

THE SCOTTISH PARLIAMENT CULTURE AND EDUCATION COMMITTEE INQUIRY INTO BBC CHARTER RENEWAL

Submission by
PROFESSOR ROBERT BEVERIDGE FRSA
NOVEMBER 2015

Recommendation 1

The Scottish Parliament should be fully responsible for media policy and media regulation in and for Scotland, including BBC Scotland.

This would require an amendment to the Scotland Act so that powers over broadcasting are no longer designated as reserved.

There would be many advantages accruing from that- not least- for example that Scotland could have its own Listed Events List and decide that, inter alia. European and World Cup Qualifying matches by the Scottish Football team be listed as recommended by the Davies report but not taken forward by the UK government

However, it is very unlikely that the reserved powers will be devolved at this stage. Nonetheless, we need to establish new and better ways of working within which secure the Scottish public interest within the evolving constitutional settlement. This reflects the view of the late Donald Dewar that 'devolution is a process, not an event'

In answer therefore to 'How should the charter reflect the BBC's priorities and output in Scotland?'

Recommendation 2

There should be a federal BBC and the Charter needs to establish this.

If Germany and German Broadcasting can operate successfully with a federal structure, there is no reason why the BBC should not follow suit.

I am pleased to be able to call in evidence my namesake the late Lord Beveridge whose report in 1951 stated that

'The case for completely independent Corporations for Scotland and Wales had not been made but we thought no less strongly that there was a need for greater broadcasting autonomy in those countries than has been achieved hitherto Para 193

There needs to be 'federal delegation of powers' in the form of a Broadcasting Commission for each constituent country (Report 1951 para 534 onwards as well as increasing financial independence (para 533)'

His recommendation (two) for broadcasting commissions ie devolution was ahead its time and was rejected by HMG which in its response, claimed that :

18. The Government attach great importance to the maximum devolution to all areas on programme policy and otherwise, and they agree with the Broadcasting Committee that the existing arrangements are inadequate. This applies particularly to Scotland, Wales and Northern Ireland with their distinctive national characteristics, which are not only valuable for their own sake, but are essential elements in the pattern of British life and culture : it applies in only lesser degree to the English Regions which also have a rich and diversified contribution to .make and should be given full opportunities for making it.

UK Cabinet Papers

Catalogue Reference:CAB/129/46 Image Reference:0033

THIS DOCUMENT IS THE PROPERTY OF HIS BRITANNIC MAJESTY'S GOVERNMENT

SECRET CP. (51) 183 *21th June, 1951*

Plus ca change

We have had over 60 years since the 1951 Beveridge report on Broadcasting The time is long overdue to implement its recommendations which are even more relevant today

I have been calling for a federal BBC for many years, including in 1998, criticising the then BBC Governors when they rejected the proposal for a Scottish Six.

Their view was that the BBC should stay in step with devolution, not be ahead it. It is my contention that the BBC is now well behind devolution. Unless the BBC changes in significant ways, it will be unable to regain the trust of many of the licence fee payers in Scotland - with untold consequences

<http://blogs.lse.ac.uk/mediapolicyproject/2014/05/09/yes-or-no-broadcasting-in-scotland-should-change-towards-independence>

Recommendation 3

The scale, scope and remit/terms of reference of BBC Scotland should be defined in the Charter and where appropriate in the Framework Agreement in ways which reflect the distinct and distinctive nature of Scotland as a nation not as a BBC region

This judgement is supported by the Audience Council Scotland in the Trust's Response to the Charter Review Consultation Technical Annex E November 2015

'To create an effective accountability structure, two essential components should be in place, which do not currently exist in Scotland: first, a service licence describing the BBC's objectives in Scotland, and a representative body with a sufficient degree of traction on the BBC executive that it is able to hold it to account, within the BBC's current unitary structure. This would provide a clear point of reference for BBC performance in Scotland and a means of requiring the Executive to pay attention to audience needs. '(1)

Quite

The issues of performance and the executive are addressed in recommendation 14

Recommendation 4

There needs to be a new public purpose and remit for the BBC and BBC Scotland. For example:

The BBC and BBC Scotland in particular will represent and reflect the culture(s) of Scotland to Scotland, across the UK and more widely.

Or

The BBC and BBC Scotland will bring Scotland to the world and the World to Scotland.

