

Devolution and Broadcasting*

Geraint Talfan Davies

I am deeply grateful to the Cymmrodorion for this opportunity to address the Honourable Society for the second time in less than a decade, and this time for an opportunity to do so in Cardiff. I am equally delighted that the Institute of Welsh Affairs has been able to support the event. I also confess to a small frisson at being allowed to speak in this chamber – modest when compared with its successor, but uniquely historic.

It was in March 2001 that I first addressed the Cymmrodorion on the subject of communications in a devolved Wales. At that time the National Assembly was less than two years old, and its first Culture Minister had been in post for less than six months. I outlined the immediate benefits that had accrued to broadcasting as a result of devolution – substantial increases in BBC Wales funding for its own services, and a sharp reduction in the money paid by ITV in Wales to the Treasury – but I suggested and I quote –

that the next decade is going to provide an even stiffer challenge to some of our fundamental assumptions, in the face of the extension of digital broadcasting in television and radio, the convergence of both with telecommunications, the consolidation of ownership in the commercial sector, cross-ownership between print and electronic media, and the already planned consolidation of regulatory bodies. And it will happen in a situation in which broadcasting and telecommunications are not, formally, a devolved responsibility. Wales's 'velvet revolution' – or should I say Welsh flannel revolution – did not involve capturing the radio station.¹

I make no apology for returning to the same themes tonight. There is something fitting about delivering a lecture on broadcasting and devolution in the middle of a General Election campaign. Both politicians and media have other things on their minds, underlining that this is a not, in the normal course of events, a priority issue. It is not likely to turn up on any party's five-point pledge card. It was no surprise to any of us that in the horse-trading on the legislative programme before Parliament was prorogued, clauses crucial to the shape and effectiveness of broadcast news provision in Wales were ditched.

Weary sages will tell us we must bow to the 'inevitable'. But 'inevitable' is a word I have grown to detest, since it encourages a dreadful fatalism in political debate in general, a fatalism that is often exaggerated in Wales, a country that all

*This lecture was delivered at a joint event of the Society and the Institute of Welsh Affairs at Tŷ Hywel, Cardiff, on 14 April 2010, with Professor Stuart Cole in the chair.

1 Geraint Talfan Davies, 'Culture and Communication in a Devolved Wales: The Freedom to Connect', *Transactions of the Honorable Society of the Cymmrodorion* 2001, n.s. 8 (2002).

too often feels itself powerless in the face of economic forces. Understandable, but pernicious.

We are currently witnessing a cataclysmic crisis in a particular rampant mode of capitalism, last seen in the nineteenth century. But was the re-emergence of that mode *inevitable*, or rather, was it not fostered through deliberate and egregious acts of policy over nearly thirty years? Was the consolidation of ownership across swathes of industry, not least our media companies, *inevitable*, or was it a function of the ultra-short-term approach to investment in our financial markets? Was the decline of the ITV business model *inevitable*, or was it the result of the catastrophic mismanagement of the business over a decade? Is our centralised approach to media in the UK *inevitable*, or rather, just a function of centralised power?

Devolution, on the other hand – a transfer of ownership for our problems and their solution – should be the enemy of fatalism. Its best friend is ineffective influence. My case tonight is that it is time we ended the period of ineffective influence on media matters in Wales. It is time we used our existing powers to the full, and reformed our institutions to create a new level of leverage in this field, or suffer the consequences. Pressing reasons for addressing the issue, accumulate by the day. I will mention only some of the top line items.

