

LEVESON INQUIRY INTO THE CULTURE, PRACTICES &  
ETHICS OF THE PRESS

Submission on behalf of Neil Anthony Morrissey

1. This submission is made on behalf of Mr Neil Morrissey.
2. Mr Morrissey is well known as an actor and particularly as a television actor. He is probably still best known for being one of the two male stars in the long-running television comedy Men Behaving Badly. Whether a "celebrity" or not, he is certainly someone whose success as an actor and consequent public profile has made him the object of considerable Press attention.
3. Mr Morrissey makes this submission by way of a "case study" of the culture, practices and ethics of the Press, or a section of the Press, as experienced by him in co-operation with articles about him published in March last year in Associated Newspapers Limited's Daily Mail newspaper ("the Mail") and on that newspaper's website operation, Mail Online. As will appear, in the terms of the Key Questions formulated For Module 1 of this Inquiry, this was a story that "turned out to be false".

Publication of the articles

4. The newspaper article published in the Mail of 19<sup>th</sup> March 2011 was the lead item on page 19, with a headline on two-decks across the page reading: "Man behaving badly: TV star banned from bar near his idyllic French retreat after locals object to 'le binge drinking'". The website article (that would be published from 19<sup>th</sup> March until 9<sup>th</sup> August 2011) was similarly headed: "Homme Behaving Badly: Neil Morrissey banned from bar near his French retreat after owners object to 'le-binge drinking'". Copies of the articles are at Appendix 1.
5. On the day before publication the Mail's reporter had contacted Mr Morrissey's press agent to say that the Mail intended to publish the articles. A draft version was shown to the press agent. The reporter was told that the allegations against Mr Morrissey were untrue. Mr Morrissey knew nothing about any ban from the bar and he had not engaged

in any drunken, rowdy or offensive behaviour at the bar. The reporter was also told that Mr Morrissey did not want his privacy compromised by the location of his property being revealed and, particularly because he was in an IVA (which required him to disclose assets and their true value to creditors), he objected to a false assertion in the article (for which the Mail can have had no reliable basis) that the property had been bought for £500,000 when it had been bought for far less.

6. Since the reporter indicated that the Mail would go ahead with publication, Mr Morrissey's solicitors contacted Liz Hartley of the Defendant's legal department and its managing editor by email, complaining about the threatened publication and again asserting that the obviously highly defamatory allegation that Mr Morrissey had been banned for drunken, rowdy and offensive behaviour was untrue. Notwithstanding, the Mail went ahead with publication of the articles. The only alteration of any substance made to the article was that the property was described as being *valued* at £500,000 rather than having been bought for that sum. In fact that description was also seriously inaccurate and potentially embarrassing to Mr Morrissey in the context of his IVA. It was a grossly exaggerated and quite unrealistically high overvaluation. No serious attempt at an accurate valuation of the property could have arrived at that figure.

#### Why stories that "turn out to be wrong" are published

7. Mr Morrissey has been prepared to accept that, however unjustifiably, the Mail believed the articles were true in that they mistakenly believed that he had been banned from the bar for some kind of excessive, drunken behaviour. The Mail also went through the motions of responsible journalism by approaching him before publication (through his press agents) for his response to what was they intended to publish. But the fact is:
  - (a) whether or not Mr Morrissey had been banned from a bar for rowdy or drunken behaviour was not a matter of any significant public interest;
  - (b) the allegation was, nonetheless, obviously potentially highly damaging as well as extremely insulting and hurtful to Mr Morrissey;
  - (c) it was not conceivably necessary or even desirable that it be given *immediate*

publicity; and

- (d) both Mr Morrissey's press agents and lawyers had made clear the allegation was denied;

Yet the Mail:

- (e) did not defer publication by even one day to inquire further into the veracity of the story, but published it immediately;
- (f) did not even include Mr Morrissey's denial of the allegation in the articles, but instead suppressed and deprived its readers of that awkward information; and
- (g) splashed the allegation across a whole page in the newspaper and on the website News page with photographs under a two-deck headline: "Man behaving badly: TV star banned from bar near his idyllic French retreat after locals object to "le binge drinking" ".

8. Associated Newspapers Ltd and Mr Paul Dacre, the latter both as Editor in Chief at Associated and chairman of the PCC Editors' Code of Practice Committee, should be asked:

- (a) what the point was of seeking Mr Morrissey's response to the allegation that he had been banned for "binge-drinking", if that response was going to be ignored or suppressed;
- (b) how truth or accuracy or the Mail's readers were served by the information about his response being suppressed and excluded from the articles;
- (c) how suppressing Mr Morrissey's response complied "not only in the letter but in the full spirit" with the duty under Article 2 of the Editors' Code to give "a fair opportunity for reply to inaccuracies ... when reasonably called for", and
- (d) how ignoring his denial and publishing the articles without mentioning them

could possibly have complied with the duty under Article 1 of the PCC Editors' Code of Practice to "take care not to publish inaccurate, misleading or distorted information".

9. From this case, it is apparent that one reason why "stories that turn out to be wrong" are published (by the Mail at least) is a determination not to let awkward facts, like Mr Morrissey's denials, or obligations under the Editors' Code undermine or get in the way of a headline and story that enables the paper to cash in on the popularity of a TV show and actor. Stories tending to show celebrities in a less than favourable light are undoubtedly attractive to readers browsing the Mail Online.

#### Mr Morrissey complains

10. On 23<sup>rd</sup> March 2011 Mr Morrissey embarked on the task of extracting from the Mail the withdrawal of the article on its website and some reasonable retraction and apology for that and the newspaper article. By solicitors' letter he complained to the Mail's Editor in Chief, Paul Dacre. The letter made clear that, if a retraction and apology were given promptly, Mr Morrissey would forgo any claim for damages.
11. That letter and a subsequent one went unanswered for a month.
12. Finally, Mr Martin Wood of the legal department of Associated Newspapers Limited wrote on 21<sup>st</sup> April 2011. This was to be the only response received from the Mail before Mr Morrissey had to issue libel proceedings. In it, the Mail claimed that the articles were not defamatory of Mr Morrissey, disingenuously (but incredibly) maintaining that they portrayed him "in a sympathetic light". Most significantly, the Mail did not stand by its story: it did not (as it never would) suggest that the allegations of rowdy, drunken behaviour by Mr Morrissey were true or that he had in fact been banned from the bar. Yet despite this, the Mail refused either to withdraw or apologise for publishing the allegations. Nor would it remove the article from the Mail Online website, even though by leaving it on the website the Mail was continuing to publish to its readers an article that was inaccurate and misleading in a way that was seriously defamatory of Mr Morrissey and which it did not claim was true. Insultingly, all that Mr Wood's letter offered was that the Mail might remove the online article if Mr Morrissey

would accept them doing so in full and final settlement of his complaint.

