

COMPLAINT ADJUDICATION

**Cllr. David Owens and Cllr. Robert John
and
Llanelli Online**

Clause 1 Accuracy

Complaint Dismissed

No breach of Code

Before IMPRESS Regulatory Committee A

Walter Merricks (Chair), Patrick Swaffer, Emma Jones, Martin Hickman, Andrea Wills

14 June 2018

1. Summary of Complaint

- 1.1. The Complainants are Cllr David Owens and Cllr Robert John, individuals personally and directly affected by the alleged breach of the Code.
- 1.2. The Respondent is Llanelli Online, a news site covering local affairs that has been regulated by IMPRESS since 15 August 2017.
- 1.3. The complaint concerns the accuracy of an article that first appeared in Llanelli Online on 30 October 2017 with the headline "*Pembrey and Burry Town Councillors sock it out in public*".
- 1.4. The complaint is assessed against the IMPRESS Standards Code. The relevant clauses are:

Clause 1 (Accuracy)

- 1.1. Publishers must take all reasonable steps to ensure accuracy.*
- 1.2. Publishers must correct any significant inaccuracy with due prominence, which should normally be equal prominence, at the earliest opportunity.*
- 1.3 Publishers must always distinguish clearly between statements of fact, conjecture and opinion.*
- 1.4. Whilst free to be partisan, publishers must not misrepresent or distort the facts.*

2. Background

- 2.1. The article reported on "disharmony" amongst the council and claims made by various parties in the local press. This included reporting on a dispute between the complainants, the Mayor and Deputy Mayor of Pembrey and Burry Port (independent councillors), and a group of Labour councillors.
- 2.2. The article also reports that "a member of staff at the Town Council chose to resign after eleven months in the post". It goes on to explain *the "employee was asked to take 24 hours to consider his decision"*, but ultimately decided to go. The article quotes a statement released by the Mayor and Deputy Mayor:

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“It must be made perfectly clear that nobody asked him (member of staff) to resign, in fact the Mayor asked him to consider his actions carefully when he wanted to resign.”

The article goes on to state that the publisher received correspondence from individuals involved in the dispute. It explains the press were excluded from discussion concerning “staffing, financial information”. The article states the complainants claim they suffered, “harassment, personal attacks, verbal abuse, intimidation and bullying by people who attended the Council meeting on 21st September”.

The article said,

“some councillors claim that they were not given the opportunity to respond in the local press before articles highlighting much of the above allegations were published”.

The article reports that there were numerous claims made by the Labour councillors in a press statement, in response to the Mayor and Deputy Mayor’s statements to the press.

3. The Complaint

3.1. The complainant wrote to the Publisher to complain about the accuracy of the article on the basis that it contained serious, untrue and highly defamatory comments about the complainants. Llanelli Online responded to the Complainant, rejecting the complaint as it considered the article was justified and based on statements about the events from both the complainants and the Labour councillors.

3.2. After corresponding with the publisher, the Complainants subsequently made a complaint to IMPRESS. After clarifying they had followed the complaints procedure with the Publisher and seeking clarification of the basis for the complaint, IMPRESS confirmed the substance of Cllr Owens and Cllr John’s complaint with them, as follows:

“The Complainants are the affected party seeking to ensure the accuracy of published information.

The grounds of complaint are:

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1. *Statements made about the complainants by the Labour group of councillors were distorted, false and misleading;*
2. *An opportunity was not given to challenge the inaccurate statements about the complainants prior to publication.*

Relevant statements

A. The complainants, who believe the article is untrue and defamatory, consider the following statement is inaccurate, misrepresented or a distortion:

“The Labour councillors claim that at the heart of the problem lied the behaviours of the non-plenary Mayor Councillor David Owens, as a retired lay magistrate and Deputy Mayor Councillor Robert John, former police officer with Dyfed Powys Police.”

B. The complainants, who believe the article is untrue and defamatory, consider the following statement is inaccurate, misrepresented or a distortion:

“Numerous claims are made by the Labour councillors including alleged abuse of powers and alleged false accusations against female members of the council. The Labour councillors claim that Councillor Owens has issued a plethora of emails ‘insisting that other councillors abide by his advice, decisions and edicts in matters of fact and law’.”

