

Mr. James Doherty
Media Manager
Culture and Sport Glasgow
20 Trongate
Glasgow
G1 5ES

28/6/08

Dear Mr. Doherty,

Further to your letter dated 23 June, we take the opportunity to reply herewith. To take your last point first – that “the author has referenced newspapers as reliable and accurate sources of facts, which is a major flaw in a so-called piece of academic writing. Out of 36 note references 12 are directly taken from newspapers.” Newspapers are an invaluable resource for the academic researcher as they are for journalists. It is of course the case that newspapers are not always reliable sources. However, the same should be said of other types of data such as, for example, official statements from governmental institutions. However, the press material used in this article was in the context of a range of other sources and was not the sole basis for the article. Furthermore, every care was taken to check where possible with additional sources and to examine (via newspaper’s databases) whether corrections had been issued or letters published from CSG or other sources querying the veracity of the accounts. If Culture and Sport Glasgow has approached any of these sources for retractions, this was not obvious from the research undertaken. The question which is important here is not the use of press sources which form a legitimate part of academic data gathering, and indeed a substantial area of academic scholarship, but the issue of the accuracy of the claims. As we shall see below, it has not been shown in your complaint that any of the claims made on the basis of press sources are inaccurate. With this in mind, we will address your other comments and cite the original sources where relevant.

Summary of Inaccuracies

1. In relation to Struan Stevenson, the article states that “another objection” was made to the MEP “responding to the claims of a whistleblower presumed to be a high-level GCC official”. The correspondence from Mr Stevenson does not lay any claim to any whistleblower, merely the concerns of a constituent. After responses to the Commissioner from Glasgow City Council and the Scottish Executive, there was deemed to be no case to answer.

The article does not say that Stevenson himself described the “constituent” as a whistleblower. However, this issue was reported to involve a whistleblower. On 3 May 2007, two reports in mainstream newspapers used the word ‘whistleblower’:

McCann, J. ‘Glasgow museums trust faces Euro probe: Investigation over claims charity is operating illegally.’ *Evening Times*.

Braiden, G. ‘Council facing EC questions over creation of culture trust: Fears over possible breach of state aid rules.’ *The Herald*.

The second of these articles states: “The commission has now written directly to the Scottish Executive regarding issues raised by Struan Stevenson, following allegations made by **a whistleblower the Tory MEP believes is a senior Glasgow City Council official.**” [emphasis added]

On 30 August, 2007, it was reported in the *Evening Times* that: “Scots Tory MEP Struan Stevenson had said a whistleblower claimed Culture and Sport Glasgow tried to get round European legislation by transferring culture and leisure services without putting them to tender.”

Another article, published on the same day, states: "Scots Tory MEP Struan Stevenson claimed to have been told by the unnamed whistleblower that Glasgow had attempted to circumvent European legislation by transferring its culture and leisure facilities without putting the running of the service out to tender. The concern was that Glasgow could have been directly or indirectly subsidising a company, which is contrary to European Commission rules." See Braiden, G. 'Commissioner clears city over culture and sport trust claims.' *The Herald*. 30 August 2007.
<http://www.theherald.co.uk/politics/news/display.var.1651843.0.0.php> (accessed 7 April 2008)

In summary, there is no case to answer here as the alleged inaccuracy was not claimed in the article.

2. The article states that there were "controversial proposals to allow private companies to develop businesses in two of its parks". Culture and Sport Glasgow does not manage any parks within the city - these remain within Glasgow City Council's Land and Environmental Services department.

The article is critiquing a nexus of interests and is clear about that. However, the use of the possessive form – *its* – in the above sentence in relation to the two parks *may* be, strictly speaking, misapplied. But we contest that Culture and Sport Glasgow is involved in parks development and is engaged in 'formal' partnerships to do with parks management. Culture and Sport Glasgow manage the Burrell Collection, whose facilities are a major plank in the Go Ape business model for Pollok Park, and "Logistical support in mounting Glasgow's Proms In The Park is provided by events management staff from Culture & Sport Glasgow."

http://www.bbc.co.uk/pressoffice/pressreleases/stories/2007/06_june/19/proms.shtml

Cultural and Leisure Services, at the time, contributed to the 'Strategic Review of Parks and Open Spaces'. The review is clear that:

"The parks service is influenced by other Council policies." p.9

"The senior management team within Land Services was recently subjected to restructuring. This was undertaken in order to move Land Services forward as an organisation that is focused on customers and corporate working." p.9

"Formal partnerships and working together with other agencies are also an established part of the service delivery. [...] The playing field maintenance service is provided to Cultural and Leisure Services and Education Services." p.8

"Develop a strategy in partnership with Cultural and Leisure Services, Education Services and SportScotland to deliver a comprehensive golf facility development programme." p.45

On 1st of April 2007, the management of Glasgow's common good parks and sports facilities transferred to Culture and Sport Glasgow included:

Alexandra Golf & Bowls, Barlia Sports Centre, Barrachnie Park, Bellahouston Bowls, Bellahouston Pitch & Putt, Bellahouston Sports / Leisure Centre, Blairdardie Sports Pavilion / Pitches, Blairtummock Pitches, Bonnyholm Playing Fields, Broomfield Road Playing Fields, Budhill Football Pitch, Caldercuilt Playing Fields/Acre Road Pitch, Castlemilk Sports Centre, Cathkin Recreation Centre and Pitches, Cowlares Park Recreation Ground, Cranhill Beacon Play Area, Danes Drive Bowls, Dawsholm Pitches, Drumchapel Bowls, Easterhouse Sports Centre, Garscadden Playing Fields / Pavilion (Peterson Park), Glasgow Green Football Centre (Fleshers Haugh), Glenconnor Park, Greenfield Park & Football Pavillion, Haghill Pitch, Halgreen Avenue Playing Field, Holyrood Sports Centre, James Lindsey Memorial Park Pitches, Kelso Street Pitch, Kelvingrove Bowling/Old Bowling, King George V Playing Fields, King Georges Field, Knightswood Golf / Football, Knightswood Pitch & Putt / Bowls, Lethamhill Golf Course, Liddesdale Road Playing Fields (St Augustine's), Linn Park Adventure Playground, Linn Park Golf Course, Lister Street Bowls, Littlehill Golf, Lochar Park, Maryhill Bowls, Mount Vernon Park & Football Pavilion, Muirshiel Crescent Recreation Centre, Myreside Street Recreation Ground, Nether Pollok Playing Fields / Pavilion, Nethercraigs Sports

Complex / Playing Fields, Netherton Community Centre / Temple Bowls, North Kelvinside Playing Fields, Penilee Secondary School Pitch, People's Palace / Winter Gardens, Pirie Park, Queen's Park Bowls, Pitch & Putt / Tennis, Queens Park Recreation Ground & Pavilion, Springburn Bowling, Springburn Park, Synthetic Pitch & Pavilion, Swinton Football Pitch, Tollcross Park, Tollcross Park Leisure Centre, Vaila Street Open Space, Victoria Park Pitches / Bowls, Wyndford Recreation Centre / Pitch, Yoker Sports Centre.

3. The article further states that "initial fears about job security - especially for casual workers - appear to be founded". CSG has increased its total number of employees, and many one-time casual workers now have secure contracts - in accordance with good employment practice and full consultation with trade unions.

The article draws on evidence of CSG staff, known to be engaging in talks with CSG and BECTU about the yearly contracts being offered to them which offer them worse terms than their Glasgow City Council colleagues. However, the point of this sentence lies in the latter half, which has been excluded from the above quotation, about contracts "that discriminate against artists who rely on flexibility in their paid work, thereby undermining the indirect subsidy that reaches the city's creative practitioners through invigilation work." The point is that forcing artists to sign annual contracts will significantly reduce their ability to participate in residencies and lengthy creative projects for fear that their annual quota of working hours would not be fulfilled. As such, artists are increasingly unlikely to sign the contracts that are being offered to them, which deprives them of one of the main financial lifelines for flexible creative workers in the city.

4. The author claims that "somewhat predictably, it has just been announced that the feted Kelvingrove Museum will be introducing admission charges". Again, this is simply untrue. Kelvingrove Art Gallery and Museum remains free of charge, like every other museum managed by CSG on behalf of the Council. There will be a charge for the upcoming Dr Who temporary exhibition. Kelvingrove has previously charged for major temporary exhibitions, such as the Dead Sea Scrolls in 1997 - however, there will be no charge for access to core *collections and services*.