This formulation seems an improvement on the Trust's amendment to existing public purpose 4 which seems to remove the need for the world to be brought to the UK, ie no longer giving sufficient emphasis to ensuring the BBC gives enough attention to the rest of the world and the international dimension.

Recommendation 5

There needs to be an accompanying Service Licence for BBC Scotland per se

- as recommended by the BBC Trust Audience Council, Scotland (2)

Recommendation 6

There is a need to achieve clarity, in the Charter, for the BBC to achieve positive economic impacts in stimulating the creative industries in Scotland.

The BBC should no longer combine Scotland, Wales and Northern Ireland in a target of 17% of output. Scotland should have its own benchmark of 10 per cent as a floor.

It is not enough to have as a public purpose; *To contribute to the UK's creative economy.*

The time has come to be more specific and, inter alia, to restore the trust of the licence fee payer in Scotland by increasing and enhancing the production of content in and for Scotland and more widely. The BBC needs to invest in relevant high quality content: not 'lift and shift' programming such as the transfer of 'The *Weakest Link*' and relocation of the base for 'Question Time'

Recommendation 7

The new Royal Charter needs to designate BBC ALBA as a public service broadcaster which should help to benchmark and secure and the resources which underpin its delivery.

Recommendation 8

The Scale and Scope of BBC Alba should be increased

The BBC must increase its programme contribution to BBC ALBA from the current 230 hours per annum to 520 hours to match that of S4C.

Recommendation 9

There needs to be a BBC Scotland Channel/Digital network per se with a ring fenced and bench marked budget- benchmarked internationally.

It could be achieved by establishing BBC2 or BBC 4 In Scotland.

Having the headquarters of a channel with funds and commissioning power based in Scotland would transform the Scottish Broadcasting and Creative Industry sector. Incidentally, it might also help the creative industries in the North of England and Northern Ireland

At a stroke, this would increase production and thus economic impact and investment.

Recommendation 10

BBC Scotland needs to have control of its own scheduling and to adopt an *opt in* rather than an *opt out* policy towards programming, thus taking account of the distinct and distinctive nature of the Scottish television and media market and patterns of consumption.

There is no reason why BBC Scotland cannot have some of the same independence as STV in relation to London centre.

Should in-house production quotas and Terms of Trade allow greater competition and what impact could this have on the Scottish broadcasting industry?

Recommendation 11

A Public Value Test (PVT) including Market Impact Assessment (MIA) should be applied to the BBC Studios proposal.

As MG ALBA puts it - and I agree, *'the proposal.... seriously risks undermining the BBC's public purposes in relation to the Nations and Regions, both in terms of representation and in terms of its effect on creative industries' growth.'*

In fact it is possible that the two policies of the WOCC –'The Window of Creative Competition' and now 'Compete or Compare' under Lord Hall could have the effect of constituting a back door route to privatising the BBC or preparing the way for it to operate on a publisher model a la Channel 4.

This would be regrettable for a number of reasons

Recommendation 12

There should be a continuance of in-house quotas of at least 50 % rather than allowing greater competition.

One of the major reasons for the great quality of some of the films made in the Golden ages of Hollywood was scale and scope. They made many films: many were duds but the creative and production teams honed their crafts and from time to time, real magic and quality arrived.

This is what happened in the Golden Age of BBC sitcoms and if you add in the fact that the Golden Age of British Cinema in the forties was due, in part, to the filmmakers being in tune with and speaking for the People of the UK and of Scotland; eg *Whisky Galore* then it is apparent that a minimum level of size, scale and scope is a pre-requisite of quality.

Centres of excellence need to be nurtured eg BBC Bristol for wildlife and environmental programmes. BBC Scotland has not achieved this.

Recommendation 13

There should be no top slicing of the licence fee and no allocation of such funds to BBC competitors

The proposal for contestable funding undercuts the argument in recommendation 11 and also damages the independence of the BBC. The licence fee payer pays the licence fee for BBC Services, not for this money to act as a subsidy to such as Johnston Press or indeed any other competitors of the BBC.

Responsibility and accountability for the licence fee and to the licence fee payer needs to be clear.

Is the BBC's online presence damaging local and regional news outlets in Scotland?

