

FREE Press

No. 113, November-December 1999

£1

Journal of the Campaign for Press and Broadcasting Freedom

**RIGHT-TO-KNOW
BILL DEEPLY FLAWED**

**CURBS ON LOCAL
GOVERNMENT INFO**

**STATE POWERS OF
SURVEILLANCE**

BLOWS AGAINST MEDIA FREEDOM

THERE are some worrying proposals in the government's legislative programme which will have a direct impact on the ability of journalists to investigate and report.

The most prominent example is the Freedom of Information Bill. It has 13 pages of exemptions and in the re-written clauses there is a 'catch-all' clause 34 which places power to prevent the release of information firmly in the hands of cabinet ministers and other designated bodies. The clause will prevent the disclosure of anything that would or 'would be likely to, inhibit the free and frank provision of advice or exchange of views'. It also prevents any disclosure which 'would otherwise prejudice, or would be likely to prejudice, the effective conduct of public affairs'. This applies to government, parliament and all public bodies.

The bill also confirms the weakened role of the Information Commissioner who will not be able to override ministers to force disclosure in the public interest. The bill does include some concessions the Home Secretary promised earlier this year, including releasing information held on accidents, provided there are no criminal inquiries under way. However it remains a deeply disappointing bill because it doesn't start from the basic principles which should shape freedom of information legislation.

Put simply, true freedom of information legislation should give the press and public the information we request speedily and with the minimum of hurdles. The only exemption to this would be if the information requested caused substantial harm. The

arbiter for this test should not be government ministers, but a strong, independent Information Commissioner with the powers to enforce disclosure of information.

The bill has been drafted to ensure that these principles are neutered. We have to make sure that the maximum pressure is exerted to get drastic changes in the Bill and we urge CPBF members to give priority to writing to MPs to express concerns about the bill, and to ask MPs how they intend to vote. Readers should also use the Campaign for Freedom of Information's web site (www.cfoi.org.uk) to get a fuller briefing on the issues.

Other pieces of legislation should also concern us. A combination of the Freedom of Information and Local Government Bills

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could result in the exclusion of the press and public from policy formation and decision making at a local government level. The government is planning to move away from the current position where local government decision-taking is open to the public view, and institute a new regime for elected mayors and cabinet-style local government where discussions and decisions take place in secret. Only retrospectively would the public know about the decision. Such a change would undermine

the press and the public's legal rights of access to local government meetings.

One or two local papers have woken up to the threat to access to information at local level. The News, Portsmouth has launched a campaign against Portsmouth city council's plans to adopt Downing Street-style cabinet government. The News editor, Geoff Elliott, in a strong leader condemning the proposed changes, wrote, 'Under the new system, the first we shall hear of a decision is when the cabinet announces it. This proposal is wrong, anti-democratic and must be stopped.'

Two other bills could also increase the state's control over investigation and reporting. The proposed new anti-terrorism law will widen the definition of terrorism so that the media could be caught under new incitement offences. Press officers for campaigning groups organising protests could become more vulnerable to legal action, or journalists covering demonstrations where violence erupts or property is damaged could face the risk of conspiracy charges.

And finally in this grim catalogue of threats to, or erosions of, media freedom there is the Regulation of Investigatory Powers Bill which will give new powers to intelligence and law enforcement agencies to tap the private telephone networks and internal e-mail systems of newspapers and broadcasters. Of course, such proposed legislation is likely to clash with Article 10 of the European Convention which protects journalists' sources, and we'll have to wait and see how the government proposes to deal with this.

PCC gets tough – really

THE PRESS Complaints Commission has issued a reprimand of unprecedented severity against a local paper for its racist reporting of refugees in the town. The Folkestone Herald was censured for its use of a false picture illustrating a story headed "The Frontline in Folkestone" on May 20.

In delivering its verdict the PCC issued a stern warning: "The Commission took the opportunity to remind editors of their responsibilities in covering such topics and of the danger that inaccurate or misleading reporting

refugees after a fight, but did not say who had attacked who or why.

Quotes were from anonymous residents. The "owner of a takeaway" says: "These are not genuine asylum seekers. They're like the Mafia and their own countries must be glad to see the back of them. I've had mail fished out of my letter box and my customers have their own stories of cars being broken into and burglaries. There are reports of refugees carrying iron bars around with them."

None of this was substantiated and there were no balancing quotes. Prejudiced opinions without proof were treated as facts. This was another example: "Only last week a woman put a perfectly good fridge-freezer outside her house for collection by a house clearance specialist. It had gone inside ten minutes". (Why then did she put the thing out?)

