

BROADCASTING AND A SCOTTISH PARLIAMENT

Nigel Smith

INTRODUCTION

Broadcasting is a complicated subject. To simplify it, this article sets aside many of the technical developments which are rapidly reshaping the industry, even those like satellite, digital, cable and local broadcasting which offer Scotland new ways around its difficult geography and other problems. It concentrates largely on our terrestrial broadcasters - the BBC, ITV and Channel 4 who, despite all the publicity about new services, will still hold 60% of the viewing in 10 years time. This focus includes both public broadcasters, the BBC and C4, who, because of their access to public funds, must be at the centre of any discussion of devolution.

The article explains the centralism of British broadcasting, the historical importance of structure, how the present powers work and how they might be affected by a Scottish Parliament. It considers Lord Annan's arguments against devolution in broadcasting and finally offers a structural solution incorporating devolution at least in public service broadcasting.

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CENTRALISM IN BRITISH BROADCASTING

The Constitutional Convention's final document 'Scotland's Parliament: Scotland's Right' can be read as the White paper for a Scottish Parliament, but, for those interested in broadcasting, this should be a matter of concern. Beyond acknowledging that the minimal powers which the Scottish Secretary currently exercises over broadcasting will pass to the Parliament, it says little more on the subject. Only by combining the document's aspirational language on the related topics of art and culture with some political imagination, can one safely conclude that the last word has not been said on the matter. Indeed, debate is inevitable as to the manner in which Britain's broadcasters and especially the two public broadcasters, the BBC and C4, should be required to respond to devolution.

The statement by John Birt, Director-General of the BBC, at last year's Edinburgh Festival to the effect that 'the BBC will be sensitive to the creation of a Scottish Parliament' is the first public sign that there will be change. But, as I will show, if change is left to the broadcasters, their appreciation will be too limited and the change too small. For the history of British broadcasting demonstrates that only structural change delivers results, and structural change is not what our broadcasters have in mind.

At least their failure of appreciation is in character, for, like much of the broadcasting they manage, they take a centralised view of Britain. For readers who may not realise just how centralised our broadcasting is, it is worth repeating the figures. The services the rest of Britain actually see and hear contain less than 2% of programmes from Scotland. Worse, only 3% of output across seven BBC networks broadcast to the whole of Britain comes from Scotland, Wales and Northern Ireland where 17% of the audience live. Channel 4, set up to bring more diversity to the nation, imports 50% of its programmes and has 80% of the remainder made within the M25 motorway. The Panorama programme which a Scottish court prevented the BBC screening during the Scottish local elections was only one, albeit spectacular, example, of a cultural and organisational centralism gripping this most important medium and mirrored in its regulatory bodies.

Why does this centralism matter? To start with, the audience doesn't like it. The BBC Corporate Image survey of 1992 showed about 70% of its audience in Scotland believed it looked to London far too much: the highest negative response in the UK. Last year, in a National Consumer Council survey of Britain, the Scots were amongst the most appreciative of all the non-

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broadcasting services polled, but when asked about broadcasting, the position was reversed: the Scots scoring the highest level of dissatisfaction.

It is the difficulty viewers have in identifying with much of the programming, and in seeing so little of their life reflected in it, that seems to lie at the root of these adverse opinions rather than the intrinsic quality of the programmes.

Centralism fails to reflect all parts of Britain to each other. It largely restricts Scottish broadcasters to making regional programming on reduced budgets for Scotland with only an occasional presence on the British networks. Ian Lang, when Secretary of State for Scotland said, 'in a small country like Scotland our film and television industry is especially important to us, because as well as bringing the world to us they provide us with the most powerful contemporary means for expressing our own identity to the world.' The reality is different. Based on our meagre 2% share of network programming, the rest of the UK and, through media exports, the rest of the world, have to share our culture, see that Scotland is a good place to work or to invest in, and that it has something to contribute to Britain and the world. The contact a modern economy like Scotland has with the world should not be limited to Govan, Plockton and Edinburgh Castle, no matter how successful the programmes set there are.