- At the end of a protracted review of public service broadcasting by the regulator, Ofcom – it started formally in July 2008, but actually goes back to an Ofcom document on digital public service broadcasting published in 2006 – we have still not secured the future of a strong competitive news provision for ITV in Wales. An innovative new idea for delivering news for ITV Wales – admittedly, under the ungainly title of an independently financed news consortium – has brought forward genuinely innovative ideas and powerful groups willing to turn them into reality. Yet this is now dependent on the outcome of the UK General Election.
- The Conservative spokesman on these matters is implacably opposed to the concept. The [Labour] Government has bowed to this opposition and removed the necessary grant of powers to Ofcom from the Digital Economy Bill. There is well-founded speculation that a deal with ITV may yet be stitched together to allow the status quo to continue, albeit allied to yet another round of debilitating cost cutting. An imaginative extension of journalistic capacity in Wales, with potential benefits for television, radio and online, could be traded away for corporate convenience. We need to establish a political consensus in Wales, *across all parties*, to stop this happening.
- Then again, Wales needs a more rounded reflection of itself on television than news alone can provide. Yet we have not managed to rescue general programming in the English language on ITV or to staunch the reduction in spend on the equivalent service from BBC Wales. The continuing attrition of the total English language service for the Wales – BBC and ITV – will see a £25 million real term reduction in the annual spend compared to its

peak provision. Memoranda were written, reports published, not least by the IWA, but in the end the issue was not deemed worthy of any attention let alone support from Lord Carter, the author of *Digital Britain*, an unelected technocrat minister who promptly left the government to pursue his life in digital commerce. He also put to one side the Scottish Broadcasting Commission's proposal for a Scottish Digital Network.

- A two-year review of public service broadcasting by Ofcom concluded without any substantive public discussion of the future of S4C, despite the alarming shrinkage in its audience. Our one autonomous broadcasting institution – an invaluable national asset – is in real peril, but we have yet to see any considered analysis or even recognition of its problems, let alone ideas for solving them.

Ian Hargreaves, a former Ofcom Board member, concluded recently in his review of the creative industries in Wales that the level of public debate about S4C within Wales was not in line with its importance both culturally and economically, and he asked whether this state of affairs was ‘a consequence of the fact that S4C is funded and largely regulated from London’.² In his own words: ‘The UK authorities involved (Ofcom and the DCMS [Department for Culture, Media and Sport]) lack the instinct and self-confidence to animate this uniquely Welsh debate and the Assembly Government lacks the formal mandate.’

- The BBC management has recently carried out a much-vaunted Strategic Review of all its services without once considering the nature and adequacy of its programme services to the smaller nations of the UK – a fact that even the BBC Trust commented on, in its under-stated way, asking ‘whether there could be a clearer vision for the BBC in the individual nations of the UK.’ How could this happen in this devolutionary era? Has the corporation forgotten so soon the wider import of Professor Tony King’s severe strictures on the Anglo-centricity of its network news services?
- In radio, all the FM frequencies currently available for commercial services have been allocated in recent years by an Ofcom committee on which there is no Welsh representation, and without being informed by any formal strategy, private or public, for radio in Wales where topography and scale differ so markedly from England. At the same time, the UK Government has proposed a switchover from FM to DAB, without any consideration of which of the two is most suited to Welsh conditions. UK-based listening and transmission coverage targets could leave radio in Wales high and dry if a wholesale switch to DAB is attempted in 2015.
- In the press, the rate of closure of regional and local newspapers has

2 Ian Hargreaves, *The Heart of Digital Wales: A Review of the Creative Industries for the Welsh Assembly Government* (March 2010) [<http://wales.gov.uk/topics/businessandeconomy/publications/heartofdigitalwales/?lang=en>]

accelerated. In 2001 I bemoaned the fact that the circulation of the *Western Mail*, which once exceeded 100,000, had dropped to 52,000, and the *Daily Post* to 43,000. Today, the *Western Mail* is down to 30,133 and the *Daily Post* down to 32,864 – a further combined drop of 34% in less than a decade. Increasing numbers of communities in Wales are being left without any local paper.

- In online services, even if the UK Government pumps large sums money into extending next-generation online access, the targeted 90% coverage of the UK could equate to only 56% coverage in Wales. There again, the means of providing this access – a small levy on landlines – was also removed from the Finance Bill in the recent horse-trading.

What does this state of affairs tell us? It tells us there is still a mighty agenda for Assembly Government ministers, National Assembly committees and broadcasting institutions to grapple with. Sadly, it tells us, too, 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.