The page carried an editorial declaring: "We must fight censors and stand up for the views of ordinary people ... Will no one stand up and say that the ordinary man and woman in the street should not be subjected to this scavenging, petty crime, violence and social benefit scrounging?"

"It's easy for the bleeding-heart liberals to mouth comforting platitudes, but they don't live on the frontline in Folkestone."

The language employed – "frontline, Mafia, crime, scrounging" – is typical of that used by racists to smear

immigrants.

The PCC finding is significant as the first it has made on racist reporting. The former Press Council, before its abolition in 1990, had begun to take a tough line after receiving many complaints, but the PCC not until now responded to pressure from the NUJ Black Members Council and anti-racist organisations to follow suit.

There is plenty of this kind of reporting, if a little more sophisticated, in the national tabloid press. Its effect has been to whip up opinion to justify progressively more restrictive immigration laws and progressively harsh treatment of refugees and asylum seekers in the UK.

Will the PCC now condemn the Daily Mail or the Sun?

Project will seek fairness for asylum seekers

THE media ethics body, Press Wise, has launched a new project, RAM, to develop strategies that will assist refugees, asylum-seekers, and organisations working with them in Europe, to obtain fair and accurate representation in the mass media.

The project has been developed in consultation with the European Council for Refugees and Exiles, the UK Refugee Council, the International Federation of Journalists and the Diversity-Online Project, among others.

The project grew out of the growing number of complaints from individuals and NGOs about the use of pejorative language, misleading and inaccurate statistics and the generally prejudicial tone of media coverage of refugees and asylum seekers in the UK.

Full details of the project, and reports of a consultation meeting to help shape it, can be found on the new, relaunched PressWise website: www.presswise.org.uk/RAM.htm

The project grew out of complaints about pejorative language, misleading statistics and the prejudicial tone of coverage of refugees and asylum seekers

BBC World Service: last outpost of empire

THE BBC World Service claims a reputation for accurate and impartial news in a world riven with ethnic and nationalist hatred. It is a pity that the unions have had to start a campaign to reverse the racist and colonial way the foreign staff are treated.

Managers have been operating what they call a "fresh blood" policy – a euphemism for sacking journalists who recruited from overseas at the end of their four-year contracts and replacing them with new recruits.

Everywhere else in the BBC – and it is the largest employer of journalists in the world, with more than 2,000 on the payroll – journalists would be entitled to a permanent job after four years. The unions challenged the policy with the Home Office, which ruled

Silcott: scandal Mail ignores

IN mid-November the Metropolitan Police agreed to pay Winston Silcott, in an out-of-court settlement, £50,000 damages for malicious prosecution.

Silcott's solicitor, Tony Murphy, said the payment was made because the Metropolitan Police were 'desperate to avoid a trial.'

Put simply, the police were willing to pay a large sum of money, rather than defend themselves in court against the charge that they had fitted up Winston Silcott for the horrific murder of PC Blakelock.

Immediately after this news, papers like the Daily Mail gave prominence to stories from the colleagues and family of PC Blakelock, murdered in the 1985 Broadwater Farm riots, about their anger at the payment.

However the background to the murder, the trial of suspects and subsequent acquittals is a disturbing story of police corruption, miscarriage of justice and racist reporting by the media.

The image of Winston Silcott blazoned across the front pages in 1985 was of 'the face of evil' and 'the beast of Broadwater Farm'.

A photo was taken of him after he was dragged out of his cell and his arms pinioned to his sides.

The picture was then issued to the media for them to use as they saw fit.

The Sun promptly published it, in blatant disregard of legal constraints under the headline, 'First picture in machete death case'. Over the years it is this image of Silcott, reinforced by press and police comments, which has remained etched in the public's

perception in spite of the fact that in 1991 the Court of Appeal cleared Silcott of the killing of PC Blakelock.

The conviction was deemed unsafe when a handwriting expert testified that the key incriminating pages of interview notes – including admissions Silcott has always denied making – were added later.

Any evidence linking Silcott to the Broadwater Farm riots and killing is poor to non-existent. No item of forensic evidence linked him with the murder, and he is not on any of the 1,000 pictures taken during the riot.

The murder for which Silcott was convicted is also far from clear-cut. A doorman told police in a statement not heard at the trial, 'Between you and me, the dead guy caused it all. He came in with a knife and cut Sticks (Silcott) and Sticks defended himself.' Silcott was allowed out on bail – unusual in a murder case, and might have expected conviction on the lesser charge of manslaughter.

It was in accordance with the bail conditions that he was signing on at a police station at 7.15pm, when the riot was under way. The police say he signed on at 6.00pm but the book had been 'misplaced'. It has never been found.