13. Associated Newspapers Ltd and Mr Dacre should be asked:

- (a) when the Mail had had a month since Mr Morrissey's complaint (and longer since his denial before publication) in which to decide whether his articles were inaccurate or misleading in accusing him of being banned for rowdy drunken behaviour; and
- (b) when it did not maintain the allegation was true or accurate;
- (c) why the Mail was not obliged by article 1 of the Editor's Code *immediately* to publish ("promptly and with due prominence") a correction and apology of this "significant inaccuracy, misleading statement or distortion"; and
- (d) why the Mail was justified in continuing to publish unaltered the inaccurate and misleading website article (including even continuing to suppress and withhold from readers the information that Mr Morrissey denied the allegation).

**Mr Morrissey brings a libel claim and gets an Offer of Amends**

14. Libel proceedings were issued on 20<sup>th</sup> June 2011.
15. On 20<sup>th</sup> July a fourteen day extension of time was agreed to enable the Mail to serve a Defence. On the last day for service of the Defence, 5<sup>th</sup> August, none was served. Instead, some 4½ months after Mr Morrissey first asked for a retraction and apology and removal of the website article, the Mail made an Offer of Amends under Section 2 of the Defamation Act 1996 ("the Act"). By so doing, the Mail acknowledged that the "banned for binge-drinking" allegation was entirely untrue and that it had no defence to the claim. But still the Mail did not remove the website article until 10<sup>th</sup> August, after Mr Morrissey's solicitors pointed out that it was still being published.
16. Under the terms of the Act, an Offer of Amends is an offer:

- to make a suitable correction of the statement complained of and a sufficient apology;
  - to publish the correction and apology in a manner that is reasonable and practicable in the circumstances; and
  - to pay such compensation (if any), and costs, as may be agreed or determined by the Court.
17. If such an offer is not accepted by the claimant, the defendant publisher has a complete defence to a libel claim unless the claimant proves the publisher knew or had reason to believe that the statement complained of referred to the claimant and that it was both false and defamatory (see Section 4 of the Act).
18. In effect, an unqualified Offer of Amends is an offer that a claimant suing a newspaper cannot refuse, for fear of losing his action and facing the devastating consequence of being ordered to pay the defendant's legal costs, except in the truly extraordinary circumstance where he can be confident of proving that the newspaper published the libellous statement not believing it to be true or knowing that it was probably untrue.
19. It is also the case that, in return for admitting liability by making an Offer of Amends (and thereby, supposedly, being prepared to publish an effective correction and apology), a defendant publisher receives considerable protection on the compensation and claimant's costs he will have to pay and is given a very powerful bargaining position in deciding what to publish by way of correction and apology and how much to offer in compensation. This is because of a combination of factors.
20. Firstly, a defendant can protect himself on costs and put a claimant at risk of having to pay his costs by making a Part 36 offer or a similar "without prejudice save as to costs" offer of compensation. Secondly, Section 3 of the Act provides that if the court comes to assess what compensation should be paid, it will do so on the same principles as a court determining damages in defamation proceedings, which will include taking any published apology and correction into account in mitigation of damages. Thirdly and



most significantly, as those advising the inquiry can confirm, the court and cases have endorsed an approach to assessing compensation in which:

- (a) a defendant publisher is given a discount on what it would otherwise be ordered to pay by virtue simply of having made an offer of amends, irrespective of any other aggravating or mitigating factors tending to increase or decrease the award, with the result that awards will be lower than the already modest awards awarded in libel proceedings in recent years;
- (b) the court decides on a notional "starting figure", representing what a court would award for the publication in question if not defended as true and with no other aggravating or mitigating factors and then applies to that starting figure a discount *on a percentage basis*, the percentage being decided on by the judge according to her/his assessment of the mitigating effect of the offer of amends, when it was made and how it has purportedly been fulfilled by the defendant.

- 21. In these circumstances, a claimant calculating his risk of incurring a devastating costs award by failing to do better than a defendant's Part 36 offer (or equivalent) of compensation has to do so on the basis of assessing an unpredictable (but low) likely starting figure and applying to it an unpredictable percentage discount potentially as high as 50%. For example, a claimant might have a reasonable expectation of a "starting figure" of £50,000 and a discount of 30%, producing an award of £35,000, but he risks a starting figure of £30,000 and a discount of 50%, producing an award of £15,000. Only if he were someone with immense financial resources (or an unrepresented claimant with nothing to lose and the time and inclination to litigate) could he rationally gamble on "beating" £15,000.
- 22. The result is that newspaper defendants like the Mail can buy their way out of libel claims cheaply, for commercially insignificant sums in compensation, with little pressure to publish with appropriate prominence any effective and truly sufficient correction or apology. As described below, Mr Merrissey's is a case in point.
- 23. In view of the fact that the Mail was told in advance of publication that the allegations were false and defamatory, the question arose whether the defence was open to the Mail

at all. In the event, following service of a fully pleaded Defence, the unqualified offer of amends was accepted by letter from Stitt & Co to Reynolds Porter Chamberlain ("RPC") dated 31<sup>st</sup> August 2011. The terms of the wording of a correction and apology were debated in subsequent correspondence and also the question of the prominence to be given to their publication.

24. RPC indicated in a letter to Stitt & Co dated 28<sup>th</sup> September that, subject to the approval of the editor, an apology would be published on page 19 or an earlier page of the newspaper in the top half of a right-hand page. With regard to the Mail Online, RPC indicated that the apology would appear in the news channel with a headline to draw readers' attention to the fact that the apology was about Mr Morrissey. The apology would appear in a box below the headline. Since the wording of the apology had not been agreed, by an email sent to RPC on 12<sup>th</sup> October Mr Morrissey's solicitors suggested the parties' representatives meet. There was no response to that suggestion before, on 17<sup>th</sup> October, RPC sent an email stating: *"The Mail has decided to proceed with the publication of an apology"*.

25. The "apology" appeared in a new "Corrections and Clarifications" column at the foot of page 2 of the issue of the Daily Mail of 18<sup>th</sup> October 2011 (Appendix 2). In glaring contrast to the full-page, libellous article, there was no heading of any kind referring to Mr Morrissey and there was nothing to indicate that any apology was being made to him (or anyone), let alone even a single photograph. The item shared the column with items correcting (without apology):

- \* a mistake as to what the NHS paid for loaves of gluten-free bread; and
- \* an error as to how much generators of solar power were paid for electricity supplied to the national grid.

