



Pure Minute  
The only change the Home  
Secretary proposes is to  
delete the word "current";  
otherwise he believes the words  
provided for in the Bill will suffice.

John Whittingdale's note argues that this  
is insufficient.  
Content? No

Prime Minister

Do you want to talk to Home Sec?  
Yes please - I will note  
sets out the arguments well. 18/6  
+17E with BY no

# BROADCASTING BILL : IMPARTIALITY

Thank you for your minute of 31 May about the report on  
broadcasting and political bias prepared by the Hampden Trust.

2. The report has two main themes. The first is that the  
broadcasters are failing to fulfil the impartiality requirements  
in existing legislation, and the second that the requirements  
themselves are inadequate to ensure a properly impartial service.

3. I take the first point very seriously and will be discussing  
with Duke Hussey and George Russell how standards in this area  
could be improved. I note incidentally that the BBC have now  
accepted publicly that one of the programmes discussed in the  
report, the "Timewatch" programme on Hiroshima, failed to achieve  
a sufficiently balanced presentation.

4. As to the second point, I believe that the problem lies  
with the attitude of the BBC and IBA rather than the statutory  
requirements. The provisions in the Broadcasting Bill relating  
to impartiality broadly follow previous legislation, and require  
due impartiality to be preserved as respects matters of current  
political or industrial controversy or relating to current public  
policy. The Bill continues to provide that, in applying the  
impartiality requirement, a series of programmes may be  
considered as a whole, but for the first time it also requires  
the ITC to draw up and enforce a detailed code as to the rules  
to be observed in relation to impartiality, including the way in  
which the "series" provision should in practice be operated.

5. You asked me specifically to consider the Wyatt amendments.  
Although these have yet to be tabled formally, I understand that  
Lord Wyatt has three major concerns. The first is to remove the  
qualification "current" from the reference to political or  
industrial controversy. The second relates to the provision



whereby impartiality may be achieved over a series, where I understand that Lord Wyatt considers that every single programme should be impartial in its own right. His third concern - which was the subject of an article he wrote in The Times the other day - is to give the responsibility for judging whether impartiality has been achieved to the BSC or the BCC rather than the ITC.

6. On the first point, I am content to remove the word "current" if it is thought likely to give rise to difficulty. We inserted it originally because we did not think it necessary to impose a restriction of this kind on broadcasters who were dealing with a political or industrial matter which no longer gave rise to any controversy. But I cannot see that deletion of "current" would cause any insuperable difficulties.

7. The ability to achieve balance over a series of programmes is I believe necessary. To require every programme short or long to be entirely balanced with every relevant point of view expressed would inevitably limit the extent to which issues could be critically analysed and seems in fact quite unrealistic. But I do think it important that broadcasters should be clear what constitutes a 'series' over which impartiality must be achieved, and this will be one of the matters to be dealt with in the code to which I have referred.

8. I do not think it will be right to give the BCC or BSC any role in relation to these matters. Neither Lady Anglesey nor Lord Rees Mogg would, I understand, welcome this. Lord Chalfont moreover spoke out strongly in the Lords Second Reading debate in favour of the arrangements proposed in the Bill, which he said provided an effective means for dealing with the problem of impartiality without looking to involve any other body. It is in any case in my judgment illusory to suppose that charging some other body to rule on these very difficult and sensitive issues, where opinions are often so sharply divided, would necessarily be any more likely to produce an outcome which commanded greater general confidence.

9. Nevertheless I fully understand and share the concern of Lord Wyatt and others about impartiality in broadcasting. The Hampden Trust report demonstrates that the broadcasters cannot always be relied upon to achieve satisfactory standards in this respect. One of the problems hitherto has been that neither the programme-makers nor the public have known for certain how the broad statutory requirement for impartiality is expected to be

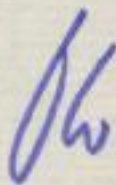


fulfilled, and in particular the extent to which broadcasters can legitimately use the "balance over a series" provision to enable one partisan programme to be balanced later by another programme expressing an alternative view. As the report demonstrates, the broadcasters are well able to marshal arguments defending the positions that they have taken in terms of the existing rules.

What is needed therefore is a requirement for the regulators to spell out in detail the way in which impartiality is to be achieved. That is why for the first time we have included in the Broadcasting Bill a requirement for the ITC to draw up and publish a code governing impartiality. I would expect that code to specify the way in which impartiality should be achieved in different circumstances, the extent to which it might be legitimate for programmes to be partisan provided they were balanced elsewhere in the series, the nature and timescale of the series over which programmes can be considered as a whole, and a range of other associated issues.

10. This approach seems to me to offer three important advantages. First it will be possible for the first time for organisations like the Hampden Trust to understand and if necessary challenge the specific criteria used by the ITC in determining how impartiality is to be achieved. Secondly, the code will provide a yardstick against which to establish whether the ITC is properly enforcing the statutory requirements regarding impartiality. If individuals or organisation considered that a particular programme failed to conform to the impartiality requirement, they would be able to test it against the detailed criteria set out in the code. Thirdly, it will be very much harder in future for programme-makers to attempt to circumvent the statutory requirement for impartiality.

11. Subject to the point noted above about "current" controversy, I believe that the provisions in the Bill offer a sensible way forward and that the answer to the problem lies not in trying to devise some fundamentally different arrangements for securing impartiality but in making sure that the existing requirements are properly set out, understood, and enforced.



14 June 1990





Broadcasting

Policy

8/11