C. The complainants, who believe the article is untrue and defamatory, consider the following statement is inaccurate, misrepresented or a distortion:

“The Labour Councillors claim that as a result of these alleged behaviours some female Labour councillors have ‘become concerned about their physical safety and mental health’ and at they have ‘informed the monitoring officer that they now intend to record meetings in full council and otherwise for their personal protection and peace of mind’.”

3.3. IMPRESS Provided the Complainants with a full copy of Llanelli Online’s response (summarised in Section 4 below) and gave them the opportunity to provide a final reply to that response.

3.4. The Complainants did not wish to provide additional comments.

4. Response of Publication

- 4.1. IMPRESS invited Llanelli Online to provide additional information in response to the Complaint. The Publisher's response is summarised below.
- 4.2. The Publisher said after the dispute at the Town Council meeting was brought to his attention, he contacted the complainants regarding the subject of the article and that he subsequently attempted to contact them regarding the press release sent by the Clerk of the Town Council on their behalf. The publisher then received a press statement from the Labour Councillors and decided to publish the story that day.
- 4.3. The Publisher stated the decision to publish the story was made once they had received a statement from both the complainants and the Labour Group concerning the Town Council meeting (which was the subject of the story), as they considered they had heard from "both sides".
- 4.4. The Publisher said after publication he also offered to meet them both to resolve the matter, and directed the Town Clerk to their complaints procedure and policy.
- 4.5. The Publisher went on to argue "that many of the claims and allegations the complainants consider defamatory were also present in the Town Council minutes".
- 4.6. The Publisher continued, "claims made by female councillors were made by the affected party and that they themselves contacted Llanelli Online to give their version of events".
- 4.7. The Publisher said it "strongly refutes any claim of defamation of character as they clearly indicated that the claims being made were those of fellow councillors who were present at the meetings and which had already been made on social media".
- 4.8. The Publisher maintained their belief that the council continued to be in a state of turmoil, highlighting events that took place in a recent Town Council meeting.
- 4.9. The Publisher said they found it difficult communicating with the complainants regarding the complaint as they were initially unsure whether they were dealing with the councillors as individuals as correspondence was sent through the Town Council clerk.

- 4.10. In a further response, the Publisher reiterated the difficulty they have faced communicating with the complainants and gaining comments and press releases from the Town Council.
- 4.11. The Publisher added there was a further incident where the complainants were “accused of bullying and intimidating female councillors after a Town Council meeting in May. The Publisher also stated, “a large number of councillors walked out in protest and members of the public posted about the event on social media”.
- 4.12. A full copy of the Publisher’s response, and further comments was considered by the Regulatory Committee in determining the outcome of the complaint.

5. Compliance with the IMPRESS Regulatory Scheme

- 5.1. Llanelli Online complied with the requirements of the IMPRESS Regulatory Scheme (Paragraph 3.2), by acknowledging the complaint within seven calendar days, and referring the complainants to their Complaints procedures and policy once it was clear the complaint could not be resolved to the complainant’s satisfaction. Llanelli Online complaint’s procedures and policy clearly state complainants may refer their complaint to IMPRESS.

6. The Committee’s Conclusion

- 6.1. The Committee considered the hypothetical ordinary, reasonable reader would understand the article was about an ongoing dispute between two parties within the Pembrey and Burry Port Town Council. Readers would also understand that in such disputes political opponents may level serious allegations against one another. The statements were represented in the article, by tone, context and language, as allegations only. Read in this context, readers would understand that the statements complained about were allegations made by one of the parties to the dispute, the Labour Councillors. Readers would also understand the statements represented the Labour Councillors views and opinions on the matter, rather than being assertions of fact made by the publisher.
- 6.2. Following this, the Committee considered the publication of the statements did not breach Code Clause 1.

6.3. The first ground of complaint is dismissed, and no further action is required.

6.4. Finally, the Code makes no provision requiring publishers to provide opportunities for affected parties to comment prior to publication, and accordingly the second ground of complaint is also dismissed.