

Blackburn and District Trades Union Council

Response to “Consultation on decriminalising TV licence evasion”

We feel that we should start any reflection on matters relating to the BBC by affirming our commitment to it as a public asset.

We want our national broadcaster to be big and strong and to offer a comprehensive and diverse service across a whole range of genres and media. We also want this offer to be “free to air”. We want these things because we believe they are the best way for us to continue to receive the range and quality of programmes to which we have become accustomed. We believe that they also deliver a range of wider cultural and social functions.

Freedom from a direct commercial relationship with any one audience means the BBC serves the public as an end in itself, and that it has the space to reflect the needs of everyone not just a few. This generates wider choice. It also allows for “information” and “education” alongside “entertainment”. Freedom to air means that these things are available equally to all citizens able to afford or access receiving equipment.

James Heath, BBC Director of Policy, has written that the BBC has:

“an instrumental purpose: to deliver external benefits to society through, for example, creating a richer culture, promoting democratic debate and building a stronger sense of community through shared experiences. We know that the market works best when it includes a successful public service broadcaster; far from crowding-out commercial players, public service broadcasting supports their growth”.

Claire Enders, of Enders Analysis Limited, has written that:

“a well-funded national broadcaster serves British audiences and the British economy by contributing to a ‘virtuous’ cycle of investment and competition. As a result, Britain has four global players in content creation and exports - the BBC, ITV, Channel 4, and BSkyB - more than any market apart from the US”.

Sir Peter Bazalgette, Chair, Arts Council England, told the House of Lords Select Committee on Communications that:

“the BBC makes a massive investment in original programming, which has huge significance for our culture and our national conversation, but also for our creative industries. In fact, it makes the largest investment in original programming of any of the broadcasters”. He regarded this as “crucial to the health of the creative industries, which are of national importance because they are now, as defined, 5 per cent of the economy.”

The NUJ told the same Committee that:

“every £1 of licence fee spent by the network generated £2 of economic activity in the creative sector”.

The musician, Cerys Matthews, put the matter more personally:

“To get a measuring stick for the importance of the BBC, culturally speaking, you would have to go away from Britain and spend time in countries that do not have an equivalent public broadcasting service. I have spent time in Australia and can report that Australians are very envious of the BBC. I have lived in America for six years, a year of that in South Carolina and five years in Tennessee. It was during those years that I truly felt the true value and extent of what the BBC gives us culturally”.

In 2005, the House of Lords Select Committee Report on the BBC Charter Review noted that: *“The BBC is also important for its role in developing national talent in broadcasting—many directors, scriptwriters, actors and technical staff owe the opportunity to develop their skills to the BBC. And its importance is underlined by the fact that it is one of only two UK television companies that cannot be bought out by foreign investors (the other being Channel 4)”*.

We expect the BBC, as our national broadcaster, not only to do this, but to also maintain good employment standards and to be responsive to strategic economic objectives.

BECTU, in this regard, have noted that:

“In 2011 the BBC relocated departments to Salford and this led to 4,600 new jobs being created at the Media City site⁸, helping to double the size of the creative and digital sector in the Greater Manchester area, estimated at £3.1 billion. ⁹ The BBC has doubled the proportion of the network TV programmes produced in Scotland, Northern Ireland and Wales and invested £100 million in its new Cardiff Central Square base which opened in November 2019. ¹⁰ The base has state of art production facilities which will be shared with S4C, the Welsh language broadcaster (which is funded by the licence fee) and local independent production companies. In January 2020 Director General Tony Hall announced plans to create a new technology hub in the North East as part of the BBC target to increase the proportion of its staff based into the regions to two thirds by 2027”.

Concerns about the political independence of the BBC have become more pronounced recently, and criticism has come from many quarters. We must say that we do not believe the BBC has ever completely avoided a degree of political bias.

In 2016, for instance, the Report “Should He Stay Or Should He Go”, by the Media Reform Coalition jointly with the Department of Film, Media and Cultural Studies at Birkbeck, University of London, used quantitative analysis to show that, during a period of dispute about the leadership of the Labour Party, critics of Mr Jeremy Corbyn were given twice as much airtime as his supporters, and that the issues mobilised by his critics were given much greater prominence. The researchers also noted the pejorative language BBC reporters used to describe Mr Corbyn, his team and his supporters.

