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PRIME MINISTER

11 September 1987

Prime Minister

Agree to put
these points to the
Home Secretary as
preparation for a meeting?

Broadcasting

DRW
11/9.

Independent Oversight of Programme Standards

Our election Manifesto stated:

"The responsibility for enforcing broadcasting standards rests with the broadcasting authorities. The present Broadcasting Complaints Commission has a relatively narrow remit. But there is deep concern over the display of sex and violence on television. We shall therefore bring forward proposals for stronger and more effective arrangements to reflect that concern."

Since then the tragic events of Hungerford have served to underline our concern. The public clearly expect and want us to introduce more effective arrangements.

The present proposal by the Home Secretary raises a number of questions.

1. Do we need another quango?

Already the BBC, IBA and the Cable Authority are bodies which have a statutory responsibility to enforce standards. The public however perceives them as judge and jury and their method of enforcement lacks transparency.

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Sometimes they can be very powerful in enforcing standards. I am told that John Witney's reprimand to the ITV companies earlier this week (for LWT's showing of Sins at 7.45pm last Sunday) was extremely tough. But this is not typically something which the public witness; in any case the proof of the pudding is in the eating and not the personality of the cook.

It would be very difficult to introduce transparency into the way in which existing bodies carry out their responsibilities regarding standards. We do not need another broadcasting authority which duplicates the work of BBC, IBA etc, but we do need an independent court of appeal.

The establishment of some new body is therefore inevitable.

2. Will the proposed Broadcasting Council be effective?

It is by no means obvious.

It is important that the new Council has far more clout than, for example the Press Council, which is a toothless watchdog. The proposal that it should be a statutory body (unlike the Press Council) making an Annual Report to Parliament, is important and valuable. But it will not have the power to adjudicate complaints on taste and decency or on the portrayal of violence - even though it will have such powers over complaints in other areas.

This seems anomalous as it means that the Council's two key committees will be operating to different remits.

It may be argued that the Council should not have powers to adjudicate complaints on violence as this will diminish the

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sense of responsibility of the broadcasting authorities. (This was always the traditional argument in favour of self-regulation in the City of London.) It could just as well be argued, however that if the broadcasting authorities knew they faced the possibility of censure by an independent council, this would put them more on their toes.

There is a strong case for extending the proposed remit of the new Council to give it real teeth: it should be able to adjudicate as well as receive complaints and to publish these in written statements to the Home Secretary.

If we are to have credibility post-Hungerford, we must be seen to crack down on violence and this means setting up a body with real power.

3. Who should comprise the membership?

Even if the terms of reference of the new Council are changed, it will still be ineffective unless it has a membership committed to doing something about the problem.

Having said that it is not easy to find good people for this very delicate task. Many decent middle-class people hate to be thought of as illiberal; and those who would be likely to take a tough line are all too easily typecast and dismissed.

On the basis of past experience the Home Office tend to put forward certain kind of names: every effort must be made to cast the net wider.

If we can help in this respect we would be delighted.

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Recommendations

1. There is a strong case for establishing a statutory Broadcasting Council, to be announced soon.
2. Its remit needs to be strengthened, as it has at present less powers than the Press Council.
3. The choice of membership is crucial. The Home Secretary should be prepared to appoint people who are known publicly to be concerned about the problem and who are prepared to be tough with the broadcasters.

Brian Griffiths

BRIAN GRIFFITHS

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cc BG

BF. // HB will comment on
Thurs. by then if necessary

Prime Minister

INDEPENDENT OVERSIGHT OF PROGRAMME STANDARDS

The Hungerford killings reinforce the importance of our manifesto proposal to strengthen oversight of the portrayal of sex and violence on television. The attached paper makes specific proposals for carrying out this commitment.

2. The central proposal is to set up a Broadcasting Council which would receive complaints on taste and decency and the portrayal of violence in broadcast programmes. As envisaged in the manifesto, responsibility for enforcing broadcasting standards would remain with the broadcasting authorities. But the Broadcasting Council would be a high-powered body which would exert a strong and independent influence. In particular, it would be able to reach views on individual programmes and publish them. It would also be able to take the initiative in studying the broadcasters' performance in relation to relevant programme standards.

3. The Broadcasting Complaints Council would subsume the existing Broadcasting Complaints Commission (BCC), and incorporate the Commission's role in relation to complaints of unjust treatment and the invasion of privacy.

4. In the wake of Hungerford I do not think it would be right to await the Broadcasting Bill planned for 1988 before setting up the Broadcasting Council. The paper therefore proposes that, by building on the BCC, we should establish the Broadcasting Council on an interim basis in advance of the legislation, and as quickly as possible. I would like to be in a position to announce this at the Party Conference. I shall be discussing provision for the additional expenditure involved with John Major in this PES round.

/5. Because

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2.

5. Because of the pressure of business on MISC 128, and also because of the links with the Hungerford follow up and the implications for criminal as well as broadcasting policy, I would like, if you agree, to propose to put this paper to H Committee at the earliest opportunity.

6. I intend to have an early meeting with Mr Hussey and Lord Thomson about violence on TV. I will take this opportunity to let them know what we have in mind for the new Broadcasting Council, and to stress the importance we attach to the co-operation of the broadcasting authorities.

7. I am copying this minute and the paper to the Lord President and Sir Robert Armstrong.

Douglas Hurd -

8 September 1987

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