

NATIONAL ASSEMBLY FOR WALES **BROADCASTING COMMITTEE**

BACKGROUND

On 5 March 2008, the National Assembly for Wales established a **Broadcasting Committee** to investigate and report on¹;

- (1) The future of public service broadcasting in Wales in the English and Welsh languages; and
- (2) The impact of digital switchover and the creation of new delivery platforms, on the production and availability of programming and digital content from Wales in Wales

The committee **ceased to exist on 18 July 2008**.

The Committee has taken evidence from all the **key stakeholders** involved in public service broadcasting in Wales and the UK.

During **ten committee meetings** the Committee received **42 items of evidence**, half of which were presented in person.

Constructive and informal discussions were held with the;

- Welsh Affairs Select Committee of the House of Commons,
- The Chair of the Scottish Broadcasting Commission
- The project manager of the Scottish Broadcasting Commission.

The **key recommendation** from the Broadcasting Commission was that the National Assembly should **establish a Standing Committee on Communications**, which should be responsible for scrutinising the work of Welsh Ministers in relation to broadcasting and related cultural and creative industries; the development of broadband, Internet Protocol Television and associated technologies.

Such a new Communications Committee could then monitor implementation of the Broadcasting Committee's recommendations and contribute to the second phase of Ofcom's review.

REPORT ON THE FUTURE OF PUBLIC SERVICE BROADCASTING IN WALES

The catalyst for the inquiry was Ofcom's second public service broadcasting review.

¹National Assembly for Wales Broadcasting Committee, <http://www.assemblywales.org/bus-home/bus-committees/bus-committees-third1/bus-committees-third-bcc-home.htm>

The Committee met weekly between April and June 2008; holding ten formal meetings and also **informal discussions with members of the Welsh Affairs Committee and the Scottish Broadcasting Commission**².

The legal context in which the Committee's review has been carried out is addressed in four respects³:

- (1) The legal nature of the principal organisations;
- (2) The statutory context in which they operate;
- (3) Arrangements relating to accountability; and
- (4) Particular arrangements relating to Wales.

The National Assembly for Wales has debated the House of Commons Welsh Affairs Select Committee report into *Broadcasting in Wales and the National Assembly*, and engaged with the UK Government's proposals for legislation to create Ofcom, in particular through the Assembly's Culture Committee.

The Culture, Welsh Language and Sport Committee contributed to several key consultations and reviews on the future of broadcasting, and on the implications for Wales. These included the BBC Charter review and subsequent Green and White papers; Ofcom's first review of public service broadcasting, and the Laughton Report on S4C⁴.

BROADCASTING SUB-COMMITTEE

The **Broadcasting Sub-committee** was established on 5 November 2008 and its remit is to report⁵:

- (1) on the proposals in Phase 2 of Ofcom's Public Service Broadcasting Review by 4 December 2008, and;
- (2) on Ofcom's final report on the future of public service broadcasting (within two months of it being published)

The Sub-committee will cease to exist once it has made its final report.

Standing Order 10.17 states that "a sub-committee is regulated by the same Standing Orders as the parent committee. The sub-committee shall, therefore, meet formally in public (except where the committee decides in formal session to meet in private). Any report produced by the sub-committee will be submitted to the Communities and Culture Committee for approval and, if appropriate, laying before the Assembly"⁶.

² Report on the Future of Public Service Broadcasting in Wales, <http://www.assemblywales.org/cr-d7148-e.pdf>

³ Report on the Future of Public Service Broadcasting in Wales, <http://www.assemblywales.org/cr-d7148-e.pdf>

⁴ Report on the Future of Public Service Broadcasting in Wales, <http://www.assemblywales.org/cr-d7148-e.pdf>

⁵ Broadcasting Sub-committee, <http://www.assemblywales.org/bus-home/bus-committees/bus-committees-third1/bus-committees-third-bsc-home.htm>

⁶ Broadcasting Sub-committee, <http://www.assemblywales.org/bus-home/bus-committees/bus-committees-third1/bus-committees-third-bsc-home.htm>

RECOMMENDATIONS OF THE BROADCASTING COMMITTEE⁷

Recommendation 1:

National Assembly for Wales

The National Assembly for Wales should establish a standing committee on communications, which should be responsible for scrutinising the work of the Welsh Ministers in relation to broadcasting and related cultural and creative industries; the development of broadband, IPTV and associated technologies.

