of a fourth company, and this 4 particular company had ripped off the public for around 5 £20 million. That's not my guess; that's the figure 6 given by the liquidator of the company, and the 7 individual, the sole director, had done a bunk. He'd 8 left to a -- last heard of by the liquidator in Cyprus 9 and even the liquidator had no -- the liquidator had met 10 him in Cyprus but in neutral territory, it was a hotel, 11 and had no further contact details for this person, and 12 I certainly had no way at all of getting in contact with 13 him.</p> <p>14 So if prior notification is going to become the law, 15 the result will be: I could have run a story about those 16 first three directors who I found and contacted, but not 17 about the fourth director, who was the biggest offender 18 and who ripped off the public for the largest sum of 19 money.</p> <p>20 Q. If we accept the principle, for the purposes of 21 argument, that giving fraudsters advance notification is 22 difficult and sometimes impossible, and the better the 23 fraudster, very often the better hidden he is as well, 24 you raise a concern about compulsory prior notification. 25 You then go on to discuss in your statement -- and</p> <p style="text-align: center;">Page 33</p>	<p>1 except where that was either impossible or not 2 reasonably practicable or had some similar 3 qualification?</p> <p>4 A. The phrase "reasonably practical" fills me with horror. 5 I mean, is this going to be a lawyer's dream, where we 6 can argue in court ad infinitum about what's considered 7 reasonable or practical? I fear it being made 8 compulsory under really any circumstances.</p> <p>9 Q. If it's not made compulsory, isn't the problem that 10 people whose privacy is invaded wrongly have no 11 opportunity to prevent that invasion of privacy in 12 advance?</p> <p>13 A. I should say first of all this is an area of journalism 14 that doesn't so much concern me. I write about crooks 15 and conmen and I would always argue there's a public 16 interest defence for how and when I contact them, if at 17 all.</p> <p>18 Q. But there may be cases where you contact them and 19 they're able to prove their innocence?</p> <p>20 A. In which case we wouldn't run the story.</p> <p>21 Q. Indeed, but in which case prior notification serves a 22 very valuable purpose.</p> <p>23 A. Well, it would have done, but those are circumstances 24 I've not come across.</p> <p>25 Q. So accepting that in striking a balance between privacy</p> <p style="text-align: center;">Page 35</p>
<p>1 I'm looking now at paragraph 17 -- the possibility of 2 having some exemption, if there was, against your 3 wishes, compulsory prior notification, and you discuss 4 the sorts of bodies that might need an opt-out: the 5 Advertising Standards Authority, the Office of Fair 6 Trading, district councils, parish councils and so on. 7 We see that it might not be an altogether easy solution.</p> <p>8 Can I suggest this to you for your consideration: 9 one of the things you do say in your statement is you 10 generally do give prior notice, don't you?</p> <p>11 A. Yes.</p> <p>12 Q. Would it be right to say that you give notice when you 13 can?</p> <p>14 A. Yes. Yes, in the main.</p> <p>15 Q. And very often, it actually elicits more information for 16 you?</p> <p>17 A. Oh, contacting the alleged culprit who we have had 18 complaints about from our readers or even wider members 19 of the public, yes, proves very fruitful on occasions.</p> <p>20 Q. Very often it seems to be a pattern you find them 21 driving very expensive cars?</p> <p>22 A. Routinely, yes.</p> <p>23 Q. So if your desire is to give prior notification and that 24 is the normal practice where you can find people, would 25 you object to a system which required prior notification</p> <p style="text-align: center;">Page 34</p>	<p>1 and prior notification and the practical problems that 2 can emerge, particularly in your line of work --</p> <p>3 A. Yes.</p> <p>4 Q. -- isn't some qualification such as whether it's 5 possible or practicable, even if that has been decided 6 in a contentious case by some form of tribunal or 7 judge -- isn't that a reasonable compromise?</p> <p>8 A. Well, I don't know. We're still left with the difficult 9 position that anyone can attempt to avoid publicity 10 which they don't want simply by making themselves 11 uncontactable. Wouldn't that be the net result?</p> <p>12 Q. On that test, if the person was uncontactable, and you 13 tried and you can't contact them or you've made 14 reasonable efforts to find them and can't, then you 15 would be able to publish without prior notification.</p> <p>16 A. Yes. Again, I'm just concerned by the word 17 "reasonable". I mean, if you take, for example -- this 18 is quite a common situation I come across. Readers 19 complain that they bought something off a business 20 that's web-based only and their money's been taken and 21 they haven't got their goods and can't get a refund and 22 I'll have a look at the website and you click the 23 "Contact us" button and you get no contact details at 24 all. This is fairly common. You've probably seen it 25 yourself. All you get is a blank form to fill out to</p> <p style="text-align: center;">Page 36</p>

<p>1 put in your contact details and press "send" with your 2 comments, and you hope the company will see it and they 3 may or may not get back to you. 4 If we're going to argue, does that mean I'm being 5 reasonable in attempting to contact them? They might 6 say, "Look, we get 8,000 emails a day. How can you 7 expect us --" 8 LORD JUSTICE LEVESON: All of them complaining? That's 9 pretty good evidence. 10 A. Indeed. If mine's just one query amongst lots of other 11 complaints, then they could -- reasonably, a lawyer 12 might argue -- they could argue that I didn't fairly try 13 to contact them. 14 Q. Not argue successfully though, in those circumstances. 15 A. I don't know. I would never like to say what a court 16 might find. 17 LORD JUSTICE LEVESON: I think we've got the point. 18 MR BARR: Thank you very much. I have no more questions. 19 LORD JUSTICE LEVESON: The critical significance of your 20 evidence, it seems to me, Mr Penman, is that you are 21 engaged in a very worthwhile occupation, namely 22 protecting the consumer rights of readers, and therefore 23 you want to be able to do that as effectively as you can 24 and in as untrammelled a way as you can? 25 A. Well, that's -- I do, but that's to look at it slightly</p> <p style="text-align: center;">Page 37</p>	<p>1 A. Lloyd William Embley. 2 Q. You've provided two witness statements. To the best of 3 your knowledge and belief, are the contents true and 4 correct? 5 A. Yes. 6 Q. You tell us that you are currently the editor of the 7 People and you assumed the position of acting editor 8 in November 2007? 9 A. That's correct. 10 Q. When you were appointed as acting editor of the People 11 in November 2007, were you given any particular training 12 for that role? 13 A. No. 14 Q. Were you given any training when your position as editor 15 was confirmed? 16 A. No. 17 Q. Were you given any briefings or instructions particular 18 to your role as editor? 19 A. As both acting and being made editor, confirmed as 20 editor, I had a conversation with the chief executive 21 and when I was made acting editor, I had a conversation 22 with the chairman. 23 Q. You tell us that you had a production background in your 24 career prior to becoming editor -- 25 A. At the Daily Mirror, yes. Before that, eight years in</p> <p style="text-align: center;">Page 39</p>
<p>1 selfishly. I'm genuinely worried though that there is a 2 public interest right here. We've heard a lot about the 3 right to privacy, quite understandably. I do think 4 there's something about the rights to publicity -- call 5 it free speech, if you like -- which is if someone's 6 been the victim of an injustice, I believe they have the 7 right not just to tell their close families or mates 8 down the pub; they have a right to shout it from the 9 rooftops, and that's where the press can come in. So if 10 the press is stifled, then the public are stifled. 11 LORD JUSTICE LEVESON: I don't actually think that anybody 12 was thinking about stifling the press or the public in 13 relation to disclosing acts of moral obloquy or 14 criminality. 15 A. Though I do fear that if prior notification becomes 16 compulsory -- 17 LORD JUSTICE LEVESON: Well, I've got the point. 18 A. Okay. 19 LORD JUSTICE LEVESON: Thank you. 20 A. Thank you. 21 MR BARR: Sir, the next witness is Mr Embley. 22 MR LLOYD WILLIAM EMBLEY (sworn) 23 Questions by MR BARR 24 MR BARR: Good afternoon. Could you give the Inquiry your 25 full name, please?</p> <p style="text-align: center;">Page 38</p>	<p>1 regional newspapers, but at the Daily Mirror. 2 Q. And you explained to us what production means, which is, 3 for example, deciding where to place stories in the 4 papers, how to project the story, writing headlines, 5 selecting the pictures, drawing the pages, rewriting the 6 copy to fit the projection, checking facts and details 7 and taking information feeds from a number of different 8 sources; is that right? 9 A. That's correct. 10 Q. We've seen some examples of headlines and a lack of 11 fact-checking causing problems. One was the Charlotte 12 Church story, the Marry-oke(?) headline and the 13 following story, which, I think you would accept, turned 14 out to be completely false? 15 A. I do accept that and we carried an apology. Proceedings 16 are active as well. I just point that out. 17 Q. Indeed. Can I ask you this: what was it that went wrong 18 that led to an inaccurate story being printed with the 19 headline "Marry-oke"? 20 A. Ultimately the decision that having put in a number of 21 calls to Charlotte Church's representatives and not 22 hearing back, at approximately 5 o'clock on a Saturday 23 afternoon I made the decision to go ahead with the 24 story. My mistake. 25 Q. Was it a single source --</p> <p style="text-align: center;">Page 40</p>

<p>1 A. Single source. I based my decision on the fact that the 2 reporter, the freelance reporter who had provided the 3 story was someone of extremely good reputation, a former 4 chief reporter of the Daily Mirror who had been 5 a provider of stories in the past but had never posed 6 a problem, I believe from the same source, and on that 7 basis I made the decision to carry on the story. 8 Clearly that was incorrect.</p> <p>9 Q. So the difficulty arose from relying on a single source 10 and not having actually made contact with the subject?</p> <p>11 A. Made contact; not having heard back. Several 12 answerphone messages were left.</p> <p>13 Q. So on reflection, presumably the answer would have been 14 to leave it for the next weekend and to get in touch in 15 the meantime?</p> <p>16 A. That would seem to be the right course of action, 17 especially as Charlotte is obviously after damages of up 18 to £100,000 now, so -- presumably the £100,000 she 19 didn't get from Mr Murdoch's birthday party singing.</p> <p>20 LORD JUSTICE LEVESON: Be careful, Mr Embley.</p> <p>21 A. Sorry. Also, just to point out, we did ask Charlotte's 22 people whether we could go to a third party, ie. a QC, 23 and decide as to whether asking someone if you wanted to 24 marry them was defamatory or not, and clearly it's -- 25 but proceedings are active so perhaps we should leave it</p> <p style="text-align: center;">Page 41</p>	<p>1 Q. Do you ever discuss -- and I use the word "discuss" 2 deliberately; I'm not suggesting anybody's telling you 3 what to do -- the line the paper takes, the editorial 4 line, with the board?</p> <p>5 A. No.</p> <p>6 Q. Do you ever discuss it with advertisers?</p> <p>7 A. No, although I do meet with advertisers.</p> <p>8 Q. And shareholders?</p> <p>9 A. No.</p> <p>10 Q. You explain buying an exclusive story doesn't always 11 guarantee a circulation lift, so a sense of balance is 12 required when considering buying such stories, and you 13 say that in terms of the title's profit and loss 14 account, the biggest impact you have is managing costs?</p> <p>15 A. Correct.</p> <p>16 Q. If you have to keep costs down in order to keep profit 17 up, does it mean that you have to be careful about how 18 much you spend and the lengths you go to check a story 19 out?</p> <p>20 A. I'm not sure I follow the question.</p> <p>21 Q. Do you have to be careful about how much you spend 22 checking a story out?</p> <p>23 A. How much a spend checking a story out?</p> <p>24 Q. Yeah.</p> <p>25 A. No.</p> <p style="text-align: center;">Page 43</p>
<p>1 there.</p> <p>2 Q. What I'm going to ask you about next is not about the 3 substance of whether or not it was libellous, but this. 4 It's about the timing of the apology. I think there was 5 an apology issued, wasn't there, the day before 6 Charlotte Church gave evidence to this Inquiry?</p> <p>7 A. That's correct, yes.</p> <p>8 Q. Was the timing coincidental or not?</p> <p>9 A. The timing was based on the fact that the story 10 happened, unfortunately from my perspective, 11 embarrassingly, only a few weeks before the Inquiry 12 started, and the decision was taken by me that it was 13 more important -- we were trying to get agreement with 14 Charlotte Church's lawyers on wording of an apology, 15 et cetera, et cetera. They weren't happy but I took the 16 view that it was better to put something in to correct 17 the facts of the story, at least, and down the line we 18 can decide what needs to happen between us and 19 Charlotte's lawyers.</p> <p>20 Q. So is it right that the apology that was issued was a 21 unilateral one at the time and not an agreed one?</p> <p>22 A. Correct.</p> <p>23 Q. Moving to now, the next section of your statement deals 24 with financial commercial pressure and incentives.</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 42</p>	<p>1 Q. Could you take the view that it's just going to be too 2 expensive to get to the bottom of whether a story is 3 true and accurate and therefore decide not to pursue it?</p> <p>4 A. I can't think of an occasion where that's happened.</p> <p>5 Q. Do you get circulation boosts ever from exclusive 6 stories?</p> <p>7 A. Yes, and not necessarily exclusive stories. Sometimes 8 stories. They may not be exclusive. Jimmy Savile's 9 unfortunate death was not by any means an exclusive 10 story. I put it on the front page; others didn't. 11 I received a circulation lift.</p> <p>12 Q. So what is it, in your opinion, that keeps circulation 13 high?</p> <p>14 A. Well, it's a combination of things. You build up 15 loyalty over a period of time. Marketing is the most 16 effective tool for a weekly spike, as we would call it, 17 but a good story can occasionally sell extra copies, of 18 course, yes, and in some cases a lot of extra. Richard 19 Hammond -- for example, when I was at the Mirror, 20 Richard Hammond's near death sold a lot of copies, as 21 did Paul Burrell.</p> <p>22 Q. Can I ask now about the PCC. Do you have a view about 23 whether or not the PCC or whatever body should regulate 24 the press in the future should have more teeth?</p> <p>25 A. I believe it should have more teeth, yes.</p> <p style="text-align: center;">Page 44</p>

