



European Scrutiny Committee

Oral evidence: Scrutiny inquiry: follow up, HC 918

Wednesday 14 January 2015

Ordered by the House of Commons to be published on 14 January 2015

[Watch the meeting](#)

Members present: Sir William Cash (Chair); James Clappison; Michael Connarty; Nia Griffith; Kelvin Hopkins; Chris Kelly; Jacob Rees-Mogg

Questions [1-60]

Witnesses: **Richard Ayre, Trustee, BBC Trust, and Rona Fairhead CBE, Chairman of the BBC Trust,** gave evidence.

Chair: Good afternoon. Jacob, would you like to start?

Q1 Jacob Rees-Mogg: Thank you both for coming in. The Chair has asked me to speak on his behalf. I am the ventriloquist's dummy because he has lost his voice; that is why I am starting, rather than the Chair.

In our report of November 2013, we were critical of the then chairman of the Trust, Lord Patten, because he declined to appear before us. We took the matter to the Liaison Committee—the Chairs of all the House of Commons Select Committees—and it was then taken up in the House of Lords. He finally agreed to come but, as you know, had to resign because of ill health before he appeared. We are grateful that you are here as the new chairman, Ms Fairhead, although you, too, initially voiced concerns about appearing. We are delighted that you have changed your mind.

In spite of all that, the director-general is refusing to come. It is interesting that Lord Patten and Lord Hall both say, very carefully, that the reason that they do not come is not because they are members of the House of Lords but the truth is that the only reason they are not summoned before us is because they are members of the House of Lords. We have the right, as I am sure you know, to summon people to attend Parliament, and there are consequences for not attending those summonses, except for peers. We are conscious that they are using their ancient rights of nobility not to appear. That is a matter of concern to us, which I hope you will report back. None the less, you are here so thank you very much.

We want to ask you, as chairman of the BBC Trust, about matters arising from our own scrutiny inquiry about BBC obligations under its charter, and the framework agreement and related issues such as the role of the Trust in this area and its associated core responsibilities, bearing in mind that the BBC has an income of £5.1 billion, £3.7 billion of which comes from the licence fee payer in the form of a tax. We want to find out how the Trust, in its own words, expects the BBC to build greater understanding of the parliamentary

process and political institutions governing the United Kingdom and to help audiences understand how the UK is governed at a European, national, regional and local level, as set out in the BBC Trust's March 2013 purpose remit. As the Trust recently put it in its commentary on the follow-up to the Prebble review, "the UK's relationship with the rest of Europe seems likely to remain one of the most contentious issues in public policy over the next few years". Furthermore, a high proportion of the UK's population—as much as 58%, according to research conducted for the BBC—looks to the BBC for news they trust.

We will then come to the effectiveness of the Trust's functions and questions, for example, about assessing and enforcing the performance of the executive board and approving editorial guidelines; the BBC's performance against those objectives, the obligations under the charter and the framework agreement; and the relationship of those to the scope and meaning of the independence of the BBC, in terms of article 9 of the charter.

We will then come to the review which the Trust commissioned from Stuart Prebble, which included EU coverage as one of three topics, and the implementation of the preceding Wilson review of 2005, which also specifically covered the BBC's treatment of EU matters. That leads us on—we have been waiting for this last question—to the fact that during your pre-appointment hearing, you told the Culture, Media and Sport Committee that you were not aware of the Wilson review but undertook to go away and look at it. Have you now done that, and what was your initial reaction to its analysis and recommendations?

Rona Fairhead: Good afternoon. I have indeed read the Wilson review, as well as a number of the documents supporting that review and the follow-on reviews by the Trust. The important thing to note is that the report was commissioned over 10 years ago. It is a very hard-hitting report; that is very clear. Although it was very clear that there was no deliberate bias, the quality, coverage and breadth of coverage of European issues did need to be improved. It listed a number of areas of concern and then a number of recommendations.

The executive responded vigorously to those recommendations. The recommendations included things like improving the overall planning for making sure that Europe was covered and that the EU and its institutions were covered in a proper way, as well as more of a focus on a range of services and ways that people could hear about the EU, how it does business and the impact in the UK. One of the issues raised was the understanding and knowledge base of journalists, and whether they were able, because of that knowledge base, to ask the right questions and become knowledgeable enough to present good coverage.