It also tells us that if we continue on the current path we will leave the whole of media and communications policy for Scotland, Wales and Northern Ireland to be decided at the margins of a British debate – dominated by centralised institutions and centralised considerations – that will exhibit neither the will nor the knowledge nor the empathy to generate solutions adequate to our needs and potential. We have to seek to change the nature of those institutions and to change our own approach.

If anyone is unpersuaded, I would just ask them to study Ian Hargreaves's review – one of the most trenchant reports on the workings of any area of Assembly Government policy. He describes a creative industries strategy that, while well-intentioned, in practice has not worked, a failure to bring cultural and economic considerations together and, in the broadcast context, the 'less than robust' accountability of our public service broadcasters.

He reminds us that 'Wales is dominated by two publicly funded broadcasters, BBC Wales and S4C, both of which receive their funding through arrangements determined and administered in London.'³ He also reminds us that 'when devolved administrations have asserted themselves, they have got results',⁴ although he also pinpoints weaknesses: 'the *relatively low profile* of the S4C Authority', a BBC Audience Council that has '*relatively little profile* outside the BBC', and the fact that 'Ofcom's decisions have been seen as *insufficiently sensitive* to the Welsh perspective and [that] there is *scope to develop further* the voice of its Welsh Advisory Committee.'⁵ As for ITV, he says that it 'has its own, *low-key within-Wales mechanism* for assessing audience views'. I recall that years ago an American consultant I worked with in ITV dismissed such bodies as the 'once-a-month-for-lunch-bunch' – a little unfair, but you know what he meant.

3 Ibid, p. 27.

4 Ibid, p. 33.

5 Ibid, p. 28. Italics added.

I do not wish to put words into Ian's mouth, but the report can be read as an only lightly coded plea for the devolution of power in this field, and this from a knowledgeable and intelligent commentator, who knows Wales and knows broadcasting and broadcast regulation from the inside. Ian has been a London newspaper editor, headed news and current affairs within the BBC, and been both a senior executive and Board member at Ofcom. His advice deserves close attention.

The Hargreaves proposals for a broadly-based Digital Wales Board, set above a Creative Industries Board and executive hub, provide us with a way forward that falls within current Assembly powers and that could be implemented quickly. They would stand a much better chance of delivering coherent and effective strategies, and should maintain a focus on the big picture while also delivering the knowledge, expertise and tailored support needed by the various sub-sectors. Properly constituted, they would also deliver an industrial intelligence capacity that could point Assembly Ministers, in a timely fashion, towards priorities for policy development.

The Assembly Government's initial response has been positive, but we know that in implementation there is many a slip 'twixt cup and lip. The coming months will be a test of whether the Assembly machine can respond with imagination and decisiveness to proposals that necessarily cut across departmental boundaries, or whether narrow competing interests will whittle them away. An Assembly Government that has put so much store by sharing and collaboration by other public bodies should demonstrate that it can apply the same medicine within its own structures.

In the communications field, a Digital Wales Board and Creative Industries Board would not be operating in a vacuum. We are not exactly short of bodies. We have a Heritage Department of the Assembly Government, with oversight of broadcasting and media, but no formal responsibility, while the Assembly itself marshals a Culture and Communities Committee. Both have made valiant forays into the field, but both lack the human resource – either within the civil service, or the Assembly's hard-pressed forty-five backbench members – to sustain forensic analysis of a fast-moving scene, let alone to develop the necessary foresight to anticipate and shape developments.

Ofcom in Wales has a staff of eight, and an Advisory Council of eight. S4C is an independent Authority of nine members, supervising a management board of eight, that includes one non-executive member. The BBC in Wales has its nine-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 ten-person Audience Council for Wales. ITV Wales also has its eight-person Advisory Council. Similar bodies exist in Scotland and Northern Ireland.

Given all this apparatus, why on earth is our influence not more effective? I suggest that it is because, in everything that matters, the arrangements are either private or cosmetic or both. It is the inescapable condition of advisory bodies that there will be times when their advice will not be taken. Unless they are peopled

by remarkably robust, not to say awkward or cunning people, large centralised organisations can eat them for breakfast.