<p>1 Q. What teeth do you have in mind?</p> <p>2 A. "Teeth" I think probably means money.</p> <p>3 Q. So fines?</p> <p>4 A. There needs to be some kind of fines system, I think.</p> <p>5 That has to be -- yeah, some kind of contract, possibly,</p> <p>6 between us -- clearly, all publishers have to be</p> <p>7 involved. What we have at the moment obviously doesn't</p> <p>8 stand up to a great deal of scrutiny because we have one</p> <p>9 publisher who is out of it.</p> <p>10 Q. What do you advocate is the best mechanism for ensuring</p> <p>11 that everyone is included?</p> <p>12 A. I think a contractual obligation is probably the</p> <p>13 solution I have in my mind at the moment. Whether</p> <p>14 that's the right one or not, I don't know. Of course,</p> <p>15 if someone says no, I don't quite know -- I haven't, in</p> <p>16 my mind, got to where we are with someone who says, "No,</p> <p>17 I don't want to join, I'm not signing the contract."</p> <p>18 Q. So you recognise there may be some shortcomings with</p> <p>19 that?</p> <p>20 A. Well, clearly, yes, but the overriding view as far as</p> <p>21 I'm concerned is that we have to get everybody involved.</p> <p>22 Q. How is independence guaranteed? Independence both from</p> <p>23 government and from being seen as a regulator which is</p> <p>24 just far too close to the press?</p> <p>25 A. Whatever the new body is I think needs to have more than</p> <p style="text-align: center;">Page 45</p>	<p>1 a moment.</p> <p>2 A. Yes.</p> <p>3 Q. It was rather a long time before I was born, at least,</p> <p>4 the Royal Commission in the immediate post war years.</p> <p>5 We then have had Calcutt. Since then we've had the ICO</p> <p>6 writing about data protection issues and now we've had</p> <p>7 the hacking scandal.</p> <p>8 A. Yes.</p> <p>9 Q. Even as long ago as the 1980s, the media was described</p> <p>10 as being in the last-chance saloon. In the early 1990s,</p> <p>11 the PCC was said not to be working properly.</p> <p>12 Nevertheless, the system continued but we've had the</p> <p>13 scandals we have had. Is it really your considered view</p> <p>14 that there has not been a failure to act on previous</p> <p>15 warnings?</p> <p>16 A. Perhaps incorrectly, but this last sentence here, as all</p> <p>17 of my statement does, relates to my time as editor of</p> <p>18 the People. That's --</p> <p>19 Q. And we should understand it in that context?</p> <p>20 A. Indeed, and if you put it in that context, I would still</p> <p>21 completely stand by it.</p> <p>22 LORD JUSTICE LEVESON: I wonder, Mr Embley. Your statement</p> <p>23 was dated 14 October, so you did it quite timeously with</p> <p>24 my request and I'm very grateful, but since 14 October,</p> <p>25 you've heard three months of what I've been listening</p> <p style="text-align: center;">Page 47</p>
<p>1 one arm, for sure. It would be dangerous if there were</p> <p>2 not some current journalists involved in the process.</p> <p>3 Apart from anything else, particularly when you talk</p> <p>4 about the popular press, I'm not sure there are</p> <p>5 necessarily past journalists out there who you would</p> <p>6 want on the body anyway necessarily because time has</p> <p>7 passed and the way we operate has changed so much. So</p> <p>8 I think there needs to be some kind of representation of</p> <p>9 current editorial.</p> <p>10 Having said that, that may be a far less important</p> <p>11 part of the new body and not connected to, possibly, the</p> <p>12 other arms. The arm that may be responsible for fines,</p> <p>13 for example.</p> <p>14 Q. You say towards the end of paragraph 21 of your witness</p> <p>15 statement, Mr Embley, page 5 --</p> <p>16 A. My first witness statement?</p> <p>17 Q. Yes. I'm reading the last two sentences of</p> <p>18 paragraph 21:</p> <p>19 "In my opinion, the regulatory framework has been</p> <p>20 subjected to recent criticism as a result of a series of</p> <p>21 events that happened some time ago (and which also led</p> <p>22 to the establishment of this Inquiry). In my experience</p> <p>23 there has not been a failure to act on previous warnings</p> <p>24 about media misconduct."</p> <p>25 I'd like to ask you to reflect on that statement for</p> <p style="text-align: center;">Page 46</p>	<p>1 to. Has what I've been listening to changed your view</p> <p>2 about this at all?</p> <p>3 A. In my experience, since I've been editor of a newspaper,</p> <p>4 I have not experienced anything, so therefore, if it did</p> <p>5 happen in the past -- and clearly it was in some</p> <p>6 publications -- it's not now. Therefore, there has been</p> <p>7 learning and there has been an improvement in behaviour.</p> <p>8 That's what I was trying to say. Perhaps not for --</p> <p>9 MR BARR: Looking at the historic picture and the media in</p> <p>10 general, do you think that there has been a historic</p> <p>11 failure to act on warnings?</p> <p>12 A. Possibly, yes.</p> <p>13 Q. So far as your own newspaper is concerned -- we can come</p> <p>14 to the details in a little while, but so far as the</p> <p>15 ICO's reports in 2006, shortly before you became</p> <p>16 editor --</p> <p>17 A. Yes.</p> <p>18 Q. -- was there any investigation by the People of whether</p> <p>19 or not transactions by People journalists with</p> <p>20 Mr Whittamore were legal or illegal?</p> <p>21 A. As you say, I became acting editor in November 2007.</p> <p>22 Q. But do you know whether or not there was any</p> <p>23 investigation?</p> <p>24 A. I do not know. I do not know.</p> <p>25 Q. Did anything change as a result of the ICO's reports?</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

<p>1 A. I think, as we've heard, there was a meeting or two with 2 the chief executive and the then editors, of which 3 obviously I wasn't one, where the zero tolerance policy 4 was made clear. So in my time, certainly, we have not 5 used private investigators. 6 Q. In terms of the hacking scandal, as that broke, what was 7 done on your newspaper to deal with that as an industry 8 issue? 9 A. What was done on it? 10 Q. Yes. 11 A. In terms of ...? 12 Q. Can you tell me whether anything was done? 13 A. No. I do not believe any hacking has occurred on my 14 newspaper. I'm certainly not aware of any. I've never 15 asked anyone to hack a telephone. I've never seen 16 anyone hack a telephone. I've never heard anyone else 17 ask anyone else to hack a telephone. 18 Q. That wasn't quite my question. My question was really 19 directed at whether your newspaper did anything to 20 prevent such occurrences. 21 A. No, because I was reassured in myself that it wasn't 22 occurring. 23 Q. So when you say that there's not been a failure to act 24 on previous warnings, you're really saying nothing's 25 been done, but you don't think anything needed to be Page 49</p>	<p>1 A. No. 2 Q. Did you speak to advertisers? 3 A. Not before. Afterwards I did, as part of my -- because 4 it was part of a wider relaunch of the entire paper. So 5 having relaunched the paper, part of which was to move 6 it to being politically independent, I then went and 7 made presentations to 10 or 12 media buying agencies, at 8 which point it was discussed, yes. 9 Q. I see. So before the decision was made, you're saying 10 that it was your decision, one which you consulted the 11 chief executive about? 12 A. That's correct. 13 Q. Was the chief executive supportive of the decision? 14 A. Yes. 15 Q. If the chief executive had not been supportive of the 16 decision, what would have happened? 17 A. I guess I probably would have tried to argue my case 18 more strongly. 19 Q. And if that had failed? 20 A. I don't know. That's a matter of supposition. She was 21 completely supportive from the start. 22 Q. Really, do you not know? If the chief executive had not 23 wanted the paper to change allegiance, would you really 24 have tried to force it through? 25 A. I would have argued my case, yes. We're in the grounds Page 51</p>
<p>1 done? 2 A. Certainly since I've been editor, that would be my view, 3 yes. 4 Q. You go on to tell us a little bit about the People. You 5 sell 800,000 copies or thereabouts every Sunday. You 6 have a readership of 1.8 million, an average age of 7 reader of 52. Like your sister papers, you run 8 campaigns. 9 A. Yes. 10 Q. You explain some of those to us, particularly those 11 concerning energy and saving at the great British high 12 street. Unlike your sister papers, you're politically 13 independent in alignment? 14 A. We are now, yes. 15 Q. You tell us that that is the case having historically 16 supported Labour and you tell us that you took that 17 decision personally. 18 A. I did. 19 Q. Can I ask you a bit about how that decision took place? 20 Did you tell any member of the board that you were 21 proposing to change the allegiance of -- 22 A. I spoke to the chief executive about it. 23 Q. Did you speak to anybody else on the board? 24 A. No. 25 Q. Did you speak to shareholders? Page 50</p>	<p>1 of sort of complete hypothesis now, because she didn't. 2 Q. I appreciate she didn't in this case. I want to ask 3 you -- 4 A. She's sitting over there. 5 Q. I know, and she's going to be the next witness, but 6 I want to ask you: if the answer had been that she was 7 dead against it -- 8 A. Ultimately, if my boss completely and utterly says no, 9 it's not a good idea, and there's a risk to -- then 10 I wouldn't have done it, no. 11 LORD JUSTICE LEVESON: Who is responsible for the editorial 12 decisions of your paper? 13 A. Me. 14 LORD JUSTICE LEVESON: Right, thank you. 15 MR BARR: Contact with politician. You explain that you 16 have had a number of meetings with politicians during 17 your time as editor, including the leaders of the main 18 political parties. Can you give us some idea of 19 frequency with which you've met party leaders? 20 A. Incredibly infrequently. 21 Q. Has it been at your instigation or at theirs? 22 A. Theirs, I would say, and several of them -- one with 23 David Cameron was also with the chief executive and 24 Richard Wallace and Tina Weaver and Mr Coulson, and 25 Nick Clegg I have had lunch with in the boardroom at Page 52</p>

<p>1 Trinity Mirror along with editors from the regions. We 2 regularly have lunches where regional editors are 3 invited down to speak to politicians, meet with 4 politicians, and because of the political independence 5 of the People, I am often invited to those as well. 6 Q. So in terms of high level politicians, not necessarily 7 party leaders but ministers and shadow ministers, what 8 sort of frequency do you see them? 9 A. Very, very infrequently. 10 Q. When you do meet senior politician, what are you seeking 11 from them in general terms? 12 A. I am not seeking anything from them. My move to 13 political independence, I think, says quite a lot about 14 where I stand on -- my view is that I represent and my 15 paper represents the views of its readers, and my view 16 on why I moved it to be politically independent is 17 because I think politics has changed so much and the 18 parties are so closely aligned on so many policy issues 19 that it seems wrong to me just to follow one party. 20 I felt it enabled me to stand up for my readers best. 21 I'm not after anything from meeting with a politician. 22 Q. What do you think they were seeking from you then? 23 A. Probably some feedback about what our readers were 24 thinking. That's normally -- if I take the lunches in 25 the boardroom, for example, that is always the question</p> <p style="text-align: center;">Page 53</p>	<p>1 reaction, we will make contact through the relevant 2 force's press office." 3 A. Yes. 4 Q. What happens if you want more than a reaction, if you 5 want information? How do you go about getting that? 6 A. The same way. I don't have a crime correspondent and 7 I have very few staff, so either -- a crime story -- 8 a moving crime story. I'm trying to think of an 9 example. Raul Moat. So official calls to the local 10 press office and reporters on the ground knocking on 11 doors. 12 Q. For the purposes of your title, do you find that the 13 press office system works well? 14 A. I think that my news desk and reporters would say it 15 varies considerably according to the police forces. 16 Some far more than others. 17 Q. Have you ever had lunch with a serving chief constable? 18 A. Possibly in about 1989, I think, Northamptonshire, 19 possibly. 20 Q. Yes I get the picture, thank you. 21 A. Yeah. 22 Q. Can we move now, please, to compliance on your paper 23 with both the law and the code of practice. Am I right 24 in thinking there's no compliance officer as such? 25 A. That's correct.</p> <p style="text-align: center;">Page 55</p>
<p>1 that they ask, particularly of the regional editors, but 2 that is always what they want to know: "What are your 3 readers thinking about this, that or the other?" 4 Q. Were you not, as the last witness but one said, looking 5 for stories? 6 A. Not in those kind of situations, no. 7 Q. Has the move in alignment to a more neutral stance -- 8 A. Completely neutral. 9 Q. Completely neutral. I want to draw an analogy between 10 your position as a neutral editor and the floating 11 voter. Have you got a lot more attention from the 12 politicians interested in trying to influence your view 13 on particular policies one way or the other? 14 A. I don't think so. But my political editor -- I have 15 a very longstanding highly regarded political editor, 16 something which perhaps came as a bit of surprise to 17 a lot of people. A lot of people thought the People 18 didn't have one because politics didn't feature highly 19 in the paper, but he's been there for 26, 27 years, and 20 I think he could answer that better than me whether he's 21 had more attention. I think possibly yes. 22 Q. Can I move on to the question of contact with police. 23 You say on the same page -- I'm looking at paragraph 35 24 of your statement: 25 "If a story being worked on requires police</p> <p style="text-align: center;">Page 54</p>	<p>1 Q. Do you think a compliance officer would be a good idea? 2 A. Yes, I think it probably would be. 3 Q. Does your paper offer ongoing training to its 4 journalists? 5 A. In some areas, yes. Well, the company rather than the 6 paper. 7 Q. I see. Does that include ethical training? 8 A. If training on, for example, changes in relation to the 9 Bribery Act could come under ethical training, which it 10 probably could do, yes. 11 Q. Do you have any system for recording and auditing 12 ethical or legal problems? Do you keep track of them in 13 any way? 14 A. I now have a weekly meeting with the paper's lawyer to 15 discuss all legal issues and we have very recently 16 introduced -- with relation to public interest defence, 17 we have introduced a system where we will now start 18 keeping a record from the moment a public interest 19 defence is -- 20 Q. Are these actions arising from the recent review carried 21 out -- 22 A. Yes. 23 Q. -- at board level? 24 A. Yes, correct. 25 Q. Before that, did you have any way of auditing and</p> <p style="text-align: center;">Page 56</p>