Winston Silcott is painfully aware that he is a victim of racist stereotyping in the media. Demonised by sections of the press at the time of his arrest, and since, the time has surely come to recognise that this shameful episode should be brought to an end with his early release from prison.

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written by British journalists ignorant of the countries concerned.

"It is the last outpost of empire", says NUJ Deputy General Secretary John Fray. "It is institutionalised discrimination against these journalists just because they are foreign."

Work permits for the UK are restricted to one employer, so when the journalists are dumped by the BBC they cannot take other jobs. But for some it is dangerous to return home: working for the BBC may be politically inimical to their governments and they could face harassment, arrest or worse. The NUJ has had cases where journalists sacked by the World Service have been granted political asylum – not something the Home Office gives away easily.

The new campaign aims to get Bush

journalists employed on the same terms as elsewhere in the BBC, and to establish managements for the language services that are sensitive to staff.

A series of Industrial Tribunal cases alleging racial discrimination are being brought by journalists in the Arabic Service – the biggest and one of the most discriminatory. Some cases have failed, but one did succeed, and as a result ten colleagues were given permanent jobs.

The Father of the NUJ Chapel, Adli Hawwari, has been subjected to constant harassment by managers. He was demoted from his job as business editor to work as a translator—even after being elected to represent World Service staff on the BBC Forum (a kind of staff association with no powers).

by MAITHW ADAMS

RADING her old in her arms, a beggar appears desperate and stitute.

Sympathetic passers-grace her palm with they as she asks for 'p'.

Let this woman is not a grant with nothing to she is an illegal migrant from Romania.

she is supported by £500 each month from Sunsex Insurpayer. And she is one of tens in the same situation.

The woman arrived in UK on October 2 with her husband and four children, stowed away on a ferry to Newhaven. She managed State-funded 'legal' Her plea was not.

The family have been on Home Office mission to stay in the until April next year. Now they are looking and to five months of return from prosecution, in privately rented accommodation in 'boom', at a cost of £10 a month paid directly the landlord.

The family are also paid £140 a week for 'ad'.

Three of the woman's children could find themselves in the streets within two weeks. The fourth, aged is beyond school age, do still the woman es to the streets in her nine-year-old 'gher to beg for more

Angry Social services chiefs say and her family.

Taxpayers pay out £1,000 a month for this woman but still she begs on the streets



How the Brighton Argus greeted refugees in 1998

may generate an atmosphere of fear and hostility which is not borne out by the facts".

The Folkestone Herald and its sister paper the Dover Express, both owned by Kent Regional Newspapers, have been heavily criticised for the way they have covered the story of asylum seekers in the area. Editor Nick Hudson (who formerly worked for the Sunday Sport) was questioned by Kent Police and a year ago and told he could face prosecution for inciting racial hatred. Police described some of the reports as "inflammatory" and "unacceptable" and blamed them for heightening tensions and attracting far-right groups such as the National Front.

The offending issue of the Herald carried a headline "In Defence of Dover Road". The story said police in riot gear had arrested six

Drama tired, current affairs soft. It's time for a public inquiry

Barry White reviews a disturbing report

FOR some years now the CPBF has been arguing that public service broadcasting is in retreat. As recently as July 1998 we highlighted (in *FreePress* 105) its retreat worldwide. In Britain, we drew attention to the need for "more risk taking and innovation which has disappeared from TV drama."

We also highlighted a CPBF public event held in Manchester at which Michael Wearing spoke on the topic of *Television Drama: An Endangered Species?* He spoke of the various pressures which were undermining creativity and innovation in drama. Over the years, Wearing had been associated with BBC drama as various as *Boys from the Blackstuff*, *Edge of Darkness* and many more.

Michael Wearing quit his post of BBC television head of serials in February 1998 after a long struggle against the odds, departing in frustration at being rendered impotent through Birtist managerialism.

Under Birt the key words were 'market appeal' based on the soundings of focus groups. Some two years later these (and many other) sentiments are echoed in Steven Barnett and Emily Seymour's excellent report for the Campaign for Quality Television *A shrinking iceberg travelling south*.

Published in September, the report highlights the decline of public service broadcasting by a lack of serious drama and a crisis in current affairs programmes. It finds that excluding soaps (which have multiplied fivefold) drama's proportion of peak-time television has fallen over the last twenty years, particularly on BBC.

The single play or one-off has fallen dramatically – the drama series now dominates with police/detective stories prominent at prime time on all channels except BBC2.

A progressive increase in home-grown drama on BBC and ITV has been coupled with a marked growth in American imports on the minority channels.