Over the decades we have seen lots of instances when Welsh and Scottish advice has not been taken. The growth of broadcasting in and for Wales has always been one of struggle against technological and administrative convenience, a pattern established by the authoritarian paternalism of Lord Reith, who in his diary bemoaned ‘the everlasting Welsh trouble’.⁶ I suggest that never has the need for struggle been greater than today.

If we are to carry more clout in future we have to start thinking *now* what devolution in broadcasting might mean in detail, for power in different places and institutions, and the plumbing and wiring needed to overcome the fragmentation of the status quo and make the system as a whole work better. This should be a priority task in any remit given by the Welsh Cabinet to a Digital Wales Board. And in doing so, two key dates will have to be borne in mind – 2014, when the current ITV licences expire and 2016, by which time the BBC’s Royal Charter has to be renewed, remembering that influencing the outcome will require early interventions not rearguard actions nearer the time. The next few years represent a window of opportunity in which the smaller nations of the UK can attempt to redress the balance of power in British broadcasting, and in ways that might even assist the regions of England to get a better deal.

But first we have to scotch a number of canards: first, that nothing can be done, that all broadcasting has to be run and regulated from the centre; second, that it has to be all or nothing, that if you cannot devolve it all, then you had better devolve nothing; third, that this is tantamount to breaking up the UK.

My starting point is that UK-based regulation should and will remain the main force in the regulation of every part of the country. We have to re-cut the jigsaw into different shapes, but it will remain a UK jigsaw. Given the porosity of Wales, to UK radio and television services, public and commercial, and to London newspapers, the capacity of regulation in England to deliver public goods is crucial to our own cultural environment here in Wales. For instance, if it were ever decided to lift the requirement for impartiality in broadcasting, so as to allow partisan media to develop, it would do just as much harm to our civic culture in Wales as in England, whatever the distribution of powers.

This is not about parcelling up regulation and posting it lock stock and barrel from London to Cardiff, Edinburgh and Belfast. It is about a sensible sharing – and the fact is that responsibility for broadcasting is already shared between many 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

6 Quoted in John Davies, *Broadcasting and the BBC in Wales* (Cardiff: University of Wales Press, 1994), p. 70.

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 £10 million to the channel's total budget of around £14 million.

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 panjandrums 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’.

There is no way that a devolved administration can walk away either from traditional broadcasting or from the future of public service content in a different technological environment. Why did the Scottish Government establish a Scottish Broadcasting Commission, and the Welsh Government a Broadcasting Advisory Group? It was because culture is more central to our lives than superficial debate allows. It goes to the core of what makes any society or nation unique. A robust culture contributes to our economic wellbeing, but also works on the human spirit: providing jobs, driving creativity, inspiring, comforting and challenging individuals, and even, or especially in difficult times, supporting social cohesion in the face of poverty and inequality.

And broadcasting is central to our culture. It remains the most powerful all-pervading cultural force in our daily existence. A culture that does not take it into account or have the capacity to shape it has a hole in the middle. And yet that is what we have. On the one hand, the 1998 Government of Wales Act implicitly recognised the importance of culture when it gave the National Assembly very

broad powers in the cultural field. It stated that the Assembly ‘may do anything it considers appropriate to support’ among other things ‘the arts, crafts, sport, or other cultural or recreational activities’.⁷ But at the same time, it gave the National Assembly no explicit power in media matters to act as a lever.

Despite the Scottish Parliament’s greater powers, Scottish proposals for change have been brushed aside just as easily. Scotland fared no better than Wales in the *Digital Britain* outcome, while the Calman Commission on the future powers of the Scottish Parliament walked right around the broadcasting issue, relying on the report of the Scottish Broadcasting Commission that had understandably fought shy of the broader devolution issue in the hope – vain as it proved – of winning the more practical prize of a Scottish Digital Network.

Can we imagine, or could a Digital Wales Board start to scope for us, a different institutional map in the communications field that would stand a better chance of delivering different outcomes? Let’s look at some of our existing institutions.