<p>1 recording legal and ethical problems? 2 A. Well, the legal department would obviously record the 3 legal issues. But no, that's an improvement in our 4 working. 5 Q. On the question of prior notice, do you have a view as 6 to where the balance lies? 7 A. I think I'm with the European Court, that it's so -- 8 that everything -- the nature of stories is so varied 9 that I can't see it working in practice. 10 Q. As the chairman pointed out earlier, what they found was 11 it wasn't a breach of Article 10 not to give prior 12 notice. 13 A. Right. I wasn't -- I missed that, sorry. 14 Q. In practice, do you give prior notice whenever you can? 15 A. Generally, yes. 16 Q. For what reasons do you withhold it? 17 A. I can't actually think of an example where we have 18 withheld it, but that doesn't necessarily mean that it 19 wouldn't occur. 20 Q. Do you have a corrections column? 21 A. Yes. 22 Q. Where is it? 23 A. It is now on page 2, as is the way with all the Trinity 24 Mirror titles. It was previously -- I did previously 25 have a letters page, which I had very far forward in the Page 57</p>	<p>1 MR BARR: Strictly speaking I should say Master Patten. 2 A. We spoke to both of them. 3 Q. You spoke to both of them? 4 A. Yes. 5 Q. Were they both supportive of that story? 6 A. Yes. 7 Q. Before publication? 8 A. Yes. 9 Q. If the position had been otherwise, would your judgment 10 call have been different? 11 A. I wouldn't have had the story to run. The story was 12 based on speaking to both Alfie and his father. 13 Q. Finally, you give an example of pole-dancing children 14 and you tell us you decided it was in the public 15 interest to publish the story but you thought it was 16 appropriate, because children were involved, to black 17 out and pixelate the faces of the children and their 18 parents? 19 A. Yes, to protect the identity of those who didn't -- 20 yeah. 21 Q. Did you have any complaints as a result of that story? 22 A. No. 23 Q. When it comes to sources -- we've already had one 24 example of a single source story -- how common are 25 single source stories on your newspaper? Page 59</p>
<p>1 paper -- in fact, I say that in my statement, but since 2 then I have actually, through space constraints, 3 actually moved the letters page back. But the 4 corrections and clarifications column has moved onto 5 page 2. 6 Q. I see. If we move on to editorial decision-making. You 7 give us various examples of the decisions you have made. 8 You tell us about the decision you made in a case 9 involving Mr Huhne's private life. 10 A. Yes. 11 Q. Then you tell us about an example of a 13-year-old 12 alleged father, Mr Patten. 13 A. Alfie, yes. 14 Q. At 55, you tell us how you followed up the Sun's break 15 of that story -- 16 A. Yes. 17 Q. -- by questioning whether Mr Patten was indeed a father 18 and running a story headlined "I want a DNA test". 19 A. Correct. 20 Q. Can I just ask you: did you consult Mr Patten before 21 running that headline? 22 A. Yes. 23 LORD JUSTICE LEVESON: Are we talking about the 13-year-old 24 boy or his father? 25 A. His father. Page 58</p>	<p>1 A. They are quite common, but more often than not we try to 2 find a second source. 3 Q. Quite common? Are they a minority or a majority? 4 A. To start off with, it's probably a majority. By the 5 time the story gets into the press, one would hope it 6 would be a minority. It's always better to have more 7 than one source. 8 LORD JUSTICE LEVESON: Some stories don't need a second 9 source. Your discussion with Mr Patten and his son -- 10 A. Absolutely. They were the -- 11 LORD JUSTICE LEVESON: They are the story. 12 A. They very much were the story, yes. 13 MR BARR: Moving on your dealings with photographers, in 14 paragraph 61, you tell us that you spend more money on 15 photographs than you do on text? 16 A. Yes, I think I probably -- we spend more -- if I added 17 together my news and features budgets, actually that is 18 slightly more than pictures, so I apologise for that 19 error, but the department with the biggest single 20 budget, which is what I probably should have said, is 21 the pictures. 22 Q. Given its importance, can you tell us about the checks 23 that are in place, if any, to ensure that a photograph 24 that you publish has not been taken in intrusive 25 circumstances? Page 60</p>

<p>1 A. My picture editor, as you are aware, has submitted 2 a statement, and goes into quite some -- which I think 3 is probably in here as well -- goes into quite some 4 detail -- 5 Q. From your editor's point of view -- 6 A. From my point of view, I will be speaking to the picture 7 desk about any pictures that they put up in conference 8 and I would say every week there are two, three, four, 9 five sets of pictures that maybe get shown in conference 10 that are ruled out simply on the grounds of intrusion. 11 Probably more. 12 Q. Is that a phenomenon which is a recent one or has that 13 been the case for a long time? 14 A. No, that's been the case since I've been there. We have 15 a slightly different way of doing it now because we now 16 have a computer mounted on the wall so that in 17 conference we can all see the pictures that are being 18 discussed. Previously I didn't have that and it was 19 printouts that were handed around, but same principle. 20 Q. Are you prepared to publish stories without knowing the 21 source? 22 A. I did in the case of Charlotte Church. 23 Q. Is that something that you do occasionally, frequently 24 or -- 25 A. Very occasionally, and it would be dependent on having</p> <p style="text-align: center;">Page 61</p>	<p>1 explain to us what your analysis was of where the public 2 interest lay in that case? 3 A. In terms of going ahead and publishing? 4 Q. What you've chosen to do there is you've chosen to 5 expose the private life of the father in order to hold 6 him up to moral censure, haven't you? 7 A. Yes, because his mother and mothers of the children 8 involved I think have every right to freedom of 9 expression, and that's exactly what we did. It hasn't 10 worked, because he's had another one since. 11 Q. Were there any complaints about that story? 12 A. No. 13 Q. You tell us that sometimes politicians write in your 14 paper in return for payment. 15 A. Occasionally. 16 Q. Is there any editing or control of the stories which 17 they write in your paper, or do they have completely 18 free reign? 19 A. On the rare occasion that a politician would write, we 20 would have probably -- we probably would have invited 21 them to write on a specific subject. 22 Q. And when they do that -- 23 A. There are a couple of occasions where a politician, 24 I think -- I think an acting politician has written the 25 political editor's weekly column in his absence, where</p> <p style="text-align: center;">Page 63</p>
<p>1 and utter confidence and faith in the person who has 2 submitted the story. 3 Q. Again, like the last editor we heard from, in 4 paragraph 62, you say: 5 "The final decision can sometimes be a matter of gut 6 instinct based on years of experience." 7 Again, can I ask you: are you there saying that you 8 lob it in if it feels right, or are you referring to 9 a more sophisticated exercise of judgment? 10 A. We definitely do not lob it in. We agonise. 11 Q. You published a story which you tell us about at 12 paragraphs 65 and 66 of your witness statement. 13 A. Yes. 14 Q. About a man who had fathered a large number of children 15 by a number of mothers that was almost as large. 16 A. Yes. 17 Q. I think probably I ought to mention you did that despite 18 the fact the father cannot want to give you his side of 19 the story? 20 A. He didn't want to talk about it, no, that's correct. 21 But his mother did. 22 Q. Yes, the mother wants to talk about it. His mother? 23 A. Yes, his mother, who was desperate to stop him, I think. 24 Q. But he didn't, so you made the decision to intrude into 25 his privacy on the basis of what you had. Can you</p> <p style="text-align: center;">Page 62</p>	<p>1 they would have a little bit more of a free reign, but 2 I can only think of a couple of occasions, and it may be 3 past politicians, actually, not acting ones. 4 Q. When they write on a subject, do you get into a debate 5 about altering what they've written or do you just let 6 them write -- 7 A. No, I don't get into any such debate. 8 Q. Can we move now to the detail of the ICO reports. If we 9 turn to tab 13, please, page 10 of 13, which is a table. 10 A. Yes. 11 Q. We see that your paper is listed there. 12 A. Yes. 13 Q. With 37 transactions and 19 journalists. You've already 14 confirmed to me that as far as you're -- 15 A. Sorry, page 10 of tab ...? 16 Q. Tab 13. 17 A. Yeah. 18 Q. RJT2. 19 A. I'm a page behind, I'm sorry. 20 Q. There should be a table there. Do you have that? 21 A. I have a table, but I'm not sure the numbers relate to 22 the numbers that you've just told me. 23 Q. If you move down the left-hand column and find the did 24 People -- 25 A. Yes:</p> <p style="text-align: center;">Page 64</p>

<p>1 "Number of transactions positively identified: 2 802." 3 LORD JUSTICE LEVESON: Page 336 in the bottom right-hand 4 corner. 5 A. Yes. 6 Q. You're looking, I think, at the Sunday People, aren't 7 you? 8 A. I beg your pardon, right. Keep going down, the People. 9 Q. The Sunday People was 802, 50; the People are 37, 19. 10 Of course The People and The Sunday People are the same 11 paper but different points in time. 12 A. Hence my confusion, sorry. 13 Q. You've already explained to me that this was before your 14 time as editor and to the best of your knowledge no 15 investigation was done. I put to the other editors that 16 given that the question is whether or not there was 17 a public interest defence in these cases, it appears 18 that the Sunday People and the People together having 19 839 transactions, it seems rather unlikely, doesn't it, 20 that they all had public interest? 21 A. I've no idea. These numbers relate to prior to 2003? 22 Is that correct? 23 Q. Yes. 24 A. I was on the Mirror and I became, as I said, acting 25 editor November 2007. I have no idea, I'm afraid.</p> <p style="text-align: center;">Page 65</p>	<p>1 make the point that they don't want people stalking 2 Kate, but clearly if these pictures are being used 3 abroad and substantial sums of money are being paid for 4 them and they're available on the Internet, I don't see 5 how that's going to stop that problem. I believe we did 6 the right thing by not publishing them, but a similar 7 thing happened a few weeks before -- a couple of months 8 before with Kate in Tesco in Anglesey, I believe, and 9 again, I was offered the pictures. I didn't personally 10 speak to the palace on that occasion but one of my staff 11 did and we received similar advice and we didn't publish 12 the pictures. The Daily Star Sunday did and so did one 13 of the glossy magazines, but I can't remember which one 14 it was. I don't want to get the name wrong. 15 LORD JUSTICE LEVESON: Who are the picture agencies? Are 16 these sole agencies or individual photographers? 17 A. Individual photographers. I believe it was the same 18 photographer or the same photographer and a relation of 19 his who are responsible for both of the pictures 20 involved in those cases. 21 LORD JUSTICE LEVESON: So what can be done about that? 22 A. I think that -- by raising it, I think I'm trying to say 23 that it's possible to do the right thing, which 24 I believe we did, but that may not stop the action that 25 the palace have raised as a concern.</p> <p style="text-align: center;">Page 67</p>
<p>1 Q. Can you help us: from your time on the Mirror, did you 2 know about the use of Mr Whittamore? 3 A. Not at all, no. 4 Q. Now, I understand that you might be able to help us with 5 the publication of photographs involving the royals, and 6 that you were recently offered photographs and had to 7 make a judgment about whether to publish them? 8 A. There's a couple of examples recently where I have been 9 offered pictures, one of Kate and one of William and 10 Kate. The William and Kate was Thursday of last week 11 and I was offered exclusively pictures of them walking 12 along the beach in North Wales. I spoke to St James' 13 Palace myself on Friday and was told that they were -- 14 that the palace had serious concerns about use of the 15 pictures, particularly because they were concerned that 16 the photographer involved had been, in their words, 17 following/stalking William and particularly Kate, and on 18 that basis I didn't use the pictures. 19 Q. Do you know whether anybody else has? 20 A. Well, they were purchased for quite a considerable sum 21 of money by People -- no relation -- People magazine in 22 the United States, and I believe other publications as 23 well and are on the Internet, which -- I still think it 24 was the right thing not to publish but in terms of how 25 we operate going forward, the palace were very keen to</p> <p style="text-align: center;">Page 66</p>	<p>1 LORD JUSTICE LEVESON: I understand that, which is why 2 I asked the question I did. 3 A. Yes. I raised it because I think it is a concern. 4 I don't know what the answer is, because obviously we do 5 not have jurisdiction. 6 LORD JUSTICE LEVESON: It's nothing to do with you. You've 7 just said no. 8 A. Yes. 9 LORD JUSTICE LEVESON: But -- 10 A. As to the wider issue of the Inquiry and clearly the way 11 we operate going forward, it's something we need to 12 think about, and as I said, I don't really have the 13 answer, but it was the palace's particular concern. 14 MR BARR: Turn to tab 20 of the bundle. 15 A. Yes. 16 Q. This is the witness statement of David Brown, prepared 17 for employment tribunal proceedings. 18 A. Yes. 19 Q. In this statement, Mr Brown makes a number of 20 allegations about what was happening on Trinity Mirror 21 titles. He worked for the People, didn't he? 22 A. Yes, he did. I know it's sounding boring, but before my 23 time. 24 Q. Did you know him? 25 A. No.</p> <p style="text-align: center;">Page 68</p>