In 2017 Justin Lewis & Stephen Cushion published a study in “Journalism Studies”, “Think Tanks, Television News and Impartiality”, which argued that a review of over 30,000 BBC news and current affairs programmes between 2009 and 2015 showed that in 2015, when the Conservative Party was in government, appearances by or references to “right-leaning” think tanks outnumbered “left-leaning” think tanks by around two to one: “our findings add weight to a pattern emerging from a number of recent academic studies that show, despite its undoubted commitment to impartiality, BBC news programming has shifted its centre of gravity to the right”. (One might add that we would not see some of the organisations cited as “left-leaning” in quite the same light, whilst some definitely “left-leaning” organisations get no look in at all. Whilst we know of no equivalent study, our gut reaction is that the use of journalists on programmes like “Politics Live” further tilts the dialogue. We get, for instance, journalists from the “Sun” and the “Daily Mail”, but never, heaven forbid, anyone from the “Morning Star”).

The BBC does have, nevertheless, the virtue of operating with a conscious *aim* of impartiality. It thus offers some degree of protection from the open, big-bucks funded partisanship of sections of the British print media and some commercial broadcast organisations.

Of course, there is always room for improvement. We do not argue that the BBC is perfect. But specific gripes about programme range and content, or about how much BBC “talent” is paid, are not germane.

Yes, there is a need for structures within which such issues can be raised. And yes, the service does need to justify itself partly by reaching a certain quality threshold and by being judged against the objectives in its Charter.

In paying for it, though, we are doing something **more than the purchase of commercial content through subscription or a tolerance of advertising**. We do not see ourselves as paying for the BBC simply because we want to “buy” its output. We pay for it because we want to maintain its economic and cultural impact irrespective of whether we individually watch or listen to its programmes.

It is hard not to see the current plans to “decriminalise” non-payment of the BBC Licence Fee as anything other than a step in a “death by 1000 cuts” policy. The £3.76bn the BBC received from the Licence Fee last year represented a real term cut of one fifth since 2010. Being made responsible for any over-75 licence fee concessions will cut an additional £250m a year from operational budgets by 2021-22.

The consultation is taking place against a background of perceived hostility from those in power. Mr John Whittingdale, whose desire to make the BBC just another broadcaster has been relentless, has been made Minister of State at the Department of Digital, Culture, Media and Sport. The “Sunday Times”, on the 16th February, quoted “a senior source” from No. 10 as saying: *“we are not bluffing on the licence fee. We are having a consultation and we will whack it. It has to be a subscription model”. The source told the newspaper that the public service broadcaster will have to become smaller because “they’ve got hundreds of radio stations, they’ve got all these TV stations and a massive website. The whole thing needs massive pruning back”.*

The current Secretary of State, Mr Oliver Dowden, has clearly posed the “decriminalisation” proposal as but one measure in forcing “change” upon the BBC: *“In the coming years we will be taking a proper look at our public service broadcasting system and the BBC's central role within it. This will start with the consultation on whether to decriminalise TV licence evasion. Then the process for agreeing the next licence fee settlement. And then, the mid-term review of the BBC Charter”.* This was framed by observations that the Corporation was becoming out of touch: *“If we're honest, some of our biggest institutions missed, or were slow to pick up, key political and social trends in recent years. The BBC needs to be closer to, and understand the perspectives of, the whole of the United Kingdom and avoid providing a narrow urban outlook”.* The implication is that the BBC has not been “Brexit” enough.

Ironically, as Patrick Howse wrote in the “By-Line Times” on the 7th February, it is equally the case that:

“Pro-EU centrists, the “Unashamed Remainers” (to use John Humphrys’ disgraceful description), now feel that they have been let down. They expected the BBC to hold politicians to account, not to repeatedly “balance” those who were basically telling the truth with others who were more than happy to lie. The people who turned out on pro-EU protests in their hundreds of thousands have in many cases turned off the BBC. These are people who once would have gone out onto the streets to defend a beloved institution. Will they now?”.