Welsh Assembly Government

We believe that the Welsh Assembly Government has an important role to play in ensuring the success of broadcasting in Wales, and its relationship with other sectors. The Minister for Heritage has already stated he is committed to creating a communications strategy. We urge him to complete this task, as a matter of urgency.

Recommendation 2:

The Minister for Heritage, with other Ministers, should develop a communications strategy on behalf of the Welsh Assembly Government. This strategy should include those policy areas within the Welsh Assembly Government that deal with broadcasting policy, creative industries policy, language and culture and broadband policy; and they should be brought together as one formal cross-cutting policy unit, working across the present departmental structure.

Recommendation 3:

The Welsh Assembly Government should develop closer links with the broadcasters and regulators. It should work collaboratively with other organisations, including specialist broadband and IPTV companies, and higher educational institutions, to develop a better understanding and to intervene effectively in the development of the broadcasting sector, creative industries and the effective use of new technologies.

Recommendation 4:

Both the National Assembly and Welsh Assembly Government should monitor Ofcom's PSB consultation process, and provide timely responses to Ofcom's ongoing review of public service broadcasting during the next year. We are concerned that the Welsh Government does not seem always to be 'in the loop' as UK policy is being shaped in telecommunications, creative industries, and broadcasting; as evidenced by the lack of input by WAG in the UK Government's "Creative Britain – New Talents for the new Economy", and as accepted in his evidence by the Minister for Heritage. We believe that Welsh Ministers should play a fuller part in the development of communications policy in the UK context.

Recommendation 5:

At present, the Welsh Assembly Government is represented by the Department for Culture, Media and Sport on the UK Government's Convergence Group, which is currently reviewing the whole of broadcasting and regulation in the UK. We recommend that the Welsh Assembly Government should have direct representation on the Convergence Group, as a matter of urgency.

⁷ Report on the Future of Public Service Broadcasting in Wales, <http://www.assemblywales.org/cr-ld7148-e.pdf>

Recommendation 6:

Welsh Ministers should have a separate Memorandum of Understanding in place with Ofcom, similar to the Memorandum of Understanding that is in place between Ofcom and the Scottish Government.

Recommendation 7:

The Welsh Assembly Government should work closely with broadcasters and the independent sector in Wales to identify and encourage talent in Wales and the development of independent production.

Recommendation 8:

The Welsh Assembly Government should commission and publish an annual assessment of the portrayal of Wales on network output by each of the main PSB broadcasters, including news provision.

Recommendation 9:

With regards to BBC news, the Welsh Assembly Government should consider the BBC senior management's response to the King Report; and regularly monitor the implementation of the BBC's action plan. The Welsh Assembly Government's monitoring report should be published.

BBC

We have been encouraged by the response of the BBC in agreeing to measurable targets for network production from Wales, between now and 2016, amounting to a minimum of 5% of qualifying production, and a value of at least £50 million on that programming.

Recommendation 10:

Ofcom and the Welsh Assembly Government should monitor progress towards the BBC's 5% network production target. Targets should also be set for all remaining PSB channels.

Recommendation 11:

The growth in network production for the BBC in Wales should not be confined to in-house BBC production but should also contain a measurable commitment to the independent sector throughout Wales.

Recommendation 12:

That the BBC investigates distributing the production centers of its portfolio of channels throughout the UK as a means of maintaining an equitable distribution of network production from around the UK.

Recommendation 13:

The £130 million which is currently identified as the element of the licence fee allocated to the BBC's work in facilitating the digital switchover process be used from 2012 to part-fund PSB provision across the UK, with an appropriate proportion assigned to a mainstream service in Wales, similar to Channel 3's present service for Wales.

Recommendation 14:

Some of this funding should be made available for PSB content in other media and suppliers including supporting an independent radio news service for commercial radio in Wales. We agree that there will be a need to fund public service broadcasting beyond the BBC after 2012. At present, the BBC Trustee for Wales is

appointed by Order in Council, but there is no Welsh representative on the BBC's executive board.