It is simply unarguable that the prominence given to this "apology" bore any relation to that given to the original article, nor indeed to the prominence that the Mail's solicitors had previously indicated the Mail would give to whatever heading and wording was agreed.

26. In fact the Mail was more concerned to pat itself on the back and make excuses than to



make the frank and effective apology that Mr Morrissey should have been able to expect following the Mail's belated Offer of Amends. Before anyone read the text of the "apology", they had to get through the self-congratulatory and distinctly unapologetic pre-ambule at the head of the column:

*"The average issue of the Daily Mail contains around 80,000 words – the equivalent of a paperback book – most of which are written on the day under tremendous pressure of deadlines. Huge efforts are made to ensure our journalism meets the highest possible standards of accuracy but it is inevitable that mistakes do occur. This new column provides an opportunity to correct these errors quickly and prominently".*

The clear (but entirely misleading) message to readers was that whatever followed were: (a) corrections made as soon as reasonably possible; (b) with suitable prominence; (c) for excusable mistakes; (d) that had been made despite the Mail's best and considerable efforts; and (e) for which the Mail had little cause to apologise. Not one of points (a) to (e) was true of this case.

27. When readers got to the "apology" itself, they found no mention or apology for the fact that the Mail published its allegations when it had been warned they were untrue. But characteristically the Mail did find space for some more self-justification, even though (or perhaps because) it detracted from Mr Morrissey's vindication, by including the irrelevant claim that "we were shown a poster which indicated that he had been barred".
28. On the Mail Online website the "apology" appeared as an item in the same "Corrections and Clarifications" column after the same misleading preamble. The webpage carrying this column was advertised to readers towards the bottom of the News page (also at Appendix 2). There was nothing to alert readers of the News page (even those who got sufficiently far down the page) that any correction or clarification concerning Mr Morrissey (let alone an apology) featured in the column: the News page only showed the heading "Corrections and clarifications", with part of the exculpatory preamble heading that column. Only persons choosing to access the "Corrections and Clarifications" column would have found the "apology".
29. Just as it was hidden from view on the website on 18<sup>th</sup> October 2011, the apology is now buried in the website archive. Searching for "Neil Morrissey" using the site search

facility produces the webpage carrying the "Corrections and Clarifications" column as a result on the fourth page of results. But all that is displayed by the result is the same heading as featured on the News page on 18 October 2011, with nothing to show what the page contains or that it contains an apology or that it even refers to Mr Morrissey.

30. It has been suggested that publishing apologies in a "Corrections and Clarifications" feature like that operated by the Mail is the proper and most effective method of publishing apologies, particularly pursuant to the duty under Article 1 of the PCC Editors' Code to publish a correction and apology "with due prominence". It is argued that, no matter the prominence given to the inaccurate or misleading statement or distortion being corrected and apologised for, placing an apology in a regular "Corrections and Clarifications" feature near the front of a newspaper will match or exceed its prominence because that becomes the place readers expect to find and look for apologies and corrections. No doubt the same case is made in respect of giving sufficient prominence to corrections and apologies published in purported fulfilment of Offers of Amends.
31. There is, of course, no reason to suppose that readers interested in and attracted to articles about, for example, "binge-drinking" TV stars or television actors in general or television programmes in general or Mr Morrissey in particular have any interest at all in monitoring the Mail's (or any other newspaper's) tedious catalogue of hedged-round corrections of de-contextualised and consequently banal factual errors.
32. In any event, this commercially-convenient but misleading piece of reasoning would have more force if the regular feature were headed "Apologies" or "Apologies and Corrections", or at least included the word "Apology" (or perhaps even "Sorry") when it contained an item consisting of an apology. It is significant that the Editors' Code and the Offer of Amends procedure under the Act both expressly recognise that occasions when an apology is appropriate are distinct from occasions when only a correction is required. It would not in fact always be adequate, and it would not have been sufficient in Mr Morrissey's case, but if the Mail and other newspapers wish to propose a single regular feature as a "one-size-fits-all" solution to their obligations to apologise, that feature would at least have to recognise and apply the distinction between apologies and corrections made in the Code and under the Act and be presented with a label that

indicated that it was apologising as well as making corrections (or, a fortiori, "clarifications").

33. Mr Morrissey objected to the published "apology". The purpose of a correction and apology must be to correct the understanding of those who would have read the original articles and to undo the injury to his reputation in these readers' minds. It should be a *sincere* attempt to reach as many of the articles' original readers as possible, particularly when the publisher has reaped all the protection and indulgence on compensation and costs provided by the Offers of Amends procedure.
34. In these circumstances, Mr Morrissey sought permission from the Court to make a unilateral statement in court as soon as possible in order to get more publicity for the fact that the Mail had withdrawn and apologised for the allegations. The Mail resisted that application, maintaining that what the Mail had published had been sufficient and that in any event he should not be allowed to make any statement until it had been determined how much compensation he was entitled to. The Mail claimed that it had just become aware of an article it had published on its own Mail Online website in November 2010 and matters referred to in that article that it wanted to amend its case to rely on in mitigation of compensation. In these circumstances the court agreed that Mr Morrissey's application to make a statement should be adjourned until the assessment of compensation and gave the Mail permission to expand on and give full particulars of all matters it now intended to rely on in mitigation. But having thwarted Mr Morrissey's attempt to improve on its belated and inadequate apology with an early statement in court, the Mail did not in fact expand its case in mitigation as it had told the court it would. In fact it abandoned it in part, withdrawing the disgraceful and groundless allegation (with which it had until then tried to intimidate him) that Mr Morrissey was someone with a generally bad reputation for rowdy, drunken and otherwise intolerable behaviour. RPC also admitted that the November article had in fact been on their file since last July but had been overlooked and apologised to the court for the incorrect information the Mail's counsel had given to the judge.
35. On 22<sup>nd</sup> December 2011 Mr Morrissey renewed his application for permission to make a statement in open court to publicise the Mail's retraction and apology. By this stage he had accepted a Part 36 Offer by the Mail of compensation. A statement was agreed with

the Mail and leave was granted. The statement in open court (Appendix 3) was read on 12<sup>th</sup> January 2012.

