

FINAL ADJUDICATION

Alan Cheesman

and

The Guildford Dragon

Clause 1. Accuracy

1.2. Publishers must correct any significant inaccuracy with due prominence, which should normally be equal prominence, at the earliest opportunity.

1.4. Whilst free to be partisan, publishers must not misrepresent or distort the facts.

Complaint Dismissed

No breach of Code

Before IMPRESS Regulatory Committee A

Ato Erzan-Essien, Claire de Than, David Leigh, and Walter Merricks (Chair)

8 March 2021

1. Summary of Complaint

- 1.1. The Complainant is Alan Cheesman (“the Complainant”), a directly affected party seeking to ensure the accuracy of published information. The Complainant was a Councillor and the Chair of Normandy Parish Council at the time of publication.
- 1.2. The Respondent is The Guildford Dragon, a news website covering local affairs that has been regulated by IMPRESS since 2 December 2017.
- 1.3. The complaint concerns the accuracy of an article that first appeared on The Guildford Dragon on 31 December 2020 with the headline, “*Normandy Parish Council Refuses to Disclose Failed Audit Details*”.
- 1.4. The complaint is assessed against the IMPRESS Standards Code, the relevant clauses are:

Clause 1 (Accuracy)

1.2. Publishers must correct any significant inaccuracy with due prominence, which should normally be equal prominence, at the earliest opportunity.

1.4. Whilst free to be partisan, Publishers must not misrepresent facts or distort the facts.

2. Background

- 2.1. The article concerns the claim that Normandy Paris Council (PC) refused to disclose to the Publisher details of failures in its 2019/20 internal audit.
- 2.2. The article claims that the Publisher made several requests to the PC for an explanation of these failures, whatever plans the PC had to address them and whether the details of the internal audit would be published, ‘as required by the Transparency Code for Smaller Authorities’.
- 2.3. The article claims that the PC states it was compliant with the Code and that a council of its size was encouraged but not required to comply.
- 2.4. The article concludes by stating:

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'The council chairman, Alan Cheesman claims it is "complying with all statute rules" and has accused *The Dragon* in an email of December 29 of "becoming vexatious".' The article features an image of the Complainant.

- 2.5. The headline and article was updated on 2 January 2021, in bold, to read as follows:

Clarification: Normandy Parish Council Refuses to Disclose Failed Audit Details

This article was originally published on December 31, 2020. Following correspondence from Normandy Parish Council, we wish to clarify that the council has published the External Audit 2019.20 ([click here to view](#))."

- 2.6. After receiving a further complaint concerning the amendment, the article was subsequently amended again on 3 January 2021 to read, in bolded text, as follows:

This article was originally published on December 31, 2020. Following correspondence from Normandy Parish Council, we wish to clarify that the council published the External Audit 2019/20 on December 9 ([click here to view](#))."

3. The Complaint

- 3.1. The Complainant contacted The Guildford Dragon on 1 January 2021 and made a complaint on the grounds of Accuracy. The Publisher subsequently published a clarification; the Complainant was not satisfied with the clarification and made a further complaint. The Publisher rejected the complaint, as it did not consider that the article breached the IMPRESS Standards Code.
- 3.2. A full copy of correspondence between the parties was provided to the Regulatory Committee.
- 3.3. The Complainant subsequently made a complaint to IMPRESS, and after seeking clarification of the basis for the complaint, IMPRESS confirmed the substance of the complaint as follows, a full copy of which was provided to the Committee. The Complainant argues that a breach of Clauses 1.2 and 1.4 of the IMPRESS Standards Code has occurred.

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- 3.4. Regarding Code Clause 1.4, the Complainant considers that the Publisher misrepresented the facts that were provided to it, prior to publication. The Complainant states that the PC did not fail the Audit, referencing the wording of the audit which was provided to the Committee for review.
- 3.5. The Complainant considers that the article suggests or implies that the PC does not follow the statutory requirements. The Complainant considers that the specific claim made in the article, concerning the Transparency Code for Smaller Authorities, is incorrect and misrepresents the facts: that it was the PC's legal responsibility to disclose the audit details, when this was not the case. In support of their view, the Complainant states the PC falls between the Smaller and Larger authorities, and that publication of its audit is a recommendation, not a requirement. Therefore, it did follow its statutory requirements.
- 3.6. Regarding the claim that the PC failed to explain failures in the internal audit and address them, the Complainant states that the PC had clearly stated when the actions to address them would be published, in an email to the Publisher, on 17 December 2020.
- 3.7. Furthermore, the Complainant considers that the claims made in the article were "defamatory" and caused "harm" to the Complainant and the PC. The Complainant considers the article 'ruined' the PC's reputation, one that will 'take years to rebuild'.
- 3.8. The Relevant Statement is:

Normandy Parish Council has refused to disclose to The Guildford Dragon NEWS details of their failures in their 2019/20 audit, which had identified "significant weaknesses in relation to invoices, salary payments, the asset register and provision for the exercise of public rights".

After several requests for explanation of the failures and their plans to address them, the council has also not commented on whether it would publish details on their website, as required by the Transparency Code for Smaller Authorities.

