

Controlled Events Solutions Limited v Sunday Mirror

Clauses noted: 1, 10

Controlled Events Solutions Limited complained to the Press Complaints Commission through solicitors Pannone & Partners that two articles published on 25 April 2004 headlined "Open Goal" and "Ground Farce", published in The People and the Sunday Mirror respectively, contained material which was obtained by subterfuge in breach of Clause 11 (Misrepresentation) of the previous Code of Practice and were misleading in breach of Clause 1 (Accuracy) of this Code.

The complaints were rejected.

Both articles concerned the infiltration of Manchester United Football Club's Old Trafford stadium – at the time of a so-called anti-terror "ring of steel" – by reporters who posed as stewards in order to gain access to the ground. The complainant's solicitors said that the reporters had obtained photographs and information through subterfuge and, in the case of the Sunday Mirror, through the theft of identity papers. They contended that the reporters for both newspapers – which are owned by the same company – assisted each other in the misrepresentation of their true identities since no other newspapers had attempted to conduct similar investigations at the time. In particular, the reporter from the Sunday Mirror – who was questioned by members of staff and the police – was alleged to have distracted officials in order to facilitate the entry of the reporters from The People.

Although they admitted there may have been some public interest in the story, the complainant's solicitors said that the articles were misleading since CES was not charged with primary security at the ground but rather with crowd control. Stewards' duties included frisking away supporters for weapons and potential missiles – home supporters were not searched. There was no compromise to security by any alleged faults found in the complainant's vetting systems by the reporters. Indeed, the journalists who entered the stadium as stewards were not allowed to bring any bags or items into the ground – it was therefore difficult to ascertain what harm they could have achieved if intent on a terrorist act or something similar. The complainant's solicitors contended that the article did not make clear that all stewards were pre-trained, pre-selected and pre-vetted and that anybody who presented themselves on a match day with apparently valid identification papers was likely to obtain entry – no screening method reasonably put in place by CES would prevent a determined journalist from gaining entry by deception. They wished for corrections and apologies to be published by both newspapers.

The legal department for the newspapers said that the complainant's solicitors had acknowledged the background and justification for both articles. The common purpose for both investigations was to test how easy it was for a "would-be" terrorist posing as a steward to gain access to Old Trafford without detection. It was evident that all the attempts to enter the ground were successful, and this fact alone justified the allegation that the security checks for stewards were inadequate. The newspapers submitted that if a terrorist wanted to infiltrate Old Trafford to cause chaos, the ideal manner would be to pose as a steward – a number of "fans" and "stewards" could easily conspire to bring weapons or other objects into the ground.

The legal department then explained how the reporters concerned had entered the stadium. With regard to The People article, the journalists queued at the stewards' entrance and gave false names – in one case, the journalist gave a false employee number; in the other, he said that he had forgotten it. The two individuals were separately chosen from a line of potential stewards and given access to the stadium. No vetting procedure took place.

In relation to the Sunday Mirror, the legal department said that the reporter did not enter the ground using a stolen card. He had queued with other potential stewards who had worked at Old Trafford before. He gave his real name, said that he had left his identification badge at home and that he could not remember his number. He was invited to join the team and, when asked for his number as

he collected his uniform, made up a four digit number. He produced the borrowed ID card in question when he was interviewed by police but did not use it to gain entry into the ground.

Finally the legal department made clear that both newspapers were editorially separate despite joint ownership and that this distinction was strictly upheld by the publisher. They were not aware of each other's investigations. However, the fact that both newspapers, entirely independently of each other, hit upon the same idea to test security at Old Trafford showed that the articles were justified and very much in the public interest. The Commission was provided with signed statements from the Editor of The People and the Acting Editor of the Sunday Mirror at the time of publication which confirmed that the two newspapers had not colluded in an attempt to infiltrate the stadium.

Adjudication

As both newspapers had admitted that they had used subterfuge in researching the stories, the Commission's task was to determine whether its use was justified in the public interest, and whether the information obtained could have been gathered through other means.

One aspect of the public interest set out in the Code is the protection of public health and safety. The Commission noted that public allegations had been made that terrorists were planning an attack at the match in question. It was clearly in the public interest for newspapers to test whether members of the public were being sufficiently well protected in light of such threats. Moreover, as the whole investigation concerned whether it was possible for terrorists acting surreptitiously to penetrate security at the game, the Commission concluded that the use of subterfuge was the only way that the information could realistically have been obtained. For these two reasons, there was no breach of Clause 11.

Turning to the issues under Clause 1, the Commission noted that the articles made clear that the reporters had been employed as stewards, not as 'primary security' officials. Furthermore, the articles had detailed the general procedure by which stewards were hired by CES. Given that the journalists had been employed as stewards at such a high-profile match – even if the circumstances surrounding their employment were disputed – and had participated in the duties ascribed to them, the newspapers were entitled to their opinions that the company's security arrangements were insufficient. The newspapers had attempted to test security at the match, and journalists from both had successfully obtained last minute jobs inside the ground, apparently without sufficient checks. They had therefore exposed a weakness in security regardless of whether or not Controlled Events Solutions themselves were responsible for preventing terrorist activity or simply for crowd control. The Commission did not consider that there was anything significantly misleading about the content of the articles or the manner in which they were presented that required correcting. No breach of Clause 1 of the Code was established.

Relevant rulings

Daniels v Sunday Telegraph, 2004
Monckton v Evening Standard, 2003

Adjudication issued 2004