36. Under Article 1 (iv) of the Editors Code a newspaper "must report fairly and accurately the outcome of an action for defamation to which it has been a party, unless an agreed settlement states otherwise, or an agreed statement is published." But the Mail did not report Mr Morrissey's statement in court or the outcome of the proceedings until asked to do so by his lawyers and after they had invoked the assistance of the PCC. When the Mail did report the outcome, it gave that report the same inadequate prominence as its apology, consigning it to the "Corrections and clarifications" column at the bottom of page 2 of the newspaper and burying it on the Mail Online website in the same way as that apology.
37. Judging by Mr Morrissey's experience, the Mail cynically disregards its obligations under the PCC Editors' Code:
- (a) to take care not to publish, or persist in publishing on its website, inaccurate and misleading information;
  - (b) to give an opportunity of reply to its inaccurate articles;
  - (c) to make a prompt correction and apology; or
  - (d) to give that correction and apology due prominence.
38. Equally, it is prepared to take advantage of the licence to libel at no significant commercial cost afforded by the Offers of Amends procedure, while making no sincere effort to publish any genuinely sufficient (but commercially disadvantageous) apology to its victims.
39. Finally, it should be noted that Mr Morrissey's case was conducted under a Conditional Fee Agreement. As already referred to, although successful in his acting career, Mr Morrissey entered into an Individual Voluntary Arrangement with his creditors following the collapse of a hotel/property business venture. Like the vast majority of people in this country faced with the prospect of taking on an influential and financially powerful newspaper, he could not realistically have sought and obtained redress from the Mail if the current CFA system had not been in place.

40. Newspapers obviously do not like people being able to protect themselves and bring libel claims at all, let alone that they should have anything approaching "equality of arms". Naturally they want to be judge and jury on whether, when and how to correct and apologise for what they publish. But it is vitally important that ordinary individuals should not be unable to hold them to account if necessary (as in Mr Morrissey's case) by recourse to law. The media have made no convincing, evidenced case that the existing CFA structure has in fact been abused by claimants or their lawyers, nor that the media has in fact been deterred or disabled by it from performing either its vital role as either society's watchdog or its valuable role in educating and entertaining. That CFA structure must not now be dismantled, or not without some alternative funding arrangement being available that gives private individuals of ordinary means effective access to justice.

**Statement of truth**

This submission has been prepared on my instructions and is true to the best of my knowledge, information and belief and I agree with the comments made.

[Redacted signature box]

Signed Neil Morrissey

Dated: 31 January 2012

Peter Crewford  
Partner  
Sinn & Co Solicitors  
11 Gough Square  
London EC4A 3DE

Tel: [Redacted]  
Email: [Redacted]

Appendix 1



# Man behaving badly

## TV star banned from bar near his idyllic French retreat after locals object to 'le binge-drinking'



Poster boy: The picture of Neil Morrissey got up in Les Arcades, the French bar owned by Marie-Claude and Didier Luce, above

By Ben Todd in London and Peter Allen in Montpellier, France

WHEN Neil Morrissey bought a home in rural France, he finally seemed to have found the way to ditching his wild man image.

The actor - who found fame as inebriated Tony in award-winning BBC comedy *Man About the House* - has been so well received into the community of Les Arcades.

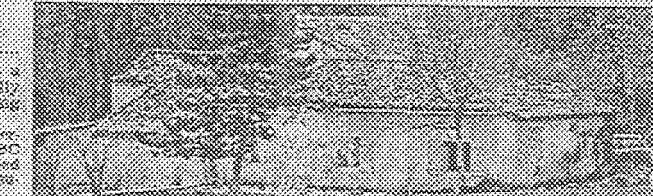
But now Morrissey, 45, the former head of the famous 'Anglo-Saxon' club, targeted for encouraging binge-drinking, is being banned from the bar.

Indeed, the 41-year-old actor, who is one of the UK's most popular stars, is being banned from the bar, which is one of the UK's most popular bars, for a picture featuring a picture of Morrissey's character, Tony, with the text 'Do not serve this man'.

They claimed the popular actor became a negative influence while enjoying his regulars at beer and whisky sessions.

They added there had even been an incident when he went off without settling his bill.

'Neil has become the fall guy for all the beer drinking and binge drinking which goes with the nationality', said a fellow customer who is a regular at Les Arcades. 'When staff discovered Neil was drunk in Britain,



Gallois hotspots: The actor's £500,000 detached home in rural southwestern France

they accused him of being a bit of a drunk at a nearby village who was encouraging his fellow countrymen to binge party.

'On most occasions, and before we knew it, they were being dragged as they all over again into the car, and had far more to do with the party at home'.

**'He can be very charming'**

Some French to the British than anything else has done anything like this and are.

Indeed, friends of Morrissey's are at pains to point out that he did subsequently settle up.

Morrissey bought a three-bedroom detached home, now worth £525,000, in the region of Les Arcades in 2008.

Despite a series of financial

problems, he still owns the home in France, he said. Morrissey's home and home, and Morrissey's home, are regularly seen, according to Ben Todd.

Les Arcades, though, have become angry at the reputation of Morrissey's home, the Les Arcades, and neighbouring Bordeaux, in Bordeaux.

Anger in the region was, region of Aquitaine has seen English law firms and other pitches springing up, as the British buy detached properties which would cost more than twice as much back home.

However, it is heavy drinking which the French particularly resent. 'It irritates our gentle society', said one 71-year-old.

'The English are steady the stars and we should be doing all we can to discourage them. It isn't

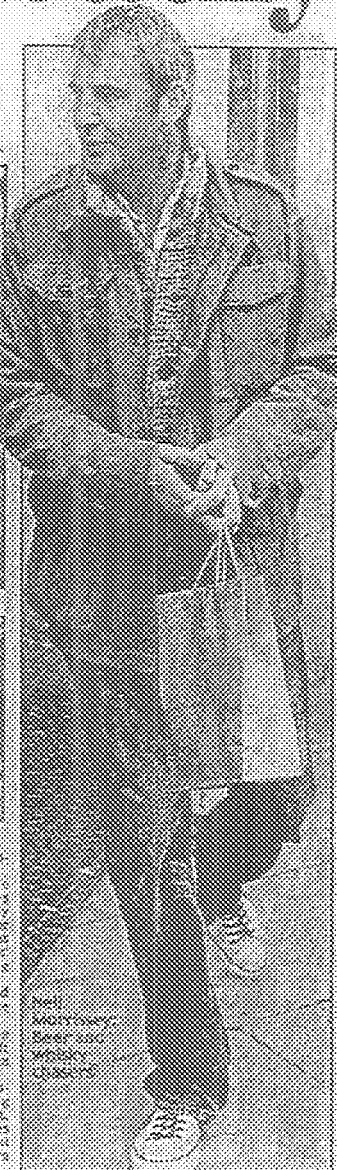
massive binge drinking, but it's more than that.