The crisis in current affairs is highlighted in the report by the virtual disappearance of foreign coverage from commercial television, now mostly confined to BBC2. A domestic agenda dominates all other channels, with the BBC becoming almost the sole repository of political and economic coverage in current affairs.

Other main findings indicate that there is less peak-time current affairs on ITV than ever before; the crime/police theme has risen sharply across all channels and a general trend towards 'softer issues', particular crime, consumer moral/ethical themes.

Although there is more diversity in the subject matter being covered, this is contrasted by less emphasis on the 'harder' areas of political, industrial and foreign stories.

A significant section of the report is devoted to interviews with 30 'top producers' and commissioning editors who were guaranteed anonymity. The drive for peak-time ratings combined with cuts and centralised decision making is held to be a significant factor in the decline in current affairs, where they have had a serious impact on the volume and quality of research, with particularly unhappy consequences for investigative journalism and coverage that requires long distant travel.

The report's summary finds that there is almost no room for "speculative" investigations which may not produce tangible results and consequently little prospect of ground-breaking programmes, or anything which required long-term commitment of time or money. 'Within the BBC, there is concern that current affairs has lost its sense of direction and that internal structural

WITHOUT COMMENT

Tuesday Feb 20 1990: Telephone call from Duke Hussey (chairman of the BBC). very hush-hush. He said my article in *The Times* (accusing the *Today* programme of anti-government bias) had done a great deal of good. He suggested I rang John Birt (deputy director-general) without referring to the conversation with him. He also said that privately John Birt agrees with me but he has to put on a different front to defend the BBC in *The Times*, which he did this morning.

Wednesday February 21: Spoke to John Birt privately. He said to me, "Of course, you do know that my private opinions may be different from those I express publicly when I replied to you."

Extract from **Woodrow Wyatt: The Journals Vol 2**

changes have weakened its creative potential' and that in both drama and current affairs the BBC had lost its corporate self-confidence. Programme makers have a sense of isolation and in current affairs, the loss of 'brand name' programmes with no long term investment in replacements has made serious journalistic endeavour much more difficult.

One BBC producer said: "Every year they keep cutting and we are constantly being asked for different ways in which we might be able to save money (...) We feel we've become so budget oriented that we've clipped our own wings – we don't even suggest ideas because we think it will be too expensive, we don't think imaginatively because we'll be thinking all the time about how we can get something for nothing."

A BBC editor said: "Now, every single decision I take in terms of where I send people, who I hire, which newspaper we read, is dictated purely and simply by money and it can be very dispiriting. Sometimes you just can't send someone overseas, you just can't do it ..."

The report repeats warning given by the CPBF about the decline in public service broadcasting and the effects this has on democracy, the creative arts and standards of entertainment. It also highlights the need for the widest possible debate on the future of public service broadcasting and media policy in general. For too long policy making has been conducted by consultancy reports, and low profile conversations 'between people in the know'.

The report highlights the need, so far rejected by Media minister Chris Smith, for an independent public inquiry into the future of mass communications, which would give the public time to reflect and intervene in an area that is central to our lives.

■ The Campaign for Quality Television is a charity funded group to promote public service broadcasting. It was set up in 1988 to express concern by programme makers about the proposed de-regulation of television, and relaunched again in 1995.

Copies of the Campaign's report, priced £10.00 including postage, are available from: Bridget Cass, Campaign for Quality Television Ltd., 8 College Terrace, London E3 5AN. email: BridgetCass@emailmsn.com. Cheques should be made payable to Campaign for Quality Television Ltd.

NEWS AT TEN

The Mirror has launched its 'Bring back News at Ten' campaign, which has attracted support from Tony Blair and Culture Secretary, Chris Smith. There was an Early Day motion on the subject put down by the Tory MP Nigel Evans, Liberal Democrat Norman Davies, and Labour's Austin Mitchell.

As a prelude to the ITC commitment to a review a year after the removal of ITN News from the schedules in March, Gerald Kaufman, chair of the Commons Select Committee on Culture, Media and Sport has got in early. His committee will hold its own its own hearings in February 2000, but already he has been making growling noises. Citing the 1990 Broadcasting Act which requires Channel 3 (ITV) licencees "to broadcast ... news programmes of high quality dealing with national and international matters...at intervals...and in particular at peak viewing times" he is clear that the present arrangements breach that legal requirement.

