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Evidence paper for Media Group of the CELG

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When focusing specifically on the media in Wales, the creative industries sector panel is limited in the influence it is able to exercise. Public Service Broadcasting is not devolved and within the WG it is the responsibility of The Department of Heritage Regeneration and Housing. The creative industries panel has therefore, as its primary remit, the consideration of the economic impact of media in Wales.

There is little likelihood of this changing in the foreseeable future and in practice the lack of accountability to Wales of most of our media is unsustainable.

The BBC Trust sees its primary role as a British broadcaster. The Nations and Regions are a small subset of its BBC Journalism Division. Welsh influence and power at the senior management board is not great.

ITV is in practice accountable to politicians only at the time licences are renewed. Ofcom has barely attempted to protect the PSB requirements of Wales and licence conditions have been relaxed to a point where the service is of marginal benefit, economically or in the Welsh content of its broadcasts

S4C has spent its life in a limbo half-way between London and Cardiff, not really accountable to either. WG has not been adequately involved and DCMS was always going to have difficulties monitoring a body whose services were in a language it did not understand.

Whether broadcasting should be a devolved issue is a political judgment. However, there is a compelling case that the common interests of WG, the Assembly, our local broadcasters and the audience suggest that meaningful and effective scrutiny is better achieved at local level. In the case of Welsh-language broadcasting there are constitutional complications that make the argument even more compelling.

The position of S4C is an interesting case study in how the present arrangements do not work for Wales and there are comparable narratives for ITV and the BBC as well. The Public Bodies Bill raised the possibility of the relevant Minister modifying S4C's funding arrangements but also giving him the power to reorganise S4C's constitutional arrangements and transfer S4C's functions. There was no consultation with the Welsh government and it was left to Welsh MP's and peers to try to ameliorate some of the Bill's excesses.

The Bill also requires that the UK Minister must get the consent of the Welsh Government before using his powers to the extent that he may wish. The

Government of Wales Act includes “Promoting or facilitating the use of the Welsh language” amongst the matters upon which it may make law. Welsh-language broadcasting clearly relates to promoting or facilitating the use of the Welsh language. Whatever the finer legal issues this merely underlines the need to have in place robust agreement between London and Cardiff on a matter, not devolved but of central interest to the WG. Sir Jeremy Beecham’s report “Making the Connections - Delivering Beyond Boundaries” talks about the need to ensure that WG plays its part in non-devolved services. S4C seems a prime candidate for this approach.

The Minister for BETS has requested my advice on a number of the issues related to TV and Broadcasting and there is now I believe, a recognition for an urgent need to build a political consensus in Wales and Westminster to safeguard our broadcast services, but particularly television. This consensus needs to be fair and practicable. It needs to be widely accepted and, as importantly, ensure there is no conflict at political or social level.

The Media subsectors are important parts of the Welsh economy and maximising their value to Wales requires a co-ordinated approach across government departments to ensure best value.

The next 2 years will see a Communications Act, new BBC charter and license discussions, renewal of ITV licenses and PSB obligations, new local TV services, realignment of Ofcom’s regulatory responsibilities and the handing over of S4C’s funding to the BBC. If Wales doesn’t make its case we will lose out.

For each of these WG should be able to find an intellectually coherent approach to demanding its involvement. In particular, it could initiate a review of what the television and allied needs are in Wales and this review should be the starting point for our dealings with broadcasters and other UK authorities. Not since the days of the last ITV licence award has there been a coherent attempt to assess what Wales needs. The Ofcom UK review of local services some 2 years ago was inadequate.

As a country we need to identify those elements of television required for specifically Welsh cultural, linguistic, social or democratic reasons. Such a review should be initiated and agreed after full public consultation and the involvement of all key stakeholders. Ideally these would include DCMS, the BBC Trust, S4C, the Welsh Government and its NDPB’s with relevant responsibilities as well as the Assembly and Welsh MP’s.

The result of such a review would inform our policy for public service broadcasting and be the base upon which we ensure that, in addition, this broadcasting is structured to provide the maximum economic benefit.

We should try to enter into Memoranda of Understanding with broadcasters, applying a Welsh accountability over and above their UK and statutory responsibilities. An appropriate agreement with the BBC is the most urgent.

Devolution means the BBC is now one of Wales' most important public service institutions. Economically, journalistically and culturally the BBC is the biggest beast and in its refocusing are the biggest wins for Wales. The BBC plays a significant role in providing the television, radio, on-line and learning content that conventional markets cannot, developing creative talent and underpinning the creative economy of the nation. This role has been made even more important by the UK government's decision that S4C is a UK service priority funded from the television licence.

It is my belief that the position of WG should be that all Public Service Broadcasters should make an explicit commitment to defining their responsibilities and commitments to Wales and we need to ensure that these are developed through an open and public discussion of the issues involved.

The Welsh Government needs to create a unique partnership agreement with the BBC that will enable the two institutions to work together to:

- Define the public service broadcasting needs of Wales in the English and Welsh languages
- Support the Creative Industries in Wales.

All of the issues related to broadcasting do have an element of urgency and that is why the BETS Minister has agreed that a new sub panel of the creative industries panel is created to focus solely on the issues of broadcasting.