

**Case 200600613: Glasgow City Council**

**Summary of Investigation**

***Category***

Local Government: Policy/Administration

***Overview***

The complaint concerns Glasgow City Council (the Council)'s handling of a request from the Complainant (Mr C) for accreditation as a journalist.

***Specific complaint and conclusion***

The complaint which has been investigated is that the Council had acted unreasonably in refusing to recognise Mr C as a journalist (*not upheld*).

***Redress and recommendations***

While I do not uphold Mr C's complaint I suggest that, to avoid any possible confusion in the future, the Council consider producing a written policy detailing the criteria used by them when considering requests for recognition from journalists.

The Ombudsman has no further recommendations to make.

## **Main Investigation Report**

### **Introduction**

1. Mr C originally complained to the Ombudsman that the Council had failed to recognise him as a journalist and, as a consequence, he had been refused access to the Council's Press Room. He also complained that he was being denied access to Council information.

2. In response to my written enquires, the Council provided details of the information they required when considering approaches for accreditation from journalists. They explained that, due to the pressure on their Media Office, and given the number of enquiries they generally received from journalists, they had decided that, as a general rule, they would only deal with journalists they deemed to be recognised. These were journalists who had satisfied the Council's basic check points. While the Council did not have a written policy they confirmed that to receive recognition, a journalist had to be in either a full time position with a newspaper or other media outlet in the Council's area or, if they were freelance, to be actively associated with publications in the area and be able to provide evidence of placement articles. The Council said that all public information was available to everyone and, that all enquiries, whether from a recognised journalist or a member of the public, were dealt with appropriately. However, only journalists accredited by the Council were given access to the Council's Press Room where they had use of a desk and telephone and an area in which to store personal items.

3. In this case, the Council said that Mr C had not provided the information requested by them. They maintained that, based on the information produced by Mr C, including the newspaper articles submitted by him, their decision not to recognise him as a journalist was reasonable.

4. Mr C was advised in writing that, based on the available information, the Ombudsman saw no grounds to pursue the matter further. The reason for the Ombudsman's decision was explained to Mr C.

5. Mr C subsequently approached the Ombudsman again, providing new information in support of his complaint. On the basis of this new information, it was decided to investigate Mr C's complaint.

6. The complaint from Mr C which I have investigated is that, based on the fresh information provided by Mr C, the Council had acted unreasonably in refusing to recognise Mr C as a journalist.

### **Investigation**

7. The investigation of this complaint involved examining all documents and correspondence provided by Mr C, and making written and telephone enquiries of the Council.

8. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Mr C and the Council were given an opportunity to comment on a draft of this report.

### **Complaint: The Council had acted unreasonably in refusing to recognise Mr C as a journalist**

9. The Council explained to me that, in response to Mr C's original request to be recognised as a journalist, he was, in line with the Council's agreed policy, asked to provide certain information. At the time Mr C had provided his membership card of the National Union of Journalists (NUJ) as proof of his status as a journalist. However, the Council advised Mr C that, as he had been expelled from the NUJ, this accreditation was not valid. In addition, the Council explained to me that Mr C had been involved in an incident in the City Chambers when he had attempted to access a meeting not open to the public. Mr C had been asked to leave the City Chambers. In the circumstances, the Council were concerned about Mr C's behaviour and felt that it was reasonable to request further information from Mr C on his credentials.

10. Mr C was asked to provide evidence of current accreditation or journalistic activity. The Council explained that articles provided by Mr C related to the period before he had been expelled from the NUJ during 2003 and, as such, were not regarded as evidence of recent journalistic activity. While Mr C had provided copies of recent articles these were from a publication which he himself produced. I have been advised by the Council that they were concerned about this publication given the personal comments made about Council employees within the publication. In addition, they were aware that Mr C had published his intention to take legal action against the Council should it reproduce the publication in any way. The Council stated that this was at variance with other journalists and publications they were associated with. In

the circumstances, the Council confirmed that they were not prepared to recognise articles from this publication as evidence of recent journalistic activity.

11. In response to my further enquiries the Council clarified that, while Mr C's expulsion from the NUJ had not, in itself, been a barrier to recognition as a journalist, his failure to provide evidence of recent journalistic activity was.

12. The Council were asked to consider whether the new information provided by Mr C, in particular, documents which indicated that he had received recognition from another public body, would alter their stance. Mr C also provided a copy of his membership card for the British Association of Journalists (BAJ). The Council confirmed that, having considered the matter, although other organisations may have recognised Mr C as a journalist this would not affect their decision. They also said that Mr C had never submitted his membership of the BAJ to them as evidence, but that this was no longer the issue. Their position was that Mr C's behaviour had given them cause for concern, and they were not willing to accept the publication which Mr C produced as proof of article placement. They, therefore, considered they were justified in not providing Mr C access to the facilities that he requested.

### *Conclusion*

13. I note the reasons why Mr C contends that the Council have provided differing accounts of the grounds on which journalists will be recognised. The evidence on file indicates that Mr C has received responses from a number of Council Officers and arguably the different language used by the Officers has compounded the confusion for Mr C. In addition the situation has evolved over the period. However, I am satisfied that, in responding to my original enquiries, the Council clarified that, before they would recognise Mr C as a journalist, they required evidence from him of recent journalistic activity. They explained that the information Mr C had provided did not meet this requirement. In response to my recent enquiries the Council have confirmed that their position remains unaltered.

14. I appreciate that Mr C believes that the information he has provided to the Council is sufficient to satisfy their requirements and that their decision not to recognise him as a journalist is unreasonable. I do not agree. The Council have explained that, given the level of demand and available resources, they are required to limit access to their Media Office to journalists they have recognised. In this context, they have confirmed that their position remains, as

previously outlined, that the information provided by Mr C does not satisfy their requirements and that they require further information from Mr C before they will recognise him as a journalist. This is a decision for the Council to take. I am satisfied that relevant information was taken into account when reaching the decision and the decision was taken properly. In reaching my conclusion, I have taken into account the fact that, although Mr C may not have access to the facilities he has requested, I have seen no evidence that Mr C has been denied access to public information or public meetings. In the circumstances, I do not uphold his complaint.

*Recommendation*

15. While I do not uphold Mr C's complaint I suggest that, to avoid any possible confusion in the future, the Council consider producing a written policy detailing the criteria used by them when considering requests for recognition from journalists.

16. The Council have taken on board the suggestion and have provided evidence that the suggestion has been implemented.

27 March 2007

**Explanation of abbreviations used**

Mr C	The complainant
The Council	Glasgow City Council
NUJ	National Union of Journalists
BAJ	British Association of Journalists