<p>1 Q. I see. Are you able to help us at all as to whether or 2 not the allegation that he was sent on the story about 3 Ulrika Johnson on the basis of a hacked phone -- 4 A. I'm afraid I'm not, no. 5 Q. He says that other people's messages were monitored that 6 he names in paragraphs 24 and 25, and various 7 celebrities. Are you able to help us with any of that? 8 A. Insofar as -- this document I have only recently seen as 9 a result of the Inquiry. This is the first time I have 10 seen it. I was asked to look into a couple of things to 11 reassure myself that what he said was not an issue for 12 us, and that was by the company secretary. There are 13 very few members of staff left. I did speak to some 14 people and -- who do still work for us and I am of the 15 view that what he said is incorrect or unsubstantiated. 16 I was unable to shed any light on it at all. 17 Q. How many people did you speak to? 18 A. Two. 19 Q. It's fair to say that you weren't, at this remove in 20 time, able to perform a comprehensive investigation? 21 A. No, because the people involved -- 22 Q. There's an allegation that an agency was used called 23 SUGARbabes to supply male and female models to pose for 24 real life stories. 25 A. Yes.</p> <p style="text-align: center;">Page 69</p>	<p>1 editor, as you set out at the beginning of your 2 statement about the production function, includes 3 checking and sources? 4 A. Not sources, no. 5 Q. Checking of sources? 6 A. No. 7 Q. So what does it involve? 8 A. It -- production roles, however senior they are -- I 9 think at the time I was probably about number three or 10 number four on the back bench, as we call it. Before 11 I joined the People, I was head of production at the 12 Daily Mirror and as I tried to explain, but perhaps not 13 brilliantly, our main role is prominence and projection, 14 but nothing to do with provenance. 15 Q. So it was no part of your role -- 16 A. It is not part of the job. 17 Q. If it was not obvious what the source of the story 18 was -- 19 A. No, it's not part of the job. 20 Q. Can I now ask you, on a fairly limited basis, for the 21 reasons outlined this morning, about your second 22 statement which deals with Ms Jellema's conversations -- 23 24 A. Yes. 25 Q. -- with Mr Atkins.</p> <p style="text-align: center;">Page 71</p>
<p>1 Q. During your time as an editor, was that agency used? 2 A. No, that's one of the things I wanted to check to 3 reassure myself. 4 Q. You, of course, have been able to assist me to only 5 a limited extent, through no fault of your own, because 6 you weren't there at the time. Can I ask you now about 7 your time at the Mirror. 8 A. Yes. 9 Q. You were the assistant night editor in the late 1990s, 10 weren't you? 11 A. Yes. 12 Q. That was when Mr Hipwell was working for the detail 13 Mirror? 14 A. That's correct. 15 Q. When you were working as the assistant night editor, did 16 you have any contact with the showbusiness team? 17 A. Only if I were ever writing headlines or drawing pages 18 involved in show -- very, very rarely. I sat at the 19 other end of the room. I was on the back bench and the 20 showbiz desk was about as far away from that desk as you 21 could possibly get in our office. 22 Q. Did you see or hear about any phone hacking by the 23 showbusiness team while you were assistant night editor? 24 A. I didn't. I've never seen any phone hacking. 25 Q. Am I right that part of your function as assistant night</p> <p style="text-align: center;">Page 70</p>	<p>1 A. Yes. 2 Q. I'm sure you're familiar with what Ms Jellema is 3 recorded as having said about the PCC? 4 A. I am. 5 Q. Do you share that view of the PCC? 6 A. As I say in my statement, I absolutely do not. 7 Q. Does it bother you that one of your reporters appears to 8 have said that about the PCC? 9 A. Yes, and when I saw it, again, as I say in my statement, 10 I was really rather angry. I immediately called in my 11 department heads. I made them watch it. This was, 12 I think, in October, so the first I knew of it. Sarah 13 Jellema had already left the paper by this point. 14 I showed the clip to my department heads and I, in no 15 uncertain terms, told them to go out and make sure that 16 no one else is of that opinion. 17 Q. Kiss-and-tell stories. I'm looking at tab 4. Page 16 18 of 29. 19 A. Yes. 20 Q. Paragraph 80 says: 21 "A later scene in the film on this topic looked at 22 how kiss-and-tell stories are often engineered by 23 tabloid news desks. We looked at the case study of Amy, 24 who was encouraged by The People to sleep with certain 25 celebrities in return for payment. This was while Amy</p> <p style="text-align: center;">Page 72</p>

<p>1 was addicted to cocaine and alcohol and Amy claims that 2 The People editors used her addiction to manipulate her 3 into sleeping with particular celebrities in return for 4 money to feed her habits. In an interview used in the 5 film, Dave Reid, who represented minor celebrities as 6 well as kiss-and-tell girls, called this side of the 7 industry 21st century prostitution." 8 Can I ask you: first of all, would you agree that if 9 this happened it was unethical? 10 A. Yes. 11 Q. Did it happen? 12 A. Not -- this -- sorry, I'm just trying to familiarise 13 myself and remember again where we are. It certainly 14 hasn't happened while I've been there, and I'm unaware 15 of who Amy is and I'm actually not interested in 16 kiss-and-tell stories particularly anyway, much. It 17 certainly hasn't happened. 18 Q. I see. And you would condemn it if -- 19 A. Completely, 100 per cent. 20 Q. The film Starsuckers was not covered when it was 21 launched by your title, was it? 22 A. Probably not. 23 Q. Why not? 24 A. If we did have a film column at the time -- and I'm not 25 100 per cent sure that we did, but I think we did, at</p> <p style="text-align: center;">Page 73</p>	<p>1 correct to the best of your knowledge and belief? 2 A. They are, Mr Barr. One amendment I should like to make 3 is that when I submitted the statement to the Inquiry, 4 we published 160 regional newspapers. We now publish 5 140. 6 Q. I see. Just before we continue, the microphones seem to 7 be booming quite a lot. Are they working properly? 8 Your witness statement sets out, Mrs Bailey, that 9 you're the chief executive of Trinity Mirror, and it 10 explains that you've been appointed chief executive 11 in December 2002, joining the group on 3 February 2003. 12 Are those dates both correct? 13 A. They are. 14 Q. So you became chief executive before joining the group? 15 A. No. It was announced that I would be, but I wasn't 16 actually appointed to the board until that day 17 in February 2003. 18 Q. Now I understand. You explain that you joined Trinity 19 Mirror from IPC Media. Your witness statement, which 20 we're going to take as read, sets out your very 21 successful career at IPC up to the time of your 22 appointment at Trinity Mirror and you tell us that as 23 well as being chief executive at Trinity Mirror you're 24 also the non-executive director, or have been at various 25 times, of the EMI Group?</p> <p style="text-align: center;">Page 75</p>
<p>1 most we would only review two films, and I think they 2 would be mainstream films. 3 MR BARR: Those were all the questions that I had for you. 4 Thank you. 5 LORD JUSTICE LEVESON: You heard the questions that I asked 6 Ms Weaver and Mr Wallace. Is there anything that you 7 want to add on those general topics? 8 A. No. I think earlier in my testimony I think I probably 9 covered my thoughts as they are at the moment with 10 regard to regulation moving forward. 11 LORD JUSTICE LEVESON: Thank you very much indeed. 12 A. Thank you. 13 LORD JUSTICE LEVESON: We'll have a five-minute break. 14 (3.40 pm) 15 (A short break) 16 (3.48 pm) 17 MR BARR: Our final witness today is Mrs Sly Bailey. 18 MRS SLY BAILEY (sworn) 19 Questions by MR BARR 20 MR BARR: Good afternoon, Mrs Bailey. 21 A. Good afternoon. 22 Q. Could you look at your witness statement and confirm 23 your full name? 24 A. Sly Bailey. 25 Q. Are the contents of your witness statement true and</p> <p style="text-align: center;">Page 74</p>	<p>1 A. Yes. 2 Q. Now is it Ladbroke plc? And that you're a non-executive 3 director of the Press Association. In addition to that, 4 you're on the panel advising the government to review 5 the BBC's royal charter. You did that in 2006. 6 A. I was in 2006, correct. 7 Q. And you're a trustee of the English National Ballet 8 School and the president of a charity, NewstrAid, which 9 assists people in the newspaper and magazine business. 10 A. NewstrAid, yes. 11 Q. At Trinity Mirror you explain to us what your role is as 12 chief executive on the board. You sit with Mr Vickers, 13 Mr Vaghela and the non-executive chairman is Ian Gibson. 14 Your responsibility, you tell us, is for developing the 15 group's strategy, and that you have delegated authority 16 from the board to execute that strategy and the group's 17 operations. Your role also covers investor relations, 18 maintaining relationships with key Trinity Mirror 19 customers and suppliers and dealing with public affairs 20 and corporate communications. You tell us also 21 something about who the leading shareholders are. 22 Does that mean that in distinction to some of the 23 newspaper groups we've heard of who have identifiable 24 human proprietors, what distinguishes Trinity Mirror is 25 that there is no single identifiable human proprietor?</p> <p style="text-align: center;">Page 76</p>

<p>1 you are answerable to your shareholders? 2 A. Yes. I'm human, but I'm also the proprietor. 3 Q. You are? 4 A. Yes. 5 Q. Forgive me. Insofar as you are the human proprietor of 6 Trinity Mirror group, can you help us then with the 7 level of contact that you have with shareholders? 8 A. Liaising with the shareholders is one of my primary 9 responsibilities. There are at least four times a year 10 which I would formally see shareholders: after our 11 preliminary interim results twice a year, at our -- and 12 following our trading statement, if shareholders want to 13 see us then. It's customary that as chief executive of 14 a plc, once you've announced your results, you go on 15 something called an investor roadshow, and that I do 16 with my finance director and head of corporate 17 communications. Those are the main meetings that we 18 have with shareholders, where we update them on 19 strategy, the performance of the business and they get 20 the opportunity to raise any issues that they may have 21 with us about the business. 22 Q. And you meet with major shareholders or talk to major 23 shareholders at other times? 24 A. From time to time, they may ask for a meeting, either 25 with me or perhaps with the chairman. Good governance</p> <p style="text-align: center;">Page 77</p>	<p>1 following the publication of those photographs, and that 2 was your decision, was it? 3 A. It was a board decision, but it was certainly something 4 that I talked to the board about that they supported me 5 in. 6 Q. And if fell to you to communicate the decision? 7 A. It certainly did. 8 Q. Since you've had the experience of having to terminate 9 the employment of the editor of a national newspaper, 10 can I ask you: what are the reasons for terminating 11 Mr Morgan's employment? 12 A. You can imagine it was an awful time for the business 13 after we had published those photographs. We were 14 literally in a maelstrom of interest in the business and 15 media interest and frankly, it wasn't so much the 16 publishing of the photographs themselves, which I do 17 believe that Mr Morgan did in good faith at the time, 18 but what happened was that in the intervening period the 19 board lost confidence in him as editor, and that was why 20 we fired him and that is exactly what I said to him when 21 I did so. 22 Q. Because of things that he said and did in that 23 intervening period or was it because of the maelstrom, 24 as you've described it, and the reaction of external 25 bodies?</p> <p style="text-align: center;">Page 79</p>
<p>1 certainly would see the Chairman also meeting with 2 shareholders, perhaps on an infrequent but still regular 3 basis. So I'm there to see them whenever they wish to 4 see me. 5 Q. There's a suggestion in Mr Morgan's book that there 6 might have been attempts by shareholders in 2004, when 7 he lost his position as editor, to pressurise you and 8 the board of Trinity Mirror, particularly from American 9 shareholders, because they didn't like the anti-war 10 stories which were being published by the Daily Mirror 11 at the time. Were there any such attempts to 12 influence -- 13 A. No. 14 Q. -- the company? 15 A. No, there weren't. There weren't any at that time from 16 either any UK or indeed American shareholders. It's not 17 anything that I have ever encountered. The only phone 18 call that I ever received, after we'd published those 19 photographs in 2004, was from one shareholder who was 20 interested as to what the advertiser response had been, 21 ie had we lost any advertising as a result of it. But 22 that's the one and only call that I ever received. 23 Q. Had you lost advertising? 24 A. No, we hadn't. 25 Q. As we know, Mr Morgan did lose his position as editor</p> <p style="text-align: center;">Page 78</p>	<p>1 A. It was a combination of both of them. You'll see in our 2 risk map that we talk about one of the risks being 3 catastrophic editorial error and indeed that was what 4 happened in this case. We did publish an apology. 5 After Piers was dismissed, the team -- and it was their 6 decision, under the deputy editor at that time -- 7 published an apology the next day and we lost a lot of 8 readers as a result of that episode, so it was 9 a catastrophic editorial error. 10 Q. Your statement goes on to tell us a little bit of an 11 overview of Trinity Mirror, something about the size of 12 the operation. You have in the region of 6,350 people. 13 You've altered the number of titles down to about 140 -- 14 LORD JUSTICE LEVESON: It's 145. It's 140 regionals. 15 A. Regional titles. 160 to 140 since I wrote the 16 statement. 17 LORD JUSTICE LEVESON: One of the seminars had a paper from 18 Claire Enders on the commerciality of newspapers. 19 You'll doubtless remember it. We are going to hear some 20 regional editors and I am very conscious that they have 21 a very important story to tell, but without disclosing 22 any commercial confidences, could you elaborate upon the 23 pressures which Trinity Mirror are facing in relation to 24 regional newspapers? I'm conscious that if in a few 25 months you've gone down the number you've gone down,</p> <p style="text-align: center;">Page 80</p>

