

Claimant
Philip David Hall
First
29 November 2017

Claim no. HC-2016-002849

IN THE HIGH COURT OF JUSTICE

CHANCERY DIVISION

B E T W E E N:

SIR CLIFF RICHARD, OBE

Claimant

-and-

(1) THE BRITISH BROADCASTING CORPORATION

(2) THE CHIEF CONSTABLE OF SOUTH YORKSHIRE POLICE

Defendants

WITNESS STATEMENT OF PHILIP DAVID HALL

I, **PHILIP DAVID HALL**, of PHA Media Limited, 117 Wardour Street, Hammer House London, W1F 0UN **WILL SAY** as follows:-

1. I am the Chairman and Founder of PHA Media Limited ("**PHA**"). PHA is a public relations agency based in Soho in London. We provide advice on public relations, strategic communications and publicity services. I founded PHA in 2005.
2. I am an experienced public relations adviser and have been providing advice to clients on strategic communications, crisis management and public relations for over ten years. I have a background in journalism and prior to founding PHA in 2005, I was the Editor of the News of

the World for five years. I have also been Editor in Chief of Hello! magazine and Editorial Director of Development for Trinity Mirror.

3. Insofar as the matters set out in this statement derive from my own knowledge, they are true. Where matters are not within my personal knowledge they are true to the best of my information and belief.

Events of 14 August 2014

4. On 14 August 2014, I was on holiday in Spain. I have done the best that I can to provide detail on the interactions I had with the BBC prior to the commencement of the broadcasts at 1pm. However, it was over three years ago, so I have refreshed my memory of how things unfolded that day with reference to the contemporaneous email correspondence.
5. At some time mid-morning on 14 August 2014 it was brought to my attention, either by Malcolm Smith, the Claimant's business manager, or by a lawyer from Simkins LLP, that the police were searching the Claimant's apartment in Berkshire and that there was a significant media presence around the perimeter of the property.
6. The first time that morning that I spoke to someone at the BBC was at approximately 11.15am UK time (i.e. 12.15pm in Spain). The person I spoke to was Bernadette Kitterick. I believe that Ms Kitterick had tried to get hold of me slightly earlier than that as I received an email from Mollie Streek, a PR assistant employed at PHA at the time, at approximately 10:58am UK time (11:58 in Spain) informing me that someone called Bernadette from BBC News had called the office asking me to call her back urgently regarding Cliff Richard and leaving her phone number. I then received an email and a voicemail from Ms Kitterick on my mobile phone to similar effect at around 11:00am UK time (12pm in Spain). In the course of these preliminary communications, Ms Kitterick did not give me or my office any information about the nature or content of the broadcast that the BBC intended to make, or the time that it would be aired.
7. I do not recall whether I phoned Ms Kitterick or whether she phoned me at 11:15am UK time, but I am reasonably clear in my recollection of what Ms Kitterick said. Our conversation was relatively short. She said that the South Yorkshire Police were searching the Claimant's

apartment and that the BBC were present onsite. She then informed me that the BBC was planning to run a story about the search later that day and they would like to have a statement about it from my client. She also said that the BBC were prepared to give me some time to do that. I replied by asking Ms Kitterick if the BBC intended to name the Claimant in their story. She replied that she did not know.

8. Under the circumstances, my response to Ms Kitterick was that I was not prepared to say anything on behalf of my client, not even “no comment”. My reasoning, in essence, was in seeking to obtain a comment from the Claimant, Ms Kitterick was not interested in anything he might have to say. What she was trying to do, in my view, was to “legitimise” the BBC’s story, i.e. to obtain an ‘on-the-record’ comment from the Claimant which enabled them to say that the Claimant had confirmed that it was his apartment which had been searched by the police. It is well known, and I was well aware, that the police do not normally inform the press that a particular individual’s property is being searched. Ms Kitterick’s answer to my question suggested that the police had not deviated from their usual practice. Accordingly, I did not want to ‘give’ the BBC a story which they would not otherwise have had. This would not have been in my client’s best interests.
9. I should say, though, that beyond this there were other reasons why I did not think it would be right to offer any comment at that stage. Most importantly, it was not at all clear to me what was going on in Sunningdale. I thought it would be better to wait until I had more information, having liaised further with Mr Smith and the Claimant’s lawyers.
10. Finally, in relation to this phone conversation with Ms Kitterick at 11:15am UK time, Ms Kitterick said nothing which gave me any hint that the BBC was planning broadcasts of the nature that emerged at 1pm UK time. Nothing was said about helicopters, or exclusives, or live or quasi-live rolling coverage, or any special deals with the police, or anything else of that nature. Nor was anything said at that stage about the BBC planning to go to air at 1pm. As I have already said, the impression that Ms Kitterick gave me at this stage was that the BBC were planning to run a story at some point later in the day, and there wasn’t any great urgency about it because they were prepared to give me some time to prepare a statement.

