

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
MEDIA AND COMMUNICATIONS LIST

19 February 2019

LIFE 2009 LTD

Claimant

-and-

LAMBETH LONDON BOROUGH COUNCIL

Defendant

STATEMENT IN OPEN COURT

Solicitor for the Claimant

1. My Lord, I appear for the Claimant.
2. The Claimant is an incorporated charity which trades as Life Charity, or simply 'Life'. Whilst the current legal entity was incorporated in 2009, the organisation traces its roots back to 1970. Life is a pro-life organisation. However, its work is much wider than this. It carries out a wide-range of fundraising and charitable activities which are centred around providing practical assistance and emotional support to women with crisis pregnancies. This extends to providing support for women who have had terminations. Other areas of activity, through its sister charities, include providing support for people with health and fertility problems, and providing help and care for children with life-limiting or terminal illnesses.

3. The Defendant is the local authority for the London Borough of Lambeth.
4. In January 2018, Life applied to participate in the 2018 edition of the Lambeth Country Show ('the Show'). The Show is a long-running festival which is free for members of the public to attend. It is organised by EventLambeth, the events service of Lambeth.
5. In the course of its application for the Show, Life gave Lambeth a detailed overview of its organisation and activities, including, naturally, making clear that it is a pro-life organisation. It provided links to its website, as well as its Facebook and Twitter profiles, from which even more detailed information about its work can be obtained. It provided photographs demonstrating the type of stall which it intended to put up at the Show. These photographs included anatomical models of fetuses which Life uses for educational purposes.
6. In April 2018, Life was informed that it had been selected to appear at the Show. Life paid all relevant fees as they fell due. There was subsequent correspondence between Life and Lambeth concerning the details for the event. This included Life requesting, and being given, permission to use a small tuk tuk at the Show.
7. On 21 July 2018, Life attended the first day of the Show. Life's staff and volunteers felt that the day was a huge success.
8. On 22 July 2018, when Life's staff and volunteers attended for the second day of the Show, they were told that Life was no longer allowed to participate. The reasons for this decision were unclear. The experience of Life's staff and volunteers being instructed to collect Life's property and leave the site of the Show was an extremely distressing one. Notably, no effort had been made by Lambeth to contact Life –

including via the emergency contact details which Life had been asked to supply – ahead of time.

9. At 2.44am on 22 July 2018, Ed Davie, a Lambeth Councillor and cabinet member for Health and Adult Social Care, tweeted about Life's presence at the Show, writing: -

'It wasn't officially allowed. They were not on the approved list of exhibitors, we tried to get them removed and will make sure not there today.'

10. At 1.44pm on 22 July 2018, Councillor Davie again tweeted about Life's presence at the Show, writing:-

'I've checked and stall in question was booked using inaccurate information. After the nature of the booking was revealed, and following complaints, the stall was prevented from opening on the second day of the show. The return of materials from the stall has been arranged.'

11. At 6.23pm on 22 July 2018, Lambeth (using its @lambeth_council Twitter account) wrote of Life: -

'The stall in question was booked using inaccurate information. After the nature of the booking was revealed, and following complaints, the stall was prevented from opening on the second day of the Lambeth Country Show. The return of materials from the stall has been arranged.'

12. The statements by Lambeth and its Councillor that Life did not have permission to be at the Show, or had submitted inaccurate information in its application, were entirely false. In fact, as previously set out, Life had applied for the Show in the proper manner,

supplying extensive information which made clear both the nature of its organisation and its plans for the Show. It is therefore unclear how or why these false statements were made. They were, in Life's view, likely to harm its reputation. They were also a source of distress for Life's staff, volunteers and supporters.

13. These false statements were later republished in full or in part in various independent publications including the *Daily Mail* and the *Evening Standard*.

14. Following this, Life made complaints directly to Lambeth and Councillor Davie. Councillor Davie was asked to explain his statements and to issue a public clarification and apology. Mr Davie confirmed that his statements were incorrect, and apologised to Life but declined to produce a public clarification or apology. Lambeth was asked to provide Life with an explanation for its actions and – at the least – an unreserved apology. A purported explanation and apology were provided by Lambeth, but Life did not feel this adequately explained the false statements. As a result, Life instructed solicitors to assert claims against Lambeth for defamation, unlawful interference with Life's right to freedom of expression, and breach of contract.

15. Lambeth has accepted that Life properly sought and was granted permission to be at the Show, and that its statements to the contrary were inaccurate. Lambeth has made a payment to compensate Life, and agreed to pay its legal costs. Lambeth also published the following clarification and apology on its Twitter feed, pinned for seven days:-

'On 22 July 2018, we tweeted that Life booked a stall at our Country Show using inaccurate information. We accept that was incorrect and would like to apologise to Life'.

16. My Lord, in the circumstances, Life is prepared to let the matter rest.

Max Campbell
Brett Wilson LLP
Solicitor for the Claimant