

<p>1 2 (2.00 pm) 3 MR BARR: Thank you, sir. 4 We were hearing, Mr Gilson, just before the short 5 adjournment about the superinjunction in Northern 6 Ireland. Have you had experience in Northern Ireland of 7 superinjunctions being defeated by new media? 8 MR GILSON: No. There's certainly been -- there are 9 currently about four or five superinjunctions in 10 operation that we know of, but no, I've not heard any 11 anecdotal evidence or otherwise of them being beaten 12 that way. 13 Q. Mr McLellan, you tell us in your statement about the 14 decisions that you made for your paper in relation to 15 the Ryan Giggs story and your paper published a story 16 which in effect put the story out of the social media 17 and onto the pages of a national newspaper. You tell us 18 in your -- 19 MR McLELLAN: It was the Sunday Herald. 20 Q. I've got the wrong paper, I'm terribly sorry. 21 Mr Russell, is that your judgment? 22 MR RUSSELL: No, I am the editor of the Herald and the 23 editor-in-chief of the Herald, Sunday Herald and Evening 24 Times newspapers but the Sunday Herald and the Evening 25 Times both have their own editors who are free to edit</p> <p style="text-align: center;">Page 1</p>	<p>1 an interdict, but my understanding is they're not quite 2 as wide-ranging necessarily as the so-called 3 superinjunctions are down south. 4 MR McLELLAN: Perhaps if I can come back, what I was 5 referring to was that once the Sunday Herald had taken 6 the decision to publish Ryan Giggs' name, we had 7 a discussion about whether or not we should follow suit 8 and name the other people who were known to have 9 injunctions against publication. We decided not, on the 10 basis that even though there was no injunctions 11 applicable in the Scottish jurisdiction, that it 12 wouldn't protect you from legal action for breach of 13 privacy in Scotland, and we took the decision that the 14 situation was markedly different with Ryan Giggs 15 compared to the other names, and that even if we chose 16 to push back the boundaries, the chances of us being 17 able to defend a privacy action against us were few and 18 far between so we decided not to. 19 MR BARR: Which takes me on to the next aspect, the cost of 20 legal proceedings -- 21 LORD JUSTICE LEVESON: Just before you go to cost, if there 22 is an interdict granted in Scotland, does that bind 23 everybody? 24 MR RUSSELL: Yes. 25 LORD JUSTICE LEVESON: In the same way that an injunction</p> <p style="text-align: center;">Page 3</p>
<p>1 their titles as they see fit. They do answer to me. My 2 involvement with those two titles tends to be more about 3 budgetary and corporate nature. 4 But the editor of the Sunday Herald, you know, spoke 5 to me on the Saturday to say this is what he was 6 planning to do regarding the Ryan Giggs story, which is 7 what you're referring to. 8 Q. It's explained that the decision was taken not to reveal 9 any more names and it's explained that's because it was 10 thought there was a risk of privacy litigation? 11 MR RUSSELL: I think that -- I don't really want to speak 12 for the editor of the Sunday Herald particularly, but 13 a large part of the thinking of what was done was to 14 show or to sort of illustrate how the superinjunctions 15 aren't really working when the name of the person 16 concerned was, you know, very well known to parts of the 17 population all over social media and the Internet, 18 et cetera, and it was really to show that or illustrate 19 that the legislation wasn't really working. 20 LORD JUSTICE LEVESON: How is this problem coped with in 21 Scotland? 22 MR RUSSELL: Well, this was -- 23 LORD JUSTICE LEVESON: The whole business of privacy being 24 protected by injunction, is it? 25 MR RUSSELL: There is means for the Scottish courts to grant</p> <p style="text-align: center;">Page 2</p>	<p>1 would work here? 2 MR McLELLAN: Yes, it does. It's just the fact that if you 3 don't go through the Scottish process, you still have 4 a choice open to you as to whether or not you go ahead 5 and publish, but it doesn't protect you from further 6 action anyway, so you still have -- just in the same way 7 that you could wilfully publish something that was going 8 to either be in contempt of court or defamatory, but you 9 would know that there was going to be a legal come-back. 10 Similarly, where you know that there are individuals who 11 are acting to protect their privacy, you could well face 12 action for that anyway, whether there's an interdict or 13 not. 14 LORD JUSTICE LEVESON: I see. 15 MR BARR: Moving on to costs, the question is, and I'll 16 start with you, Mr McLellan: does the cost of litigation 17 have a chilling effect on what your newspaper publishes? 18 MR McLELLAN: It's certainly a factor. You know, for 19 instance in a criminal story where you know that you're 20 not perhaps going to be -- there's no chance of 21 prosecution for contempt of court, but there may be 22 a chance of action for defamation, so that by and large 23 you would step back from that, even if you thought that 24 you were going to be in the right, that if it was felt 25 that you're likely to face an action, you're better off</p> <p style="text-align: center;">Page 4</p>

<p>1 not publishing because we wouldn't be able to afford the</p> <p>2 cost of defending our position. I can't remember the</p> <p>3 specific instances of it, but that has happened more</p> <p>4 than once. It happens on more than an annual basis.</p> <p>5 Q. Do you have CFA, conditional fee agreements, in</p> <p>6 Scotland?</p> <p>7 A. They affect us whether they're in Scotland or in</p> <p>8 England. We do come across them, the Chris Jefferies</p> <p>9 case being one in point.</p> <p>10 Q. Mr Feeney, is the cost of litigation a problem for your</p> <p>11 newspaper?</p> <p>12 MR FEENEY: I think the threat of potential cost with CFAs</p> <p>13 clearly has a chilling effect on all newspapers and it</p> <p>14 causes you to think very deeply before you decide to</p> <p>15 publish something.</p> <p>16 Q. Mr Russell?</p> <p>17 MR RUSSELL: I think, as with a lot of legal issues, there's</p> <p>18 a risk balance. For the sake of a story that might make</p> <p>19 only a few sentences, it wouldn't be worth necessarily</p> <p>20 taking on a risk that could cost you many thousands of</p> <p>21 pounds in legal fees. If it was an important story that</p> <p>22 was bound for page 1, then the risk, if there is such,</p> <p>23 becomes -- you know, the balance changes and you may be</p> <p>24 more inclined to publish.</p> <p>25 Q. Is it the risk of litigation that's really in your mind</p> <p style="text-align: center;">Page 5</p>	<p>1 I've edited in the last few years, and we created one.</p> <p>2 In fact, the readers' editor is the managing editor of</p> <p>3 Independent News, whose statement you have there, and he</p> <p>4 has a brief to take all complaints and be honest, he</p> <p>5 writes a weekly column, he adjudicates on things. In</p> <p>6 fact, two weeks ago he effectively in his column said</p> <p>7 that we were wrong to publish a front-page picture of</p> <p>8 a minister grieving at the funeral of her father.</p> <p>9 I don't particularly agree with that, but his column</p> <p>10 said it and I think there's -- it performs a very good</p> <p>11 role with the readers.</p> <p>12 One of the things we need to think about is the</p> <p>13 relationship we have with the readers. They are the</p> <p>14 judges in the end, they'll buy us or not. I think it</p> <p>15 serves a good purpose to show we're thinking, debating</p> <p>16 the ethics, having discussions.</p> <p>17 Paul sat down with me and asked me why I'd done it</p> <p>18 and I said the reasons why I did in his column, it's not</p> <p>19 binding, but I think it serves quite an important</p> <p>20 purpose to show that you're thinking about things and</p> <p>21 you're not just sort of whizzing through publishing and</p> <p>22 be damned.</p> <p>23 So I've always had one and I think it's a great</p> <p>24 idea. We publish prominent corrections and</p> <p>25 clarification columns as well. And I just think as long</p> <p style="text-align: center;">Page 7</p>
<p>1 or is it the cost of the litigation?</p> <p>2 MR RUSSELL: It's largely the cost. I mean the risk, if you</p> <p>3 don't believe the story to be true it shouldn't be</p> <p>4 published, well, you know, whether it's five paragraphs</p> <p>5 or pages 1, 2 and 3, it's the cost, sometimes it's not</p> <p>6 worth the cost and the time that would be incurred by</p> <p>7 putting a small story in the paper.</p> <p>8 Q. Mr Gilson?</p> <p>9 MR GILSON: I don't think there would -- I can't think of</p> <p>10 examples where I would not publish thinking about the</p> <p>11 cost of legal action. I think the more heartbreaking</p> <p>12 thing is the amount of complaints that we've abandoned</p> <p>13 afterwards because of the cost of proceeding with them</p> <p>14 and given in the early -- or in ways that we wouldn't</p> <p>15 have done if the costs weren't involved. But I don't</p> <p>16 think there are many times that we would just think,</p> <p>17 "That's going to cost us too much to run".</p> <p>18 Q. Can I come to some of the methods that might be used to</p> <p>19 stop a complaint escalating to litigation? First of</p> <p>20 all, there's been a suggestion that a readers' editor is</p> <p>21 one way of managing comments and complaints cheaply and</p> <p>22 speedily and reducing legal costs. For your newspapers,</p> <p>23 I'd like to ask each of you in turn, do you think it's</p> <p>24 a good idea?</p> <p>25 MR GILSON: We have one. We've had one in every newspaper</p> <p style="text-align: center;">Page 6</p>	<p>1 as you give he or she some independence to make genuine</p> <p>2 decisions, or certainly come to genuine opinions, it can</p> <p>3 work. Obviously they're not binding in any sense, we</p> <p>4 could do the same thing again, but it's hard, it's hard</p> <p>5 to go against what your readers' editor has said in the</p> <p>6 columns of the newspaper.</p> <p>7 Q. Mr Russell, you've heard that evidence of a successful</p> <p>8 exemplar. What's your view?</p> <p>9 MR RUSSELL: The Herald doesn't have anybody with the</p> <p>10 specific title of readers' editor. I don't think that's</p> <p>11 necessarily necessary. But we have -- any sort of</p> <p>12 readers' complaints are always dealt with as efficiently</p> <p>13 and quickly, as thoroughly as possible. Complaints</p> <p>14 either come directly to myself or our senior assistant</p> <p>15 editor who's a very experienced journalist and he</p> <p>16 effectively fills the role of readers' editor and he</p> <p>17 does our liaising with the PCC, et cetera, and if</p> <p>18 a clarification or correction needs to be printed, he</p> <p>19 will action that.</p> <p>20 Q. That arrangement, I understand, it doesn't have quite</p> <p>21 the same independence, does it, as the scheme that's</p> <p>22 just been explained to us?</p> <p>23 MR RUSSELL: On the face of it, no. You could argue that,</p> <p>24 but ultimately he's -- his role is to come to me with</p> <p>25 his recommendations. He's not free to publish anything</p> <p style="text-align: center;">Page 8</p>

<p>1 he likes about his investigation into a complaint, but 2 he will come to me with what he recommends as the best 3 course of action. But ultimately he is an employee of 4 the paper, as is -- the case just described is also an 5 employee of the same company. So it's kind of -- it 6 might be a semantics to describe quite how independent 7 somebody would be in those circumstances.</p> <p>8 Q. Thank you. Mr Feeney?</p> <p>9 MR FEENEY: I'd like to think that I'm the readers' editor 10 on the Evening Post. All complaints come to me, I lead 11 the investigation into them, I question the reporters 12 involved, the section editors involved. I decide if the 13 complaint is justified. If it is, I agree the wording 14 of any clarification, correction or, if necessary, 15 apology with the complainant. And corrections and 16 apologies are always placed on page 3 of the newspaper.</p> <p>17 Q. That is a system which has the virtue of taking the 18 complaint straight to the top at the outset, but the 19 vice of no independence at all; is that right?</p> <p>20 MR FEENEY: Yes, but in the same way as if there was 21 a readers' editor, that reader's editor would presumably 22 still be an employee of the company.</p> <p>23 Q. Mr McLellan?</p> <p>24 MR McLELLAN: I'm the same as Spencer really. Complaints 25 come to me and I either -- we will publish a large</p> <p style="text-align: center;">Page 9</p>	<p>1 that as a peg on which to hang the hat of moving on to 2 the right of reply? Where you publish an article which 3 offends the subject, what are your approaches to a right 4 of reply? Perhaps I can start again with Mr Gilson.</p> <p>5 MR GILSON: I would say it depends on the circumstances. 6 Obviously in a story which you would have thought -- 7 well, you hope would have been well researched and well 8 rounded and fair and accurate, then that person would 9 have been in that story, if he was an important part of 10 it.</p> <p>11 Obviously letters pages are very important. Right 12 of reply can be done in all kinds of ways. If on 13 balance you look and think there's something we missed, 14 probably by accident or because we weren't aware, there 15 are all kinds of ways that you can write another story, 16 a follow-up story to include someone in. There's 17 a range of different tactics.</p> <p>18 In terms of a formal thing that says right of reply, 19 I -- we would tend to put that in the letters page or, 20 if not, come to some agreement where a genuine point 21 moved the story on, we would run the follow-up.</p> <p>22 Q. Do any of the rest of you adopt any different approach 23 or is that the general way it's done?</p> <p>24 MR McLELLAN: We're very fortunate, we have a large comment 25 and opinion section, and it's a variety of different</p> <p style="text-align: center;">Page 11</p>
<p>1 number of these, I'll engage with the complainants 2 either by writing to them directly or by publishing my 3 views alongside theirs in the paper. We don't have 4 a formal readers' editor column as such, but we do, in 5 common with most papers these days, have a prominent 6 clarifications and corrections section.</p> <p>7 There's two elements to this really. One is whether 8 or not you have a system which reflects openness and 9 a willingness to accept criticism and other people may 10 have a view to what you've published and the question 11 you raised at the outset is whether or not this helps 12 deflect expensive litigation. My view is that an open 13 attitude that's prepared to publish criticism is a good 14 thing from the point of view that Mike raises, but as 15 far as deflecting litigation is concerned, if somebody 16 thinks they have a case worth money, no readers' editor 17 column in the world is going to stop them going after 18 you for cash.</p> <p>19 MR FEENEY: I'd also add that our letters page is open to 20 readers to put alternative points of view. If they 21 disagree with the way that the newspaper has handled 22 a story, they're quick enough to write letters for 23 publication telling us that, and we publish them.</p> <p>24 Q. If a letters page is a vehicle for any reader to express 25 a view about a story that you've published, can I use</p> <p style="text-align: center;">Page 10</p>	<p>1 lengths in there, so we're quite happy to give people 2 the right of reply that is neither a follow-up story, 3 which is a disguised correction, or something in the 4 letters page. We can offer something that's somewhere 5 in -- there's an alternative to that and we do that 6 quite regularly, and in fact, in the spirit of openness 7 and debate, we're quite happy to do that. It's not 8 something that we feel that we're backed into.</p> <p>9 If someone has a different view, then I feel that's 10 a positive thing to be able to allow them to express 11 that in our pages. In fact, with our columnists, we 12 almost encourage our columnists to argue with each 13 other, so there's a free flow of opinions, and that 14 helps demonstrate that we don't regard ourselves as 15 having the monopoly of wisdom over anything we publish.</p> <p>16 MR RUSSELL: I think it's worth bearing in mind there's 17 a vast difference between a complaint that's been made 18 because of a factual inaccuracy or because they feel 19 they've been treated unfairly or just that they don't 20 like the story. I think that's worth bearing in mind. 21 There's a lot of stories appear in all newspapers and 22 magazines that somebody just doesn't like, and that 23 doesn't necessarily mean that they're entitled to 24 a right of reply necessarily.</p> <p>25 Q. Moving on to a slightly different topic but connected.</p> <p style="text-align: center;">Page 12</p>

