

A Boulton
First
25 April 2012
Exhibits TABB1-7

**IN THE LEVESON INQUIRY INTO THE CULTURE, PRACTICES AND ETHICS OF THE
PRESS**

EXHIBIT TABB1

This is the exhibit TABB1 referred to in the first witness statement of Thomas Adam Babington Bolton dated 25 April 2012.



culture, practices and
ethics of the press

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05 April 2012

Dear Madam

Leveson Inquiry into the culture, practices and ethics of the press

It will have come to your attention that an Inquiry has been set up under the Inquiries Act 2005, chaired by Lord Justice Leveson.

Part 1 of the Inquiry's Terms of Reference requires Lord Justice Leveson to:

- “... inquire into the culture, practices, and ethics of the press, including:
- a. contacts and the relationships between national newspapers and politicians, and the conduct of each;
 - b. contacts and the relationship between the press and the police, and the conduct of each;
 - c. the extent to which the current policy and regulatory framework has failed including in relation to data protection; and
 - d. the extent to which there was a failure to act on previous warnings about media misconduct.”

Lord Justice Leveson's expectation is that witnesses will be willing to assist his Inquiry by providing both a statement and documents voluntarily and in the public interest.

However, given the timescales within which he has been asked to operate and the desirability of ensuring, with very limited exceptions, consistency of approach to potential witnesses, he has decided to proceed in a formal manner using the powers conferred upon him by statute. No discourtesy is of course intended by this.

Notice under section 21(2) of the Inquiries Act 2005

Under section 21(2) of the Inquiries Act 2005¹, read in conjunction with the Inquiry Rules 2006 (S.I. 2006 No 1838)², Lord Justice Leveson, as Chairman of the Inquiry, has power to require a person, within such period as appears to him to be reasonable, to provide evidence

¹ <http://www.legislation.gov.uk/ukpga/2005/12/contents>

² <http://www.legislation.gov.uk/uksi/2006/1838/contents/made>

to the Inquiry in the form of a written statement, and/or to provide any documents in his custody or under his control that relate to a matter in question at the Inquiry.

Lord Justice Leveson has determined that it is appropriate, in view of his Terms of Reference and his investigatory obligations, to obtain your expert assistance in the form of a witness statement and any documents in your custody or under your control as more specified below. The Inquiry may not need to trouble you to expand on your statement by giving oral evidence, so it would be helpful if you could make your statements as full and self-contained as possible.

Your witness statement should cover at least the following matters or issues:-

1. Who you are and a brief summary of your career history.

General questions about the relationship between politicians and the media

2. Please describe, from your perspective, how the dynamic of the relationship between politicians and the media has developed over recent years, what effect you consider that to have had on public life, and how far that has been beneficial or detrimental to the public interest. The Inquiry is particularly interested in the following themes – some of which are developed in further questions below - but you may identify others:
 - a) the conditions necessary for a free press in a democracy to fulfill its role in holding politicians and the powerful to account – and the appropriate legal and ethical duties and public scrutiny of the press itself when doing so. The Inquiry would like the best examples – large or small – of the press fulfilling this role in the public interest;
 - b) the nature of professional and personal relationships between individual senior politicians on the one hand, and the proprietors, senior executives and senior editorial staff of national newspapers on the other; including matters such as –
 - (i) frequency and context of contacts;
 - (ii) hospitality given and received, and any social dimension to the relationship;
 - (iii) the perceived balance of advantages, including the ability of politicians and journalists to promote or damage each other's fortunes and reputation at a personal level
 - (iv) selectivity and discrimination - as between titles on the one hand, and as between political parties on the other;
 - c) the economic context within which the media operate, and politicians' ability to influence that;
 - d) media influence on public policy in general, including how that influence is exercised, with what effect, how far the process is transparent and how far it is in the public interest;
 - e) media influence on public policy having a direct bearing on their own interests, and the effectiveness of the media as lobbyists;

- f) the extent and accuracy of the perception that political journalism has moved from reporting to seeking to make or influence political events, including by stepping into the role of political opposition from time to time;
 - g) politicians' perceptions of the benefits and risks of their relationships with the press and how they seek to manage them, including collectively at party level, through No.10 and other government communications organisations, and in the operation of the Lobby system;
 - h) the extent and limitations of politicians' willingness and ability to constrain the media to conduct, practices and ethics which are in the public interest, whether by legislation, by regulatory means or otherwise.
3. In your view, what are the specific benefits to the public to be secured from a relationship between senior politicians at a national level and the media? What are the risks to the public interest inherent in such a relationship? In your view, how should the former be maximised, and the latter minimised and managed? Please give examples.
 4. Would you distinguish between the position of a senior politician in government and a senior politician in opposition for these purposes? If so, please explain how, and why.
 5. What are the specific benefits and risks to the public interest of interaction between the media and politicians in the run up to general elections and other national polls? Do you have any concerns about the nature and effect of such interactions, or the legal, regulatory or transparency framework within which they currently take place, and do you have any recommendations or suggestions for the future in this regard? In your response, please include your views on how you think the relationship between the media and politicians changes in the run up to elections, the extent to which a title's endorsement is related to particular policies, and whether the public interest is well-served as a result.
 6. What lessons do you think can be learned from the recent history of relations between the politicians and the media, from the perspective of the public interest? What changes, voluntary or otherwise, would you suggest for the future, in relation to the conduct and governance of relationships between politicians and the media, in order that the public interest should be best served?
 7. Would you distinguish between the press and other media for these purposes? If so, please explain how, and why.
 8. In the light of what has now transpired about the culture, practices and ethics of the press, and the conduct of the relationship between the press and the public, the police, and politicians, is there anything further you would identify by way of the reforms that would be the most effective in addressing public concerns and restoring confidence?

