

Digital, Culture, Media and Sport Committee

Oral evidence: The work of the Department for Digital, Culture, Media and Sport, HC 157

Wednesday 22 April 2020

Ordered by the House of Commons to be published on 22 April 2020.

Watch the meeting

Members present: Julian Knight (Chair); Kevin Brennan; Steve Brine; Philip Davies; Clive Efford; Julie Elliott; Damian Green; Damian Hinds; John Nicolson; Giles Watling.

Questions 1 - 98

Witnesses

[I](#): Rt Hon Oliver Dowden CBE MP, Secretary of State, DCMS, and Sarah Healey, Permanent Secretary, DCMS.



Examination of witnesses

Witnesses: Rt Hon Oliver Dowden CBE MP and Sarah Healey.

[This evidence was taken by video conference]

Q1 **Chair:** We have our second remote session of the Digital, Culture, Media and Sport Select Committee. The two witnesses we have today are Oliver Dowden MP, Secretary of State for Digital, Culture, Media and Sport, and Sarah Healey, Permanent Secretary of the Department for Digital, Culture, Media and Sport.

First, could we check with Oliver that his microphone is working and everything is in order? Could you say hello?

Oliver Dowden: Yes. Good afternoon. Oliver Dowden here.

Chair: Thank you. And Sarah?

Sarah Healey: Yes. Hello, everyone. Sarah Healey.

Q2 **Chair:** Thank you. I am going to go around for any registering of interests of any members that anyone wants to raise in this session. I will call first Kevin Brennan.

Kevin Brennan: I am a member of the Musicians Union' and received financial support from them at the election, and I do sometimes get occasional fees for playing music. I will be asking some questions to do with that industry.

Chair: Fine, thank you. Damian Green?

Damian Green: Relevant to this session, I am a trustee of a small local charity in my constituency, but I do not think anything affects the work of the Department.

Chair: John Nicolson?

John Nicolson: I do occasional work as a journalist, including a radio show for talkRADIO on a Sunday.

Chair: Julie Elliott?

Julie Elliott: Nothing relevant to the questions I am asking today.

Chair: Thank you. Steve Brine?

Steve Brine: Nothing relevant to this session, Chair.

Chair: Thank you. Philip Davies?



Philip Davies: I will just mention my trip to Cheltenham that is in the Register of Members' Financial Interests.

Chair: All right. We may be mentioning that at some point. Damian Hinds?

Damian Hinds: None.

Q3 **Chair:** Thank you. The first question is to you, Secretary of State. Since our session on charities and COVID-19 and the impact on the sector on 31 March, we have had no fewer than 60 submissions. Considering the NCVO said that the shortfall for the sector over the next three months was in excess of £4 billion, how is the £750 million figure for the bailout of the sector over the next three months going to stop the potential hundreds if not thousands of charities going to the wall?

Oliver Dowden: First of all, it is worth putting this bailout in some context. Clearly, in response to the public health crisis, there have been severe economic challenges, and the Chancellor has sought to address that through a range of different measures. The underlying principle with all of them is the so-called horizontal interventions, so the support should apply to all sectors equally.

As Secretary of State for Digital, Culture, Media and Sport, I have sought to ensure that the charitable sector is covered by those measures. For example, charities are able to take advantage of the furloughing scheme, something that was not clear from the very beginning before my intervention. Similarly, they are able to take advantage of VAT deferral. I know most charities do not pay for business rates, but they can get full business rate relief rather than the 80% that most of them enjoy. Across the board, charities are able to take advantage of those measures.

In addition, the Treasury has been persuaded of the case that there is a specific challenge for the charitable sector, namely that we actually need them to help deliver some of the response to COVID-19. I pay tribute to all the charities and all the work that they have done in respect of that. Hence we have this scheme that has these three broad buckets, which I would be happy to go into more detail on, the first being direct funding from Government Departments. That would include things such as the support for hospices, the National Lottery Community Fund, a package of support in part being administered by them, and then the match funding for private charitable donations.

When you put together both the overarching economic support for all sectors, which charities can take advantage of, and this specific scheme, I think it does the job.

Q4 **Chair:** You are denying the fact that £750 million does not go very far into £4 billion. It is actually 20% of that figure. What do you think the impact would be long term if, for example, we do see hundreds of charities going under as a result of this? Do you accept that as a



possibility in the current climate?

Oliver Dowden: The Chancellor has been honest—and I have echoed that—that we cannot save every single business, and that would include not being able to save every single charity. But I do think that when you take into account the furloughing scheme and all the other schemes that charities are able to take advantage of and this—

Q5 **Chair:** Sorry, just to stop you there, Secretary of State, you said about the furlough scheme. One of the main complaints that charities have is that, effectively, they cannot furlough because they still have to carry on working in some form. In fact, only a third of the charities under the NCVO umbrella actually said to us that they could effectively use the furlough scheme in the way in which it is designed.

You said that you think it is inevitable that some businesses and some charities will go under. What do you think is an acceptable sort of attrition rate in the charities sector?

Oliver Dowden: On your first point, there are two ways in which charities are able to take advantage of the furlough scheme. The first is that there may be commercial fundraising operations that they are no longer able to do. Charities are taking advantage of that in order to furlough those staff. There may also be activities that charities are unable to undertake because of the fact that it cannot be done consistent with social distancing. But we have been clear that there are community activities that we want charities to carry on doing—for example, what hospices or those small local charities are doing. That is why we have provided this level of support.

I must say that this level of support is pretty unprecedented. I think the next nearest equivalent was just over £40 million provided by the last Government during the 2009 crash. This is an increase of many multiples of that.

It should also be put in context with massive private philanthropy as well. For example, if you look at the Barclays Trust, that has provided £100 million. Tomorrow night we are having “The Big Night In”. We are match funding that and we are hopeful that large amounts of money will be raised from that. Of course, I pay tribute to the huge outpouring of public donations. If you look at, for example, the marvellous work that Captain Tom has done or if you look at what Premiership footballers have done, all of this needs to be taken into account together.

Q6 **Chair:** You said before about the Treasury being persuaded of the case. The charities sector—and this comes from multiple sources within the charities sector—thought that it was in line for over £1 billion as an initial bailout for this three-month period. Did the Treasury cut that amount to £750 million—yes or no?

Oliver Dowden: I do not want to go into the details of private Government discussions, but my experience is more the other way



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around, that over time we increased the size, so I do not know where the—

Q7 Chair: Effectively, the DDCMS put forward a lower figure than £750 million and the Treasury in its largesse decided to increase that. Is that right?

Oliver Dowden: I think you will appreciate that the way these things work is that we have ongoing discussions with the Treasury, so lots of different figures are discussed. I do not think it is a fair characterisation, and I would be interested to know why people in the charitable sector believed that they were in line to get £1 billion. We have discussed a number of different figures, but it is simply not the case that we somehow—

Q8 Chair: Isn't the view, though, increasingly that some of these charities have reserves and, therefore, they should whittle those down before they have recourse to any public funds? Is that the conversation that is going on?

Oliver Dowden: Of course, charities, like businesses, should be taking advantage of their reserves. In a crisis situation, you would expect them to take advantage of their reserves. That is perfectly normal practice.

Q9 Chair: So, charities should not be coming to your door asking for money until they have whittled down their reserves entirely?

Oliver Dowden: We will be publishing the criteria for which charities will be eligible under the principal scheme that most will engage with, which is through the National Lottery Community Fund.

Yes, one of the factors will be the financial position of the charities, but I think the most important factor will be what they are doing in support of the COVID-19 crisis, whether that is, for example, supporting people at risk of domestic violence or people at risk of loneliness and isolation, all the factors that are consequences of the isolation policies we are asking people to follow to deal with this public health emergency.

Q10 Chair: On that point, how are you identifying which charities are eligible for funding specifically?

Oliver Dowden: There are three packages. The first package is just over £300 million. We are working with Government Departments. We have put a call out to all Government Departments asking which charities they think need support from them. We have now received those bids. They are in excess of the amount of money that is available, so we are going through a process, working with each Department and with the Treasury, to allocate the resources in the first bucket.

The second bucket, which is aimed more at smaller local charities, we have asked the National Lottery Community Fund to administer. We are discussing actively with the National Lottery Community Fund how we do



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that. We are working through the criteria, but they are some of the things that I described to you in my previous answer.

The third element is the match funding. We have already said that £20 million of match funding will go to the National Emergencies Trust. In excess of that, what is raised through “The Big Night In” tomorrow night will go through the BBC charities that are administering that. Every penny that is raised from that in excess of the £20 million that is going to the National Emergencies Trust will go to those charities.

Q11 Chair: Finally, before I hand over to Giles Watling, are these funding schemes too narrow in focus, potentially? We had representation from the British Liver Trust, for example, which was saying to us that it is looking to relieve pressure on the NHS right now, which is absolutely crucial. Surely organisations like that should be in scope of these schemes.

Oliver Dowden: Yes, they should be engaging with and making that case to the Department of Health, and the Department of Health in turn will be providing those figures.

Q12 Chair: So it is just a case-by-case basis. We are dealing with thousands of charities here. Do you see what I am getting at, Secretary of State? It is so narrow that it is not practical, when you are in a financial crisis, to come at it on a case-by-case basis.

Oliver Dowden: It might be helpful—and I am happy to write when these are finally confirmed—to give you an indication of the factors that we are looking at in respect of the National Lottery Community Fund allocations. Remember that there are two things there. We have already allowed them to advance £300 million. This is the additional funding as part of the £750 million.

We are looking at, first, supporting people who are at risk from COVID-19 by, for example, connecting with older people, connecting with disabled people, connecting with communities who experience disproportionate challenges as a result of the crisis, and providing advice and support to people who are pushed into crisis. That gives you a flavour of some of the things that we are looking at.

Of course, before the scheme opens, we will publish those detailed criteria so that charities will be able to find out whether they can apply in accordance with those criteria.

Q13 Giles Watling: Thank you, Chair, and thank you, Secretary of State, for appearing before us today. I appreciate it.

First, I want to apologise for being so late to the meeting. I had a technical issue just as we arrived, so I probably missed the very first part.

I also have to declare an interest inasmuch as I am a vice-chair of the Royal Theatrical Fund, a theatrical charity that is national and, to a



certain extent, international in its scope.

I would like to pick up on the criteria question that the Chair was mentioning earlier. It is fundamentally about the categories that the Chancellor outlined on 8 April. I wondered whether this is something that charities have to fit to or whether they are set in stone. Is the Chancellor expecting charities to fit to this tick-box or is it something that is moveable as time goes on?

