

Editors' Code of Practice Committee

Private and confidential

Minutes of the Editors' Code Committee meeting held at the offices of the Newspaper Society, Great Russell Street, Bloomsbury, on, 23 September 2004, at 10.30am.

Present:

Acting chairman: John Witherow (NPA)

Paul Potts	(NPA)	Neil Benson	(NS)	James Bishop	(PPA)
Neil Wallis	(NPA)	Mike Gilson	(NS)	Harriet Wilson	(PPA)

Attending:

Sir Christopher Meyer (PCC Chairman); Tim Toulmin; (PCC Director); Ian Beales (*Secretary*).

Election of Acting chairman:

In the unavoidable absence of the Chairman, Leslie Hinton, the committee agreed that John Witherow, the longest-serving member present, should act as chairman. Proposed: Neil Benson, seconded, Paul Potts and Neil Wallis. Agreed unanimously.

Apologies: Leslie Hinton (NPA); Perry Austin-Clarke (NS); Douglas Melloy (NS); Ian Murray (NS); Lindsay Nicholson (PPA); Derek Tucker (SDNS); Alan Rusbridger (NPA); Peter Wright (NPA).

Welcome:

The acting chairman welcomed Harriet Wilson (PPA) as a new member.

Minutes:

Minutes of the meeting held on 4 March 2004 were approved and signed.

Anonymity of suspects: Guidance note

The secretary referred to a letter from Home Office Minister Paul Goggins, which acknowledged the publication of a guidance note, and expressed the hope that there would be further coverage in the Editors' Codebook. It was agreed the current references to anonymity of suspects in the draft Codebook would be adequate.

Community cohesion

The secretary reported on a draft document from the Media Practitioners Group of the Home Office working party on Community Cohesion and also an assurance by the junior Minister Ms Fiona McTaggart that there was no current plan to impose on the press measures aimed at improving community cohesion. The Committee agreed no further action was needed, but the situation should be kept under review.

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Representations on the Code (summaries circulated)

Subterfuge: [redacted] (via PCC):

Following [redacted] suggestion that the Code should prevent the tape-recording of telephone interviews without consent, unless in the public interest, the Committee agreed the secretary should establish the legal situation. In the light of that, it should be made clear to [redacted] that the Code was not a legal document nor intended to duplicate the law, and that subterfuge was already adequately covered by the Code.

Discrimination:

❖ [redacted]

Committee members felt strongly that it would be unreasonable to accede to [redacted] request that the Code should require publications to use politically acceptable or positive phrases, which anyway were subject to change. It would lead to similar and unsustainable requests from other groups. Pejorative terms referring to identified individuals were already covered. The Committee did not believe it was necessary to expand on the coverage in the draft Codebook.

❖ [redacted]

The Committee rejected the suggestion that, following the case of Koreans allegedly eating dogs in New Maldon, the Code should be extended to cover discriminatory references to groups, which was impractical and restrict freedom of speech.

❖ [redacted]

The Committee decided no change in the Code was needed and that the existing list of potentially vulnerable groups should not be extended.

❖ [redacted]

[redacted] claim that a Mirror humorous piece reinforced racial stereotypes about Greek women, and that the Code should be altered to ban similar articles, was rejected by the Committee.

General:

❖ [redacted]

supported by the RSPCA

[redacted] call for the Code to outlaw publication that was not in the public interest was rejected. There was agreement that a Zoo magazine article featuring chickens being burned alive would be widely regarded as tasteless, but this was not a reason to change the policy that matters of taste and decency would be subjective, open the floodgates to complaints, and be very difficult to police.

❖ [redacted]

[redacted] request that the Code should regulate the suitability of displayed imagery on the covers of magazines and newspapers was rejected. The Committee believed genuinely pornographic images would be covered by the law. Any perceived inadequacy in the Obscene Publications Act was a matter for Parliament.

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[redacted] suggested the Code should prevent publishers from promoting businesses in which they have a financial interest by using their columns to denigrate competitors. He alleged the Daily Mail was running a vendetta against the BBC, while sheltering Channel Four from criticism of its sleaze content. The Committee felt such matters were within editors' discretion and should be addressed to the newspaper.