11. Had I been forewarned by Ms Kitterick of what the BBC in fact had in mind, I and the rest of the Claimant's team may have reacted very differently, not least by seeking an urgent injunction from the Court if that is what the lawyers advised. I have been involved in many cases over the years, both when I was at the News of the World and since I have 'crossed the fence', where undertakings not to publish have been requested, and when refused, injunctions have been applied for and obtained in very short order. This would plainly have been one of the options that we would have been considering had Ms Kitterick been a bit clearer with me. As it happened, on the basis of what she told me, I wasn't given to believe that there was any major issue in terms of what the BBC planned to do.
12. Following this conversation, I believe that Ms Kitterick left me some further voicemails chasing me for a statement on behalf of the Claimant. She seemed to be getting more and more anxious about it. This only served to reinforce in my mind that I had been right to form the view I had as described in paragraph 8 above. So far as I can recall, Ms Kitterick did not provide me with any fresh information about what the BBC was planning until 12:24pm UK time, as I shall describe below. At this stage she simply pressed me repeatedly for a comment.
13. At 12:24pm UK time (13:24pm in Spain), two things happened. The first thing was Ms Kitterick called me again at this time. She either got through to me and we spoke or she didn't and left another voicemail for me. I simply cannot recall at this time which one it was. The reason I recall this particular communication from Ms Kitterick, though, is that it was different from her earlier ones: there was some new information from her about what the BBC intended to broadcast, and when they proposed to do it. What Ms Kitterick said, I believe, was that the BBC had been told by the police that the apartment being searched belonged to the Claimant, that there were a number of police cars on the property, and that a statement from the police was imminent. She also said that the BBC would break the story within the hour.
14. The second thing that happened was that I received an email from Ms Kitterick at around the same time (timed 12:24pm UK time). Ms Kitterick's email was pretty much in the same terms

as what she had said on the phone at that time, although there was one significant difference: her email did not say that the police had confirmed to the BBC that the apartment being searched belonged to the Claimant. The email, headed 'South Yorkshire Police', which in substance relayed the contents of a statement which had apparently been given to the BBC by that force, only referred to the fact that a property in the Sunningdale area of Berkshire was being searched and that the owner of the property was not present. It made no mention of the Claimant, in accordance with the police's ordinary practice, as I have described in paragraph 8 above. I should add, looking at the last couple of lines of this email in which Ms Kitterick asked for a "response...ASAP", that if I did actually speak to Ms Kitterick at around 12:24pm UK time, I had maintained my position of offering no comment on my client's behalf.

15. It was in these circumstances that I sent back an email to Ms Kitterick at 12:45pm UK time which simply said this: "You don't say they [the South Yorkshire Police] mentioned the name of the property owner". To this Ms Kitterick replied by email at 12:47pm UK time to say: "The police have not told us officially that the property is owned by Sir Cliff Richard but BBC News knows the property is owned by Sir Cliff Richard. My apologies for the calls and emails, but could we have a statement please". I then replied to her in an email timed at 12:58pm UK time in the following terms: "We can't give you a statement until the police tell us what they are saying. We are waiting on that. I will get back to you asap when we have [i]t".
16. And that is where matters rested as at 1pm UK time when the BBC commenced their broadcasts. All I feel I need to say is that they were as much of a surprise to me as to anyone else; indeed, in the light of my conversations with Ms Kitterick, they were even more of a surprise to me than to anyone else. Nothing she had said in her repeated voicemails had given me to believe that anything like what occurred was going to happen.
17. PHA issued a press release on the Claimant's behalf at 2pm UK time that afternoon. By that time, the BBC had identified the Claimant as the person whose property was being searched by the police in Sunningdale (I believe it was still in the process of being searched), and the story had gone all around the world.

18. I understand from Simkins LLP that they have recently received a letter from the BBC (dated 22 November 2017, and labelled "Fourth letter"), which describes an article published on Mail Online on 14 August 2014. It is said by the BBC that this article was published at 13.07, and that this was six minutes after the BBC ran the story on the News at One. The BBC go on to say that I have close contacts with the publisher of the Mail Online, and effectively accuses me of being in contact with Mail Online and perhaps other media organisations as well, leaking information about this story to them. This is simply preposterous. I was trying to protect the Claimant from media intrusion, and acted in what I believed to be his best interests at all times. For the record, I have good contacts not just at the Mail/Mail Online, but most if not all of the main UK news publishers. I did not 'leak' anything of this nature to any of them.
19. I understand from Simkins LLP that copies of all the emails to which I have referred in this statement has been disclosed to the Defendants for the purpose of these proceedings.

Statement of Truth

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

Signed

Philip David Hall

Dated:
29/11/17

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**WITNESS STATEMENT OF
PHILIP DAVID HALL**

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