Another effect of centralism is to cut Scotland out of a growth sector of the economy. To give an idea of the scale, note the BBC licence fee takes out of Scotland more than all the regional assistance the Treasury puts in, even after spending £40m on regional programming. Scottish Enterprise and the Scottish Tourist Board seem unaware of the direct and indirect economic benefits of broadcasting. If the film *Braveheart* boosts tourism there would be a far greater effect from more regular exposure in broadcasting. Lastly broadcasting has a central role in the vitality of the cultural sector, a point I will return to.

One strategic point should be borne in mind. The present BBC Charter ending in 2006 may be the last before radical reorganisation of public service broadcasting along the privatised lines foreshadowed in the Peacock Report of 1986. If the physical assets and skills of broadcasting are centralised out of Scotland before then, as has been threatened many times, there is precious little chance of Scotland participating in what ever new direction public service broadcasting takes in the year 2006.

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A FAILURE OF APPRECIATION BY OUR BROADCASTERS

It is this limited vision of the centralists among our broadcasters which prevents them making a realistic assessment of what a Scottish Parliament means for viewers in Scotland and of its potential effects on British broadcasters.

The fundamental point they miss is that a Scottish Parliament, elected by proportional representation, will readmit the Conservatives, currently only to be seen prominently at Westminster, to political forums in Scotland and thereby reunite the body politic. The fact that nearly half the Conservative voters in Scotland are devolutionists or decentralists will undoubtedly be reflected in Parliament in Edinburgh. It is but a step to see that all four parties will have pro-Scottish arts and cultural policy positions and probably competitively so. Indeed, Mr Lang, when Secretary of State for Scotland, had such policy objectives for broadcasting that the Broadcasting for Scotland Campaign could find fault only in his solutions.

The Parliament will immediately become the focus for many Scottish organisations who have only a limited role on the British political scene. Not only will they be revitalised by the Parliament but they, in turn, will reinforce the pan-Scottish interest in broadcasting, the only arts and cultural medium substantially denied them. This symbiotic relationship is more clearly seen by contrasting Dublin with Edinburgh. Further afield, the existence of strong civic organisations is reckoned one of the qualities distinguishing the more successful regions in Italy and Spain where regional government has been introduced in the last 20 years. Scotland has them in abundance: our broadcasters should understand their significance in this context.

It must be obvious that such a Parliament would have the political will, the legal competence, and the financial resources to have challenged the BBC over Panorama, to seek a judicial review of the BBC Charter or the handling of an ITV licence renewal or cross media take-over. Judicial review may be a poor substitute for having full powers in the first place, but in modern Britain there are now several thousand such reviews a year.

But it does not stop here. Within two or three years of the establishment of the Scottish Parliament, the principle of funding the BBC by licence fee will be reviewed by the British government. Many observers think the BBC is on the cusp of losing public support for the licence. If the BBC response to devolution has been limited, it is not difficult to see a campaign, casting the

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licence fee as a broadcasting poll tax and encouraging non-payment of it, gaining support. There was just such a campaign in Wales before the creation of S4C and there is one currently in Italy where the Northern League supports non-payment of the licence fee to RAI, the Italian state broadcaster. Such a campaign in Scotland will have echoes in both Parliaments.

These are only some of the more and less speculative political reasons why the British broadcasters must lift their sights on the issue and why the devolving government would be wise to anticipate events and listen to those who counsel moderate structural solutions. I will return to the practical aspects later.

Perhaps the saddest point is that there is a good case for reforming public service broadcasting without the stimulus of devolution. It remains something of an enigma that the BBC, one of Britain's great cultural institutions and few post-war successes, can be so narrow in its view of Britishness and British diversity.

