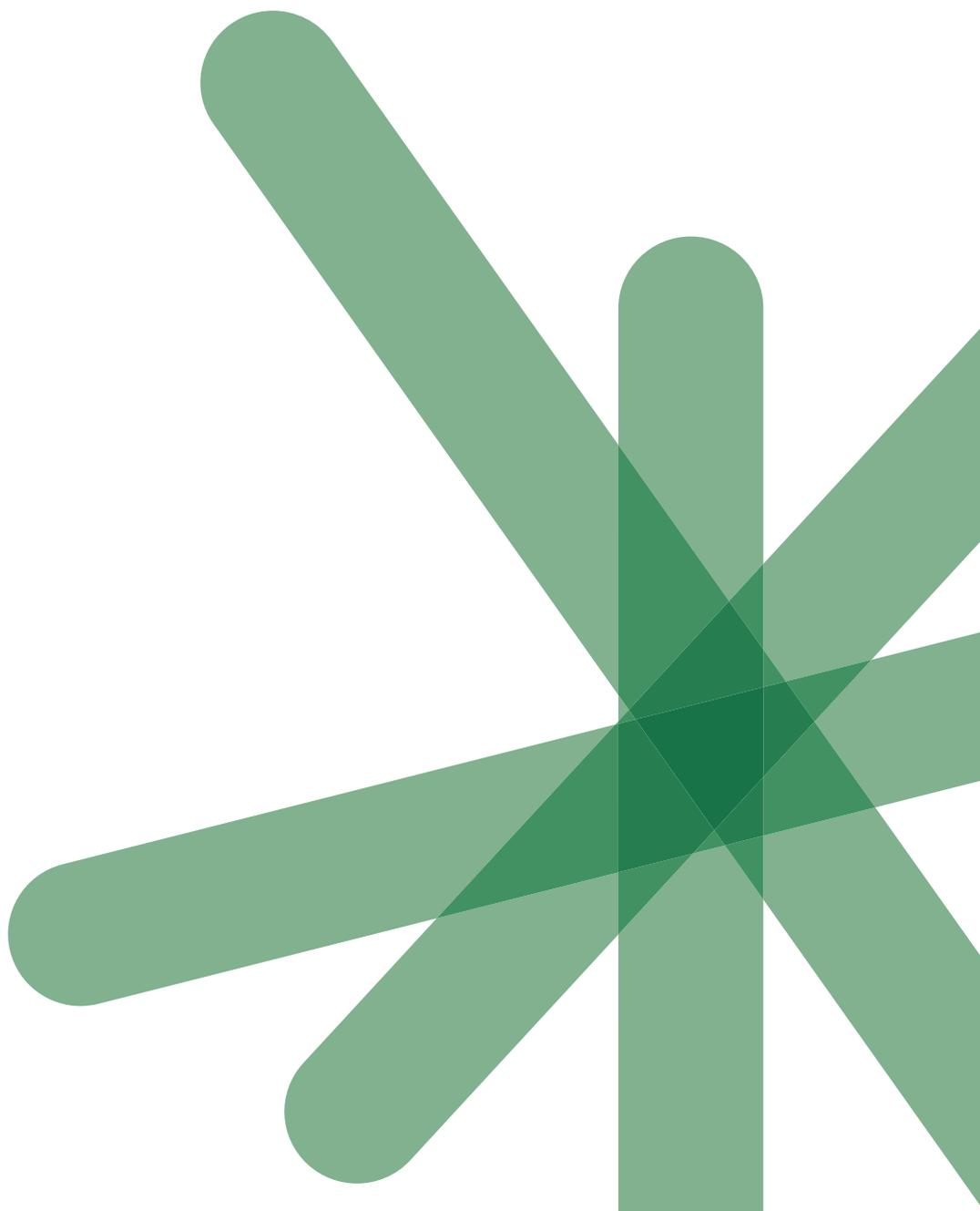

Chapter 9

Devolution and the media

IWA Media Policy Group





Devolution and the media

IWA Media Policy Group

Introduction

Broadcasting and the media represent a fusion of our economic and cultural interests. The process of devolution has been about improving our economic and social well-being and shaping policy to specific Welsh circumstances. Yet the cultural dimension to devolution is substantial and significant. It is about underpinning the distinctive identity of Wales as a nation, albeit within the context of the United Kingdom. Implicit recognition of this fact is contained in the grant to the National Assembly and the Welsh Government of a broader competence in cultural matters than in any other field.