Privacy issues: Naomi Campbell and Princess Caroline

The secretary reported on calls to modify the Code to reflect changes in legal interpretations of privacy following the Naomi Campbell and Princess Caroline judgments. Sir Christopher Meyer, PCC chairman, urged that there should be no hasty change: resolutions under the Code in this area were running to more than 270 cases in a year, whereas the courts dealt with a tiny number of cases. He said the PCC had developed a legitimate parallel jurisprudence and this should not be disregarded.

Tim Toulmin, PCC director, said lawyers were divided over the effect either case would have on UK law. Solicitors were already citing the cases as reason to change the Code - to suit their own individual cases. He felt we should carry on under the existing Code, until the law was clearer, or an adjudication was challenged.

The Committee agreed it was too early to change the Code, either defensively, as suggested by Trinity-Mirror lawyers, or to reflect external interpretations of the Naomi Campbell or Princess Caroline judgments.

The Editors' Codebook

The Committee considered comments on the Draft Codebook as circulated.

There was agreement that the book would be a useful tool for editors and journalists and, in public relations terms, would also demonstrate the industry's commitment to self-regulation as a serious enterprise.

However, it was felt the Foreword and Introduction should be less defensive and that references to the "Last Chance saloon" were no longer relevant. It would be useful to emphasise - either in the introductory sections or in a panel, or both - that the press was not above the law. The acting Chairman asked that any specific suggestions should be forwarded to the secretary as soon as possible.

The secretary said the timescale and publishing details would be decided in consultation with Pressbof and the trade organisations. While some Committee members thought that the Codebook might be published on the web, the overwhelming view was that a hard-copy version would be of greatest use in newspaper offices, and would have the most positive impact in political and public relations terms, here and abroad. The secretary said this might provide revenue to help recoup printing costs.

Specific changes:

Foreword: Neil Wallis suggested that the fact that the Code was written for editors by editors should be referred to, unqualified, as its strength, without referring to perceived weakness. This was agreed. The secretary said mention of the PCC's parallel jurisprudence and the fact that all its cases were decided on their merits could be included in the Foreword to further stress that the Codebook was not binding on the PCC.

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Introduction: As above.

Paragraph numbers: Most members were against numbering paragraphs.

Index: It was felt a full index would improve the book's value as a reference work.

Website: A panel will be inserted on how readers can access and navigate the PCC website to check on previous cases. (*The PCC would assist on this*).

Privacy: It was agreed, following a note from Alan Rusbridger, that reference to the Code *guarding most those who kept their own lives private* be deleted. However, a submitted suggestion that referring to the PCC's Dorking tearoom adjudication as the *Butterscotch tart case* tended to trivialise it, was not supported.

Harassment: Mike Gilson suggested the reference to the Judith Tonner case (page 24) should emphasise that it had taken more than one previous approach to constitute a breach. John Witherow and Paul Potts felt that the reference to 'desist' requests should make clear that a reasonable subsequent approach – i.e. where circumstances change - would not be outlawed automatically.

Hospitals: The secretary suggested a paragraph should be included to help define *similar institutions* in the Hospitals clause (8). Professor Robert Pinker had suggested the Countess Spencer case should be used, since it established that the spirit of the Code applied. Neil Wallis cited the case of Joan Collins' mother, which covered a secure rest home. It was agreed a suitable amendment should be drafted.

Non-critical adjudications: It was decided there should not be specific mention of publishing *non-critical* adjudications, i.e. where the complaint had been rejected. This could invite crowing or triumphal reports, which might intimidate future complainants.

It was agreed the secretary should make these and other revisions along the lines suggested and circulate the changes to the Committee for comment.

Code revision

The Committee agreed that next year's Code revision would be unlikely to lead to comprehensive changes. The new Code should be given time to settle. However, the review should be conducted and announced, even if no changes were necessary.

Retiring member

The acting Chairman thanked James Bishop, who was stepping down after nearly nine years, for his major contribution during some of the most crucial periods in the development of the Code.

Next meeting

It was left to the chairman and secretary to call the next meeting.