

WITNESS STATEMENT OF RT HON LORD WAKEHAM

Background

1. I am John, Lord Wakeham. I am a Chartered Accountant. From 1974 to 1992, I was Member of Parliament first for Maldon in Essex and then for Maldon and Colchester South. In 1992 I left the House of Commons and was created a Life Peer.

2. I was a Minister continuously from 1979 to 1994. After a number of junior Ministerial positions at the Treasury and the Department of Industry, I joined the Cabinet in 1983 as Chief Whip and was made a Privy Councillor. From 1987 to 1989 I was Leader of the House of Commons. In 1989 I was appointed Secretary of State for Energy and continued in that role until I left the Commons in 1992. Between 1990 and 1992 I was the Minister responsible for co-ordinating the development of the presentation of Government policies. I became Lord Privy Seal and Leader of the House of Lords in 1992, and remained in that position until I retired from Government in 1994. I am the only living person ever to have been Leader of both Houses of Parliament.

3. Both before and after my Ministerial career, I have been involved in a number of business interests, as well as holding voluntary positions such as the Chairmanship of the British Horseracing Board (1996-8). I have been Chancellor of Brunel University since 1998.

4. In 1999 I chaired the Royal Commission on Reform of the House of Lords.
5. I was Chairman of the Press Complaints Commission (PCC) from 1995 to 2001. During my time at the PCC the Commission became a model for other countries who were setting up newspaper self regulatory systems. One of them was in Bosnia, and I was asked in 2000 to become the International Chairman of the Bosnian Press Council, a post I held until I retired from the PCC.

Relationship between politicians and the media

6. The relationship between the media and politicians is both a mutually beneficial one, and one that is always destined to be tense. I set out my thoughts on this issue - placing them in some historical context - in the Harold MacMillan Lecture at Nottingham Trent University in 1995, and I continue to hold those views. I attach a copy of the text as Exhibit A.
7. It is impossible to escape from the conclusion that the press needs politicians because they are a source of news, and the politicians need the press in order to get their message across. This is not just, of course, a characteristic of the press at a national level, but also - crucially - at a local level. The issues and personalities may be different, but the nature of the relationship is identical.
8. The press is also vital to politicians because it is able to be partisan in a way that the broadcast media is supposed not to be. It can assist in campaigns, it can scrutinise policies in a polemical way, it can analyse

personalities, and it can defend and attack in a way that no other media can.

9. As has been said a number of times to this Inquiry, the press serves the public interest because of its watchdog role, its ability to investigate, to probe and to hold public figures to account. A number of times in my career, I have been on the receiving end of hostile press coverage, but that is what happens to public figures. I would always defend the right of the press to rattle the cages of the political establishment.
10. Any risk to the public interest I can perceive is in fact in trying to over-regulate that relationship. It is a complex one, which relies on trust and mutual understanding, on the confidentiality of relationships, on an effective lobby system, and on mutual respect. The rules cannot be written down. Any attempt to alter the delicate balance is likely to end up damaging the public's right to know.
11. I think the other risks that could occur to the public interest would be if sources of information became too concentrated in any one set of hands. Media plurality - a lot of different voices - is important in a democracy. We are fortunate to have in this country a very diverse media with a range of political opinions and it is important that this diversity is respected and nurtured. The danger in any form of over-regulation of the press - particularly in terms of content regulation - is that it could harm some newspaper businesses commercially. If the burdens ever became too big, I suspect some newspapers could go out of business. (Far too many local newspapers have closed already). That would be damaging for democracy.

12. In terms of my personal approach to journalists, I had relatively few dealings with the media until I became Chief Whip in 1983, although I had of course good relations with my local newspapers, principally the Maldon and Burnham Standard. From then on I would meet political journalists from time to time, mostly over lunch.
13. I don't have any details of all the meetings I have had over a period which now dates back nearly thirty years - but if my memory serves any hospitality was usually mutual: sometimes a journalist would take me to lunch, and at other times I might take one for a drink. Journalists from different papers would often lunch together and that was a convenient way to do business.
14. My aim at these lunches or occasional dinners has always been to cover the general drift of political and policy debate. I rarely held a lunch to brief journalists on a particular policy issue. I would rather seek to draw to journalists' attention information which was in the public domain, but the significance of which was not understood.
15. I always tried to talk to journalists on every type of paper, even if that paper did not support my Party. I thought it was important to maintain relationships across the board, and to seek to get our message out in whatever paper it might be. During none of my meetings with journalists do I recall talking specifically about the partisan support of their newspaper for one Party or another.
16. In some of my jobs, I have had to get to know the specialist correspondents better. When I was Secretary of State for Energy, I was completing the privatization of the electricity industry, and was also

responsible for the development of policy in areas including coal, North Sea oil and gas, and nuclear power. I was there as well at the time of the publication of the Cullen report into the Piper Alpha disaster.