20 (Pages 77 to 80)

<p>1 that itself tells its own story.</p> <p>2 A. Indeed it does, sir. The pressures on the business over</p> <p>3 about the last five years have been intense, and the</p> <p>4 businesses face two challenges. One, which is</p> <p>5 structural, as we see the growth of new devices -- you</p> <p>6 know, first of all we saw the Internet and now we're</p> <p>7 seeing new tablet device and smart phones and the</p> <p>8 proliferation of news and information on those sources,</p> <p>9 and at the same time the business has been under the</p> <p>10 most intense cyclical pressure as a result of the poor</p> <p>11 economy.</p> <p>12 My view is that the cycle has been much worse for us</p> <p>13 than the structural issues. I think we've coped pretty</p> <p>14 well with that and were coping pretty well with that.</p> <p>15 You can see in my statement that we publish more than</p> <p>16 500 websites so we have a similar publishing strategy</p> <p>17 online in our local markets that we traditionally had in</p> <p>18 print, that what we seek to do is to have the products</p> <p>19 and services that our readers and advertisers would want</p> <p>20 to find, whether that's in print or whether that's in</p> <p>21 digital, and indeed our strategy is to build a growing</p> <p>22 multi-platform media business.</p> <p>23 But the important thing to understand are the</p> <p>24 differences in the business model between nationals and</p> <p>25 regionals. A national newspaper is predominantly</p> <p style="text-align: center;">Page 81</p>	<p>1 of that's the revenue that we generate to support the</p> <p>2 business that we're in, is recruitment advertising. So</p> <p>3 at the peak, we had around £150 million recruitment</p> <p>4 advertising supporting our titles, and last year we had</p> <p>5 less than 20. And when you're facing that happening to</p> <p>6 a business, then you have to reduce your costs</p> <p>7 effectively and quickly to ensure that you have</p> <p>8 a business and that you can come out the other side of</p> <p>9 that.</p> <p>10 LORD JUSTICE LEVESON: And property advertising?</p> <p>11 A. Property advertising has less of an impact because it's</p> <p>12 traditionally been a much lower yielding category. So</p> <p>13 yes, the same thing has happened in broad terms in terms</p> <p>14 of the decline, but the real problems for us have been</p> <p>15 with recruitment advertising. It is an interesting area</p> <p>16 because I think there's a received wisdom that it's all</p> <p>17 gone online. Now, clearly some of it has gone online.</p> <p>18 Indeed, we've been launching and buying businesses in</p> <p>19 the area of classified recruitment over the last five</p> <p>20 years, but the majority of the sorts of jobs that you'd</p> <p>21 have seen if you'd opened the pages of the</p> <p>22 Liverpool Echo or Newcastle Chronicle would be what we</p> <p>23 call everyday jobs for everyday people. They're not</p> <p>24 legal directors or finance directors; they would be jobs</p> <p>25 in the public and private sector, lower level</p> <p style="text-align: center;">Page 83</p>
<p>1 a circulation-driven business -- certainly tabloid</p> <p>2 national newspapers, I should qualify that as -- with</p> <p>3 traditionally 60 per cent of the revenues coming from</p> <p>4 circulation from cover price, and that, of course, is</p> <p>5 driven by the mass of -- the frequency and the number of</p> <p>6 copies that we sell at the price that we sell them at.</p> <p>7 And the advertising is display advertising driven,</p> <p>8 so large corporates that you would know the names of</p> <p>9 that traditionally reside on the high street, with very</p> <p>10 little classified advertising.</p> <p>11 Regional newspapers -- and this is the big issue --</p> <p>12 have an inverse business model, where 70 from</p> <p>13 advertising, only 30 per cent comes from cover price.</p> <p>14 They're smaller, they're often weekly, so you just don't</p> <p>15 get the economic effect of the cover price in the same</p> <p>16 way, and perhaps most instructively in terms of</p> <p>17 advertising, it traditionally hasn't been display</p> <p>18 advertising-led; it's traditionally been classified, so</p> <p>19 the key elements of that being recruitment, property,</p> <p>20 motors and then community services like births,</p> <p>21 marriages and deaths.</p> <p>22 Clearly, as we've seen a worsening of the economy</p> <p>23 pretty much since 2007, the category that's been hit</p> <p>24 hardest, which is our highest yielding category which</p> <p>25 really supports our news-gathering activities, in terms</p> <p style="text-align: center;">Page 82</p>	<p>1 administrative jobs in the retail sector, baggage</p> <p>2 handlers if we're near an airport, taxi drivers,</p> <p>3 hairdressers, and that has all but dried up.</p> <p>4 LORD JUSTICE LEVESON: Just gone, full stop? Or --</p> <p>5 A. You know, I'm sure you read the headlines all the time</p> <p>6 where there will be a retailer that, you know, is</p> <p>7 recruiting staff and there will be thousands of people</p> <p>8 queueing around the block for it. So the liquidity in</p> <p>9 the market is simply not there to drive the need for</p> <p>10 clients to advertise for those positions.</p> <p>11 LORD JUSTICE LEVESON: But that suggests that that's</p> <p>12 economy-driven --</p> <p>13 A. Exactly, so that's --</p> <p>14 LORD JUSTICE LEVESON: -- rather than --</p> <p>15 A. Exactly. I'm not saying that there aren't any</p> <p>16 structural issues there. Clearly, there are. What I'm</p> <p>17 saying is we've built such strong positions in our local</p> <p>18 markets that we understand an awful lot more about that,</p> <p>19 and unlike in a property market where there is a</p> <p>20 dominant player in the form of Rightmove that has</p> <p>21 emerged in the property market, where you can see</p> <p>22 there's been a structural shift, there isn't one online</p> <p>23 dominant player in the recruitment market which would</p> <p>24 absolutely bear out my thesis that actually this is</p> <p>25 mostly driven by the cycle and mostly driven by the</p> <p style="text-align: center;">Page 84</p>

<p>1 economy. But clearly the longer the economy is as 2 challenged as it is, and structural change continues to 3 happen, then the less likely that we'll see 100 per cent 4 of that. I believe we'll see some come back but it 5 won't come back in the way it was. 6 That has been the primary issue, is the -- it's 7 almost like a falling knife that's been getting sharper 8 on the way down as we have gone through the cycle and 9 we're bumping along the bottom but it's yet to improve. 10 LORD JUSTICE LEVESON: This might be a little bit away from 11 the core concerns that I have in this Inquiry, but I am 12 concerned to know whether there is any structural change 13 that would assist what I believe is a vital part of 14 local democracy which is provided by local newspapers. 15 A. The best thing that we can do is to remain profitable so 16 that we can come out the other side of that. 17 LORD JUSTICE LEVESON: Yes, I don't think I can make 18 a recommendation to that effect. 19 A. No, but clearly in good times what happens is in terms 20 of portfolio management, where you're looking for 21 maximum economic return in any market, then you will 22 push out in geographies and you will launch new titles, 23 new websites, and you will add to your portfolio. When 24 the revenue shrinks in the way that it does then you 25 have to pull the portfolio back.</p> <p style="text-align: center;">Page 85</p>	<p>1 that despite an enormous amount of work that we've done 2 over the last few years, that that's still not well 3 enough and properly understood. And that's the biggest 4 thing that could hamper that should -- for us, should 5 consolidation be in the interests of our shareholders, 6 the concern would be that that wouldn't be allowed to 7 happen. I can't say that it wouldn't but it's a concern 8 and we saw -- 9 LORD JUSTICE LEVESON: It's a plurality problem. 10 A. It is a plurality problem and we saw it demonstrated 11 only a couple of months ago with the Kent Messenger 12 Group unable to purchase the titles from Northcliffe 13 that they wished to, and after that we saw a number of 14 title closures, which to your point, sir, cannot be 15 a good thing, where regulation is having almost the 16 inverse or the wrong impact on the market. So that 17 remains a concern in the background. 18 LORD JUSTICE LEVESON: There's a real problem about trying 19 to find the way to create a regulatory framework which 20 covers all these diverse activities. 21 A. Yes, I mean, this clearly is one for the competition 22 authorities, but in your asking me of concerns, that 23 would be one of the biggest concerns that actually 24 touches on plurality and the hugely important role that 25 we fulfil in our communities, yes.</p> <p style="text-align: center;">Page 87</p>
<p>1 A grain of comfort that I could give you, sir, if 2 I may, is that we have been doing an awful lot of 3 reengineering and restructuring the business using 4 technology, not trying to do the same things with fewer 5 people, so we can continue to offer the service that's 6 so valued by our readers in markets. That's very much 7 front of mind for us with any changes that we're making. 8 LORD JUSTICE LEVESON: But if there is anything that you 9 feel that is structural which falls within my terms of 10 reference that could impact on the commerciality of 11 local newspapers that report on local authorities, on 12 local health interests, on courts, then I would be very 13 interested to know about it. 14 A. I guess the biggest concern is a regulatory one, where 15 I remain unconvinced that the regulator is seeing the 16 market for what it is now, ie. it's still applying those 17 very narrow definitions of print markets and allowing 18 any further consolidation or M&A activity in the 19 regional newspaper market rather than understanding now 20 that we are competing for readers' eyeballs and 21 advertising revenue in a much broader sense than we have 22 ever done before. So the BBC online locally is a big 23 competitor. Google will be a competitor. Rightmove 24 will be a competitor, because -- you know, that's just 25 simply what's happened to our business. But I do fear</p> <p style="text-align: center;">Page 86</p>	<p>1 LORD JUSTICE LEVESON: Thank you. Sorry for that diversion 2 MR BARR: Not at all. I've been asked to ask you to slow 3 down a little so that the transcript shorthand writer 4 can keep up. 5 A. I'll do my best. 6 Q. Thank you. You go on in your statement to tell us about 7 the activities of Trinity Mirror under the heading 8 "Corporate responsibility". You refer to the Pride of 9 Britain awards which we've heard about from another 10 witness, how Trinity Mirror has won six successive gold 11 awards from RoSPA and about the group's environmental 12 and health and safety credentials more generally, and 13 also about its charity work. 14 You then move on to the culture of ethics. Can 15 I ask you: it's conspicuous in your disclosure that 16 Trinity Mirror has a large number of paper systems as 17 part of its system of corporate governance. To what 18 extent do you think that in addition to those extensive 19 paper systems and processes it is incumbent upon the 20 chief executive of the organisation to provide an 21 ethical and professional lead? 22 A. I think it's terribly -- I think it's terribly 23 important, Mr Barr. You know, I would see ethics as 24 being a set of principles by which you live your life, 25 both your personal and your business life, that drives</p> <p style="text-align: center;">Page 88</p>