Oliver Dowden: Again, it is worth considering each of the categories. For the first category that we are co-ordinating through Government Departments, we will be expecting Government Departments to carry out the analysis of where they think the need is. For example, in respect of the Department of Health, it has made it very clear that there is a big need in respect of hospices. We have now received those submissions from Government Departments and we are going through a process of evaluating them. We will agree that with the Treasury, and the Departments will then distribute it to the relevant charities.

In respect of the fund that goes through the National Lottery Community Fund, we are currently agreeing the criteria. I gave an indication of what that criteria is. Once that criteria is published, charities will be able to make applications in accordance with it. I have said that I would like to do this in tranches so that, once we have had the first tranche, we can look again at the criteria. If we feel that there are some other needs that are not accurately reflected by the criteria, we could alter the criteria for the second tranche.

In respect of the final bucket, the match funding through "The Big Night In", the National Emergencies Trust has its own criteria for the £20 million and has already started distributing in accordance with that. The BBC charities will also have their own criteria, and they are well used to distributing these funds. There will be lots of different opportunities that charities can take advantage of.

I should keep saying that that is in addition to the business rate relief, the VAT deferral and the furloughing measures that charities can take advantage of just as much as all other businesses.

Q14 **Giles Watling:** How much influence does the Department have, then, over the dispersal of these funds? I have an example before me that came through some of my charities work, where the Arts Council was dispersing funding that had come down from the Chancellor's tranche of money. It was dispersed to one charity and not another and we did not understand why. How far do you drill down into that in the Department?

Oliver Dowden: I think we are talking about a separate category there. Each of the so-called arm's length bodies that report to the Department for Digital, Culture, Media and Sport, of which the Arts Council England is one, has, working with us, brought forward funds. I believe that the Arts Council has brought forward a bit over £100 million to help the arts sector. It will be up to them how they distribute it because they are arm's



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length bodies. We work with them in respect of releasing those funds but, just as in respect of all Arts Council funds, they would make the determination.

Q15 Giles Watling: Will there be more clarity and guidance from the Department about the criteria for eligibility? For the ones we all know about it is fine, but how do the smaller charities in particular go about applying? Will there be more guidance coming from the Department?

Oliver Dowden: Yes. The fund that the smaller charities would be looking at applying to would be through the National Lottery Community Fund, which has already brought forward £300 million. There will be additional money that we are funding directly through the Treasury, indeed with a large contribution from DDCMS savings as well. That will be administered by the National Lottery Community Fund, but we will agree with them and publish in advance the criteria for those. I gave an indication in my previous answer to the Chair of the sorts of things that we are considering.

Q16 Giles Watling: Thank you. Finally, what consideration has been given for other support schemes that are out there for businesses but might be tailored to charities?

Oliver Dowden: The basic principle is that every scheme out there for businesses is also applicable to charities. We have agreed that with the Treasury. As I said, they can take advantage of VAT deferral, business rate relief to the extent that they are still paying business rates, and the furloughing scheme. There should not be any business scheme that they cannot access, although clearly there are some issues we are working through. For example, charities often do not have over 50% tradeable income, so sometimes they cannot take account of some of the loan schemes or liquidity schemes. We are working through some of those challenges still with the Treasury.

Q17 Steve Brine: Secretary of State, to follow up, can I give you a sense of the speed that is required here? I have heard from Citizens Advice, who have said to me that because of the lack of further information about the original announcement, which specifically mentioned CAB, that announcement had the perverse effect of encouraging private funders to turn down applications that they had had in with the justification that they were already receiving funds from central Government. They are in the worst possible position where there is no movement on the promised Government funds because we are not there yet, and then they are being turned down from otherwise promising sources of funding. This is a plea for speed here. Every day of delay causes more damage for them.

Oliver Dowden: I completely accept that point and I can give the Committee and you the assurance that I am driving this as fast as I can. Obviously, when we are dealing with distributing hundreds of millions of pounds of taxpayers' money, we do have to get proper processes in place.



In respect of Citizens Advice, it was getting money through bids from Government Departments. We are working through those this week and would look to start at least giving to Government Departments to start distributing to their relevant charities next week. It is that kind of speed that we are working to. I am very conscious of the need for speed.

Q18 **Damian Hinds:** Can I ask you about misinformation and disinformation? I wonder if to start with either you, Secretary of State, or perhaps the Permanent Secretary might say a word about the counter-disinformation unit and how that is working, how it operates with other parties like the mainstream media, the health service and the platforms themselves, and indeed how it operates internationally and in interaction with other jurisdictions.

Oliver Dowden: Perhaps if I kick off and then I might ask my Permanent Secretary, Sarah Healey, to add further details.

The starting point with all of this is that people should be going to trusted sources of news in the first place. One of the positive things we have seen during this crisis is more people going to gov.uk, clearly a trusted source, more people going to traditional broadcasters—and I pay tribute to all broadcasters for the work they have done to get clear messages out to the public—and more people going to newspapers. Those are the trusted sources where people are going principally. Clearly, people will also pick up information from social media and other sources.

Of course, we already have ongoing relationships, but the point of stepping up the counter-disinformation unit is a call we took as a Government. Traditionally—although it has only been for the past few years—the disinformation cell has been used in respect of democratic events to analyse and counter the threat of hostile state interference in democratic events. But we took the view that, in respect of this unprecedented public health crisis and the risk of misinformation, we should step it up. There are a number of elements to this.

First, we are working across Government Departments. To the first part of your question, we are working with the Home Office, No. 10, the Cabinet Office, the agencies, and so on. The Cabinet Office is leading on the rebuttal of false narratives. If things are out there and are not correct, they are being rebutted. It has rebutted about 70 false narratives a week.

We in the DDCMS are principally working with the social media companies both to understand the nature of what is going on and, in the process of that, to occasionally identify false narratives and things that the social media companies will take action to take down. We are working with them to understand and beef up their systems and how they as social media companies take action in respect of misinformation. You will have seen a number of different announcements from social media companies of the steps they are taking to address misinformation. I pay tribute to



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the work. Almost all of the social media companies have done something in this space.

The other thing we are working at is the speed of response. In this sort of situation, we need to move rapidly, so we have much more intense working with them.

Q19 **Damian Hinds:** What do we know, Secretary of State, about the motivations and origins of some of this disinformation? You mentioned democratic events. It might be a little more obvious in those cases—sometimes, not totally but a little more—what the purpose of this information is. What do we know about people propagating incorrect information, sometimes a mixture of correct and incorrect information? What is behind that? Is it just people seeing how far a message can go or is it trying to sow confusion? What do we know about what malign influences might be involved?

Oliver Dowden: The truth is that it is a mixture of all of those things. Some people genuinely think, mistakenly, that gargling hot water or whatever the latest thing is may help address COVID-19. Clearly, we do not want people to be taking that seriously because it risks them not taking appropriate actions, but that sort of thing can gain traction.

There are always malignant forces and people trying to sow confusion and disinformation just on an individualised basis and, of course, there are other malign actors.

Q20 **Damian Hinds:** We have seen a shift in media. A return of chain e-mail has been part of it and the use of SMS messaging and iMessage and, in particular, the growth of WhatsApp seems to be a defining feature of this. In those kinds of media, taking something down is even less effective than it is if we talk about Facebook or Twitter.

In the legislation that is forthcoming, what would have been required of the social media companies or expected of them in terms of acting on this? Given that these messages are typically encrypted and it is much harder to see what is going on, what is possible to do more proactively to stop their spread but then, ultimately, to reverse that incorrect messaging?

Oliver Dowden: The social media companies are taking action themselves by, for example, limiting the ability to multiple-forward messages and flagging up correct sources of information so that people can refer to them.

I think you are referring to the online harms legislation that we are looking at bringing forward. The essence of online harms legislation is holding social media companies to what they have promised to do and to their own terms and conditions. My focus in respect of those is principally on two things: underage harms and illegal harms. Clearly, the trickiest category is legal adult harms. In respect of that, we are looking at how we tighten the measures to ensure that those companies actually do what



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they promised they would do in the first place, which often is not the case.

Q21 Damian Hinds: Finally from me on this—I know others want to come in on the same subject—we have all seen a growth in fact checkers, but the problem with fact checkers is that hardly anybody gets to see their output compared to the falsehoods that they are rebutting. Even if you do come across fact-checker material, with some exceptions like Channel 4, they are not themselves well-known news brands.

I wonder what your position and your view would be on whether there should be more primetime addressing of disinformation and misinformation on broadcast media and in the newspapers, obviously done in such a way so as not to add to the glorification of their originators but just to make sure people get the facts straight.

Oliver Dowden: The first thing I would say is that the single best thing we can do to counter false narratives is to drive reliance on reliable narratives. For gov.uk, traffic has gone up enormously. Usage of public service broadcasters, broadcasters more generally and newspapers has gone up enormously if you look at some of the principal broadcast news bulletins, particularly in the younger age groups. For BBC 1's 6.30 news, the number of 16-to-34s tuning in—the hardest age group to reach—has gone up by 144%.

The challenge with the fact-checking point is twofold. First, we live in an open liberal democracy. We value free speech and we value robust public debate. Sometimes it is not easy to get to the absolute truth on some things.

Secondly—and we certainly saw this in respect of the nonsense that was going around about the health threats from 5G—in rebutting it, you can expose it to a much larger audience. It may be a relatively limited number of people who see it initially. If I go out and tweet a rebuttal, then it is the Secretary of State rebutting it and news outlets will report on that, so there is a balance to get there as well. That is why the principal focus is good news sources and then the secondary focus is trying to deal with the misinformation.

Q22 Damian Green: Funnily enough, I was going to ask specifically about that particular madness that we have seen recently about the alleged dangers of 5G and, indeed, its links to COVID-19.

You mentioned earlier and repeated the importance of trusted conveyors of information and opinion, but the problem with this is that it has got quite close to the mainstream. One can have views about David Icke, but when Eamonn Holmes gets to a point where Ofcom has to intervene and slap ITV over the wrist about that, then this really is madness getting quite close to the mainstream. You set out the problem quite rightly: once serious people start rebutting something, that gives it a false validity.



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What is the strategy? My experience from my own e-mail inbox is that this is an argument that is rumbling away. It has not just been killed by the initial scorn it deserved. What strategy does the Department have in that particular instance?

Oliver Dowden: First, we are working with social media companies to help remove content. For example, we talked about some of these videos. YouTube has been good at removing and downgrading those or, for example, ad-blocking them, in essence, so that they cannot get any revenue from false information having advertising attached to it.

Secondly, we are working to move rapidly to remove it. The quicker you get this down the fewer people can access it. We are working with social media companies on that.

There is clearly also a law enforcement element to this. Without getting into too much of the details of it, we are working with law enforcement agencies not just to protect sites but to understand more the motivations of the people who are creating this in the first place.

