

COMPLAINT ADJUDICATION

Mr Chris Rodger
and
Brixton Bugle (print)

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.**

Complaint Not Upheld

No breach of Code

Before IMPRESS Regulatory Committee A

David Robinson, Deborah Arnott, Emma Jones and Walter Merricks (Chair)

15 July 2019

1. Summary of Complaint

- 1.1. The Complainant is Chris Rodger, a third-party seeking to ensure the accuracy of published information. He has confirmed to IMPRESS that he is not a directly-affected party and has no personal or business interest in the issues covered by the article.
- 1.2. The Respondent is Brixton Media Limited, which publishes online and monthly in print, covering local news, that has been regulated by IMPRESS since 19 October 2016.
- 1.3. The complaint concerns the accuracy of an article that first appeared in the Brixton Bugle (Print) in their May 2019 Issue, and online on the Brixton Blog on 24 April 2019, with the headline "*Bravo's four-year battle to open Brixton launderette*".
- 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.

2. Background

- 2.1. The subject of the article was Darrell Bravo, a local trader, who had been trying to open a business called the Railton Road Launderette since December 2014. The article goes on to explain his various interactions with Lambeth Council and his attempts to secure various planning permissions. The article refers to a shed which was built by Mr Bravo, in the course of setting up the launderette business.
- 2.2. After publication, and upon receipt of a complaint by the Complainant on 30 April 2019 (see below), an amendment was made in the July 2019 issue of the Brixton Bugle and on 18 June 2019 on the Brixton Blog, which stated:

Case Ref: 0222/2019

A reader has asked us to point out that certain points in our story about Tumbles launderette in the May issue of the Bugle are not borne out by Lambeth council planning documents.

In particular an application to build a shed in 2015 is not mentioned in council planning documents; an application for installation of equipment to control dry-cleaning fumes was rejected by the council in 2017 because it did not contain sufficient detail; and the council did not object to plans to use recycled rainwater.

3. The Complaint

- 3.1. The Complainant contacted the Publisher on 30 April 2019 and made a complaint on the grounds of accuracy. After the complaint was made, the Publisher agreed to make an amendment (above, 2.2) in the subsequent issue of the Brixton Bugle on 2 June 2019.
- 3.2. A full copy of correspondence between the parties was provided to the Regulatory Committee.
- 3.3. The Complainant contacted IMPRESS when he did not receive a satisfactory response from the Publisher within the 21-day period prescribed by the terms of the Regulatory Scheme. IMPRESS confirmed the substance of the complaint with the Complainant as follows, a full copy of which was provided to the Committee.
- 3.4. The Complainant argues that a breach of Clause 1.1 of the IMPRESS Standards Code has occurred. He relies on the fact that the Publisher failed to take all reasonable steps to verify that Mr Bravo had received the necessary planning permissions from the council to build the shed, contrary to what was stated in the article. The Complainant says that the Publisher did not verify the information in the story and failed to check the various planning applications, which are freely available on the Lambeth Council Planning website. The Complainant states that this led the Publisher to base its story on inaccurate information which gave the impression that Mr Bravo was an individual battling bravely against an uncaring council, instead of exposing him as an individual who disregarded the planning process and the protection it affords others.

The relevant statements from the article are:

Case Ref: 0222/2019

“One of the changes that Bravo made was to build a small shed to house dry-cleaning machines. Permission for this was sought from the council and agreed by it in writing, he says.

Only after the shed was built did the council tell him that one of his neighbours was a cancer sufferer and that the machines could not be used because of the effect their emissions might have on her.”

“One hurdle was a letter Bravo received in 2017, telling him that he was being investigated by the council planning department for putting up the shed he had received written permission to erect from the council in 2015.”

“Another was objections from the council to equipment set up by Bravo and his brother, a qualified engineer, to use recycled rainwater in the launderette.”

- 3.5. In support of his case, the Complainant states that the planning applications made by Mr Bravo in June and December 2015 did not include a shed, contrary to the article reporting that Mr Bravo had received written permission to erect a shed. The Complainant says that the article was unclear about when the shed was built, which was a significant omission that went to the heart of the story.
- 3.6. The Complainant also refers to the planning application made by Mr Bravo in April 2018, which, he argues, did not show that ‘dry-cleaning machines’ were to be fitted in the shed. The Complainant contends, therefore, that it is inaccurate for the article to report that Mr Bravo *sought permission* to build a shed ‘containing dry-cleaning machines’.
- 3.7. The Complainant states that the article was misleading and inaccurate because it omitted information about the council’s decision to reject the planning applications made by Mr Bravo in June 2015 and January 2017, despite this information being publicly available on the council website. The Complainant further relies on the article’s failure to mention the Planning inspector’s concerns about fumes.
- 3.8. The Complainant contends that it is inaccurate for the article to report that the Council objected to Mr Bravo’s use of recycled rainwater. In support of his case, the Complainant refers to the April 2018 planning application document ‘delegated register’, section 7, which, he argues, specifically confirmed that the Council did not object to his use of recycled rainwater and was, in fact, supportive of it

