

***Forest of Dean District Council v Forest of Dean and Wye Valley Review***

Clauses noted: 1

Forest of Dean District Council complained to the Press Complaints Commission that two articles headlined "Knackered!" and "Dead end" published in the Forest of Dean and Wye Valley Review on 14 May 2010 were inaccurate and misleading in breach of Clause 1 (Accuracy) of the Editors' Code of Practice.

The complaint was upheld.

The first article reported the comments of a local farmer, who was facing a court order to prohibit odour nuisance from his farm following an application submitted by the Council; the second was an editorial column on the matter. The Council said that the coverage was inaccurate: the farmer had not been given a ten-day period to implement sufficient odour controls "to satisfy a judge if [the business] wants to continue operating", but rather a two-week period to submit a defence to the application; the Council had not "backtracked" on agreed measures to contain odour; and the Council was not seeking to force the permanent closure of the farmer's business, as stated repeatedly in the editorial: the order only required him not to cause a nuisance.

The newspaper took more than eleven weeks to provide a substantive response to the complaint and its initial response had been received only after the Commission had contacted the publisher. Its article had been based primarily on an interview with the farmer and a separate individual; the Council had refused to comment publicly on the issue as it said that court proceedings were underway. The newspaper had subsequently been made aware that there was flexibility on the dates in which the farmer could submit his defence. The newspaper remained of the view that the ultimate aim of the legal action would be the permanent closure of the premises.

*Adjudication*

The articles contained statements of fact that had been disputed by the complainant and not been corroborated by the newspaper. There was no evidence presented to the Commission that the farmer had been given a 10-day period to implement controls "to satisfy a judge if [the business] wants to continue operating", or that the Council's intention was to "force the closure of the business permanently". The newspaper had provided no evidence to support the claim that the Council had "backtracked" on any agreement. In the context of the article, these were all serious points and the newspaper had failed to demonstrate that it had taken care not to publish inaccurate information, or to offer appropriate remedial action to the complaint. This amounted to a breach of Clause 1 of the Code.

In addition, the Commission was seriously concerned about the unacceptable length of time it had taken for the newspaper to respond to the complaint, which was a clear breach of the Code's preamble stating that editors "should co-operate swiftly with the PCC in the resolution of complaints". This complaint could - and should - have been dealt with quickly on the points of disputed fact. This was a rare example of a failure of proper co-operation with the PCC, which reflected badly on the editorial standards of the newspaper.

The Commission will be taking the matter further, following this adjudication, and seeking confirmation of the measures the paper has introduced to ensure there is no repeat of the problem.

Adjudication issued 08/11/2010