Entrance fees to national museums across the UK were officially scrapped on 1st December 2001. It is in this context and the wider concerns of commercial exploitation of common good facilities expressed in the article that Kelvingrove, a public museum, will for the first time be charging admission for a temporary exhibition within the museum.

5. Bridget McConnell is not Executive Director of Culture and Sport Glasgow. She is in fact Chief Executive of Culture and Sport Glasgow.

Insignificant error, but happy to correct this.

6. Your graphic of the board members of Culture and Sport Glasgow includes Councillor Archie Graham. Councillor Graham resigned his position 3 months ago and was replaced by Bailie Allan Stewart.

As with other alleged inaccuracies to be picked up later, this information came from the Culture and Sport Glasgow website. At the time this research was conducted (in the first quarter of 2008) Archie Graham was still cited as a member of the board. Indeed, a response to a Freedom of Information request, dated 15 April 2008, names Graham as a Director.

7. "Bridget McConnell was the driving force behind the creation of Culture and Sport Glasgow." The service reform agenda was a national policy, the implementation of service reform in Glasgow City Council was lead by the elected members of the City Council and not officers. Mrs McConnell is not an elected member and therefore, does not participate in the decisions taken by Glasgow City Council.

Again the article deals with a nexus of interests, both formal and informal. More substantially than this, Council reports and minutes show that, despite not being an elected member of the Council, Bridget McConnell was very much steering proceedings.

In August 2006, McConnell reminded the newly-formed Policy Development and Scrutiny Committee¹ that *Glasgow's Cultural Strategy* (which included an introduction by herself) "provided an integrated policy framework that gave long-term direction to the development and provision of cultural activity within the city."² The direction advocated by McConnell – to create a Company Limited by Guarantee with charitable status, thereby determining in advance the structure for the new organisation that any business plan sought to establish – was outlined in a written report to the Executive Committee the following month.³ This was swiftly taken up by Councillor John Lynch, then Executive Member for Culture and Sport – who proposed, as per McConnell's recommendations, that service reform be extended into culture and sport, and that a Social Enterprise be created to manage the Council's cultural and sporting services, which would lead to clear gains in service delivery, fund-raising potential and business development while saving the Council money. At the same meeting, Councillors Steven Purcell and Aileen Colleran instructed McConnell "to prepare a detailed business plan to establish the most efficient and effective structure for a Social Enterprise for the delivery of the Council's Cultural and Leisure Services."

Accordingly, international accounting and consultancy firm, Grant Thornton,⁴ was contracted to "provide information on Glasgow City Council Cultural and Leisure Services for the purpose of transferring the division to a new company."⁵ As instructed, the creation of a company was recommended, limited by guarantee with charitable status.

The rationale for these wholesale changes re-iterated McConnell's strategy and was centred on the benefits of charitable status, such as the absence of tax on rental income and rates relief of up to 100%. In addition to savings, increased development opportunities were identified, via retail and venue hire and via external funding, drawing on the precedent of the Kelvingrove Refurbishment Appeal Trust.

The outcomes of Grant Thornton's work were presented at the GCC Executive Committee on 2 February 2007, in advance of which McConnell "recommended that Members instruct the Chief Executive [herself] to complete all necessary arrangements to establish the Company Limited by Guarantee with Charitable Status and put in place the appropriate management arrangements to effect the transfer of staff and assets in line with the proposals included within this report by 1 April 2007 to ensure that the Charitable Company is fully operational by 31 March 2007."⁶ The Council approved McConnell's recommendations.

¹ Formation of this committee within Cultural and Leisure Services was approved by the Council on 29 June 2006 according to note 2(1) of Cultural and Leisure Services Policy Development and Scrutiny Committee Minutes, 23 August 2006.

² Note 7(1) of Cultural and Leisure Services Policy Development and Scrutiny Committee Minutes, 23 August 2006.

³ While euphemistically being called a 'Social Enterprise,' the creation of a Company Limited by Guarantee with Charitable status was explicitly discussed throughout McConnell's proposal 'Extension of Pathfinder Project – Culture and Sport: Report by Bridget McConnell,' 15 September 2006.

⁴ Member of International Financial Services London (IFSL) which seeks to liberalise trade in public services.