17. When dealing with specialist correspondents, I would usually ensure that there was an official and a press officer present not least to ensure I had the facts right. This was obviously vital at the time of privatization when the accurate reporting of information could have a substantial impact on the proceeds of sale to the Government and therefore for the taxpayer. That was also a very good example of the importance of a good relationship with the media and one that was in the public interest. Coverage of an industry that was being sold was vital in order to maximise public excitement about the purchase of the shares. Advertising and stories in the media were the two main ways to achieve that.
18. When I was Leader of both Houses and Energy Secretary, it was my practice to give a drinks party for a number of senior journalists once a year. They were agreeable occasions, but I do not remember any particular significance to them.
19. In all my jobs, I of course relied on the operation of the lobby. A great deal has been written over the years about how the lobby operates, and I don't think I can add much that is new. It seems to me that it is a system that works. Any attempt significantly to change it is likely to lead to a decline in the amount and nature of the material that makes its way to the public. In my view it would be impossible and wrong to record interactions between journalists and politicians in the public

domain in any formal way, as it would strike at the heart of the confidentiality of sources.

20. Over my years in politics, I did of course get to know a number of the editors. My relationships with them were of a very informal nature but there were of value to me when I had to undertake sensitive duties that were in the public interest. I am thinking in particular of when I was in charge of media handling for the Government during the first Gulf War in 1991, a job I was asked to do as a member of the War Cabinet by both Margaret Thatcher and John Major. In my conversations with them, I would both be able to brief them on key issues of the day but also gauge their views about how the public was perceiving the progress of the War.
21. I don't recall any formal meetings with proprietors during my years in Government, though I encountered one or two of them at social occasions. From time to time I would bump into Lord (Vere) Rothermere, perhaps in the Lords where he was then a member, David Stevens and occasionally Conrad Black.

Media influence on public policy

22. In my years as a Minister, I never had any direct dealing with the formation of the Party's policies on the media and so I can't really shed much light on any influence the media may or may not have had on its development. All I would say is that the media is a big business, which employs many hundreds of thousands of people, and it would be a surprise to me if it did not try to influence politicians of all parties, in the way any business operates.

23. Specifically to answer question (8) with regard to the takeover of The Times and The Sunday Times by News International, I had no Ministerial involvement in these matters and am unaware of anything that would be of assistance to the Inquiry.
24. The only time I ever had indirect involvement in the development of policy was between 1992 and 1994. At that time, John Major had asked me in my role as Lord Privy Seal (as was then the normal practice) to chair a number of Cabinet Committees discussing a range of policies, and one of these covered the issues arising from the reports of Sir David Calcutt.
25. Although the formal response to the Calcutt Reports did not take place until 1995, we made a good deal of progress in the time that I chaired the Committee. As best as I can remember, we concluded that any form of statutory press control would be deeply damaging to press freedom and to freedom of expression, and that it would in any case be too impractical to put onto the statute book not least because of how difficult it would be to define the public interest. We concluded - as I still strongly believe - that in a free society Government should have no role in regulating the press, and that therefore there had to be effective self regulation. We also believed that a system of self regulation - which could be free of legal process, and therefore quick and cheap - would be of greater benefit to the public.
26. Although I must have had contacts with journalists during this time, because of the range of my responsibilities, I don't recall specifically

meeting any proprietors or senior newspaper executives, and I was certainly not lobbied by the newspaper industry.

27. I did during that time meet with Lord McGregor of Durris, the first Chairman of the Press Complaints Commission, who asked to see me to talk about concerns he had regarding the manner in which Kensington Palace was handling a number of issues in the media relating to the marriage breakdown of Diana, Princess of Wales. I don't recall much of the substance of the conversation, though I think the account in Professor Richard Shannon's book, *A Press Free and Responsible*, is largely accurate. I enclose a copy of the relevant extract at Exhibit B. (Professor Shannon was given access to the PCC's records when writing his book.)

