Hacks vs. spooks

VETERAN security affairs reporter Duncan Campbell and Professor Ross Anderson discussed at May’s London Freelance Branch meeting the Investigatory Powers Bill still before parliament – and “tradecraft” for journalists wanting to protect the anonymity of our sources in this digital age. (See the bottom of this page for their tradecraft advice.)

Ross Anderson, Professor of Security Engineering at the University of Cambridge and an expert on computer communications, reminded us that surveillance and revealing confidential sources affect everybody doing investigation, not just journalists.

Duncan Campbell opened by saying how he was “struck by the pivotal role of the National Union of Journalists in protecting journalism, journalists and freedom of expression”. He recalled how he, his colleagues and freedom of expression.

Tradecraft for journalists in a digital age

PRECAUTIONS to protect our sources in the digital age were on the agenda at May’s LFB meeting.

Speaking on the subject were Duncan Campbell and Professor Ross Anderson.

Our sources, said Ross, need to be able to contact us in the knowledge that they will not be prosecuted or persecuted, and without leaving a trace. Consider letting them know what pubs you can be found in, when, rather than giving a specific time and place. We need to think about the “shoe-leather stuff” – making sure we’re not followed there.

Ross was once contacted by a missionary in Texas about communicating with converts to Christianity in Pakistan – where converting is a capital offence. How could he communicating with then, safely? PGP encryption on emails? Or Skype? Millions use Skype and few use PGP. The authorities can easily trace everyone who uses PGP – “anonymity lost.” But PGP may be gender technically, but it stands out. Meeting your contact at 3am in Trafalgar Square is not a good idea; 3pm is.

Do not put your faith in technical fixes. Some people have built special systems for whistleblower communication. Being found to use such a system will draw attention to anyone, who “will be in manacles by dinner time”.

Duncan reinforced the message of tradecraft trumping technical fixes. “If your source is a nurse they need reassurance, and they do not need to be asked to install some gizmo.”
The Rate for the Job

A TIP-OFF for a well-known tabloid is included in this summer’s bumper crop of Rates for the Job, as is a four-figure payout to a photographer for a flagrant copyright breach.

Thinking about work for a company you’ve never dealt with before? Simply look at the Rate for the Job to find out what companies in similar niches have paid. Then aim higher.

You can submit rates online, in confidence, at any time, at www.londonfreelance.org/rates

Newspaper

The FREELANCE has obtained a memo from the Newsquest title the Bolton News that gives insight into the practices of cash-strapped editors – and a useful guide to claims for copyright infringement.

It opens: “I would like to remind you that if you are taking a picture from the web or any social media site (Facebook, twitter etc) you need to check we have the relevant permissions to use the image before it is published.”

This from a regional group that dismissed three of its remaining photographers last autumn. The bit that really strikes the FREELANCE is this: “We now have to pay the copyright holder our going rate (which is £10 – £50) for an image if we use it without permission in the first instance and if the holder decides to take the matter further we often settle out of court in the region of £100-£200.”

This will of course, provide a useful guide for Small Claims court proceedings for infringement of copyright in photos – alongside the rates in the FREELANCE’s Fees Guide.

NUJ Northern and Midlands Organiser Chris Morley says: “the strategy of Newsquest and the others comes at a cost. Not only do they make do with often dodgy and unreliable images, but they will face an increasing bill for this – and that makes the lack of staff photographers an uneconomic proposition.”

Morley notes that the executive responsible, Ian Savage, “claims his policy is that reporters need to check consent before using images off the web.” But “the reality is very different. Reporters are under great pressure from news desks to always get an image to accompany their story. Wish no staff photographers and very little access to commissioned freelances… they feel obliged to take images off the internet.”

He is “encouraging our reporter members too to recognise the importance of copyright to freelance members, and to have the confidence to say ‘no’ to an unreasonable instruction from their line manager.”

For other encouraging news of Small Claims, see page 5. © Mike Holderness

Salon in Manchester success

MAY’S Freelance Salon in Manchester was a success. Louise Bolotin, who did most of the work organising it, reports:

We had around 20 participants, some from outside Manchester Branch, including the chair of Birmingham and Coventry branch.

