

BETWEEN:

CHARLES SHOEBRIDGE

Applicant

and

COMMISSIONER OF POLICE FOR THE METROPOLIS

Respondent

**WITNESS STATEMENT OF
SIMON COLE**

I, SIMON COLE, of Grant Way, Isleworth, Middlesex, TW7 5QD, Deputy Head of Sky News, British Sky Broadcasting, WILL SAY:

1. I make this statement on behalf of Sky News. I am employed by British Sky Broadcasting Limited ("Sky") as Deputy Head of Sky News and have held this position for approximately 8 years.
2. As part of my role, I am kept aware of the contributors used by Sky News to comment on various aspects of daily news stories. It is in that way that the Applicant first became known to me. The first contact that I had with the Applicant relevant to the Applicant's claim against the Respondent was in August 2002 when the Applicant telephoned me alleging he had been banned from being used by Sky News because the police had asked Sky not to use him. I later discovered that he had recorded that conversation without my knowledge or consent and I received a purported transcript of this conversation, and a subsequent telephone conversation in August 2004, by e-mail from the Applicant on 14 February 2005.
3. In the first of the two telephone conversations, I made it clear to the Applicant that he had not been banned from being used by Sky, whether as a result of anything the police had said or otherwise, and I denied that any memo had been distributed within Sky News, whether by me or anyone else to that effect. Indeed, I confirm that I did not send out a memo within Sky News instructing that the Applicant should no longer be used. However,

as the Applicant was clearly aggrieved, I suggested that he should write to me if he felt he had been treated unfairly by Sky News. I received no letter from the Applicant or other communication.

4. The next direct contact that I had with the Applicant was some two years later when he again telephoned me in August 2004 to inform me that he was pursuing a claim against the Respondent and that I would be required to be a witness. I have subsequently discovered that the Applicant again recorded this conversation without my knowledge or consent. In this conversation, the Applicant alleged that I had confirmed to him two years previously that the police had made approaches to Sky and that as a result of those approaches, Sky had ceased to use the Applicant. I repeated that he was not taken off air because of police approaches: indeed I used the phrase "blatant rubbish". The Applicant continued to talk about an internal memo, allegedly from myself, banning him from the air. Despite his repeated allegations he can find no record of it. Neither can I. I have asked people in the newsroom for their recollection and they cannot recall ever having seen a memo. I have even asked Sky's IT department to try to track it down but it simply does not exist. On the phone the Applicant tried to trick me into saying that I had sent the memo: his quote was: "You told me two years ago that it wasn't yourself that had written the memo that went around." In fact I said in the previous conversation that I didn't think any memo had gone out. I admit, however, that the Applicant did get me flustered and I did say to him: "If you say I did and you have proof, then I did.". I am nevertheless sure that I did not send any such document.
5. I have checked Sky's internal records as to when the Applicant was used as a contributor. Contrary to his assertion that he has been banned from being used by Sky since 2002, the Applicant appeared on Sky News produced programmes six times in 2003, six times in 2004 and on January 26, 2005.
6. It is true that the Applicant has appeared less frequently than prior to 2003. The reason for this is two fold. Firstly, the Applicant appeared eight times in May and June of 2001 (out of a total of 16 appearances in 2001) to contribute to Sky News' coverage of the May Day riots of that year. Sky's level of coverage of this news story was higher than might normally be expected and so guest contributors appeared more often.
7. Secondly, the Applicant fell out of favour with both one of Sky's producers, who found the Applicant to be a "bit of a creep" and who considered him not to be a good guest, and with Sky News' Head of Home News and Affairs, who the Applicant continually pestered, offering to appear on air whenever there was a police issue. Indeed, the fact that the Applicant was not considered to be very good is recorded against his records within Sky's database.
8. If a contributor, who is already not considered to be particularly good, becomes an irritant and is seen to be pushy and self publicising, that person tends to be used less and less

within Sky News. It is true to say that in the past we have had regular guests who have fallen from grace. Some have accepted this and others have been angry. Some have written letters of protest. However, they have ultimately all accepted that Sky News has the right to have on air whoever it wants, and that decision is Sky News' alone. As news channel of the year for four years running we have certain standards to maintain. The jettisoning of experts and development of new ones is something for Sky News alone to decide.

9. I believe the facts stated in this witness statement are true.

Signed: _____

Dated: _____

DRAFT