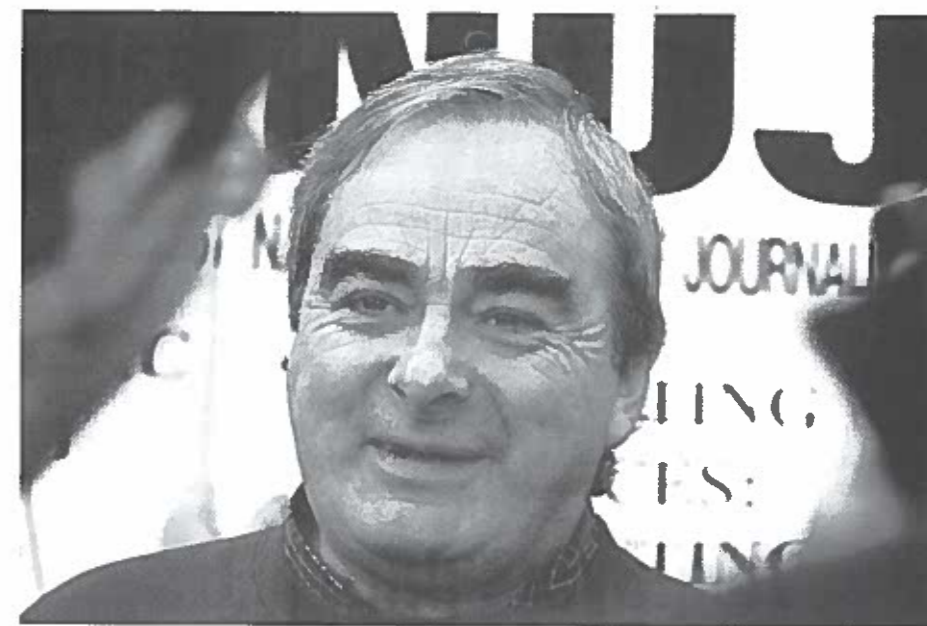
But arrayed against the politicians are ITV's main shareholders – Granada, United News and Media, and Carlton – and the ITV chief executive, Richard Eyre, who argue that more people are watching ITV of an evening now (an extra 1.2 million viewers, and more of the important audience for advertisers in the 16-34 age-range) than under the old schedules. Looks like a struggle between public service obligations and commercial considerations all over again. The CPBF will, of course, be arguing on the side of the righteous.

GANNETT AND RIM

In recent issues we've highlighted the way the huge American media group Gannett gobbled up the UK regional newspaper group Newsquest. Because it did not have any other UK media interests the deal was done without any reference to the Competition Commission.

Tucked away in the *Independent* on Sunday (7/11/99) was a short piece by Jason Nisse, 'Yorkshire Post chased by US giant' which stated that Gannett is leading the race to buy Regional Independent Newspapers (RIM), the publisher of the *Yorkshire Post* and *Yorkshire Evening Post*, which is to be put up for sale by its venture capital backer, Candover.

If this takeover was successful Gannett would have a dominant position in West Yorkshire, owning the main evening paper in Bradford, the *Telegraph* and *Argus* as well as papers in the Yorks area and Leeds. If Gannett acquired all of RIM's newspaper titles it would become one of the biggest – if not the biggest – regional newspaper group in the UK. This time, surely, if a takeover was in the offing the deal should be given the closest attention by the Competitions Commission.



ED'S LANDMARK VICTORY

Ed Maloney, the northern editor of the *Irish Sunday Tribune*, has won his battle against a court order requiring him to hand over to the police his notes of interviews with a loyalist, William Stobie, subsequently charged over the murder of the solicitor Pat Finucane. On Wednesday 27 October Ed left the court knowing that his courageous stand has resulted in the landmark decision and a stunning victory for a journalist's right to protect sources.

Ed told his story to a well-attended CPBF/ NUJ fringe meeting at the TUC in Brighton in September. He paid tribute to the moral and physical backing of colleagues on the *Tribune* and made it absolutely clear that he had no intention of handing over his notes to anyone. The campaign to protect his source and stand by the NUJ code of conduct had wide-ranging support in Europe and North America. "Such stories do not happen because they should or ought to happen, Ed comments, "They have to be worked for."

INVESTIGATORS GROUP

The Association of Investigative Journalists (AIJ) has been launched to challenge falling media standards and to promote investigative journalism. It will have a regular posting of investigative news and feature items on its www.aij-uk.com web site.

AIJ chair, David Northmore, said, "Broadcasters are fined for transmitting faked documentaries, and barely a day passes without a senior commentator criticising journalism standards. We aim to do something practical to stop the rot."

He added, "Journalism should be a public service – not a playground for privileged members of society to write about themselves and each other. Investigative journalism plays an important part in maintaining high standards of public activity and accountability, and the case for campaigning to raise journalism standards is now overwhelming."