Echoing the Government of Wales Act 1998, the Government of Wales Act 2006 says that “Welsh Ministers may do anything which they consider appropriate to support” eleven specified cultural areas¹ that, in total, embrace almost every conceivable aspect of our culture. The notable exception is broadcasting, arguably the field of cultural activity that has a greater daily public impact than any other. It is the hole in the doughnut.

The same anomaly applies in Scotland. There, the reserved powers model reserves to Westminster “the subject matter of the Broadcasting Act 1990 and the Broadcasting Act 1996” and “The British Broadcasting Corporation.”

This total exclusion from real power over broadcasting and media policy has had two effects: it has let UK Ministers and Ministers in the devolved administrations off different hooks. The former have paid only cursory attention to any aspect of policy that does not have universal application in the UK, while the latter, understandably, do not prioritise issues for which they do not have formal responsibility. The net result is that the interests of the devolved nations become footnotes in the debate, with the forays of Scottish or Welsh Ministers tending to be sporadic and ineffective.

This lack of timely, effective influence has been detailed by several commentators² and relates to many issues, including in the recent past:

- The decline in ITV services for Wales.
- The decline in the volume of BBC services for Wales.
- The transition from FM to DAB radio.
- The change in the funding of S4C.

This is of continuing concern since the next Communications Bill will have the capacity to alter

our media and cultural landscape in fundamental ways. Among the issues that will probably come within the compass of a new Bill, and which would affect Wales directly, will be:

- The future of the Channel 3 licences, their geography and content.
- The statutory foundations of S4C.
- Television production quotas for the public service broadcasters.
- Radio licensing, localism and the ability to impose language requirements.
- The future shape of community radio.
- Cross-media ownership rules.
- A regulatory framework that acknowledges the convergence of television and the internet.
- Future requirements for impartiality and balance that are fundamental to the tone of media provision.

These are vitally important matters, since they touch not only our economic and cultural interests, but also on our democratic interests. Some relate to the fair apportionment of economic activity in the broadcast sphere across the UK, others to the adequacy of Wales's presence on mainstream media. But many relate directly to the contribution of the media to the democratic process: the effectiveness of the bridge between our political institutions and the electorate. There are significant deficiencies in all three areas. Wales cannot afford to see any further weakening of provision in any of them. Indeed, we must look to strengthen our position in the years ahead.

This is a mighty agenda for Welsh Government ministers, National Assembly committees and broadcasting institutions to grapple with. Sadly, the record tells us that the devolved administrations have so far failed to achieve all their objectives in the broadcast field and that, at the centre of UK policy-making, business and technological considerations have easily trumped cultural considerations.³ There are, in Wales particularly, issues concerning capacity, structures and appropriate powers. They are inter-linked. All three should be addressed.

Structures

The current apportionment of responsibilities in the fields of the creative industries, broadcasting and telecommunications is not conducive to a joined up approach. Responsibilities are spread across three portfolios.

Since the 2011 Assembly elections, oversight of broadcasting has been the responsibility of the Minister for Housing, Regeneration and Heritage. The addition of major devolved functions such as housing and regeneration to the Heritage portfolio is bound to have relegated heritage/culture issues. In contrast, in the Scottish Government, the responsibility for culture rests with the Minister for Culture and External Affairs.

A key concern for Wales in the broadcast field is Welsh language broadcasting, specifically S4C. But responsibility for Welsh language matters in the Welsh Cabinet rests with the Minister for Education and Skills. Broadcasting is also central to the creative industries in Wales, yet the creative industries are the responsibility of the Minister for Business, Enterprise, Technology and Science. The broadcasting advisory panel – a sub-panel of the Creative Industries Panel – reports to the Business Minister not the Minister for Heritage. The Business Minister is also responsible for telecommunications.