NO

The problems being experienced by the business model of the local and regional press in particular have much more to do with the internet and the migration of advertising to this medium than with the BBC online offering.

In addition, it is interesting to see that Ashley Highfield and others seem to be so concerned about the BBC providing online local and regional news when the evidence is that they should consider how and how well STV are performing with their local television offerings/channels and indeed their earlier moves into attracting revenue for advertising in micro-regions.

Add in the fact that in 2008

'The BBC Trust (has) refused permission for local video because it would not improve services for the public enough to justify either the investment of licence fee funds or the negative impact on commercial media'

and you have clear evidence of the BBC respecting and taking account of complaints of the BBC's so called imperial ambitions

The real issue is not about the local and regional press but about the national UK press and the problems with making a paywall policy succeed for which the noises being made by the regional press are, in part, a proxy.

What could be done to ensure the BBC works more co-operatively with the local and regional news sector?

Why should the BBC work more co-operatively with the local and regional news sector? It is already clear that the BBC website acts as a useful guide and perhaps a source of content to newsrooms which are already overstretched by cutbacks etc.

In any case, the culture and standards of the BBC do differ a great deal from the press per se. More co-operation between the press and the BBC -says Ashley Highfield of the Johnston Press - involves:

'... issues around impartiality," says Highfield, "but our guys can write impartial copy. It is solvable. And it would be an attractive proposition for our staff to have the chance to appear on camera. It will make working for the local media more attractive. I believe we can find a symbiotic win-win relationship. The BBC can take our content and pay for it. And we can take BBC content and extend our audiences. What's not to like?"

Guardian 27/09/2015

What's not to like? Lots. This looks like a one way street with the BBC giving and the press taking. This is the press which screams holy blue murder the minute there is even a sniff of proper regulation of the Press along the lines recommended by Lord Justice Leveson. Yet they are now willing to take public money and write impartial copy- at long last. I will believe it when I see it but for now- to my mind- it looks like it has as much or more to do with the enormous cutbacks in staffing at newspapers such as *The Scotsman* and the share price of holding companies across the regional, national and local press sector.

It need to be added that Mr Highfield is on the panel advising Mr Whittingdale on the future of the BBC: a panel which seems to have been established without the involvement of the Scottish government.

One can only await with interest, in my case, trepidation, for the outcome of this process.

Serving the interests of the Scottish audience

How well is the BBC serving the Scottish audience (English and Gaelic speaking) and representing Scottish issues to the wider UK audience?

Recommendation 14

The BBC should be required to achieve approval of at least 60% (50%?) in terms of licence fee payer satisfaction with performance in Purpose 4 in each of the nations of the UK.

(Existing Purpose 4: Representing the UK, its nations, regions and communities) perhaps to be replaced by "Reflect, represent and Serve everyone in the UK"

Failure to meet this target should result in reductions in performance related pay for both the Director General and the Director, Scotland as a minimum.

This recommendation comes after a decade, if not decades, of under performance in Scotland and failures to devise and implement policies which enable the BBC to have reduced the purpose gap- despite substantial evidence of the problem and exhortations from the Audience Council Scotland and others to do so.

The real issue is what levers exist to ensure that there is appropriate executive action when the purposes are not fully achieved. The evidence has been clear for decades. The licence fee payer in Scotland deserves better.

Could Scotland receive a fairer share of BBC spending?

Of course. See recommendations throughout

How well does the BBC support distinctive Scottish content and could it do more in this regard?

The BBC tries but – to take one example- which is also a value for money issue: *River City* is not shown on the BBC UK network. Given the substantial investment in this series – over many years- one has to wonder quite why it has not been shown, in peak time or even at another time. It is not necessarily my choice of programming but that is neither here nor there. My late mother enjoyed it and I am confident that there are many mums and others south of the border who would also wish to view it.

Why is River City not on the BBC One UK network and what are the implications of this?

This is not a new problem: and it affects how much can be spent on distinctive Scottish content. In Scotland we are exposed to numerous adaptations of Jane Austen but have yet to make a television series of the renowned, popular and high quality Scotland Street novels by Alexander McCall Smith although the BBC in London managed the Number One Ladies Detective Agency .

Why has BBC Scotland failed to capitalize on what is generally recognised to have been- in recent decades- a golden age of writing in Scotland, including Tartan Noir.