- 3.9. Regarding Code Clause 1.2, the Complainant considers that the headline is an inaccurate representation of the facts requiring correction. The Complainant considers that the Publisher failed to correct significant inaccuracies once it was made aware of them, with due prominence.

- 3.10. The Complainant considers that the clarification did not address his complaint as he does not consider it makes a clear statement that the NPC did not fail the audit.

4. Response of Publication

- 4.1. IMPRESS invited the Publisher to provide additional information in response to the Complainant. The Publisher's response is summarised below, a full copy of which was provided to the Committee.
- 4.2. Regarding Code Clause 1.4, the Publisher does not consider that it misrepresented or distorted the facts.
- 4.3. The Publisher considers that the complained about article should be read in the context of related articles; *'At last, Normandy PC Reveals Failures in Financial, Governance and Public Rights'*, published on 3 October 2020, and, *'Identified Weaknesses to Be Discussed at Parish Council's Next Meeting'*, published on 5 January 2021.
- 4.4. The Publisher states that the article clearly defined the areas of internal audit failure and did not state or imply that the PC had failed the audit.
- 4.5. The Publisher considers it is important to make a distinction between the Internal Audit 2019/20, where the PC failed in four out of 10 areas examined, and the External Report 2019/20 which referred to the failures in the Internal Audit.
- 4.6. The Publisher does not consider that the article states or implies that the PC had not followed its legal requirements. The Publisher considers that the article acknowledged that the PC was not obliged to follow the Transparency Code for Smaller Authorities:
- In an email to The Dragon on December 18, the council's decision not to disclose or publish appears to be based on the wording of general advice from the National Association of Local Councils (NACL) which encourages but doesn't require local authorities with an annual turnover of less than £200,000 or greater than £25,000 to comply with the Code.*
- 4.7. The Publisher does not consider that it is correct for the PC to claim that prior to publication it had clearly stated when the actions to address the failures in the internal audit would be published.

- 4.8. The Publisher states that it contacted the Complainant on 11 December 2020 to confirm when the actions would be published. The Publisher did not consider the response received on 18 December 2020 addressed the Publisher's points. The Publisher states that it contacted the Complainant again on 22 December 2020 to clarify, and that it received an email on 29 December 2020 stating that the question had been addressed and added that 'this is becoming vexatious'.
- 4.9. Regarding the Complainant's claim that the article was defamatory, the Publisher states that the only reference to the Complainant in the article was included to give balance to the story. The Publisher did not consider that this caused serious reputational harm to the Complainant or the Parish Council.
- 4.10. Regarding Code Clause 1.2, the Publisher considers that the headline was qualified by the introductory sentences of the article and was a fair representation of the article, as details concerning the weaknesses and remedial action had not been published or provided to the Publisher at the time of publication and that the Complainant had not confirmed that those details would be published.
- 4.11. The Publisher considers that it published the first clarification at the earliest opportunity, on 2 January 2021, the day after the Complainant contacted it on 1 January 2021, at 11:21pm. Furthermore, it immediately amended the clarification after receiving further communication from the Complainant. The Publisher states that it also invited the Complainant to comment on the website or submit a reader's letter.
- 4.12. The Publisher consider that the clarification adequately addressed the Complainant's concerns as expressed in his complaint to the Publisher.

5. Compliance with the IMPRESS Regulatory Scheme

- 5.1. The Guildford Dragon complied with the requirements of the IMPRESS Regulatory Scheme (Paragraph 3.2), by acknowledging the complaint within seven calendar days, issuing a final decision letter within 21 calendar days, and by informing the Complainant of their right to refer the complaint to IMPRESS.

6. The Committee's Findings

- 6.1. The Code requires that publishers ensure that the facts underpinning published articles are not misrepresented or distorted. The Committee considered that the ordinary reasonable reader would understand that the article concerned criticism of the Parish Council for not revealing details of its internal audit.
- 6.2. The Committee noted that the headline used the phrase "refuses to" to describe the Council's actions, which was pejorative and may have created a false impression about the Council's conduct with respect to publishing the information on its website. However, the Committee noted that the clarification subsequently published by the Publisher sufficiently corrected any false impression created by that inaccuracy. The Committee further noted that the headline used the term "failed" to describe the outcome of the audit. The Committee did not consider the use of the term amounted to a significant inaccuracy, as the subsequent text of the article clarified what these 'failures' amounted to with respect to the Council's internal audit overall.
- 6.3. The Committee considered that the inaccuracies noted did not substantively change the story. The Guidance states that the significance of an inaccuracy can be judged by its consequences for a person's reputation as well as its impact on the story as a whole. While the Committee acknowledged the Complainant's view that there had been harm to his reputation, and the reputation of others, the Complainant had not demonstrated, with evidence, that the harm stemmed from or was caused by the publication of a significant inaccuracy or error in the story. The Committee further noted that, once drawn to the Publisher's attention, any minor inaccuracy was promptly corrected with due prominence and at the earliest opportunity.
- 6.4. The Committee, therefore, did not consider that that the Publisher had misrepresented or distorted the facts, nor did the Committee consider that there were any significant inaccuracies that required correction.
- 6.5. There had been no breach of Clause 1 of the IMPRESS Code.