

[GB] "Contracts with Viewers" Published

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Programme policy statements on behalf of ITV, Channel 4, Channel 5, GMTV and the Channel 3 licensees have just been published. They are popularly known as "viewers' contracts". Such statements are envisaged in the Government's White Paper, "A New Future for Communications", as part of the move towards greater self-regulation (IRIS 2001-1: 8 and IRIS 2001-3: 12). A "three-tier" structure for the system of regulation is discussed in section 5.1 of the White Paper. It says that "[W]e will require the public service broadcasters to develop detailed statements of programme policy and regulatory arrangements that will give confidence that this new system will be effective". The White Paper's proposals are currently being transformed into the Communications Bill, which may become law by 2003. The statements set out "how broadcasters will carry out their public service commitments to viewers over the coming year" with respect to the range and diversity of programming (the so-called "qualitative elements" of public service broadcasting). Thus, Channel 5's statement regarding its output states that it "provides a point of difference in style and in content to that of other broadcasters". Channel 4's statement regarding its general aim reads "[W]e will use our reputation for risk and non-conformism to engage a younger generation in the values of public service broadcasting". The ITV statement regarding sports coverage says that its policy is to "make the top sporting events available live and free to the widest possible audience [...] regardless of their ability or willingness to pay".

The broadcasters themselves will review their own performance at the end of the year and the Independent Television Commission will monitor performance against the statements throughout the year and publish its findings as a part of its Annual Report and Accounts. Depending on the terms of the future law, the proposed new regulator, OFCOM, will also monitor the statements and the licensee's performance, with powers (to be determined) in the event of a licensee's failure to deliver what it had promised in its statement. In the first year, OFCOM may simply report on what it finds. Subsequently, if it finds that there is a "major and persistent" difference between what was promised and what is delivered, it could implement its range of sanctions - fines; the shortening of the licence period; or the revocation of the licence.

However, it may be still be arguable whether the statements *per se* are legally binding, as compared to the licence terms, of which they are a manifestation.

Independent Television Commission, Press Release No. 20/01 of 23 April 2001: "Public Service Broadcasters Issue Statements Of Programme Commitment To Viewers"