We had four terrific speakers. Hina Pandya, spoke about e-books and brought with her Peter Jukes, who spoke about the Byline crowd-funded platform for news.

David Prior introduced his hyperlocal venture Altrincham Today, which he’s rolling out as a franchise – about 10-12 hours a week on a small patch and turning a profit. Garry Cook, who has branched out into performance photography, talked about tapping into theatre grants for spoken words events (of which there are very many in the north-west).

It was lively, with lots of questions from a very inspired audience, plus lots of requests to do another one. © Louise Bolotin

The Trireme Award

This month’s Trireme Award – for the “worst terms since I was last chained the oars” – goes to a book publisher with a name very similar to another completely unconnected book publisher (so similar we think our correspondent might have confused them), which is why we haven’t named it. It offered £75 for coming up with a synopsis of a book and producing three presentation spreads. The response of the freelance offered this rate was reportedly “unprintable,” and they rejected it. The same freelance was offered another, similar, job soon after by another publisher – four spreads for £500. This demonstrates that the sky does not fall on your head if you say no to atrocious rates.

Freelances’
Manchester meet

The next quarterly meeting for the Manchester and Salford area’s Freelance Network is on 29 June at the Mechanics Institute, from 18.00 to 20.00. Details: www.nuj.org.uk/events/manchester-freelance-network

Newsquest leak gives infringement guide

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He is “encouraging our reporter members too to recognise the importance of copyright to freelance members, and to have the confidence to say ‘no’ to an unreasonable instruction from their line manager.” For other encouraging news of Small Claims, see page 5. © Mike Holderness
Recipe for BBC confusion

AT LAST the government has published its White Paper setting out its plans for the BBC – to a chorus or relief, given that few of the kites that had been flown to scare the multitude stayed aloft. The licence fee – the worst possible way of funding a public broadcaster, except all the other ways – remains.

Positively for local news reporting, there is support for proposals for a “News Bank” syndicating “content” for local and regional news organisations; a “Data Journalism Hub” in partnership with a university; and “Local Public Sector Reporting Service” to report on local institutions. The Freelance presumes that all these will lead to paid work for journalists.

The news isn’t so good for authors and performers other than journalists, though. The government plans to “open to full competition the £740 million the BBC spends each year on in-house television content production (with the exception of news and news-related current affairs)”. That would mean that all non-news production was privatised – with the BBC establishing a “Studios” company to bid against the Endemol of this world. That in turn means that collectively-bargained agreements and commissioning practices that are less awful than in the rest of the industry are under threat.

And, buried fairly deep in the 36-page document, are some worrying vaguenesses about the rules under which the BBC will operate. It would be “regulated” by OFCOM, the Office of Communications. “The government will provide guidance to the regulator on content requirements and performance metrics to set clear policy parameters….” the White Paper says, maybe ominously.

The above suggests to a suspicious mind that what a U-turn on the idea of demanding control over what the BBC shows and when is more of a C-turn, it can come back later, by stealth. This suspicion is reinforced by several statement resembling this: OFCOM will be responsible for “holding the BBC to account with particular regard to market impact and protecting the legitimate interests of third parties”. It would have the power to fine the BBC (though the question of where the fines would go is fudged). Given that last time we had much to do with OFCOM it was riddled with enthusiastic free-market fundamentalists, this leaves a lot of slack for those kites coming home to roost.

OFCOM will also be handling complaints not resolved by the BBC. The White Paper proposes “opening up the BBC archive” – which rings alarm bells for performers, scriptwriters and all other contributors who have not signed over rights in their work beyond its first broadcast. The document does go on to observe that “of course there are limits to what can be achieved cost-effectively, as securing rights for that content can be complex, time-consuming and therefore costly.”

We will have to keep a close eye on this. Variety summed it all up in one headline: “UK’s Continued Support of BBC Leaves Rivals Disappointed”.

And that recipe allusion…

Ah, yes: standing up the headline. Ace bit of opinion-forming by someone to float the idea that www.bbc.co.uk/food/recipes would be taken down.