Q23 **Damian Green:** Do you have any insight into those motivations? I think I am right in saying that certainly in the early stages of the mass use of mobile phones, they were held by a minority of the population to be about to fry our brains, which I do not think has happened, although people might have different views. By and large, those sorts of health scares have been around a long time, but this appears to be much more vivid and much more destructive than previous uses of these theories. I do not think we have had vandalism against mobile phone masts before. Do the Government have any particular insight into why this and why now?

Oliver Dowden: We are looking at the geographical spread of this. We are looking at whether there may be criminal elements to it. It would be more prudent, with your permission, if I write to you outlining it to make sure that I get the words exactly right so I do not compromise any of the work that is ongoing, if you understand what I mean.

Damian Green: I quite understand. I will leave it there, Chair.

Q24 **John Nicolson:** Thanks, Secretary of State, for joining us. A recent YouGov survey found that 83% of people believe that there is a relationship between anonymity and disinformation online and, as it happens, levels of abuse online. A further recent study showed that almost 5% of Scottish Twitter activity is identifiable as malign, with clear evidence of external botnets. Do the Government recognise the link between anonymity and the spread of misinformation and harmful content online?

Oliver Dowden: From first principles, clearly, if people feel that they can act anonymously, they will act in a more aggressive fashion. I certainly see it in respect of correspondence I receive and engagement I receive on social media in my capacity both as a Minister and as a Member of



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Parliament. Frequently, certainly in respect of constituents, when you then confront them face to face, they have a completely different attitude.

It is exactly those sorts of issues that we seek to work through, and in respect of the online harms we are examining those kinds of issues. In terms of Government policy, we need to tread carefully because of the potential impacts that can have on individual liberties and freedoms.

Q25 John Nicolson: Would you like to see online harms legislation compel social media companies to verify the identity of users, not of course to publish them but simply to verify them before the accounts are up and running?

Oliver Dowden: There is certainly a challenge around, as you mentioned, bots, which are sometimes used by hostile state activity, and finding better ways of verifying to see whether these are genuine actors or whether it is co-ordinated bot-type activity. That is through online harms but there is obviously a national security angle to that as well.

Q26 John Nicolson: Damian Green earlier touched on the whole stooshie that we have seen about the 5G masts and David Icke. Personally, I think David Icke is perfectly entitled to tell us all that we are lizards from outer space if he wants to do so, but when he starts spreading dangerous misinformation as people are dying, that crosses a line, as we saw with the London Live judgment from Ofcom. My reading of it was that Ofcom also indicated pretty clearly that it did not think it had enough powers. Do you think Ofcom should have more powers to penalise companies that broadcast disinformation in the way we have seen recently?

Oliver Dowden: I have an ongoing dialogue with Ofcom and I am happy to look again at those powers. We have indicated in respect of online harms that Ofcom is likely to be our preferred regulator, so it will gain further powers in respect of online harms.

I should also say in respect of 5G that you rightly address this point. As you characterised it, he can say that people are lizards, but in the middle of a public health crisis, spreading material about the link between 5G and COVID-19 crosses a threshold of danger. That is precisely why we have worked with social media companies to make sure that it is flagged as that kind of higher level of risk.

In all of this, there is this balance between free speech and public safety but, clearly, in respect of these 5G allegations, we as a Government are clear that they are dangerous. Social media companies have accepted that and have adjusted their practices accordingly.

Q27 Giles Watling: We were talking about dealing with social media companies and asking them to take down possibly damaging material. Are you getting much pushback from some of these companies who do not want to engage with you? If so, can you name and shame them?



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Oliver Dowden: There are lots of wider challenges with social media companies, but I have been impressed with how they have stepped up to the plate as part of a national and, indeed, international effort to address misinformation at this time of crisis.

I am always challenging them. For example, I organised a virtual roundtable with them I think in the week before last. One of the challenges we had was the speed and whether they are working properly out of hours. They took steps in respect of that where there had been a problem.

This is part of the purpose for setting up the counter-disinformation cell in the first place. As we identify things that we think they need to be doing more of, we can engage with them to address it. By and large, I do not have specific concerns about the conduct of the social media companies.

Q28 **Giles Watling:** Was anybody reluctant to come to that roundtable? Was there anybody missing from the discussions?

Oliver Dowden: No. We invited a small number of the principal actors and they all attended.

Q29 **Steve Brine:** Can we move you on, Secretary of State, to the self-employed and the many people who work in the creative industries? The Chair wrote to the Chief Secretary on 1 April about the different support available to people working in these industries and the gaps there are. We are still waiting on a substantive response to that, but I want to set out some of the issues. You will be familiar with this.

There are thousands of people who work in the creative industries. They work on short PAYE contracts—for example, on film sets or in theatres. They are not covered by the self-employment support scheme. They are also not covered by the job retention scheme because they would not have been in contract at the cut-off point.

We also then have people who work for personal service companies who certainly do not draw the majority of their income from PAYE. They draw some of their income—the majority of their income in some cases—from dividends. They are not then applicable to the self-employment support scheme. Then we have the £50,000 upper threshold in the self-employment support scheme, which would rule many people out.

I appreciate that the self-employed scheme is very generous. In many ways, it is more generous than the furlough scheme because you can carry on working during that period.

Geographically, it is not very well balanced. In the part of the world that I represent, for instance, a £50,000 limit does not by any stretch of the imagination make you rich.

There are a lot of people who work in this industry. It is an industry that puts a huge amount of money into the Exchequer each year. Their diaries



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have completely emptied. Even with the most generous reading, a lot of their work is not going to come back online early doors under any form of release of restrictions.

There are many people happy with the self-employed help that has been announced by the Chancellor. There is a small but incredibly vocal group that is massively impacted and left behind by it. I wonder if you can offer any comfort for them at all this afternoon, because I know many of them, represented as they are by BECTU and Prospect union, will be listening for something from you, Secretary of State.

Oliver Dowden: First, I would like to pay tribute to everyone who works in the creative industries. It is a huge privilege of mine to be the Secretary of State responsible for this dynamic industry that is showing tremendous growth and creates really high-quality jobs. Indeed, I see it in my own constituency. I am fortunate to be the Member of Parliament for Elstree film studios, BBC Elstree and, shortly, Sky, so I know the value of this.

In respect of the self-employed scheme, we have made progress by having this self-employed scheme in the first place, and we have worked closely with the Treasury to make sure that the needs of creative industries were represented. We are also engaging extensively with the creative industries in respect of each of these issues and trying to work through them with the Treasury to see whether there is more we can do to help.

There are clearly challenges, as you said. If we take, for example, one of the harder ends, people who have incorporated and taken dividends, there are challenges around that. First, there is already a tax advantage for people who have taken dividends. Secondly, how do you distinguish whether they are genuine dividends—so, the return on their capital—or whether they are using them as some form of income substitution.

Similarly, in relation to the £50,000 threshold, there is always going to be a cut-off one side or the other. I appreciate the need to have an upper limit to this because we would not necessarily want to be subsidising partners in hedge funds and so on.

There are other issues, particularly, for example, if you have had interrupted employment, to see whether there is anything we can do in respect of that. You have seen already the Treasury has moved to give people more time to fill out the previous year's tax return, so—

Q30 **Steve Brine:** Yes, I hear you but, with respect, more time does not bring them in. At the end of the day, what we have at the moment is a situation where people are left out of this completely. You can have two people in a household with an income that comes under the £50,000, which totals £99,000, who are open to support, and you can have one who is just over and is a sole earner who does not. The solution may not be elegant, but I know, having been a sole trader myself in the past, that



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HMRC is not shy in clawing back money where it thinks it has been wrongly claimed or overclaimed. What we need to do is to get help to people now.

On the £50,000 cap, yes, I appreciate there has to be a cap somewhere, but maybe there could be a sliding scale whereby you could not claim the full £2,500 a month but could claim less.

There may be an inelegant solution here, but we need to get help to people now. Otherwise, they are going to end up in the benefits system. The creative industry that you rightly say that you love and support working with may shrink significantly unless we do that, Secretary of State.

Oliver Dowden: You make a very valid point. I can assure you that we have not reached the end of the road with this. It is not as if we are saying, "Here is the scheme. That is it, end of it". We are working with the Treasury and with the creative industries. We are trying to understand how the scheme is working in practice and the evidential base for the extent to which there is a problem and whether we can demonstrate it is a genuine problem. You know as a former Minister all of the evidence that you would work through. Then we will work with the Treasury to see if we can find other solutions to get around it. That is a process ongoing.

I simply cited the point about more time for tax returns as an example of how HMRC and Treasury have shown movement on this. We are working through it, but I also wanted to give you a sense of some of the parameters that we are dealing with.

Q31 **Kevin Brennan:** Welcome to your role. Do you know how long Culture Secretaries have lasted in the job in recent years?

Oliver Dowden: Yes, I am aware that they are a bit like the No. 73 bus. One of my first ambitions that I made clear to my Department was that I would try at least to have some longevity and stability in this role.

Q32 **Kevin Brennan:** Since the general election in 2017, the average is 261 days, which means you will be with us until roughly bonfire night. If we take the average since 2010, you might get to St Valentine's Day next year. Do you understand why people in the creative industries might think that the Government have been treating them a bit like a one-night stand in recent years?

Oliver Dowden: My ambition is that I will be a longer-serving Secretary of State. Clearly, that is not within my gift. I doubt very much that I shall voluntarily move from the position of Secretary of State. I hope that you may have appreciated from my previous answer that this is something I have a passion for, both as somebody who represents a lot of creative industries in my constituency and, indeed, someone who has always loved the creative industries and has not been shy of a bit of activity in a creative industry myself.



Q33 **Kevin Brennan:** That is excellent. We look forward to a long-term relationship, then.

How many people working in the creative industries have you estimated are not covered by the Government's scheme to help freelancers and the self-employed?

Oliver Dowden: This is precisely what we are working through, getting that evidential base so we can engage further.

Q34 **Kevin Brennan:** Do you have any initial figures you could share with us?

Oliver Dowden: No, because we are working through that analysis, but I am very happy to share with you when we have that analysis.

Q35 **Kevin Brennan:** The Institute for Fiscal Studies estimates that 38% of the self-employed are not covered by the scheme. If you took that and put it across the music industry, it would mean 52,000 people or a quarter of the workforce. That is not a small amount. That is also the figure that Help Musicians, the charity that has been very helpful towards musicians in this situation, has come up with.

The Musicians' Union survey shows that 42% of respondents are saying they are not qualifying. It is clearly a very large chunk of parts of the creative industries. I am focusing here on the music industry. The Music Producers Guild has found that producers and sound engineers have lost an average of 70% of their income. For lots of freelancers and small limited businesses, as we discussed earlier, not hedge funds, these sorts of loans that are available are no good to them and they do not qualify for the relief.

Have you given up on doing whatever it takes for the very large number of people in the creative industries, or can you pledge to us today that you are going to fight hard with the Treasury to close these gaping gaps?

