

Your local newspaper has always sought to uphold the highest journalistic standards.

Leveson found the existing regulatory framework totally inadequate – but newspapers had no real other option to the PCC. Newspapers who subscribe to the highest journalistic standards now have an option – in a Leveson-audited system.

Regardless, any newspaper can claim high standards but only regulation under the Leveson system can verify that is the case.

We support no political party. We do not wantonly intrude into the privacy of others. Accuracy is our watchword.

Let's see how accurate you are below.

Pursuing stories - of all shapes and sizes - in the public interest is our raison d'etre. In turbulent times we help bind communities together in a calm and responsible way for the common good by informing, investigating, holding decision-makers to account, and sharing local success stories.

As above – such newspapers would benefit from Leveson regulation. And again, anyone can say this. If this newspaper is genuinely interested in pursuing public interest stories, then they should be embracing independent accountability and the new section 40 protections, which mean that any newspaper challenged by a wealthy litigant will be required to pay their own costs, win or lose the case, or go down the route of cheap arbitration.

Lord Justice Leveson recognised we had never hacked phones and in his report into the scandal recognised this and made clear we should not suffer as a result of any changes he recommended.

Leveson said that his reforms **would** not place a financial burden on the local press. That is why he recommended section 40, and low-cost arbitration in a future regulator – to protect the local press from the threat of court costs.

But we will suffer immense financial hardship, we will face punitive action and many of our titles simply will not be able to withstand the financial pressures should the punitive costs clause be inserted in either the Investigatory Powers Bill, albeit in a limited but significant first step, or activated comprehensively in the Crime and Courts Act of 2013.

- 1) This is a hyperbolic claim which requires some evidence – none of which stands up to scrutiny below.
- 2) “Our titles” refers to the owners of the company presumably, not to the Eastbourne Herald. It looks like this sentence was left unchanged from a circular from the head company. Johnston Press – which is responsible for the decision to expose its newspapers to the potential costs penalties of section 40 by choosing not to accept the costs protections of section 40 – has a turnover of £250m.
- 3) Your exposure to the potential costs penalties of section 40 comes from the decision of your head office to reject the costs protections and expose you to the costs penalties of this new law. Your gripe should be with your senior management not with Parliament.

- 4) Newspapers make their own choice over whether they will join a regulator offering independent regulation, for the first time, and a low-cost arbitration service so that members of the public have access to justice when bringing claims. If they choose not to do that, Leveson said it is only fair that they should meet the costs of claims brought against them so that the public still has access to justice.
- 5) As above, by signing up to a Leveson-audited system they gain financial protections in court – making section 40 a significant improvement on the status quo.

With tiny staffs and the best of intentions we occasionally make mistakes. Our policy is to correct and apologise as quickly as possible and it is rare indeed for us to incur legal costs or pay damages. Indeed, to do so would cause financial hardship to us.

This is why section 40 is important for local publishers – so they can be protected from this threat under a recognised regulator – and force any claimants to use low-cost arbitration.

There is no evidence that any more arguable claims will be brought against you under section 40 rules than previously. It seems you are confusing **complaints** (over accuracy, etc) with legal **claims** which relate to libel (false and defamatory) and privacy intrusion.

We have actively and comprehensively supported our regulator IPSO since its launch and can vouch for how forensic it has been in holding us to account. Indeed, we are already having to work harder within this new regulatory regime, placing quite a burden on our editors.

It is no good if a regulator is “good enough” or “forensic enough” in the view of newspaper editors. The only test is recognition by the Press Recognition Panel. The PCC lasted for years on the basis that the press claimed it was independent, forensic and placed a burden on editors and was proven to be a total sham at Leveson.

For us to sign up to a Royal Charter approved regulator to avoid the threat of exemplary damages and both sides' court costs - even when we are vindicated - would force us to commit to a compensatory arbitration process.

It is not clear what is meant by “compensatory” arbitration process – perhaps you mean that it would be “compulsory” for you to offer one.