The BBC, for example, appointed a Europe editor, who managed to co-ordinate while based in Brussels. I hope you would agree that they put in place the most senior journalists in the organisation and made sure to show how important it was. Training was made mandatory in 2005 or 2006 for the news division and there have been a number of courses, not just online but face to face. The other recent development in training is a whole concept called storyboard, where there is a deep dive into what is needed by journalists, to give a flavour of and context for what the audience feedback says they want to hear and how they want to hear particular areas covered.

One of the key concerns was whether a broad enough range of voices was being heard. The executive was tasked with—and took up—expanding the database of voices in Europe. They were particularly asked to expand beyond just Westminster voices to the general public or people on the mainland of Europe. They were also asked to look at ensuring that you make the important interesting and at different ways to appeal to different audiences. The European institutions are now covered by BBC Parliament. The website, “Democracy Live” is a fantastic source of information. I think that all that has been in response to the initial Wilson request.

So absolutely, I have read it. Absolutely, it was hard hitting and it was clear that action needed to be taken. I don’t think, on things like this, that you are ever done—you are always trying to improve—but a lot of action was taken appropriately.

Q2 Jacob Rees-Mogg: Do you think that now the important is being made considerably more interesting than perhaps it was 10 years ago?

Rona Fairhead: I think that that is what the journalists absolutely endeavour to do. Particularly when there are complex situations, you need nuanced coverage and different voices. Interestingly, some of the audience input shows that, on a lot of situations, they want to hear vox pops—people around the country speaking. In Europe, they are looking for people who really understand the European context. That has been an important element. But how can you make it lively and interesting? Gavin Hewitt’s blog, for example, was singled out as an excellent way of making very important things more accessible and more interesting.

Q3 Kelvin Hopkins: I am sure you would agree that Lord Wilson is a man of unimpeachable standing and that, as he is former Cabinet Secretary, his report carries enormous weight. We were very impressed with the report ourselves. Is the BBC Trust ultimately responsible for the BBC’s activities and output?

Rona Fairhead: Article 6 of the charter is clear: “The BBC shall be independent in all matters concerning the content of its output, the times and manner in which this is supplied, and in the management of its affairs.” That does not mean that there isn’t oversight by the Trust because the Trust is essentially a regulator and the final sovereign body. Therefore, our function and role—we are the guardian of the licence fee payer—is to make sure that those public purposes are achieved. To do that, we set remits and we also set service licences, which have specific elements in them. For example, BBC Parliament has a particular number of hours that it needs to cover in terms of the European Parliament. From memory, it is 100 hours, and last year, 149 were covered.

We therefore have the public purpose remit, and it is also our obligation to ensure that the level of impartial, independent journalism is appropriate. By “impartial”, we mean including breadth of opinion. To track that, first, we do opinion surveys. We engage pretty actively with the editorial team, and the chief complaints adviser, who will alert us to any trends or areas of concern. We are the final court of appeal for complaints, so if complaints are made about the coverage and the content, they will come to the Trust as the final arbiter.

I would say that the editorial teams and the executive are responsible for the output and meeting the editorial guidelines that we approve. We are responsible for making sure that we set the framework and monitor the executive and the editorial teams against it.

Q4 Kelvin Hopkins: Supplementary to that, do you think that it is important that the Trust, without questioning everyone about their views, reflects the major areas of opinion and groups represented in the country, not just party political groups, because they may be all of a mind on one major issue, such as the European Union, but to have a reflection, as far as you can do, of the public interest, the public concerns about major issues, particularly these matters—for example, if you have a couple of senior people who are known to have critical views of the European Union—to ensure that there was balance. Would that not be appropriate?

Rona Fairhead: That is partly the need for impartiality and independence. You need to make sure that there is a breadth of view, and the BBC is always trying to get that broad range. I think it is noted in the executive review that sometimes it is very difficult to get a breadth of view, and that is a constant battle that the journalists face every day. How can you make sure that you extend the range? They highlighted in their response, for example, covering parts of the Middle East where it is very difficult to get voices across a broad range that were prepared to speak out, but it is something that we are constantly encouraging. In our assessment of the executive response, it was very much that we think they have made great progress, but they have to carry on making sure that they get that breadth of voices. The reason that we took that impartiality review and those areas was because we saw those as areas that were growing in terms of the interest agenda of the public, and therefore we wanted to ensure that we had that breadth. I wouldn't say it is job done; we are constantly trying to improve it.