Indeed, Luce and his wife Marie-Claude, who own Les Arcades, confirmed in the *Times* that the Morrissey poster had indeed gone up, and that there had been a few problems with his behaviour, including the payment of his bar bill.

'They said that Morrissey had been a bit naughty', says the Internet bar and poster.

Asked if Morrissey would be welcome back if he behaved, Mr Luce said: 'Of course - he can be very charming.'

Over time a woman at Morrissey's home said: 'Neil's working hard in Britain at the moment, but he's the best actor. He does a good job.' Another mentioned the actor had only been in Les Arcades three times.



Neil Morrissey: Beer and whisky lovers

# Mail Online

## Homme behaving badly: Neil Morrissey banned from bar near his French retreat after owners object to 'le binge drinking'

By [Ben Todd](#) and [Peter Allan](#)

Last updated at 12:20 PM on 16th March 2011

USA 41



<http://www.dailymail.co.uk/tvshowbiz/article-1367779/Neil-Morrissey-banned-bar-ne...> 16/03/2011

Enjoys beers and whisky chasers: But Neil Morrissey, seen at ITV studios on Thursday, is no longer welcome in his local French bar in Lot-et-Garonne

When Neil Morrissey bought a home in rural France, he finally seemed well on the way to ditching his wild man image.

The actor – who found fame as lager-guzzling Tony in award-winning BBC comedy *Man Behaving Badly* – hoped he would be welcomed into the community of Lot-et-Garonne.

But now Morrissey, 48, the region's most famous 'Anglo-Saxon', is being targeted for encouraging alcohol-fuelled rowdiness known as 'la binge-drinking'.

Indeed, the situation grew so out of hand recently that the all-French staff at Les Arcades, one of the area's most popular bars, produced a poster featuring a picture of Morrissey accompanied by the legend 'Do not serve this man'.

They claimed the popular actor became a negative influence while enjoying his favourites of beer and whisky chasers.

They added there had even been an incident when he went off without settling his tab.

'Neil has become the fall guy for all the beer drinking and larking around which goes with the nationality,' said a fellow expatriate who is a regular at Les Arcades.

'When staff discovered Neil was famous in Britain, they accused him of being a bit too much of a cheeky chappie who was encouraging his fellow countrymen to behave badly.'

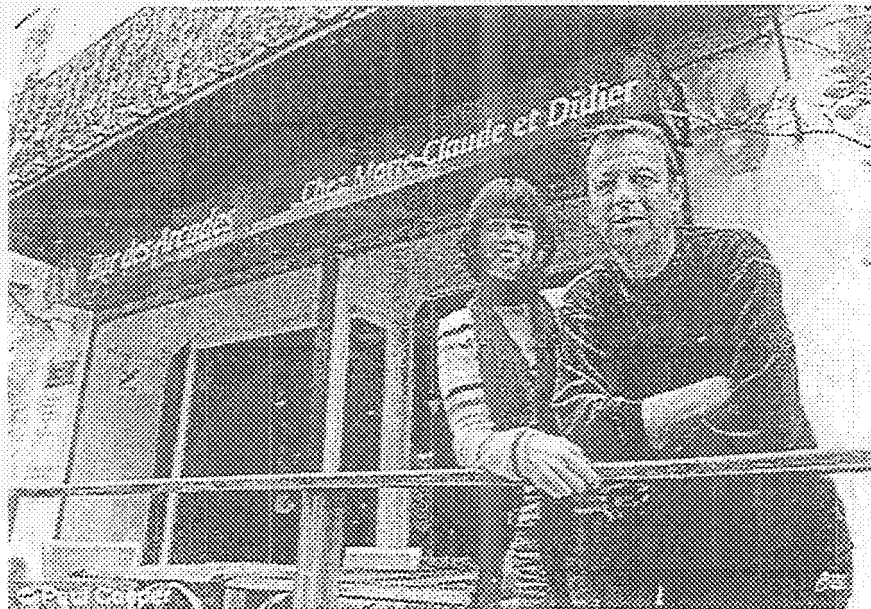
'Up went the poster, and before we knew it Neil was being portrayed as Tony all over again.'

'Unfortunately, this had far more to do with the petty attitude of some French to the British than anything Neil had done.'

Indeed, friends of Morrissey's are at pains to point out that he did subsequently settle up.

Morrissey bought a three-bedroom detached home, now worth £500,000, in the region of Lot-et-Garonne in 2008.

Despite a series of financial problems, he still uses his home in France to relax between jobs. He and long-term partner Emma Killick are regularly seen arriving from Britain.



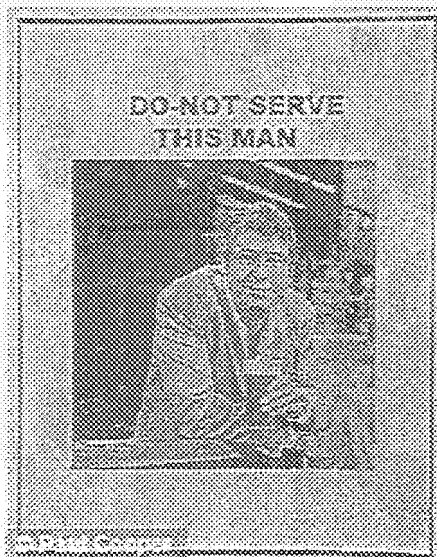
Fed up: Marie-Claude and Didier Lucos, the landlords of Bar des Arcades



Plaid a terra: The actor's £300,000 Gallic bolthole in rural south-western France

Locals, though, have become angry at the 'colonisation' of departments such as the Lot-et-Garonne and neighbouring Dordogne, or 'Dordogneshire'.

Anglicisation in the south-west region of Aquitaine has seen English tea shops and cricket pitches springing up, as the British buy detached properties which would cost more than twice as much back home.



Poster boy: The bar's warning notice

However, it is heavy drinking which the French particularly resent.

'It brutalises our gentle society,' said one 71-year-old.

'The English are easily the worst and we should be doing all we can to discourage them. If this means banning famous Englishmen, then so be it.'

Oidier Lucas and his wife Marie-Claude, who own Les Arcades, confirmed to the Daily Mail that the Morrissey poster had been put up, and that there had been 'a few problems' with his behaviour – including late payment of his bar tab.