And full marks to blogger Tom Pride for pointing out that one Rupert Murdoch makes a fair dinkum whack from recipe sites in Australia, and for finding several dormant internet domain names for UK sites. Odd coincidence, that. At this time the above apparently-universally-loved site is still there.

The Freelance awaits developments with interest. Certainly, some enterprising person will produce a searchable index of the copies of the dearly-beloved BBC recipes held on www.archive.org. What will happen after that? Who in fact owns the rights in the recipes?

© Mike Holderness

SPOOKS from page 1

back to speech recognition software in the US, was hacked and turned into a room bug.

The Bill would allow the Home Secretary to serve “technical capability notices” requiring any company to install malware that works on all of their PCs, toys or phones. There would be fines for manufacturers revealing details of such notices, with directors liable to imprisonment. No customer could ever trust a UK-based software company or ISP again. Corporations like Google and Apple have responded by starting to encrypt everything end to end – they can say they have no knowledge of or responsibility for any message conveyed through their systems.

When it’s challenged about doing something illegal, the government now simply says “oh yes”. To start with, to justify phone-tapping the UK government invoked the power of the monarchy. It was the work of journalists such as Duncan that forced the first Act of Parliament to legitimise it.

In November 2015, for example, Duncan was scooped – by Home Secretary Teresa May. She admitted in Parliament the extent of phone record retention. Her onslaught in November leaves little time for building opposition to the Bill or even for parliamentary Committees to consider it. Various dutiful committees have looked at drafts of this Bill and decided privacy was rather important. All the government did in response was to write the word “privacy” into the first section.

With “no realistic chance of defeating it (the Bill) because we have no functioning Opposition,” according to Ross, the bounds on investigatory powers are more likely to be set by judges than by members of parliament.

© Mike Holderness

- There’s a much longer version of this article online

Duncan Campbell (above) and Ross Anderson: photos © Hazel Dunlop

Please do this survey!

The growth of freelance journalism over the last few years has been one of the most striking features of the working lives of journalists, and yet the amount of information collected on freelance journalists’ working lives is limited. So the National Council for the Training of Journalists (NCTJ) is conducting research to gather the views of freelance journalists, whatever sector you work in. Any self-employed journalist who makes a living from the use of their journalistic skills is eligible to take part. The survey will take about 20 minutes to complete online and the finding are completely confidential. It would be extremely helpful if all freelance journalists could find the time to complete the survey so that the research can be as comprehensive as possible. Please do so before 26 June.
NUJ vote backs freelances

NINE DELEGATES from London Freelance Branch travelled to Southport in April for the NUJ’s biennial Delegate Meeting (DM). This saw multiple motions that could affect freelance members passed.

Arguably the most significant for freelances active in the union was the debate around loss of earnings – an expenses payment to freelances for work undertaken for the NUJ. This saw the rate restored to £50 – delegates supported the plans by a comfortable margin. The motion was proposed by the Freelance Industrial Council (FIC), elected to represent freelances within the union. FIC noted “the need to enable and encourage activism among self-employed workers who have no regular wage”.

Loss of earnings have oscillated with the union’s fortunes and the regard in which freelances are held by other members. They were last reduced from £50 to £35 due to the union’s financial difficulties in 2012.

Other key motions passed included a change to the structure of subscription rates for members joining the union in future. These members’ rates should be based on what they can continue to have their rates defined by what industrial sector they are in.

DM passed a motion from London Freelance Branch opposing the delayed new nuclear reactors at Hinkley Point, Somerset. (See www.londonfreelance.org/fl/1606nuke.html)

All nine LFB delegates spoke on conference floor, four of them for the first time, on topics such as freelance salons, the reporting of alleged events outside Stella Creasy MP’s Walthamstow office, provision for journalism students with disabilities and the increased pressures on journalists entering the workforce.

Long-time LFB Chair Dave Rotchelle was one of four long-serving activists to be made a Member of Honour, the Union’s highest honour. Presenting the award, Freelance Organiser John Toner said “Dave’s devotion to the NUJ is unsurpassable and his dedication to any role or task that he undertakes has always been 100 per cent”.