BROADCASTING HISTORY SUGGESTS STRUCTURE MUST BE PART OF THE SOLUTION

The existing centralised structures have their roots in the way broadcasting has developed in Britain. From 1922, when the BBC was first given its monopoly of broadcasting, the battle for regional broadcasting was fought and lost within the BBC. The prevailing ethos, well expressed by the 'speaking' portrait of Lord Reith currently hanging in the Scottish National Portrait Gallery in Edinburgh, was, to paraphrase his gallery recording, 'that we in the BBC aim to bring the best of London to the regions and perhaps we will get something back from them'. The BBC has never really escaped this cast of mind.

In 1955, Parliament, by legalising commercial television, ended the BBC monopoly. The first chairman of Independent Television, Sir Kenneth Clark (later Lord Clark of Civilisation, nicknamed after the brilliant Art history series he made for TV) and his Chief Executive, Sir Robert Fraser, saw a competitive opportunity in the BBC's hierarchical centralism. They exploited the technical location of station transmitters in areas of dense population and the simple two-line injunction in the new Television Act requiring each station to broadcast some programmes 'especially for its area'. Both men took the law to the limit and created, in their own words, 'a rich mosaic' of

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regional television companies. It is at least arguable that it was the actions of these men, rather than the will of Parliament, which first gave life to a version of regional broadcasting we now take for granted and which still, more than 40 years later, makes the majority of its programmes outside London. (We may sadly be beginning to see the unwinding of their work in the newly permitted take-overs.) Their commitment to both popular and regional programming was rewarded with a massive swing to ITV. The competitive response by the BBC was to take a serious interest, for the first time, in regional broadcasting.

This duopoly lasted until 1979 when the Government accepted the recommendation of the Annan Committee on Broadcasting and refused to allocate the fourth channel to ITV as ITV2, preferring instead to break the duopoly by setting up C4 as a new public broadcaster. Annan also wanted C4 to serve the Welsh language and later to provide a Scottish channel.

The new Conservative government claimed shortage of money as a reason for postponing C4 for Wales. The Welsh, no longer prepared to wait, demanded that C4 for Wales should be set-up at the same time as C4 in London. When the President of Plaid Cymru threatened to fast unto death, Mrs Thatcher relented and S4C was established. Again Parliament rubber-stamped extra-parliamentary initiatives.

There is another, this time rather negative, lesson. Annan was convinced that regional England and Scotland, Wales and Northern Ireland were badly treated by the BBC and wanted the Corporation to make a greater effort to reflect the whole country. His plea 'What about reciprocity?' from the regions echoes Lord Reith's earlier quote but rather more sympathetically. But Annan drew back from proposing structural change, having been reassured by the BBC of the positive virtues in its own proposed regional reorganisation and its intention to make more drama in Glasgow.

Twenty years later the BBC takes fewer programme hours and a smaller proportion of its networks from Scotland than the level which Annan criticised. During the recent process of renewing the Charter, the BBC beguiled the Government with exactly the same argument - regional reorganisation, more drama in Scotland and promises to stop behaving (in its own words) as the London Broadcasting Corporation. The ink was barely dry on the Charter before these fine words wilted before BBC realities. No change in structure, therefore no change at all.

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The three lessons for Scotland seem obvious. Only structural change delivers permanent results, the initiatives must come from outside Parliament (in other words Scots must want broadcasting devolved), and if the two public broadcasters change then competitive response will ensure that the commercial broadcasters will make some matching response.

THE SCOTTISH SECRETARY'S EXISTING POWERS OVER BROADCASTING

Although technical developments in broadcasting continue to promote the relative importance of the Department of Trade and Industry, the Department of National Heritage in London remains the leading Ministry responsible for broadcasting. Nearly all DNH policy areas are already devolved to Scotland. True, some of the budgets and policies are top-sliced for UK and international obligations, but the fact is that arts is handled by the Scottish Arts Council, sports by the Scottish Sports Council, tourism by the STB, film by the Scottish Film Council (soon to be the Scottish Screen Agency) and so on through Heritage, libraries and museums. Even the Press, though its regulation is not devolved, has a dominant editorial and operational presence in Scotland. Only 6% of the television programmes on Scottish screens originate in Scotland, whereas 80% of our daily newspapers do.