⁵ Grant Thornton, 'Glasgow City Council Pathfinder for Cultural and Leisure Services: Outline Business Case,' January 2007.

⁶ 'Extension of Pathfinder Project – Culture and Sport: Report by Bridget McConnell,' 2 February 2007.

In summary, this is not a question of inaccuracy, but in fact a question of fair comment with which CSG happens to disagree.

8. "Promoted to Executive Director with negligible discussion". This change was in title only to recognise the role that the post had in leading on the development of cultural and sports policy across the Council. It is worth noting that the new title did not come with any increase in salary. In addition, the tone of title of the Education Director was changed to Executive Director at the same time and subsequently all remaining Council Directors were given the same change in title from Director to Executive Director.

Nowhere in the article is it suggested that the new title came with an increased salary or that other directors did not have their titles changed at the same time. The point that is being made here is that this title change was undertaken without proper discussion. On 4 September, 2005, the *Mail on Sunday* published Mark Aitken's article "Arrogance' row over £100,000 Commonwealth Games job for Mrs McConnell,' which is worth quoting in full here:

"NEW questions were raised last night over the promotion of the First Minister's wife to a key role in Scotland's £250 million Commonwealth Games bid. Bridget McConnell was catapulted from her role as director of leisure services for Glasgow City Council to the new post of Executive Director (Culture and Sport). But *The Scottish Mail on Sunday* can reveal she was given the job without any discussion by councillors, after a meeting with the authority's chief executive and leader. Mrs McConnell, who is paid £107,000, will lead Glasgow's efforts to secure one of the biggest sporting events in the world. Her new role is likely to include visits around the globe in search of crucial votes from the 71 Commonwealth members, which include the Bahamas, Cyprus, the Maldives, Mauritius and the Seychelles. She has already made a fact-finding visit to Melbourne in Australia as part of the Games bid. Yet her appointment was made without the knowledge of most councillors. Under council rules, the chief executive has the power to 'approve changes in post designations where there is no change in salary grade.' The letter confirming Mrs McConnell's new job, obtained under the Freedom of Information Act, was dated August 5 but her appointment had already been announced on July 12. Last night, questions were being asked about how the appointment was made and why it was thought necessary to promote Mrs McConnell and include a sports brief, which has no council committee to oversee it. SNP group leader John Mason said: 'I see this appointment-as a job creation which there hasn't been a lot of openness about. Out of courtesy to councillors, it should have been brought to committee and a vote taken. I have a problem with reading about something in the press before I hear about it at committee. To me, it smacks of Labour arrogance.' Mrs McConnell's appointment came a month before her husband announced the Scottish Executive would be backing Glasgow's bid to land the lucrative Commonwealth Games in 2014. Her sudden promotion so close to her husband's announcement prompted criticism and questions over how the couple could keep their political and private lives independent. A council spokesman said: 'The recent redesignation of posts is part of management changes which the chief executive is entitled to make under delegated authority.' "

In summary, there is no case to answer here.

9. The paragraph which refers to "Scotland's arts scene" being "wrought in (Bridget McConnell's) image" is without foundation, pulled from evidence from a Scotland on Sunday article. The sources quoted in the article remain un-named. There is no evidence at all to suggest that Mrs McConnell in any way influenced the Culture Minister's recommendations in the Scottish Parliament in January 2006 - and this is defamatory to both parties.

As a footnote elsewhere in the article attests, Bridget McConnell was copied into documents collected by the Cultural Commission (a visit to the Cultural Commission archive held in Stirling revealed that the marginalia of documents included the note 'Copies to Frank [McAveety], James [Boyle], Bridget').

It was widely reported at the time of the Cultural Commission that Bridget McConnell wished to exert some influence over the process. The article Hutcheon, P. 'Revealed: civil servants' attack on arts council: Memo sparks fears of secret agenda.' *The Sunday Herald*. 10 April, 2005, p. 10 is particularly instructive in this regard. This reports on fears that the Cultural Commission was "a thinly veiled bid to axe the Scottish Arts Council (SAC)" and details an:

"ongoing feud between Boyle and Bridget McConnell, the First Minister's wife.

