



On 15 September 2016 the government published a draft Royal Charter and Framework Agreement. This is one in a series of information sheets, explaining some of the key policies contained in the drafts in more detail.

Background

The BBC is required to serve all audiences across the whole of the UK, including provision for those in the nations and regions. Government has consulted with each of the devolved nations throughout the Charter Review process.

The government's policy

Government committed to improving the BBC's provision for the nations and regions in the White Paper as well as increasing the BBC's accountability to the nations through the Memoranda of Understanding (MoU's) agreed by DCMS, the BBC, the BBC Trust and the Devolved Administrations in 2015.

Improving provision for the nations and regions: The White Paper outlined a number of commitments made by the BBC and Government to improve provision in the nations and regions. Although the BBC has the independence to decide how best to serve its audiences, the government has introduced a framework which will ensure that specific provision is made for the nations in the new licensing regime and that 'out-of-London' quotas for content produced outside the M25 are maintained. In addition the new Charter commits the BBC to continued support for the minority languages of the UK.

Accountability and governance: The BBC must reflect the democratic makeup of the UK, the new Charter therefore confirms the commitments made in the Memoranda of Understanding and ensures the BBC is accountable to the devolved administrations and assemblies with regard to matters relevant to them. In addition the Government has agreed to give parity with the Scottish Government to the Welsh Government and Northern Ireland Executive in relation to the appointments of nations members to the new unitary board, meaning that they are, for the first time, able to agree to the appointment to the BBC's governing body before they are appointed (under the BBC Trust model Wales and Northern Ireland were consulted on the appointment whilst Scotland was recently given the power to agree appointments under the Scotland Act).

For more information, please visit www.gov.uk/government/collections/bbc-charter-review.
If you would like to discuss the contents of this information sheet, please contact enquiries@culture.gov.uk

For media enquiries, please contact DCMS News and Comms team on 020 7211 2210

Representation and portrayal: The BBC has committed to improving representation and portrayal of the nations and regions of the UK through its services. Although the BBC has the independence to decide how to do this, the new Charter and Agreement outline the mechanisms for ensuring they do put measures in place. These include the provision for Ofcom to set requirements on the BBC to provide a certain number of hours of programming, as well as including specific provision for the nations in the new operating licence regime for the first time.

Public Purposes: The nations and regions public purpose will be amended from the White Paper to emphasise the need for the BBC to support the creative economies of each of the nations of the UK through the delivery of its Mission and Public Purposes.

The provisions in the Charter and Agreement

Charter

Article 6. (5) Public Purpose: amends the current public purpose 'Representing the UK, its nations, regions and communities' to '*reflect, represent and serve the diverse communities of all of the United Kingdom's nations and regions and, in doing so, support the creative economy across the United Kingdom*'; this ensures the BBC will reflect the diversity of the UK both in its output and services and that it provides output and services that meet the needs of the UK's nations, regions and communities and in doing so will support the creative economies across the UK.

Article 23 Non-executive Board members for the nations: ensures that the new BBC Board will include a non-executive director for each of the nations of the UK and details the arrangements for their appointment. The Devolved Administrations will be able to agree their national representative on the new BBC Board before they are appointed - this is the first time this will be the case for Northern Ireland and Wales, giving them parity with Scotland.

Articles 36-8 Provision for the nations in relation to the Annual Plan, Annual Report and Accounts: specify that the Plan, Report and Accounts must include detail on the provision for the nations and regions. In addition these clauses direct the BBC to send their Annual Reports and Accounts to Devolved Ministers at the same time they are sent to the Secretary of State, and then lay their Annual Report and Accounts in the devolved assemblies. This means that the devolved assemblies will be able to hold the BBC to account for how they have delivered throughout the year against their stated strategy, set out in the Annual Plan.

Article 42 Provision for the BBC to appear before the devolved assemblies: increases the accountability of the BBC to the devolved nations and the BBC must comply with a request of a devolved assembly, or a committee, on the same basis as the UK Parliament, in relation to matters concerning that nation.

Article 46 Principal Functions of Ofcom: requires Ofcom to set regulatory conditions which require the BBC to secure that audiences in the nations are well served. This formalises the commitment for the operating licence regime to include specific provision for the nations.

Article 57 (2) Mid-Term Review: requires the Secretary of State to consult Ministers in the devolved administrations on the scope and terms of reference of the review.

Article 59 Charter Review: requires the Secretary of State to consult the devolved administrations in any Charter Review and lay the draft Charter and Agreement in the devolved legislatures prior to sign-off by Privy Council. This formalises the process which has taken place throughout this review and enshrines the position for future reviews.

Agreement

Clause 38 Wales: sets out the BBC's support of the Welsh language and guarantees the BBC's continuing commitment to provision of Welsh language content.

Clause 39 Partnership and funding model for S4C Services: sets out the partnership and funding model for S4C, the Welsh language service. This includes provision of £74.5 million of funding from the Licence Fee until 2020/2021; funding beyond this will be subject to a process which will be decided following the S4C Review. The UK Government has committed to a comprehensive review of S4C in 2017, which will look at a range of issues including funding arrangements, remit and accountability.

Clause 40 Scotland: sets out the BBC's support of Gaelic language and enshrines a new commitment by the BBC to continue its partnership with MG Alba for the next 11 years. This guarantees the BBC's support of MG Alba and its continuing commitment to provision.

Clause 41 Northern Ireland: sets out the BBC's support of Irish language and Ulster-Scots and guarantees the BBC's continuing commitment to provision.

Schedule 2 Operating Licence - Regulatory Conditions: details the different areas which should be included in an operating licence, this includes ensuring that programming and programme making in the nations and regions are covered (see below).

Schedule 2, Clause 5 Programming for the nations and regions: outlines the arrangements for Ofcom to set quotas for the amount of regional programming which needs to be broadcast. This must - at a minimum - maintain the current levels. However, Ofcom are able to consider whether current quotas should be increased.

Schedule 2, Clause 6 Programme making in the nations and regions: outlines the arrangement for 'out-of-London' quotas, these will be set by Ofcom who must - at a minimum - maintain the current levels (50% of BBC content should be made outside the M25 area, of which 17% should be made in the nations). However, Ofcom are able to consider whether the current quotas should be increased.