In broadcasting, the Scottish Office is entirely responsible for only Gaelic broadcasting and the funding of Comataidh Telebhisein Gaidhlig (CTG), the body which commissions Gaelic programmes. It also makes an input through the Schools Inspectorate into educational broadcasting. The Scottish Secretary makes appointments to CTG, is consulted on the appointment of the Scottish governor of the BBC, his counterpart on the Independent Television Commission (ITC) and to the chair of Sacott, Oftel's Scottish advisory committee on telecoms. There is no obligation on the Radio Authority to have a Scottish member and there is none. The Secretary of State also sits on the Cabinet Committees (EDI and EDX) which consider broadcasting matters. For the rest he contributes, like any other Departmental Minister, to DNH policy making.

For all practical purposes broadcasting is a non-devolved matter, in awkward contrast to the rest of the DNH policy areas. It explains why the Scottish Secretary can spend his time reorganising the Scottish Film Council, within his remit, while ignoring broadcasting, which isn't, and yet which is many

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times bigger in budgets and effects, and of course with many operating links to film. The Scottish broadcasters spend more than the Arts Council on the cultural scene in Scotland and much more than the Film Council. Perhaps unseen by the casual eye is the matrix formed between Arts, Film, culture generally and the media and broadcasting. Having Broadcasting run from London makes the whole policy area a bit like Hamlet without the Prince.

LORD ANNAN'S ARGUMENTS AGAINST DEVOLVING BROADCASTING

Because the Annan committee on broadcasting was already at work in 1976 when the last Labour government was preparing legislation for Scottish devolution, Roy Jenkins, the Home Secretary, asked Annan to assess the merits of devolving broadcasting. The report decided it should not be devolved, giving two reasons which were accepted by the Government but which, twenty years later, no longer carry the force they did then.

Lord Annan first pointed out that Scottish broadcasters were worried that an arms-length relationship could not be maintained between them and the Edinburgh Parliament and their editorial independence risked being infringed. This is a universal value in democracy and we should be just as fierce in defence of it. But broadcasters then were not facing, as we are, a Parliament elected by proportional representation and in which no party will have a majority.

Annan also saw institutional size as a guarantor of editorial independence whereas we can see that it only spurs political organisations to greater efforts to manipulate editorial freedom. Pluralism is now regarded as having a greater role in protecting this freedom. Indeed Annan's argument could be inverted. If the take-over of **The Herald** by Scottish Television proved to have infringed free speech, there is a far greater chance of a Scottish Parliament blowing the whistle on the offending behaviour than a London body like the ITC who might simply regard it as a minor local infraction. The contrast between Oftel's impressive consultation paper on the sale of BBC transmitters, a matter affecting the whole of the UK, and the derisory note from the ITC on the proposed take-over of **The Herald** affecting only part of Scotland, is perhaps an example of the scale effect in reverse. Provided no single, overarching cultural and broadcasting body is created in Scotland the fears of Lord Annan on this score can be laid to rest.

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His second reason was technical. He accepted that a shortage of radio spectrum demanded centralised control of frequencies and if control of these could not be devolved then there was no point in devolving broadcasting. This argument has been greatly weakened by technical developments. There is a super abundance of satellite channels, compression techniques, digital technologies and so on which have changed the nature of this argument. Some central planning must still go on and international agreements maintained but it is now possible to devolve powers and contract the work back to the technical agencies.

The one argument he didn't give but which was ever present throughout his report was the notion that the BBC was the glue of the nation. As the last Charter renewal showed, this idea still has some currency within the BBC. Unfortunately the responsibility has encumbered the Corporation with a rather dated view of British regionalism and made it the unwitting guardian of an overcentralised state. It should be disestablished.

