

28th June 1990

David Mellor, QC, MP,
Minister of State,
Home Office,
50 Queen Anne's Gate,
London, SW1H 9AT

Dear David,

Thank you for your courtesy in sending me, on June 20 last, drafts of possible government amendments to the religious aspects of the Broadcasting Bill for its Committee stage in the House of Lords. Thank you, too, for your generous offer of this opportunity to comment on the drafts.

I have had a preliminary word on the telephone with Jane Harrison in your office, making some general points and suggestions; and this letter summarizes and slightly elaborates that conversation.

1. Your draft amendment to Clause 6 seems to me to be admirable; and very welcome. I would opt for "abusive" instead of "insulting" in (cc)(ii) for the somewhat technical theological reason that aspects of Christianity, e.g. the doctrine of the Divinity of Christ, can, if stressed, be "insulting" to some Muslims, but can scarcely be judged to be reprehensible. But "abusive" treatment of religious views is always and invariably reprehensible.
2. I cannot conscientiously jib at your decision to modify the Bill's originally unqualified provision for the enfranchisement of religious groups in terms of ownership of radio stations. You now propose to place national commercial radio on the same footing and with the same inhibition as the ownership rules governing TV Channel 3. In my view, you have offered so much that is novel and positive on the TV side, that some withdrawal on the radio side is understandable. But you will recall that in Committee you referred to the original Radio concession, now modified, as the 'crossing of a Rubicon', so you will need to be able to stress the positive aspects of improvement in the overall package, as an offset to your modest withdrawal from the Rubicon!
3. This leads me to a feature of your overall proposals, specifically as exemplified in some wording in your proposed Schedule 2 amendments, where I continue to have serious misgivings. I refer to the "appropriateness" test which the ITC will be expected to conduct in relation to applicants for the relevant



TV licences, and the Radio Authority - as a result of your proposed Schedule 2 amendments - in relation to applicants for the relevant radio licences.

I am convinced that some sort of open or objective definition of the "appropriateness" test needs to be provided in the Bill, compatible with the notion that an applicant should be deemed innocent unless and until proved guilty! Thus if discretion is to be left to the Commission and Authority in these vital areas i.e. in reality to shadowy individuals in their bureaucracy, it must not only be fair, but be seen to be fair.

The objectivity which I am pressing for might be secured by adding to your proposed Schedule 2 amendment an elaboration or definition of what is "appropriate" along the lines (I believe) already suggested to you (but here slightly varied) in a letter from Ian Orr-Ewing, e.g. that -

"a person shall not normally be deemed to be inappropriate if such a person can establish his intention to provide programmes which satisfy the general requirements as to licensed services provided in Clause 6(1)."

An alternative approach, perhaps more in keeping with your original "light touch" philosophy *vis à vis* the ITC, would be to provide for regulation on the same basis as that provided for religious broadcasting in the Cable & Broadcasting Act, 1984. Under the latter provisions, the Cable Authority apply a "good sense" interpretation of the general rules, dispensing entirely with religious controllers or bureaucratic theological committees!

The points I have made under paragraph 3 above are of paramount importance to the group with which I have been associated, and to which you have been so responsive. In the background lies our deep disenchantment with, and suspicion of, the shadowy "religious controllers and bureaucratic theological committees" who have hitherto exercised a virtual censorship over religious programmes in relation both to the BBC and the IBA. They are, I believe, a small, elitist, and unrepresentative group of people, appointed from within the broadcasting hierarchies.

One of these figures, Mr. Ernest Rea, Head of Religious Broadcasting at the BBC has publicly stated (at a local broadcasting conference on 22 May) that the campaign to allow independent religious broadcasting was "misguided". Another of the relevant figures, Mr. Eric Shegog, until recently head of religious broadcasting at the IBA, wrote in the Sunday Telegraph last November that -

"The Central Religious Advisory Committee [CRAC] for the BBC and the IBA was unanimous in its view that religious bodies should not be permitted to hold a TV or Radio Authority Licence."



It is to such individuals, and to such bodies, that - unless care is taken - discretion as to "appropriateness" in Schedule 2 will in practice be remitted. If this occurs, it will be a travesty of what Parliament intends in liberalizing religious broadcasting, and a betrayal of your own efforts to pioneer reforms and improvements. Failure to provide against this hazard would be tantamount to handing, unwittingly, a ransomed victim back to his kidnappers!

My fears are not assuaged by the fact that CRAC does not appear in the Broadcasting Bill at all per se. But scope is offered for its existence in the consultation and "advisory committees" provisions of Clauses 9(2) 88(2), and Schedules 1(16) and 6(16). And I see that the Bishop of Liverpool is proposing to table an Amendment precisely to establish and entrench a CRAC-type body to service the new ITC regime (see draft attached). Since the Bishop is avowedly hostile to all the liberalizing measures you have introduced, I am deeply disquieted by his proposals.

In view of the importance and sensitivity of the matters I have raised in this letter, I am copying it to Andrew Turnbull at No. 10 so that the Prime Minister may be made aware of the issues involved.

Thank you again for all your courteous helpfulness. Ian Orr-Ewing agrees with this letter, and joins me in signing it.

Michael . *Yours ever,*

Michael Allison

Ian

The Lord Orr-Ewing, OBE

Page of Letter from Bp of Liverpool² - to Lucy Fentful.

I am putting down an Amendment, after consulting with the Minister, which will probably be worded:

"The Commission shall appoint a Committee Representative of the mainstreams of religious thought in the United Kingdom, to give advice to the authority on matters of a religious nature included in licensed programme services."

I am also putting down an Amendment concerning religious advertising. I am conscious that this has not received any serious debate in either House as yet, and I thought it would be helpful to probe. I intend to withdraw the Amendment, but hope that some of the issues may be made clearer through it.

"Religious Advertising - should not involve 1) any improper exploitation of any susceptibilities of those watching the programmes or 2) any insulting (or abusive) treatment of views and beliefs of those belonging to a particular religion or religious denomination.

On Channels 3 and 5, advertisements should be limited to spot announcements calling attention to occasional Lectures, Meetings or Services. They should not present religious doctrine, utilise religious music or elicit funds."

Wm Conway

15/11/62

ce/pu



*n. s. p. m.
BHP
2/7*

Treasury Chambers, Parliament Street, SW1P 3AG

The Rt Hon David Waddington QC MP
Secretary of State for the
Home Department
50 Queen Anne's Gate
LONDON SW1

28 June 1990

Dear David

REGULATION OF BBC TRANSMISSION ACTIVITIES

I have seen your ^{*at last*} letter of 14 June to Nicholas Ridley and his reply of 21 June about the main framework of transmission-related activities in which the BBC should be allowed to engage.

I am grateful for your acceptance that the BBC should not be permitted to offer site access and mast space to Channel 5 and VHF radio transmitter operators, and I see that you are now also proposing to exclude the maintenance of non-BBC broadcasting equipment on BBC sites, in the light of Eric Forth's comments in his letter of 10 May.

In the light of the timing difficulties over the issue of the BBC's Telecommunication Act Licence I agree with Nicholas Ridley that officials should now discuss with the BBC a package which allows them to transmit the MF commercial radio services but excludes them from project management for other broadcasters.

As for R&D contracts, I accept that allowing the BBC to compete for new commercial research projects could affect privatisation receipts and agree that the activity should not be in the permissible category.

I am copying this letter as before.

*Yours ever
Peter*

PETER LILLEY