The answer is to do with budgets, control elsewhere and thus a failure of ambition and imagination.

How could the BBC enhance support and development of talent and skills in Scotland?

This is not only a matter for the BBC. The BBC is the UK's best training operation in television and radio but the proposal above to establish a federal BBC would bring about enhanced support and development on talent and skills in and for Scotland.

Recommendation 15

There needs to be more investment and more programming in Edinburgh, the capital of Scotland.

At present, Edinburgh must be the only capital city of its stature and status in the world to have such a poor broadcasting infrastructure.

At a minimum, BBC Scotland needs to establish a multi media studio to do more than radio phone ins and Parliamentary reporting.

The BBC's proposal for the creation of an interactive digital service for each of the Nations of the UK (BBC, 2015) could provide an opportunity for Edinburgh to be better served.

At present the commercial broadcaster STV does a better job than the BBC of Reporting Edinburgh

Recommendation 16

BBC Worldwide should have revised terms of reference which support and enhance its role as part of the BBC as a public service broadcaster which brings the UK to the World and which require Worldwide to do more for Scotland and the creative industries in Scotland.

More specifically it should be required to stimulate the growth of the creative industries in Scotland and pay particular attention to investing in diversity by helping the Gaelic supply sector. This would also help to communicate Scotland and the UK as diverse and enable better performance in public purposes and cultural portrayal.

I agree with MG Alba in that

'the combination of the "BBC" and the "Scotland" brand assets in an international context has not been tested and its development would represent a significant opportunity to bring "Scotland to the World", to the benefit of audiences and citizens.'

Governance arrangements

How could BBC governance be improved to enhance the Scottish voice?

Recommendation 17

There should be a Unitary Board of Trustees or Commissioners at UK Level but with an appropriate federal structure to establish unitary boards in each of the nations.

Recommendation 18

A majority of places must be allocated to those articulating the views of the licence fee payer, of the citizen and public interest.

Recommendation 19

The Governing Board(s) need to reflect the aspirations of the Scottish Government in respect of gender balance.

In 1927, the very first Board of Governors of the BBC included a Mrs Snowden, who was, according to the Wireless Magazine of December 1926 to 'look after women's interests in broadcasting'.

Cited in Briggs, A (1979) Governing the BBC London BBC P56

It is unclear whether or not this was a formal criterion of her appointment but what is evident is that there is no such appointment or responsibility on the current Board or Trustees. Indeed, in this respect it could be argued that the BBC has gone backwards since 1927 although it is notable that at long last the BBC has its first woman Chair.

The composition of this Unitary Board should also comprise of members who are able to reflect and represent a diversity of views and interests in and across civic society. This would entail, as a minimum, geographic, linguistic and other communities.

Recommendation 20

In the case of representation for Scotland on the BBC main unitary board (and also OFCOM's main board) there should be a minimum of two individuals. One with knowledge of Scotland and media policy issues etc and the other to provide a voice to and for the Gaeltacht

Recommendation 21

Given the range, quantity and complexity of the issues which need to be addressed, it is worth considering whether or not Board members should be full time and receive a salary commensurate with their responsibilities.

The work load involved places a heavy burden on members who may need to have other sources of income and undertake other work. Such necessities affect those who are able to apply and act as a discriminatory factor which historically has limited the diversity of BBC governors.

Recommendation 22

Trustees or Commissioners should be the preferred term rather than non executive directors or partners- as used by OFCOM.

The BBC is not a company but a public corporation acting in the public interest.

Recommendation 23

The BBC needs to be governed in the public interest. It is not sufficient for it to be regulated in the public interest.

It is the pre-eminent public broadcaster –among 4- and not only a broadcaster operating in the public interest. The BBC needs to be seen as an important element in the (relatively) unwritten constitution of the UK. In this respect, it need to be secured and afforded the same degree of independence as the judiciary

Recommendation 24

The governance structure needs to be federal. In other words, there should be both a unitary board in each of the four nations and also a UK unitary board with representation on the main board from each of the four nations.

The precise terms of reference for each board in relation to the main UK board would need to be negotiated but in the context of applying the principle of equal respect for each of the constituent nations rather than basing the structure on proportionality related to population size.