They said that Morrissey had been a 'bit boisterous', hence the 'informal ban' and poster.

Asked if Morrissey would be welcome back if he behaved, Mr Lucas said: 'But of course – he can be very charming.'

Yesterday a woman at Morrissey's home said: 'Neil's working hard in Britain at the moment, but he'll be back soon. He loves it over here.'

<http://www.dailymail.co.uk/tvshowbiz/article-1367779/Neil-Morrissey-banned-bar-ne...> 13/06/2011



Another friend said the actor had been in Los Angeles only three times.



Beer-swilling duo: Morrissey and Martin Clunes in TV show *Men Behaving Badly*

People:

[Neil Morrissey](#)

Places:

[France](#)

Headlines

[Most Read](#)

- [Diva face-off: Nicole Scherzinger and Jennifer Lopez battle it out at Summer's Ball at Wembley Stadium - but who won?](#)
- [Do it like a pro! Jason's soldiers on to perform at Summer's Ball despite badly bruised leg from rehearsal](#)
- [Oxy-me out! Paddy Dinkard wears tiny hotpants and poses too outfit despite cold and pouring rain at Isle Of Wight Festival](#)
- [Hot to trot! Kelly Rowland wears bold red wedges to join Tulisa, Gary, Louis and the boys for X Factor auditions in Manchester](#)
- [Has Keira finally found love? Reeves and mystery woman enjoy dinner date in London](#)
- [One Embassy... Please! Wiperspoon, her ex Ryan Reynolds and current husband Jim Tom are all smiles at soccer football match](#)
- [She's hot like pants and named a man! Mavis Fowler shows off her cost-free porno films on romantic dinner date](#)
- [Barefoot and big voiced: Sandra Shaw rolls back the years \(and even slips on a pair of hotpants\)](#)
- [SPOILER! ERIC, Whitney Dean and Felony Robt before kissing and making up in final scenes of \*Spooks\*'s prostitution story](#)
- [Kendra Wilkinson shows off her TXXX revealing dress as she celebrates her 22th birthday in Vegas](#)
- [Spies making romance hot? No, it's just John and Tom! Jerry's loved up on holiday in Bali Beach](#)
- [Legs ahead! Gisele Bündchen shows off her perfectly toned pirs as she leaves yet ANOTHER gym session](#)
- [Summer in heat! Kelly Brock snogs a man out with boyfriend Thom Evans](#)
- [Geri Moore shows she is still in G.I. Jane shape as she shows off her potentially wild troll room](#)
- [MORE HEADLINES](#)
- [What will you see? 7 new projects come via £20,000 for bid on controversial stag marathon](#)

- [Diva face-off: Nicole Scherzinger and Jennifer Lopez battle it out at Summertime Gal at Wembley Stadium - did wife win?](#)
- [Buff Breakers: Christine and Frank Lampard show off their matching muscles as they enjoy romantic Vegas break](#)
- [Scenes from a romance film? No, it's just John and Tom Terry's loved up displays on holiday in Abu Dhabi](#)
- [What a knockout! Stacey Solomon shows off her summer figure in cheeky photo shoot with Tyson Fury in Spain](#)
- [Coco reveals she's an old-fashioned wife on Ice T's new show Ice Loves Coco](#)
- [Michelle Keegan and Max George celebrate her birthday in London as 8 emerges the couple are engaged](#)
- [Has Nanni finally found love? Peaves and mystery woman enjoy dinner date in London](#)
- [Gipsy gave me £500 to abort his love child - then I married his brother](#)
- [Workout WAG: Fitness addict Julie Neville declares her super-slim bikini body on holiday with husband Phil](#)
- [Babes in blue! Coleen Rooney matches her tan bikini with Karl's swimsuit by the pool](#)
- [SPOILER ALERT: Whitney Dean and Falvey fight before kissing and making love in final scenes of EastEnders prostitution story](#)
- [I had to lie on the bed and wait for Archie to be born - and to die, Kym Marsh reveals the agony of son's stillborn](#)
- [Smile! Lay Allen tells friends she's pregnant... on her wedding day](#)
- [MOST READ IN DETAIL](#)

Ads by Google

[Restaurant Coupon!](#) Like to Eat out? Join Now & Save Up to 90% at Your favorite Restaurants [www.kobbeats.co.uk](http://www.kobbeats.co.uk)

[holiday in France fr £17!](#) Choose from 7 destinations and book your holiday in France with

BA [www.britishairways.com/france](http://www.britishairways.com/france)

[Car Hire Express Insurance](#) Annual European Cover Only £37.99! Protect Your Excess in Europe

Today [insurance24carhire.com/france](http://insurance24carhire.com/france)

[High Cholesterol Level?](#) Discover how Flora pro.activ can help you lower your cholesterol [www.floraproactiv.co.uk](http://www.floraproactiv.co.uk)

[Alcohol Recovery Advice](#) Free advice on finding the right UK Alcohol Rehab centre for you [www.recovernow.co.uk](http://www.recovernow.co.uk)

[Auto Europe Car Hire](#) Book Quality Car Hire Today With the Best Price Guaranteed [www.Auto-Europe.co.uk](http://www.Auto-Europe.co.uk)

[Long Tall Salvin UK](#) sizes 8-24 and shoes 7-11 designed for ladies 5' 8" and above [metalfairy.com](http://metalfairy.com)

[Want To Learn A New Trade](#) Get it Sorted At Trade Skills 4U Top Skills Training Facility In UK!

[www.TradeSkills4U.co.uk/Electrical](http://www.TradeSkills4U.co.uk/Electrical)

Published by Associated Newspapers Ltd

Part of the Daily Mail, The Mail on Sunday & Metro Media Group

© Associated Newspapers Ltd





Appendix 2

to which there are nearly 100,000 small business doctor and dentists. Many experts blame the soaring costs on the small business doctor and dentists. Many experts blame the soaring costs on the small business doctor and dentists.

medium-sized firms this year. The Department for Business said: "We are cutting the main 12.5 per cent rise on last year."

position of an average £120,000. Business Data Services found - a 12.5 per cent rise on last year.

Continued from Page One

wanted them he would "let you strike off for this". Shortly afterwards they were removed from the surgery's list. The mother was barred by her GP after complaining to receptionists who had failed to find her an appointment to see her baby vaccinated before the family went on holiday.

Another patient was removed after complaining that the surgery had lost her medical records. Staff arranged a meeting with her to discuss the complaint but she was not given enough notice to attend. She then received a letter explaining they had no choice but to remove her due to her "persistent incoherence".