Can we imagine a different ITV? In the case of ITV plc we are, of course, dealing with a commercial entity rather than a public authority, albeit one that has a licence to broadcast on Channel 3, a licence which embodies an anachronistic linkage with the West of England. Unlike Scotland and Northern Ireland, we do not have our own indigenous ITV company. ITV Wales is a branch office of ITV plc which covers the whole of England and Wales. For a decade, its Wales-based management were not accorded the seniority to make any difference to company policy. Despite a wholly committed staff in Culverhouse Cross, we saw the slow atrophy of the ITV service for Wales, from a peak of twelve hours a week to the current five and half, of which all but ninety minutes are news.

The ITV licences expire in 2014. We do not yet know whether or how they will be replaced or renewed, but we do know that the Digital Economy Bill allows Ofcom, for the first time, to create single licences for the whole of Scotland and the whole of England. Wales is not mentioned in this part of the Bill, but a single licence for England surely implies, by default, a single licence for Wales. It is something that we should insist upon, since not to do so will probably mean not the continuation of a link with the West of England, but absorption into a single England and Wales licence.

Single licences for Scotland, Wales and Northern Ireland could be a bulwark against the three smaller nations becoming insignificant branches of a single ITV company – a company that would, when next under financial pressure, be certain to reactivate its hand-wringing complaints about the burden of its public service obligations, even if by then they are little more than vestigial. The tendering of a new licence for Wales would also hold out at least the possibility – I put it no higher than that – of ownership (perhaps not exclusively Welsh) that would have a vested interest in the success of the licence rather than a vested interest in its failure. In this, as in all other change, there is a need to ensure that it runs with and not against the grain of devolution.

The Scottish, Welsh and Northern Irish Governments would do well to make

7 *Government of Wales Act 1998*, Section 32, d.

it clear, at the earliest possible date, that the creation of a single ITV licence for the whole of the UK would be unacceptable.

What of the other half of the old duopoly, the BBC? Can we imagine a different BBC? The BBC response to devolution has been serious, considered and, at one and the same time, both far-reaching and limited. On the one hand, it spent money in the early years of devolution allowing news teams in Scotland and Wales, and, later, Northern Ireland, to respond to the necessity of reporting the new institutions. On the other hand, in its network news output, despite much internal exhortation, it failed to adjust, culminating in Professor Anthony King's excoriating report.

It was further evidence that the very size of the BBC dictates that much can fall through the cracks on the long staircase between its leaders and lower tiers of decision makers. Good policy intentions can be trumped by the intense pressures on hard-pressed news editors, or the constant fear that afflicts highly competitive programme commissioners. It is not easy to keep at the forefront of one's mind 'a faraway people of whom we know little' while swept up into the political and cultural whirlwind of a world city.

Significantly, post-devolution, and to its eternal credit, the BBC set about a radical decentralisation of network production, and BBC Wales management under Menna Richards has capitalised on this with great success and panache. The BBC has built major new production centres in Glasgow and Manchester, and will soon start construction on a drama production village in Cardiff Bay. This has been a sincere commitment that deserves applause, but which may also require a resolve on the part of the Welsh Government to ensure that the commitment is fully honoured whatever financial pressure might be exerted on the BBC in the coming years.

A much tougher nut to crack will be what is known in BBC jargon as portrayal, the achievement of a more constant, authentic reflection of Welsh people and perspectives in UK network drama, factual and arts programming. At least this is receiving some attention, though mainly internal. But it probably needs the cultural equivalent of Professor Anthony King to cast an imaginative external eye on the issue so that the answer can lie, not in another box to tick, but in a new treasure chest of opportunities to open.

But it is time we turned our attention to the great undiscussed issue – the BBC services made specifically for Wales. It is as if these are now beyond debate, set in concrete, with no prospect for change other than the slow twist of the financial tourniquet. But since it is the BBC Trust itself that has asked for a clearer vision for the BBC in the individual nations of the UK, let me set out a context in which a new dispensation might be set.⁸

I am conscious that there cannot be a worse climate in which to raise this question. Some might even regard it as quixotic to do so. But, as I have argued elsewhere, 'The challenge for government is not so much how to enlarge the cake, but rather how to rebalance British broadcasting as a whole across the nations.'⁹ And the imbalance is startling.

8 *BBC Strategic Review*, March 2010, p. viii.