Rotchelle, who was the Pleasers’ drummer prior to becoming a photographer, said he was honoured to be on stage in a conference hall in which the Beatles had once played, accepting the award “with love from me to you”.

General Secretary Michelle Stanistreet has been re-elected for second five-year term unopposed. Tim Dawson, a former FIC Chair, became the NUJ’s new President, and Sian Jones is now Vice-President, while several LFB members were elected to positions within the union. Hina Pandya was elected to the Professional Training Committee. Safiullah Tahzib made it on to the Equality Council. David Wilkins won election to the Disabled Members’ Council. Pennie Quinton joined the TUC Delegation and National Executive and Magda Ibrahim was voted into the Women’s TUC Delegation.

Delegate Meeting selfie featuring three of London Freelance Branch’s nine delegates. Left to right: Hina Pandya, Zaki Dogliani and Phil Sutcliffe. Photo: © Hina Pandya

Sing a song of solidarity

LONDON Freelance Branch member Tim Dawson became NUJ President at the Delegate Meeting in Southport. The Freelance is pleased to offer him this quasi-monthly platform.

Shortly before the Delegate Meeting, a piece of sheet music came to light as Headland House (NUJ HQ) was cleared for renovation. The Song Of The NUJ, published in 1932 was scored by composer Henri Caesari with words by then General Secretary Henry Richardson. Unplayed since the 1930s, the words and piano part were dispatched to musician Jeremy Bradford, whose recording won surprise approval of delegates.

Notwithstanding Richardson’s qualities as an organiser, it is as well that he did not professionally trouble Tin Pan Alley. His anthem’s second verse, though, is stirring and thought-provoking. Amidst general convoluted praise for the union come the words: “It’s good for freelances, their value enhances”. It underlines that freelances have been significant factor in British journalism and the NUJ since their inception. The NUJ has been delivering collective responses to to freelances’ willful individual issues for over a century. And this year, at a DM at which few controversial decisions were taken, there was an ambitious motion committing the union to building an alliance across the trades union movement to demand a new statutory framework that would allow collective bargaining on behalf of freelances, as well as working to persuade the International Labour Organisation to adopt a Convention on “atypical workers”.

Such goals will not be easily achieved, but when the are, they will allow the NUJ to push up rates in a way not possible since the 1990s.

On the evidence of the last attempt, perhaps a new Song Of The NUJ is best avoided! Apart from anything else, steadiness is an overused lyrical trope. If rhyme and melody help you maintain focus, however, Rachel Plattten’s 2015 Fight Song is a good starting point. “Like how a single word/Can make a heart open/I might only have one match/But I can make an explosion”.

If we all manage just a little of that, then delegates’ three days debating motions will have been well spent.

© Tim Dawson

Transcription software offer

A company that is developing a new “app” for transcribing audio to text wishes to invite NUJ members to take part in a focus group to test and give feedback on the software. Those accepted would of course get a free copy in return. Initially, please contact editor@londonfreelance.org with the subject line “Transcription software”.

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You can hear The Song of the NUJ linked from a longer version of this article at www.londonfreelance.org/fl/1605prez.html

A summit with feasting and suffring – Tim Dawson’s report from the recent World Media Summit in Doha, Qatar, where he was an NUJ delegate, is at www.londonfreelance.org/fl/1606prez.html

The Song of the NUJ

© Zaki Dogliani

The Song of the NUJ

image © unknown; front cover image used under the exception for the purposes of review.
Unfair contracts: new laws

The European Union looks likely to introduce at least some measures to combat the imposition of unfair contracts on journalists and other creators. At a Creators’ Conference in Brussels on 31 May, EU Commissioner Andrus Ansip said: “This is not negotiation between equal partners: some partners are too powerful—we have to change this situation to protect the weaker partner.”

The event was organised by the European Federation of Journalists with composers’, directors’ and fiction writers’ organisations. NUJ General Secretary Michelle Staniszewski spoke, and was asked: “What one thing helps against unfair creators’ contracts?” She replied, to applause: “Collective bargaining for freelancers!”

The European Commission is due to produce proposals in the autumn. Mike Holderness had a round of meetings around the event, which produced other encouraging statements from officials and MEPs. Of course, whether this has a direct effect on the UK depends on what happens in the referendum on 23 June. Not annoying newspaper publishers just now may be important.