<p>1 I showed you, Mr McLellan, this morning an article                  2 dating from 2003, which has been sent to us by a member                  3 of the public. The member who sent it in takes issue                  4 with it and thinks it shouldn't be published. Indeed                  5 she says it was taken down at one stage and reposted.                  6 I don't want to go into the rights and wrongs of the                  7 specific complaint, but given that the article dated                  8 back to 2003, I wanted to ask you: does your newspaper                  9 have a policy on for how long old stories remain on your                  10 website?                  11 MR McLELLAN: There's a difference between remaining on the                  12 website and being part of the electronic archive and                  13 I think that we have a very extensive electronic                  14 archive. If we decide to take a story down, then the                  15 story remains down. Now, how this story -- the first                  16 I knew of it was when you presented me with the letter                  17 this morning. How that story reappeared is a mystery to                  18 me.                  19 Q. I'm not really wishing to explore that because I quite                  20 accept it's not something you can deal with now, but I'm                  21 interested in the general proposition that once news is                  22 out there on the Internet, if someone is contesting it,                  23 it seems once it's there to stay there and even if you                  24 take it down from your own website, it can then                  25 circulate in other ways?  <p style="text-align: center;">Page 13</p> </p>	<p>1 buying back copies from ourselves or going to the                  2 national library et cetera.                  3 LORD JUSTICE LEVESON: Do you think there's a different                  4 responsibility these days? Certainly the old chestnut                  5 was that your newspaper today wrapped your fish and                  6 chips of tomorrow. And of course somebody could, with                  7 enough diligence, research back into a story and go into                  8 those wonderful libraries with enormous volumes and turn                  9 over the pages, I've done it myself, but there is                  10 a difference between being able to do that and being                  11 able, with four or five clicks of your mouse, to access                  12 any story, however long back in the past it was.                  13 MR RUSSELL: I take the point you're trying to make.                  14 I don't know that it's -- it would be correct to have                  15 a change of policy just to the availability of these                  16 stories just because modern technology makes it easier                  17 to find these stories than it was say 10 or 15 years                  18 ago. If the stories there are publicly accessible and                  19 it's there publicly accessible --                  20 LORD JUSTICE LEVESON: In one sense you're right, but it may                  21 be that the past allowed stories to have a shelf life                  22 which, as I say, could be researched, but now there is                  23 no shelf life. That might actually mean that people get                  24 more concerned about what's in the paper today because                  25 it's in the paper today, tomorrow, next year, next  <p style="text-align: center;">Page 15</p> </p>
<p>1 MR McLELLAN: Yes.                  2 Q. What policies do you gentlemen have for how long you                  3 keep material posted, whether on the main site or on an                  4 accessible archive? Perhaps if I start the ball rolling                  5 by asking Mr Russell: what does your newspaper do about                  6 that?                  7 MR RUSSELL: As regards the actual website, stories don't                  8 tend to stay up on it for that long because the contents                  9 are constantly updating on a day-by-day basis. As John                  10 said, in terms of something that's gone on the website                  11 today, you'll be able to access that for many years to                  12 come just because it's -- I'm not an expert on the                  13 technology behind the Internet, but it's there, you                  14 Google it and you'll find it.                  15 Q. Do you think there ought to be some sort of policy                  16 whereby news comes down after a certain period or are                  17 you committed to keeping it out there?                  18 MR RUSSELL: Not really. I think there may be an occasion                  19 where it would justify it, but generally, I mean the                  20 archives of our newspapers going back years and years                  21 are available to members of the public in public                  22 libraries, national library of Scotland, et cetera, so                  23 it's not as if it's the only place you could find these                  24 stories. In a year or two years' time, the content is                  25 still available to members of the public, either by  <p style="text-align: center;">Page 14</p> </p>	<p>1 decade, 30 years' time.                  2 MR RUSSELL: It's certainly a point of view. I'd go back to                  3 as long as archive newspapers are kept, I don't                  4 personally see a huge difference just because it's                  5 easier to access it online than go to the national                  6 library. I don't see why that means you should be                  7 taking stories offline when they're still available in                  8 other places.                  9 LORD JUSTICE LEVESON: I'm not saying necessarily you do.                  10 I'm merely identifying the problem.                  11 MR RUSSELL: Absolutely.                  12 LORD JUSTICE LEVESON: You have read in the newspapers more                  13 than once of criminal trials that are affected by the                  14 ability of jurors to research on the web and so learn                  15 things about those who are on trial which are not in the                  16 trial and which of course they could have gone to the                  17 National Archive and found out if they wanted, but who                  18 would do that?                  19 MR RUSSELL: I agree, but I think that's not just                  20 a newspaper problem. If a notorious criminal is on                  21 trial, there's an awful lot of material available on                  22 that person on the Internet that isn't in newspaper                  23 archives.                  24 LORD JUSTICE LEVESON: I entirely agree. You shouldn't be                  25 defensive.  <p style="text-align: center;">Page 16</p> </p>

<p>1 MR RUSSELL: No, I'm not, sorry.                  2 LORD JUSTICE LEVESON: I'm not in attack mode, I promise                  3 you. I'm simply trying to investigate the reality of                  4 the position.                  5 MR RUSSELL: Yes.                  6 LORD JUSTICE LEVESON: And to wonder whether we should be                  7 thinking about this. Not necessarily in the context of                  8 conduct.                  9 MR RUSSELL: I agree that it is an issue and it is something                  10 that should be addressed, but I think that's more                  11 a wider Internet problem than a newspaper electronic                  12 archive problem, personally.                  13 MR McLELLAN: I think there's a clear clash in the                  14 availability of information, particularly for local                  15 newspapers, for the access to details about relatively                  16 minor offences and the principles behind spent                  17 convictions. It's very obvious that if something is a                  18 spent conviction but the public can easily access                  19 information about something which is by law supposed to                  20 be buried in the past and that person is supposed to                  21 have, you know, paid their dues to society, then that is                  22 something which we as an industry haven't wrestled with                  23 and certainly the Internet as such has no interest in                  24 wrestling with it, but as a moral question it's a live                  25 one.</p> <p style="text-align: center;">Page 17</p>	<p>1 because our ethos is cyberspace information hangs                  2 there". I think it's a problem that actually has to go                  3 as high up the scale as the big search engines to try to                  4 resolve it, if it can be resolved.                  5 LORD JUSTICE LEVESON: I think that it may be that some of                  6 the search engines will be giving evidence, but I'm very                  7 conscious one of the witnesses to the Inquiry was                  8 Mr Mosley, who is going around the world taking down                  9 stories about him in relation to a case where he                  10 succeeded in litigation in this country. I don't need                  11 to identify the story because each one of you knows                  12 exactly what I'm talking about, but it is a problem.                  13 But on the wider question, I'd be interested in any                  14 of your views.                  15 MR GILSON: It's going to be very hard to put the genie back                  16 in the bottle with this information overload. For our                  17 own newspaper, we will think very hard about putting                  18 minor court cases up in the first place because there is                  19 the issue of spent convictions. Obviously historical                  20 issues in Northern Ireland and the Troubles are up there                  21 for anyone to see. In fact, our Troubles archive is                  22 a unique resource for people. But I think -- and we                  23 will also go back in and correct stories, and that's                  24 about as much as we can do once it's out there.                  25 I think there has to be -- things you mentioned</p> <p style="text-align: center;">Page 19</p>
<p>1 LORD JUSTICE LEVESON: Your comment there throws out                  2 a slightly different point that is very focused on what                  3 I'm thinking about, namely what are the differences                  4 between the newspaper industry and what I've called the                  5 elephant in the room, the Internet, on the basis that                  6 the Internet just contains -- I say just -- it contains                  7 facts, information, undigested, unfiltered material.                  8 Whereas the press can sell itself as providing mediated                  9 fact, assured facts -- this is what you were talking                  10 about at the beginning of your evidence -- and                  11 responsible comment. And whether there is anywhere                  12 bridging that. The problem that is generated by the                  13 Internet, so as to maintain a healthy, vibrant press.                  14 MR FEENEY: I think taking a story down off a newspaper                  15 website isn't difficult, but it doesn't solve the                  16 problem, as we found with a bit of experience. We were                  17 trying to resolve a libel claim, and we took the                  18 offending articles off our website, but the                  19 complainant's lawyers kept on pointing out they could                  20 Google their client's name and find references to the                  21 inaccurate stories all over the web. In the end, we                  22 went to Google and said, "Can you help us with this, can                  23 you do something that would just make sure all of these                  24 articles were removed?" and I think Google's response                  25 was, "Well, we might be able to but we're not going to</p> <p style="text-align: center;">Page 18</p>	<p>1 about court cases and people looking at past stories                  2 about them, it's an issue for everybody. The courts as                  3 well as newspapers. And all we can do with our own                  4 sites is do what we do now, which is correct and take                  5 down. Certainly in terms of previous convictions, which                  6 is your concern there.                  7 I think the other side of it, though, is once it's                  8 out there as a story that someone did something ten                  9 years ago, it's just out there, it's a matter of record.                  10 I'm not so sure that is necessarily a bad thing.                  11 LORD JUSTICE LEVESON: I'm not adjudicating that, I'm merely                  12 identifying the consequential problems, which are real.                  13 MR GILSON: Sure.                  14 MR McLELLAN: There's a growing number of                  15 requests/complaints to us from people who have appeared                  16 in the paper at some point in the past, some black mark                  17 in their lives and they want it erased. It's not rare                  18 for those requests to come in and that will grow and                  19 grow the more stories appear, and on the Internet, as                  20 time goes on, there will be a lot more people than there                  21 have been whose names and faces have appeared in                  22 newspapers and they don't want them to be on websites                  23 any more.                  24 As we've already heard, we can do all we can, but by                  25 and large, if you put something up, it's up there.</p> <p style="text-align: center;">Page 20</p>

<p>1 MR BARR: On the question of apologies and corrections, one                  2 proposal is that the principle should be that an apology                  3 is printed in the same place that the offending article                  4 took place. Parity of prominence. Would any of you                  5 like to express a view either in support of or                  6 criticising that proposal?                  7 MR GILSON: I think there's a whole sliding scale of how                  8 much was wrong, the size of the error. To make a very                  9 blunt instrument of that was the splash therefore it                  10 should be on front I think would be something that                  11 I would be very concerned about. I think a regular                  12 place where people know and come, and we have that and                  13 a lot of newspapers do now, where there are corrections,                  14 is a good method because it does -- it puts them all                  15 together. Some days you look like you've made a hell of                  16 a lot of mistakes and that's not a good thing to happen,                  17 but the practicalities of same place, same prominence,                  18 I think, are a problem.                  19 Q. Is there room for exceptions?                  20 MR GILSON: Yes, I think there is always room when you've                  21 negotiated say a page 3 or -- page 1 is always                  22 a problem, I think, because it would have to be -- you                  23 know, every aspect of that story would be so wrong, and                  24 obviously there have been examples that we know about,                  25 where you can see that was right to do that and actually</p> <p style="text-align: center;">Page 21</p>	<p>1 as much in line with public expectation as possible,                  2 that's what we're about, being in line with the way our                  3 readers think, and I think we have to accept that the                  4 greatest transgressions have to be rectified in                  5 a suitable and proportionate manner.                  6 I carried a front-page correction where a story was                  7 completely wrong 14 years ago, so it's not as if this is                  8 suddenly something which we're all having to come to                  9 terms with now. It has happened and happened a long                  10 time ago.                  11 Q. If everyone has said what they want to say on that                  12 issue, I'm going to move to the question of contact with                  13 police officers. Can we start with off-the-record                  14 conversations between reporters and police officers?                  15 Does any one of you prohibit such conversations? If you                  16 all are content for your journalists to have                  17 off-the-record conversations with policemen, what                  18 controls, if any, do you think there ought to be, or                  19 guidance to your journalists, when engaging in that sort                  20 of contact? Mr McLellan, could I start with you?                  21 MR McLELLAN: I think the principle of reporters talking to                  22 other members of the human race on an on the record or                  23 off the record basis should not be up for debate.                  24 That's what we're about. I think it's as much for                  25 public bodies to decide how their employees and</p> <p style="text-align: center;">Page 23</p>
<p>1 the paper had to do it to protect its reputation, but                  2 I can't think of too many examples where you would say,                  3 "That was the splash, therefore we should splash it on                  4 the front". It would be disproportionate.                  5 Q. Do any of the rest of you take a different view or are                  6 you in agreement with that?                  7 MR FEENEY: As I said earlier, all of our corrections appear                  8 on page 3. That means for the vast majority the                  9 correction is appearing at a much earlier position in                  10 the paper than the original story. I have agreed on one                  11 occasion to publish a correction and apology on page 1                  12 because, as Mike said, the error was sufficiently                  13 serious to merit it. You can still agree a page 1                  14 correction and apology if it's merited, but if you have                  15 a fixed position, then the majority of cases, unless                  16 your fixed position is somewhere at the back of the                  17 paper where I think you're then not entering into the                  18 spirit of it, then your fixed position is going to be                  19 earlier than the original story anyway.                  20 MR McLELLAN: I think the public expectation is that any                  21 rectifying of an error should be proportionate and that                  22 the proportionality, I think we have to accept                  23 proportionality has to be part of the process of                  24 deciding what is the right level of correction to take                  25 place, in order for the industry to make sure that it is</p> <p style="text-align: center;">Page 22</p>	<p>1 representatives interact with us. We are supposed to be                  2 out there digging things up that people didn't know                  3 about, things that perhaps people don't want us to know                  4 about, and it's part of our function to talk to people,                  5 be they police officers or any other members of                  6 establishment bodies. For us to limit who we can and                  7 can't talk to I think would be counter to everything                  8 that we're about.                  9 But if police forces or health boards want to ban                  10 their employees from talking to us, that's a different                  11 matter. But for us to instruct our people not to talk                  12 to people, that would be very strange.                  13 Q. Does anyone take a different view?                  14 MR GILSON: I would just like to say in a lot of cases                  15 nowadays chance would be a fine thing. One of the                  16 things that followers of the Inquiry might have formed                  17 the impression that this is going on all the time.                  18 I have to say that the way that information is closed                  19 off these days by organisations employing huge numbers                  20 of press officers to stop the sort of thing that you're                  21 talking about is enormous. In some areas press officers                  22 outnumber journalists.                  23 The old arrangements which we all are old enough to                  24 come up with of talking to a policeman on a basis of                  25 trust in a way that John said, in a way that we should</p> <p style="text-align: center;">Page 24</p>

<p>1 do, that's what we employ people for. We employ people 2 to get around press officers, let's be honest. But 3 actually the truth of the matter is perhaps apart 4 from -- and I've edited quite a bit around the UK but 5 actually my experience is a gradual closing down of 6 these things to the point where it's bad for democracy. 7 The amount of crime that happened in your patch hardly 8 gets reported, so -- sorry, I didn't quite answer your 9 question there, but I think it's --</p> <p>10 LORD JUSTICE LEVESON: No, it's a valid point, and indeed 11 one of the things that was said to me when I visited 12 a regional newspaper was in terms the inability for the 13 crime reporter to speak to the detective on the ground 14 rather than to have to go through a press office. But 15 that works both ways, doesn't it? It requires trust and 16 confidence, but it equally requires the same from the 17 reporters.</p> <p>18 MR GILSON: Indeed.</p> <p>19 MR FEENEY: Can I just say in terms of press offices, 20 I think all organisations have these press offices now 21 and very often they're poaching our most experienced 22 reporters to staff them, but in our experience, very 23 often these press officers themselves will request off 24 the record meetings and briefings to provide us with 25 information that they think is useful but they don't</p> <p style="text-align: center;">Page 25</p>	<p>1 and shape the way in which they are reported in your 2 newspapers to help to mould their image and if so --</p> <p>3 MR FEENEY: If you speak to the chief constables they will 4 be open and tell you that they are charged with 5 controlling the public's perception of crime and they 6 are very anxious to not see too much crime reported in 7 local papers.</p> <p>8 Q. I see Mr McLellan nodding there. Mr Russell, Mr Gilson. 9 Mr Gilson, you're nodding. Mr Russell, is that your 10 experience?</p> <p>11 MR RUSSELL: There's an element of that as well but I don't 12 think -- I think it would be unfair to criticise the 13 police. Any organisation, if you're doing a story on 14 them, they want their organisation painted in the best 15 possible light and I don't think the police would be any 16 different from any other organisation in that regard.</p> <p>17 MR FEENEY: But it is actually a Home Office directive to 18 chief constables to manage the perception of crime --</p> <p>19 MR GILSON: (Overspeaking) I think the whole idea, the whole 20 issue, you're right, Spencer, is this message went out 21 to try and -- the fear of crime was bigger than the 22 crime itself, as against our reporters, even on a local 23 level, we would say if your shed was burgled down the 24 road, and I lived in the same road, actually I'd quite 25 like to know about that.</p> <p style="text-align: center;">Page 27</p>
<p>1 want to be attributed back to their organisation. So 2 it's not a case of the journalist seeking a whispered 3 conversation in the corner. The press officers 4 themselves are saying, "Can I tell you things off the 5 record which you can use in the paper but don't quote 6 me."</p> <p>7 MR RUSSELL: I think that's quite an important point. If we 8 speak to police, whether it be on the record or off the 9 record, it's not just to get a story for the paper. The 10 police need the press, the broadcast media hugely for 11 witness appeals, to help solve unsolved crimes, 12 et cetera. When I was editor of the Paisley Daily 13 Express I had a meeting with a senior officer one time 14 who said not a day goes by where they don't get a phone 15 call into the CID room saying "I'm phoning about the 16 story in the Paisley Daily Express, I think I know 17 something" and I think it needs to be borne in mind that 18 it's not just, you know, so we get stories that we have 19 contact with the police.</p> <p>20 MR BARR: I think it's very clear from all of your 21 statements, which are going to be posted on the 22 Internet, the very valuable work that's done by the 23 press to help the police in their work. For the 24 purposes of the Inquiry, what I'm interested in is: do 25 you sense an attempt by your local police forces to try</p> <p style="text-align: center;">Page 26</p>	<p>1 MR McLELLAN: I think that's a very good point because 2 there's different kinds of publications. Now I live in 3 Edinburgh. I have heard the Chief Constable say that 4 we've got to be very careful about creating a fear of 5 crime where, as far as we're concerned, you people live 6 in a very safe environment, and by and large Edinburgh 7 is a very safe environment. So the police policy is not 8 to give us information about minor crime, and so the 9 pages of the Evening News are not filled with bicycle 10 thieves and sheds being broken into. That's a policy of 11 the police.</p> <p>12 Go to another publication, the local Neighbourhood 13 Watch newsletter, you will see stuff there from the beat 14 cop who is telling people, "Be careful because there's 15 been a number of break-ins in this street and we're 16 investigating". So the police are controlling what goes 17 in some media, but then the beat cop is quite happy and 18 able to talk to his local Neighbourhood Watch who then 19 publish a newsletter that goes out to all the houses in 20 that neighbourhood.</p> <p>21 So therefore you have two very different perceptions 22 of what's going on in communities and two very different 23 publications, but in terms of the Inquiry, those are 24 still publications. The Neighbourhood Watch newsletter 25 is a publication as much as our newspapers are, and the</p> <p style="text-align: center;">Page 28</p>