3.9. Moreover, the Complainant argues that while the inaccuracies contained within the article may appear to be fairly minor or technical points, their overall impact is to undermine the accuracy of the whole story by giving a false impression that Mr Bravo was an individual battling bravely against an uncaring council, instead of presenting him as an individual who disregarded the planning process and the protection it affords (such as Mr Bravo's vulnerable neighbours).

3.10. Regarding Clause 1.2, which requires Publishers to correct any significant inaccuracy with due prominence, the Complainant states that he does not consider the correction to be sufficient to put the record straight. The relevant statements from the article are:

"A reader has asked us to point out that certain points in our story about Tumbles launderette in the May issue of the Bugle are not borne out by Lambeth council planning documents.

In particular: an application to build a shed in 2015 is not mentioned in council planning documents; an application for installation of equipment to control dry-cleaning fumes was rejected by the council in 2017 because it did not contain sufficient detail; and council documents do not record any objections to plans by Tumbles to use recycled rainwater.

4. Response of Publication

4.1. IMPRESS invited Brixton Media Limited to provide additional information in response to the Complaint. The Publisher's response is summarised below.

4.2. Regarding Clause 1.1, the Publisher says that all reasonable steps were taken to ensure accuracy. The Publisher states that Mr Bravo provided them with relevant and up to date planning application documentation (from July 2018) on 15 April at 2:22pm.

4.3. The Publisher says that they provided Lambeth Council, with a full draft of the story before publication on 15 April at 11:03am, asking the Council for comment by the next day. A follow up email was sent by the Publisher on the same day, at 4:52pm, to which the Council's Head of Communications responded. The Publisher included the Council's response in full in their article.

4.4. Regarding Clause 1.2, after considering the issues raised by the complainant, the Publisher, agreed to publish a correction (as above).

4.5. A full copy of the Publisher's response and further comments were considered by the Regulatory Committee in determining the outcome of the complaint.

5. Compliance with the IMPRESS Regulatory Scheme

5.1. Brixton Media Limited complied with the requirements of the IMPRESS Regulatory Scheme (Paragraph 3.2), by acknowledging the complaint within seven calendar days. However, it did not comply with all requirements, as it did not issue a final decision letter within 21 calendar days and inform the complainant of their right to refer the complaint to IMPRESS. Having been alerted to this failure, Brixton Media Limited responded to the complainant with a final decision letter promptly thereafter. IMPRESS noted that failure and reminded Brixton Media Limited of its obligations to provide a final decision letter and to inform complainants of their right, under the terms of the Regulatory Scheme, to refer complaints to IMPRESS.

6. The Committee's Conclusions

6.1. Clause 1.1 of the IMPRESS Standards Code states that publishers must take all reasonable steps to ensure accuracy. The Committee considered that the ordinary reader would have understood that the purpose of the article was to give Mr Bravo an opportunity to present his experience and give his side of the story. The Committee also noted that the publisher took care to frame particular relevant statements, as statements made by Mr Bravo. The Committee considered that it would have been open to the publisher to ask Mr Bravo to substantiate his statements, by providing the publisher with the written evidence (which he said he had in his possession) for their inspection. Nevertheless, the Committee noted that the publisher instead provided the Lambeth Council with a full draft of the article before publication and that they had included the Council's response, in full, in the article.

6.2. The Committee considered that, on balance, the publisher had taken all reasonable steps to ensure accuracy and that there was no breach of Clause 1.1 (reasonable steps to ensure accuracy). The Committee considered that, in this instance, it was not reasonable to expect the publisher to conduct a full investigation into all relevant council planning documents before publication in order to avoid breaching Clause 1.1. Rather, the article concerned a dispute between Mr Bravo and the Council's Planning department, and the publisher

had given the opportunity for that other party to put forward its point of view and had published their response in full.

6.3. Clause 1.2 of the IMPRESS Standards Code requires publishers to correct significant inaccuracies. The Committee noted that the clarification issued by the publisher clearly pointed, in sufficient detail, to the statements in the article which had not been substantiated. The Committee considered that this clarification, in this instance, was duly prominent in relation to the original article and was sufficiently prompt. Given this finding, it was not necessary for the Committee to determine if there had in fact been any significant inaccuracies requiring correction. The Committee therefore considered that Brixton Bugle had not breached Clause 1.2 (corrections of significant inaccuracies).