9 Geraint Talfan Davies (ed.), *English is a Welsh Language: Television's Crisis in Wales* (Cardiff: Institute of Welsh Affairs, 2009), p. 14.

In UK network programming in 2007, out of 16,585 hours of programmes produced by just five public service channels, only 413 hours (2.5%) were made outside England.¹⁰ We know that the BBC is seeking to address this at the network level. But by what measure should we judge expenditure on the services made for Wales and for the other smaller nations?

If you look at the service licences that the BBC Trust is obliged to issue you will see that the total spend on the BBC's four main UK television services, plus channels for children news and Parliament, is £1.814 billion. The spend on the BBC Wales English language service is slightly more than £23 million, less than 1.3% of the UK spend. Another 1.4% is spent on BBC programmes for S4C. In radio we do rather better, with Radio Wales representing 5.1% and Radio Cymru 4.8% of the BBC spend on UK radio services.

It is not my task here to set out the case for a fuller service for Wales – the Institute of Welsh Affairs has done that in a volume that we published last year. But just for the purpose of underlining the practical importance of the governance issue, it is worth planting a pole in the ground and saying that, whatever the virtues of current programming, the television service for Wales in the English language is painfully inadequate in volume and range. It is inadequate to reflect the complexity and vitality of Welsh society, and it is de-stabilising also of the dispensation in the Welsh language. It will not change while we have a governance system in which Wales has to rely on the workings of an advisory body – the Audience Council – that is only rarely glimpsed above the parapet.

This is not a new debate. During negotiations on the renewal of the BBC's Charter in 1996 there was a vigorous debate on the future of the National Broadcasting Councils that were established in 1953. It was in 1996 that the Councils lost their formal power 'to control the policy and content of the services provided in the respective countries'. In truth, this bold remit had lain dormant for most of the time, less a mission than a deterrent. But in the 1970s it did provide cover for public pronouncements by the Broadcasting Council for Wales on a Welsh fourth channel, at a time when those views ran directly counter to the views of the Board of Governors.

However, in 1996 the Broadcasting Councils were given rather more specific and useful rights and responsibilities. Not only were they charged with 'monitoring the programmes or services broadcast or transmitted in that country', but they were also 'to *assist* the Corporation in *deciding* issues... that is to say the formulation of the objectives of the corporation for programmes and services specifically aimed at audiences in [that] country, the allocation of funding between different programme genres and services, and any significant change to the resources in that country for making such programmes and providing such services'. However, they were never adequately resourced to carry out that task.

Move on ten years, and the perplexing fact is that in the very decade of democratic devolution, the 2006 Charter embodying the newly formed BBC Trust managed to *reduce* the influence of the nations, by replacing their National Broadcasting Councils with Audience Councils. Proposals for something more red-blooded were

quickly buried. It was a mistake. The results can be judged by reading the annual reports for 2008-9 of the Audience Councils for Scotland, Wales and North Ireland. As the representatives of three distinct nations set out their priorities for the year ahead, they managed to do so in identical wording, as if guided by some magic central hand. It won't do.

It is surely not difficult to imagine a different shape to the BBC. For instance, the BBC Audience Councils for Wales, Scotland and Northern Ireland could be replaced by fully fledged BBC Trusts for each nation – for example, a BBC Trust Wales, with its own staff, a set of specific deliberative functions, and appointed by the Welsh Heritage Minister (a principle that the Calman Commission endorsed in Scotland).

It could be responsible for defining a national service licence for the BBC in Wales that would encompass all its programme and online services, as well as the BBC National Orchestra of Wales, and for allocating funds between those services. That national service licence could be funded by a block grant determined not by BBC management but taken directly from the licence fee on the basis of a formula endorsed by both the UK Government and the devolved administrations. Such real responsibilities would require a different skillset amongst members, but they would stand a far better chance of being listened to on the other matters on which the Audience Councils are currently consulted. It would be a powerful re-balancing of authority and would provide a much stronger basis for accountability within Wales.