SCOTTISH MEDIA GROUP BID

We went to press as reports appeared of SMG bidding £225m for Ginger Evan's *Ginger Media*, owner of *Virgin Radio*. For those interested in the relentless pace of acquisitions by media groups, this is an interesting one.

Two groups, *Flextech* and *Granada*, each have 20% stakes in SMG and *Granada* was widely expected to make a bid for the company next year. The hotels and television company (*Granada* own *LWT* and *Yorkshire-Tyne/Tees* in addition to the North west franchise, and a stake in *ON Digital*) cannot do so at present because its share of ad revenue prevents it mounting a takeover bid under the terms of the 1996 Broadcasting Act. *Granada* hoped by next year that the expansion of digital and satellite television services would have diluted its share sufficiently to mount the takeover bid.

SMG for its part doesn't view such a prospect with any enthusiasm, and the proposed takeover of *Ginger Media* is seen as a 'poison pill' move against *Granada*. Under media ownership rules, *Granada* would not be allowed to own *Virgin Radio* as well as *LWT*, and SMG would be a less attractive acquisition if it had to go through the expensive business of putting *Ginger* back on the market. *Granada's* nose may be briefly put out of joint, but its chief executive, Gerry Robinson, is clear about the ultimate aim of one single ITV company. He'll have to wait for another Broadcasting Act to change the ownership rules for that to happen, though.

It isn't what you know . . .

NTL and Vivendi referrals to the Competition Commission suggest the Blair-Murdoch connection is alive and well, says Granville Williams

NEVER underestimate the corporate lobbying power of Rupert Murdoch, and his access to the inner circle of Tony Blair's government. That seems to be one of the sharp reminders behind two recent sensational business news stories regarding the UK cable industry and BSkyB.

In mid-November the Competition Commission got two surprising new investigations.

Stephen Byers, the Trade secretary, stunned the cable industry by ruling that the acquisition of Cable and Wireless Communications' residential cable assets by NTL, its US-based rival, in an £8.5 billion deal, should be referred. The move contradicted the advice of John Bridgeman, director-general of fair trading.

On the same day Stephen Byers also referred the acquisition of a 24.5% stake in BSkyB by Vivendi, the French water-to-media conglomerate, to the Commission. Vivendi had acquired stakes in BSkyB, previously held by Pathe, Pearson and Granada. In France Vivendi control the pay-TV operator, Canal Plus with a 49% stake. Some papers reported that this referral was in line with recommendations from the Office of Fair Trading, but it did not in fact object to either deal according to the Economist.

Immediately the business press went into a flurry of speculation about these actions, but was there a common thread linking the two decisions? Certainly both rulings are extremely beneficial for Murdoch, and can be interpreted as an attempt by the government to curry favour with the media magnate. Jean Marie Messier, the chief executive of Vivendi has made it clear that he didn't intend to be a passive minority shareholder in BSkyB, and Rupert Murdoch was sufficiently concerned about Messier's plans to personally become BSkyB chair in June this year.

The Financial Times suggested Downing Street has taken a close interest since the NTL/CWC merger was announced earlier this year. One reason could be that since pay-TV took off, BSkyB dominated the platform and the programming, but now cable subscriptions are growing faster than those of satellite. In the past BSkyB's

WITHOUT COMMENT

The Lords debated newspaper success fee contracts on 22 November.

Lord Annan: My Lords, I wonder whether the noble and learned Lord can comment on this question: what confidence can the public have in the Press Complaints Commission when the code of practice is drawn up by a sub-committee consisting of the editor of the News of the World, the editor of the Daily Mail and the chairman? Is this not a case in which newspapermen are making the rules for newspapermen, of the regulations being written by the regulated, who then proceed to break those rules with impudent insouciance? I have one further question to ask. In this Gary Glitter case would the noble and learned Lord have expected – or perhaps, like me, he would not have expected – the editor of the News of the World to have resigned from the commission following the comments by the judge in this matter?

increasing revenue flow from subscriptions meant that it could bid high for the rights to screen British football, but a united cable industry, especially if the final consolidation of NTL/CWC with Telewest took place, would provide a real threat, and real competition to BSkyB. There were rumours that NTL planned to launch a bid for Telewest before the end of 1999, but that is now on hold. John Bridgeman backed the NTL/CWC merger because it would provide real competition, but Byers' decision to refer suggests the government relationship with Murdoch is more important than promoting competition.

