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Karen Bradley MP
Secretary of State for Culture, Media & Sport
4th Floor
100 Parliament Street
London SW1A 2BQ

Tuesday, January 3, 2017

Dear Ms Bradley,

DCMS Consultation into Section 40 of the Crime and Courts Act 2013 and Leveson Inquiry Part II

I am writing to you in response to the above consultation in my capacity as editorial director of Baylis Media Ltd, the independent publisher of the Maidenhead Advertiser and the Slough and Windsor Express weekly newspapers.

Baylis Media Ltd is not part of any larger publishing group. Indeed, the company is unique in the world of local newspapers in that it is owned by a charitable trust which receives at least 80 per cent of our profits which are then used to support the community served by our publications.

As would be expected from an independent publisher that counts both Her Majesty the Queen and the Prime Minister as residents in the area we cover, Baylis Media Ltd prides itself on its high standards of fair, accurate and balanced public benefit journalism. We champion local causes, provide a voice for our community and hold those in authority to account without fear or favour.

The Maidenhead Advertiser and the Slough and Windsor Express have served their readers respectively since 1869 and 1812. However, we now find ourselves operating in an increasingly difficult financial climate and I genuinely fear the costs sanctions contained in Section 40, if activated, could spell the end of local newspapers like ours.

One of the main reasons people complain about our reporting is because they do not like that we have chosen to run a story – such as a court report about them. Genuine complaints are dealt with quickly and without fuss under our rigorous complaints procedure. If we get it wrong – we put it right in the next available edition.



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Section 40 will encourage a flood of risk-free complaints from people who either wish to prevent us from publishing a story about them, or to punish us for already doing so.

Only last week I received a threat of a libel action from lawyers acting for a convicted sex offender over an accurate and privileged report of his conviction, with a menacing reference to the risks we faced if we did not remove the story from our website. Our own lawyers described it as a completely unmeritorious complaint so we refused and said we would fight any action. But it still cost us time and money and serves to highlight what we will face if Section 40 is introduced.

Aside from the fundamental unfairness of having to pay the costs of both sides in a court action – even if we win, those costs will be crippling for a small publisher like ourselves. It is no exaggeration to say we will face being bankrupted in the courts or be forced to avoid covering issues that could lead to a complaint.

Why then, I am sure you will ask, will Baylis Media Ltd not simply join Impress – the new state approved regulator – to avoid the costs sanctions?

There are several reasons. We are already a member of IPSO and consider it to be a robust, effective and independent regulator. We joined IPSO, which has been running for two years now, through choice and we dislike the idea of being bullied into joining Impress by the threat of costs sanctions.

We also have grave concerns about Impress as a regulator. As I'm sure you are aware, it is funded by Max Mosley whose antipathy towards the press is well known. It is not representative of the industry, having only about 30 hyperlocal websites so far signed up to it. It does not have its own editor's code. And I understand it is yet to adjudicate a single complaint.

Impress also has a compulsory arbitration scheme. While called for by the Leveson Inquiry to allow complaints to the nationals to be resolved without costly recourse to the courts, we consider this to be unnecessary for the local press. With costs of about £6,500 for each complaint before adding 'compensation', it is also completely unaffordable and, like Section 40, will encourage more groundless complaints from those seeking financial gain. It should be noted IPSO is also piloting an arbitration scheme but this will not apply to the local press.

In addition we consider Impress - appointed by the PRP which was set up by politicians under a Royal Charter underpinned by statute - to represent state regulation of the press. The Royal Charter can be changed by politicians, so this is completely unacceptable to those of us who prize the freedom of the press.



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Some of the campaigners and activists behind Impress have also openly called for major newspapers to be closed down. This raises serious questions about how it could be a fair and effective regulator and has dire implications for freedom of speech in our country.

Local papers were exonerated of any wrongdoing by Leveson. But by referring to 'The Press' as a single group, the inquiry has had serious consequences for local papers in terms of damage to trust and reputation.

While neither excusing or defending the practices of the tabloids that were exposed – such as phone hacking and paying officials for stories – it must be pointed out these were already illegal under existing laws. We feel the issues have been addressed by the subsequent court cases and there is no need for a second inquiry with potentially further 'collateral damage' to the local press.

In conclusion, the introduction of Section 40 will have dire consequences for a struggling local press, threatening its very existence and undermining the vital part it plays in championing local democracy. If it is not the final nail in the coffin for local papers, it will rob them of their ability to hold those in authority to account and have a stifling effect on freedom of speech.

I'm afraid much of this debate has focussed on the implications for the national press with little attention given to the consequences for local newspapers, particularly the independents of which a significant number still remain.

Baylis Media Ltd would therefore urge you to repeal in full Section 40 of the Crime and Courts Act 2013 and not proceed with the second part of the Leveson Inquiry. I hope you have found the perspective from the independent local press useful and will take our views seriously. I would welcome the opportunity to explain our position in more detail if it would be of assistance to you in coming to your decision.

Yours sincerely,

Martin Trepte
Editorial Director
Baylis Media Ltd

cc. Theresa May, Prime Minister and MP for Maidenhead



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