Recommendation 15:

The BBC Trustee for Wales should be appointed by the appropriate Welsh Assembly Government Minister, and the appointment approved by the National Assembly for Wales.

Recommendation 16:

We recommend to BBC management that Wales's senior manager should be a member of the BBC's Executive Board.

S4C

We believe that S4C should continue as a predominantly Welsh language broadcaster. At present we do not believe there is a case for changing the funding arrangements for S4C.

We welcome every attempt by S4C to broaden its appeal to non-Welsh speaking viewers, including twin voice tracks for sports programming, and subtitling. However, given the worsening pressures on English language broadcasting from Wales in Wales, and S4C's strong and secure funding, we believe that S4C should consider how its resources can aid the sustaining of English language public service broadcasting provision in Wales, including the sharing of facilities such as back office functions and transmission.

At present, the Chair of the S4C Authority is appointed by the Secretary of State for Media, Culture and Sport, with the advice of the Secretary of State for Wales.

Recommendation 17:

S4C should consider and publish proposals for aiding future English language provision.

Recommendation 18:

The Chair of the S4C Authority should be appointed by the appropriate Welsh Assembly Government Minister, and the appointment approved by the National Assembly for Wales.

Ofcom

Recommendation 19:

Ofcom should have a representative from Wales as a member of its Board. We recommend that the member should be appointed by the appropriate Welsh Assembly Government Minister, and the appointment approved by the National Assembly for Wales.

Recommendation 20:

Regarding Ofcom's four models, we propose an alternative option that would concentrate on ensuring the continuing viability of an alternative PSB provider to the BBC in Wales, by providing that ITV Wales continues with its present PSB commitments – in both news and non-news – until 2012, at least.

ITV

We urge Ofcom to ensure that the present level of service, in terms of hours, scheduling and funding, is maintained.

Recommendation 21:

That Ofcom ensures that ITV plc's present level of programming for Wales is maintained. We request ITV to improve the portrayal of Wales on ITV network services and increase the commissioning of productions from Wales.

Recommendation 22:

The UK Government, in its forthcoming communications legislation, should create a licence for Wales, separate from the ITV licence for England; and we recommend that the possibility of creating an affiliated licence for Wales is considered further by Ofcom and ITV. We believe in those circumstances that Ofcom should ensure that a PSB content fund, administered by an authority or agency, be created in order to address the withdrawal of PSB programming by ITV.

Channel 4

Recommendation 23:

Ofcom should require Channel 4, as a public service broadcaster, to achieve a minimum target of 5% of network production from Wales by 2012. Channel 4 should also commit to improve its portrayal of Wales in its news and non-news programming, and Ofcom should hold it to account to do so.

Digital Switchover

Recommendation 24:

That Ofcom ensures that S4C services are continually available on digital platforms throughout the switchover process throughout Wales.

Radio

The Committee is concerned that digital switchover in radio in the foreseeable future would mean that listeners in Wales would be disadvantaged by the lack of coverage for Radio Cymru and Radio Wales on Digital Audio Broadcasting.

Recommendation 25:

That Ofcom implements the Digital Radio Working Group's recommendation - that no switchover should take place unless there is a guarantee of at least 97% coverage for DAB throughout Wales.

Recommendation 26:

That Welsh Ministers, in conjunction with Ofcom, review the possibility of devolving the allocation of commercial and community radio licences in Wales.

Broadband

We are concerned at the poor quality of broadband throughout many areas of Wales, and that inhibits the growth of the use of the internet and IPTV as an extension of conventional broadcasting. The poor quality of broadband access and lack of bandwidth is a major disincentive for the development of PSB content on these platforms; and undermines the principle of universality of access to PSB content.

Recommendation 27:

The Welsh Assembly Government should commission an independent investigation of the physical and financial practicality of the different options and combinations for the future development of broadband in Wales.

Subtitles and Sign Language

Although we did not receive a great deal of evidence on the provision of services for

deaf people, we feel that this is an important issue, worthy of serious consideration by public service broadcasters; and by Ofcom.

Recommendation 28:

All PSB broadcasters should deliver a consistent standard of services for deaf people. We recommend that Ofcom should monitor delivery of services to deaf people by broadcasters; and ensure that broadcasters have procedures in place to deal with complaints in a transparent and timely manner.

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