Since the rejection of BSkyB's Manchester United bid, the company has also spent a good deal of energy lobbying for a competition inquiry into the cable industry and Byers' referral has prompted accusations from the cable industry of bias. The only people who benefit from the decision are Rupert Murdoch and British Telecom. BT is pushing ahead with broadband pipe to give a high-speed Internet feed and digital services to homes and businesses. Cable, the main competitor to BT, can supply television, telephone and high-speed Internet, and the point of the NTL/CWC merger was that the service it is offering would roll out from areas like Hampshire and Surrey, where it is already offering the service, to other franchise areas next year. Any delays therefore delay the commercial threat to BSkyB and BT.

Finally, tucked away in the business pages of The Independent (17/11/99) in the week following the Stephen Byers' announcement was a story that Kim Howells, the Trade and Industry minister, flouted government guidelines designed to prevent lobbying by interested parties during competition inquiries, by having lunch with BSkyB chief executive, Tony Ball. The 1990 guide for DTI officials states, 'Relevant officials may not receive any representations in the period leading up to the publication of the report' and 'it would be inappropriate for ministers' views to be influenced by – inevitably partial – lobbying by particular interest groups because he is unable to secure views of others on the same points'.

But what the episode underlines yet again is the vulnerability of the government to powerful media lobbying. The outcome may be satisfactory to Rupert Murdoch, but it demeans the democratic process and government openness and accountability.

A content-free policy

Gary Herman on the European Commission's policy concerns

SINCE last summer, when a whistle-blowing accountant from the European Commission (EC) gave the European Parliament an excuse to flex its muscles, the Commission has been in a slow, bureaucratic turmoil. Things have been even more confusing in the UK as a result of the Labour Party's disastrous performance at the European elections this year, which saw off a number of familiar faces among the largely anonymous cohort of Euro MPs.

The atmosphere in Brussels is clearing and we can begin to discern the outline of the Prodi Commission. In the field of communications, the shape is little changed. It is just as it was when Martin Bangemann ruled the roost under the two Jacques, Delors and Santer – content free.

Three documents published in November effectively launch the Commission's 'communications review' with framework proposals for further telecoms liberalisation, a follow-up report to 'the TV standards directive' (95/47/CEE), and the results of the public consultation on the radio spectrum green paper. The keynote of these three documents is 'more of the same', with perhaps a slightly more affirmative nod in the direction of that often ill-digested import from the US, 'e-commerce'. Throughout all of them, you can detect the past skein of Commission communications policy: light-touch regulation, market growth, competition, and consumer choice.

In discussing digital TV, for example, the Commission reaffirms the need to promote consumer interests, but manages to sidestep the issue of public service and the intertwining arguments about funding. Pay television subscription revenues, says the EC, are growing faster than advertising revenues. 'In this context, the principle that regulation should be limited to what is indispensable is particularly relevant: regulation should not hinder market development, notably of innovative new services.'

This is an argument that puts paid to the idea that communications policy might serve the public interest in anything more than its most basic form. Bombard the public with 'innovative new services' by all means, but avoid consideration of their utility, purpose, or quality at all costs. 'Services' in this context has become a code-word for technologies – cable, satellite, digital, terrestrial digital, the Internet, and so on – which are assumed to be value-free. In

this model, service providers compete for consumers, politicians only have to ensure a competitive market, and consumer choice determines who and what succeeds. The nagging problems of content are sidestepped along with the vestigial public service obligations dating from a time when we had to make do with a society rather than a market.

Look at universal service provision (USP) in telecoms. The Commission argues that there is no need to update its approach to USP, despite accepting that radical changes have already overtaken telecoms and that the Internet will further rewrite the rules. Why? After all, USP makes no sense if it isn't a dynamic concept placing steadily increasing obligations on service providers.

When the UK government talks about creating an Information Society for all the people, for example, this involves extending the meaning of universal service to cover affordable e-mail and Internet access as well as existing basic telephone services. Tony

Tony Blair's apparent inability to understand the implications of his technophilia is a direct result of his implicit acceptance of the EC's market model

Blair's apparent inability to understand the implications of his technophilia is a direct result of his implicit acceptance of the EC's market model.

The Commission accepts that national regulatory authorities have the right to interpret universal service as they wish. But it doesn't accept that USP obligations can be enforced Europe-wide through competition law. In fact, telecoms companies usually argue the reverse: that USP is anti-competitive, acting either as a barrier to market entry if shared between all operators or as an unfair cost where only one or two operators carry the burden. And if competition law doesn't work, the best solution is to let USP wither on the vine and, at least in Blair's case, hope that telecoms and IT companies will do the right thing.

