

Part 2: Broadcasting, Communications and Scottish Independence



*In this two part series, University of Glasgow Professor and Visiting Professor at LSE **Philip Schlesinger**, comments on the white paper on independence put forth by the Scottish Government. In this second post he examines the proposals for a new Scottish public broadcaster and regulatory arrangements, arguing that it is actually incremental change that is in question.*

Continued from Part 1. The largest part of Chapter 9 of *Scotland's Future* focuses on broadcasting, and especially the future of BBC Scotland. The proposals are broadly in line with positions already taken by the SNP. In this Chapter[1] the Scottish Government sets out these principles:

1. there should be an increase in production opportunities for Scottish producers, and an increase in productions that reflect life in Scotland, and of Scots;
2. Scottish viewers and listeners should continue to have access to all their current channels;
3. there should be no additional cost to viewers and listeners as a consequence of independence. (p316-317)

Clearly, these are designed both to please Scotland's independent producers and not to alarm the Scottish audience about the loss of favourite UK programmes.

After BBC Scotland?

The key vehicle for Scottish content would be a Scottish Broadcasting Service (SBS), a public service broadcaster will "initially be founded on the staff and assets of BBC Scotland" that will "broadcast on TV, radio and online" (p317). The governance arrangements and charter have not been spelled out but rather remitted to the future work of an expert panel, so this aspect remains completely undefined, although we may assume a recognisable variant of BBC governance would be devised. Given its importance at a time when there is widespread concern both about the workings both of the BBC Trust and press regulation, it is doubtless prudent to say little about this, but maybe it is also a missed opportunity, as novel thinking here would be timely.

It is proposed that an equivalent licence fee to that presently in force be maintained. Together with a "proportionate share" of the BBC's commercial ventures, the total PSB pot is calculated to be £345 million per annum contrasted to the BBC's expenditure in Scotland of £175 million. Of course, this does not factor in broader network effects and Alice Enders has questioned the calculations as well as the likelihood of the new SBS operating as a joint venture with the remaining BBC.

Could the autonomous SBS produce programmes for the network and have access to BBC programmes on the same basis as BBC Scotland does now? It is reasonable to ask why the BBC should offer the SBS favourable trading terms offered to no-one else.

If economics rules, that is the question to ask. But maybe the issue is more fundamentally political. Alex Bell, First Minister Alex Salmond's former head of policy, now deeply disenchanted with the SNP's electoral strategy, **has described the proposals** as "a continuous BBC service disguised as a Scottish Broadcasting Service", and sees it essentially as a push to make the BBC north of the border more autonomous.

Battle over Broadcasting?

If this hits the mark, it is not particularly threatening to the status quo. Certainly, in some policy areas if Scotland becomes independent we might foresee very tough negotiations – not least regarding oil revenues, the currency, and defence. But are we to assume that it would suit rUK to have tense relations with its near, northern neighbour over broadcasting, the major trans-border source of continuing soft, ‘UKanian’ cultural power? What would the UK Government gain by playing hardball if a quasi-federal arrangement for the BBC were on the cards under independence? Inevitably, will the system still be dominated by London as a production centre that calls the shots and attracts the talent?

Alternatively, if ‘devo-max’ rather than independence were to be the next step, continuing pressures for a federalised BBC from Scotland seem likely. This argument is already evident in Wales where the Welsh Conservatives’ Leader, Andrew RT Davies, **has suggested** that the BBC Trust should be regionalised and accountability be devolved to the National Assembly for Wales and that this approach be part of the debate over the BBC Charter renewal.

As for the rest of the broadcasting order, *Scotland’s Future* largely proposes business as usual, with existing licences for Channels 3, 4 and 5 to run their course. None of this, however, is without further legal and regulatory complications.

From Ofcom to ScOfcom?

Scotland’s Future proposes that the “economic regulatory functions of Ofcom should be included in a combined economic regulator” (p320). It adds that “an independent Scotland will also cooperate with the rest of the UK on managing the spectrum, just as Ofcom and Ireland’s ComReg cooperate at present” (p320). This is a challenge to Ofcom’s UK-wide regulatory powers, although it probably implies a co-regulatory relationship rather than the creation of a full-blown rival, not least because that kind of specialisation would not go with the grain of the Scottish Government’s plan to have an integrated regulator. No ScOfcom in prospect just now, it would seem. (Declaration: I chair Ofcom’s independent Advisory Committee for Scotland; but this blog is written entirely in a personal capacity.)

A particular concern in *Scotland’s Future* is to improve geographical coverage by mobile services. The Scottish Government aims “to look at options for bringing telecommunications and broadcasting regulation closer together to deliver a more integrated market” (p322), although the precise institutional consequences of this are not clear and would add considerable complication to the model of an economic and competition regulator that has been adopted. These changes are coupled with the assumption that telecommunications markets will continue to operate “on a GB-wide basis” (p324).

In the case of a ‘yes’ to independence in September next year, one set of negotiating positions is now on the table. If it’s a ‘no’, it’s still far from certain that there will be an undisputed status quo.

This blog post gives the views of the author, and does not represent the position of the LSE Media Policy Project blog, nor of the London School of Economics.

[1] All page numbers refer to those in the complete document and separate chapter pdf.

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