Oliver Dowden: I would like to reassure you that I continue to fight hard. First, I think you will have seen, in respect of us securing both a charities package and a package for the tech industry, that I have been making sure the industries I represent are well represented across Government. I hope you will find from the industries you are engaging with—and it is certainly my experience when I talk to them, and I have had countless roundtables with various organisations—that they say they have a good level of contact with officials in the Department.

Q36 **Kevin Brennan:** Just to make the main point—and I accept that there are some good measures that have been put in place—I am interested in what is going to happen next. I am looking for a commitment from you to carry on batting, not just to pocket what has been awarded by the Treasury. I, too, have been a Government Minister. I know how it works. But it does require some push from you as the representative in the Government of the creative industries. I am looking for a sense from you that you are really pushing hard and understand the gaps that still remain.



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Oliver Dowden: Yes, I can give you that assurance. I spent five years working with David Cameron as his deputy chief of staff. I have also been a Cabinet Office Minister at the heart of Government. I am familiar with the ways that Government work.

I should say, in fairness to the Treasury and to the Chancellor, he is also keen to support these industries. As ever, the challenge with this is, first, working at tremendous pace and having a system that prevents fraud and abuse and tackles the problem that we want to tackle. We had a good scheme announced by the Chancellor in respect of the self-employed. I do appreciate the concerns that people continue to have. We are working through those. We are working on the—

Q37 **Kevin Brennan:** Okay, I think we have covered that already. Can I push on a little bit to talk about the future and what happens to the creative industries? I will focus on music today but it applies more widely as well.

At the moment, no one can go to a gig. No one can go to a concert. The live sector is dead. I wondered if you know as the Minister for the Department for Digital—most recorded music is now consumed by streaming and that is the only income left for a lot of musicians—how much you would be paid per stream if you had a piece of music up on Google?

Oliver Dowden: It is a tiny fraction of a penny. I cannot tell you exactly the number.

Q38 **Kevin Brennan:** The latest figure on YouTube is 0.0012 of £1. It would take you 7,267 streams to earn one hour of the minimum wage at that rate. Given the sorts of profits that are being made by some of the tech businesses in our brief, which often pay very little tax indeed in this country, do you think that is a fair rate of remuneration for creative people and musicians?

Oliver Dowden: I do not want to be in the business of second-guessing private companies as to what rates they pay. There is a competitive market between them.

You raise an important point about tech companies paying their fair share of tax, and you have seen that, for example, we have introduced the digital services tax.

On the underlying point, I want to get live music back up and running as soon as possible, consistent with—

Q39 **Kevin Brennan:** We all do, but on the point about recorded music, because it does come into our brief with digital, the Government appear to have abandoned any idea of aligning with the European copyright directive, which they played a big role in drawing up when we were members of the European Union. The Australians are passing legislation now to force tech giants to pay for the reuse of content. It is a Government responsibility. It is not simply a private issue, in that it is a



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broken market that the Government have a role to play in. Live music, as you have just acknowledged, has been devastated by COVID-19. That has brought into sharp relief the payments for recorded music.

I do not expect an answer now, but will you make it your business in your long tenure in the post to look into this market and whether or not, when we consider what we are going to do about the copyright directive, this should be one of your priorities to take a look at?

Oliver Dowden: Yes. I am aware in outline of the Australian scheme and I am looking at it myself to understand the applicability potentially here. Yes, of course, I will be looking at exactly those points.

Q40 **Kevin Brennan:** I thank the Secretary of State for that answer. On a final point, can you also indicate whether in the post-COVID period you are already thinking about the recovery plan we need? In this sector, I suppose, it would be not a Marshall plan but maybe a Marshall amp plan. There is a need to think ahead because we could be in the process of losing some vital cultural infrastructure, whether it is theatres, recording studios and so on. Are you giving some thought at this point to making sure that we do not lose that vital infrastructure, which is key to the massive success our creative industries have been in recent years?

Oliver Dowden: The short answer is yes. Just to furnish that with a little bit more information, first, I have commented publicly on this and the Premier League and the discussions we are having there, but we are discussing with all our sectors what a return to business might look like consistent with different scenarios so that, should we get past the point of the five tests, we are not starting with a blank sheet of paper and we know what options there are. We are continuing a process of working through all of that to enhance our understanding. There is that element of the technicalities of it.

I am also very mindful, in respect of both the tech sector and the creative industries, that they have in the past been huge contributors to growth in this country, so how do we get them back up and going and campaigning to support them? If you look, for example, at the Festival of Britain and things like that, there are opportunities around using that to showcase and drive those industries.

Finally, I am also mindful—and I have commissioned officials on this—of what the core architecture is that we really have to support through this.

Chair: Thank you. There's one follow-up from Giles, and then I'm going to bring Julie in on tech.

Q41 **Giles Watling:** I have spent time in showbusiness in one form or another. Indeed, my first television series was made at Elstree studios. I have great experience as a producer, director, writer, actor or whatever. I know that theatres are being particularly badly hit by this, as are music venues, et cetera, large and small. Some may weather the storm, some may not.



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Are you dealing with the Department of Health and are you liaising on a possible way out of this? I am not talking about the finances of it here. I am talking about a way out of it whereby we can have a social distancing kind of theatre, as we are currently sitting in the Chamber in Parliament and as we are here, where we can start building a new sort of theatre and can find a way out. These people rely on lots of people coming together and sitting in a cramped space, as you know. Are you talking to people and looking at physical ways to move forward as we come out of this crisis?

Oliver Dowden: The short answer is yes. We are engaging, but I do not underestimate the challenges, particularly in terms of the revenue that might be derived from socially distant theatre. Of course, we are working with them.

I should say in respect of all of this, to be clear, that this is not about things that are going to happen. This is if we get to the point where we can start to ease, we have that understanding of the options that are available. We are engaging across all of the sectors that DCMS represents.

Q42 **Julie Elliott:** Welcome, Secretary of State. This is a very unusual way for you to make your first appearance before the Committee.

As the Chair said, I want to move on to tech. According to ONS, about 1.9 million people in this country are not connected to the internet. I understand that about 25% of the 1 million people identified as vulnerable, who have had the letter from the Government saying that they are vulnerable, do not have access to a smartphone or a tablet. What assessment have you and your Department made of the digital inclusion of those who are most vulnerable, digitally excluded and shielding, and what priority are you placing on them?

Oliver Dowden: This is a very important point. First, for those who have the equipment, we have been working with the telcos to see what we can do to make life easier; for example, for pay as you go, easing some of the data restrictions or looking for some forbearance if people are unable to pay. We have quite a good package that we agreed with them.

In respect of people who do not have access to equipment, first, hopefully you will have seen the Education Secretary's announcement—and we worked with him on that—to ensure that vulnerable children are able to access laptops and other devices to enable them to continue their schooling. We have played a major part, working with the Department for Education. I worked directly with the Secretary of State in respect of that.

We are also, as NHSX is working on the contact and tracing app, doing a lot of work around how we would address issues of digital inclusion in respect of that.

Q43 **Julie Elliott:** I want to come back to the education point in a moment. Of the 25% that I mentioned of those most vulnerable people, how many



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households do you expect to get digitally connected in the next month that currently are not digitally connected? I would like your response, Secretary of State, and I would also like Sarah Healey's response in terms of the logistics of how that is going to work as well, please.

Oliver Dowden: Would you like me to hand over to Sarah first and then come back?

Julie Elliott: Yes, whichever way. Welcome, Sarah.

Sarah Healey: Thank you very much. We have been working with the telecommunications companies, just as DEFRA has been working, for instance, with the supermarkets, on identifying vulnerable people and ensuring that they can be prioritised for connection at this time so that they are able to become digitally connected.

Obviously, the big investment in superfast broadband has meant that more and more people have access to connections that would be good enough to access some of the services they need to at the moment. We have worked with the telecommunications—

Q44 **Julie Elliott:** I am talking about those people who currently—and it is 25%—do not have any internet connection or any device or data to access any of the things they need.

Sarah Healey: We have also been working with the DevicesDotNow campaign, which is led by FutureDotNow, which is looking at getting donations of smartphones, tablets and other equipment in order to distribute those. We have also worked with the telecommunications companies to enable those people to get data packages, which will allow them to access the internet without necessarily needing to connect their homes permanently at the moment.

Q45 **Julie Elliott:** Secretary of State, DevicesDotNow is a fantastic initiative. What funding are you allocating to make this happen and make it happen quickly?

Oliver Dowden: We are working with the tech companies themselves, for example, providing dongles and that kind of thing for people who do not have access. It is through a number of different streams, but I am very happy to write to you with the exact numbers.

Q46 **Julie Elliott:** Thank you. I want to move on briefly to the education announcement that you mentioned at the weekend, which is very welcome, but it very much targets those pupils who are coming up to exam age. I am very concerned again about the most vulnerable children in school of all ages. Has mobile internet for those who are currently in receipt of the pupil premium been looked at? This is an easy, universal way of targeting those children who are most vulnerable in terms of losing out on their education and social activity online, right across the age range, and providing the tools and laptops for those children. Has the Department looked at anything like that, not just pupils coming up to



exams?

Oliver Dowden: Yes. The first thing is we have done quite a lot of work with the telco companies specifically on this question of the most disadvantaged, and pupil premium recipients are an important measure as part of that. I am continuing to work with the Department for Education to see how we can get those resources in place.

I should also pay tribute to the BBC and others who have made a huge amount of educational content available, but I do appreciate that some of that does require you to be online to do so. I would also pay tribute to the schools that have kept going all the way through the Easter holidays, helping some of those most disadvantaged children.

Sarah Healey: As the Secretary of State says, schools are doing a tremendous amount to stay open and available for vulnerable children. I know they are looking at how they can get more vulnerable children to attend school because, currently, the percentages who are attending are relatively low. In schools, they have the ability to access all of this equipment and connectivity, which can help them learn. We would look, in the first instance, to try to ensure that they are able to go to school—the schools that are open for them to use.

Q47 **Julie Elliott:** Could I just interrupt and say that the people who are on pupil premium are not those identified at the moment as children who would be allowed access to schools? Some will be, but most of them will not. I hope, when you are looking at this, you look at the wider group of vulnerable children in terms of their income and access to things that other people's children might have.

Finally, on this section, you mentioned superfast broadband. I am personally struggling, and people in Sunderland and I am sure across the country are struggling—*[Interruption.]*

Chair: The irony—Julie, ironically your broadband has just managed to fail you.

Julie Elliott: Can you hear me now?

Chair: I can hear you now, but your broadband literally just failed you, just as you said about the failures in superfast broadband.

Julie Elliott: Right. Can I carry on?

Chair: Do you want to start the question from the start?