28. With regard to the influence and impact of the media on the development of policy more generally, of course the media has an impact, and rightly so. On the one hand the media speaks for the public and articulates the concerns of its readers; and on the other hand politicians need to use it to get their message across. It therefore has a vital role in terms of policy development and presentation. I do not believe this is a detrimental to the public interest and cannot see another way of conducting political debate in a free society.

29. I am asked about the influence of the media over public and political appointments and the tenure of those appointments. I do not believe the media has a direct impact here, but it is likely to have an indirect one. The media is a measurement of public opinion and political leaders may well when making or terminating appointments take account, among many other factors, of how effectively a politician

performs in public. In my experience, they are not fixated on this and do not give it disproportionate weight: it is simply one determinant of how well a Minister or Shadow Minister is doing his or her job.

Press Complaints Commission

30. I did not formally apply for the position of Chairman of the PCC. I was asked to do it towards the end of 1994 by Sir Harry Roche, Chairman of the Press Standards Board of Finance.
31. I think I was approached because I had three broad qualities which the newspaper industry was looking for.
- First, I was trusted both by politicians and the press. My fellow politicians knew that I would be tough on the press when they did things wrong. And the press knew from my political record - and probably from my dealings with editors over the years - that I was robustly independent and fair. I also got on with politicians of all parties, as I had proved when I was Leader of both Houses, and was not a partisan figure.
 - Second, it was obvious I had some understanding of the way the media operated. I had conducted the Parliamentary lobby successfully. I managed the Government's media presentation during the Gulf War. And I had brought television to the House of Commons. I knew what I was doing.
 - And third, I was regarded as a strong supporter of press freedom and self regulation. It was widely known that I had chaired the Committee that had rejected Calcutt and come down in favour of self regulation.

32. In terms of what I was aiming to achieve, I would refer again to my MacMillan lecture, which sets it all out quite succinctly. In short I aimed to make self regulation so effective that there was no longer any coherent support, away from the fringes, for statutory controls.
33. I had a number of challenges when I took up the job in 1995. The PCC had gone through a very rough period as a result of the particular and difficult problems thrown up by the public and acrimonious dissolution of two Royal marriages. It seemed to me it was leaderless and did not command widespread respect either with the public, or with the industry. I needed to make the PCC more independent. I needed to ensure it had very good complaints handling processes. And above all I needed to give it clout and restore its credibility.
34. I tried to do this in a number of ways.
- First of all, I reformed the PCC's appointments system to ensure that appointments were made by a body with a lay majority (including individuals such as Lord Irvine of Lairg, Sir Geoffrey Holland, Lord Mayhew of Twysden QC and Sir David Clementi).
 - Second, I encouraged individuals of stature to put themselves forward for service on the Commission. Among the first appointments I made were Sir Brian Cubbon (former Permanent Secretary at the Home Office), Baroness (Elizabeth) Smith of Gilmorehill, Lady Browne-Wilkinson, Lord Tordoff (former Liberal Chief Whip) and Bishop John Waine (retired Bishop of Chelmsford). This signaled to the outside world that the PCC should be taken seriously.

- Third, I streamlined the complaints handling system which was too slow, introducing a weekly meeting to look at all complaints and chart the time they were taking. Average complaints handling time tumbled from over 70 days to around 35 days, where it has remained.
- Fourth, I was active in encouraging high profile complaints. There was no one I was not prepared to ring up and talk to. During my time, we attracted a growing number of high profile complaints, which in turn encouraged ordinary people to complain.
- Fifth, I was active in getting on the phone to editors to talk to them about stories they might be about to write where I had been alerted to a possible breach of the Code. And I encouraged them to ring me, or my Directors, for advice. This was the origin of the current PCC's "pre publication" service and was very effective. I think it worth pointing out that such a service would almost certainly be impossible in a statutory system, because of the threat of judicial review (which is why at that time the Broadcasting Complaints Commission and now OFCOM are not able to get involved in matters before publication).
- Sixth, and most importantly, I improved the PCC's sanctions. I insisted that the Code of Practice be included in editors' contracts of employment so that in the case of serious Code breaches I could refer the matter to the employer. This is exactly what happened in the summer of 1995 when Piers Morgan, then editor of the News of the World, ran pictures of Countess Spencer in the grounds of a private clinic. His proprietor, Rupert Murdoch, criticised him in public on the back of a strong PCC

adjudication. I also sought to ensure that adjudications - including this one - were increasingly prominently displayed.