DEVOLUTION WITHOUT DEVOLVING BROADCASTING

I have already suggested some of the political effects of creating a Scottish Parliament without any devolution in broadcasting. Here are some of the practical effects.

The appointments in the informal gift of the Scottish Secretary will pass, probably as formal powers, to the Scottish Parliament (or more strictly the Scottish Government) altering the type of candidates chosen and increasing their status in post. For example, it is difficult to see how the recent appointment of the Queen's former press Secretary to represent Scotland on the ITC could possibly emerge from a Scottish Parliament.

Some of the regulatory bodies will alter their ways. The Radio Authority which has more or less abandoned Scotland to the detriment of the radio scene might return by appointing a board member and an officer for Scotland. ITC would probably have to upgrade its Viewers and Listeners panel and Sacott's important role would be more widely recognised.

The Parliament would surely have debated the proposed merger of the BBC Symphony Orchestra and the Scottish Opera Orchestra. With the Scottish Arts Council also in its remit, the long running saga might have been brought to a much earlier end. A more even-handed debate on the merits of Scottish

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Television take-over of **The Herald** would certainly have taken place, and the debate on how the new arrangements for Gaelic broadcasting are working would be timely. It might now be debating the proposed sale of the BBC terrestrial transmitters, an issue of especial interest in Scotland because of the high transmission cost arising out of our geography. All these issues demonstrate the potential value of the Parliament.

But such debates will soon bring a degree of frustration among MSPs as their lack of influence over broadcasting and its important role in the cultural scene becomes fully apparent to them.

The Parliament will obviously have direct contacts with bodies like the BBC's National Broadcasting Council and discuss their reports probably in committee. While it will probably not have the power to summon people and papers from British institutions it seems unlikely that the people who chair the leading broadcasting and regulatory bodies in London would lightly refuse an invitation to meet the Scottish Parliament or its committees. This prospect is likely to raise value and the status of the Broadcasting Council and its counterparts in the eyes of these British organisations.

If MPs' mailbags are any indication, the powers being devolved to Edinburgh are very much the ones that concern voters. Shifting the source of news to Edinburgh will almost certainly increase the amount, and change the time and treatment, of Scottish news and current affairs. Since the viewer in Scotland is already superserved with news, something in the present schedules will have to give way. Commercial television will need to be permitted to do so by an amendment to the Broadcasting Act.

This shift in agenda may also put pressure on Border Television which serves 4% of the Scottish population living in the Borders, Dumfries and Galloway. With many viewers in England and the Isle of Man, Border is awkwardly placed to give their Scottish viewers a share in the new politics of Scotland at least until a licence review.

But it is the on-screen effects which interest most people. The following quote from the Convention's document hints that the Scottish Parliament should interact in a reasonably subtle way with the cultural revival in Scotland: 'recreation, heritage, sport the arts, culture and science - the purest expressions of the nations' character'. If that interaction happens, then strains could emerge in the regional budgets of BBC Scotland, Scottish Television and Grampian as they attempt to cover the whole, revitalised, cultural

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spectrum with unchanged budgets and powers. With a Scottish Parliament, in place Scotland will almost certainly rediscover its own regions and its great cultural diversity.

Europe is yet another dimension.. Conscious of the powerful charge of parochialism, the Parliament will make the most of its relations with the EU thus giving an outward national character to its activities. It will work as often as possible with the Länder in Germany and the historic regions of Spain. It will lobby the EU, consult Scottish MEPs, and appoint all the Scottish members to the European committee of the regions. It will encourage many other Scottish organisations to play a full part in Europe. The combined effect for broadcasters will be further reorientation from London to Europe perhaps in the manner seen in programmes like Landward or the Gaelic Eorpa. The effect will be small but threatens to increase still further the costs of programming.

It seems unlikely that, over the medium term, the broadcasters' response can be confined to news and current affairs. Taken with the more strategic issues mentioned earlier, it is easy to see that there are serious strains ahead. As I have shown, the viewer already feels relatively alienated from the medium. If one effect of a Scottish Parliament is an increase in the sense of identity in the regions and communities of Scotland, and this change is not reflected on screen, the medium risks getting seriously out of step with its audience.