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<p>1 police have a different viewpoint to what goes in one 2 and the other.</p> <p>3 LORD JUSTICE LEVESON: The real trick is how to get balance 4 in this. If I wear a different hat, as I do, I am very 5 keen in my capacity as chair of the Sentencing Council 6 to do what I can to promote confidence in the criminal 7 justice system, and I do that by identifying what in 8 fact is happening as opposed to sometimes what is said 9 to be thought to be happening, and they're not 10 necessarily the same.</p> <p>11 MR FEENEY: You want to instill confidence by suppressing 12 what is actually happening and --</p> <p>13 LORD JUSTICE LEVESON: No, no --</p> <p>14 MR FEENEY: -- that's what happens when the police don't 15 inform us of crime.</p> <p>16 LORD JUSTICE LEVESON: One of the problems of that is that 17 when I started at the bar there was a reporter in my 18 local court who would then accurately tell the story of 19 what happened in court so that those who read the 20 account in the local newspaper could see the facts. 21 What tends to happen now is there isn't a reporter in 22 a local newspaper and a police officer will give his 23 version of the facts, which may be rather higher than 24 actually the jury ultimately convicted of, so they tell 25 an assault case as deliberate, intentional knifing,</p> <p style="text-align: center;">Page 29</p>	<p>1 aren't local reporters going to courts any more? 2 MR GILSON: I think that's a bit too brutal, but --</p> <p>3 LORD JUSTICE LEVESON: Broad.</p> <p>4 MR GILSON: -- nevertheless it is a real concern. In 5 certain towns and cities there are -- bloggers don't go 6 to the town halls and to the courts. Local reporters 7 do.</p> <p>8 LORD JUSTICE LEVESON: One might say equally the same about 9 local government and --</p> <p>10 MR GILSON: Indeed and that kind of shining a light sadly is 11 at risk, there's no question about that.</p> <p>12 MR FEENEY: If a town loses its paper, then clearly courts 13 and councils are not being reported and held up for 14 public scrutiny. I don't know about my colleagues, but 15 in my paper we cover the courts still. But I think what 16 I was talking about more was crime reporting than court 17 reporting. It's the incidents of crime that I think the 18 police are deliberately downplaying.</p> <p>19 MR McLELLAN: There is also a balance for us as editors to 20 make sure that our pages are not crammed full of 21 depressing news about our communities and the only 22 picture we paint of our communities is a relentless one 23 of crime ridden estates where everybody lives in fear of 24 their lives. We have to strike a balance. Certainly 25 the courts, more now than ever before, are the preserve</p> <p style="text-align: center;">Page 31</p>
<p>1 whereas he wasn't convicted of wounding with intent but 2 of a much lesser offence of violence. So the facts are 3 reported at the higher level and the sentence is then 4 reported at the lower level and everybody says, "What's 5 going on here? This is ridiculous". That's because of 6 lack of accuracy.</p> <p>7 MR GILSON: I would be very, very loath to take any 8 policeman's view of a court case and run it in a paper 9 because you've lost your privilege. But I think the 10 other issue is trying to get back to the old days of 11 trust. If you meet people on a regular basis face to 12 face talking about it, the next time either one of you 13 does something that breaks that trust, that's what used 14 to be the good old-fashioned journalism which I worry 15 we're now seeing as almost like a crime itself and 16 I think we need to be slightly careful about that. 17 Because what we would like, and as I said at the start, 18 I take on reporters who will not stop at a press office. 19 That to me is no good. I want to speak to the people 20 who are actually doing the things, making the decisions, 21 and despite what it might come over in terms of dealing 22 with the Met police, for example, I'm afraid we are in 23 a democratic deficit with the amount of information that 24 is being kept in all these organisations. In my view.</p> <p>25 LORD JUSTICE LEVESON: Am I right in saying that there</p> <p style="text-align: center;">Page 30</p>	<p>1 of agencies. Some are very good agencies who supply 2 very reliable copy.</p> <p>3 There's a case just going through the PCC recently 4 which was a mistake as a result of information passed on 5 in good faith by court officers, a Crown Court, where 6 the case was -- I think it was Cardiff Crown Court it 7 actually went through and the case was involving 8 somebody living in a newspaper area that was not in the 9 Cardiff area and the information was picked up wrongly 10 and the result was a complaint.</p> <p>11 I think it's fair to say that we don't staff up 12 district courts and magistrate courts the way we used 13 to. I used to spend every Monday and Tuesday in Chester 14 Magistrates Court and knew the clerks and lawyers and it 15 was a great grounding, but I doubt very much whether or 16 not the local papers are staffing magistrates courts at 17 the same level as we used to. We certainly in 18 Edinburgh, the Edinburgh Evening News hasn't staffed the 19 sheriff's court regularly for the best part of 15 years.</p> <p>20 MR BARR: Thank you. Moving to the question of contacts 21 with politicians, what I'd like to explore first of all 22 is whether any of you as editors seek to influence your 23 local politicians, for example by getting them to 24 support a campaign that the newspaper is running or 25 something like that. I'm not putting this question with</p> <p style="text-align: center;">Page 32</p>

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<p>1 any pejorative angle, I just seek to understand the sort 2 of contact that there is between you and your local 3 politicians; obviously in the case of devolved 4 governments, with your regional MPs. Could you help us 5 with that starting with you, Mr McLellan? 6 MR McLELLAN: It's the other way around. They want our 7 support to help them. Especially there's a little 8 debate going on in Scotland right now, for which both 9 sides would like our newspaper to support them. In 10 fact, we've been asked just recently when is the 11 Scotsman going to come off the fence as far as the 12 independence question is concerned? I said with three 13 years to go, not yet. Obviously we do -- over the years 14 I've recruited the support of local politicians for our 15 campaigns, but by and large certainly in the position of 16 the Scotsman and Scotland man on Sunday it tends to be 17 the other way around. 18 Q. If there is that hunger on the part of the politicians 19 to get your support, does that put you in a position of 20 some power over them? 21 MR McLELLAN: I think it puts us as being an important part 22 of the debate and that's the way it should be. 23 Certainly we're fortunate enough to live in a country 24 where we do have a great variety of publications and 25 a number of different views would be held, and I think</p> <p style="text-align: center;">Page 33</p>	<p>1 and not this one. 2 Obviously there are lots of people who would 3 challenge me on that because so far the Scotsman has not 4 been a cheerleader for independence and no doubt you 5 could find not a small number of members of the SNP who 6 would argue that we are taking a position. We have 7 previously set out our stall in favour of fiscal 8 autonomy, for instance, which is not a policy favoured 9 by any of the parties particularly right now because the 10 SNP's policy is for full independence. 11 So we will take a balanced view given what we think 12 the majority of readers will empathise with, and we will 13 take a view what we think is the right position to take, 14 but not necessarily follow any particular party 15 political line, but it's part of the warp and weft of 16 a political newspaper operating in that sphere that 17 there will be things that people agree with and things 18 that people don't and we have to take cognisance of lots 19 of different views. 20 Q. If you say the word "we" a lot in that answer, can 21 I pick up on that. Accepting entirely that as the 22 editor, it's your call. 23 MR McLELLAN: Yes. 24 Q. It's part of the editor's function, if you do come off 25 the fence in what you've described as the little</p> <p style="text-align: center;">Page 35</p>
<p>1 that the courting of politicians of editors to discuss 2 the things that they want to see enacted seems to me to 3 be part of the process. 4 Q. We heard yesterday from the editor of the Guardian, 5 talking about power that he held as an editor of a major 6 newspaper, and you're the editor of a major Scottish 7 newspaper. With that power, what responsibility is 8 there vis-a-vis your dealings with politicians? 9 MR McLELLAN: Responsibility in what regard? 10 Q. Ethical responsibility. Do you think you're under any 11 particular ethical constraints in your dealings with 12 politicians? 13 MR McLELLAN: I'm not sure that I would necessarily describe 14 it as an ethical one. I think it's a necessary part of 15 our job to listen to all sides of any argument and come 16 to a view ourselves as long as we feel that our view is 17 being honestly held and we can defend it and that we've 18 listened to what has been told to us from lots of 19 different sides. 20 We're in a different position because we serve 21 a small country, and it's not in our interests to drive 22 a particular -- a narrow agenda because even from 23 a practical point of view we don't have the readership 24 mass to be able to take a niche of our readership and 25 say we're going to agree with this section of readership</p> <p style="text-align: center;">Page 34</p>	<p>1 question in due course, is that a decision that you will 2 discuss with the proprietor of your newspaper before 3 coming off the fence? 4 MR McLELLAN: On a major decision we will let the managing 5 editor know what we're going to do but we don't consult 6 them as such. We don't seek permission to take 7 a position. It's a courtesy to inform them what 8 position the paper is going to take, but there's no 9 process for them to -- commercial people to come in and 10 say, "We think you should be doing this because we think 11 we're going to be in a stronger commercial position 12 should you do this". That doesn't take place. 13 Q. Is there discussion and are views expressed by the 14 people at proprietor level, if I describe it that way, 15 seeking to influence you, accepting though that the 16 ultimate decision is yours? 17 MR McLELLAN: I've never had a discussion with anybody at 18 Johnston Press senior management level about the 19 direction the paper is going in. I've never had the 20 conversation. 21 LORD JUSTICE LEVESON: Johnston Press own how many titles? 22 MR McLELLAN: Over 300. 23 MR GILSON: When I was editor at the Scotsman, which is 24 a few years ago now, coming up to the election the 25 Scotsman came out for the SNP in the election under my</p> <p style="text-align: center;">Page 36</p>

<p>1 editorship, or was about to, and the chief executive --  2 this is all a matter of record -- approached me at the  3 time and said, "Look, you're the editor, I understand  4 all that, but we're a little concerned about what you're  5 doing in the Scotsman", as is right that he should do  6 so, he's the chief of the company. We had a discussion  7 about the position of the paper and in the end, as he  8 rightly admitted, it was my decision and although he  9 wasn't in favour of it, we did come out in favour and  10 say that the SNP should win that election.</p> <p>11 So that's the sort of relationship that I've always  12 had. Absolutely right we have a discussion, a sounding  13 board and positions and fears. Obviously this was more  14 on the business grounds, I think, were the fears at the  15 time. But having listened to what he said and having  16 talked and thought where our readers were, which is much  17 more important, at that time we thought it was time for  18 a new government and we carried on supporting the SNP.</p> <p>19 Q. Mr Russell, your experience perhaps, using the little  20 question as an example, are you the subject of a lot of  21 contact with politicians on it at the moment?</p> <p>22 MR RUSSELL: Yeah, I wouldn't say a huge amount, but yes,  23 I speak with politicians, a politician or politicians,  24 not necessarily every day, but I reckon one or two,  25 three times a week, yes, and they're interested in our</p> <p style="text-align: center;">Page 37</p>	<p>1 conversations with ministers of state or the high and  2 mighty. We do also talk to our MPs and our Welsh  3 Assembly members, but we all live in the same town, so  4 our contact, I would say, is constant and everyday.</p> <p>5 Yes, we always ask them to support our campaigns.  6 They always seek the newspaper's support for their  7 objectives. Their objectives and our campaigns often  8 chime. They tend to be retaining local facilities or  9 jobs so it's not a case of anybody being in another  10 person's pocket. Why the relationship is close  11 inevitably is because it's geographically close. It's  12 not cosy in the sense that we wouldn't criticise what  13 they're doing. Tory and Lib Dem MPs are quite rare in  14 South Wales but we do have a Labour government in  15 Cardiff and while I meet and speak to the AMs regularly,  16 we won't hesitate to criticise Welsh government policy.</p> <p>17 Q. If you won't hesitate to criticise, does that instill  18 any fear in the politicians of the power that you wield  19 as the editor of the most popular local newspaper?</p> <p>20 MR FEENEY: Fear would be overstating it, but the very fact  21 that they're keen to get the newspaper to support their  22 objectives I think indicates they realise the importance  23 of a local paper that's well connected in the community.</p> <p>24 LORD JUSTICE LEVESON: One of the topics that I'm required  25 to look at is the relationship between the press and</p> <p style="text-align: center;">Page 39</p>
<p>1 views as a paper, I'm interested in their views and how  2 they see the debate moving forward, the consequences of  3 what would happen if this happened sort of thing and  4 there's a lot of discussion about that. It's really for  5 them to become -- they sometimes see the Herald as  6 a barometer of public opinion so they'll ask us about  7 readers' letters that we've had, et cetera, and our  8 views, and it's good for us to know what's sort of going  9 on in their heads as well.</p> <p>10 Q. Is the paper's editorial line on that or perhaps other  11 important political questions something that's discussed  12 with the proprietor?</p> <p>13 MR RUSSELL: It would be discussed with them, with my -- the  14 managing director of Herald and Times Group, I'll have  15 an occasional discussion with him about it. He will  16 perhaps ask -- he may well give me his opinion, he may  17 well ask my or the paper's opinion, he may well ask me  18 why I made certain decisions, but it would be wrong to  19 suggest he has tried in any way to influence the paper's  20 political line.</p> <p>21 Q. Thank you. Mr Feeney, relations with politicians?</p> <p>22 MR FEENEY: I think it's worth bearing in mind for a local  23 paper the politicians that reporters have most contact  24 with will be local councillors. You need to keep that  25 context in mind. We're not talking about having</p> <p style="text-align: center;">Page 38</p>	<p>1 politicians at a national level here in London. I have  2 in you four gentlemen representatives of the most  3 significant newspaper organs that have to deal with very  4 important government institutions that are locally  5 based: The Scottish Parliament, the Welsh Assembly and  6 the Northern Ireland Assembly. Do you consider the  7 relationship that you have with your respective  8 governments at that level is too close, not close  9 enough, about right, works, doesn't work? And what is  10 it about it that works or doesn't work? I'm asking  11 a very general question. I won't ask you to comment  12 upon the situation here in London because that's not  13 what your experience is, but if you could give me some  14 assistance, I'd be grateful.</p> <p>15 MR GILSON: I think in Northern Ireland it's a unique  16 government because it's a mandatory coalition after the  17 Good Friday Agreement, so there is a degree of unanimity  18 in government which doesn't create an adversarial  19 parliament. Very often, and this has been said by many  20 people in Northern Ireland, the press is actually the  21 official opposition, so that puts us in a slightly  22 different position, which means that we see ourselves as  23 a critical friend, but decisions are made in a slightly  24 different way within the executive of five, and the way  25 that we're governed doesn't really allow a situation</p> <p style="text-align: center;">Page 40</p>

10 (Pages 37 to 40)

<p>1 where we could favour one or the other.                  2 We're effectively putting them all to task within                  3 the context, of course, of where we come in Northern                  4 Ireland and where we are and the fact that the                  5 government is actually working and devolution is                  6 actually working. We have to be careful. A critical                  7 friend is how we see it, but in terms of parties we are                  8 really sort of on behalf of our readers trying to expose                  9 what's going on in Stormont and how far we have to go.                  10 It's a fairly simple relationship.                  11 LORD JUSTICE LEVESON: Okay.                  12 MR RUSSELL: I'm comfortable with the relationship myself                  13 and the paper has with politicians. Sort of aside from                  14 what Spencer said, most of my dealings wouldn't really                  15 be with local councillors, it would be kind of similar                  16 to John, it would be with senior government -- with                  17 whether it be Scottish government or UK government                  18 ministers, et cetera.                  19 In terms of the relationship, I think it works well.                  20 We like to think we share the common goals of the                  21 politicians, which is to make Scotland a better place                  22 for Scottish people and our readers. I think the                  23 important thing is yes, it could be easy for either                  24 a politician or for an editor to go too far or for the                  25 relationship to become too cosy sometimes and it's</p> <p style="text-align: center;">Page 41</p>	<p>1 existing system needs change at all. Can I ask you                  2 first of all looking forward in whatever form regulation                  3 might take, how can the regional voice and the regional                  4 interests of Scotland, Northern Ireland and Wales best                  5 be secured going forward? Mr McLellan, could you start?                  6 MR McLELLAN: Sure. I think from a very straightforward                  7 point of view I think whatever system we have in the                  8 future, I think what we in Scotland need is an assurance                  9 that we have the same kind of representation that we                  10 have just now, not necessarily from a point of view of                  11 an editor from Scotland being on whatever the PCC/Press                  12 Standards Authority, whatever it may be called is                  13 concerned, but there's a guarantee that someone from                  14 Scotland is involved in the new process.                  15 I think there's a pretty strong likelihood that                  16 serving editors will no longer be part of the day-to-day                  17 Commission. I think we all pretty much accept that's                  18 likely to happen. So therefore that removes the                  19 guarantee that Scotland has of a representation on the                  20 body, and I think we'd really be looking for some kind                  21 of replacement that enshrines a Scottish place in the                  22 new body, not necessarily a serving editor as at                  23 present.                  24 Certainly as far as -- and similarly for the Code                  25 Committee. Obviously the Code Committee issues are</p> <p style="text-align: center;">Page 43</p>
<p>1 incumbent upon your professionalism and moral compass                  2 that both sides don't allow that to happen.                  3 LORD JUSTICE LEVESON: Let me stay with Scotland while                  4 I can, then I'll switch to Wales so I have it sorted out                  5 in my mind.                  6 MR McLELLAN: I suppose I'm satisfied with the situation the                  7 way it is, because if I wasn't, I would do something to                  8 change it.                  9 LORD JUSTICE LEVESON: That's fair enough.                  10 MR McLELLAN: I'm not close to any of the politicians.                  11 I know them but I'm not close to any of them or the                  12 parties. Certainly no version of lavish Chipping Norton                  13 parties in Scotland as far as I know. I think that's                  14 probably the way it should be, a healthy relationship                  15 but a certain amount of distance.                  16 MR FEENEY: I think the great merit in Wales is the ease of                  17 accessibility to the people running the government in                  18 Wales. It's a smaller pond, if you like, and that's                  19 a great advantage, that it's quite easy to get to speak                  20 to people and get your point of view across and have the                  21 discussion but in no way is it a cosy relationship. I'd                  22 say it works well.                  23 LORD JUSTICE LEVESON: Thank you.                  24 MR BARR: The final topic is the future of regulation,                  25 obviously from the starting point of whether or not the</p> <p style="text-align: center;">Page 42</p>	<p>1 different to those being discussed as far as the make-up                  2 of the Commission itself is concerned. But that would                  3 certainly go a long way to guaranteeing that we have                  4 that unique representation on the new body.                  5 Q. Implicit in what you're saying -- I've been doing my                  6 homework as well so I'm pretty sure I know the answer to                  7 the next question -- you're in favour, are you, of                  8 a single body, not separate Scottish and English bodies?                  9 MR McLELLAN: Yes. As I said this week, we would have                  10 a situation where if there was a separate Scottish body,                  11 then most of our organisations would have to deal with                  12 two bodies and two sets of regulations, and that would                  13 involve a cost and a considerable complication for us,                  14 that a story published in our newspapers could end up                  15 being brought to two press standards bodies.                  16 I think it's important to us, setting aside the                  17 politics, I think it's important that we deal with one                  18 body. As far as the national press is concerned, with                  19 papers, the highest circulating papers in Scotland now                  20 are London papers, and it would be strange for them to                  21 have to deal with two bodies. I think a single body                  22 serving the needs of Scotland as well as the rest of the                  23 UK would be a preferred solution.                  24 Q. Mr Russell, do you agree with that?                  25 MR RUSSELL: Broadly. I'm not ideologically opposed to</p> <p style="text-align: center;">Page 44</p>