<p>1 the highest standards of integrity and personal conduct, 2 and I hope -- your know, I think that the reinforcement 3 of that through the chief executive in everything that 4 you do, in the way you conduct your business affairs as 5 well as documenting it at every opportunity, the 6 importance of it in your policies and procedures, and 7 I think you can see in the bundle that we do take the 8 opportunity to reinforce, you know, how the high 9 standards of conduct are important to the company at 10 every opportunity we can. 11 Q. How do you personally spread that message in addition to 12 the paper systems? 13 A. One way that I do it is that I have a call with my top 14 200 managers every month. In that call, I update them 15 on the performance of the business, challenges that 16 we're facing, good things that we have done, performance 17 and progress around the group which is, you know, 18 reinforcing all the things that we're about that we're 19 working towards, that -- a part of our strategy in a way 20 that it takes the form of our operational performance. 21 When those 200 managers get back to their desks, there 22 is a briefing document of all of the things that I have 23 said. The job of those managers is then to cascade that 24 through the organisation, and the way the system works 25 is we think it's important that everybody should hear</p> <p style="text-align: center;">Page 89</p>	<p>1 any instructions about ethics personally in addition to 2 the systems that we've seen? 3 A. Yes, I think I do it in the sort of general source of 4 business and the conversations that I have and the -- if 5 you like, enforcing the policies and procedures that we 6 have and the way that we go about doing our business, 7 whether it's our relationship with suppliers or 8 advertisers or readers, yes. 9 Q. One of the things that I haven't seen in your documents 10 is the incorporation of a conscience clause. The 11 Editors' Code is incorporated into the contracts of 12 employment, but there isn't a specific conscience 13 clause. Have you considered whether or not that would 14 be a good idea for employees and that within the group? 15 A. I haven't, but I think I might. 16 Q. You explain to us that corporate governance is rated by 17 proxy voting agencies and that Trinity Mirror has done 18 very well in such ratings. Are those assessments of 19 your systems of corporate government or the actual 20 performance and delivery at the coalface? 21 A. No, they're an assessment of our systems. We, as a plc, 22 comply with the UK code of corporate governance and 23 that's quite prescriptive, of course, as well as the 24 listing rules, and that is what we are being benchmarked 25 against, and that would be done very much in the annual</p> <p style="text-align: center;">Page 91</p>
<p>1 that. Some people don't have computers, and if you're 2 a van driver, for instance, or you're at the print site, 3 that those messages are communicated to you and you have 4 a personal briefing. I think that's just an example of 5 one of the things that we do. I spend a lot of time out 6 in the businesses, talking to people, and again, I do 7 believe that a lot of the culture of the business is 8 indeed vested in the chief executive, yes. 9 Q. Do you keep track of chief executive level of, for 10 example, the number of libel actions which your titles 11 are facing? 12 A. Keep track, but once a year we would have, you know, 13 a legal report to the audit committee and I have ongoing 14 discussions with my group legal director. So in that 15 way -- I couldn't say I would be aware of all of them as 16 they're happening. 17 Q. So for you, it's an annual -- 18 A. No, it would be more frequent than that. The formality 19 is the fact that all legal cases pending not just libel 20 would be captured formally at one point, but that I 21 would be updated through the year -- not on everything. 22 Q. But that seems to me, if it's all types of legal action, 23 to be just a facet of the running a business and looking 24 at the legal risk. What I'm interested in is trying to 25 filter out the ethical dimension. So do you promulgate</p> <p style="text-align: center;">Page 90</p>	<p>1 report and accounts, and the corporate governance report 2 in that. It would be the way the board is functioning, 3 the board evaluation, the board committees and the way 4 that the structure works and shareholders' confidence. 5 Q. High level stuff? 6 A. Yes, but I think that -- corporate governance, I think, 7 frankly, aren't two words that are often used outside of 8 the boardroom. I think that what happens is that when 9 corporate governance leaves the boardroom in the form of 10 systems and controls and policies and procedures, it 11 really becomes, for the rest of the business, good 12 management practice. That's not something I'm concerned 13 about but I'm just saying to you that I think that 14 that's something -- they're words that the very high 15 level team would use, rather than lower down in the 16 business. It doesn't mean to say they're not doing them 17 because it's not the way that they would normally think 18 about referring to them. 19 LORD JUSTICE LEVESON: That good management practice 20 incorporates a mechanism of oversight, which presumably 21 works? 22 A. I believe that it does. I think that no system of 23 corporate governance can be completely bomb-proof, but 24 what it does is it minimises the risk of error, it 25 minimises the risk of wrongdoing, it makes people think</p> <p style="text-align: center;">Page 92</p>

<p>1 very hard about judgment in the way it lives in the 2 culture, and it helps you to catch things quickly if 3 they are going wrong. But I do believe that we have 4 a robust system. 5 MR BARR: Your statement goes on to tell us about the 6 expertise and the experience of the trinity board 7 members. I'm looking at page 11 of your witness 8 statement onwards. Having looked at this, it does 9 appear that there isn't a single person on the board -- 10 please do correct me if I'm wrong -- who has 11 journalistic experience on a newspaper, a person with 12 experience of being a legal manager on a newspaper, not 13 anyone who is a dyed in the wool journalist. Is that 14 fair? 15 A. It's factually correct to say that, yes. 16 Q. Since the businesses is in publishing of newspapers and 17 magazine, do you think that is a weakness of the Trinity 18 Mirror board, that it doesn't have a journalist on the 19 board? 20 A. No, I don't think that it does, and I think in a plc, 21 you are looking for directors with a broad range of 22 experience. You're looking for diversity in terms of 23 experience and most certainly gender, and I think -- you 24 know, the primary functions -- not exclusively, but the 25 primary functions of the board are the strategy of the</p> <p style="text-align: center;">Page 93</p>	<p>1 pulse, as it were? Would you accept that proposition? 2 A. But I think that when you're a director of a business in 3 a public company, it's very important that the board are 4 able to all contribute to that wider set of 5 responsibilities that they have, as I've just outlined, 6 that they don't, you know, pop up and just speak 7 about -- I would put to you that would not be the right 8 sort of board that would not function well, if you only 9 had people that were focused on a particular area, and 10 I think the board feel that anyone they wanted to invite 11 into the boardroom tomorrow to talk to them, they could 12 do. 13 Q. Can we move now to your system of risk management. You 14 have a committee, one of the subdivisions of the board, 15 as I understand it, the audit and risk committee. 16 A. That's correct. 17 Q. You've kindly provided the terms of reference for the 18 audit and risk committee. I'm looking now at page 15 of 19 your witness statement. Its remit appears to be high 20 level oversight of the systems; is that right? 21 A. No, I think it's more than that, actually. We have an 22 independent, highly experienced, very diligent chair of 23 our audit committee. The risk map is central to the way 24 that we manage the business on a day-to-day basis, not 25 just something that's a document that goes to the audit</p> <p style="text-align: center;">Page 95</p>
<p>1 business -- is that the right one? Will it determine 2 the best results for shareholders? The performance of 3 the business. Is it performing in the way that it can 4 and should be? Governance, as we've talked about 5 earlier, and risk management. It tends to spend most of 6 its time not necessarily at a high level, but -- the 7 board can go wherever it wants to go, but broadly it -- 8 where it focuses would fall into those categories, and 9 it would not be usual for the detail of editorial 10 matters, which is a matter for editors as you've heard 11 today, to be discussed at the board. 12 I provide the board every month with a fairly 13 lengthy chief executive's report that gives them my 14 views on the business and performance and not just the 15 numbers. We're trying to give greater clarity and 16 understanding, but that's so that they can keep pace 17 with the business as we're developing it. It's 18 a fast-moving business now with lots of changes and that 19 is the way that that is covered. But, no, I do not 20 believe that Trinity Mirror has a gap that needs to be 21 filled by not having that. 22 Q. But wouldn't a director with journalistic experience, 23 when touring around various publications, be much better 24 placed to understand what's going on, particularly 25 ethical nuances and to get a finger on the ethical</p> <p style="text-align: center;">Page 94</p>	<p>1 committee. As I've outlined, we have 27 top risks in 2 the company right now, and what we do is we review the 3 risks in the business and analyse them for their 4 probability and their impact, should they happen. We 5 then analyse the policies and procedures that we have in 6 place to minimise that, and then what flows out of that 7 are a set of systems and controls. 8 We have a very strong internal audit function. We 9 have an ongoing work programme throughout the year, 10 which is a rolling programme, and I think importantly 11 the head of risk and audit reports jointly to me and to 12 the head of the risk and audit committee, who's not 13 a member of the executive team, as an additional check 14 and balance. So they have to deal with high levels of 15 data and information about the company, whether that 16 be -- you know, looking at the accounts, the auditors, 17 the performance of the business, the integrity of the 18 financial statements, and the numbers, analysis of us as 19 a going concern, intangible assets -- all of those 20 things that I would say, yes, are higher level for the 21 audit committee, but they will also look in much more 22 detail than that because of the audit plan that's 23 provided to them by the head of internal audit. 24 Q. When they're looking in detail, are you saying they're 25 looking in detail to ensure that the systems are in</p> <p style="text-align: center;">Page 96</p>

<p>1 place? 2 A. Yes. And that the control environment is in place. 3 Q. When you say -- 4 A. Not just the systems. 5 Q. Could you explain to us what you mean by "the control 6 environment"? 7 A. So what are the policies and procedures and 8 the management actions that are taken. So what would be 9 the authority levels, for instance, what would be the 10 expense levels, what are the protocols that are built 11 into IT systems to ensure that things either happen or 12 can't happen. So those are the sorts of things that 13 they would be looking at. 14 Q. So auditing the systems themselves but doing so in 15 detail? 16 A. Yes. 17 LORD JUSTICE LEVESON: Are these RAG-rated? 18 A. Sorry, I don't understand. 19 LORD JUSTICE LEVESON: I'm talking about my experience of 20 the Court Service. The impact and the probability of 21 risk is each scored. So there's a very high risk, red, 22 then a medium risk, amber, and then low risk, green. 23 A. Yes, we have -- exactly. We have -- and those will 24 change. You know, I mean, as an example, there was 25 a very real issue with the supply of news print because</p> <p style="text-align: center;">Page 97</p>	<p>1 considering ethics and practices, looking at how many 2 complaints there have been to the PCC, looking at how 3 many legal actions there've been, looking at how many 4 apologies have had to be printed and so on and so forth? 5 A. The board would leave that very much for me to do, but 6 then there would very well be things that I would draw 7 to their attention. The point about the CEO's report is 8 to keep the board updated, so those sorts of things 9 would regularly be a feature of my report. 10 Q. Do you collect data for that sort of indicator 11 systematically or do you just ask for it when you feel 12 that you need it? 13 A. It would depend what it was. I, for instance, do know 14 that we've had, across the group, 12 PCC adjudications 15 against us in the last five years. 16 Q. Do you know how many libel actions and that sort of 17 hand? 18 A. I don't have that to hand, no. 19 Q. If you don't have it to hand now, is that data collected 20 or not? 21 A. If I asked for it, I could certainly have it. 22 Q. I get an impression it's on request rather than 23 something that's served up to you periodically to be 24 monitored? 25 A. Yes.</p> <p style="text-align: center;">Page 99</p>
<p>1 of what was happening in the global market last year, 2 when we had very real concerns about our ability to 3 source the amount of news print that we had. So that 4 risk was put further up the agenda and we looked at what 5 we could do to ensure that that didn't happen and indeed 6 it didn't. So it's very much a living document, in that 7 it does need to be constantly analysed because the 8 business is changing. The macro-environment is changing 9 and it needs to be kept under constant review. 10 LORD JUSTICE LEVESON: All right. I think you'd better slow 11 down again. The speed at which you're talking -- 12 because I can see the extent to which the shorthand is 13 writing "inaudible", and that's not because you are 14 inaudible, but because it's actually impossible to keep 15 up. 16 A. Okay. 17 MR BARR: Would I be right that this committee in its work 18 doesn't measure what's actually happening on the ground; 19 it's measuring whether the systems are in place on the 20 basis that that should reduce the risk of things going 21 wrong? 22 A. I think in so doing it is looking at things that are 23 then happening on the ground. 24 Q. So what I want to know is: is there a system for looking 25 at the ground truth, for looking at, since we're</p> <p style="text-align: center;">Page 98</p>	<p>1 Q. I'm not criticising the systems you have in place; what 2 I'm trying to identify is whether there's a gap. If you 3 have the systems in place, you still need to measure the 4 output, don't you? 5 A. Yes, you do, but I think that the areas that, if I'm 6 right, perhaps you're talking about are matters of 7 judgment where perhaps systems and controls -- 8 tightening or changing of systems and controls would not 9 necessarily change the output of that. In some 10 instances, they would. I think that -- you know, 11 following the closure of the News of the World, 12 I instigated a review of our editorial controls and 13 procedures. The last one we had done post -- the last 14 full one that we had done in that form was post the 15 death of David Kelly in 2004 and with what had happened 16 at the BBC. So that's something that I put -- 17 Q. That's reviewing the controls, but if I may stop you 18 there. I was asking you about measuring output. Does 19 it come to this: that having gone to extensive efforts 20 to put in place and to ensure that there are in place 21 complicated systems for controlling risk, including 22 ethical risks, that what happens after that -- if there 23 are complaints and there are successful claims, do you 24 just regard that as an unavoidable fact of running 25 a media business?</p> <p style="text-align: center;">Page 100</p>

25 (Pages 97 to 100)