The initial row was sparked by Boyle's decision last year to exclude her from his task-force because of fears that including the Scottish Labour leader's spouse, who fronts Glasgow City Council's culture and leisure services department, would have led to accusations of cronyism.

Local authority leaders, irritated by the snub, set up a parallel review of arts provision that focused on the role of councils in delivering services, something they feared the commission might neglect.

Boyle was infuriated by the creation of a separate body that he thought was being used by Bridget McConnell to challenge his work, and a commission source warned her in November to 'back off'.

Relations between the pair have reportedly been cool since.

In another twist, the SAC entered the row by complaining to culture minister Patricia Ferguson last November about the approach taken by councils.

In a letter released under the Freedom of Information Act, SAC director Graham Berry made clear his unease about the separate review being undertaken by Bridget McConnell and her colleagues."

In summary, it is not defamatory and there is no case to answer here.

10. "Passionate about promoting Glasgow abroad, former Lord Provost, Liz Cameron, travels the world at the city's expense". The author goes on to claim that Bailie Cameron travelled to Sri Lanka as part of the 2014 delegation. Bailie Cameron was not on the delegation – and indeed, was frequently interviewed and photographed at Glasgow's celebration in the Old Fruitmarket.

The precise wording in the article was: "This has seen her taking trips to New York, Sri Lanka and Melbourne, **the latter of which** was undertaken as part of the delegation to secure the 2014 Commonwealth Games for Glasgow." [emphasis added].

The trip to Sri Lanka refers to an earlier trip reported in *The Sunday Times* on 22 January 2006. This article describes how, between 2003 and 2007, while Lord Provost and Lord-Lieutenant of Glasgow, Liz Cameron accumulated "travel expenses of £60,000, 11 times the amount spent by her counterpart in Edinburgh, Lesley Hinds. [...] The lord provost's travels included an indispensable trip to New York for its Tartan Day celebrations, at a cost of £17,000. A visit to Sri Lanka after the tsunami racked up another £12,000, though ironically its purpose was to see how relief money raised in Glasgow was being spent." http://www.spinprofiles.org/index.php/Liz_Cameron%28councillor%29_-_note-4

In summary, there is no case to answer here.

11. Your article claims “the devolution of culture and leisure provision follows the creation of several other limited liability partnerships”. This gives the impression Culture and Sport Glasgow is a limited liability partnership. It is not. It is a registered charity.

It is clearly stated throughout the article that CSG is a limited company with charitable status.

12. In relation to the claim regarding Freedom of Information requests and that applications “have thus far yielded nothing”, the organisation evaluates and responds to each request in full compliance with the Information Commissioner’s guidance, this includes access to an appeal process.

Several Freedom of Information requests have been made as part of this research. Significantly, two recent requests have asked for copies of Bridget McConnell’s correspondence in order to shed some light on decision-making processes. The first of these – covering the whole period since the establishment of Culture and Sport Glasgow – was declined on the basis of cost, estimated at £967.80 (ref: SD/HM/0804027). The second, dated 23 April, solicited McConnell’s correspondence undertaken on behalf of Culture and Sport Glasgow over a much-reduced timeframe i.e. between 1 September 2006 and 31 February 2007, which was also declined on exceeding the £600 upper limit for providing information. It is unclear how the later request could also be declined, when the cost of granting the request would be expected to be a small fraction of £967.80 over a considerably shorter period. A review of this decision is in progress and you can rest assured that the Information Commissioner will be kept informed.

In summary, this is neither an inaccuracy nor defamatory. Its inclusion here suggests a need to pad out the list of alleged inaccuracies.

13. In your text, you report Councillor Aileen Colleran is a member of the Culture and Sport Glasgow (Trading) CIC board. This is not the case. Indeed, your own graphic on the front page of the article appears to demonstrate this.

Apologies – this must have been a cut and paste error. We will be happy to correct this minor inaccuracy.

14. Your article appears to draw some distinction between Independent Directors and Board members. In fact, all are members of the board.

This stems from the distinction made on the CSG website between elected members and Independent Directors. See: <http://www.csghlasgow.org/aboutus/theboard/index.htm>

15. Dr Vartan Gregorian is not seconded to Culture and Sport Glasgow. He is Special Advisor to the Board of Culture and Sport Glasgow as the minutes of the board meeting in November 2007 make clear.