<p>1 a Scottish press standards authority, but I think as 2 things stand the practical difficulties would be fairly 3 large and substantial and that's not to say they 4 couldn't be worked through, but I think it would be very 5 difficult to see how you could work a Scottish press 6 standards authority while the PCC or an equivalent is 7 still running in England dealing with London-based 8 titles, but it is something that would need to be given 9 more thought because if Scotland does move towards full 10 independence in the next few years, clearly there may 11 need to be more thought given to that.</p> <p>12 Q. Mr Feeney, for Wales, would you contend for a separate 13 body or not?</p> <p>14 MR FEENEY: No, I wouldn't, and I don't think it's necessary 15 to insist that you have an editor who is working in 16 Wales on the PCC or whatever follows from the PCC. The 17 code of practice applies right across the UK. Certainly 18 as far as Wales is concerned, the law is the same as in 19 England and journalists should be following the code and 20 obeying the law.</p> <p>21 I do think there needs to be a single regulatory 22 body. Not as much as splitting England and Scotland but 23 I've seen it suggested that perhaps the PCC could 24 continue and simply regulate for the local and regional 25 press, something else could regulate the national press,</p> <p style="text-align: center;">Page 45</p>	<p>1 the pros and cons of our respective systems with your 2 colleagues in the Republic, could you help us with the 3 benefit of those conversations?</p> <p>4 MR GILSON: I'm afraid I wouldn't be able to give you 5 information that would be of that much use to you. 6 I don't really know that much about it. Obviously I've 7 had experience over here with the Code Committee, but 8 I do think that the Republic copied a lot of the early 9 PCC model, as indeed most of the world, let's be honest.</p> <p>10 LORD JUSTICE LEVESON: Although it's enshrined and 11 encapsulated within legislation, isn't it? There is 12 a background act --</p> <p>13 MR GILSON: Indeed, yes.</p> <p>14 LORD JUSTICE LEVESON: -- in Ireland.</p> <p>15 MR GILSON: So I'm afraid I wouldn't be an expert on that.</p> <p>16 LORD JUSTICE LEVESON: All right.</p> <p>17 MR BARR: Compulsory membership of whatever regulator 18 emerges in the future, is anybody against compulsory 19 membership?</p> <p>20 MR McLELLAN: It's very difficult to know how you can compel 21 without some kind of statutory background. That's the 22 issue we're all wrestling with, and even the proposal to 23 have some kind of civil law contractual underpinning 24 still doesn't answer the question about how you compel 25 someone to sign up to a contract.</p> <p style="text-align: center;">Page 47</p>
<p>1 and I disagree with that because I think that would 2 suggest that the PCC, or whatever follows it, and the 3 regional press in some way is second division or the 4 journalism that's being regulated is lesser --</p> <p>5 LORD JUSTICE LEVESON: Actually, it might say quite the 6 reverse.</p> <p>7 MR FEENEY: Well, I would argue that journalism in the 8 regional press is not lesser than the journalism in the 9 national press, so I wouldn't support an idea that you 10 had separate regulatory bodies for regional and national 11 papers.</p> <p>12 MR BARR: Mr Gilson, the same issues?</p> <p>13 MR GILSON: Yes, I think a single body makes sense. I think 14 a single body that recognises there's a lot of different 15 countries in the UK, there's a lot of different 16 circumstances would be fine, and also a lot of different 17 newspapers doing different things, not all of them 18 breaking the law. I don't think you could ask for much 19 more than that. I don't see a point of separating it. 20 I think it's right that it's a UK-wide body.</p> <p>21 Q. Mr Gilson, I am going ask you this because you work in 22 Northern Ireland and it may be that you speak to your 23 colleagues in the Republic. There's a system of 24 regulation operating there which has been the subject of 25 quite a lot of positive comment. If you have discussed</p> <p style="text-align: center;">Page 46</p>	<p>1 LORD JUSTICE LEVESON: You're absolutely right. What you 2 say is that actually there is a framework and that you 3 make it independent regulation by insisting that the way 4 in which the framework operates, the way in which the 5 standards are devised are all entirely independent; in 6 other words, run by the industry and others, but with no 7 government involvement at all, and that in some way you 8 find an independent standards regulator who again is not 9 answerable to, appointed by or in any sense linked with 10 government or the state. That's the issue that we're 11 struggling with.</p> <p>12 MR McLELLAN: Yes.</p> <p>13 LORD JUSTICE LEVESON: But that might be a way forward. 14 Although I've not got there, as I say to everybody who 15 I raise this question with; I'm merely thinking.</p> <p>16 MR McLELLAN: I think the suggestions about the Reynolds 17 defence enhancement for any organisation signed up to 18 a new system I think looks good on paper but would have 19 to be demonstrated in fact. I think Mr Desmond was up 20 last week. The root of his decision to be outwith the 21 system is a financial one and the thing that will compel 22 him to come within the system will be a financial one as 23 well. The morals and the ethics of it all are not part 24 of that process.</p> <p>25 I think that without a compelling reason to be</p> <p style="text-align: center;">Page 48</p>

<p>1 within the system that's not statutorily binding, it's 2 difficult to see how that can be cracked until it can be 3 proved that actually being outwith the system costs you 4 money. That's the thing which the Reynolds defence 5 attempts to deal with that.</p> <p>6 LORD JUSTICE LEVESON: It's very difficult to change the law 7 for one group of people and not for another.</p> <p>8 MR McLELLAN: Absolutely. Very dangerous, too.</p> <p>9 LORD JUSTICE LEVESON: Thank you very much. Yes.</p> <p>10 MR BARR: Cost. Obviously at the moment if you're within 11 the PCC you make a contribution to PressBoF and any 12 future system is going to have to have an arrangement by 13 which it is funded. Do any of you have thoughts about 14 that that you would like to share with us?</p> <p>15 MR McLELLAN: We heard from Lord Hunt just before Christmas 16 about the hope that by reforming the way in which we 17 regulate internally will reduce the workload on the 18 current complaints body, which will free up resources to 19 pay for the enhanced functions that are being talked 20 about around the edges of the current system.</p> <p>21 I think we have to give that a chance, if we can, by 22 being more proactive on our side, and with the PCC, or 23 whatever it's called, passing more things back to us.</p> <p>24 If resources can be freed up within the existing 25 arrangement and the enhancements can be funded from</p> <p style="text-align: center;">Page 49</p>	<p>1 newspapers do, and by local I'm not merely talking about 2 those that serve particular areas, I'm also talking 3 about the Scots, the Irish and the Welsh papers, and 4 their position is very familiar to me so I've got the 5 message. I'm not promising anything, as I say every 6 time I say something like this, but I understand the 7 point.</p> <p>8 MR BARR: Finally, the Inquiry is hearing a lot of evidence 9 about different proposals for the future. If any of you 10 have particular points about the future that you would 11 like to raise now, please do so. If you have thoughts 12 which can't be communicated succinctly, then by all 13 means contact the Inquiry in writing setting them out. 14 If anybody would like to say anything orally, please do 15 so now.</p> <p>16 MR FEENEY: I think I've just made my point.</p> <p>17 MR GILSON: I think it's been an excellent opportunity to 18 address you today. I think we just have to bear in mind 19 that we're here because of an exceptional set of 20 circumstances, and I think that if we've done anything 21 to get over to you today how seriously we take our 22 responsibilities to our readers and our ethics, then 23 we'll have done all we can do.</p> <p>24 LORD JUSTICE LEVESON: Thank you very much indeed. I accept 25 that of course it's an exceptional set of circumstances</p> <p style="text-align: center;">Page 51</p>
<p>1 within the existing payments, then great, but we will 2 have to see whether or not that actually happens.</p> <p>3 I have doubts as to whether or not it will be as simple 4 as that, but if there is a brief from within the 5 organisation that we can reappportion resources by taking 6 on more base then we will -- that's something which the 7 industry, I think, will have to take on board.</p> <p>8 For the national papers, not such a problem because 9 they have managing editors, deputy managing editors, 10 assistant managing editors. For us it probably means 11 more work for us as individuals, but that's just the way 12 it is.</p> <p>13 LORD JUSTICE LEVESON: I think your concerns are very 14 realistic.</p> <p>15 MR FEENEY: I think I would just say don't replace the PCC 16 with something vastly more expensive, which is going to 17 cost us a lot more to be involved with it. We heard 18 before lunch that the regional and local press is in 19 a fragile financial state, its health is fragile, and 20 please don't make any recommendations that's going to 21 exacerbate that situation.</p> <p>22 LORD JUSTICE LEVESON: It may be one has to be more 23 imaginative about the way in which it's all funded. 24 I understand the problem. I make it abundantly clear 25 I am a great believer and always have been in what local</p> <p style="text-align: center;">Page 50</p>	<p>1 that's brought us all here today, but as I've said to 2 many people, over the last 40 years there have always 3 been exceptional circumstances, then there's been some 4 inquiry or something that happens and everybody says, 5 "Oh, it will be much better tomorrow", and it is, it is, 6 until the day after tomorrow, when there's some other 7 great story, and over a period of time, so we've bounced 8 along. I am very keen to find a way that respects all 9 the positions that you've described, deals with all that 10 is good in journalism, which is a very, very great deal, 11 but actually does find a method of coping with what 12 isn't so happy.</p> <p>13 Thank you all very, very much indeed for coming to 14 give evidence. Thank you.</p> <p>15 It's probably sensible for me to rise for a few 16 minutes while we change teams.</p> <p>17 (3.14 pm)</p> <p style="text-align: center;">(A short break)</p> <p>18 (3.24 pm)</p> <p>20 MR BARR: Could I ask that the witnesses are sworn in, 21 please.</p> <p>22 MR NOEL DORAN (sworn) 23 MR NIGEL PICKOVER (sworn) 24 MR PETER CHARLTON (sworn)</p> <p>25</p> <p style="text-align: center;">Page 52</p>

<p>1 MS MARIA McGEOGHAN (sworn) 2 Questions by MR BARR 3 MR BARR: Mr Doran, if I could start with you first, please. 4 You've provided the Inquiry with a witness statement. 5 Are the contents of that statement true and correct to 6 the best of your knowledge and belief? 7 MR DORAN: To the best of my knowledge, yes. 8 Q. You tell us that you were appointed as editor of the 9 Irish News, a daily newspaper based in Belfast, in April 10 1999, having been deputy editor for the previous six 11 years. You began your journalistic career in 1978 12 working in the weekly newspaper sector with firstly the 13 Antrim Guardian and then the Ballymena Observer. You 14 then moved to the Belfast Telegraph, a daily newspaper, 15 as a news reporter and later as local government 16 correspondent, from 1984 to 1992, before spending two 17 years as duty news editor with the commercial 18 broadcaster Downtown Radio/Cool FM. Is that right? 19 MR DORAN: That's correct. 20 Q. Mr Pickover, if I can ask you next, please, are the 21 contents of your witness statement true and correct to 22 the best of your knowledge and belief? 23 MR PICKOVER: They are. 24 Q. If I turn now to your experience, you are the editor of 25 the Evening Star which is based in Ipswich, which is Page 53</p>	<p>1 Yorkshire Post for more than seven years and have edited 2 daily regional papers in the north of England for nearly 3 24 years. The Yorkshire Post is an upmarket morning 4 newspaper which serves England's largest county and you 5 bill yourself Yorkshire's national newspaper, so you'd 6 identify, would you, with the others coming from 7 devolved powers as a national newspaper? 8 MR CHARLTON: I'm sure everyone's familiar with how 9 Yorkshire is treated or Yorkshiremen portray themselves, 10 but it's fair to say that we do bill ourselves as -- 11 LORD JUSTICE LEVESON: Do I need to declare myself as 12 a Lancastrian? 13 MR CHARLTON: Not at all. I'm a Cumbrian. 14 MR BARR: You're an advocate for the region you serve and 15 you put a premium on campaigning and investigative 16 journalism. You tell us that you started as a reporter 17 on the Cumberland Evening News and Star. You moved to 18 the West Cumberland Press Agency and then to the China 19 Daily in Beijing, before moving on to become deputy 20 editor of the Lancashire Evening Post in Preston, the 21 Gazette in Blackpool, the Star in Sheffield and then 22 from 2004 onwards the Yorkshire Post. 23 You are a Society of Editors board member and 24 a founder chairman and current board member of the 25 Johnston Press Editorial Review Group. Recent awards Page 55</p>
<p>1 part of the privately owned Archant group of newspapers, 2 magazines and websites. You've been in the newspaper 3 industry for 39 years, all of this time on daily 4 newspapers, regional and national. You started as 5 a junior on the Star in Sheffield and you've worked on 6 the Daily Mail as a freelancer, the Daily Express as 7 a staffer and the Sunday Express as a freelancer. 8 You rows to an executive production role on the 9 Daily Express before leaving the company when production 10 switched to London in 1989. You held a senior editorial 11 role at the Yorkshire Evening Press in York before 12 moving to Ipswich as deputy editor in 1994. 13 You tell us that the Evening Star has won 17 14 newspaper of the year titles in that time and you're 15 also president of -- you were the president of the 16 Society of Editors in 2008 to 9 and you spent five years 17 as a Society of Editors board member. Last year you 18 were given an honorary Fellowship of the University 19 Campus, Suffolk; is that right? 20 MR PICKOVER: That's true. 21 Q. Mr Charlton next. Are the contents of your witness 22 statement true and correct to the best of your knowledge 23 and belief? 24 MR CHARLTON: They are. 25 Q. You tell us that you have been the editor of the Page 54</p>	<p>1 include the 2011 UK regional newspaper of the year 2 runner-up and O2 Yorkshire newspaper of the year in 2009 3 and 2010. 4 MR CHARLTON: For clarity I should say the China Daily was 5 simply a secondment while I was at the Lancashire 6 Evening Post. 7 Q. I see, thank you. Ms McGeoghan, could you confirm, are 8 the contents of your witness statement true and correct 9 to the best of your knowledge and belief? 10 MS McGEOGHAN: Yes, they are. 11 Q. You tell us in your witness statement that you joined 12 the Manchester Evening News as assistant editor in 1998 13 after nine years at the Liverpool Daily Post and Echo 14 where you held a series of senior roles including 15 features editor and deputy editor. Before that you 16 worked in a freelance agency based in Lancashire and was 17 health correspondent on the Lancashire Evening Telegraph 18 and you're of course presently the editor of the 19 Manchester Evening News and have been from March 2010 20 onwards. 21 You were also editor-in-chief of a number of weekly 22 titles; is that right? 23 MS McGEOGHAN: That's right. 24 Q. We heard from the last panel of witnesses about the 25 economic climate in which you are operating -- Page 56</p>

<p>1 LORD JUSTICE LEVESON: Before you deal with general matters, 2 Mr Barr, I wonder whether I could ask Mr Doran whether 3 he heard the evidence that was given by the predecessor 4 set of four dealing with interreaction with the devolved 5 administrations, whether the Scottish Parliament, the 6 Welsh Assembly and indeed Stormont. 7 MR DORAN: I did indeed. 8 LORD JUSTICE LEVESON: That's not quite the same area that 9 your three colleagues are discussing. No discourtesy 10 was intending in putting you in this group rather than 11 the other; simply fitting five people along the back. 12 But is there anything that you would like to add to that 13 discussion about that relationship which doesn't really 14 impact quite the same way on your colleagues? If you do 15 have anything to add to the particular position that you 16 hold in your relationships with Stormont, maybe we can 17 just link that in to the other evidence we've heard 18 first. 19 MR DORAN: Certainly. Briefly, Mike Gilson mentioned that 20 we have an unusual political structure in Northern 21 Ireland, which is effectively a permanent coalition, and 22 probably we should stress how unusual it is, 108 MLAs 23 106 of those are effectively in parties of government. 24 So our relationship with those parties is always 25 diverse, but I think the question earlier was: could it</p> <p style="text-align: center;">Page 57</p>	<p>1 LORD JUSTICE LEVESON: Okay, thank you very much. Sorry, 2 I just felt that it would be sensible to link that 3 evidence in. 4 MR BARR: Indeed, sir. 5 Back, really, to the question of the present climate 6 in which you're operating. Would you all agree that 7 these are difficult times for newspapers in general, 8 particularly in the regions and in your case in Northern 9 Ireland? 10 MR DORAN: Yes. For me to begin? 11 Q. Please do. 12 MR DORAN: Certainly they are difficult times in terms of 13 circulation, difficult times in terms of advertising 14 revenue. I think everyone would find the same pattern. 15 Our newspaper is a little unusual in that our 16 circulation is ahead of where it was 20 years ago but 17 only just. Most others would have declined 18 substantially in that period and certainly there's 19 pressure on our advertising revenue which in turn puts 20 pressure on our editorial operation. We have to give 21 very careful consideration to what we cover and don't 22 cover, and I'd say most of my colleagues across the 23 regional press would give the same analysis. 24 Q. Mr Pickover? 25 MR PICKOVER: Yes, my newspaper operates in Suffolk and</p> <p style="text-align: center;">Page 59</p>
<p>1 be too close? I think I can confirm it's certainly not 2 too close. We don't see very much of them. They tend 3 to keep us at arm's length, which probably suits both 4 sides. It's probably four years since I saw the First 5 Minister, Deputy First Minister more regularly but 6 infrequently. 7 In previous times under direct (inaudible) from 8 Westminster the Secretary of State would have regularly 9 briefed the Belfast editors. The First Minister and 10 Deputy First Minister are joint office, they are equal 11 status, and they haven't managed to do that since 12 devolution came in in 1999, but let's just say they 13 haven't rushed into it. 14 LORD JUSTICE LEVESON: All right. Is there anything else 15 you'd like to add on those general topics that they 16 spoke about? 17 MR DORAN: No. I would echo most of the points that were 18 put forward. I think it's important to have 19 a constructive relationship with our senior politicians. 20 I don't think it's wise that it should be too close, and 21 it certainly hasn't been. I think mostly, not always, 22 but mostly it's been professional, usually reasonably 23 amicable, but it has its ups and downs. I don't really 24 think it compares to the way things were in London over 25 a period of time.</p> <p style="text-align: center;">Page 58</p>	<p>1 we're hoping in terms of circulation, as in the print 2 product, to declare either a level performance or a 3 slightly increased performance for last year, which is 4 encouraging. 5 In terms of our audience, we are bigger than we've 6 been in a generation. When you add the print 7 circulation to the online figures, we're bigger than 8 when I first started my journey in Suffolk. So we have 9 some things to celebrate. Of course everybody's 10 indicated there are pressures on us from the recession 11 and from some losses in commercial areas. It's our job 12 to be creative to overcome those problems. 13 MR CHARLTON: Similarly I would say that pressure on 14 advertising does of course put pressure on the number of 15 journalists and the resources that you have available to 16 do the job. Our preoccupation in the regional press is 17 the transformation to a digital era and getting our 18 content out across multi-platforms. 19 Q. Ms McGeoghan? 20 MS McGEOGHAN: As well as the Manchester Evening News we 21 have 20 weekly titles in a merged newsroom and 22 circulation on the Manchester Evening News and the paid 23 for weekly titles is declining, but our website has got 24 1.5 million unique users every month and is growing, and 25 I think the challenge for all of us is how we can make</p> <p style="text-align: center;">Page 60</p>