Public service obligations on broadcasters in digital TV are similar, but here the arguments rehearsed by the Commission involve the potentially anti-competitive nature of state subsidy ('dual-funding') and the exclusive availability of free-to-air channels. However, the Commission believes that further deregulation in broadcasting may be too difficult to achieve because of

the importance of terrestrial broadcasting and, in particular, digital terrestrial TV (DTTV) in what is always going to be an overwhelmingly consumer-oriented market. If there was as much demand for premium TV services among businesses as there is for premium telecommunications services, things might be different. As it is, only European telecoms policy has been a licence to print money and only the notorious Martin Bangemann, who ran telecoms at the Commission, was able to swap his fat gamekeeper's salary for an even fatter one as a poacher on the board of Spain's leading telecommunications operator, Telefonica.

Despite the Commission's apparent belief in the need for an integrated approach to communications, covering broadcasting, narrowcasting and telecoms, integration has proved impossible to achieve. It has been comparatively easy to divide the telecoms market into so-called 'service providers' on the one hand and content providers on the other, largely because content provision is such a small part of the market. This is not the case with broadcasting (or the press). But with the growth of the Internet telecoms will become more and more like broadcasting – a medium in which content is inestimably more important than technology.

There ought to be an integrated European communications strategy, but there won't be as long as people want content more than they want equipment. By separating services out of the package, the policy-makers have focused on the commercial job in hand – creating over capacity in communications – with blithe disregard for the job that the people want done – ensuring quality standards and access to both services and content.

For the Commission, the separation neatly resolves the problem of integrating their own structure and negotiating a unified political strategy for the Information Society. The new Commission preserves almost all the distinctions between DGs with a legitimate interest in the Information Society. Broadcasters and other 'content providers' are still out on a limb, and the man in charge of Information Society developments – Bangemann's successor – is the Finnish right-winger and Commission survivor, Erkki Liikanen, who was responsible for sacking the whistle-blower responsible for getting him his new job.

■ The communications review has entered a consultation period. Comments on the framework document should be submitted to the Commission by 15 February 2000.

POLICY RESPONSES

The CPBF has responded to The Future Funding of the BBC. Report of the Independent Review Panel, chaired by Gavyn Davies (London, DCMS, July 1999). A summary of the report is printed here, but for full details of it, and the evidence on the funding of the BBC submitted to the Culture, Media and Sport Select Committee, visit the CPBF website.

1. The CPBF welcomes the Davies report's rejection of advertising as the source of funding for the BBC.
2. The CPBF considers that the Report's key conclusions are based on questionable assumptions and insufficient evidence. This is, in part because, as we warned in our evidence to the Committee, the timescale for the review was far too short and its terms of reference too narrow.
3. The recommendation that BBC funding be secured through the use of a Digital Licence Fee (DLF) may result in cutbacks and underfunding of the BBC, and provides the opponents of public service broadcasting with evidence to argue that the government is inhibiting the growth of commercial digital services and favouring the BBC unfairly.
4. The CPBF believes that the licence fee should be increased in line with the real level of inflation within the industry and that the government should extend the concessionary system to help those who have real difficulty in paying the licence fee.
5. The proposals to sell a 49% stake in BBC Worldwide and to sell off BBC Resources are not based on any firm evidence. The Committee did no research into the impact

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of commercial pressures since the 1990 Broadcasting Act on the culture of the BBC, and none into the impact on BBC culture, the Corporation's capacity to make programmes of a high standard and on public service broadcasting of the privatisation proposals. These proposals are so poorly thought through that they appear to have been conceived to offset criticism from the commercial sector of the DLF.

6. The CPBF believes that the future of the BBC can only be assessed properly in the context of a thorough going public inquiry into the future of mass communications in the UK. The purpose of this inquiry would be to consider how public accountability and public service principles, plus diversity

of ownership and outlets can be guaranteed and extended across the system in the next phase of communications development. The Davies inquiry, in its narrowly focuses and poorly researched proposals, makes little contribution to this kind of debate.

LENNON MOVES ON

The CPBF thanked Tony Lennon for his years as National Chair of the CPBF at a special event in London on 23 September. Tony performed an invaluable role as Chair of the CPBF through some difficult years, and we have all appreciated his skills as a chair, speaker and expert on a range of media policy issues. He will be missed.

Julian Petley (left) is the new National Chair of the CPBF, and he is seen here with National Council member, Kathy Darby, and Tony Lennon. Tony's farewell present from the CPBF was a rather special bottle of wine. The event also auctioned a Steve Bell cartoon, which Mike Jempson acquired for Presswise.



Free Press is edited by Granville Williams for the National Council

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