Although this matter may fall outside the remit of the Silk Commission, it will have to be addressed

as part of the process of achieving effective devolution in these fields. Our preference would be to revert to previous practice and bring broadcasting and the Welsh Language together under a reconfigured culture portfolio, separated from Housing and Regeneration. This would still need some collaboration, as is the case at Westminster, between Culture and Business Ministers (particularly around telecommunications), which could be further facilitated by bringing together the civil service support for both briefs. After all, devolution of responsibility – say, through a new Communications Act – must entail the creation of a new internal capacity within the civil service.

Any advisory panels in the broadcast field (see below) would report to this Culture Minister.

Capacity

In the meantime, a lack of capacity is already an issue. In its evidence to the National Assembly's Task and Finish Group inquiry into the future of the media in Wales in 2011, the IWA Media Policy Group, argued that both the civil service and backbenchers lack the human resource to "sustain continuous forensic analysis of a fast-moving scene, let alone to develop the necessary foresight to anticipate and shape developments".⁴

It pointed to the fact that between the beginning of 2010 and late 2011 Ofcom had undertaken more than 140 separate public consultation exercises, of which at least a dozen were directly relevant to Welsh interests. In addition, the BBC Trust had conducted 18 consultations, of which at least eight were relevant to Wales, and the DCMS had conducted four consultations relevant to Wales. In all, in a period of less than two years, there had been 24 public consultations in the media and telecommunications fields to which Wales should have offered some response. Responses from the Welsh Government were made to only a handful of the most important.

As for capacity outwith the Welsh Government, the IWA evidence stated:

"Outside Government there are other advisory bodies and executive arrangements. Until recently Ofcom in Wales had a staff of eight, but this has now been reduced to five, a figure which includes a field engineer. Ofcom's Wales Advisory Committee consists of six people, including the Welsh representatives on the Ofcom Content Board and the Welsh Communications Consumer Panel, the last of which is currently being reconstituted.

S4C is an independent Authority of nine members, supervising a management board of six. The BBC in Wales has its seven-strong management board, with lines of accountability going, via the Director Wales, straight through to the BBC's Broadcast Direction Group, one step down from the BBC Executive Board. Like Scotland and Northern Ireland, Wales is represented on the BBC Trust by a national trustee who also chairs a 10-person Audience Council for Wales. Until recently ITV Wales had an eight-person advisory council. This has now been disbanded.

Ian Hargreaves, in his 2008 review of the creative industries in Wales⁵, said that "when devolved administrations have asserted themselves, they have got results", but he also pinpointed the weaknesses of low profile advisory systems.⁶ Similarly, in a lecture in 2010⁷, Geraint Talfan Davies argued that these mechanisms were not always effective "because, in everything that matters, the arrangements are either private or cosmetic or both". Since those strictures were made it has to be said that the S4C Authority has achieved a much higher profile, but for the wrong reasons, while Ofcom's Wales Advisory Committee has

proved particularly active and robust in stating its views. This is in contrast to the BBC's Audience Council for Wales which should be empowered to contribute to public debate as it arises, and not merely within the context of its formal annual review.

However, none of these bodies is resourced in a way that allows them to conduct a detailed and systematic monitoring of media performance and policy in Wales."

The existence of this capacity issue was acknowledged in the report of the Assembly's Task and Finish Group, which also accepted the IWA's view that there was a need for a "permanent media monitoring capacity". The Task and Finish Group said:

"53. We heard concerns that the Welsh Government does not have sufficient capacity to be able to develop a full understanding of the media in Wales, which would allow it to inform media policy for the future. Other concerns raised with us included the lack of a holistic approach and a perception of a lack of joint working across Welsh Government departments e.g. Business Economy and Transport and Heritage.

54. In our view, the Welsh Government has taken a number of positive actions to address these issues, including the establishment of the Creative Industries Sector Panel and its sub-panel on broadcasting, which is intended to advise both the Business and Heritage departments. We feel that the Welsh Government should continue to take steps to improve such joint working.