<p>1 more money out of that. Obviously you get advertising                  2 revenue, the more users we've got, but it's two sides of                  3 the story pretty much across the industry.                  4 Q. For those of you who are part of groups, we've heard                  5 some evidence before about the impact of mergers and                  6 acquisitions law on small regional titles that wish to                  7 merge. Is that a problem? Has that been a problem for                  8 any of you?                  9 MS McGEOGHAN: Not specifically. I think the Kent Messenger                  10 decision was a disappointment. I think there's probably                  11 an appetite for more consolidation as we go forward and                  12 anything that could make that easier I think would be                  13 welcome.                  14 MR PICKOVER: It's not been a problem for us.                  15 MR DORAN: Just to declare an interest, more than five years                  16 ago the Irish News did make an objection under the                  17 monopolies legislation to the ownership of the Belfast                  18 Telegraph which was then under Trinity Mirror, and that                  19 objection was ultimately upheld and the Belfast                  20 Telegraph was sold as a result of that between five and                  21 ten years ago. Certainly not in the recent past.                  22 Q. In terms of the pressures, obviously the recession is                  23 one. New media is giving you all a challenge for the                  24 future. Are there any other factors working in the                  25 market which are affecting you? I am thinking here</p> <p style="text-align: center;">Page 61</p>	<p>1 You then point out in paragraph 4 of your witness                  2 statement that the PCC has never ruled that you have                  3 been in breach of its code of practice during the time                  4 that you have been the editor. I wanted to ask you,                  5 given your newspaper's lack of formal systems: what is                  6 it then that is the key to your ethical success                  7 vis-a-vis the PCC?                  8 MR DORAN: If you define it as an ethical success, but we                  9 would be satisfied with the way things have worked out                  10 with the PCC. Because we are an independently owned                  11 newspaper, not part of a wider group, I suppose                  12 inevitably there are more pressures, more duties which                  13 fall upon the desk of the editor, and I would tend to                  14 deal personally with every matter raised by the PCC                  15 where possible.                  16 In practical terms, I effectively do reply to every                  17 communication from the PCC, whether it's at the more                  18 serious end of the scale or the less serious end. We                  19 take it seriously and discuss it with our senior members                  20 of staff, we go through matters with our reporters and                  21 I think we have a very good record for listening to what                  22 the PCC suggests, taking on board their points,                  23 defending our corner if necessary and hopefully learning                  24 lessons along the way.                  25 It is correct that we've never been at the receiving</p> <p style="text-align: center;">Page 63</p>
<p>1 about the rise of free newspapers, perhaps, published by                  2 local authorities. Are they affecting your business at                  3 all?                  4 MR PICKOVER: They are there, but they don't affect our                  5 business. Sometimes we work in harmony with local                  6 authorities. We're aware that some of the weekly groups                  7 particularly might have had issues, but it's not                  8 a problem in my marketplace.                  9 Q. Does anybody want to add to that at all?                  10 MR CHARLTON: I think we're all familiar with the                  11 competition in the printed media, that there is                  12 a plethora of magazines out there which compete for                  13 advertising, and we've dealt with free newspapers for                  14 20-odd years now, so I think it's very much a status quo                  15 in print terms.                  16 Q. I'll move on then to culture and systems. Mr Doran,                  17 there was something which particularly struck me in your                  18 witness statement for those who have come and told us                  19 about very extensive paper systems for corporate                  20 governance incidence. You tell us in paragraph 3 of                  21 your witness statement that the Irish News is an                  22 independent family-owned newspaper and you do not have                  23 your own specific corporate governance policies. It's                  24 plain from what you go on to say that you rely simply on                  25 the PCC code.</p> <p style="text-align: center;">Page 62</p>	<p>1 end of a critical adjudication and there have been some                  2 matters which the PCC have gone through in forensic                  3 detail with us, some involving individuals, some                  4 involving public bodies, right up to as far as the                  5 Minister for Health in our jurisdiction, and we've been                  6 able to defend what we've published, we've been able to                  7 stand over our coverage. We have listened carefully to                  8 the objections and criticisms, taken them on board and                  9 generally speaking I think we've been able to deal with                  10 those and fit in with the provisions of the PCC's code                  11 of practice.                  12 Q. How have you personally as editor inculcated ethical                  13 practice into your reporters?                  14 MR DORAN: Not just reporters. Subeditors, photographers,                  15 staff in all sections of our paper. The paper is                  16 divided, as most papers are, into editorial departments                  17 and you interact very closely with the heads of those                  18 departments and your senior staff generally, so that the                  19 staff have a good idea what you're looking for and have                  20 a good understanding of the PCC's code of practice.                  21 Because, as many people have mentioned, going to law is                  22 a difficult area. It's difficult for the member of the                  23 public or the individual concerned, but it's also                  24 difficult for the newspaper, with considerable risks.                  25 It doesn't happen very often in our part of the</p> <p style="text-align: center;">Page 64</p>



<p>1 world, but when it does, it can be spectacular.                  2 Probably in our case most memorably when a restaurant                  3 review was the subject of a defamation case which we                  4 lost at the lower court. It was a critical review. The                  5 restaurant owner did not like the description of his                  6 restaurant and was awarded £25,000, which left not just                  7 us but almost every newspaper in a non-enviable position                  8 because not just restaurant reviews, book reviews,                  9 cinema reviews, almost every review would have been in                  10 a very perilous position.                  11 So we challenged it at the High Court using the good                  12 offices of Lord Lester, we were ready to go to the                  13 House of Lords but fortunately we did win at the Court                  14 of Appeal. What we did not get was our costs, which was                  15 surprising to us in the circumstances. So at the end of                  16 the day everybody paid on that particular case. We                  17 wouldn't particularly want to go back there. If we had                  18 to, I'm sure we would because our directors stood                  19 solidly behind us, but if we can resolve matters through                  20 the PCC, it's very much in our interests to do so and                  21 it's very much in the interests of the general public as                  22 well.                  23 Q. Mr Pickover, you tell us that the PCC did an away day in                  24 Ipswich and this was an example of the PCC coming out to                  25 spread the word to people, your readership, regional                  Page 65</p>	<p>1 reader complaints. Because if you judge it widely,                  2 we're gatekeeping our own issues. These are issues                  3 which don't go to the PCC. So we have an independent                  4 person who looks at how we've handled those complaints                  5 and has -- it's a he -- has his own column in the paper                  6 every month.                  7 Q. Thank you. Mr Charlton, I'm looking at the Editors'                  8 Handbook which you exhibited to your witness statement.                  9 It's page 10 of the Editors' Handbook. It deals with                  10 the role of the editor and it reads -- it's about                  11 training. It's referring to a training programme:                  12 "This training programme is aimed at editors, deputy                  13 editors and other senior editorial executives and looks                  14 at building an editorial strategy, handling moral,                  15 ethical and legal editorial issues and policy. It is                  16 group policy that newly appointed editors should attend                  17 this workshop within the first three months of their                  18 appointment."                  19 Can I take it that in the group that you work for,                  20 new editors are given training on their role,                  21 responsibilities and ethical conduct?                  22 MR CHARLTON: Yes. Ethics is a major plank of the training                  23 programme for trainee journalists within Johnston Press.                  24 It's also available for all senior journalists. Newly                  25 appointed editors not only have that course, they are                  Page 67</p>
<p>1 newspaper readers. Did you think that that was an                  2 important and valuable part of the regulator's role?                  3 MR PICKOVER: I think it was very useful and I'd welcome                  4 them back tomorrow. I think they went to other places                  5 as well around the country, but they came to us and we                  6 had a very healthy attendance I remember in a church in                  7 Ipswich I attended.                  8 In terms of complaints, I deal with all the                  9 complaints, or my deputy, and anything to do with the                  10 PCC I will personally deal with.                  11 You asked about my members of staff. All my                  12 reporters and editors carry the Editors' Code of Conduct                  13 which is a very useful guide. I don't know whether you                  14 have seen it, but we all have it in our pockets. You                  15 can't get better than that. If you abide by that before                  16 problems, that's part of the solution I think should                  17 happen.                  18 Q. Where do you place the relative emphasis? Is it                  19 important to have the systems in place or to just have                  20 the culture or do you need both in order to stay                  21 ethically afloat?                  22 MR PICKOVER: I think in these times that we're discussing,                  23 it's best to have both. You can't have too much. In                  24 fact, we go one stage further, as you're aware, and we                  25 have an ombudsman who reviews how we've dealt with                  Page 66</p>	<p>1 also mentored by an existing editor who is a friend that                  2 they can ring, that is not directly involved in their                  3 division, but they can ring them and talk to them and                  4 get over any immediate issues that they may have.                  5 That's across the board.                  6 Q. Your evidence on this point is in some distinction to                  7 that which we heard on Monday about the editors of                  8 national newspapers, two of whom told us then that                  9 they'd taken up the position of editor without any                  10 formal training. Do you think there is a valuable role                  11 to play in formal training for new editors?                  12 MR CHARLTON: I think in any senior position you can find                  13 yourself alone within the organisation, and it's often                  14 quite nice to have somebody that you can talk to at the                  15 end of the phone.                  16 Q. Your answer emphasises having the help on the end of the                  17 phone rather than the actual training. Are you trying                  18 to say rather quietly that the training wasn't in fact                  19 very important or --                  20 MR CHARLTON: I've been an editor for 24 years, so I didn't                  21 go on that particular course.                  22 Q. I see. Again, are you --                  23 LORD JUSTICE LEVESON: But have you organised it?                  24 MR CHARLTON: The group development training manager                  25 organised it. I was part of the committee that                  Page 68</p>

<p>1 established it as a training course.</p> <p>2 LORD JUSTICE LEVESON: Have you validated it? What do you</p> <p>3 think of it?</p> <p>4 MR CHARLTON: Personally, I haven't.</p> <p>5 LORD JUSTICE LEVESON: I'm going to press you once more. Is</p> <p>6 there an evaluation that actually demonstrates the worth</p> <p>7 of the course that you set up?</p> <p>8 MR CHARLTON: Obviously there is feedback from the course</p> <p>9 and it is updated on an annual basis.</p> <p>10 LORD JUSTICE LEVESON: So the feedback is positive?</p> <p>11 MR CHARLTON: The feedback must be positive because we're</p> <p>12 continuing to do it. I would imagine that we wouldn't</p> <p>13 be doing it if it wasn't well met.</p> <p>14 LORD JUSTICE LEVESON: Okay.</p> <p>15 MR BARR: Ms McGeoghan, how do you ensure ethical conduct</p> <p>16 for your staff?</p> <p>17 MS McGEOGHAN: I think it's essential that it runs through</p> <p>18 the entire staff and I think that the tone is set from</p> <p>19 the top. All reporters carry the code. I think it's</p> <p>20 part of the contract of employment that they abide by</p> <p>21 it. We also have an internal system where we will</p> <p>22 update any PC -- if there's an ongoing PCC problem, we</p> <p>23 make it known within the editorial computer system that</p> <p>24 there's an ongoing issue there, and I think everybody in</p> <p>25 the office, from me all the way through the staff, know</p> <p style="text-align: center;">Page 69</p>	<p>1 statement you say:</p> <p>2 "Any claim on an issue of public interest should</p> <p>3 normally have two sources."</p> <p>4 Is that essentially a safeguard to ensure that you</p> <p>5 are getting it right?</p> <p>6 MR DORAN: I think that's a reasonable proposition. It's</p> <p>7 very difficult to compare one story with another, very,</p> <p>8 very hard to say that any two issues, even in</p> <p>9 a newspaper in our part of the world, are going to be</p> <p>10 identical, but as a general rule, if a reporter -- and</p> <p>11 it would generally start off with a reporter -- can</p> <p>12 indicate two firm sources in relation to a particular</p> <p>13 claim, we take that pretty seriously and we'll give it</p> <p>14 every consideration for publication.</p> <p>15 Q. If you were publishing on a single source on a public</p> <p>16 interest matter with a journalist who wasn't prepared to</p> <p>17 name his source to you, would you go ahead?</p> <p>18 MR DORAN: I think that would be a difficult one and I think</p> <p>19 we probably wouldn't do it. We certainly have turned</p> <p>20 down stories in the recent past because we know we're</p> <p>21 likely to be challenged and we know we have to be able</p> <p>22 to stand over what we publish. But generally speaking,</p> <p>23 by working closely with the reporter on the news desk,</p> <p>24 you will usually, if you're determined to publish the</p> <p>25 story, come up with the second source as necessary, and</p> <p style="text-align: center;">Page 71</p>
<p>1 that we absolutely insist on treating people with</p> <p>2 courtesy and decency, and even though it was written in</p> <p>3 1921 -- and this goes back to our Guardian Media days</p> <p>4 when CP Scott wrote his famous leader when he was editor</p> <p>5 of the Manchester Guardian about papers should be run</p> <p>6 with honesty, integrity and fairness, courage and with</p> <p>7 a sense of responsibility to the reader and the</p> <p>8 community that we serve, I think that's never been truer</p> <p>9 than it is today.</p> <p>10 Q. So where do you stand on training, particularly ethical</p> <p>11 training for newly appointed editors? Do you think that</p> <p>12 by the time they get to that stage, it's really not</p> <p>13 necessary, or would you support it?</p> <p>14 MS McGEOGHAN: If we have a newly appointed editor who had</p> <p>15 come in from within the group, I think that would be</p> <p>16 good, but like me and my colleagues, we've been around</p> <p>17 quite a long time, I'm in my 30th year as a journalist</p> <p>18 and I've worked my way up through the Evening News, so</p> <p>19 these are not standards that I've set, these are</p> <p>20 standards that have been set for many years and people</p> <p>21 are aware of them.</p> <p>22 Q. Can I move now to the number of sources that you need</p> <p>23 before you publish an article, and accepting that it may</p> <p>24 be a question of horses for courses and it depends on</p> <p>25 the story, but I notice that, Mr Doran, in your</p> <p style="text-align: center;">Page 70</p>	<p>1 maybe even more than that along the way.</p> <p>2 Of course, it really depends on the level of the</p> <p>3 trust that you can place in an individual reporter, and</p> <p>4 I'd like to think that certainly in our case we have</p> <p>5 a very experienced team of reporters and a very</p> <p>6 experienced news desk structure, which I work with very</p> <p>7 closely, and I think we all understand each other and</p> <p>8 I think we know what's required of each other.</p> <p>9 Q. Thank you. Mr Pickover, the question of multiple</p> <p>10 sources, I'm talking here about controversial stories,</p> <p>11 not where the Archbishop of Canterbury has told you he's</p> <p>12 going to resign. On a controversial story and public</p> <p>13 interest issues, a single source, if your reporter won't</p> <p>14 tell you who the source is, what's your approach?</p> <p>15 MR PICKOVER: The first thing is on contentious stories,</p> <p>16 check and cross-check. We would find out. On sources,</p> <p>17 I wouldn't publish a story unless I knew the source.</p> <p>18 I'd have to know the source.</p> <p>19 Q. Mr Charlton?</p> <p>20 MR CHARLTON: I wouldn't publish unless I knew the source.</p> <p>21 As regards how many, people would have to give us the</p> <p>22 information. I think you may take it off one person</p> <p>23 because you're being transparent if you put the</p> <p>24 allegation to the individual before publishing.</p> <p>25 Q. Ms McGeoghan?</p> <p style="text-align: center;">Page 72</p>