The Creators’ Rights Alliance (of which Mike Holderness is chair) has met the UK minister, Baroness Lucy Neville-Rolfe. She heard the arguments about why unfair contracts need to be dealt with and gave the impression that this was a matter for the European Union to take on.

Meanwhile several countries in Europe have new laws or proposals on unfair contracts. In Germany the government has put forward a limited version of an earlier draft law. Collective agreements now include minimum payments, while unions can bring collective actions if these are violated. But industry lobbying watered down a clause improving the right to end a contract if a publisher is not actively promoting a work, and get more from another. This now only covers authors paid a flat rate, excluding authors who get royalties—which is most.

A law that passed the French Senate on 25 May would mean some improvements in contracts for musicians and contributors to films. It also includes a fee for thumbnail images on search engines, distributed to photographers through a collecting society.

Even the Freelance’s Dutch-speaking editor’s still trying to understand a new law guaranteeing fair payment for freelances in the Netherlands. “Fair” isn’t defined and it appears to be in practice unenforceable. The effect on Dutch freelance journalists of a new tax law—to stop companies firing everyone and hiring them again as self-employed—seems negligible.

There’s a longer version online, which links to a new campaign on fair contracts in the UK—still in Europe at the time of writing!

Yes, you can get compensation for not being credited

You have a right to be identified as author of your work—so long as it’s not used in a newspaper or magazine or otherwise for reporting news and current affairs, and so long as you have “asserted” that right. But what does that last bit about “assertion” mean?

It is the rule in the law of England and Wales that Parliament can pass an Act, but no-one knows what it means until a senior court has ruled on it. Because the law on your right to be identified is so vague, no-one has funded a case to find out, so it remains unclear, so…

Now we have some help from a ruling in the “Intellectual Property and Enterprise Court”—which we often refer to as the copyright small claims court. Though this does not set a precedent that other courts have to follow, it helps.

John Walmsley took photos of Alexander Neill, founder of the famous Summerhill School, for his book about Neill, published by Penguin in 1969. Recently, he found the photos, twice, on a blog run by a company Education Limited. He claimed £250 for each instance of each photo, doubled for breach of his “moral right” to a credit, uplifted by a further 100 per cent as a “flagrant” breach, plus VAT and interest.

District Judge Clarke accepted that John had “asserted” his authorship by the copyright notice in the 1969 book—though the phrase “assert your moral rights” didn’t enter UK law until 1988. He had strengthened the “assertion” by distributing photos with a “watermark” saying “all rights reserved” since then. The defendants had no excuse for not crediting him: they admitted they had found his photos through an internet search which also threw up many instances of the same photos with the watermark.

This is an important clarification of what “assertion” means—basically, a plain English reading with no clever technical limits—bearing in mind that this is a lower court. Judge Clarke found that the headings on the website pointed to the same article, and that though the defendant had shown a “shockingly low level of understanding”, its actions were “naive and possibly one might be inclined to say pretty stupid”, there was not an “element of intent or wilful negligence” so no additional damages were awarded for flagrant breach. John came away with £250 for each of two breaches, doubled for failure to credit him: £1000 plus VAT plus costs.

Judge Clarke suggested that the defendant could have avoided this stupidity by looking at advice from the NUJ. John told the Freelance he is “very happy” with the result: “That was my first ever [Small Claims] case. They do take time, to get all the details right. I was surprised the infringers didn’t settle before it went to court. They wouldn’t agree to pay the amount I claimed—so they ended up paying most of it, and their legal costs on top. The point that Judge Clarke on ‘assertion’ is important, and I hope it will help other photographers and authors.”

© Mike Holderness

John Walmsley told London Freelance Branch about his experiences pursuing copyright thieves through higher courts in May 2004.
Migration, diversity, holiday, hacks and hackers

THE THEME of the LFB meeting on Monday 11 July will be “framing Britain: reporting on migration and diversity”. Our speaker is Kiri Kankhwende of Media Diversified, a non-profit with a mission to “to cultivate and promote skilled writers of colour.” Kiri is a journalist and blogger specialising in politics and immigration. She is also Special Projects Manager and columnist at Media Diversified. Kiri has been a contributor on Newsgnt, BBC TV and Radio and Al-Jazeera, and a TEDx EastEnd speaker. Her writing has appeared the Guardian, the Independent and the Open Democracy website.