55. However, given the nature and number of the challenges facing the media in Wales, we feel that there is a need for a mechanism to provide an overarching, strategic direction; to be able to anticipate what the media landscape will look like in future and to inform policy direction accordingly; and to provide expert advice to Welsh Government Ministers.

56. We do not believe that the Welsh Government has the capacity to meet these needs, nor do we believe it is reasonable to expect it to be able to do so, given that powers in these areas are not devolved. For this reason, we believe that an independent advisory forum should be established, to take a strategic, holistic view across all of the media in Wales, and to be able to provide independent policy advice to the Welsh Government and its sector-specific panels. This forum should be established as soon as possible, in consultation with stakeholders across the media sectors, in order to be able to provide advice on a strategic approach to the forthcoming legislative changes, particularly the Communications Bill."

The Group made four recommendations:

"Recommendation 1: The Welsh Government should establish an independent forum to advise on policy in relation to the media in Wales. The forum should draw on expertise from across the media sectors. Its purpose should be to look to the future and to advise on matters across all sections of the media.

Recommendation 2: The Welsh Government should commission a review to map the media needs of the people of Wales. This review should inform media policy across all sectors, including existing and developing technologies.

Recommendation 3: The Welsh Government should ensure that it engages fully and proactively in the Communications Bill process, to ensure that the Bill reflects the needs of Wales.

Recommendation 4: The Welsh Government should continue to strengthen linkages across Government departments to ensure that the maximum benefit, economic and cultural, can be drawn from the media sectors.”

The Welsh Government rejected the first of these recommendations, although it agreed to keep these issues under review. Instead, as referred to above, a Broadcasting Advisory Panel was established under the umbrella of the pre-existing Creative Industries Panel. A small group has been convened, but it is not clear that it has the necessary resource for “a permanent monitoring capacity”, or that it will place information regularly into the public domain to prompt the kind of public debate that would buttress Ministers in pressing the case for Welsh interests at the UK level.

The second recommendation that the media needs of Wales should be mapped systematically, was accepted only in principle. There is no evidence as yet that such an exercise has been commenced.

The Task and Finish Group’s exercise was valuable and deserved to be more influential, but it is indicative of the way in which Assembly members are stretched that it was carried out by only four of the 10 members of the Communities, Equality and Local Government Committee and that it was not permitted to become a standing committee.

Devolving and sharing powers

It is generally recognised that the devolution of powers in this field is not as simple as in the fields of health or education. The broadcasting system in this country is composed almost entirely of UK-wide institutions, mechanisms and products – BBC, ITV, Channel 4, Channel 5, Sky, Ofcom, the licence fee and transmission systems, commercial radio groupings, daily newspapers, as well as international online giants such as Google. Even the First Minister of Scotland, in outlining the independence scenario, has had to give some public reassurance that many of the popular public service broadcasting services would continue north of the border.

We, therefore, start from the proposition that responsibility for broadcasting and media matters needs to be shared. We reject the notion that nothing in this field should be devolved unless everything is devolved.

In his Cymmrodorion lecture⁸ Geraint Talfan Davies described the way in which responsibilities are already shared between different tiers:

“Since 1989 we have been subject to a European Broadcasting Directive, *Television without frontiers*, which sets the legal framework within which television broadcasting in the EU operates. Apart from economic regulation it provides minimum harmonisation on the protection of minors and public order, consumer protection, definition of independent producers and the regulation of tele-shopping. This was amended in the 1997 Treaty of Amsterdam to take account of the emerging new technologies, at which time it stated, to my mind significantly, that the EU had to have regard to the cultural aspects of all policies, and to the need to protect lesser used languages. This legislation was further updated in the 2007 *Audiovisual Media Services Directive*, legislation decided on for the first time by co-decision with the European Parliament.

“In the UK it is true that all formal responsibility resides at Westminster, but the devolved administrations have managed to intrude at various points. The Scottish Government

funds the Gaelic Media Service, which allows it to be the main funder of the BBC Alba channel, contributing nearly £10m to the channel's total budget of around £14m.