<p>1 MS McGEOGHAN: Two sources as a minimum, and as Noel said,</p> <p>2 we have a very experienced group of reporters and a very</p> <p>3 experienced news desk structure, and I trust them. If</p> <p>4 I needed to know the name of a source, I'd be told it.</p> <p>5 Q. I understand from your witness statement that you have</p> <p>6 a computer-based checking system as well?</p> <p>7 MS McGEOGHAN: Yes. That's to do with -- that's a system</p> <p>8 where we upload any court orders we're aware of, court</p> <p>9 advisories, any reader issues that are ongoing, so we</p> <p>10 don't repeat the mistake again, Press Association</p> <p>11 advisories, and they are uploaded into a database. As</p> <p>12 with any database, it's only as good as the information</p> <p>13 that you put in, and when a story is ready to be put on</p> <p>14 the page, it cannot go through the physical process of</p> <p>15 being put on the page until it goes through a legal</p> <p>16 check where there's a cross-match with any troublesome</p> <p>17 words, names or phrases which flashes up the legal</p> <p>18 warning.</p> <p>19 Q. Do you think that that investment was worth it? Do you</p> <p>20 find that that does save you from what would otherwise</p> <p>21 have been trouble?</p> <p>22 MS McGEOGHAN: Yes. It was a piece of software that was</p> <p>23 written in-house about ten years ago and I think it's</p> <p>24 invaluable. It's a great reminder. There are things</p> <p>25 that come up regularly, like naming and the rest, but</p> <p style="text-align: center;">Page 73</p>	<p>1 evidence about?</p> <p>2 MR DORAN: Absolutely.</p> <p>3 Q. Bribery of public officials, payments to officials for</p> <p>4 stories. Have you come across that in your times as</p> <p>5 reporters? Ms McGeoghan, I see you shaking your head.</p> <p>6 Mr Charlton?</p> <p>7 MR CHARLTON: No, I haven't.</p> <p>8 Q. Mr Pickover?</p> <p>9 MR DORAN: We pay our staff, not our sources.</p> <p>10 Q. There are certain circumstances in which subterfuge can</p> <p>11 be appropriate where it's in the public interest. I'd</p> <p>12 like to ask each of you about your approach to public</p> <p>13 interest and the use of subterfuge and in particular</p> <p>14 whether you have any systems and safeguards in place</p> <p>15 when considering using subterfuge. Ms McGeoghan?</p> <p>16 MS McGEOGHAN: I listened to the earlier session with</p> <p>17 interest because I think we're now all trying to work</p> <p>18 out what subterfuge is, is there a definition of it, is</p> <p>19 it somebody going out to buy something, like a test</p> <p>20 purchase or something? If I was to do that and we were</p> <p>21 to do an investigation, obviously I would be very</p> <p>22 involved in it and would let senior editorial people</p> <p>23 within the group know about it.</p> <p>24 Q. If one of your reporters is going under cover, do you</p> <p>25 making a written record beforehand of what is going to</p> <p style="text-align: center;">Page 75</p>
<p>1 with specific issues that are ongoing, to have that</p> <p>2 final check is very valuable indeed.</p> <p>3 Q. Can I move from general questions about ethics and</p> <p>4 practices to ask specific things? This Inquiry was set</p> <p>5 up following the phone hacking scandal. I'm going to</p> <p>6 ask each of you in turn if you've ever come across phone</p> <p>7 hacking for journalistic purposes during the course of</p> <p>8 your careers. Ms McGeoghan?</p> <p>9 MS McGEOGHAN: Never.</p> <p>10 Q. Mr Charlton?</p> <p>11 MR CHARLTON: No, I haven't.</p> <p>12 Q. Mr Pickover?</p> <p>13 MR PICKOVER: No.</p> <p>14 MR DORAN: Not any newspaper I've ever been associated with.</p> <p>15 Q. Does that mean that you've come across it on other</p> <p>16 papers that you've not been associated with?</p> <p>17 MR DORAN: Yes, I've heard it on an anecdotal basis but not</p> <p>18 something I could testify on.</p> <p>19 LORD JUSTICE LEVESON: We've probably all now heard about it</p> <p>20 on an anecdotal basis.</p> <p>21 MR DORAN: Yes, but particularly in Belfast but not</p> <p>22 specifically, quite specifically not in the Irish News</p> <p>23 and not in connection with any of the journalists under</p> <p>24 my jurisdiction.</p> <p>25 Q. And nothing that you feel you could give reliable</p> <p style="text-align: center;">Page 74</p>	<p>1 happen and why?</p> <p>2 MS McGEOGHAN: While I've been editor that hasn't happened</p> <p>3 to my knowledge, but hearing the evidence this morning,</p> <p>4 I think it's a good idea, because if it does go wrong,</p> <p>5 you can go back to the day you made the decision.</p> <p>6 Q. Mr Charlton?</p> <p>7 MR CHARLTON: I've never used subterfuge. I wouldn't rule</p> <p>8 it out providing it was within the law. If it was</p> <p>9 proving a case of a public official taking bribery for</p> <p>10 instance, and you were going to get evidence on it, then</p> <p>11 yes, I could see instances where you might use</p> <p>12 subterfuge. To use your own analogy back.</p> <p>13 Q. Would you record that in writing in advance with your</p> <p>14 reasons?</p> <p>15 MR CHARLTON: I think from today I would do. I think</p> <p>16 previously we would have known about it because it would</p> <p>17 have been the subject of some discussion with our</p> <p>18 lawyers ahead of publication and ahead of doing it.</p> <p>19 There would have been a log of it simply because we'd</p> <p>20 have been paying money out for pre-publication advice.</p> <p>21 Q. Mr Pickover?</p> <p>22 MR PICKOVER: Never used subterfuge. My view is that</p> <p>23 there's always another way, there's always a way around</p> <p>24 to ask your questions. Examples would be that we've had</p> <p>25 reporters in nightclubs swabbing for class A drugs,</p> <p style="text-align: center;">Page 76</p>

<p>1 which we've found, or we've tested security at the port 2 of Felixstowe where we're literally gone in through 3 barriers to find out what their security's like. We've 4 never found the need for subterfuge. 5 Q. Mr Doran? 6 MR DORAN: Never used subterfuge, similar to my colleagues. 7 I probably wouldn't rule it out if the circumstances 8 demanded it. 9 The only other point I would possibly make is every 10 area is different, but in our part of the world we have 11 paramilitary organisations over the years who have 12 turned their attentions to journalists. One was shot 13 dead, another was nearly killed and others have been 14 threatened and attacked along the way. If one of our 15 journalists found themselves in a tight corner and had 16 to be economical with the truth, I'd be perfectly happy 17 with that to get them out of that position, but 18 generally speaking we haven't used subterfuge and 19 I don't think there's circumstances in which we might. 20 Q. Moving to the question of complaint handling, there's 21 been a proposal for a readers' editor as a way of 22 avoiding matters escalating to litigation for dealing 23 with complaints of all shapes and sizes. 24 Can I ask for your reaction to that proposal? 25 Ms McGeoghan?</p> <p style="text-align: center;">Page 77</p>	<p>1 might be more appropriate in a larger group which cuts 2 across different titles. I think our structures have 3 served us fairly well in their present form. 4 Q. There's been another suggestion, that there should be a 5 conscience clause in the contract of each journalist 6 entitling the journalist to refuse to act unethically. 7 What's your reaction to that? 8 MR DORAN: It would probably have to be extreme 9 circumstances involved. It hasn't arisen in my time. 10 No one has come to me and said they have ethically 11 a problem with a story we were undertaking. I think 12 we'd be a fairly mainstream main paper in that regard, 13 but it's not an issue that has come up in my time. 14 Q. So you're suggesting that it's unnecessary? 15 MR DORAN: At this stage, I would have thought so. 16 Q. Mr Pickover? 17 MR PICKOVER: Adherence to the code of practice is in our 18 contracts, as Maria mentioned. We wouldn't see the need 19 for a conscience clause. All our journalists can talk 20 to their management, senior management, whether it's 21 beyond me. Very happy for that to happen. 22 Q. Mr Charlton? 23 MR CHARLTON: I don't think it's necessary. I think 24 honesty, fairness and balance are the principles which 25 guide the majority of regional papers.</p> <p style="text-align: center;">Page 79</p>
<p>1 MS McGEOGHAN: I think I'm the readers' editor. The buck 2 stops with me. And I think within most of our 3 structures we have somebody who will do the initial 4 handling of the complaint or escalate it up and I will 5 respond to complaints myself. We probably already have 6 somebody in there. To bring in somebody just to do 7 that, I think that would be a luxury that we can't 8 afford. 9 MR CHARLTON: I would also regard myself as being the person 10 responsible and I think an apology from the editor 11 carries more clout than it being someone specifically 12 brought in to do the job. 13 Q. Mr Pickover? 14 MR PICKOVER: I'm proud and honoured to be the readers' 15 editor of my readers in Suffolk, but we don't always get 16 it right. We all have to learn the power of being sorry 17 sometimes; we have, as I say, a second tier, which is 18 someone who reviews how we've handled a complaint and if 19 that adjudication goes against us, we publish it. 20 Just briefly, it's not a difficulty to say sorry and 21 to print that in your product, because actually saying 22 sorry, your readers welcome that. 23 Q. Mr Doran? 24 MR DORAN: I think we're of similar mind. We don't have 25 a readers' editor, it's not something we'd rule out. It</p> <p style="text-align: center;">Page 78</p>	<p>1 MS McGEOGHAN: I don't think it's necessary either. 2 Q. Whistle-blowing policies. Mr Doran, you don't have any 3 written policies so you would say you don't need it; is 4 that right? 5 MR DORAN: Well, we may be forced to review our position 6 because we have been dealing with a particular issue 7 within the National Health Service in Northern Ireland. 8 We dealt with a number of sources who we would regard as 9 classic whistle-blowers but the authorities in their 10 area are trying to treat them, as one executive 11 suggested, as a criminal motivation, called in a Home 12 Office team and notified the police about material that 13 we published, which we considered to be beyond doubt to 14 be in the public interest. This is material about 15 physical, sexual and mental abuse which was covered up. 16 This was material in relation to a former cancer centre 17 which was simply abandoned with files and expensive 18 equipment just left to rot, and we published all this 19 absolutely accurately and we find the people who blew 20 the whistle on this under investigation, which we are 21 very concerned about. 22 Q. That's more of a matter of you protecting your source or 23 there being come-back for your source. I'm thinking 24 more about whether procedures are necessary to protect 25 someone within your organisation who wants to come</p> <p style="text-align: center;">Page 80</p>

20 (Pages 77 to 80)

<p>1 forward and blow the whistle on unethical practice.</p> <p>2 MR DORAN: It has to work both ways. If someone wants to</p> <p>3 come forward, I think they have to be protected and</p> <p>4 probably through the provisions of the PCC. I think</p> <p>5 that would be an unusual set of circumstances. I'm not</p> <p>6 aware of a regional newspaper where that has happened,</p> <p>7 and there are something like 85 regional dailies across</p> <p>8 the UK. If it happened, I think we would have to apply</p> <p>9 the same principles to whistle-blowers within our own</p> <p>10 organisation as we do to those in the essential public</p> <p>11 services.</p> <p>12 Q. Do you all agree with that proposition?</p> <p>13 Prominence of apologies. You heard me put to the</p> <p>14 previous witnesses the proposition that the apologies</p> <p>15 should be printed in the same place as the offending</p> <p>16 article. Do you agree with that in principle,</p> <p>17 Ms McGeoghan?</p> <p>18 MS McGEOGHAN: No. I think that could get very complicated</p> <p>19 indeed. If we have a correction and apology, it goes on</p> <p>20 page 2. There's also a section on the website that it</p> <p>21 can go on. That seems to serve us well.</p> <p>22 MR CHARLTON: Clarifications and corrections tend to appear</p> <p>23 on page 5 of the Yorkshire Post. If someone complains</p> <p>24 about a story and it's a serious complaint, we take it</p> <p>25 down from the website whilst we carry out our</p> <p style="text-align: center;">Page 81</p>	<p>1 clarification or correction which you have to address to</p> <p>2 be placed.</p> <p>3 Q. Can we move on to relations with London tabloid</p> <p>4 newspapers. Mr Doran, I'd like to ask whether this</p> <p>5 applies to you. Do you find you're competing on perhaps</p> <p>6 some big story with the London tabloids or is the</p> <p>7 Northern Irish market not like that?</p> <p>8 MR DORAN: It's a little more complicated. The</p> <p>9 Daily Mirror, for example, has a Belfast, a Northern</p> <p>10 Ireland edition which clearly would be competition for</p> <p>11 the Irish News, although they do things slightly</p> <p>12 differently to ourselves. So certainly a degree of</p> <p>13 rivalry there. Not really head-on competition because</p> <p>14 as I say they handle their stories differently, possibly</p> <p>15 competition for readers, and that would be pretty real</p> <p>16 and pretty robust on some occasions.</p> <p>17 The other main London papers would have a much</p> <p>18 smaller presence in our part of the world and a very</p> <p>19 limited readership and it would be difficult to regard</p> <p>20 them as head-on competition.</p> <p>21 Q. Against that background we'll explore the issue in more</p> <p>22 detail. Mr Pickover, Ipswich was the subject of a major</p> <p>23 news story a few years ago when a number of young women</p> <p>24 were tragically murdered by a serial killer and you've</p> <p>25 provided us with some insights into that and we've done</p> <p style="text-align: center;">Page 83</p>
<p>1 investigation. There are one or two exceptions. If</p> <p>2 someone does have an objection to something that might</p> <p>3 have been written in our Saturday glossy magazine and</p> <p>4 it's about a homes article, sometimes the correction</p> <p>5 will stay within the magazine because I accept that</p> <p>6 there are people who read the magazine who don't read</p> <p>7 the main paper and vice versa.</p> <p>8 Q. Mr Pickover?</p> <p>9 MR PICKOVER: Upheld complaints and clarifications appear on</p> <p>10 page 2. I have on several occasions carried corrections</p> <p>11 on page 1. I have no fear of that whatsoever. The</p> <p>12 biggest complaint I often get is that the complaint</p> <p>13 resolution isn't in the same place. Once you reach the</p> <p>14 place that you're not worried about saying sorry, page 1</p> <p>15 is not a problem.</p> <p>16 Q. Mr Doran?</p> <p>17 MR DORAN: Fortunately page 1 corrections are very rare in</p> <p>18 our part of the world. I think page 2, page 5, all</p> <p>19 equally appropriate. I think equal prominence would be</p> <p>20 natural. I should stress that we are a compact</p> <p>21 newspaper, we usually have probably one story on the</p> <p>22 front page. It's not likely there's going to be a whole</p> <p>23 range of stories with issues arising from them. The</p> <p>24 detail will be carried on the inside pages and that's</p> <p>25 where it probably would be appropriate for any</p> <p style="text-align: center;">Page 82</p>	<p>1 research and provided you with some of the news coverage</p> <p>2 of that. Can you help us a little bit. From your</p> <p>3 experience as a regional editor, how did tabloid</p> <p>4 practices differ from your practices when they came to</p> <p>5 town to investigate that story?</p> <p>6 MR PICKOVER: The tabloids investigated -- arrived in great</p> <p>7 numbers to do their investigations, far, far greater</p> <p>8 than the resource I would have. My advantage, of</p> <p>9 course, is being on patch and knowing not only the</p> <p>10 people but the places.</p> <p>11 In terms of their interaction with us, they would</p> <p>12 call us and ask for the latest leads, desperate to beat</p> <p>13 each other to the latest angles. Happy to say that we</p> <p>14 were ahead of them at every point and didn't interface</p> <p>15 with them.</p> <p>16 We also have by way of info the arrival of mass TV</p> <p>17 and radio stations, so we had to deal with those as</p> <p>18 well. I spent a lot of time on TV and on radio stations</p> <p>19 at the time.</p> <p>20 Q. How did they behave? As far as you were aware, did they</p> <p>21 behave perfectly ethically in covering the story or were</p> <p>22 there problems?</p> <p>23 MR PICKOVER: I didn't come across problems. I heard of one</p> <p>24 issue with international press, which was astonishing,</p> <p>25 but with national press, because we didn't need them, we</p> <p style="text-align: center;">Page 84</p>

