

1. Applicant
2. Melissa Howes
3. First
4. 24 July 2023

Claim No:

IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION  
ADMINISTRATIVE COURT

B E T W E E N:

MARK STEYN

Claimant

and

THE OFFICE OF COMMUNICATIONS

Defendant

and

NAOMI WOLF (1)  
GB NEWS LIMITED (2)

Interested Parties

**FIRST WITNESS STATEMENT OF MELISSA HOWES**

I, **Melissa Howes** of 34 Blair Park Road, Williston, VT 05495 United States of America state as follows:

1. I make this witness statement in support of Mark Steyn's above judicial review claim. The facts and matters set out herein are within my own knowledge, unless otherwise stated. Where I refer to information supplied by others, the source of the information is

identified; facts and matters derived from other sources are true to the best of my knowledge and belief. Without waiving privilege, I confirm this witness statement has been prepared in a process involving communications by email with my lawyers.

2. The claim is a challenge to a Final Decision of Ofcom of 9 May 2023. The decision found a breach of Rule 2.1 of the Ofcom Broadcasting Code in relation to *The Mark Steyn Show* broadcast on GB News on 4 October 2022. The Claimant has also brought a judicial review challenge to an earlier Ofcom Final Decision relating to the 21 April 2022 edition of *The Mark Steyn Show* on GB News. This is CO-1960-2023. I have read his witness statement in that case. It accurately summarises how the shows were put together and came to be broadcast on GB News.
3. As the Claimant indicated in that witness statement, I am the Executive Producer of *The Mark Steyn Show* and the American based production company Oak Hill Media Inc. referred to in that statement is my company. I am also the Claimant's manager and hold his power of attorney for these matters. It is in these capacities that I make this witness statement. As I indicate below, the Claimant had two heart attacks in December 2022, and these continue to affect his health adversely. At present, I have considered it is better that I make the witness statement on his behalf in these proceedings.
4. I am informed by the Claimant's solicitor that in the pre-action correspondence in this claim, Ofcom has disclosed the initial letter that it wrote to GB News on 11 October 2022 when it opened its investigation into the show of 4 October 2022 under Rule 2.1 of the Code.
5. GB News notified me of the investigation in mid-October 2022 and sent me a draft of a response that it was then working on. I asked GB News for a copy of that initial Ofcom letter, on behalf of the Claimant. GB News was not willing to provide it to me unless the Claimant signed a wide-ranging Non-Disclosure Agreement which seemed to me to cover nearly all of our dealings with GB News, including in relation to the ongoing Ofcom investigations into the show.
6. The show had been broadcast by GB News under an agreement with OakHill Media Inc. since the Autumn of 2021, without any such NDA. The investigation into the show of 21 April 2022 had been ongoing since July 2022, again without any such NDA. Thus, I advised the Claimant not to sign the NDA.

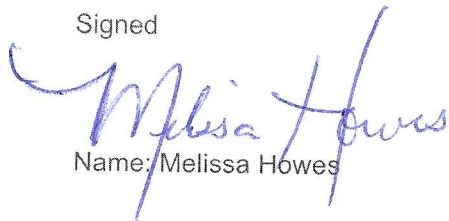
7. In consequence, GB News did not provide the Claimant or I with either the initial letter or its final response to that.
8. Nor did GB News provide us with the Preliminary View document which the Claimant's solicitor has informed me that Ofcom subsequently sent to it on 6 February 2023, nor its response to that. I understand that the Preliminary View letter has also now been disclosed in the PAP correspondence.
9. The relationship between the Claimant/Oak Hill Media and GB News had become strained by December 2022.
10. The Claimant suffered two heart attacks within a week in December 2022 and was unable to continue recording the show for a period thereafter while he recovered. For the reasons I explain below the show never went out again on GB News after this, with the Claimant presenting it.
11. In January 2023 GB News demanded (among other things) that the Claimant agree to pay any potential fines imposed on it by Ofcom in relation to *The Mark Steyn Show* or Mark would not be allowed to return. The Claimant's solicitor has informed me that Ofcom sent GB News a Preliminary View in the investigation into the 21 April 2022 show on 4 November 2022. When GB News made this demand in January 2023, they had not told us that they had already received the Preliminary View in the this investigation. We refused to agree to this demand.
12. GB News continued to use Mark's name under with "guest hosts" for some time, after claiming falsely that Mark's continued absence was due to health concerns rather than the Claimant's refusal to accept their demand.
13. I am informed by the Claimant's solicitor that in the pre-action correspondence in this case, Ofcom has suggested that the Claimant could have made representations to it, on his own behalf, as a "third party", as suggested at Paragraph 1.28 of the Ofcom *Procedures for investigating breaches of content standards for television and radio*. I was not aware of this. We accepted what we were told by Nick Pollard, a former Ofcom executive and current Ofcom compliance officer at GB News. Mr Pollard and GB News' CEO Angelos Frangopoulos informed me that we had no standing with Ofcom and that this was a matter between them as licensee and Ofcom as licensor.

14. In April of 2022, Ofcom had made initial inquiries regarding a program that aired on 4 April (second re-airing 5 April). The Claimant drafted a response addressed to Ofcom Chairman Lord Grade and asked me to submit it. I sent it to Mr Pollard and other executives at GB News on 20 April 2022 to be included in the response from them to Ofcom. It is not clear whether this response was ever shared with Ofcom, or what if anything Ofcom's response to it was.
15. The contents of the letter to Lord Grade and research appended to it formed the basis of the Claimant's monologue on 21 April 2023..
16. I can state from my own knowledge as a result of discussing these matters with the Claimant in the past that he did not receive any direct communication from Ofcom in relation to this complaint. In particular I understand that he did not receive either the initial letter or the Preliminary View document referred to above. Nor was he invited by Ofcom to make representations.

#### STATEMENT OF TRUTH

I believe that the facts stated in this statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed



Name: Melissa Howes

Date: 24 July 2023