What of Wales's other public service broadcaster, S4C? To answer this question, I'm afraid that a preamble is necessary, such are the sensitivities. So, for the avoidance of doubt, my own conviction is that the continuation of the Welsh language television service is wholly necessary and fully justified. Echoing the language of the arts debate, it has an *intrinsic* value as a vital contemporary expression of one of the great historic languages of these islands and a reflection of a living culture; it has an *instrumental* value in education and the economy which is already substantial and could yet be enhanced; and S4C has an *institutional* value in its role as a powerful autonomous Welsh organisation.

That said, there is a danger in making defence of the status quo the starting point. In the wake of recent publicity for some undigested data suggesting poor audience figures for S4C programmes, the cover of the weekly Welsh language magazine *Golwg* carried the headline '...Rhag pob brad' ('...Against all treason'), a deliberate echo of the rhetoric of the 1970s, and one calculated to close down debate. Such reactions are both depressing and counter-productive.

As Ian Hargreaves said in his report, 'In a period when every aspect of the future of ITV, Channel 4, Channel 5 and the BBC has been subject to detailed debate and indeed party political controversy in the UK, the debate about S4C has been subdued, tending to lurch between spasmodic interventions questioning the basis on which the channel operates, and silence.' He acknowledged that there were genuine risks, but added that 'they cannot be allowed to stifle debate'.

The bigger threat is not a pack of seemingly rabid but actually uncaring London newspapers, but rather any suggestion of a state of nervous fright on the part of S4C's friends, and, dare I suggest, the S4C Authority itself. The Authority's

coyness during the recent review of public service broadcasting has not served it well. It irritated politicians, damaged its relationship with its biggest supplier, the BBC, lost many friends, and, perhaps inadvertently, opened up a debate about itself that it was not ready to pursue.

It could have steered a different course. For instance, it would have been in its own interest to have supported the case for a better dispensation in the English language, as well as defending the Welsh language service, recognising that in the long run S4C cannot survive as a single watered palm in a surrounding desert. As an autonomous institution it was ideally placed to win friends by presenting an inclusive national case for Wales, but it chose not to do so. A lost opportunity.

Be that as it may, let us acknowledge the sheer difficulty of the task that S4C faces: the proliferation of competing channels, the convergence of television and online, the emergence of on-demand services, the tensions of having to serve a dumbbell-shaped linguistic community, weighted at one end by older traditional viewers and at the other by young people with vastly different tastes and habits, and notoriously hard to pin down. These multifarious challenges would tax any broadcasting organisation. Such complexity argues not for silence but for more open debate on fundamentals.

The Hargreaves report, which underlined the economic value of S4C, called for a review initiated either by the DCMS or, preferably, the Assembly Government. Such a review has to start with the audience, by means of a thorough, objective and public analysis of S4C's existing and potential audience, for it is only by succeeding first as a broadcaster that S4C can continue to contribute to the economy and defend itself on those necessarily *ancillary* grounds. Only by being open about this will S4C avoid the kind of statistical ambush that it has suffered in recent times.

Is there an issue of channel performance – as a result of commissioning or scheduling failures – or are we dealing with unrealistic expectations in terms of audience numbers? What are the appropriate comparators – mass channels or niche channels, or indigenous language services in Scotland or Ireland? What would be a realistic audience target?

Then there is context. We cannot conduct the argument as if we were dealing with the four-channel environment that obtained when S4C was launched in 1982. Ron Jones, Executive Chairman of Tinopolis, and one of the channel's main suppliers, seemed to emphasise this point in a thoughtful article in the Welsh language current affairs magazine, *Barn* ('Opinion'), recently when he said that 'each generation in its turn must defend the channel and the language on the basis of contemporary needs and contexts.'¹¹ He argued for a tighter focus on avowedly public service content, for more news-based output, current affairs, events and sport, together with a switch of investment from television programming to online services. He also claimed that the average age of the audience was 'uncomfortably high', and that 'a number of our institutions and Welsh medium services have been hijacked for the benefit of a small number'. The channel, he said, had to reach out to all.