<p>1 didn't interface with them.</p> <p>2 LORD JUSTICE LEVESON: It's been suggested to me that when</p> <p>3 the nationals come into a local area because of a very,</p> <p>4 very big story, they can trample on the flowers, as it</p> <p>5 were, the relationships that you've developed and then</p> <p>6 leave you to pick up the pieces. Is that fair or not?</p> <p>7 MR PICKOVER: I've witnessed that in the past in other</p> <p>8 places. In this particular case that we're talking</p> <p>9 about, it didn't happen. What we did was launch</p> <p>10 a campaign on behalf of the street sex workers called</p> <p>11 "Somebody's daughter". So when they'd gone, and they do</p> <p>12 go after two or three weeks, they withdraw the tents,</p> <p>13 go, we were able to preserve our relationship with our</p> <p>14 readers.</p> <p>15 MR BARR: What interested me in the documents we have on</p> <p>16 this is there's an article published by your newspaper,</p> <p>17 the Evening Star, on 8 January 2007. There's a printout</p> <p>18 in the bundle. The reporter was Tracey Sparling and the</p> <p>19 piece involved taking the opinion of Tim Crook, a senior</p> <p>20 lecturer in media law and ethics at Goldsmiths</p> <p>21 University, and it was dealing with this very subject of</p> <p>22 when the nationals come to town.</p> <p>23 On page 2, six paragraphs down, it says:</p> <p>24 "Some outlets, national newspapers, rushed to name</p> <p>25 men as suspects without official confirmation and there</p> <p style="text-align: center;">Page 85</p>	<p>1 The Chief Constable's early warning in a press</p> <p>2 release that he'd be looking at contempt of court was</p> <p>3 very helpful in some of the control that was in place</p> <p>4 then. I do see a different set of circumstances in</p> <p>5 Bristol. It changed.</p> <p>6 Q. Can I ask you now whether you feed stories to the</p> <p>7 nationals. It may be that some of the tabloids like to</p> <p>8 print stories that are not the sort of things that you</p> <p>9 would print yourselves. Do you get the situation where</p> <p>10 you get that sort of story and pass it on to the</p> <p>11 nationals? Ms McGeoghan?</p> <p>12 MS McGEOGHAN: We have a syndication department which sells</p> <p>13 our stories to the nationals.</p> <p>14 MR CHARLTON: We have an agency that looks after our</p> <p>15 syndication.</p> <p>16 MR PICKOVER: We have a syndication's internal agency but it</p> <p>17 only processes material that we've published ourselves.</p> <p>18 We don't go any further, if that's what you're alluding</p> <p>19 to.</p> <p>20 Q. If you get a kiss-and-tell coming into the Evening Star,</p> <p>21 you're not interested; is that right?</p> <p>22 MR PICKOVER: I'd have a look at it, but I wouldn't be</p> <p>23 passing it on if I wasn't prepared to publish it.</p> <p>24 Q. I see.</p> <p>25 LORD JUSTICE LEVESON: Depends who's kissing and who's</p> <p style="text-align: center;">Page 87</p>
<p>1 has been the ever-present risk too of contempt of court</p> <p>2 and risk to fair trial."</p> <p>3 Would you endorse those words or not?</p> <p>4 MR PICKOVER: I would. We were very, very careful about the</p> <p>5 law and we spent hours with our lawyers on the topic.</p> <p>6 There was a celebrated photograph of the man who was</p> <p>7 eventually convicted that raised eyebrows and we</p> <p>8 wouldn't have published that photograph. It was</p> <p>9 published in the national press. We were very, very</p> <p>10 careful. Of course, we'd got the Chief Constable just</p> <p>11 there, not just an anonymous Chief Constable. We knew</p> <p>12 him and we worked very closely with Suffolk constabulary</p> <p>13 at the time.</p> <p>14 Q. I raise this because this has echos with what happened</p> <p>15 almost four years later in Bristol when something</p> <p>16 similar happened but with profound consequences because</p> <p>17 they got the wrong man. Were you getting any off the</p> <p>18 record information from the Ipswich police, the Suffolk</p> <p>19 constabulary about this?</p> <p>20 MR PICKOVER: We were talking to the police all the time.</p> <p>21 I recall vividly those dark, dark days, and it was in</p> <p>22 the middle of winter when there was a real fear that</p> <p>23 somebody was about to snatch the latest young lady off</p> <p>24 the streets, so our job was one of community reassurance</p> <p>25 as much as anything.</p> <p style="text-align: center;">Page 86</p>	<p>1 telling.</p> <p>2 MR PICKOVER: Of course.</p> <p>3 MR DORAN: We don't encourage sending material to the London</p> <p>4 papers. It would be relatively unusual and we would</p> <p>5 take a dim view of it. Unless there were very special</p> <p>6 circumstances involved, we would not encourage it.</p> <p>7 MR CHARLTON: It is only on material that we've used</p> <p>8 previously, just to make that point.</p> <p>9 MS McGEOGHAN: Same with me, so it's been through our</p> <p>10 checks.</p> <p>11 Q. Can I ask you about another controversial case, the</p> <p>12 McCann case. I'm going to ask each of you in turn</p> <p>13 whether you covered it and whether you took the same</p> <p>14 line as the nationals did or whether you reported from</p> <p>15 a different perspective. Ms McGeoghan, what did the</p> <p>16 Manchester Evening News do?</p> <p>17 MS McGEOGHAN: I think we took our material from the</p> <p>18 Press Association, so that would have been very</p> <p>19 straightforward and wouldn't have gone as far as all the</p> <p>20 titles. The Press Association is a trusted source.</p> <p>21 Q. Did that land you in hot water in the end or not?</p> <p>22 MS McGEOGHAN: No.</p> <p>23 MR CHARLTON: We also took our copy from the</p> <p>24 Press Association and dealt with it in a similar fashion</p> <p>25 and we didn't have any problems.</p> <p style="text-align: center;">Page 88</p>

<p>1 MR PICKOVER: Exactly the same.</p> <p>2 MR DORAN: The same again.</p> <p>3 Q. There's obviously been an enormous amount of adverse</p> <p>4 coverage about the behaviour of some tabloid</p> <p>5 journalists. Has there been any backlash from the phone</p> <p>6 hacking scandal which has either concerned you as</p> <p>7 journalists or which, worse still, has affected your</p> <p>8 businesses? Ms McGeoghan?</p> <p>9 MS McGEOGHAN: I think there has been a backlash. I've lost</p> <p>10 count now of the number of times I've been asked how you</p> <p>11 hack a phone or what the going rate for paying off</p> <p>12 a policeman is and it's not funny any more. I'm very</p> <p>13 concerned about the perception that we're all using the</p> <p>14 same methods and we're all doing something shady. I'm</p> <p>15 very concerned about that.</p> <p>16 I think one of the things that concerned me most of</p> <p>17 all was just before Christmas I went to talk to some</p> <p>18 journalism students doing an MA in journalism at the</p> <p>19 university and they asked fantastic questions. They</p> <p>20 have whole modules on ethics. It may well be worth</p> <p>21 talking to a student journalist. They are a lot more</p> <p>22 clued up than I was when I was 21. And they asked great</p> <p>23 questions about self-regulation, about this Inquiry,</p> <p>24 about the PCC.</p> <p>25 LORD JUSTICE LEVESON: Yes, we had a similar session with</p> <p style="text-align: center;">Page 89</p>	<p>1 to defend my journalists to the hilt. In the end,</p> <p>2 I didn't have to.</p> <p>3 Q. Mr Doran?</p> <p>4 MR DORAN: It's clearly a problem for the image and the</p> <p>5 reputation of journalism but, similar to my colleagues,</p> <p>6 I don't think there's been a backlash in our part of the</p> <p>7 world. I don't think those practices apply to us. As I</p> <p>8 said earlier, 85 regional dailies, several hundred</p> <p>9 regional weeklies. The problem largely, as we can see,</p> <p>10 is confined to three or four titles in London.</p> <p>11 But I think we have to accept our responsibilities.</p> <p>12 We have to be able to demonstrate that our standards are</p> <p>13 as high as possible and I'd like to think we can do so.</p> <p>14 LORD JUSTICE LEVESON: I think it's very interesting that</p> <p>15 you say nobody has had a go at your titles, yet all the</p> <p>16 students -- they've not had a go at you, but they've all</p> <p>17 assumed that you've known how to indulge in these</p> <p>18 practices, which is actually what I've heard otherwise;</p> <p>19 people say, "We're all tarred with the same brush", and</p> <p>20 I think it's a very, very important part of the work of</p> <p>21 the Inquiry to demonstrate that that isn't so and to</p> <p>22 allow titles to celebrate the very good work they've</p> <p>23 done without in any sense ignoring the issues that we</p> <p>24 have to address. In other words, exactly what you said,</p> <p>25 Mr Doran. We have to address the problem, but I've been</p> <p style="text-align: center;">Page 91</p>
<p>1 professors of schools of journalism. I was rather</p> <p>2 disturbed to hear there was a module in one of their</p> <p>3 papers on the Inquiry. I asked for foresight of the</p> <p>4 answers.</p> <p>5 MS McGEOGHAN: I think they do quite a lot of ethics, but</p> <p>6 what concerned me was at the end of this question and</p> <p>7 answer session I said -- about 40 of them -- I said,</p> <p>8 "How many of you have had friends and family saying,</p> <p>9 "What on earth do you want to go into journalism as a</p> <p>10 career for?" and they pretty much all agreed. I think</p> <p>11 that's very worrying and very sad.</p> <p>12 MR BARR: Mr Charlton?</p> <p>13 MR CHARLTON: I think throughout the regional press there</p> <p>14 was a feeling of annoyance and shock and being let down.</p> <p>15 We have a lot of talented journalists in the regional</p> <p>16 press who work very hard lawfully, honestly and with</p> <p>17 transparency to achieve what we do on a daily basis, and</p> <p>18 they get paid considerably less than our national</p> <p>19 counterparts. So I think there was a feeling of</p> <p>20 annoyance.</p> <p>21 Q. Mr Pickover?</p> <p>22 MR PICKOVER: I was very worried at the time because, like</p> <p>23 my colleague, I was sure that there would be a backlash.</p> <p>24 In my community, there wasn't one phone call, there</p> <p>25 wasn't one letter attacking us, and I've been prepared</p> <p style="text-align: center;">Page 90</p>	<p>1 very keen to make sure that we publicise all that is</p> <p>2 good about our press and the significance that it plays</p> <p>3 in our society. That's one of the reasons why you're</p> <p>4 here.</p> <p>5 MR BARR: Being very conscious with this question that it's</p> <p>6 not every national tabloid reporter, far from it, just</p> <p>7 some who have brought the profession into disrepute,</p> <p>8 we've noticed in the evidence that a large number of the</p> <p>9 reporters on national tabloid newspapers started off</p> <p>10 their careers in the regional press and then moved on to</p> <p>11 the national press. I want to know whether you keep in</p> <p>12 touch with some of your former staff who have moved on</p> <p>13 to the nationals and what they say to you about the</p> <p>14 ethical pressures on them working within the London</p> <p>15 tabloids. Is it something in the water or is it</p> <p>16 something else that's led to the problems we've had?</p> <p>17 Ms McGeoghan, have you had feedback?</p> <p>18 MS McGEOGHAN: I can't -- just trying to think of anybody</p> <p>19 I know that has moved on to a national title that we've</p> <p>20 kept in touch with. I don't have that level of</p> <p>21 feedback.</p> <p>22 Q. Mr Charlton, can you help us with any feedback?</p> <p>23 MR CHARLTON: No I can't.</p> <p>24 Q. Mr Pickover?</p> <p>25 MR PICKOVER: They move on. I do keep in touch but</p> <p style="text-align: center;">Page 92</p>

<p>1 absolutely no feedback on that front.                  2 Q. Mr Doran?                  3 MR DORAN: I had lunch today with a former colleague, but                  4 he's now on a national broadsheet, not a tabloid, and                  5 I suppose we're a little duller than some of the others.                  6 LORD JUSTICE LEVESON: A little duller?                  7 MR DORAN: A little duller. Not nonexistent, but a little                  8 duller.                  9 MR BARR: I see. Can I move then on to the question of                  10 relations with the police. We touched on this a little                  11 already but can you help us with your attitude to                  12 off-the-record conversations with police officers? Our                  13 last witnesses seemed to think that it was an important                  14 part of what they did and ethically gave rise to no                  15 questions on the journalists' side of the equation, at                  16 least. Do you share that view, McGeoghan?                  17 MS McGEOGHAN: I think it's an important part of what we do                  18 if you have trusted crime reporters and they have                  19 a trusted relationship with somebody within the police                  20 force and it's all about getting information that                  21 hopefully, you know, leads to the solving of the crime.                  22 Q. Mr Charlton?                  23 MR CHARLTON: I'm sure that's why we have specialists. We                  24 take trouble over having reporters who have specialisms                  25 so that they can cultivate contacts.</p> <p style="text-align: center;">Page 93</p>	<p>1 a reasonable set of relationships.                  2 Q. In terms of press officers, which we heard a little                  3 about from the last panel, are you finding that the                  4 police forces are trying to put a bit of distance                  5 between the rank and file and to manipulate their                  6 information flows -- I use that in a non-pejorative                  7 sense -- through press offices? Ms McGeoghan?                  8 MS McGEOGHAN: I think there is an awareness of that                  9 happening. I've heard your name, sir, included in the                  10 conversation when we're talking about information.                  11 I think it's very difficult now to -- if you try and                  12 talk to a senior investigating officer on one particular                  13 ongoing crime, it's quite difficult to get hold of them,                  14 but we regularly ask representatives of the police to                  15 come in, to talk to us, explain the family liaison                  16 officers, their relationship, and how that works.                  17 But I mentioned in my statement on the other side of                  18 that, last year Greater Manchester police tweeted every                  19 single crime that happened within 24 hours, which we                  20 carried on our website, which was remarkable and just                  21 showed just how much was going on.                  22 Q. Indeed, as I said to the last panel, it's clear from                  23 your witness statements, all of which are being posted                  24 on the web, that the regional press does a very great                  25 deal to assist the police with their work in capturing</p> <p style="text-align: center;">Page 95</p>
<p>1 Q. Mr Pickover?                  2 MR PICKOVER: I deal with senior police officers on an                  3 almost daily basis. I squabble with them on an almost                  4 weekly basis. That's to do with stories that might not                  5 come out, but the relationship is very, very good and                  6 I have one quick example.                  7 Last summer when the riots were going on in London,                  8 I took a call from an assistant chief constable who was                  9 very worried that these riots would spread 60 miles up                  10 the road to Ipswich. We worked very closely together                  11 over three days. I was able to do stories reassuring                  12 the community. There was a real threat, one night the                  13 crowd gathered ready to set fire to things, and we                  14 helped the police and they thanked us for it afterwards.                  15 It's vital to have relationships with police.                  16 Q. Mr Doran?                  17 MR DORAN: Relationships are generally good. It's slightly                  18 unusual that at the height of our Troubles or several                  19 disturbances we had a state of the art police press                  20 operation which was available to us 24 hours a day,                  21 seven days a week. Sadly that's no longer the case.                  22 It's probably progress, although it does bring its                  23 frustrations when the office closes early at weekends                  24 and we can't get vital information from those sources                  25 but we still try all the same and I think we have</p> <p style="text-align: center;">Page 94</p>	<p>1 criminals.                  2 LORD JUSTICE LEVESON: I'm just interested to ask about the                  3 way in which what I am doing is being represented to you                  4 as impacting on what information you should get from the                  5 police.                  6 MS McGEOGHAN: I think it's -- I think, as our industry is                  7 doing, everybody's tightening up in-house I think is the                  8 process that people are going through, and they're                  9 looking at what they used to do on a regular basis and                  10 thinking should we carry on doing that? I think in                  11 general it's -- it was mentioned in this morning's                  12 session -- it's harder to get information about                  13 day-to-day crimes than it was when I was a reporter and                  14 we used to ring up the police station first thing in the                  15 morning and find out what happened overnight. It's                  16 harder to do that.                  17 MR BARR: Mr Charlton, what do you make of the use by the                  18 police of press offices?                  19 MR CHARLTON: It's a handicap to us doing the job properly,                  20 but undoubtedly there's a growing use of press offices                  21 amongst all public bodies and again it's -- it has to be                  22 down to old-fashioned reporting of cultivating contacts                  23 and being -- and our involvement in the community so                  24 that we get to the people who are making the decisions                  25 rather than effectively being fed a smoke screen.</p> <p style="text-align: center;">Page 96</p>



<p>1 Q. Mr Pickover?</p> <p>2 MR PICKOVER: Police resources are under pressure, like many</p> <p>3 organisations, Norfolk and Suffolk constabulary have</p> <p>4 just merged their back office functions, including press</p> <p>5 office. It's very tight for them too. I judge it as</p> <p>6 press offices for our reporters, including the crime</p> <p>7 reporter. My job is to come in at a strategic level and</p> <p>8 to deal with other things.</p> <p>9 It's not just the police, though. I've noticed that</p> <p>10 the fire brigade, that ambulance services and the police</p> <p>11 all operate behind an electronic fence, which is</p> <p>12 convenient to them because they are tightly resourced.</p> <p>13 Q. Mr Doran?</p> <p>14 MR DORAN: Just to touch on the theme that Peter mentioned</p> <p>15 there, there's been an enormous growth in the number of</p> <p>16 press officers across the various services. The police</p> <p>17 have gone in the other way, they're tighter in terms of</p> <p>18 their resources, but the devolved struggles at Stormont</p> <p>19 have an astonishing number of press officers, more than</p> <p>20 the total number of reporters in Belfast. At some</p> <p>21 stages it looks as though they've got us surrounded but</p> <p>22 we'll keep an eye on them.</p> <p>23 Q. That takes us nicely into contact with politicians.</p> <p>24 Perhaps I can put it in this broad way. How do you see</p> <p>25 the relationship that you have with politicians? Is it</p> <p style="text-align: center;">Page 97</p>	<p>1 LORD JUSTICE LEVESON: I must ask: with what effect?</p> <p>2 MS McGEOGHAN: I'm still waiting.</p> <p>3 LORD JUSTICE LEVESON: All right.</p> <p>4 MS McGEOGHAN: To be fair, he listened to all our concerns.</p> <p>5 MR BARR: Do you trade anything in return for assurances</p> <p>6 that they will take steps in Manchester's favour?</p> <p>7 MS McGEOGHAN: No.</p> <p>8 Q. Coverage, articles, anything like that?</p> <p>9 MS McGEOGHAN: No.</p> <p>10 Q. Mr Charlton, your relationship with politicians?</p> <p>11 MR CHARLTON: We have a political dimension to our</p> <p>12 reporting. We're one of the few regional papers still</p> <p>13 to have a dedicated reporter at Westminster. One of our</p> <p>14 current campaigns is in fact a very political campaign</p> <p>15 which is a fair deal for Yorkshire, speaking up for the</p> <p>16 region. It's not just a whinge. It followed the demise</p> <p>17 of the Regional Development Agency, et cetera, and it</p> <p>18 was impossible to engage the government on regional</p> <p>19 policy, and we got together with some prominent business</p> <p>20 people and councils and effectively provided a bank of</p> <p>21 60 ideas for the government to implement to kickstart</p> <p>22 the economy and narrow the north/south divide. That's</p> <p>23 had all party support and I would think every MP in the</p> <p>24 region has been in touch with me over that. And all</p> <p>25 three party leaders have responded. And, in fact, some</p> <p style="text-align: center;">Page 99</p>
<p>1 right or are there problems with it? I'm coming from</p> <p>2 the point of view of the balance of power. Are you as</p> <p>3 editors controlling what goes out to significant numbers</p> <p>4 of readers and they as politicians in political power?</p> <p>5 Ms McGeoghan?</p> <p>6 MS McGEOGHAN: I think we have contact with local</p> <p>7 politicians because they are the public representatives</p> <p>8 of our readers. We have quite a few who write columns</p> <p>9 within our weekly papers that we don't pay for. A whole</p> <p>10 political hue. And to general politics, I think the</p> <p>11 role of the Manchester Evening News is to fight for</p> <p>12 Manchester. Whoever is in power, that's what we do.</p> <p>13 Q. So when you say you fight for Manchester, does that mean</p> <p>14 that you try and influence politicians to do things</p> <p>15 which are in Manchester's interests?</p> <p>16 MS McGEOGHAN: I would like to do that, yes. I try and put</p> <p>17 Manchester's cause wherever I can.</p> <p>18 Q. How do you do that?</p> <p>19 MS McGEOGHAN: For instance, like the budget settlement for</p> <p>20 Manchester, nobody in Manchester thought that was very</p> <p>21 fair. We didn't as a newspaper and we've made that</p> <p>22 known. We had a petition. I went to a Downing Street</p> <p>23 function and had a conversation with Mr Cameron himself</p> <p>24 about it.</p> <p>25 Q. Do you ever trade --</p> <p style="text-align: center;">Page 98</p>	<p>1 things have happened as a consequence of doing that.</p> <p>2 So we are very much involved with our MPs and</p> <p>3 government ministers.</p> <p>4 Q. If I'm understanding it correctly, you're giving voice</p> <p>5 to regional lobbyists?</p> <p>6 MR CHARLTON: Yes.</p> <p>7 Q. Trying to lobby national politicians?</p> <p>8 MR CHARLTON: Yes. We're filling a void.</p> <p>9 Q. How do you go about that with the national politicians?</p> <p>10 MR CHARLTON: First and foremost, we launched the campaign</p> <p>11 in the paper. I delivered the paper to Downing Street.</p> <p>12 I made sure that the paper was in the hands of all the</p> <p>13 politicians and we printed off, in this instance,</p> <p>14 separate pamphlets, borrowing the idea from the Editors'</p> <p>15 Code of Contact in a similar format, to make sure that</p> <p>16 they had copies, that they could be handed out, and we</p> <p>17 did the same with local politicians as well.</p> <p>18 Q. I'm not suggesting there's anything wrong in this at</p> <p>19 all, I'm simply trying to work out what happens. Is it</p> <p>20 understood that the fact of the lobbying is going to be</p> <p>21 reported and also the outcome?</p> <p>22 MR CHARLTON: Yes, of course. And MPs do use us as a sort</p> <p>23 of litmus test for what's going on in the area. We're</p> <p>24 a very strong business paper, so MPs who are interested</p> <p>25 in business and what's happening in particular sectors</p> <p style="text-align: center;">Page 100</p>