We will be happy to correct this minor inaccuracy.

16. In relation to Glasgow International, the author claims that the exhibition “effectively brands the exhibitions already taking place in the city’s main institutions and grassroots organisations”. Again, this assertion is entirely without merit. GI has a £300k plus budget and is a fully curated festival, with key new commissions including the work of [Jim] Lambie at GoMA.

“Effectively” does not mean entirely or totally. We suggest you consult those grassroots organisations that receive no extra benefit from participation in Glasgow International.

There is no inaccuracy here.

17. "When McConnell was promoted to Executive Director of Cultural and Leisure Services, her role grew to include sport". Again, this is wholly incorrect and defamatory. As stated, the change in title was part of a Council-wide restructuring, which did not result in an increase in salary. Also, as the previous Director of Cultural and Leisure Services, Mrs McConnell's role had always included management of all the Council's sports facilities, sports development and events and the management of the multi-million pound capital programme for sports facilities. Mrs McConnell also led the City to being elected European City of Sport in 2003.

It is hard to see how this statement if untrue could be defamatory. If untrue it is simply inaccurate. Again we would refer you to the article cited in full above which comments on the decision “to promote Mrs McConnell and include a sports brief.” Nowhere is it suggested that the new title came with an increased salary or that other directors did not have their titles changed at the same time.

The article did *not* mention the subject of increased salaries, and yet your response twice draws our attention to it. We will therefore be seeking to find out whether, for example, there are any pay bonus schemes associated with targets, or other mechanisms outwith the Chief Executive’s quoted basic salary.

18. "Recent reports that she may have been sidelined to protect SNP sensitivities Contradicted by the relocation of the sports development team of CSG to the Commonwealth site". Again, this is far from accurate and defamatory. Mrs McConnell is a member of the Organising Committee for Glasgow 2014 and remains a key advisor to the All of Scotland Group and chairs the 2014 Vibrant City Group. The sports development team of CSG is moving to the National Indoor Sports Arena - as had always been the intention - to be at the heart of a world-class facility.

We would refer you to Drury, P. ‘McConnell’s wife axed from Games bid team.’ *The Express*. 25 June 2007, which states:

“THE wife of deposed First Minister Jack McConnell has been axed from a key role in the team vying to bring the Commonwealth Games to Glasgow. [...]

Mrs McConnell was appointed chief executive of Culture and Sport Glasgow, the group leading the bid for the 2014 Games.

But her prominent role would inevitably put her in regular contact with Alex Salmond, the SNP chief who replaced her husband, Jack, as First Minister last month. She has now been dropped from the steering group which involves Mr Salmond but remains on the committee responsible for the day-to-day running of the bid.”

In summary, again, it is not defamatory and there is no case to answer here.

19. "More than the sum of its parts, the creation of Culture and Sport Glasgow represents the wholesale takeover of culture by business interests." Again, this has no basis in fact. The organisation has a majority of elected members on its Board and every building, work of art or sports centre is owned by Glasgow City Council. The charity is contracted to deliver services on behalf of the Council, with detailed criteria and targets which must be achieved.

The key phrase here is: "more than the sum of its parts". The author is arguing that the public interest is clouded and gives enough evidence for the article to be publishable. It is interesting to note that nowhere do you refute the individual business interests of the Directors of CSG or the general direction being advocated by its Board.

20. The images you chose to illustrate the piece are in no way representative of Culture and Sport Glasgow and the work that it does. They would appear to have been chosen to illustrate the city of Glasgow in a negative way and thus associate Culture and Sport Glasgow with negative imagery.

The particular choice of images to be used to accompany an article, in a magazine of arts, culture and cultural policy, is not a matter over which we will be asked to justify ourselves (subject to our operating in accordance with laws governing such things as obscenity and copyright). We uphold our right of freedom of expression as editors and publishers of the magazine. However, we offer the following observations:

This comment points to the perspective and understanding of 'culture' which the article aims to critique. *Variant* on its part has a record of criticising the politics of cultural regeneration as superficial and propagandistic in so far as it is part of a process of uneven development which actually exacerbates a range of inequalities.

Your critique represents a highly partial position, the logic of which is that CSG should not be associated with negative aspects of Glasgow and negative aspects of Glasgow should not be associated with CSG. By this rationale, CSG is not responsible for the conditions of the city it supposedly represents – making point 19 and point 20 seem inconsistent.