"The Welsh Government's Heritage Department supports a Community Radio Fund, dispensed directly, as well as a Welsh language online news franchise, awarded bizarrely by the Welsh Books Council. The BBC National Orchestra of Wales is the only BBC orchestra to be funded by an arts council – the Welsh Government funded Arts Council of Wales. Our Arts Council also funds the Film Agency for Wales, but with the lottery monies that it receives from the DCMS – funding films that often have a broadcast investment attached. In addition, the Welsh Government's Economic Development Department has provided substantial funding for the extension and promotion of the broadband network in Wales.

"In Northern Ireland the 1998 Good Friday Agreement included a commitment – and I quote – "to encourage and provide financial support for Irish language film and television production in Northern Ireland *without adversely affecting English language broadcast provision*". [My italics] As a result the Northern Ireland Government has established an Irish Language Broadcast Fund, that part-funds Irish language programming on BBC services as well as working in collaboration with the RTE and TG4 in the south.

"In parallel with these indigenous funding mechanisms, an informal accountability to the devolved administrations has grown up, largely through the work of their committees, before which assorted broadcasting panjandruns appear and are questioned from time to time, although a good deal more harshly in Scotland than in Wales. The DCMS and the Welsh Government also have a concordat to govern their relationship, although this is said by officials to be 'a backstop rather than a bible'."

Currently no functions have been devolved in the media field under the Broadcasting Acts of 1990 or 1996, or the Communications Act of 2003. The responsible UK Ministry is the Department for Culture Media and Sport. Relationships between the DCMS and the Welsh Government are governed by a concordat, last updated in April 2011. Issues can also be discussed at the Joint Ministerial Committees at which the Ministers of the four nations meet, or at the Four Nations Culture and Sport meetings of officials.

The limitations of the concordat and the other mechanisms were starkly revealed by the exclusion of the Welsh Government (and S4C) from the negotiations between the DCMS and the BBC over a major change to S4C's funding and accountability. This was, incontrovertibly, a breach of the concordat which states in Annex B:

"The Secretary of State will consult the First Minister on broadcasting (television and radio) matters of relevance to Wales, if they:

- relate solely or principally to S4C, the Channel 3 franchisee for Wales and the West, or to the BBC in Wales; or
- impact solely or principally on viewers and listeners in Wales, or on the broadcasting industry in Wales; or
- relate materially to the Welsh language, or to the distinctive culture of Wales."

In the case of the DCMS-BBC negotiation on S4C funding, the concordat was breached on each of the three counts, and compounded by the UK Culture Secretary's refusal to meet with Welsh

political leaders on the issue. Concordats are at their weakest at the very moment when they are most needed.

It is imperative that Welsh Ministers are given a formal locus in these fields. It would encourage UK Ministers to develop a more active relationship with the Welsh Government. It would also ensure that Welsh Ministers ascribe a higher priority to these issues.

A two-stage approach

We approach this task aware that:

- The UK's media environment is far more centralised than many European countries - Germany, Spain and the Netherlands offering sharply contrasting examples;
- Remedying this centralisation must involve not only the devolution of some governmental responsibilities, but also changes in the structures and behaviours of broadcasting organisations and the regulator, Ofcom;
- The rapidity of technological change, particularly the convergence of television and the internet, and the advent of high speed broadband alongside 4G mobile coverage, is making it more difficult for Wales to inject timely influence to shape a media environment to its needs.

Telecommunications issues that have such potential to affect our economic performance are, understandably, now demanding as much if not more ministerial attention than more traditional media concerns. In 2008 the Welsh Government set up a Broadcasting Advisory Group - on a task and finish basis - to give a view on future challenges in media policy. This recommended the establishment of a Welsh Media Commission, as a bilingual multi-media organisation to have oversight of all media in Wales.⁹ Even if desirable, such a solution assumes considerable change across a number of organisations. It is unlikely, therefore, that such a commission would be established without there having been a prior period of devolution of responsibility for some specific broadcasting and media matters. This paper confines itself to those first stages.