25 (Pages 97 to 100)

<p>1 will seek meetings. So will government ministers when                  2 they happen to be in the region.                  3 Q. Thank you. Mr Pickover?                  4 MR PICKOVER: We have strong relationships with our local                  5 councillors. We have very strong relationships with our                  6 MPs. The three MPs covering our part of Suffolk all                  7 have columns in my paper that are exclusive to my paper.                  8 We don't pay for them. They have a right to withdraw at                  9 any moment or I have a right to stop them if I feel like                  10 it. It's a healthy relationship. I wouldn't go walking                  11 with them on Boxing Day necessarily, but it's a healthy                  12 relationship, and I'm very pleased that I have it.                  13 Q. What do you do to secure for your readers from the local                  14 politicians what it is that you think your readers want?                  15 MR PICKOVER: It's very much fighting for my town. It's my                  16 job to fight for Ipswich harder than Maria fights for                  17 Manchester, and I'll do that at every point of the day.                  18 I find the relationship very, very helpful. I can find                  19 out what's going on at Westminster, they can find out                  20 what's going on locally.                  21 It's not just the sitting MPs as well. The                  22 respective Labour candidate also has a column, so it's                  23 across the political hue that we carry this material.                  24 It's useful what you might call reader content.                  25 Q. You're describing a flow of information. Are you then</p> <p style="text-align: center;">Page 101</p>	<p>1 a slightly different subject always to Yorkshire.                  2 MR BARR: The final topic I'll move to is the future. Can                  3 we start with perhaps the present and the PCC.                  4 Ms McGeoghan, perhaps you could start us off by giving                  5 your take from your experience about how effective the                  6 PCC has been.                  7 MS McGEOGHAN: In my experience, I think it's very                  8 effective. I think to have an adjudication against you                  9 is a badge of shame for a paper and we'll work very hard                  10 to make sure that that doesn't happen. As I say,                  11 I talked about, all the staff know all the -- carry the                  12 code and know how we do things. And I think we have                  13 a contract of trust with our readers. They have to                  14 trust us, and if we had a constant stream of                  15 apologies -- of corrections and apologies as a result of                  16 something that's gone wrong within the PCC code, that                  17 breaks that contract of trust.                  18 So in my experience, they've been very good, it                  19 works for us, and we've also used them for                  20 pre-publication advice as well.                  21 Q. Do you find the pre-publication service valuable?                  22 MS McGEOGHAN: Yes.                  23 Q. In terms of complaints, we haven't asked you for precise                  24 statistics and I'm not going to put you on the spot                  25 about that now, but can you give us at least some</p> <p style="text-align: center;">Page 103</p>
<p>1 using that information as the basis for stories about                  2 Ipswich?                  3 MR PICKOVER: If we get stories about Ipswich and we can                  4 fight even harder for Ipswich, we will do so.                  5 Q. And issues which affect Ipswich?                  6 MR PICKOVER: Yes.                  7 Q. Mr Doran?                  8 MR DORAN: I suppose every paper is different. I find it                  9 striking that Nigel has three MPs in his region and they                  10 are all his columnists. We have 18 MPs in our region                  11 and none of them are going to be our columnists if they                  12 can do anything about it. I'd like to think we respect                  13 them, that we have a good relationship with them, but                  14 it's different because it's not just a regional                  15 identity. We have a national identity to look at in our                  16 part of the world and, as the title of our newspaper                  17 implies, we're from a particular tradition and a                  18 particular background but it's very important to respect                  19 all traditions and to express the hand of friendship,                  20 which I hope we do, to politicians and elected                  21 representatives from all traditions. But they won't                  22 necessarily agree with us, despite our best efforts.                  23 LORD JUSTICE LEVESON: That's one of the reasons I took this                  24 issue with you at the very beginning, because it really                  25 fitted into the national picture that you have, which is</p> <p style="text-align: center;">Page 102</p>	<p>1 indication of the sort of level of complaint you get?                  2 MS McGEOGHAN: On the go at the moment we have probably two                  3 or three, and I think -- actually, I spoke to Lord Hunt                  4 about this when I met him before Christmas -- I would                  5 always rather try and resolve a complaint myself and                  6 then the PCC be the next stage. I think the -- we                  7 talked about on the website, on the top of the website                  8 it says "Complain here", there's a section, and further                  9 down it says, "You might want to take it up with the                  10 newspaper directly yourself first". I discussed with                  11 him possibly turning round the emphasis on that. But at                  12 any given time, we probably have a couple that we're in                  13 the process of resolving.                  14 Q. Could I ask the gentlemen if any of you are unhappy with                  15 the present state of affairs or whether you think that                  16 there is a need for change? Mr Charlton, do you think                  17 there's a need for change?                  18 MR CHARLTON: I think the PCC have done a very good job for                  19 the regional press. I think at times, sort of picking                  20 up on Maria's point, in the last couple of years they've                  21 probably adjudicated on something or dealt with                  22 something that they could -- they could or should have                  23 put back to the newspaper first, but that we haven't had                  24 chance to actually talk to the complainant and arrive at                  25 a solution.</p> <p style="text-align: center;">Page 104</p>

<p>1 I think that there probably is an expectation from 2 the public, and indeed the industry, that there will be 3 change. 4 Q. Not because of your experience with the PCC but -- 5 MR CHARLTON: Not -- yes, for other reasons. 6 Q. Mr Pickover, do you agree with that? 7 MR PICKOVER: I do. We've had a lot of time for the PCC. 8 It's not a letter that you like to receive. In my case, 9 it's probably once or twice a year. They have a very 10 good role in adjudicating and coming up with an agreed 11 settlement, and in fact that was the last one we dealt 12 with. It was on an online caption, so it did cover the 13 online publication as well. So, yes, we work very 14 closely with the PCC. 15 Q. If your experience of the PCC has been perfectly 16 satisfactory, are you accepting of the need, because of 17 national events for there to be a change? 18 MR PICKOVER: I am indeed. I think there is an expectation, 19 as Peter says, that we'll beef things up and change 20 certain things, but we shouldn't throw out the good 21 things that the PCC does. You also asked if we'd 22 improve it in any way. I'd just get them a lot quicker 23 because solving issues speedily is in everybody's 24 interests. 25 Q. Mr Doran?</p> <p style="text-align: center;">Page 105</p>	<p>1 like to think that the PCC is the best structure for 2 that in the present circumstances for the regional press 3 and I think that's the way it has been for quite some 4 time. 5 LORD JUSTICE LEVESON: It might be that if one has 6 a mechanism that is multifaceted, that a complaints 7 system which doesn't lead to a regulatory disciplinary 8 time system, which is not dissimilar from the present, 9 may well work for 99 per cent of all your concerns. 10 MR DORAN: I think that would be fair comment. 11 LORD JUSTICE LEVESON: Concerns that address the regional 12 press. And that one could never get into any sort of 13 rather more structured regulatory framework, because 14 what you're doing isn't generating that sort of issue. 15 Would that be fair? 16 MR DORAN: I think that's fair comment, sir. 17 MR BARR: Just to link in the way the tabloids have reported 18 on stories which might have had a local element relevant 19 to your titles with the future of regulation, have you 20 felt at any competitive disadvantage because of the way 21 in which certain papers might have published stories 22 nationally in comparison to the way in which you take 23 perhaps a more cautious approach? Is that an issue for 24 you at all or not? 25 MR CHARLTON: I'm operating in a different market insofar as</p> <p style="text-align: center;">Page 107</p>
<p>1 MR DORAN: People may become uneasy when they hear regional 2 editors being unanimous about the benefits of the PCC 3 test on a regular basis and we deal with I would say 4 possibly two or three complaints a month at our level. 5 They could come from almost anywhere in the recent past, 6 maybe a supporter of a dissident paramilitary group. 7 Most recently a gentleman who describes himself as 8 a dissident bishop complained to us, but you have to 9 deal with them all. You have to see where you get to 10 and I think the PCC has a very good track record. 11 I accept it's been different in London. 12 LORD JUSTICE LEVESON: I think that's the point, isn't it? 13 It may be that at the level of complaint such as you 14 have had to address, these are amenable to apology and 15 swift resolution. I take your point about how swift. 16 But there comes a tipping point, if behaviour goes over, 17 the accidental or unintended error, that the system 18 doesn't really cope with that at all. Would that be 19 fair? 20 MR DORAN: Probably, but I suppose if you're in a position 21 whereby arguably the Prime Minister found himself 22 striving to cope with an issue, you can see the 23 difficulties that the PCC faced. It's not as grave as 24 that at our level. It's unlikely to be. There are 25 issues. I'd like to think we deal with them and I'd</p> <p style="text-align: center;">Page 106</p>	<p>1 in the main my competitors are the Daily Telegraph, the 2 sales, the Daily Telegraph or the Daily Mail, they're 3 the nearest national titles that sell in Yorkshire. We 4 tend to deal with the social and political dimension of 5 news as opposed to celebrity news that we've heard about 6 earlier today. 7 Q. Does anybody -- 8 MS McGEOGHAN: I don't really think it's an issue. 9 MR PICKOVER: I've always found that we can do what we do 10 adhering to codes and happily leave the nationals 11 following us up later. 12 MR DORAN: I'm probably in agreement there. 13 Q. So if everything's been explored, if there were to be 14 a new regulatory structure, do you have anything to say 15 on the question of the cost of that new structure and 16 how it should be funded? 17 MS McGEOGHAN: I think if we go right back to the beginning 18 when we were talking about the troubles that the 19 industry was facing, and I know it was mentioned earlier 20 by the other panel, I think we all wouldn't want 21 anything more complicated or more expensive. 22 Q. Do you all agree with that proposition? 23 MR PICKOVER: Creative ways of finding the funding. 24 MR CHARLTON: Yes. 25 Q. The principle the polluter pays? Does that find favour</p> <p style="text-align: center;">Page 108</p>

27 (Pages 105 to 108)

<p>1 with you?</p> <p>2 MR DORAN: In terms of the exemption from VAT, I think</p> <p>3 that's a reasonable proposition.</p> <p>4 LORD JUSTICE LEVESON: I think that might have legal issues,</p> <p>5 unless you have some legal advice that I don't know</p> <p>6 about.</p> <p>7 MR DORAN: Maybe not quite within the framework we have</p> <p>8 here.</p> <p>9 LORD JUSTICE LEVESON: No.</p> <p>10 MR BARR: I'm thinking of more generally. Would a cost</p> <p>11 structure which put the cost on the wrongdoing party see</p> <p>12 favour with you if it were that certain tabloid</p> <p>13 practices gave rise to more complaints than the sort of</p> <p>14 work that you do?</p> <p>15 MR CHARLTON: We'd have to guard against an increase in</p> <p>16 trivial complaints, which is probably a downside of that</p> <p>17 going forward.</p> <p>18 Q. What if anything do you have to say about ensuring that</p> <p>19 there's a proper regional voice in any regulatory body</p> <p>20 going forwards?</p> <p>21 MS McGEOGHAN: I think earlier on somebody mentioned there</p> <p>22 might not be editors on the panel any more. I certainly</p> <p>23 think the experience gained over years within regional</p> <p>24 newspapers or national newspapers should be used in some</p> <p>25 way. And it may be that we end up with a two-pronged</p> <p style="text-align: center;">Page 109</p>	<p>1 it as a little guide to our working lives and --</p> <p>2 LORD JUSTICE LEVESON: Almost all the witnesses have spoken</p> <p>3 of the value of the code. Whether it needs tweaking or</p> <p>4 not is another point, but the general value of the code</p> <p>5 has been identified. The extent to which it's followed</p> <p>6 is perhaps something else, but the code itself has been</p> <p>7 much applauded.</p> <p>8 MR PICKOVER: Yes. Since we adopted our ombudsman approach</p> <p>9 seven years now, we've noticed complaints dwindle, which</p> <p>10 is a very interesting point.</p> <p>11 MR CHARLTON: There's a great deal of good in what we do and</p> <p>12 as an industry we're probably not very good as getting</p> <p>13 that message out about what we do because dog eats dog.</p> <p>14 LORD JUSTICE LEVESON: That works the other way. There is</p> <p>15 a very great deal about the good that you do, but dog</p> <p>16 doesn't eat dog, and therefore the fear is that you only</p> <p>17 expose when things don't go right, that things aren't</p> <p>18 going right. That's the concern that's expressed that's</p> <p>19 in the formulation about how one -- you look to all the</p> <p>20 organs with whom you come into contact: the police,</p> <p>21 local authorities, health bodies, politicians, whatever,</p> <p>22 judges, courts, and hold us to account. That's</p> <p>23 absolutely your job. The question is: who is holding</p> <p>24 you to account?</p> <p>25 But I've got the point.</p> <p style="text-align: center;">Page 111</p>
<p>1 situation where we have a standards arm and a complaints</p> <p>2 side of it. That might be something we could work</p> <p>3 towards.</p> <p>4 MR CHARLTON: I would still like to see working editors</p> <p>5 involved and again I don't know whether they should be</p> <p>6 actually on the Commission or whatever, the Commission</p> <p>7 mark two, or they should operate as an advisory board</p> <p>8 working alongside.</p> <p>9 MR PICKOVER: An editor's voice but not necessarily a</p> <p>10 dominating editor's voice.</p> <p>11 MR DORAN: I have an open mind on working editors. I don't</p> <p>12 really see the need for a regional representative from</p> <p>13 my area. If it happens, fine. If it's not there, we</p> <p>14 can live with that.</p> <p>15 Q. Finally, is there anything else that any of you would</p> <p>16 like to say now to the Chairman about the future of</p> <p>17 regulation or if you don't want to say it now, you're</p> <p>18 very welcome to make further submissions in writing.</p> <p>19 Now is your chance if you wish to say anything orally.</p> <p>20 MR PICKOVER: Just one thing. It would be along the lines</p> <p>21 of preventive being better than restorative and working</p> <p>22 very closely as we do with the Editors' Code and using</p> <p>23 that little pocket guide that we have is a great way to</p> <p>24 stop complaints happening, and we do that all the time.</p> <p>25 We refer to it. We're not holier than thou, we just use</p> <p style="text-align: center;">Page 110</p>	<p>1 MR BARR: Unless there's anything else that you'd like to</p> <p>2 add, those are all the questions that I have for you.</p> <p>3 Thank you very much indeed for taking the trouble to</p> <p>4 come.</p> <p>5 LORD JUSTICE LEVESON: Thank you for taking the trouble to</p> <p>6 come. I think I've said it to you or maybe I said it to</p> <p>7 the another group, the presence of editors from outside</p> <p>8 the bubble that represents Fleet Street is, I think,</p> <p>9 extremely important to make the point that you have each</p> <p>10 in turn tried to make about the differences, about the</p> <p>11 value of your work and the important value of regional</p> <p>12 journalism. Thank you all.</p> <p>13 Right. That's it. 10 o'clock on Monday.</p> <p>14 (4.50 pm)</p> <p>15 (The hearing adjourned until 10 o'clock</p> <p>16 on Monday, 23 January 2010)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 112</p>

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