Again, no evidence of inaccuracy or defamation here.

Your article also associates Mrs McConnell and her family with a Mr Robert McLuckie. Mr McLuckie has absolutely no connection with CSG or its work and the association is designed to impugn the integrity of Mrs McConnell and damage the reputation of CSG. May I remind you that the Press Complaints Commission's Code of Practice is explicit in reference to the reporting of crime and the association of family members. The Code states:

"9. *Reporting of Crime

(i) Relatives or friends of persons convicted or accused of crime should not generally be identified without their consent, unless they are genuinely relevant to the story."

It also states:

"It is the responsibility of editors and publishers to apply the Code to editorial material in both printed and online versions of publications. They should take care to ensure it is observed rigorously by all editorial staff and external contributors, including non-journalists, in printed and online versions of publications."

Our legal opinion suggests that there is no basis on which it could be said the public interest required any member of the McConnell family be referred to in association with Mr McLuckie.

There was no intention to suggest that the relationship between Mrs McConnell and her brother was used for corrupt purposes. Rather the article at this juncture attempted to critique the highly preferential terms of Scottish Executive policy in relation to private capital rather than public interest, and that decisions around planning have political implications.

Had the intention been to "impugn the integrity" of Bridget McConnell, this could have been done at the touch of a mouse. We list a small selection of the articles that are easily available on the public record:

1. Paul Gilbride, 'McConnell's relative faces probe into £2 property deal,' *The Express*, 26 March 2007, p.15.
2. Mark Howarth, 'Police probe into £2 land deal by McConnell in-law,' *Mail on Sunday*, 25 March 2007, p.11.
3. Maggie Barry, 'New Quiz over £1m Hospital Land Deal: Minister Under Fire After Holyrood Answer,' *The Mirror*, 5 March 2007, p.14.
4. Mark Howarth, 'Probe call over £1m land Jack's brother-in-law was given for £2: Demand for Auditor General to investigate sale to McConnell's millionaire relative,' *Mail on Sunday*, 4 March 2007, p.21.
5. Mark Howarth, 'Revealed, the cash handout to Jack's millionaire in-law: Property company was given £100,000,' *Mail on Sunday*, 4 June 2006, p.15.
6. 'McConnell grilled after in-law buys £1m land for £2,' *The Express*, 29 May 2006, p.6.
7. Tim Pauling, 'Ladysbridge sale process gets all-clear,' *Aberdeen Press and Journal*, 13 June 2006, p.3.
8. Patricia Kane, 'The First Minister's brother-in-law, the infamous Red Rose dinner and the contracts worth £337,000 in McConnell's own constituency,' *Daily Mail*, 22 November 2002, p.7.

Given the sheer volume of material already in the public domain that ties these parties together, we were wondering whether any of the mainstream newspapers were challenged in quite the same fashion as *Variant* when these allegations were published.

Furthermore, there is no question that the article 'identifies' Mrs McConnell in the sense of a previously private individual not in the public eye. Mrs McConnell is already a widely known public figure and reports on her, her husband and McLuckie are widely available in print and on the internet.

We contest that there is a strong public interest in general in reporting and discussing the intricate links between an individual such as McLuckie, the Labour Party, the McConnells and decision making in the Scottish Executive.

Lastly, since you raise the issue of codes of conduct, we wondered if we might remind you of the code of conduct of the National Union of Journalists. Given that you are the current president of the NUJ you are no doubt aware that this includes the following provisions:

A journalist shall at all times defend the principle of the freedom of the Press and other media in relation to the collection of information and the expression of comment and criticism. He/she shall strive to eliminate distortion, news suppression and censorship.

A journalist shall strive to ensure that the information he/she disseminates is fair and accurate, avoid the expression of comment and conjecture as established fact and falsification by distortion, selection or misrepresentation.

A journalist shall not lend himself/herself to the distortion or suppression of the truth because of advertising or other considerations.

It seems to us that your actions in this case,

- in being party to the removal of *Variant* from all CSG premises,
- in the intimidatory threats of legal action and
- in the inaccuracy and misrepresentation in your letter,

have potentially breached all three of these articles in the code.

The Editors,
Variant