Katherine Murphy, chief executive of the Patients' Association, said: "For too often patients feel as if they have been removed from their GP list without warning or explanation. The report also warned that hospitals, GPs surgeries and other NHS services were failing in their duty to deal with complaints. The Ombudsman added that the NHS was "not always adequately with the most

straightforward matters". Last night, a spokesman for the Department of Health said: "We expect all GP practices to follow the terms of their contracts and warn patients if they intend to remove them from their practice list."

"If any patient feels that they have been removed unreasonably or without warning then they can raise this with their local primary care trust. Primary care trusts have the power to investigate any breaches of a GP contract and take the most appropriate action."

Concerns about the standard of GP services have been growing. A report this month by the Royal College of GPs warned doctors had lost the faith of their patients because they would only work late to see patients on Friday. And last month a survey for the plan found some patients were waiting to be seen for over 48 hours. The report also warned that hospitals, GPs surgeries and other NHS services were failing in their duty to deal with complaints. The Ombudsman added that the NHS was "not always adequately with the most

# Clarifications & Corrections

*The average tone of the article that contains around 60,000 words - the equivalent of a paperback book - most of which are written on the day under tremendous pressure of deadlines.*

*Hope efforts are made to ensure our journalism meets the highest possible standards of accuracy but it is inevitable that mistakes do occur.*

*This new column provides an opportunity to correct those errors quickly and prominently.*

AN ARTICLE on 19 March suggested that actor Neil Morrissey had been banned from a French bar for drunken behaviour and encouraging binge drinking, and that his property was worth £500,000. While we were shown a letter which indicated that he had been banned, we now accept that none of these allegations with certain exceptions, in fact, are correct. We also accept that local property valuations were overstated. We apologise to Mr Morrissey.

AN ARTICLE on 18 July reported, in common with other newspapers, that the NHS paid £32.77 per loaf of wheat flour based for patients with certain diseases. In fact,

this was the price for an over-the-top production of several loaves, the price per loaf was around £2.27.

A RECENT Measurement article stated that generators of solar power receive 3.1p for every kilowatt hour of energy that they export to the national grid. In fact the correct figure is 3.1p per kWh for 80% of the total generated.

If you wish to report on inaccuracies, please write to the Media Relations Desk, Mail Building, House, 2, Berry Street, London, W8 5TF or email: [corrections@guardian.co.uk](mailto:corrections@guardian.co.uk)

INSIDE SUBSCRIPTIONS: 0205 168077  
 0205 168077  
 0205 168077

Delivered Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday, October 16, 2011

### 5 Day City Forecast

City	Wed	Thu	Fri	Sat	Sun
London	10-16	10-16	10-16	10-16	10-16
Manchester	10-16	10-16	10-16	10-16	10-16
Birmingham	10-16	10-16	10-16	10-16	10-16
Cardiff	10-16	10-16	10-16	10-16	10-16
Edinburgh	10-16	10-16	10-16	10-16	10-16
Belfast	10-16	10-16	10-16	10-16	10-16

### Yesterday

City	High	Low	Wind	Cloud	UV
London	16	10	10-15	10-15	3
Manchester	16	10	10-15	10-15	3
Birmingham	16	10	10-15	10-15	3
Cardiff	16	10	10-15	10-15	3
Edinburgh	16	10	10-15	10-15	3
Belfast	16	10	10-15	10-15	3

### Europe Forecast

City	7-10	11-14	15-18
London	10-16	10-16	10-16
Manchester	10-16	10-16	10-16
Birmingham	10-16	10-16	10-16
Cardiff	10-16	10-16	10-16
Edinburgh	10-16	10-16	10-16
Belfast	10-16	10-16	10-16

### Around the world yesterday

City	High	Low	Wind	Cloud	UV
New York	16	10	10-15	10-15	3
London	16	10	10-15	10-15	3
Paris	16	10	10-15	10-15	3
Tokyo	16	10	10-15	10-15	3
Sydney	16	10	10-15	10-15	3
Mumbai	16	10	10-15	10-15	3
Beijing	16	10	10-15	10-15	3
Sao Paulo	16	10	10-15	10-15	3
Los Angeles	16	10	10-15	10-15	3
San Francisco	16	10	10-15	10-15	3
Chicago	16	10	10-15	10-15	3
Hong Kong	16	10	10-15	10-15	3
Perth	16	10	10-15	10-15	3
Auckland	16	10	10-15	10-15	3
Wellington	16	10	10-15	10-15	3
Christchurch	16	10	10-15	10-15	3
Dunedin	16	10	10-15	10-15	3
Hamilton	16	10	10-15	10-15	3
Palmerston North	16	10	10-15	10-15	3
Tauranga	16	10	10-15	10-15	3
Whangarei	16	10	10-15	10-15	3
Hamilton	16	10	10-15	10-15	3
Wellington	16	10	10-15	10-15	3
Christchurch	16	10	10-15	10-15	3
Dunedin	16	10	10-15	10-15	3
Hamilton	16	10	10-15	10-15	3
Palmerston North	16	10	10-15	10-15	3
Tauranga	16	10	10-15	10-15	3
Whangarei	16	10	10-15	10-15	3

0205 168077

of backgrounds ...read

- [Will you occupy my life? Man proposes with help from Wall Street protesters](#)
- [This is not a warzone: The moment a machine pulled them confronted NYPD during Times Square occupation](#)

**Hague hails 'watershed' moment as he reopens British Embassy in Tripoli**



Mr Hague (pictured with National Transitional Council chairman Alussata Abour Jellil) confirmed Sir John Jenkins as the new ambassador. He said the embassy had an important role to play in Libya.

**'Shop around to get the best deal': Households told to ditch loyalty as profits-per-customer rocket from £15 a year to £125**



The Energy Secretary said householders in Britain are enjoying 'relatively good electricity and gas prices' compared to other countries.

**Hollow-eyed university lecturer whose cocktail of drugs killed schoolgirl at party in his house has aged 10 years in six months**



Isobel Jones-Ridley, 15, died after taking ecstasy at an unsupervised party at 51-year-old University of London research fellow Brian Dodgson's (pictured) west London home in April.

**Soft justice as lag's letter reveals 'It's relaxing in here, we play snooker and do rock-climbing - it's quite good'**



Robert Stewart's 'quite good' life behind bars in Dersut, pictured, has sparked outrage from his former wife Sally Shaw, 40, from Exeter, who branded it a 'disgrace'.

**Gurkha who beheaded Taliban soldier in Afghanistan battle cleared to return to duty**



The private, in his early 20s, was seeking a 'high-value' Taliban leader in Helmand Province last July and believed he needed DNA evidence to validate his kill.