Appointments

A start should be made by changing the approach to key appointments. At present when the Chair of S4C or the BBC Trust member for Wales is appointed, there is a degree of consultation with Welsh Ministers. Usually, this involves an official from the Welsh Government sitting on the selection panel. This was also the practice in Scotland, until the passage of the Scotland Act 2012. The new Act states¹⁰, in relation to the appointment of the BBC Trust member for Scotland:

“(1) A Minister of the Crown must not exercise without the agreement of the Scottish Ministers functions relating to selection for a particular appointment by which—

- (a) a person is to become a member of the BBC Trust and hold a Scottish post, or
- (b) an existing member of the Trust is to hold a Scottish post.

(2) “Scottish post” means a position, held as a member of the Trust, with specific reference to Scotland.”

Note that this refers to the *agreement* of Scottish Ministers, rather than mere *consultation*, making it, in effect if not in name, a joint appointment. Although this should ensure much closer liaison between London and Edinburgh, it should be remembered, however, that joint appointment does not necessarily imply formal accountability to both parties.

As an absolute minimum, a similar statutory commitment should be made in respect of the BBC Trust Member for Wales as well as the Chair and Members of the S4C Authority, even if the accountability of both organisations remains unchanged.

In the event of the devolution of responsibility for S4C, appointments to the S4C Authority would be the sole preserve of the Welsh Government.

S4C

In his report on the creative industries in Wales¹¹ Professor Ian Hargreaves argued that the level of public debate about S4C was not in line with its importance both culturally and economically and asked whether this was “a consequence of the fact that S4C is funded and largely regulated from London”. He thought that “the UK authorities involved (Ofcom and DCMS) lack the instinct and self-confidence to animate this uniquely Welsh debate and the Assembly lacks the formal mandate.”

For these reasons, even if for no other, S4C remains the prime candidate for a transfer of responsibility from the DCMS to the Welsh Government. S4C is central to Welsh language policy in Wales. The more it pursues the wider partnerships that are now expected of a public service broadcaster, the more involved it becomes in the delivery and/or promotion of other aspects of that policy. It is at least as totemic in the Welsh psyche as, say, the National Eisteddfod. There must, therefore, be an accountability within Wales.

It is true that licence fee funding for S4C via the BBC Trust complicates the issue, but it also makes the change all the more necessary. When S4C was funded by the DCMS, using a formula that guaranteed RPI increases, S4C was not competing for funding with other broadcasting services. It is inconceivable that that will be the case when the BBC’s cake is divided. The natural tendency of a UK-wide organisation will be to look at total investment in any one part of the UK. Significantly, the Scottish Government is already arguing for an additional investment in Scotland equivalent to the spend on S4C. It is not difficult to imagine this becoming threatening to both Welsh and English language services.

Few in Wales would wish to rely on section 31 of the Public Bodies Act 2011, which states that:

“The Secretary of State shall secure that in 2012 and each subsequent year the Welsh Authority are paid an amount which he considers sufficient to cover the cost to the Authority [of providing and distributing the services].”

In practice the DCMS will neither wish to increase its current £7 million direct spend on S4C, nor to direct the BBC Trust how to spend its money. Indeed, the Chancellor’s 2012 Autumn Statement set out a plan to reduce the figure by 1% in 2013-14 and a further 2% in 2014-15. Transferring the responsibility to the Welsh Government (along with the £7 million, and outside the Barnett formula) would not only place it where it matters, putting it in the hands of people who have to live with the consequences of their decisions, but it would also enhance the accountability of both S4C and the BBC within Wales, making it real rather than cosmetic. Such a transfer of responsibility would also mean that the current periodic appearances of BBC and S4C executives before Assembly

committees would assume much greater importance for both organisations, and that Welsh ministers would have to sharpen their focus on these matters.

This change should be enshrined in any new Communications Act.

BBC

The BBC is the dominant media presence in Wales, in terms of the scope of its services, its news provision, its audience penetration across television, radio and online and its total spend. It has taken considerable strides to decentralise programme production, building new production bases in Glasgow and Manchester and a substantial drama production centre in Cardiff Bay. Yet, in its decision-making the BBC remains a highly centralised organisation that has yet to adjust fully to the new shape of the United Kingdom. It seems still to regard devolution as an event rather than a process.