<p>1 A. Not in a way that we would wave it away as an 2 unavoidable fact, most certainly not, but I do think 3 that there is a point where risk management stops and 4 judgment starts and that we understand -- the board 5 understand that the business that we're in does rely on 6 the good and sound judgment of our editors. We're not 7 producing products that, you know, roll off all looking 8 the same off a production line. We literally reinvent 9 our business every day, and that is not without risk and 10 it does rely on an enormous amount of judgment.</p> <p>11 Q. So what is the view of the chief executive to the 12 evidence which you've patiently listened to all day? 13 You've heard a number of examples of where things have 14 gone wrong: the Jefferies case, the Sienna Miller 15 photograph and a number of other examples that I've put 16 to your editors. What is the chief executive's view of 17 those? Are they the unavoidable residue of having to 18 make judgment calls, the unfortunate consequence, or are 19 they more than that?</p> <p>20 A. I think sometimes clearly our editors do get it wrong 21 and that's very regrettable. I think you can see from 22 Richard's evidence today how very seriously and how very 23 sorry he is, you know, regarding the articles published 24 about Mr Jefferies, and indeed he called it himself 25 a black mark on his record. He has assured me, as he</p> <p style="text-align: center;">Page 101</p>	<p>1 have a herd mentality. It's certainly not something 2 that's encouraged.</p> <p>3 MR BARR: Very much not being personal now but looking at 4 the wider picture, at the start of this Inquiry there 5 was a good deal of evidence from a large number of 6 people who had fallen victim to reporting which should 7 never have been made. Are you accepting that there is 8 a problem which needs to be fixed?</p> <p>9 A. A problem that needs to be fixed?</p> <p>10 Q. This Inquiry is dealing with the culture, the practices 11 and the ethics of the press. Is it your view, having 12 heard the evidence today, knowing about evidence 13 generally to this Inquiry, that the present system for 14 the regulation of the press needs to be changed?</p> <p>15 A. I do think we need to make changes and I think we've all 16 reflected very hard to what's happened over the summer 17 and can see that changes need to and should be made. 18 You know, I run a company which depends on the -- as 19 much as they possibly can be, the confidence of 20 investors and the certainty that they feel about the 21 business. From a chief executive's perspective, having 22 uncertainty around our industry and future regulation 23 and what it might mean is not good for -- is not good 24 for the business. So yes, it is something that needs to 25 be looked at.</p> <p style="text-align: center;">Page 103</p>
<p>1 did I think to you today, that in the future he will be 2 more cautious. So I think that he has learned from that 3 and taken it extremely, extremely seriously, as we all 4 have.</p> <p>5 LORD JUSTICE LEVESON: I'm sure that's right. I'm sure 6 that's right. The concern I have -- and maybe there's 7 nothing to say about it -- is that that's what everybody 8 says when there's been some disaster, until the next 9 fabulous story comes up and suddenly one sees 10 a tremendous story and then things go wrong again. 11 Sometimes. Not always, obviously.</p> <p>12 A. No. I would say that in the case of Richard, since 2004 13 he has made thousands and thousands and thousands of 14 judgments, and usually he gets them right. This one he 15 got wrong.</p> <p>16 LORD JUSTICE LEVESON: I wasn't actually personalising it.</p> <p>17 A. Sorry, but I think what I'm saying is: ours is 18 a business that, despite all of those things I talked 19 about, does also rely on judgment and therefore is not 20 without risk.</p> <p>21 LORD JUSTICE LEVESON: Not least because if all the other 22 papers are doing it, then there's a bit of a herd 23 mentality about them.</p> <p>24 A. Well, I would hope that we -- I think ours is a very 25 competitive industry, but I would hope that we didn't</p> <p style="text-align: center;">Page 102</p>	<p>1 Q. We'll come back to the details of that later, but for 2 the moment, if I pick up in your witness statement, you 3 tell us about the risk management certification system 4 and your editors have done so too. You'll have heard 5 the questions I put to them. Can I ask you: from the 6 chief executive's perspective, what's the purpose of 7 those certificates?</p> <p>8 A. Executives know that they have to fill them in at the 9 end of every year. We feel it's important in terms of 10 reminding them of their responsibilities that they have 11 to take those responsibilities very seriously and 12 I think when people have to sign something, it makes 13 them think very hard about it. Again, it's part of the 14 control environment in a plc.</p> <p>15 Q. Can I ask you now about the Information Commissioner's 16 reports in 2006. You, of course, were the chief 17 executive at the time. Did the reports, "What price 18 privacy?" and "What price privacy now?" hit your desk 19 when they were published?</p> <p>20 A. In 2006?</p> <p>21 Q. Yes.</p> <p>22 A. Yes, they did.</p> <p>23 Q. You've explained in your witness statement that 24 a meeting was called to reiterate to very senior figures 25 in the group editors and so on, what the corporate</p> <p style="text-align: center;">Page 104</p>

<p>1 position was and that you weren't declaring an amnesty 2 but people had to comply with the law. 3 Can I ask if anything further was done, and 4 specifically would I be right in thinking there was no 5 internal investigation commissioned by Trinity Mirror to 6 ascertain whether or not Trinity Mirror journalists had 7 acted illegally? 8 A. We took our cue very much from the Information 9 Commissioner who was, we saw, taking a forward-looking 10 stance across a number of industries, not just our own. 11 We made it very, very, very clear what was acceptable 12 and what was completely and absolutely unacceptable, but 13 we were told that he wouldn't be providing us with the 14 details, it would have been difficult to hold an 15 investigation, but that wasn't the reason we didn't hold 16 an investigation; it was really about taking 17 a forward-looking approach and taking our cue from the 18 Information Commissioner, also informed by the fact that 19 three of our journalists were interviewed under caution 20 in 2004, and no further action was taken against them. 21 Q. Because, of course, if you'd wanted to initiate an 22 internal investigation you would have your own documents 23 to show what had been sought from Mr Whittamore and with 24 what result, wouldn't you, so you say it could have been 25 done but wasn't?</p> <p style="text-align: center;">Page 105</p>	<p>1 a forward-looking approach. 2 Q. Doesn't that amount -- even if in terms you'd said there 3 would be no amnesty, doesn't it mean that de facto there 4 was an amnesty because nobody looked back to see what 5 wrongdoing there was or was not historically? 6 A. That's not how I saw it. 7 Q. The ICO recommended amendments to the Data Protection 8 Act legislation. Do you have a view on whether or not 9 the amendments he proposed are a good idea or not? 10 A. Sorry, which specific amendment -- 11 Q. It's the section (overspeaking) -- 12 LORD JUSTICE LEVESON: He wanted to increase the scope of 13 the public interest defence to make it subjective as 14 well as partially objective, but then increase the 15 maximum penalty. Those were the amendments which were 16 passed into law, but which haven't yet been implemented. 17 A. I would not have a problem with that. 18 MR BARR: Thank you. You then deal in paragraph 72 of your 19 witness statement with events when Mr Goodman and 20 Mr Mulcaire were convicted and again essentially you 21 gather around the same group of editors and executives 22 and give a message that this sort of behaviour is not 23 going to be tolerated in the Trinity Mirror Group. 24 A. It was reiterating our existing policies, and clearly 25 the PCC code and the criminal law.</p> <p style="text-align: center;">Page 107</p>
<p>1 A. But as I said, we took a forward-looking approach. 2 Q. When you saw the table in the second report, it's 3 a feature of that table that a number of your titles are 4 pretty high up in that list, aren't they? Did you not 5 think, given that what the Information Commissioner was 6 talking about was activity which, unless the subject of 7 a public interest defence, was illegal, that there was 8 a need, in order to manage corporate risk, to look into 9 and investigate what had been happening? 10 A. I had been very clear that this sort of behaviour would 11 not be tolerated and I felt very much that that was 12 being complied with. The editors gave me their 13 assurances that it was. 14 Q. That's the forward-looking part, but in essence, are 15 you -- doesn't it amount to this: by not investigating, 16 you do not know whether or not your journalists have 17 acted illegally in the past or not? 18 A. I don't know that they did or what was in the public 19 interest or wasn't, because we didn't have the data to 20 do that. 21 Q. But as your editors have said rather frankly, given the 22 sheer number of transactions, it would be very 23 surprising -- 24 A. They may have been, but I don't know that. As I said, 25 we took the decision at the time in 2006 to take</p> <p style="text-align: center;">Page 106</p>	<p>1 Q. Can I ask you, presumably that was quite a serious and 2 solemn meeting? 3 A. It was. 4 Q. Why was such a serious and solemn meeting needed if, 5 what News International were saying, Mr Goodman was 6 a lone rogue reporter? 7 A. I simply thought it was an appropriate point to 8 reinforce our policies, procedures and the criminal law. 9 Q. Had you heard by that stage that Mr Morgan was saying 10 that you'd listened to a message left for Heather Mills 11 by Sir Paul McCartney? 12 A. I don't believe that I was, I can't be sure but I don't 13 believe that I was. 14 Q. Were you aware of Mr Hipwell's allegations that hacking 15 on the showbiz desk at the Daily Mirror had been rife in 16 the late 1990s? 17 A. I did listen to his evidence last week, yes. 18 Q. Were you aware of those allegations in 2007? 19 A. I might have been. I'm not sure. 20 Q. Were you aware generally that there were rumours flying 21 around that hacking might be more extensive than had 22 actually been proved beyond reasonable doubt in the 23 criminal court? 24 A. I think lots of journalists were speculating on that in 25 media pieces, but certainly without any evidence.</p> <p style="text-align: center;">Page 108</p>

27 (Pages 105 to 108)

<p>1 Q. As the News of the World found out, to its cost, illegal 2 phone hacking is a potentially terminal business risk. 3 A. Indeed. 4 Q. It would be right that in 2007, after the convictions, 5 Trinity Mirror didn't investigate whether or not there 6 had been phone hacking within Trinity Mirror? 7 A. No, we didn't. 8 Q. Why didn't you try and investigate to see whether there 9 was any truth in the allegations that were flying 10 around? 11 A. I can't remember the specific, as you put it, 12 allegations that were flying around, but there was 13 certainly no evidence and we simply therefore didn't see 14 a need to do that. 15 Q. Because it's right, isn't it, that people move around 16 within tabloid newspapers, and indeed people who are now 17 under arrest and are being questioned about events, one 18 presumes, at the News of the World, have also in the 19 past worked for Trinity Mirror titles? 20 A. I think that was one of the reasons for reinforcing what 21 we said in 2007 to make sure that our editors were being 22 very clear in reminding their people what was acceptable 23 and, you know, our absolute adherence to the code and 24 the criminal law. 25 Q. And two of the editors I asked this morning confirmed</p> <p style="text-align: center;">Page 109</p>	<p>1 Q. Why is that? 2 A. I don't think it's the way to run a healthy organisation 3 is to go around conducting investigations when there is 4 no evidence to say that our journalists have hacked 5 phones. 6 Q. Even in the extraordinary circumstances that the media 7 now finds itself? 8 A. I think what we have done is send a letter to our -- 9 I can't remember whether it's 43 or 44 senior editorial 10 personnel across the group asking three very specific 11 questions of them, which clearly shows the company's 12 position and how we would never condone such activity, 13 and I take comfort from the fact that they all signed 14 it. 15 Q. Even though the BBC is publishing allegations of phone 16 hacking, which don't seem to have met with anything 17 other than an informal protest? 18 A. The BBC in July -- are you referring to the Newsnight 19 piece? I think that's a terrible piece of journalism, 20 as we pointed out to them at the time, and they have no 21 evidence and have not come back to us with any evidence. 22 They were running unsubstantiated allegations as if they 23 were fact, and I think that's terrible journalism. 24 Q. Can I take it then that your personal knowledge is 25 you've no personal knowledge of phone hacking at the</p> <p style="text-align: center;">Page 111</p>
<p>1 that the culture of the different tabloid titles is not 2 discernibly different. All of that suggests, doesn't 3 it, that if there was a widespread practice, you needed 4 to nip it in the bud, or at least look to see whether it 5 was there and infecting your titles? 6 A. There was no evidence and we saw no reason to 7 investigate. 8 Q. Is it right that you've still not investigated? I know 9 you've told us that there's been a review of systems and 10 processes, but it's right that you've not actually 11 sought to investigate whether the allegations of phone 12 hacking in your group are true or false? 13 A. We have only seen unsubstantiated allegations and I have 14 seen no evidence to show me that phone hacking has ever 15 taken place at Trinity Mirror. 16 Q. I understand what you're saying, but my question is 17 rather different. You haven't looked, have you -- 18 A. We haven't -- 19 Q. -- for that evidence? 20 A. You're correct, Mr Barr, we have not conducted an 21 investigation. 22 Q. Do you think on reflection that it would be a good idea 23 to have a look to satisfy yourself whether or not there 24 has been phone hacking? 25 A. No, I don't.</p> <p style="text-align: center;">Page 110</p>	<p>1 Daily Mirror or any other Trinity Mirror title -- 2 A. I have not, Mr Barr. 3 Q. The review that you did carry out, we have in the 4 bundle. What progress has been made with implementing 5 the recommendations? 6 A. Good progress. I'm chairing a compliance committee and 7 reporting back to the board. I last chaired -- well, 8 I chaired the last compliance committee on Thursday of 9 last week and we are meeting monthly and I'm satisfied 10 that we're making very good progress with the 11 recommendations. 12 Q. One of those recommendations is a training plan should 13 be developed to ensure all journalistic staff are fully 14 aware of the need to verify sources and of the relevant 15 legal and regulatory compliance issues which may affect 16 the approach to obtaining a story. What was behind the 17 training need that was identified? 18 A. I think that we saw that across the group there were 19 examples of very good practice and there were examples 20 of some not such good practice, perhaps in terms of 21 frequency of training, so we thought that it would be 22 a good idea to introduce more standard practice across 23 the group, and we are -- we have contracted the 24 Press Association to do that and we are putting the 25 finishing touches to that training programme now.</p> <p style="text-align: center;">Page 112</p>

28 (Pages 109 to 112)