Particular questions about the influence of the media on public policy

9. In your experience, what influence do the media have on the content or timing of the formulation of a party's or a government's media policies? The Inquiry is particularly interested in this context in influence on the content and timing of decision-making on policies, legislation and operational questions relating to matters such as:
 - a) media ownership and regulation;

- b) the economic context of media operations, including the BBC licence fee;
- c) legal rights in areas such as freedom of expression, privacy, defamation and libel, freedom of information and data protection;
- d) any relevant aspects of the substantive criminal law, for example relating to any aspect of unlawfully obtaining information (including hacking, blagging and bribery) and the availability of public interest defences;
- e) any relevant aspects of legal procedure, such as injunctions, the reporting of proceedings, the disclosure of journalists' sources and the availability of public funding for defamation and privacy cases;
- f) any aspects of policing policy or operations relating to the relationship between the police and the media.

Please provide some examples.

10. From your perspective, what influence have the media had on the formulation and delivery of government policy more generally? Your answer should cover at least the following, with examples as appropriate:

- a) the nature of this influence, in particular whether exerted through editorial content, by direct contact with politicians, or in other ways;
- b) the extent to which this influence is represented as, or is regarded as, representative of public opinion more generally or of the interests of the media themselves;
- c) the extent to which that influence has in your view advanced or inhibited the public interest.
- d) The Inquiry is interested in areas such as criminal justice, European and immigration policy, where the media has on occasion run direct campaigns to influence policy, but you may be aware of others.

11. In your experience, what influence have the media had on public and political appointments, including the tenure and termination of those appointments? Please give examples, including of cases in which in your view the public interest was, and was not, well served by such influence.

The documents which you should provide to the Inquiry are those relevant to the questions above. If you have written specifically on matters directly relevant to paragraph 1a of the Inquiry's Part 1 terms of reference (i.e. contacts and the relationships between national newspapers and politicians, and the conduct of each) please provide copies of the same.

A note regarding the format and use of documents provided in response to this notice is attached.

The terms of this formal notice should not necessarily delimit the evidence, including documentary evidence, which you provide to the Inquiry. It may well be that you can give important additional evidence beyond the four corners of the statutory requirements being imposed on you by this notice: if you can, you are encouraged to do so in line with the general invitation extended by Lord Justice Leveson during the course of his opening remarks on 28th July 2011. The Inquiry understands that you may have already been giving consideration to the issues raised by Module 3 of Part 1 of the Inquiry (the press and

politicians) before receiving this Notice, and insofar as this Notice does not cover the issues which you were already intending to cover in any witness statement, please continue to address them.

Lord Justice Leveson is required under his Terms of Reference to complete his report on the matters or issues under Part 1 of the Inquiry within 12 months. With this in mind, and having regard also to the scale and scope of his foregoing requirements of you, he has determined for the purposes of section 21(2) of the Inquiries Act 2005 that you should comply with this notice by **4pm on Monday 23 April 2012**. The Inquiry appreciates this is a challenging deadline, but it reflects the pace at which the Inquiry is working.

Lord Justice Leveson is directed by law to explain to you the consequences of failing to comply with this notice. He therefore draws to your attention the provisions of section 35(1) of the Inquiries Act 2005 which make it a criminal offence to fail without reasonable excuse to do anything which is required by a notice under section 21. He wishes to make it clear that all recipients of section 21 notices are having their attention drawn to this provision, since it is a formal legal requirement.

He is also directed by law to indicate to you what you should do if you wish to make a claim under sub-section (4) of section 21, namely a claim that you are either unable to comply with this notice at all, or cannot reasonably comply with this notice within the period specified or otherwise. You are invited to consider the full text of section 21, including for these purposes sub-sections (3)-(5), if necessary with the benefit of legal advice. Lord Justice Leveson invites you to make any such claim in writing and as soon as possible, addressed to the Solicitor to the Leveson Inquiry into the Culture, Practices and Ethics of the Press, c/o Royal Courts of Justice, Strand, London, WC2A 2LL.

Furthermore, Lord Justice Leveson has power under section 19(2)(b) of the Act to impose restrictions in relation, amongst other things, to the disclosure or publication of any evidence of documents given, produced or provided to the Inquiry, including evidence produced under section 21. Lord Justice Leveson will be considering the exercise of his powers under section 19 in any event, but if you seek to invite him to exercise those powers in respect of your evidence, including documentary evidence, or any part of it, you should set out your position in writing as soon as possible.

Finally, Lord Justice Leveson draws to your attention the provisions of section 22 of the Act which state that you may not under section 21 be required to give, produce or provide any evidence or document if you could not be required to do so if the proceedings of the Inquiry were civil proceedings in a court in the relevant part of the United Kingdom, or the requirement would be incompatible with a Community obligation. No doubt you will take legal advice as to the effect of this provision, but, in the spirit of openness and with the wish to ensure that all possible aspects of his Terms of Reference are fully considered, he invites you nonetheless to waive privilege in relation to any such document or evidence. Please therefore state in your response to this notice whether you are prepared to do so.

Yours faithfully,

Kim Brudenell

Kim Brudenell
Solicitor to the Inquiry