

South London opinion

Help us stop this legislation which threatens existence of local press

In a few weeks time a law could be passed that could lead to the closure of many local newspapers – including the *South London Press*.

It will mean an end to 300 years of press freedom in this country – do you care enough to do something about it?

It's all about Section 40 of the Criminal and Courts Act 2013 and you can have a say – the Government has opened a public consultation and is asking for your views.

This piece of legislation means newspapers paying the costs for anyone who wants to sue them – whether they are successful or not.

So it could lead to a number of spurious complaints made by people unhappy with something they have seen in print who could challenge matters all the way to the High Court.

They can be confident in the knowledge that even if they eventually lose the case – the newspaper will pay their costs.

So, for example if a newspaper wants to investigate a gap in a local authority's expenditure, or a councillor's expenses, for example, it may hold back, for fear of legal action – even if it was in the public interest.

An editor, especially one sitting in a regional office with ever-declining budgets, would certainly think twice about running that story. Regionals, just like the *South London Press*, would be most bitterly affected. At the *South London Press* we deal with a vast range of stories, mainly human interest, positive stories about good people doing good things across South London.

But as we know not all people are good and a few of them are pretty bad and we do our best to report on that, it's all part of our democracy.

So when a paedophile or a murderer gets convicted for example – we'll do our best to report it. Sometimes a mother will ring up and ask why we published a story about her son being in court for murder. Why did we print such nasty things even when he's been convicted for murder.

If he stabbed a boy to death in the street and court finds him guilty of

murder, he's a murderer.

A mother can still complain about how his character may have been trashed in court.

However, sometimes we do get it wrong, thankfully that's irregular and we don't like to make mistakes.

The Leveson Inquiry was set up to look into press standards as a result of failing standards and ethics at some of the national press.

The old Press Complaints Commission was wound up and pressure fell on the newspaper industry for tougher regulation.

Most newspapers have now joined the Independent Press Standards Organisation (IPSO), chaired by the highly experienced judge, Sir Alan Moses.

It can force newspapers to issue front page apologies and has the power to levy fines of up to £1million. Believe me, the press wants to get it right and we don't intentionally make mistakes, but sometimes we do.

IPSO – being an independent body – refuses to be overseen by politicians and, as such, politicians tend not to like it.

Politicians have, however, welcomed a regulator called Impress, which is largely funded by millionaire Max Mosley. And he says Impress – which is his "family charity" is "completely independent".

Interestingly few, if any, of the Leveson recommendations were aimed particularly at local papers like the *South London Press*. In fact, Lord Leveson praised the regional press for its vital role in our society.

But we are left with Section 40 of the Crime and Courts Act 2013.

We need your help. The Government has opened a public consultation.

Be sure of this, Section 40, puts freedom of speech and local democracy at risk.

● The Leveson Report on the Culture, Practices and Ethics of the Press recommended "voluntary independent self-regulation".

● The State Sponsored Royal Charter and interlocking legislation in the Crime and Courts Act is the polar opposite of Leveson's recommendation.

● There was no parliamentary scrutiny of the Royal Charter's terms nor any consultation with the press or the public. It allows politicians to interfere in the regulation of the very voices which hold them and others in authority to account on behalf of their readers and investigate cases of corruption and wrongdoing.

● Newspapers and magazines which decline to be bound by the Royal Charter now face the prospect of being punished in the courts for refusing to succumb to state press regulation.

Under the Crime and Courts Act 2013, they are now liable to pay exemplary (punitive) damages. If section 40 were brought into force, they would be ordered to pay both sides' costs, win or lose, for court actions for libel, breach of confidence, misuse of private information, harassment, malicious falsehood, or slander.

So even if the publisher won the action, because the court was satisfied that the report was true, had been lawfully published, was in the public interest, and that publisher, editor and reporters had also all acted lawfully, the publisher would still have to pay the losing claimant's costs and its own costs.

● Britain's press is already subject to numerous criminal and civil laws which impact upon news gathering and reporting. There are statutes covering anything from defamation, harassment, contempt of court, court reporting restrictions, data protection, official secrets to phone hacking.

● The industry accepted the need for a new and tougher system of self-regulation to replace the Press

Complaints Commission and established the framework for a voluntary, independent system of press regulation which is believed to be the toughest in the western world.

● The Independent Press Standards Organisation (IPSO) delivers on the Leveson principles, binding the industry to an enduring regulatory system and one which is of real benefit to the public. But crucially this system is underpinned by contract law and not by Parliament.

It allows the press to retain its fundamental democratic freedom to scrutinise politicians and others in positions of power, acting as the public's watchdog and championing the right to know.

● The vast majority of UK national, regional and local newspaper and magazine publishers joined IPSO.

It upholds the Editors' Code of Practice, (governing accuracy, privacy and other voluntary restraints), oversees a robust complaints system, to

the user.

● A wholly independent appointments process was overseen by a former Head of the Supreme Court and delivered a Chairman, former court of appeal judge Sir Alan Moses, and a Board for IPSO. The regulator has been up and running since September 2014.

● IPSO provides real protection for ordinary people affected by media coverage. It has tough powers and sanctions to ensure the sort of practices described at the Leveson Inquiry can never happen again.

● IMPRESS, the regulator funded by Max Mosley and set up as a vehicle to trigger the Section 40 costs sanctions, lists fewer than 30 regulated titles which are primarily bloggers, microsites or small scale publications run by volunteers (and therefore excluded from the Crime and Courts Act 2013 definition of 'relevant publisher').

IMPRESS has been granted recognition by the Press

Recognition Panel even though:

● It is not representative of the press.

● It is not independent

● It is not credible, being neither supported nor funded by the press and lacking its own code of standards.

● Its lack of backing by the press and the absence of a code of standards mean it is incapable of being effective.

● On October 25, 2016, the Press Recognition Panel (PRP) approved IMPRESS's application for recognition as a press regulator under the Royal Charter. The new Culture Secretary Karen Bradley had been considering whether to bring the costs provisions into force and had been meeting all sectors interested in the Leveson review, including Hacked Off and IMPRESS.

● The Culture Secretary and the Home Secretary launched a joint consultation on the Leveson Inquiry and its Implementation earlier this month.

The consultation closes at 5pm on January 10. It asks whether section 40 should be repealed in its entirety now, as the industry believes it should on press freedom grounds, and whether the Leveson Inquiry should be terminated.

● If, as a result of the consultation, the Government chose to bring section 40 into force, this would render any publisher not in membership of IMPRESS liable to pay the crippling costs of both sides of a court action, win or lose.

You can respond to the proposals in three ways: Online – at www.gov.uk/government/consultations; email – to presspolicy@culture.gov.uk; by post – to Press Policy, Department for Culture, Media and Sport, 4th Floor, 100 Parliament Street, London SW1A 2BQ.

Hannah Walker, Managing Director, South London Press