We also expect at this meeting to nominate candidates for NUJ Councils, see www.londonfreelance.org/fl/1606elec.html.

There is no London Freelance Branch meeting in August. Older readers may recall “holidays”. Remember that if you receive holiday pay for regular shifts, it’s on the understanding that you actually take some sort of time off.

LFB meetings return for an autumn season starting on Monday 12 September. Our speaker at the September meeting will be – provisionally – Cassie Werber, co-organiser of Hacks Hackers London, part of an “international grassroots journalism organisation [whose] mission is to create a network of journalists (‘hacks’) and technologists (‘hackers’) who rethink the future of news and info”.

- LFB meetings are from 7pm to 9pm at Friends’ House, Euston Road NW1 (opposite Euston Station), which is accessible to people who use wheelchairs. If you need the Branch to pay for care for a child or dependent so you can attend a meeting, call a Branch officer.
- For updates on meetings (including new members’ meetings) see the Branch calendar web page www.londonfreelance.org/flfb/meetings.html and LFB’s Twitter feed http://twitter.com/NUJ_LFB.

Can members who have difficulty reading the agenda on paper please contact us to get the agenda in electronic form ahead of the meeting.

For etiquette on recording or live-tweeting from LFB meetings, see www.londonfreelance.org/fl/1507flm.html.

For details of NUJ London Photographers’ Branch meetings, see londonphotographers.org.

I was happy to be cited in the “War zone at work” piece in the London Freelance May/June issue. But it would have been easy to check the spelling of my name on the Channel 4 News website and establish that it’s not Lindsay Hilsun.

Lindsey Hilsun
The editors write: Our apologies; and for the typos in this rushed issue.

LONG-SERVING London Freelance Branch Chair and Vice-Chair Dave Rotchelle was one of four long-serving activists to be made an NUJ Member of Honour at the Delegate Meeting in Southport (see page 4). Presenting Dave with the highest award the union can confer, Freelance Organiser John Toner said “Dave’s devotion to the NUJ is unsurpassable and his dedication to any role or task that he undertakes has always been 100 per cent”. Rotchelle, who was the Pleasers’ drummer prior to becoming a photographer, said he was honoured to be on stage in a conference hall in which the Beatles once played, accepting the award “with love from me to you”. The award was celebrated at the London Freelance Branch meeting in May – at which half a dozen other Members of Honour were present. Dave is shown here back at the Branch top table at that meeting.

© Zaki Dogliani
Photo © Hazel Dunlop

London Freelance Branch has a vast amount of information and advice available for members (and others).

- The Freelance Directory is the first and best listing of actual freelance journalists – rather than wannabes – entries are free to NUJ members: www.freelancedirectory.org
- The Freelance Fees Guide suggests rates for hundreds of categories of work, and provides a mass of advice on your working life as a freelance: see www.londonfreelance.org/feesguide
- The Branch has a Frequently Asked Questions page – let us know what needs updating at www.londonfreelance.org/FAQ
- Members who join as freelances, or shift to freelancing, can download the Freelance Fact Pack – www.nuj.org.uk/work/freelance/freelance-fact-pack

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LONDON FREELANCE BRANCH MEETINGS

HONOURING DAVE ROTCHELLE

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LEONARD NEUMAN
Branch Chair

LEGAL EDITING/PROOFREADING

At sea with legal material and jars of jam. Wondering when the ECJ or which ‘European Court’ is gone? Wondering when the ECJ became the CJEU or which ‘European Court’ is there? Establishing that it’s not Lindsay Hilsun. Easy to check the spelling of my name. I was happy to be cited in the “War zone at work” piece in the London Freelance May/June issue. But it would have been easy to check the spelling of my name on the Channel 4 News website and establish that it’s not Lindsay Hilsun.

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LUKE CURTIS
London Freelance Branch Secretary