Julie Elliott: What I was saying was it highlights the problems. I pay for superfast broadband. Of the 3.5 km to my exchange, 280 metres are fibre connected, which is why I am having the problems that very aptly showed there. Businesses are suffering, and it is really—

Oliver Dowden: Mr Chair, would you like me to try to address the essence—

Chair: Yes, please, if you could just answer the main points about



broadband infrastructure and the failings of it for people who are suffering.

Julie Elliott: Very much, yes, and moving forward.

Oliver Dowden: Thank you, and I will resist saying you timed it to demonstrate the challenges with your broadband.

There are two elements. First, there is the superfast broadband. The statistics show that we have very high levels—into the high 90s—of superfast broadband, but I am working with Ofcom to interrogate whether this is genuinely the case. Secondly, clearly, we have set this very ambitious target in respect of gigabit-enabled and full-fibre broadband, so that is the driver that we are working on.

When the Prime Minister appointed me as Secretary of State, number one on the list of things that he asked me to do was to work on broadband delivery, so it is absolutely top of my list. Certainly, pre the COVID-19 crisis, I was meeting on a fortnightly basis with the telcos. I continue to engage with them. It is that kind of a priority that I am attaching to it. In essence, we have a Minister for broadband in Matt Warman, who is dealing with this on a day-to-day basis.

Q48 **Philip Davies:** Secretary of State, what discussions have you been having with the sporting bodies about the resumption of sport behind closed doors?

Oliver Dowden: I personally have spoken to the Premiership. Officials in my Department are engaging across all of the sports. We have had quite productive conversations.

Clearly, I should say at the beginning of it, the context of this is this would only be, first, if we pass the five tests and, secondly, if we could ensure that it was done consistently with the measures that were in place at the time around social distancing and so on and where we also would be content that it sent the correct signal. We would not want too much of a signal that life had gone back to normal if we were still asking people to take measures to protect their public health. Within that, we have had constructive discussions. We have already engaged, for example, with the police, Public Health England, the Local Government Association and others. We are progressing this.

I really want us to get to a point where we have bottomed out whether this would work in practice and dealt with all the practicalities of it. Then, if the wider circumstances permit, we would seek permission through Cobra and others to do it. I just want to be clear that that is not what we are talking about right now, but I want to make sure that we do all the preparatory work.

Q49 **Philip Davies:** You think sport should be preparing for the end of a lockdown. You are quite content that they should be making those preparations. We know the five tests that apply to the general lockdown.



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Are there any other extra tests that you have set for sports before they are allowed to operate behind closed doors?

Oliver Dowden: First, there is the safety of the participants. If you took, for example, football and probably horse racing and others, it would be quite difficult to have the participants acting in a socially distant way. How would we resolve the social distancing problem? It is not insurmountable, but how would we resolve that? That is an extra consideration.

The other extra consideration in respect of sport is it clearly has a much wider cultural significance and public engagement, and I would just want to make sure that the signals we were sending from that were consistent with the signals that we are sending to the public more broadly. I think it is sensible at this stage to have the engagement, to think through it, but I have been clear in all the conversations I have had, all of this is without prejudice. Let's do the work, and then we will make the decision at the appropriate point, number one, in accordance with the scientific evidence.

Q50 **Philip Davies:** Previously, you pretty much left it to the sporting bodies to decide whether or not they should continue or whether they should come to a halt, which they all decided to do. Will they need your permission to start up again, or are you going to leave starting up again with the sporting bodies, or would you veto a sport that said that they were going to carry on behind closed doors?

Oliver Dowden: I perhaps would take issue with the first part of your question. Some sports bodies chose not to proceed. The Government did issue guidance when they felt it was the appropriate point in respect of mass gatherings, as they did in respect of pubs and restaurants and all those other measures. There was Government intervention, though I accept some bodies acted in advance of that.

We would not expect sporting bodies to act in a way that was not consistent with the wider public health guidance that was issued, and we would take steps to enforce it. We have those powers anyway under the legislation we have passed, so we would be able to enforce it.

Q51 **Philip Davies:** You are working with sporting bodies to consider how you might start again, under what circumstances you could start again behind closed doors, things like that. Do I, therefore, presume that you are also working through the financial implications for each sport of not resuming in the near future behind closed doors, and are you looking to put together a package of support for varying sports—football clubs, perhaps, in the lower leagues, or horse racing, which you mentioned as well in your previous answer? Are you looking at what financial support they may need if they are not allowed to resume in the near future?

Oliver Dowden: Yes. There are a number of important points there. Clearly, the number one consideration in respect of resumption of sports is public health and whether it is safe to do so. I am, of course, mindful that I would like these sports to resume as quickly as possible. People



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want life to go back to normal, as do I. There is, of course, a side benefit of that. For example, if we were to get the Premier League to finish its season, that would mean that there were more resources for the lower league clubs. Most of these sorts of premium sport occasions have wider benefits for the rest of the industry. That is another reason for trying to get them back in some form or another.

In respect of support for specific sports, Sport England has come up with a package and money is already being released through that. Many sports are taking advantage of the furloughing scheme, and we are continuing to engage with sports in respect of the specifics of their situations.

Q52 Philip Davies: Take, for example, lower league football clubs that are absolutely reliant on income from TV rights and things like that, if they were not able to complete the season. We have already seen the difficulty of some clubs. Bury and Macclesfield have had problems already. That was in the so-called good times. Potentially, this could be ruinous for many lower league clubs. Are the Government looking at what support may be needed to prop up some of these clubs if the worst came to the worst and the season is not able to be completed?

Oliver Dowden: It is interesting you say in respect of the Football League. I think the financial reality for most clubs is their biggest source of income is the direct transfers that they get from the Premier League. If we got the Premier League running in some way behind closed doors, that would massively relieve the pressure on all the other clubs because there is that transfer of wealth between them.

Of course, we are looking across the board at all sports to see what support they need. Certainly, a lot of the lower league clubs are making extensive use of the furloughing scheme, which is reducing pressure on them, and, for example, the Premier League is already supporting lower league clubs as it stands. Sports are helping within themselves, we are engaging with them, and the arm's length bodies that oversee them, such as Sport England, are also making resources available to them.

Q53 Philip Davies: I have one final question. One of the factors when some of the sports decided to end—horse racing being an obvious example—was that they did not want to add to the potential pressure on the capacity of the NHS if people had accidents, or the need for medics or ambulances and things like that at their sport. Given that the capacity of the NHS is still very high from the latest figures and we appear to be there or thereabouts at the peak, is that now itself no longer a necessary consideration for them?

Oliver Dowden: We set out these five tests. Capacity of the NHS forms part of them. I do not really want to prejudge that. That assessment will take place in two or three weeks' time. The right way is to take all the evidence and reach a decision at that point. I do not think it would be



helpful for me to speculate, given that I am not the Health Minister and I do not have the exact details of that situation.

Q54 Chair: Before I go on to clubs, I have one follow-up question in respect of the Premier League and broadcasting. Is it potentially the case, should the Premier League start playing its matches behind closed doors, that that could be available free to air, rather than on Sky, to stop the prospect of people, for example, going around to each other's houses to watch the game on Sky? Would it be a good argument, as has been suggested to me, that it would be good—and also for the morale of the nation—to have that free to air?

Oliver Dowden: Yes, it is a very good point, and I have raised exactly this challenge to the Premier League in the conversations that I had with it. Philip Davies asked me for other conditions. I should probably have added that, in the sense that I have said to the Premier League in particular that it would not send the best signal if it was the first or one of the first major sports to resume behind closed doors and the public at large could not have access to it.

Of course, I appreciate, given the previous conversation that we were having, that the sports themselves are reliant on the revenue that they derive, so I do not want to be in the position of issuing some blanket mandate or trying to change things around, but I think they do need to be mindful of that. In fairness, they are mindful of it, and there are different ways that you can have elements of protecting revenue from broadcasting but also look at whether there are ways of increasing access as well. I have urged them to do that, and that is what they are considering as they go through the ideas for how it might work if they were to resume behind closed doors.

Again, I must keep on emphasising that this is not to indicate that this will happen. Clearly, the first stage is the five tests, and then it is just to make sure that we are at least doing the analysis without prejudice so that if the situation did arise, then we are not starting from a blank sheet of paper.

Q55 Chair: We could see the Premier League on BBC and ITV, potentially, if they are allowed to go ahead with games behind closed doors?

Oliver Dowden: I am certainly not going to jump and further step ahead and start speculating about the platform upon which they might broadcast. That is not what I am saying. What I am saying is to your point: if they are resuming, to be mindful of access points. That does not have to just be in the form of going on traditional terrestrial channels or, indeed, showing all of the matches. There are all sorts of creative options within that. I think it is something they should consider, and they have said they are considering it. I will put it no more strongly than that.

Q56 Clive Efford: Congratulations, Secretary of State, on your appointment. Can I ask you about the Government's approach to sport governing



bodies in terms of postponing fixtures and events? So far, the Government have not intervened and have allowed the governing bodies to make those decisions. What was the thinking behind the Government taking a step back like that and allowing the governing bodies to make these decisions themselves? After all, the Government have public safety and public health as their primary concern, whereas those governing bodies may have conflicting interests that may cloud their judgment.

Oliver Dowden: Thank you for your kind words and the question. I do not agree with that characterisation of it. Throughout all of this, we have been driven by the facts and the scientific evidence. For example, I had extensive discussions with the Deputy Chief Medical Officer and the Chief Medical Officer. We arranged for all of the major sporting bodies to come in, I think on 2 March, for a briefing with the Deputy Chief Medical Officer to understand the scientific considerations in respect of it. At the appropriate moment when we felt it was right to ban activities, we banned activities. That included mass gatherings, pubs and all these other things that we did. It is true that some sporting events decided to act before that, but it is simply not the case that we were absent from this conversation.

Q57 Clive Efford: The Government's approach towards large gatherings at football matches—Cheltenham was another one—could be an indicator as to what the Government's thinking was early on in this crisis and whether they were taking a too relaxed approach. What was the Government's thinking when they allowed Cheltenham to go ahead, with 125,000 people attending horse racing early in March, and the Atlético Madrid match at Liverpool where there were 3,000 fans from Madrid, which already had many cases of COVID-19 at that time? What was the thinking behind the Government at that stage that those were suitable large gatherings to go ahead?

Oliver Dowden: Throughout all of this, we based what we did on the scientific evidence that we received both from SAGE and from the medical officers. As I said, I spoke to them twice and they met the sporting bodies. The analysis was that in these events the risk is the people who are immediately in the row in front of you, the row behind you and on either side. That risk is as great or as little as it would be if you were watching it in the pub down the road on the big screen or if you were going on public transport to get to the event.