But what is the right solution for the S4C service in a multi-channel, red-button world where, for example, S4C itself offers the choice of a Welsh or English

11 Ron Jones, 'Sianel Pawb Neu Sianel Neb', *Barn*, 567 (April 2010).

language commentary on rugby games, and BBC Wales does likewise on its own channels? Many interpreted S4C's offer to get involved in the tendering of English language news for ITV as a long-term wish to claim a foothold in English language programming. Was this a sign of doubt about the ability of an exclusively Welsh language service to hold its own? Would the inclusion of some English language output, from a third party provider, even from BBC Wales, actually increase the audience for the Welsh language output? Or are we to regard the delivery of a single-language channel as a point of principle that should be adhered to even at some cost in audience numbers for Welsh language programmes?

Everyone is sensitive to the fact that these issues can generate much heat. That is why we should be careful not to conflate too many things, and to be precise about what it is that we are criticising or defending – is it the S4C service, or the channel, or its funding, or its management board or its regulator, the S4C Authority? These are not necessarily indivisible. But surely we can agree that institutional objectives must be subservient to the central objective of maximising the audience for Welsh language programmes.

There are other institutional issues, too. Naturally, any review must re-examine the content and scale of the BBC's contribution to S4C, the nature of the partnership between the two organisations, and the further opportunities for collaboration between them in order to achieve a more cost-effective and more mutually beneficial outcome – and by this I most definitely do not mean merger.

And then there is governance. There are good grounds for thinking that there is too little distance between the Authority and management board to guarantee the right level of scrutiny, and that the relationship should be adjusted to become more akin to that between the BBC Trust and BBC Executive.

Whatever the answer to all these questions, the debate upon them has to take place in Wales, not on the edge of Trafalgar Square in the offices of the DCMS or in Ofcom's redoubt on the bank of the Thames. It has to be placed in the context of the Assembly Government's wider policies for the Welsh language, and for our cultural and economic development. And we have to take responsibility for the outcome.

That is the reason why, I believe, that the responsibility for S4C *and its funding* has to be transferred to the Welsh Government. The time has long since gone when we sent three wise men to parley with ministers in Whitehall. We have the means for democratic debate here at home, and we should use it, not fear it. If we continue to shy away from that responsibility it will have wider consequences, for we will forfeit the credibility needed to prosecute our case on many other parts of the communications agenda.

And there are more positive reasons, too. The S4C Authority (not its management board) could well form the core of a new Welsh Communications Commission with a wider remit to develop the Welsh voice across all media. This has sometimes been called a Welsh Media Commission,¹² but perhaps Communications Commission is a more apposite title, given that it would, increasingly, have to deal with a broadband world and growing digital content, as well as needing to dovetail with

12 *Communication and Content: The Media Challenge for Wales*, Broadcasting Advisory Group, Welsh Assembly Government, 2008.

a revised structure and remit for the UK regulator, Ofcom. It might presage a more federated communications regime within the UK, in which Wales, Scotland and Northern Ireland would enjoy effective autonomy in defined areas and, as a result, the means for greater influence in the necessary UK structures and debates.

Much work will need to be done to work out in detail the necessary boundaries and multiple linkages between the DCMS, the Welsh Government, Ofcom, a Welsh Communications Commission, and the Digital Wales and Creative Industries boards proposed by Ian Hargreaves – and, of course, to eliminate wasteful duplication.

It has not been my intention in this lecture to advance a detailed plan to be defended against all-comers, but I do hope I have said enough to persuade you that it is possible to imagine something very different from the status quo, something both achievable and equitable that will guarantee that the Welsh voice is not lost in the clash of big battalions.

We are at a pivotal moment in the development of communications. The transition to terrestrial digital transmission has been completed in Wales, the beginnings of next-generation broadband access are being laid, the development of mobile services is accelerating, true convergence of broadcast and broadband is upon us, the challenge to linear systems from non-linear on-demand services is growing – and at the same time public service provision outside the BBC has been slipping away, while the challenge to the BBC itself and to S4C is intensified. All the while, new media are showing a great capacity for innovation, although struggling to find viable business models.

In all this, the Welsh voice is terribly vulnerable. Its defence has to become a central concern for the Welsh Government and society. Time is short.