35. I believe that I was largely successful in the aims I set for myself. By the time I left the Chairmanship there were no serious political voices calling for statutory controls. The PCC had been established as an effective complaints handling body. We had through a process of adjudication and encouragement raised standards in a number of areas. The Code had been toughened. And above all the PCC was taken seriously.
36. As far as the Government's response to Calcutt is concerned, I had chaired the Cabinet Committee on the subject until I left the Government in July 1994. We had taken some broad decisions but the White Paper was not published until the summer of 1995, a year after I had left office. I am not therefore really in a position to shed much light on the set of recommendations and policies which was finally outlined at that point.
37. I had always been opposed to statutory controls for a number of reasons, and I recall having a number of discussions with John Major on the subject and at the end of those he agreed with me. As a matter of principle, I have never believed the state should be involved in the regulation of editorial content. I think that is a very dangerous step. On a practical level, I do not believe it would have been possible to draft a Bill to regulate an industry which develops as fast as the media. Legislation takes years: by the time we had got something onto the statute book the world would have changed and the Act been redundant. From the point of view of the press, statutory regulation

could never be as effective as self regulation in getting them to be responsible. They would see a statutory Code as something constantly to be challenged, and pushed at and fought. With their own Code, and their own system, they have constantly to display responsibility: they could abrogate that responsibility in a statutory system. For all those reasons, I always believed statutory regulation to be a non-runner, and nothing that has happened in those years since 1994-5 has persuaded me otherwise. Indeed, my experience as Chairman of the PCC reinforced my view that self regulation effectively conducted and strongly led is by far the best way to raise standards and provide quick, free redress for the public.

38. In terms of my involvement at the time of the response to Calcutt with members of the Government, I recall having meetings both with Stephen Dorrell and with Virginia Bottomley when they were Secretaries of State for National Heritage. At all of these meetings, their officials and my Director, Mark Bolland, were present. I can't recall exactly what was discussed and have no access to any records. I imagine the Department may be able to provide them. I also recall talking to the Prime Minister, John Major, about my progress at the PCC and reassuring him that self regulation could be made to work.

Death of Diana, Princess of Wales

39. I am asked about the PCC's reaction to the death of Diana, Princess of Wales. My actions fell into three stages, many of which are set out in Professor Shannon's book, and I provide some extracts as Exhibit C. These stages were:

- first, to ensure that her sons would be given the space they needed to grieve in private and then to return to school away from the public glare;
 - second, to examine what could be done to deal with the issue of the paparazzi that had seemed to be at the root of the events in Paris in August 1997; and
 - third, to set about a significant tightening of the Code to deal with the problems of intrusion and harassment that the life and death of the Princess had highlighted.
40. I will try to submit copies of the statements I made in the immediate aftermath of her death relating to Princes William and Harry. The issue of the paparazzi I tackled in a speech in late September 1997, which I shall seek to locate.
41. As soon as these immediate issues were under control, I turned my attention to the Code. There were a number of issues that I wanted tackled, many of which had been raised by commentators or members of the public, and I set these out in a speech in the Parliament Chamber of Inner Temple on 25th September 1997. I attach a copy of the speech as Exhibit D.
42. I then passed these thoughts onto the then Chairman of the editors' Code Committee, Sir David English, for his consideration and action. After a number of meetings of the Code Committee, at which there were a range of views expressed, a substantial package of changes was produced and implemented in a very short space of time. It represented a significant tightening of the Code in areas including privacy, harassment, the protection of children and intrusion into grief and shock. We also introduced the concept of an "exceptional public

interest“ for breaches of the Code involving children. I consider them to have been effective in continuing to raise standards in these specific areas.

43. Throughout those months after the death of the Princess I inevitably kept in touch with a number of relevant Ministers. As far as I recall, these included briefings for Chris Smith, then DCMS Secretary and Jack Straw, Home Secretary. I also had discussions with Alastair Campbell. I don't recall any of them making specific proposals for changes or applying pressure to do so. I also saw a lot of media representatives during that time, as would be expected during a process in which a significant overhaul of the Code was happening.