The advice that we were given was that, to act consistently, it might be appropriate at a point in the progress of the disease to ban all those sorts of activities, and indeed that is what we did, but there was not a case for singling out mass gatherings from those other things. That is the approach that we took—not just that I took, but that was the approach taken through Cobra and through the other decision-making bodies in respect of this crisis.

Q58 Clive Efford: As soon as 16 March, just a few days after Cheltenham and the Atlético Madrid-Liverpool game, the decision was taken to cease



those events. Is that correct?

Oliver Dowden: I believe that that timing is correct. I think the point with that, of course, is that at any point when you introduce tougher restrictions, the day before there are going to be less-tough restrictions. It is just the nature of the day on which you take those measures. On that same day of Atlético Madrid or Cheltenham, there were millions of people in pubs and restaurants up and down the country. Similarly, a few days later, there were not because we had stopped that. That is in the nature of how an order like that will work.

Q59 **Clive Efford:** Yes, but the problem is that if we abdicate responsibility to science and do not make judgments as politicians, we could probably get an algorithm for making choices. The issue here is what was going on in Italy at that time. Football matches were being played behind closed doors, I believe, or even stopped, yet here we allowed those people to travel all that distance to Liverpool and we allowed Cheltenham to go on. You will be aware that there are concerns now that there may have been cases that were spread as a consequence of those events going ahead. Have you asked specifically for that to be researched, to ensure that we are better informed in future, if we allow these events to go ahead, that we are not spreading infection, so that we may need to make decisions more quickly should we go back into another crisis like the one we are in at the moment?

Oliver Dowden: There are a number of points you have raised there. Perhaps I could deal with each of them.

In respect of the difference between us and Italy, clearly Italy was at a different stage of the progress of the disease. You talked about abdicating responsibility. If you flip that on its head, you are basically asking me, as a Minister who is not a scientist, not an epidemiologist, to say, "This is the advice that I am being given by the scientists and epidemiologists. I am going to ignore that and jump ahead and do it". I think the public would expect us to follow that advice.

In respect of lessons, of course there are lessons and research that has to take place. At this stage, the focus is still on ensuring that we deal with this crisis as it unfolds. For another day there will be that kind of work to do. I would caution that that kind of work will take probably years in terms of getting appropriate international comparisons, because we have to benchmark it across what is being done in very different countries with different demographics, different health systems and so on. Of course, we would be looking to learn the lessons.

Q60 **Clive Efford:** My point is that what was going on in other countries that were ahead of us was pointing in the direction of what was coming our way, and all of these things are political judgments.

Can I just move on? What assessment have you made of the overall economic impact of what is happening with regard to sport? This is going to have enormous knock-on consequences. Is there any work being done



in that regard to look at the overall impact that this is having and how we might repair things going forward?

Oliver Dowden: Yes is the short answer. Clearly, we have had a public health crisis. In response to that, we have taken very severe measures, as you know, to protect the NHS and save lives. We have been clear that that has severe economic consequences, and that is why the Chancellor has outlined a range of measures to address that.

We have also been clear that we are not going to be able to address every single ill that comes from the economic consequences as a result of the public health measures, but we are working across all of our sectors to understand that impact. That impact has, in turn, informed the sorts of measures that the Treasury is taking: the furloughing scheme, the self-employed scheme, the business rates relief. That is evidence-based policy, and DDCMS has contributed to that evidence base, working with the sectors that we represent.

Q61 **Clive Efford:** There has been talk about certain sports perhaps starting to take place behind closed doors and being televised. The point has been made about the need for those to be televised on free-to-air. Is there a discussion going on across Government about how to co-ordinate things like this? For instance, if people just crowd into a pub, they must be desperate to socialise after being locked down, so it is an understandable reaction but completely contrary to what we need. If pubs were allowed to open up at the same time as things like this were going on, the likelihood is that we are going to see people crowding back into pubs. Is that sort of thought and co-ordination taking place across Government? Are you involved in discussions on that scale to make sure that we co-ordinate how we come out of the lockdown?

Oliver Dowden: Yes, of course, we would co-ordinate. I think we are beginning to get a bit ahead of ourselves with this. Stage 1 is: let's analyse where we are in two to three weeks' time and see if we have passed those tests. If we pass those tests, then we can look at the measures that we might take.

One of the things that we have said we are discussing to understand what it would look like is sport behind closed doors. We have made some progress with it. If we got to the point where we felt that that was something that we would like to socialise for wider consideration across Government—and we are not at that point yet—then, of course, we would take that into account, working with all other Government Departments and through Cobra. We would look at exactly the points that you raise.

I just want to be clear with you and clear with the Committee. We are a long way from that. What we are doing at this stage is understanding what sport behind closed doors might look like in the narrow sense, how we would work on it in that narrow sense, and then we would work across the wider consequences at the appropriate moment, but we are not at the point of saying this is happening imminently.



Q62 Clive Efford: Can I just ask about the financial impact on people within sport? Are there any specific peculiarities about the needs of people that you have come across in sport that are not covered by the Government's package of support for people? There are those who have suddenly lost income. We have had the row about people on huge salaries in the Premier League being kept on full pay while potentially people are being furloughed in the Government scheme or are lower down the pay scale in a football club. Are there any peculiarities or any holes that need to be plugged for people in sport who are not covered?

Oliver Dowden: I think there are challenges. Sports are impacted in different ways. For example, if you took rugby union, where it had completed most of its season, that is very different from rugby league, which is about to commence, so they are in different financial positions. We are working through the consequences of that. Clearly, as you move towards sports that are less well funded, where people have other jobs or there are elements of self-employment, there will be consequences there.

Through all of this, what we have done in a really intensive way at official level, at ministerial level, and me as Secretary of State, is we have a constant dialogue. We are getting information from sporting bodies and understanding what the challenges are. That forms the evidence base that then helps us make representations to the Treasury and helps the Treasury in turn to understand what sort of work needs to be done, and that has in turn informed the sorts of packages that have been brought forward.

We are not going to be able to design perfect schemes that deal with every single last element, but we are in an iterative process. We are working through this.

Q63 Julie Elliott: I want to just very briefly ask a question about women's football. In the last year or two it has exploded as a sport for people to watch in the country. FIFPro, the organisation that represents footballers across the world, has said, "The current situation is likely to present an almost existential threat to the women's game if no specific considerations are given to protect the women's football industry." I am wondering if the Government have given any thought to this for the point that we move out of the situation we are in at the moment.

Oliver Dowden: It is a very good point about women's sport. There is Government support for women's football, and various packages exist already. I know also the Football Association and others are looking at that wider support.

With women's football, like all sports, we are working through with them to understand what support we can give them and what support they need. Furloughing is quite applicable for a lot of them, so that will be the first port of call, but those discussions are ongoing.

Q64 John Nicolson: In the last week it has been confirmed that the



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gruesome Crown Prince Mohammed bin Salman is on the verge of purchasing Newcastle football club. He is trying to buy it through the Saudi Arabian public investment fund, a sovereign wealth fund that he chairs. Under normal circumstances, he would be expected to pass the fit and proper person test. It would take into account financial tests but also a consideration of crimes committed globally. Given Saudi Arabia's record of kidnapping, torture and other human rights violations, not least the brutal murder of Jamal Khashoggi, how can the prince possibly be considered a fit and proper person?

Oliver Dowden: As you know, the fit and proper person test is undertaken by the football league, so I do not want to prejudge the process that they will be undertaking. I would also take slight issue with the characterisation of him personally purchasing it.

Q65 **John Nicolson:** Really? What part of it would you disagree with?

Oliver Dowden: First, it is a company backed by the sovereign wealth fund, so it is not him personally buying it. We have good foreign relations with Saudi Arabia, but we have also never been shy of raising all of those human rights abuses that you have talked about, and we will continue to do so, but I think it is—

Q66 **John Nicolson:** Sorry, you said you would dispute my characterisation of him personally. Those were your words. What part of my characterisation of him as a person would you disagree with, given the role that he plays in Saudi Arabia, its human rights records and the murder of Jamal Khashoggi, which, if he did not personally order, he certainly knew about?

Oliver Dowden: Forgive me, I may not have expressed myself clearly. I was not seeking to comment on the foreign policy element of what you are saying, his conduct. I was talking about the vehicle for purchasing that. I did not believe that it was him personally purchasing the club.

Q67 **John Nicolson:** As you know, the Saudi royal family is the Saudi state and vice versa, but let's leave that. Saudi Arabia is clearly using sport to distract from its human rights record, hosting the Dakar rally, boxing matches, bidding for a Formula 1 grand prix, and now attempting to buy a football club with more than a century's history. It just seems to be the latest facet of that campaign. I am very anxious that this does not slip through the net because the country is focusing on COVID-19. Can you and will you intervene on this?

Oliver Dowden: This is a matter for the football league to carry out the fit and proper person test, and I do not intend to vary the approach that we would take, which is that that is for the football league to carry out that assessment. I am sure it will do in respect of this.

Q68 **John Nicolson:** If the person is a fit and proper person, despite the clear evidence that he is not, there is nothing that you are able to do to intervene and the club will pass into his gruesome hands?



Oliver Dowden: The normal process is for that test to be undertaken. That test has not been undertaken, so we are dealing with a hypothetical situation.

Q69 **John Nicolson:** Well, it is. Life is full of hypotheticals, Secretary of State. Let's fast forward beyond the hypothetical to when and if the Football Association regards him as a fit and proper person, if it does. In that eventuality, would you be able to intervene and would you consider doing so?

Oliver Dowden: I think it is a matter for them to carry out.

Q70 **John Nicolson:** Only them?

Oliver Dowden: I think it is a matter for them, yes.

Q71 **John Nicolson:** You have no role?

Oliver Dowden: I am content that they should carry out that test.

Q72 **Giles Watling:** I am going back slightly to the question I had for you, Secretary of State, on the theatre, but this is now to do with sport and to do with the smaller sports. We have talked about the big, grand sports and perhaps being able to operate on television only. For the mental and physical health of the nation, many people take part in non-contact sports right up and down the country, everything from angling to bowls to golf and so on.

As we come out of this lockdown, are there no plans in place to facilitate, in association with the Department of Health, the easing of the social distancing rules inasmuch as some of these clubs could open—not the clubhouses, not the drinking in bars and all of that—so that people can go out and enjoy their sports and make the clubs perhaps responsible for the social distancing necessary? I have had representations from people locally here—I am talking very much on a parochial level—that their sports do not necessarily involve close interaction, and any social distancing measures such as gloves and masks and so on could be used to facilitate this.

Oliver Dowden: If you will forgive me, I will just start by caveating all of this again, for the purposes of clarity, that we will have to go through the process of the five tests being passed. In advance of that, we are gathering evidence on these points, but I do not really want to speculate further because I think we are still at the stage of gathering the evidence of where we are. The nature of the evidence that is then considered by Cobra, and the Prime Minister and others at that point will then determine the nature of the next steps that will follow, but those are all valid points that you have raised. I think we are jumping ahead of ourselves a bit to get to that.

