

Submission from George Eckton

In summary, recently the BBC through its BBC Worldwide commercial arm, in consultation with BBC Children's Division, has allowed the CBeebies brand to be used as part of a promotion with Merlin Resorts delivered partly through adverts in the Sun Newspaper and association with Sun+ app. It appeared strange to use that particular newspaper/app given the Equality Act duties on the BBC, which in that context I would question whether the BBC trust should allow such an association through advertising with a commercial entity which promotes overt and soft pornographic objectification of women in print and online via the Sun+ app. However, this might be because the BBC doesn't define pornography in its fair trading guidelines currently hopefully a situation that will change when new guidelines are published.

Therefore, I would have expected that any use of a BBC trademark/brand would have excluded the BBC Trust from allowing advertising in a publication that promotes sexism and objectification of gender on the grounds that it does not enhance the BBC's brand, ethical and equality values and could have pan BBC wide implications, as recognised in the BBC's draft strategic framework as a potential risk. Especially given the BBC agreement defines CBeebies as a channel providing a range of programming to educate and entertain very young children. Clearly could be viewed as a risk to the presumption that the BBC's commercial services *should uphold the good reputation of the BBC and the value of its brand.*

I wanted to provide another example of, for me, as a licence fee payer, where the regulation and governance of the BBC wasn't quite right and could do with reform, whilst continuing to preserve its operational independence.

It seemed to be a wider systematic failure of governance but also from my view as a user of the complaints system, a very clear lack of clarity of responsibilities of governance and also clear scrutiny within the organisation at several levels. Certainly, in regard to user experience of the complaints/public scrutiny system, I feel a lot could be done to improve engagement with licence fee payers in terms of transparency and complaints handling. There is a lot generally that could be done to improve the governance and certainly give local communities a better voice.

However, reading the current DCMS and BBC consultations, they did provoke a number of issues for me in terms of BBC values, purpose, how does BBC Worldwide function and be held to account by the public or their representatives, as well as wider governance issues around the separation of the Trust from the Executive Board and its ability to hold it to account efficiently and effectively on a number of issues. I feel this is very relevant to Scotland given there is a devolved structure in place for audience engagement but that wasn't available for complaints, it felt a remote and very centralised process to me in Scotland making the complaint.

Certainly, I found the current governance and appeals process lacking in transparency and had a sense a lack of engagement with the issues raised and no assurance that whilst my appeal was rejected, the general substance of the complaint would be addressed in future work. This last aspect was the most disappointing part of the appeal process, well that and it appearing that the Trust

Unit had lost my complaint halfway through the process and it only getting published after the intervention of my then local MP Margaret Curran. Generally, it felt like the BBC could hide behind a web of committee and line management structures which were less than clear when challenged by an ordinary member of the public. Certainly it didn't feel that through the complaints process the interest of this member of the Scottish audience was not served by the current process.

Turning to the consultation questions posed by DCMS. In regard to how can the BBC's public purposes be improved to provide greater clarity of its strategic objectives, I would welcome the insert of a seventh public purpose with regard to promoting through all its activities including BBC Worldwide actions: equality, fairness and decency.

The BBC public purposes apply directly to the vast majority of BBC functions, I would argue they should apply to all its functions including BBC Worldwide. Also, I would argue that the insertion of a clear purpose and/or value to promote equality/fairness in addition to those proposed in Table 2 page 19 of the DCMS consultation document, either through a new purpose or refinement of existing purposes, would be helpful in delivering more equality outcomes from BBC actions. To my mind it would provide a clear strategic framework for the commercial use of BBC assets by the BBC Executive in all markets.

As the recent DCMS consultation refers to, the starting point for current BBC Commercial Framework is to set out the reasons why the BBC, as a publicly funded Corporation, is permitted and encouraged to undertake commercial activity. The justification, set by the Government at the time of the last Charter renewal and reflected in the BBC Agreement is essentially a financial one: to generate profits which may be used to supplement the licence fee enabling more to be spent on creating public service content. Whilst recognising this context, the achievement of other actions shouldn't be over-ridden by the pursuit of profit generation in my view. I think there need to be reforms to ensure that BBC Worldwide is transparent and subject to public scrutiny in its decisions taken to use public funded assets.

I have concerns that further cuts to BBC funding could lead to a situation where the BBC is more than encouraged, it's effectively required, to undertake commercial activity at the boundaries of its public purposes with increasing potential inappropriateness for a wider section of licence fee payers.

Currently the BBC Fair Trading policy gives a significant degree of leeway to the pursuance of BBC's public purposes. I would welcome the current Public Purposes being strengthened and BBC Trust or another body having the opportunity to govern, scrutinise and hold all the BBC activities to the delivery of equality in a proportionate and relevant manner from the renewal of the BBC Charter and Agreement in 2016 onwards.

I have replied to recent BBC consultations on their Fair Trading Policy and Commercial Framework but also wanted to contribute my views to this consultation on the Charter Review itself.

Kind Regards

George Eckton