Beveridge had this right over sixty years ago

Note also – a federal BBC needs to be complemented by a federal OFCOM- particularly if the BBC is to be regulated in full by OFCOM

Recommendation 25

Each Board should be supported by a secretariat and budget to enable members to have access to independent scrutiny of the proposals and operations of the BBC and BBC Scotland in this case.

Recommendation 26

(1)

The Licence fee or any replacement is to be set by an independent body and to be set for a five year term as a minimum.

(2)

The Licence fee and Charter settlements need to be set to a time scale which –as far as possible- takes the decisions away from the timetables of national elections. That is, there should not be a position in which a new government comes into office and sets the licence fee within a few weeks or months of taking power.

As far as possible, the BBC needs to be independent and insulated from undue political pressures. We also need to help politicians to resist temptation.

Recommendation 27

OFCOM needs to be held more to account or the Communications Act (2003) amended to place more emphasis on the public and citizen interest if we are to have confidence in their regulation of the BBC and BBC Scotland.

Recommendation 28

In respect of Scotland, the existing system of having partners on the main UK Board needs to be replaced or enhanced by having members who have responsibility for articulating the interests of the nations of the UK- in this case Scotland.

If the BBC is to be regulated, in its entirety by OFCOM, then OFCOM needs to be responsible for assessing public value in the public value tests and not just the Market Impact Assessment

However, OFCOM's track record in securing the public interest is at least open to question eg OFCOM's performance in relation to relaxing licence conditions in relation to the provision of news in the ITV Border region.

Recommendation 29

OFCOM Scotland needs to be given devolved powers in respect of Scotland and revised terms of reference which strengthen their commitment to the citizen and national interest of Scotland.

Cost savings

What would be the impact of any further cuts to BBC spending in Scotland?

Recommendation 30

The BBC in Scotland should not be required to make any further cost savings as their existing budgets are a fractional cost of those enjoyed by London based network content.

Indeed, the comparative price and quality of content produced by and for BBC Alba acts as an example for other parts of the BBC as a whole.

Contiguous Matters affecting the ecology of broadcasting in and for Scotland

Recommendation 31

There should also be established a Scottish Digital Network.

Even if the BBC does bring 2 or 4 to Scotland (one hopes) there is also merit in the Scottish Parliament requiring the Scottish Government to follow and implement the decisions of the Parliament as expressed in the unanimous support for the recommendations of the Scottish Broadcasting Commission ably chaired by Blair Jenkins.

It has been a signal failure of media policy in Scotland and of the Scottish Government over the seven years that this opportunity has not been grasped.

Recommendation 32

There needs to be a One Scotland ITV licence

Recommendation 33

The one Scotland ITV licence should, all things being equal, be awarded to a Scottish and Scotland based company on a ten yearly basis

Recommendation 34

There should be no take over of STV or merger with ITV PLC without the full consent of the Scottish Government and Parliament

Even if broadcasting remains reserved to Westminster, the principle of respect between the two governments and Parliaments suggest that, as an absolute minimum, there should be allowed no take over of STV or merger with ITV PLC without the consent of the Scottish Parliament and Government, having regard to the public interest in economic and creative industries policy.

The rationale for this mirrors the cultural exception promoted by France in WTO/GATT negotiations. Cultural Industries are more than economic entities. Their ability to create narratives and images which reflect and represent our nations is such that we need to have media policies which, as much as possible, enable us to tell our own stories rather than having them imposed upon us from outside.

Although – for the record- it must be acknowledged that sometimes outsiders can achieve high quality and success is helping us to see ourselves as others see us. A notable example being the Hungarian Emeric Pressburger and an Englishman from Kent, Michael Powell in their wonderful film shot on Mull

I Know Where I'm Going (1945)

In conclusion, it is important that the public as well as the policy makers in Scotland develop a clearer sense of **where we are going** in terms of Media Policy. Blair Jenkins did an excellent job with the Scottish Broadcasting Commission.

My hope is that the Committee and this Parliament develops and updates his ideas and those of his fellow Commissioners and in so doing comes to a view on some or all of the recommendations outlined above.

It is a long time since 1951. The problems identified by the late Lord Beveridge remain and required to be addressed and resolved in the public interest of all the nations of the UK and of the BBC itself.

Professor Robert Beveridge FRSA
November 2015