Q73 **Giles Watling:** What I am asking you, Secretary of State, is perhaps you could make representations to Cobra that there should be some easing for the mental and physical health of the nation.



Oliver Dowden: We are gathering that evidence, first. Secondly, in respect of all sports and all those points, I want us to ease restrictions as quickly as we are able to, but that has to be consistent with the public health evidence and guidance. You can rest assured that I will be working with all of those organisations to understand where they are and, as appropriate, as the public health evidence allows it, to make the case for them.

Q74 **Steve Brine:** Could I just be a bore and go back to the issue of the creative industries and the self-employed? The reason that I asked is that BECTU, which I am sure you are familiar with, is the union for the creative employed, and it represents about 40,000 people: staff, contract, freelance workers in the media industry. I just wanted to understand, because you said that you were having conversations with the Treasury. The reason I asked the question is I wanted to get a sense that this is not closed, that there is still hope here for these people—and you gave that to me, to be fair. You said that this is not a done deal, that we are still talking. Maybe this is a question for your Permanent Secretary, but the message that I have had during this session is that engagement from DDCMS with organisations—including BECTU representing the creative industries—has been, and I quote, “almost non-existent”. Are these conversations going on between the Department and the Treasury and then the Treasury is having conversations with the sector, or is the Department, which obviously we are responsible for scrutinising, having direct conversations with the creative sector? I do not expect dates and times now, but maybe your Permanent Secretary could enlighten me on that and provide us with some examples of exactly when these engagements have happened.

Oliver Dowden: I could certainly say, but I will, of course, ask my Permanent Secretary to come in, or would you like to just go straight to the Permanent Secretary and address your questions to her?

Q75 **Steve Brine:** Yes, sure, Sarah. There is no reason why the Secretary of State should know every single meeting that the Department is having, unless, of course, he is in them. What engagement directly, Sarah, is the Department having with the creative industries and those that represent them?

Sarah Healey: I am very surprised to hear what you have said about non-existent engagement. It is certainly the case that I encourage all of my teams to engage extremely actively with the sectors that they work with. In general, the feedback that we have had from almost all of them has been that they have really appreciated the involvement that they have had with the Department over the last few weeks in identifying those issues. Not all issues we have been able to solve, but all issues we have heard, understood, processed and taken on to further discussions with the Treasury and others as necessary. As the Secretary of State said earlier, I think that is demonstrated with the work that was done on the charities package, for instance.



It may be that in this particular instance that particular organisation has not been involved, but I absolutely assure you that my Department has been extremely externally facing in how it has conducted this. We recognise that in understanding the complex needs of the sectors that we work with it is vitally important that we are listening, because we cannot understand all of those ourselves.

Indeed, apart from the official level contact, obviously, as the Secretary of State has already indicated, Ministers and others have conducted—I totted them up this morning—close to about 100 roundtables with different aspects of DDCMS stakeholders in order to properly understand some of the issues that they are facing. I am sorry if that particular organisation feels it has not had that engagement, but it is certainly being done by DDCMS and then fed through to the Treasury.

Steve Brine: All right. One to keep a watch on, I think, but thank you, Sarah.

Oliver Dowden: Mr Chairman, may I add one further point on that, just to give you some sense of Ministers? Caroline Dinenage—she is the responsible Minister—I know has met with creative industries a lot, because we have meetings at the beginning and end of each week and I get written submissions each week on the engagement that Ministers have had with all of those sectors and the issues that have arisen from it, and that helps me appreciate and understand the overall strategic approach that the Department should be taking. I would be very happy to write back with the specifics of that engagement. Clearly, I do not have every last meeting to hand.

Steve Brine: That is very helpful. Thank you, Oliver.

Q76 **Chair:** Thank you, Secretary of State. As you know, we are carrying out an inquiry into public service broadcasting. Obviously, we have had the consultation on decriminalisation recently. I just have a few questions around that. First of all, what did you think of the BBC's idea about replacing a licence fee with, effectively, a digital tax, a broadband tax? Do you think that is a good or a bad idea?

Oliver Dowden: The first thing to say about the licence fee is that it is going to be in place until 2027. We have given that commitment. I am open to all ideas, but I think that is jumping ahead of where we are now. The licence fee is already a tax, so I would look at whether we replace one tax with another.

I think the underlying issue here is if you look at how much broadcasting has changed over the past five years, let alone, say, since the year 2000. I grew up going home and seeing what was on the box. Very few people do that anymore. I watch almost everything on demand. I watch quite a lot of BBC, but I watch it via the BBC iPlayer. Most kids are watching user-generated content. Something like Netflix, particularly in this lockdown, has soared in terms of its usership. The whole market is



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changing beyond recognition, so the question we should be asking is: how does the BBC fit into that landscape?

There are various stages to that. We have consultation on things like decriminalisation. We have the mid-term review. We have the licence fee settlement 2022 to 2027. The long-term vision is some way off in terms of post-2027.

Q77 Chair: Secretary of State, you must have had an initial thought when you heard this idea. Did you think, “That sounds like a way forward for the future” over the whole debate, or did you think, “That is a non-starter”? What was it?

Oliver Dowden: It did not grab me as a particularly compelling idea, if I could put it that way, just for the simple reason that the licence fee is a form of tax already. I think we need to be looking more fundamentally at how the BBC fits into that platform landscape. As I say, we are committed to the licence fee until 2027.

I gave a speech some time ago—it feels like a very long time ago—about the challenges that the BBC faces. One of them I identified was how it responds to that platform landscape.

Q78 Chair: On decriminalisation, when can we expect a final decision, and what modelling, if any, has been done in case a criminal sanction is replaced with, say, an enhanced civil sanction?

Oliver Dowden: As you know, the consultation closed relatively recently. We are going through the process of considering the outcome of that consultation. We have said that, off the back of that, if we decided to proceed, there will probably be a further consultation as to the nature of what that decriminalisation would look like, and then, in turn, it would require primary legislation. We are looking later this year to respond, and it would not be, I would not think, probably until 2022 that we finally got primary legislation on the statute books in respect of it.

On the point about civil penalties, I am very mindful of this point that, if we are to decriminalise, I do not want to send a signal that somehow you do not have to pay your licence fee anymore. We expect all people to be responsible and to abide by the law, so it may well be that we have to look at options to ensure that there is strong licence fee compliance absent a criminal sanction, if we were to decide to proceed with decriminalisation. Clearly, we would put that proposal out for consultation.

Q79 Chair: You will put the idea of the alternative to decriminalisation out for consultation?

Oliver Dowden: Yes.

Q80 Chair: Given the current parliamentary situation that we are all living through right now, we are looking at 12 months before we even get near



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where we should be on that.

Oliver Dowden: Like I said, there are various stages to it. We will respond to the consultation. We have indicated there will probably be a further consultation on whatever the alternative was, and then that would require primary legislation. That does point to a period of a large number of months, taking you through to 2021, 2022.

Q81 **Chair:** A final one from me before I bring in Kevin. We know the D-day for over-75s has now moved backwards by a couple of months. Given that many in that age bracket may be still isolating at that point or having at least very limited social contact, are you looking at the potential to extend the date for the ending of the over-75s, maybe even until later in the year or the end of the year? What conversations are you starting to have in that respect?

Oliver Dowden: First, I welcome the fact that the BBC recognised that it would be inappropriate to bring in the over-75s licence fee in the form that it proposed in the middle of this crisis when we are asking people to self-isolate, so it has pushed it back for two months. It has said that it would keep it under review at that next stage.

I do not think it would be acceptable, if we are still asking the majority of over-75s to self-isolate, to take those sorts of measures, for it to start to introduce the licence fee, not least because of the hassle and practicalities around it that people may face. Of course, again, I do not want to prejudge where we are going to be in what is still a few months' time, but we will continue to engage with them with that in mind.

Q82 **Chair:** How long do we have, then, before we know that it could be extended? Is it another month? Are you going to tell us in another month?

Oliver Dowden: Let's see where we are once we have carried out the five tests at the end of this month. I think it is 1 August that it is currently now scheduled to come in at. At a good distance from that, we will have that conversation when we have more of an idea of the landscape that we are facing. I am very clear on the principle, which is that I do not think it is acceptable, if we are asking over-75s to be taking these social distancing measures—self-isolating, being at home—to take away their free licence fee at that point. I do not think it is acceptable. The BBC accepted that argument. That is why it had a two-month extension, and it said it will continue to keep it under review. We will continue to engage with it.

Q83 **Kevin Brennan:** Secretary of State, you have been in the job for a little while now. Are you beginning to understand just what an important part of our creative industries ecology the BBC represents in terms of underpinning our music industry, underpinning lots of our creative industries and employment? Why, if that is the case, and given what we know about the way that people, as you said earlier, have turned to it as a trusted source during this crisis, are you still pursuing this tainted



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consultation, which should not have proceeded while these emergency measures were in place, around the decriminalisation of the licence fee, given we already know from the Perry report that the principal consequence of this will be to undermine BBC funding at the very time when we should be considering those longer-term changes that you have talked about, rather than depriving it of resources in the short to medium term? Why are you continuing to pursue this vendetta?

Oliver Dowden: I would not characterise it as a vendetta. In terms of the role that the BBC plays for the creative industries, I am very well aware of that and very much respect it. It is something I have discussed with Tony Hall and David Clementi extensively. As I say, I have BBC Elstree in my own constituency, so I see it on the ground. I also see the analysis, for example, the BBC produces, that for every pound it spends, it deploys £2 back to the creative industries.

This policy is not about trying to bash the BBC. This is about saying: is it appropriate to use a criminal rather than a civil sanction? Send people—

Q84 **Kevin Brennan:** The Government asked that question not long ago. You did not put it in your manifesto before you were elected. You have no mandate to pursue this. You asked the question not very long ago and got a very good—do you reject the findings of the Perry report?

Oliver Dowden: The Perry report was over five years ago, so it is perfectly sensible to look at this again.

Q85 **Kevin Brennan:** Why didn't you put it in your manifesto if this was such a big priority? It is almost the top of the priorities for the Department, the quickest thing you moved to do in power. Why?

Oliver Dowden: It is not the top of my priority list for the Department. The top of my priority list for the Department are things like delivering broadband and everything else, but it is an important measure and we are working through the consequences of it. As I say, it fits into wider discussion about the landscape for the BBC, which includes the mid-term review, the licence fee settlement 2022 to 2027 and, ultimately, the future of the licence fee.

Q86 **Kevin Brennan:** I am not sure everyone would, but can I encourage you to abandon that particular aspect and do the real work, which you have talked about, which is looking at the long-term future of the BBC and the licence fee and how it will be funded and so on?