Within the BBC the apparatus already exists to create a more federalised structure that could allow a greater degree of local decision-making and accountability within each country, while still retaining an essential unity of purpose and values essential to the delivery of its UK-wide services.

Scotland, Wales and Northern Ireland are each equipped with substantial facilities. There is a long tradition of representation at Governor level, and in recent years on the BBC Trust. There is an equally long tradition of advisory bodies in Scotland, Wales and Northern Ireland. Until the creation of the BBC Trust these were known as National Broadcasting Councils and their function was “to control the policy and content” of the radio and television services provided in their respective countries. Although not exercised in a detailed or systematic way, they did provide a backstop power that could be used in extremis. For instance, in Wales in the 1970s it allowed the Broadcasting Council for Wales publicly to argue the case for a Welsh language television channel, although the BBC Board of Governors took a different view.

This power of the National Broadcasting Councils was removed in the recast Royal Charter in 1996. All vestiges of their role disappeared after the creation of the BBC Trust, when the Councils were abolished in favour of Audience Councils that carry out a purely advisory role, largely in private.

These changes ran right against the tide of devolution, and need to be reversed. The BBC should revive the National Broadcasting Councils as National Broadcasting Trusts, working under the umbrella of the BBC Trust, but responsible for all programme and online services created solely for the audiences in their respective countries. This could be done without any change in the responsibility for and management of the BBC’s UK network services.

OFCOM

When OFCOM was established, at the time of the passing of the Communications Act 2003, the then Government resisted the appointment of representatives of the nations on the main OFCOM Board, in accordance with the BBC model, despite representations to that effect from the devolved administrations. However, Section 1 (6) required OFCOM to maintain separate offices in England, Wales, Scotland and Northern Ireland, while Section 3 (4) (1) obliged OFCOM, in discharging its duties, to have regard “to the different interests of persons in the different parts of the United Kingdom, of the different ethnic communities within the United Kingdom and of persons living in rural and in urban areas.” Section 12 (5) required it to appoint representatives from the four countries to its Content Board. Similarly, Section 17 (3) required the appointment of representatives of the four countries to its Consumer Panel. Section 20 (1) also required the appointment of advisory

committees for England, Wales, Scotland and Northern Ireland.

Notwithstanding these provisions, there have been times when OFCOM's central decision making has not seemed to take full account of the strength of opinion. This has been the case on issues relating to both television, particularly the erosion of ITV provision in the nations and regions, and radio.

It is time to revisit the issue of the representation of Scotland, Wales and Northern Ireland on the OFCOM main board. There is no reason why that board should not be constituted on the same lines as the BBC Trust, with appointments made in the same way as we propose for the BBC Trust and the S4C Authority. This would be essential if the BBC is made accountable to OFCOM after the expiry of the current Royal Charter in 2017.

Commercial and community radio provide classic examples of a poor fit between local delivery and centralised regulation. Economic pressures have driven the consolidation of the industry and a concomitant erosion of local provision in many areas, while the transition from FM to DAB transmission has proceeded with scant regard for DAB's inherent unsuitability for Welsh topography. Welsh language provision has struggled to survive outside the margins of programme schedules. At the same time the Welsh Government provides financial support for community radio in Wales, though playing no part in its regulation.

Until recently there was no guaranteed Welsh presence on Ofcom's radio licensing committee. That has changed, but there is no reason why the task should not be entrusted to its Wales-based committee. Ofcom's current Advisory Committee for Wales embodies considerable expertise and would be more than capable of taking on the licensing task as well as developing policy for commercial and community radio that reflects our topography, the relatively small scale of our towns and cities, our communitarian tradition and the needs of Welsh-speakers. There is evidence that commercial owners would welcome the change, obviating the need, as is now the case, to deal with teams in both Cardiff and London.

