

Mr Andrew J Moore v The People

Clauses noted: 1, 2

Mr Andrew J Moore complained to the Press Complaints Commission that an article headlined "Neighbwars!" published in *The People* on 7 March 2004 contained inaccuracies in breach of Clause 1 (Accuracy), and that he had not been given an opportunity to reply in breach of Clause 2 (Opportunity to reply) of the previous Code of Practice.

Following an offer of remedial action from the editor, no further action was required.

The article detailed a prolonged series of disputes that had occurred between the complainant and his neighbour. The complainant argued that the article was one-sided and contained inaccuracies, including the amount of legal costs run up by the disagreement, the origins of the dispute, and the nature of the dividing line between the two properties. He further complained that his use of fixed and handheld video cameras had been misreported, that he had not "scuppered" the sale of his neighbour's house and that the neighbour was, in fact, still able to fit his car in his garage.

The complainant's principal concern was that, since he had been abroad at the time of publication, he had not been given an opportunity to present his side of the dispute. Letters and emails to the newspaper had not been acknowledged. He asked the newspaper to offer him the same opportunity to put his side of the story as had been afforded to his neighbour.

The newspaper said that it had not received the complainant's letter, and that the reporter had not received any emails of complaint, possibly for technical reasons. Furthermore, the newspaper said that its reporter had attempted to speak to the complainant by visiting his home, by telephone – something that was disputed by the complainant – and by contacting his solicitor, who would not provide a statement. The newspaper maintained that every effort was made to contact the complainant in advance of publication. It further argued that the complainant had not pointed to any significant inaccuracies in the article, which had also made clear that the complainant's neighbour had been fined for threatening behaviour and had been found in breach of boundary guidelines. Relevant statements from the complainant at the time of the court cases were included wherever possible. Nonetheless, it offered to publish a letter from the complainant which would concentrate on the significant points of disagreement.

Adjudication

The Code of Practice that was in force at the time required that newspapers distinguish between comment, conjecture and fact. In regard to this, the Commission noted that the article was inevitably presented primarily from his neighbour's point of view, given that the newspaper had been unable to contact the complainant. However, the Commission did not consider that the piece had been presented in a way that would necessarily have misled readers into believing that the neighbour's position was the only point of view on the matter.

Clause 1 also required newspapers to take care not to publish inaccurate material. In this case, the Commission was not persuaded that the newspaper had taken sufficient steps to ensure that such care was taken, especially since publication could have been postponed until the complainant was available. Consequently, there were arguably one or two points in the piece – relating to the size of the legal bill, for example, and the complainant's view of the origins of the dispute – where there was a legitimate dispute, and where it was appropriate for the newspaper to offer to publish further material. The Commission was therefore pleased that the newspaper had offered to publish a letter from the complainant to deal with the significant points of disagreement. Taking into account all the circumstances, this was, in the Commission's view, a proportionate response to the complaint. There were therefore no issues to pursue under the Code

Relevant ruling

Blom-Cooper v The Daily Telegraph, 1997

Adjudication issued 2004