Can I just ask you one more question? You have refused to consider listing the Six Nations to be kept as something that is shown on free-to-air, despite the letter you got from this Committee in relation to that. We will see how things turn out in due course. Do you have any sense of how important certain sporting events are to the culture of the United Kingdom, this particular one and particularly in Wales, perhaps, but also right across the United Kingdom? Can't you see that in some cases it is absolutely justified to ensure that everyone, regardless of whether they



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have access to TV behind a paywall, should have access to something that is such a huge and longstanding part—for well over a century—of our sporting culture?

Oliver Dowden: I very much appreciate the central role that the Six Nations has in our national life, and particularly its relevance to the Union. For example, the England and Wales match, which I watched alongside the Prime Minister, is a huge part of the glue of our Union.

I ultimately did not take the view that at this stage it was the right thing—and clearly it is listed anyway, it is B-listed—to raise it to being A-listed. I have been clear I will keep this under review. I spoke to Six Nations about this a couple of weeks ago. I raised those concerns. It acknowledged those concerns. Clearly, given where it is with COVID, there has been a slight delay in terms of how it conducts this bidding process. It is very mindful of it as a consideration.

It is also worth noting in respect of Wales that the Welsh language broadcast free to air on S4C is already excluded from this, so there would be no question of that happening.

I have made clear its central role in the nation in those discussions with them. They appreciate that. Let's see where we come out in terms of the rights issue that is happening now or the competition for the rights.

Q87 **Damian Green:** Several times during the course of giving evidence this afternoon you have gone out of your way to praise the BBC for its response to the crisis and what it is doing now. Do I detect from that that what we were reading three months ago—that the view at the top of Government was that the BBC should be “whacked”, I think the word was—no longer obtains?

Oliver Dowden: If you will forgive me for making the obvious observation that politicians often make, and particularly Ministers, which is don't necessarily believe everything that you read in newspapers, what I tried to do in the speech that I made a little while after that was to set out some things that I think are fantastic about the BBC: its global reach, the fact that it is up there with the royal family, NHS and other things that people recognise about our nation, its contribution to national life, and, indeed, as I said, to my own personal life. From childhood, laughing at the sitcoms, through to watching “Strictly Come Dancing” with my kids, it brings the nation and different parts together in a way that others do not. I have never believed in bashing the BBC, but I do think there are challenges in respect of the BBC. I outlined those, particularly around whether it represents all aspects of opinion in the whole of the United Kingdom and how it adapts to a changing landscape.

I think the BBC has shown some of its very best during this crisis. It has stepped up to the plate as a public service broadcaster and has helped people understand what they should do in this crisis and provided good, factual information. Of course, it does not have an entirely unblemished



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record itself, and we saw that story that was run very prominently by the "Today" programme and others at the end of last week that did not have clear underpinning to it and had not got its facts straight. The BBC will always be held to a high standard.

I want the BBC to continue to be central to our national life, but I think the BBC, like all institutions, needs to reform and evolve and adapt to the challenges it faces. That is what I tried to set out.

Chair: We are going to move on to online harms, and our first question is from John Nicolson.

John Nicolson: I feel my question was answered earlier, so I am content to pass this.

Chair: That is fine. Kevin Brennan?

Kevin Brennan: I am fine, too, on this one, Chair.

Chair: Our third choice is Damian Hinds.

Damian Hinds: Third choice indeed, Chairman.

Chair: Don't let me down, Damian, don't let me down.

Q88 **Damian Hinds:** Can I just come back, Secretary of State, to something you said earlier? Obviously, we are all keen to see progress on the legislation on online harms. You mentioned specifically two areas of particular concern, which were illegal content and harms affecting children, people underage. I just wanted to ask you to clarify it. Although those are, of course, two particularly grave areas, they are not the full extent of what constitutes online harms.

Oliver Dowden: Yes, of course I can. By the way, you would never be my third choice.

No, that is certainly not the case. The point I was making, and this is the steer I have given through this, is that in all of this I have in my mind that we are trying to do two things at the same time. One is that I need to be able to look in the eye of victims and the families of victims of online harms and say we have a proper, proportionate regime in order to protect them from those harms. I am also very mindful of the huge contribution the tech industry makes to the UK. We are a Europe leader in this. I have seen, as I am sure you have seen, the unintended consequences of good-intended legislation then having bureaucratic implications and costs on businesses that we want to avoid.

For example, in respect of legal online harms for adults, if you are an SME retailer and you have a review site on your website for your product and people can put comments underneath that, that is a form of social media. Notionally, that would be covered by the online harms regime as it stands. The response to that is they will go through this quick test and then they will find it does not apply to them. My whole experience of that for SMEs and others is that it is all very well saying that when you are sat



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in Whitehall, but when you are running a three-man operation and you have no idea what this online harms thing is, this potentially puts a big administrative burden on you.

Are there ways in which we can carve out those sorts of areas so we focus on where we need to do it? Those kinds of arguments pertain less to illegal harms and harms to children. I hope that gives you a flavour of it.

Q89 **Damian Hinds:** Yes, quite so. I think in the previous announcement there was quite a high estimate of the number of firms or proportion of total firms that would somehow be counted in the definition of an online platform, which was rather a disturbing thought. It would be very welcome, what you can do to limit the scope of who counts as a social media platform.

On that point you made about unintended consequences, this is an area where it is devilishly difficult to comprehensively define what harm is. Even if you manage to get it right, it would be wrong by next year because the sector is so fast moving. I wonder if you would consider, Secretary of State, adding to the legislation an expectation on platforms that they themselves should be proactively seeking to understand what harms might be caused by some of their activity, and to add also then a duty of candour to publish those findings.

Oliver Dowden: It is a very good point. Clearly, in respect of legal adult harms, that is the underlying principle anyway in the sense that what we are really trying to do is say to those social media companies and tech firms, "Be true to what you say you are doing. Just stick by your terms and conditions". We would ask the regulator to make sure that it is enforcing them, and then have tools at our disposal to require it to do so. It is a good point on candour in respect of that, and I am happy to take that away and look at it as part of our ongoing work on this.

Q90 **Chair:** I am going to come in as fourth and final choice on this. You talked about a proportionate regime. Let's play with something here. Let's say that we are fortunate enough to get a vaccine for COVID-19, and then online we start to get rumours and it goes very widespread and very viral, that effectively an anti-vax movement then starts up, and the social media platforms are not quick enough in order to crack down on that. What should be the sanctions there? Is it a slap on the wrist? A call in? Is that enough? Or should something that genuinely can endanger our society and our lives not end ultimately in criminal sanction, as this Committee has said?

Oliver Dowden: I think you raise an important point in relation to the risks around anti-vax, and it is precisely that sort of thing that would pass the threshold, just as in respect of 5G conspiracy theories around the masts, where we would expect very strong action from the companies. If you are talking about the sanctions that would flow from breaching the "Online Harms" White Paper, we are still considering exactly the nature of



those, particularly things like personal liability of directors. Those are the really tricky questions around the degree of proportionality. It is that very high level of harm that may merit that very draconian enforcement.

Q91 Chair: The impression that this Committee has is effectively that the Government are starting to row back on this, that under previous Secretaries of State—the one before, the penultimate one if you like, the Member for Kenilworth—it seemed to be that this was, “We really are very serious about this. We are going to ensure that there are proper sanctions in place”. Now the music seems to be changing quite a bit. I used that example just to show to you that the public probably would not accept it if the biggest thing you could do to someone is effectively name and shame them. They want to see serious breaches of this meeting serious consequences. Do you see that?

Oliver Dowden: Yes, I completely see it. As the father of a 10-year-old daughter who is increasingly exposed to underage harms, I am very mindful of the potential harms that can flow. During this crisis, we have seen the harms that can flow directly—5G masts, just to take one example. I hope you do not take from me a lack of seriousness about this.

The only point that I have tried to make is that I am just keen on this proportionality point because it is often the case that regulation that starts out with the best of intentions can, in its interpretation if you do not get it right, have a life of its own. It starts to get interpreted in a way that Parliament did not intend it to be in the first place. I am just keen to make sure we put those kinds of hard walls around it so that the regime is flexible but that in its interpretation it cannot go beyond the intent that we set out in the first place in the broad principles.

Q92 Chair: You referenced there the crisis, and obviously 5G disinformation has come up quite a bit. How has your mind changed in relation to the regime that should be put in place regarding online harms in this situation, by the disinformation we have seen? Have you toughened your stance? Are you thinking in that direction now?

Oliver Dowden: The biggest thing that struck me is just the need for speed of response. If misinformation is out there, it is a bit of cliché but it can be around the world in moments. There is a need to not say, “We will look into this and come back to it”. We need fast action to nip this kind of stuff in the bud. I would say that was my principal observation in this situation.

Q93 Chair: How will a sort of souped-up Ofcom be paid for? Should the tech companies be levied in order to pay for it?

Oliver Dowden: The plan at the moment is that initially it would be direct Government funded, and then as we developed the proposal and Ofcom—I should say, by the way, we have indicated our preference for Ofcom. We have not finally determined Ofcom, but that is the direction that we were—



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Q94 **Chair:** You did state in the first part of this hearing, effectively, that you were very strongly minded towards it.

Oliver Dowden: Yes, exactly, but just for clarity on that point, once the regulator—we are assuming it will be Ofcom—took over, it would in turn develop its industry-led financing of it, as it has done in respect of other sectors. Clearly, in the setting up of it, we could not straight away go to some sort of levy. We would have to fund it initially, and then over time we would look in that direction.

Q95 **Chair:** Do you envisage it working in the same way as, say, the FCA does, that sort of thing, and also in terms of compliance officers being in tech firms?

Oliver Dowden: Those are all exactly the sorts of details that we would be outlining in our full response to the White Paper, but we would expect to have, over time, an industry-financed scheme, yes.

Q96 **Chair:** With the gumming up of the legislative process going on right now, will you have the option to bring about prelegislative scrutiny, now that you have more time?

Oliver Dowden: I am quite minded towards prelegislative scrutiny, yes.

Q97 **Chair:** What sort of shape would that take?

Oliver Dowden: I have not made a final determination. I just want to be direct with the Committee that that is the way I am thinking of doing it. This is a very major piece of legislation. I think it is worth just ensuring that we go through that prelegislative process ahead of it.

Q98 **Chair:** Just to clarify, it would not mean that it would need another parliamentary term in order to basically then enact the legislation? You could envisage doing it within this term?

Oliver Dowden: Yes, I would hope so. Obviously, we do not know the exact length of this term, but it is not intended as a kicking-the-can-down-the-alley exercise.

Chair: Great. Thank you, and thank you for answering our questions today.

Oliver Dowden: Thank you very much.

Chair: To Sarah as well, thank you.