Human Rights Act 1998

44. I set out as Exhibit E two speeches I made in the House of Lords during the Committee Stage and then on Third Reading of the Human Rights Bill. They set out in some detail my chief concerns, which were these:

“The Bill as drafted would damage the freedom of the press and badly wound the system of tough and effective self regulation that we have build up to provide quick remedies without cost for ordinary citizens. It would inevitably produce a privacy law, despite the Government's stated opposition to one. “ (Lords Hansard, 24th November 1997, col 771)

45. I must make clear that throughout the discussions on the Bill, I never acted as a “representative of the press”. My concern always was with the future of self regulation, and the way in which the Human Rights

legislation might undermine it and in turn the service we could offer to members of the public who had no recourse to the law because they couldn't afford it. In the event - although it gives me no pleasure to say it - I was proved right because we developed what is arguably a two tier system of privacy controls in this country which was deeply damaging to the PCC, by implying it was poor person's remedy and starving the Commission of the oxygen of adjudications on complaints from high profile individuals who began to go to Court.

46. While the then Lord Chancellor, Lord Irvine of Lairg, was never very sympathetic to my views, I believe Jack Straw understood them more clearly, as he set out in his recent evidence to the Joint Committee. When the Bill moved from the Lords to the Commons in the spring of 1998, he moved swiftly to try to deal with some of the issues that were raised and what became Section 12 was the result. Jack worked closely with me on the wording of the amendment, and we eventually agreed it at a hastily arranged meeting at Heathrow Airport.
47. I believe Section 12 was the best compromise that was likely to have been achieved in the circumstances. It tried to tackle the issue of prior restraint and, in Jack Straw's phrase in the House of Commons, "preserve self regulation." But it has - as the recent rows over super-injunctions have shown - only been partially successful. And I believe it has damaged the PCC.
48. As I noted above, my own concern was for the position of the PCC, although I did in my speeches make some more general observations about press freedom. I am aware that at the same time there was

lobbying by press representatives - led by Sir David English - on the impact of the legislation on the press.

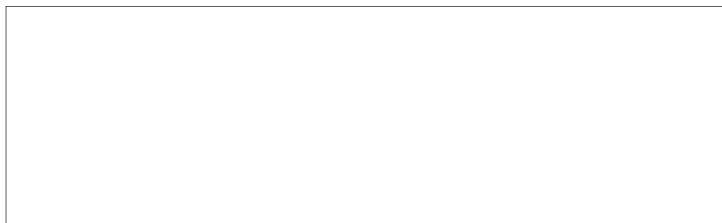
General issues

49. In terms of the relationships I had with senior industry figures, I think I have already made clear that they were essential in making self regulation work. The PCC could only function properly if the industry took it seriously, and I think that is what I achieved. Some of those relationships I had before I took the job; many others followed as I made my way around publishers and around the country in my early days as Chairman.
50. I never saw myself as some form of "broker" between politicians and media executives. Occasionally I would intervene if I needed to in order to resolve a complaint, or indeed to address a more general ethical issue. But more often than not, I would be doing so not for politicians but for special interest groups. I recall, for instance, hosting a meeting at my office for representatives of mental health charities, led by Dame Ruth Runciman, to put their case to Sir David English, the Code Committee chairman. The understanding they built up then went a long way over time to raising standards of reporting in this area. I had a similar meeting, I think with the Royal Society, over the issue of science reporting.
51. Given that it was also a time when the Royal Family was very much in the spotlight - and in particular a new generation of young Royal Princes - I would from time to time make myself available to give advice to the Palace on media handling issues. Where it was

appropriate for them to make a complaint about something - as happened on a number of occasions - I would assist them in doing so, as I would for anyone else. That was my job, and it was all part of raising standards. I should point out that I never sought at any point any specific form of protection for the Royal Princes: I was scrupulous in demanding the same rights to privacy for them as for any other child. (Indeed, I based it all on the back of an adjudication about an ordinary pupil at a school in Accrington.)

52. Finally, I am asked about whether or not I was ever aware of illegal activities such as hacking or blagging. It is sometimes forgotten that back in the 1990s - shortly before I became Chairman of the PCC - there were a series of scandals involving taped telephone conversations allegedly between certain Members of the Royal Family. I refer in particular to alleged conversations between HRH The Prince of Wales and the then Mrs Parker-Bowles, and an alleged conversation between Diana, Princess of Wales and Captain Hewitt. The origins of those conversations has never been confirmed, but it has always been clear to me that such activities go on, and it is not of course always the press that is responsible. Where such events do occur, it will always be a matter for the police to deal with.

53. I believe these statements to be true.



RT HON LORD WAKEHAM

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