**D-Day veterans who fought side-by-side on beaches of Normandy reunited after chance meeting on same beach 67 years later**



War heroes Bill Betts (left), 98, and Clifford Baker (right), 88, were among the first soldiers off the boats when their regiment stormed Gold Beach on June 6, 1944. Mr Betts, of Warwickshire, was wounded by heavy machine gun fire and airlifted back to Britain and never saw Mr Baker, from South Wales, again. That was until noticing his friend's name in a comments book in a museum in Arromanches and being told Mr Baker had only left 20 minutes ago... [...read](#)

**Earthquakes along Lancashire coast WERE caused by drilling for gas, experts warn as energy operation is threatened with closure**



A report looked into the risk of earthquakes associated with 'fracking' - the process used to extract shale gas from deep beneath the region's Fylde coast.

**Corrections and clarifications**



Huge efforts are made to ensure our journalism meets the highest possible standards of accuracy but it is inevitable that mistakes do occur. This new column provides an opportunity to correct those errors quickly and prominently.

# Mail Online

## Corrections and clarifications

The average issue of the Daily Mail contains around 80,000 words - the equivalent of a paperback book - most of which are written on the day under tremendous pressure of deadlines. Huge efforts are made to ensure our journalism meets the highest possible standards of accuracy but it is inevitable that mistakes do occur. This new column provides an opportunity to correct those errors quickly and prominently.

Last updated at 11:20 PM on 17th October 2011

Like

An article on 19 March suggested that actor Neil Morrissey had been banned from a French bar for drunken behaviour and encouraging binge-drinking, and that his property was worth £500,000.

While we were shown a poster which indicated that he had been barred, we now accept that none of these allegations are correct. We also accept that local property valuations were overstated. We apologise to Mr Morrissey.

An article on 19 July reported, in common with other newspapers, that the NHS paid £32.27 per loaf of gluten-free bread for patients with coeliac disease.

In fact, this was the price for an average prescription of several loaves; the price per loaf was around £2.32.

A recent Moneymail article stated that generators of solar power receive 3.1p for every kilowatt hour of energy that they export to the national grid. In fact the tariff, linked to RPI, is 3.1p per kWh for 50pc of the total generated.

If you wish to report an inaccuracy, please write to the Readers' Editor, Daily Mail, Northcliffe House, 2 Derry Street, London W8 5th or email [corrections@dailymail.co.uk](mailto:corrections@dailymail.co.uk)

Site Web

[Today's headlines](#)  
[Most Read](#)

- [Tutankhamun of Tortuay: Terminally ill taxi driver chose to have his body mummified for Channel 4 documentary](#)
- [Detective quizzed on killing of woman PC lover and dumping her body in woodland](#)
- [GPs ban patients just for daring to complain: Entire families unfairly removed following trivial disagreements](#)
- [Eviction at Dale Farm will begin tomorrow: Travellers in 'lockdown' as judge rules clearance can go ahead](#)
- [Fox to leave with a rebuke... and a £17,000 payoff despite breaching ministerial code](#)
- [In thrall to the lobbyists: As PM delays crackdown, network with hotline to No.10 is revealed](#)

<http://www.dailymail.co.uk/news/article-2050231/Corrections-clarifications.html?ito=...> 18/10/2011

Appendix 3



Neil Morrissey v Associated Newspapers Limited  
Claim No. HC11D02270

Draft Unilateral Statement in Court of the Claimant  
following acceptance of the Defendant's Part 36 Offer

Agreed statement

Solicitor for the Claimant:

"My Lord

I appear on behalf of the Claimant in these libel proceedings, Mr Neil Morrissey.

Mr Morrissey is a successful actor, well known throughout the jurisdiction and beyond from his appearances on television, in film and on stage.

The Defendant is the publisher of the Daily Mail.

On 19<sup>th</sup> March 2011 the Defendant published an article which, including photographs, took up most of page 19 of the Mail, headed "Man Behaving Badly – TV star banned from bar...after locals object to 'le binge drinking'".

A similar article appeared the same day in the TV Showbiz section of the Mail Online website under the heading "Homme behaving badly: Neil Morrissey banned from bar near his French retreat after owners object to 'le binge drinking'".

The photographs with these articles included one of a poster showing Mr Morrissey under the legend "DO-NOT SERVE THIS MAN".

The Mail's articles said that this poster had been put up in a bar near Mr Morrissey's home in France. It also reported how, supposedly, Mr Morrissey had been (and remained) banned from this bar because of his rowdy, drunken behaviour.

The Mail alleged that the poster had gone up and Mr Morrissey had been banned because his behaviour had made him unwelcome to the proprietors and staff as a bad influence who encouraged the antisocial and offensive binge drinking for which (according to the article) English settlers had become notorious and were resented by local French people.

Those assertions were not true. Most significantly, Mr Morrissey had not been banned from the bar nor had he been drunken or rowdy in the bar.

Mr Morrissey complained immediately after the articles appeared. When the Mail responded it did not claim that the allegation of rowdy, drunken behaviour was true or that Mr Morrissey had indeed been banned from the bar.

Mr Morrissey issued proceedings on 21<sup>st</sup> June.

On 5<sup>th</sup> August the Mail made an unqualified Offer of Amends.

By making that Offer of Amends, the Mail accepted that the allegations in the newspaper article and in the online article that it continued to keep available on its website until 10<sup>th</sup> August were completely false and that it had no defence to the proceedings. It also thereby undertook to pay Mr Morrissey appropriate compensation and to publish in a reasonable manner a suitable correction and sufficient apology.

The Mail published a correction and apology in the newspaper and on the Mail Online website on 18<sup>th</sup> October 2011.

In the Mail the correction and apology appeared as the first item in a "Clarifications and Corrections" column at the foot of page 2. On the Mail Online website the "Clarifications and Corrections" column was advertised for 24 hours on the News page with a link to the page carrying the column, which remains accessible on the website.

Mr Morrissey makes this statement in court today to bring the Mail's unreserved withdrawal of these allegations and its apology for publishing them to the attention of those who did not see the Mail's published apology.

My Lord, on 1<sup>st</sup> November the Mail made a Part 36 Offer of compensation to Mr Morrissey. He has accepted that offer so that, in addition to publication of the Mail's correction and apology, he will receive substantial damages.

In these circumstances, and this statement having been made in Court, Mr Morrissey considers that he has been fully vindicated and he is happy to bring these proceedings to a close."