<p>1 Q. Another recommendation was that there should be a formal 2 guidance note issued to all editorial staff dealing with 3 workings practices when considering the public interest, 4 in particular establishing a protocol for the editor 5 signing off in advance of any actions that might be 6 taken when a public interest defence would later be 7 relied upon, and we've heard from the last witness that 8 that's in place, at least at the People now. Is that 9 now in place across -- 10 A. Yes, it was a very key part of the review. It is in 11 place. That guidance note has been issued and it also 12 resides on our internal intranet. 13 Q. Is that a practice which you would commend to your 14 competitors? 15 A. Yes. 16 Q. Is there any reason why that step wasn't taken before 17 now? Because it seems to be a fairly, if I may say so, 18 obvious, commonsense way to protect and justify -- 19 A. Indeed. I think on lots of our titles it would indeed 20 have been happening and would have been standard 21 practice. I think what we've done is add an additional 22 control by saying, "This is our expectation, this is our 23 process, this is how things must happen." 24 Q. Were you aware of the Starsuckers programme and the 25 allegations that were made against journalists from the</p> <p style="text-align: center;">Page 113</p>	<p>1 parties and made it very clear to them as to what our 2 expectations are and the fact that we expect them to 3 comply with those. Certainly what we discussed last 4 week was making them part of any future contracts, 5 should any contracts be in place, next time we negotiate 6 them, so making it even more explicit than it is now. 7 Q. Again, would you commend those proposed improvements to 8 your competitors? 9 A. Yes. 10 Q. The question now about the relationship between the 11 chief executive and the editor. I understand that the 12 editor has the last say on editorial matters, it's his 13 or her responsibility, but I'm interested in exploring 14 how in practice things work, and I asked Mr Embley about 15 the People's shift in political allegiance to a neutral 16 stance and he described having discussed it with you and 17 you agreed, as it happened. Can I ask, have you ever 18 disagreed with one of the editors about any significant 19 decision on the line, the editorial line that 20 a newspaper in your group should be taking? 21 A. No, I don't believe that I have, and I think that there 22 are some important key differences in our portfolio. 23 For a start, all of our regional newspapers are 24 apolitical. That's enshrined in their articles and 25 they're very much champions of local issues and local</p> <p style="text-align: center;">Page 115</p>
<p>1 Trinity Mirror Group? 2 A. I have become aware of it, but I couldn't be sure 3 exactly when I became aware of it. 4 Q. Perhaps we can try and roughly identify in time. What 5 was it around 2009 when the film was released or was it 6 around 2011 when it began to feature in this Inquiry? 7 A. I really can't be sure. I'm not sure that I've ever 8 seen the film myself. 9 Q. If you hadn't seen the film, were you aware of the 10 allegations? 11 A. I'm certainly aware of them now. For the record, 12 I think that some of the things that our journalists 13 said were regrettable and my preference would have been 14 that they wouldn't have said them. I do take comfort 15 from the fact that we didn't pay for anything, we didn't 16 publish anything, but I would still prefer journalists 17 not to talk in those terms. 18 Q. You tell us also about the weekly review of legal issues 19 and so has one of your editorial witnesses. Do you 20 think there's any further room for tightening practices 21 with third parties? I'm thinking here of picture 22 agencies. There seem to have been more an a fair share 23 of regrettable instances involving pictures. What's 24 your view of that? 25 A. We've also, as part of the review, written to third</p> <p style="text-align: center;">Page 114</p>	<p>1 causes. 2 Insofar as The People, I thought it was a terrific 3 idea. As Lord Justice Leveson has pointed out, The 4 People and The Sunday Mirror actually do compete with 5 each other on the newsstands, so there are a number of 6 points of differentiation in their total packages but 7 having another point of differentiation and that being a 8 political one I thought was a terribly good and inspired 9 idea from Lloyd. 10 My job is to -- is certainly to hire editors and to 11 put them in post and then allow them to do their jobs 12 and to edit and to ensure that they have the resources 13 and the support to be able to do that, and so I assure 14 myself that that is so by having regular conversations 15 with them. But they will really be directionally about 16 the paper and I need our editors to be on top of their 17 game. It's a tough business that they work in, it's 18 pretty relentless, and in my conversations with them, 19 "What do you think about this, how are you thinking 20 about that?", part of my job is to ensure that they can 21 discharge those responsibilities and they are on top of 22 the agenda and what's going on. 23 But I think also if you look if the Mirrors, they 24 are very sure-footed in terms of their political 25 positioning and it would just simply be unthinkable that</p> <p style="text-align: center;">Page 116</p>

<p>1 that would change or I would attempt to change that or 2 influence it. I mean, I'll give them points of 3 feedback. I can remember, if you want an example, 4 during the last American elections, when I felt that 5 Richard's coverage was assuming a level of understanding 6 that our readers would have about American politics that 7 certainly I didn't have and I doubted whether they would 8 have, and I gave him that feedback and said that more 9 break-out boxes and explanation as to the system -- 10 because we want to take our readers with us and make 11 them feel good about what's going on and give them the 12 currency to be able to discuss those things with 13 friends, family, over the dinner table, and generally 14 inform them. So I simply said to him: "I'm having 15 difficulty with this, I think we could do a bit more 16 explaining", and left it with him to think about that. 17 The biggest area that I've ever given any feedback 18 on is the area of TV listings. I'm an ex-TV listings 19 publisher, as you heard from -- 20 Q. Slow down a little bit, please. 21 A. As you heard from Richard, listings are a key driver of 22 the paper and as an ex-listings publisher, there are 23 very technical ways of presenting listings that make 24 more or less appealing to readers, so that would be, 25 frankly, the biggest area that I have ever given</p> <p style="text-align: center;">Page 117</p>	<p>1 that would be discussed would be local issues of 2 concern. Others would be national issues, whether it be 3 defence, education, health, whatever the editors wanted 4 to raise with that minister. 5 Q. What about the police? Do you have any contact with 6 senior police officers? 7 A. I don't have any. I never have. 8 Q. Moving to the question of external providers of 9 information, first of all private investigators. You 10 tell us there's been a ban on these investigators 11 implemented this year at group level. Do you know when 12 Trinity Mirror titles stopped using Steve Whittamore or 13 is that at a level of detail that doesn't cross your 14 desk? 15 A. No, I can't be sure. I think it was around 2005, 16 I think, but I can't be sure. 17 Q. Expenses. We've heard evidence of a culture, in certain 18 quarters at certain times, of abusing expenses. Is that 19 a real risk in your business that needs to be tightly 20 controlled, the abuse of expenses? 21 A. I'm fanatical about expenses. I would fire people if 22 they abused expenses without -- immediately. 23 Q. Is that because it is a real moral hazard in this 24 business? 25 A. I think that whatever business you're in, expenses need</p> <p style="text-align: center;">Page 119</p>
<p>1 feedback on. 2 But I think it would be extraordinary for me to be 3 totally disinterested, as chief executive in our 4 content, but I've been in the business for a very long 5 time and I know how to discharge those responsibilities. 6 Q. Okay. Can I move on now to ask you about political 7 influence. Do you meet politicians regularly? 8 A. I wouldn't say regularly. From time to time. What 9 I tend to do is host regular lunches for senior 10 politicians, cabinet ministers, predominantly for our 11 regionals editors. If you're an editor of a national 12 newspaper, you can pretty much get to see whomever you 13 want to. It's not quite the same if you're the editor 14 of a regional newspaper. A politician may want to see 15 you when they want to come to your city or town because 16 they have a particular reason for doing that, but it's 17 very important that our regionals editors are aware of 18 the broader political agenda and it's good use of 19 everybody's time. So I would invite a cabinet minister 20 to lunch at Canary Wharf, I would host the lunch and 21 they would agree to come on the basis that it will be 22 a very good use of their time because they will get the 23 editors from Coventry, Liverpool, Newcastle, Birmingham, 24 Cardiff all in the same room at the same time, so it 25 would be a very productive lunch. Some of those issues</p> <p style="text-align: center;">Page 118</p>	<p>1 to be claimed as part of business. We have a very tight 2 system in which expenses can be claimed, so I think it's 3 just -- I see it less as a moral hazard and more about 4 the fact that it's just the way one should do business. 5 MR BARR: Sir, I want to explore two related topics to do 6 with the PCC and to deal with the future, but before 7 I do so -- 8 LORD JUSTICE LEVESON: I'm conscious of the time. How long 9 do you think this will take? 10 MR BARR: About 10 or 15 minutes, sir. 11 LORD JUSTICE LEVESON: I'm sure you would rather conclude, 12 but I'm just a bit concerned. 13 Okay, carry on, but a lot of the material we have 14 covered, and it may be sufficient to investigate the 15 extent to which Ms Bailey agrees or wishes to adumbrate 16 upon what the three editors from MGN that we've heard 17 from have to say. 18 Q. For the future, that's what I'll do and for the present 19 state of play, there are just two matters I want very 20 quickly to put to you. The first is at tab 32 of your 21 bundle. This is a letter from Sir Christopher Meyer at 22 the Press Complaints Commission to you, dated 10 October 23 2007. In the second paragraph, it refers to the 24 Commission's recent report into undercover 25 news-gathering methods. Do you see that?</p> <p style="text-align: center;">Page 120</p>

<p>1 A. Sorry, this is 10 October?</p> <p>2 Q. Yes. The second paragraph --</p> <p>3 A. Yes, yes, I do.</p> <p>4 Q. Later on in that paragraph, it says:</p> <p>5 "Nonetheless, the board of PressBoF has asked me to</p> <p>6 write to the industry to find out what its response is</p> <p>7 to the report. I am pleased to say that the</p> <p>8 Commission's inquiry was welcomed by the government and</p> <p>9 our recommendations endorsed by the Culture, Media and</p> <p>10 Sports Select Committee, and has been credited with</p> <p>11 diminishing the appetite of Westminster for taking</p> <p>12 things any further. It seems likely that sooner or</p> <p>13 later we may be asked about their implementation across</p> <p>14 the industry."</p> <p>15 Is that sort of comment, greeting favourably no</p> <p>16 extension of action in regulation, typical of</p> <p>17 correspondence from the PCC?</p> <p>18 A. I don't tend to have a lot of personal correspondence</p> <p>19 with the PCC, but you will -- I mean, you can see how</p> <p>20 I responded to it. They would tend to write to me or</p> <p>21 have done on more specific matters if they felt they</p> <p>22 really need drawing to my attention, like the Aldershot</p> <p>23 case, for instance.</p> <p>24 Q. Yes, that's what I'm coming to, the Aldershot case.</p> <p>25 You're familiar with the documents. This is a case</p> <p style="text-align: center;">Page 121</p>	<p>1 perhaps got caught up at that point on -- I would hate</p> <p>2 to diminish it by calling it a technicality but caught</p> <p>3 up in process.</p> <p>4 I think the concern was that there wasn't malice</p> <p>5 aforethought -- from our legal team, that there wasn't</p> <p>6 malice aforethought here, so what could a greater</p> <p>7 sanction be, but I'm not disagreeing with you in terms</p> <p>8 of the import of --</p> <p>9 LORD JUSTICE LEVESON: The criticism was one of</p> <p>10 proportionality.</p> <p>11 A. Yes.</p> <p>12 LORD JUSTICE LEVESON: "What worse penalty can be imposed</p> <p>13 than bringing it to my attention publicly when it wasn't</p> <p>14 a case of deliberate misconduct?"</p> <p>15 A. Yes.</p> <p>16 LORD JUSTICE LEVESON: That raises a question of the</p> <p>17 proportionality of sanctions and what sanctioning should</p> <p>18 be available generally.</p> <p>19 A. Yes, but I think that we never queried the points that</p> <p>20 you made.</p> <p>21 MR BARR: Thank you for that answer. It brings me on nicely</p> <p>22 to the final area of questioning, which is about future</p> <p>23 regulation. First of all, do you think that regulation</p> <p>24 in the future, there should be more teeth to the</p> <p>25 regulator? Fines, for example?</p> <p style="text-align: center;">Page 123</p>
<p>1 where one of your regional titles, the Aldershot News</p> <p>2 and Mail, printed a story in August 2010 which</p> <p>3 identified victims of sexual assault, and that was</p> <p>4 a plain breach of clause 11 of the code.</p> <p>5 I think it is clear from the correspondence that</p> <p>6 what appears to have happened is that there was failure</p> <p>7 at multiple levels within that title. The reporter</p> <p>8 himself and then three layers of editing above all</p> <p>9 failed to spot this glaring howler, which was</p> <p>10 regrettably printed.</p> <p>11 What we have in the bundle is a course of</p> <p>12 correspondence between Trinity Mirror and the PCC in</p> <p>13 which the Trinity Mirror lawyer takes issue with the</p> <p>14 approach of the PCC. The PCC regarded it as a very</p> <p>15 serious matter which should be drawn to your attention</p> <p>16 personally and publicly, didn't it?</p> <p>17 A. Yes.</p> <p>18 Q. In the light of a breach, which is a clear breach and</p> <p>19 a serious breach, and one which has involved failure at</p> <p>20 multiple levels, serious systems failures, what is wrong</p> <p>21 with a sanction which simply means that the chief</p> <p>22 executive has the breach publicly drawn to her attention</p> <p>23 so that the PCC can be assured that something is being</p> <p>24 done about it?</p> <p>25 A. Mr Barr, I don't think there is, really. I think we</p> <p style="text-align: center;">Page 122</p>	<p>1 A. Yes.</p> <p>2 Q. Anything else?</p> <p>3 A. I'm taken with the discussions that I have seen so far</p> <p>4 at the Inquiry. Potentially let's call it the sort of</p> <p>5 three pillars. I think we want to continue to be able</p> <p>6 to resolve complaints swiftly. I think that a standards</p> <p>7 arm -- yes, a compliance arm, a standards arm, call it</p> <p>8 what you will, with far greater powers than they've had</p> <p>9 before I would support. And the third in terms of, you</p> <p>10 know, the whole issue of libel and perhaps the first</p> <p>11 tier that one could take that through at the PCC. So I</p> <p>12 think that perhaps the current discussions with</p> <p>13 Lord Hunt and the industry haven't gone quite as far as</p> <p>14 that at the moment, but I think the last discussion</p> <p>15 pre-dated some of the discussions or ideas that the</p> <p>16 courts -- that Lord Justice Leveson is having, but it</p> <p>17 seems to me that we are working towards a model that we</p> <p>18 could all have confidence in, yes.</p> <p>19 MR BARR: Thank you. Those were all my questions.</p> <p>20 LORD JUSTICE LEVESON: Thank you. Let me say that allowing</p> <p>21 the process to be iterative, and by throwing out ideas</p> <p>22 for people to think about was specifically in order that</p> <p>23 editors and those concerned could contemplate them and</p> <p>24 see what good could come from them. So that's</p> <p>25 exactly --</p> <p style="text-align: center;">Page 124</p>

1 A. I think that's working, sir.
2 LORD JUSTICE LEVESON: -- the purpose that I intended.
3 A. Yes.
4 LORD JUSTICE LEVESON: Thank you very much indeed for coming
5 and for being here throughout the day when all your
6 editors have been present. Thank you. 10 o'clock
7 tomorrow.
8 (5.03 pm)
9 (The hearing adjourned until 10 o'clock the following day)

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