We must declare a degree of interest in the current licence fee system, insofar as there is employment associated with it in our area of responsibility. We believe, however, that we have not

let this circumstance influence our position and that our views are based on consideration of the relevant circumstances.

When she launched this consultation, the previous Secretary of State, Baroness Morgan, commented that: *“It has now been five years since the Perry Review, when a TV licence wasn't required to watch or download content on BBC iPlayer”* and suggested that *“a changing media landscape”* justified a further review.

In fact, the two issues have no connection, other than that the growth in “subscription” viewing makes it easier for people to think of the BBC as “just another service”. Change in the media landscape may reasonably prompt a broader review of how the BBC is funded, but it has nothing to do with what the Perry Review actually considered, which was the best means of enforcement.

David Perry’s comments in the introduction to his Report imply this: “I have concluded that, in the overall public interest, the current system of criminal enforcement should be maintained, **at least while the method of licence fee collection remains in its present form**. Any significant change to the current system of enforcement, including a move towards decriminalisation, carries the risk of an increase in evasion and would involve significant cost to the taxpayer and those who pay the licence fee” (our emphasis).

There has been no substantial change in circumstances since he considered the matter, other than that the numbers being imprisoned have gone steadily down. According to the NUJ: *“Figures released in response to parliamentary questions show that in 2018, no-one was imprisoned for the non-payment of a magistrates’ court fine arising from a conviction for not paying for a TV licence; this number was five in 2017, 21 in 2016, and 23 in 2015. According to a June 2019 response, since 2014 no one over the age of 75 has been imprisoned for non-payment. People sent to prison are often those who have not paid a number of fines, including non-payment of the licence”*.

David Perry concluded that:

“There is no doubt that the mere existence of the criminal offence plays a significant part in deterring licence fee evasion, and a move from the current system of criminal enforcement carries the risk of an increase in the scale of evasion, with a corresponding loss of revenue to the BBC (p24)”.

Given perhaps less prominence has been his awareness that a resort to civil penalties might prove more expensive to administer whilst potentially having just as, if not more, draconian consequences for poor evaders. There would be consistency in treating licence fee evasion in the same way as evasion of any other tax – but this would open up evaders to things like deductions from earnings or pensions, action by bailiffs, seizure of money from bank accounts, or court actions for which they might have to pay costs.

Perry noted that:

“The BBC argued that enforcement mechanisms would include the use of debt collection agencies and the use of bailiffs (whereas in the current system the use of bailiffs appears to be rare and their use is controlled by the court). The Money Advice Trust echoed these concerns and contended that this model represented “the worst of both worlds.” The Voice of the Listener and Viewer argued that the civil enforcement system could be seen as “more punitive than the current system which leaves an offender with neither a centrally-recorded criminal offence [sic] nor a reduced ability to borrow money.”

“Several contributors to the Review argued that the move to a civil system would be complex and costly. It would require legislation and would require TV Licensing to change its operational practices to a very considerable extent”.

The TV Licence Fee system does have flaws. One of them is, indeed, that it is easily misunderstood as a payment for services rather than as an hypothecated tax – lending grievance to the “why should I pay for what I don’t watch” argument. It is also regressive, being more of a burden on and difficulty for the poor.

We agree, however, with the observation of Michelle Stanistreet, NUJ General Secretary: *“If there is to be a debate on whether the licence fee is the best model of funding, let’s have that, and explore credible alternatives that enable public service broadcasting to flourish. This consultation and the implementation of decriminalisation – which the next two months of going through the motions is designed to facilitate – will not achieve that, and nor is it intended to.”*

Fundamentally, we see this present review as mischievous and motivated by ulterior motives.

We should leave things as they are, and only consider the future of the TV licence fee in the context of looking at whether there might be an alternative means of continuing to fund the BBC, as a free to air service without advertisements, through general taxation. The possible alternatives would seem to be either funding directly from general taxation or the introduction of a broadcast prescript linked to Council Tax (both alternatives being potentially less regressive).

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