Tinkering with the issue seems short-sighted and likely to make a rod for the devolving Government's back. Real change means grasping the nettle of the shape of the BBC and C4 and making changes in structure which will, at a stroke, settle the issue. In other words there must be a substantial devolution in broadcasting.

ELEMENTS OF A NEW STRUCTURE

Structural arrangements for regional broadcasting are widely established in Europe. But we in Scotland sometimes forget the example provided within Britain by S4C in Wales. S4C is a completely separate entity rescheduling 75% of Channel 4 output and making the other 25% in new Welsh language programmes using £60m of direct funding from DNH. If the peace process in Northern Ireland is successful, a cross-border arrangement between RTE in Ireland and the BBC might provide another example.

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BBC Scotland should be given control of the Scottish licence fee and the power to schedule BBC network services in Scotland (that is, the power to choose programmes and order the output). This might, on its own, cause the BBC in London to soften its metropolitanism. In practice, the scheduling power is of limited value if BBC Scotland is unable to drop an unpopular network programme because it has no money to replace it with something better. The degree to which services can develop distinctively will thus be controlled by the amount of money. Once BBC London know there is genuine risk of losing circulation, it might take more care to reflect Scotland in its broadcasting.

Where is extra money to come from? There are already two income streams for public service broadcasting in Scotland. The BBC levies £150m in licence fee and Channel 4 gets £30m of its revenue from Scotland. Both claim their services are provided to Scotland at a loss, in the BBC's case, of around 4% of cost. But these are large sums, sufficient to fund broadcasting in other parts of Europe, and there ought to be no need to add further public funds as Catalonia does. The trick in Scotland is to use the existing public monies in a new way, by uniting them to make public broadcasting more distinctively Scottish.

The Labour Shadow Spokesman for broadcasting, Dr Lewis Moonie, has already mused aloud about C4 and its lack of Scottish content. In doing so, he perhaps unconsciously echoes the White paper on broadcasting published by the last Labour Government which wanted C4 to develop a Scottish service. In fact, C4 has largely turned its back on regionalism and Scotland and now gets its diversity from abroad. After so many years, reversing this policy could destabilise C4 as an established service. Instead, the notional provision of a distinct Scottish service from C4 of 10 hours per week should be exchanged for its annual cash equivalent of £25m, granting that to BBC Scotland. This would give BBC Scotland's new scheduling powers real meaning.

Nor would this practice be new. BBC Wales provides exactly this amount of programming to C4 in Wales (S4C). It is no more than the inverse of this arrangement between two public broadcasters. (It is worth noting that this solution would not be open to a country which had become independent.)

The degree to which the BBC character of the Scottish service is to be maintained can be set using 'must carry' and 'must share' rules. For example, by saying that BBC Scotland 'must carry' at least 75% of BBC London

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programming but of BBC Scotland's choice, and that it must include at least one daily peak-time UK news programme, the integrity of the BBC would be preserved at any level the Government thought appropriate. This solution should be in tune with the mood of a devolving government and yet leave the BBC as a strong British institution.

While the new structure could exist within the BBC, the Corporation may prove so resistant to internal decentralisation that it might be better done as a parallel external body - the Scottish BBC rather than BBC Scotland. Either way, the governance could be easily achieved in an amendment to the existing Charter or in a new Scottish Charter taking very little parliamentary time. The amending legislation for C4 could be included in the new Broadcasting Act already promised by the Labour Party.

CONCLUSION

This article has taken only a limited tour around the subject and given only one, albeit important, part of the solution. But in showing the range of political and practical tensions that could arise in broadcasting, an area so central to modern life, it aims to convince that some change is essential. Taking sensible steps at the outset, in important areas like broadcasting, will help ensure that the creation of a Scottish Parliament within Britain is a reform that endures rather than a source of further friction.

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