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Dear Ms Hughes

### **Draft operating licence for the BBC's UK Public Services Culture**

I'd like to thank you for attending the Committee's meeting on 10 May and answering Members' questions. The Committee has since taken evidence from the Ofcom Audience Council for Wales (ACW) and from the Director General of the BBC.

I'd be grateful if you could consider the Committee's views on the draft operating licence for the BBC as set out in this letter and let me have your response in due course. The Committee would also be grateful if these views could be considered as our response to the public consultation that Ofcom is conducting.

We welcome Ofcom's acknowledgement that audiences in the nations and regions are under-served by the BBC. This has been widely acknowledged in Wales, with a broad agreement on the BBC's poor performance in relation to Wales acknowledged by politicians and civil society alike (see [IWA Wales Media Audit 2015, Culture, Welsh Language and Communications Committee Report: The Big Picture, Communities, Equality and Local Government Committee Report: BBC Charter Review, the Welsh Government's position](#)).

With this in mind, we are therefore disappointed that Ofcom has not set more challenging objectives for the BBC in relation to services for Welsh audiences. Although the enforceable regulatory conditions for content on BBC Cymru Wales television and radio services are all the same or higher than they were under the existing individual service licences, they are also significantly lower than the BBC's actual output in these areas. It seems, therefore, that these regulatory conditions will make no difference to the distinctly Welsh services received by audiences in Wales. The committee therefore calls for more challenging figures, which are the same as, or far closer to, the BBC's current actual outputs in these areas.



In this respect, Ofcom's own Audience Council for Wales (ACW) suggested that that these regulatory conditions should be changed in a number of ways, including:

- In respect of BBC One Wales, the BBC must ensure that each year:
  - Time allocated to news and current affairs programmes is not less than 275 hours. The current equivalent licence condition is for 250 hours. In 2015-16 the output figure was 360 hours.
  - Time allocated to non-news programming is not less than 65 hours. The current equivalent licence condition is for 60 hours. In 2015-16 the output figure was 95 hours.

ACW also told us that they would wish to see the minimum hours for non-news programming on BBC One Wales to be "more in line with Scotland with a corresponding decrease in the minimum hours on BBC2 Wales". The equivalent Scotland figure that Ofcom proposes is 155 hours.

- In respect of BBC Radio Wales, the BBC must ensure that in each week, the time allocated to news and current affairs is not less than 32 hours. This is the same as the current equivalent licence condition. In 2015-16 the output figure was 53 hours.

ACW calls the section on radio "unnecessarily timid". It notes that Radio Scotland, which Ofcom proposes has an equivalent requirement of 50 hours, is an "equivalent service" to Radio Wales. It calls for parity between these two services on this point.

- ACW calls for the introduction of 5% quotas for UK radio production made in Wales (equivalent to the regulatory condition relating to network TV production).

The Committee fully supports these points and hopes that they will be fully taken into account in your consultation.

However, the Committee acknowledges the point made by Ofcom that the figures in the draft operating licence are a floor, not a ceiling. We therefore call for strong and challenging performance measures to be used by Ofcom to encourage greater portrayal and representation of Wales and Welsh life, beyond that which can be stimulated by the regulatory conditions alone.

We also welcome the proposed introduction of regulatory conditions relating to both the hours of and expenditure on Network Programmes made in Wales, which have been derived from Wales' UK population share (5%). However, the Committee again notes that, for expenditure, this figure is significantly below the current level of 7.1%.



We are also unconvinced by your argument (put forward during your session on 10 May) that having a minimum figure for the hours of Network Programmes to be made in Wales will have a positive impact on the portrayal and representation of Welsh audiences. Given the very limited extent to which BBC network programmes made in Wales (e.g. Dr Who, Sherlock and Casualty) represent Wales and Welsh life we do not believe that having a minimum figure for the amount of broadcast content made in Wales will provide the assurances you described. This point serves to reiterate the importance of having strong performance measures and regulatory conditions in place to assess the progress made in relation to these matters and to promote and encourage improvements.

Finally, in your oral evidence to the Committee on 10 May you referred on a number of occasions to the investment by the BBC in Scotland which you said was significantly above the percentage quota that Ofcom have set. The particular phrase you used is that Scotland is 'over-indexed'. As you put it:

*'...because it's so over-indexed. To bring down Scotland will be politically tricky, but, to satisfy the English regions quota, they will have to.'*

When he gave evidence to the Committee on 28 June, Lord Hall told us:

*'I have no idea what she means by that, to be quite honest with you. The issue with Scotland was that we were not making our network supply target. ... but I simply don't recognise what she's on about there, because actually we are not hitting the target we should be for Scotland.'*

Given the difference in views between you and Lord Hall, the Committee would be grateful for any figures you can provide, or any further explanation you can offer, to explain why your perceptions appear to be so different.

Given our above concerns and our view, which is shared by many in Wales, that our nation has been historically underserved by the BBC, we urge you to recognise this opportunity to address the deficits by introducing more challenging and ambitious parameters and performance measures for the BBC's performance in relation to the Welsh people.

I am copying this to Rhodri Williams in Ofcom Wales and to Lord Hall for information.

Yours sincerely

*Bethan Jenkins*

**Bethan Jenkins AM**  
**Chair**