But arbitration is far cheaper than court – this is a beneficial development for the press. It is also beneficial for members of the public with claims- 99.9% of whom have less resources than your £250m turnover company.

Furthermore the Royal Charter includes a rule where if there is evidence after 2 years of operation that low-cost arbitration is causing financial difficulty for local and regional newspapers then they need not participate, and section 40 penalties would not apply, even if claimants are forced into court by the refusal of local newspapers and the large corporations who own most of them to offer low cost arbitration.

This would not only require us to find thousands of pounds for each case heard but would without doubt encourage complainants to seek financial recompense where a swift apology has always served all parties well up to now.

The amount of money that low-cost arbitration costs under the IMPRESS scheme (which incidentally is cheaper for newspapers than the IPSO “pilot” scheme) is much less than would be spent defending a court action. There is no evidence.

To say the offer of low-cost arbitration would “without doubt” encourage complainants to seek financial redress where a swift apology has always served all parties well up to now” requires conclusive proof of this assertion – for which there is little evidence.

Most complaints to newspapers are not matters which give rise to a legal claim (a “cause of action”). These are limited to libel, privacy intrusion or harassment (so called “tortious acts”). The vast majority of complaints received by newspapers are about accuracy or other breaches of the Standards Code which do not engage legal rights or allege tortious acts.

Do you have many examples of where you have libelled someone or intruded on their privacy where this has been settled by a “swift apology”? Or are you referring to simple errors or lapses that are Code breaches?

Finally how can you claim to speak for the other side of legal dispute where they are perhaps forced - for fear of court costs - to settle for an apology and not seek compensation. One of the findings of Leveson was that a correction buried on page 37 served the press very well, it did not serve the victims well and independent regulation was necessary.

We seek to provide the very best local media service despite a significant migration of classified advertisements to social media and digital global conglomerates who will sit entirely outside the regulatory system and will be untouched by these two pieces of domestic legislation.

Any media is covered so long as it fits the category of “relevant publisher” set out in the Crime and Courts Act, and can be the subject of civil claims in England and Wales. So digital global conglomerates which publish news about UK citizens are certainly within the scope of the sections. The largest online media outlets which consist mostly of UK news are owned by newspapers – Mail Online, and so on – so they are covered.

Today, I appeal to you to vote out the amendment to add punitive costs sanctions to the IP Bill and to support your local press which continues to strive to support you and all in our community to the very best of our ability.

The best way to support the local press is to bring into force section 40, so the press have the opportunity to benefit from the free speech protection therein – while the public are also protected.

The local newspaper industry is part of the fabric of our communities and societies, and we urge you to understand the consequences if the amendment goes through.

Otherwise, without your help, there is no doubt that many public interest local investigations and campaigns that we have run in the past will simply become too potentially costly to undertake in the future.

There is no evidence to back up this wild claim, and if it existed then it would only serve to support the granting to newspapers the opportunity to benefit from s40 costs protections by joining a Leveson-audited regulator and offer low-cost arbitration.

Yours sincerely,

Gary

Gary Shipton
Editor in Chief
West Sussex County Times Series

gary.shipton@jpress.co.uk

Deputy Chairman | Johnston Press Editorial Board
Editorial Director | Sussex | Midlands | The Home Counties
Editor In Chief and Editor | Sussex Newspapers

i+Johnston Press
Bigger Audience with a Better Focus

Hastings Observer, Bexhill Observer, Battle Observer, Rye Observer, Chichester Observer, Bognor Regis Observer, Midhurst and Petworth Observer, West Sussex County Times Series, Mid Sussex Times, Worthing Herald, Shoreham Herald, Lancing Herald, Steyning Herald, Littlehampton Gazette, West Sussex Gazette, Crawley Observer, East Grinstead Gazette, Sussex Express Series, Mid Sussex Gazette, Bognor Regis Gazette, Worthing Advertiser Series, Eastbourne Herald Series, Horsham Gazette, Brighton and Hove Independent, Etc Magazine