

Broadcasting Regulations - Communications Committee Report

4.40 pm -

The Lord Bishop of Liverpool: My Lords, the privilege of serving on the Select Committee on Communications lay very much in seeing the experience and expertise of its members engaging with the expert witnesses who gave evidence.

The BBC royal charter describes the role of the BBC Trust and uses, I believe, a significant word to describe the relationship of the trust to the licence fee and to the public interest. The trust is cast in the role of-and this is the word-guardian. In a positive sense, the trust is the guardian of the interests of the licence-fee payer, ensuring the delivery of high-quality information, entertainment and education.

Further, the trust is clearly the guardian of the values of the BBC, in that it holds the executive to account. However, as well as being a guardian for, it is also, I think, a guardian against-against political interference to ensure its international reputation for independence. I believe that the noble role of guardian, which implicates the trust in the character of the institution and in the content of its output, means that it cannot be its regulator. Any failure of an institution is a failure of its guardian. Furthermore, if the chair of the trust develops a role and relationship with the director-general akin to that between a chair and a chief executive, as cited in the report, I think that it becomes impossible for the trustees and their chair to act as some appellate body detached from the workings of the organisation.

I am persuaded that if there is an unresolved issue between the BBC and its audience, the complaint must ultimately be dealt with by an external body. Nobody can deny the enormous power of the BBC. Even its greatest admirers, such as myself, recognise that its charter and its funding place it in a unique and privileged position among broadcasters. The exercise of this power requires the greatest integrity and the closest scrutiny. As we have already been told, we are seeing through the Leveson inquiry examples of media power and media abuse, and how individuals are highly vulnerable before such power.

The committee, by a majority, favours the regulating of the BBC going to Ofcom. I was one of the minorities who favoured creating an independent adjudicator. I can see the arguments for Ofcom being the overall regulator for the whole media platform. For example, during a recent bout of convalescence, I found myself watching more than my fair share of TV soap operas. While watching these programmes, I became very concerned about, for example, the exposure of babies, infants and children to very highly charged emotional scenes. Any such concern clearly should be aired before a regulator which can regulate such a point across all the platforms.

However, my fear about giving Ofcom the responsibility of regulating the BBC is simply the scale of the task and being able to do justice to that task. From the Secretary of State downwards, people recognise that the BBC represents the gold standard of broadcasting. It is in a league of its own among its competitors. You could argue that putting it with other broadcasters under the common regulation of Ofcom would raise the standard across the board, raising the bar for all broadcasters. My concern is that the opposite will happen and the excellence of the BBC will be compromised by being judged alongside inferior output, so that the BBC's famous gold standard will eventually slip to silver and bronze. The power and the privileged position of the BBC requires unique regulation to maintain its gold standard. We must raise the bar, not risk lowering it.

The report also looks into the auditing of the BBC and records a very interesting exchange with the National Audit Office in paragraph 113. Basically, the NAO says that it concerns itself with money and not with programme content. On the surface that seems an important distinction, especially for those who are worried about any interference in the editorial independence of the BBC. On reflection, surely that answer is less than satisfactory. Can you really separate programme content from programme cost? How can you decide whether the six o'clock news or "Today" are value for money without regard to the programme content? For example, a single voice on the "Today" programme for three hours would be much cheaper, but boring, as I think we would all agree. The only way to judge value for money, surely, is to have regard to the content of the programme and the size of the audience.

The impossibility of divorcing content from cost leads me to believe that alongside setting up an independent adjudicator we should establish an independent auditor with the specialist skills of being able to audit the BBC away from any political interference. The report identifies concerns about the complaints procedures at the BBC, as we have already heard, and the compliance culture within the corporation. Surely, complaints and compliance are two sides of the one coin-namely, the relationship between the BBC and its audience. Perhaps the reason the complaint procedure is so obscure-or has been in the past-and the compliance is so oppressive is because there is no independence of adjudication and auditing. The BBC should be allowed to be as creative as possible to stimulate and to provoke its audience. It should be freed from the shackles of trying to regulate itself. It should be free to do what it does best-inform, educate and entertain. The trust should be the guardian of the gold standard of public service broadcasting at every level-international, national, regional and local. That local dimension is ever more important as the Government, in pursuit of localism, devolve power to elected mayors and elected police commissioners. Local media become indispensable public fora for local democracy.

In conclusion, I believe that a stable society is one that is in conversation with its different parts, and with the wider world. I believe that the BBC Trust should be the guardian of the BBC's unique role in facilitating that national and international conversation.

4.48 pm

Lord Fowler: My Lords, I agree with a vast amount of what the right reverend Prelate said, particularly about the gold standard with regard to BBC reporting.

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