Upgrading the status of the Ofcom Advisory Committee for Wales would also allow it to play a more active role in developing public debate on Welsh needs in telecommunications, a field in which crucial decisions are likely to be taken in the coming years, some of which will be enshrined in any new Communications Bill. These issues would include:

- Setting coverage targets for 4G mobile phone systems that ensure that Wales remains competitive with the rest of the UK.
- Ensuring competition in rural areas or preventing abuse of a monopoly position.
- Ensuring collaboration on 'roaming' between different mobile providers.
- Preventing the hoarding of spectrum, especially in marginal areas.
- Deciding where the assignment of spectrum might be more appropriate than auction.

Ultimately, the Ofcom Advisory Committee, might provide the core of a Welsh Media Commission.

Accountability processes

Since the establishment of the National Assembly, senior executives, governors and trustees have, from time to time, come before Assembly committees to be subjected to what can only be described as light scrutiny. A combination of excessive courtesy and limited knowledge ensures that the process is not an ordeal. Often this arises because of a dearth of professional analysis, not helped by the fact that tabled annual reports from broadcasters tend to concentrate only on good news. A more direct accountability should be used to ensure a more rigorous assessment of performance.

Summary of conclusions and recommendations

1. That the exclusion of the devolved administrations from any real power in the field of broadcasting and media does not accord with the spirit of devolution, and is no longer justified.
2. That responsibility for broadcasting and media matters needs to be shared between the UK Government and the devolved administrations. We reject the notion that nothing in this field should be devolved unless everything is devolved.
3. That responsibility for S4C should be transferred from the DCMS to the Welsh Government, along with the current DCMS budget of £7 million (but outside the Barnett formula)
4. That the Chair and members of the S4C Authority should be appointed by the relevant Welsh Minister.
5. That the appointment of the Welsh member of the BBC Trust should be subject to the approval of the relevant Welsh Minister – in effect a joint appointment with the DCMS.
6. That the current Audience Councils in Scotland, Wales and Northern Ireland should be replaced by National Broadcasting Trusts, operating under the umbrella of the BBC Trust, and responsible for the policy, content and allocation of resources for all services delivered solely for audiences in their respective countries.
7. That representatives of Scotland, Wales and Northern Ireland should be appointed to the main board of OFCOM, and that their appointment should be subject to the approval of the relevant Ministers in each of the devolved administrations.
8. That responsibility for the development of local and community radio policy and licensing in Wales be transferred to the Ofcom Advisory Committee for Wales, suitably re-named.
9. That responsibility within the Welsh Government for broadcasting and for Welsh language issues should be combined within a single culture portfolio.
10. That civil service support for the future broadcasting functions of the Welsh Government should be combined with the support functions in the creative industries and telecommunications fields.

Notes

- 1 The 11 areas listed in GOWA 2006 are a) archeological remains; b) ancient monuments; c) buildings and places of historical or architectural interest; d) historic wrecks; e) arts and crafts; f) museums and galleries; g) libraries; h) archives and historical records; i) cultural activities and projects relating to Wales; j) sport and recreational activities; k) the Welsh language.
- 2 Davies, Geraint Talfan, *Devolution and broadcasting*. Lecture to the Honourable Society of the Cymmrodorion, 2010. <http://www.clickonwales.org/category/lecture-library> Hargreaves, Ian, *The Heart of digital Wales: a review of the creative industries*. Welsh Assembly Government 2010. <http://wales.gov.uk/docs/det/publications/100324creativeindustriesrpten.pdf>
- 3 IWA Wales Media Policy Group evidence to the National Assembly Task and Finish Group on the future of the media. December 2011. <http://www.clickonwales.org/wp-content/uploads/IWA%20MEDIA%20EVIDENCE%20FINAL.PDF>
- 4 Ibid. p. 45.
- 5 Ibid.
- 6 The same review pointed out that the Welsh Government's lack of mandate with regard to broadcasting diminished its ability to support Wales' creative industries, which are a promising part of the economy, but weak by comparison with most UK regions.
- 7 Ibid.
- 8 Ibid.
- 9 *Communication and Content: The media challenge for Wales*, Report of the Broadcasting Advisory Group to the Welsh Assembly Government, November 2008. See <http://wales.gov.uk/docs/drah/publications/20090730communicationandcontent.pdf>
- 10 Section 16, Scotland Act 2012
- 11 Ibid.