Q5 Mr Clappison: Do you agree that the independence of the BBC in areas such as editorial standards and guidelines is circumscribed by and subject to the charter and framework agreement, and therefore to the obligations to achieve its primary purpose of serving the public interest and follow its main objective of promoting its public purposes, which include sustaining citizenship and civil society and promoting education and learning?

Rona Fairhead: Absolutely, I do.

Q6 Mr Clappison: Does the extent of the operational independence of the executive board depend on how the Trust decides to question, prescribe and limit the freedom of the executive board to deliver BBC services?

Rona Fairhead: Depending on what those limits are, you have to be clear about what—I don't know what sort of limits you are talking about.

Q7 Mr Clappison: The limits that you may place on the freedom of the executive board.

Richard Ayre: It is clear that the executive of the BBC, under the charter, has absolute editorial discretion, provided that they operate within the editorial framework set by the Trust. That editorial framework, as Rona said a few moments ago, consists of setting the editorial guidelines, writing the service licences for each and every service of the BBC, and spelling out the purpose remits, which amplify what the charter says about the BBC's public purposes and spell out how the Trust will assess the performance of the executive against those public purposes. But then there is absolute editorial independence, guaranteed by the charter, for the executive.

Q8 Mr Clappison: As you have explained to us, you are very much in the business of setting regulatory standards for the BBC?

Richard Ayre: It is one of the principal functions of the Trust. There is a governance function and a regulation function.

Q9 Mr Clappison: At the end of all this, have you ever expressed the view to the Director General or the editorial board that you think some of their coverage is not impartial?

Richard Ayre: As you may know, I chair the editorial standards committee of the Trust, which has delegated authority on behalf of the whole Trust to consider complaints on appeal that come to the BBC. Over the last three years, we have had—is it eight or nine?—eight appeals on issues of Europe associated with the European Union, of which six we found had no substance; they had no realistic prospect of success. The other two we took on full appeal and considered in detail. We upheld neither of those. We have, however, upheld about 16 appeals on grounds of impartiality since 2007. Last year—

Q10 Mr Clappison: Sorry to interrupt you, but is that across the board on all subjects, but not on Europe? You have never found anything to be partial on Europe?

Richard Ayre: In my time—certainly in the last three years—we have not upheld any appeal specifically about Europe and impartiality. But, as I say, the BBC Trust has upheld about 16 appeals on impartiality grounds since 2007, six of which were last year, but not related to Europe.

Q11 Mr Clappison: Can I ask the chairman herself whether she has ever expressed a view that she thinks something is partial?

Rona Fairhead: I have been on the Trust for three months, so it is a relatively short tenure. We have had discussions in the editorial standards committee, which I try to join, about certain areas where we are questioned that they could take a look at. In fact, there is one that I can remember, which is a work in progress that is being looked at and is nothing to do with the EU. So yes, there is challenge independently from the Trust, and at every single editorial standards committee, the chief adviser of complaints comes and will tell us if there are any trends that are of concern. The director-general would come to every Trust

meeting and would alert us—is required to alert us—if there are any egregious breaches of our code.

Q12 Mr Clappison: I understand you have to respond to complaints, appeals and trends, but have you thought that something was partial, just in the two months that you have been doing the job?

Rona Fairhead: No. Part of the impartiality is to have a broad range and breadth, so you need to look at it across a timeline. There may be one programme where a particular point of view is expressed. Within the guidelines of impartiality, if within a reasonable period that view is countered and the opposite side is covered appropriately, that is considered balanced. I do not think there is any expectation that in every single programme, on every single area, there will be an exact balance.

What we have to look at, what we assess and what the editorial judgment is at the BBC has to be due impartiality for the subject matter. In the middle of an election or a referendum, for example, the time span to get those particular views covered in a properly broad way would be much tighter than for items that stretch over a longer period of time.

Q13 Mr Clappison: I understand all that, but if you saw something that you thought was partial—that was one-sided, not independent—would you say something about it?

Rona Fairhead: I would have a quiet conversation with the DG. I have to rely on his editorial judgment, but I think that on an informal basis it would be fine to say, “Take a look at that.” That would be absolutely acceptable. We have to be very careful. We are the sovereign body, but the editorial judgment is clearly for the BBC alone. We can challenge, we can look at the information that we get, and we can see the records. If we have concerns, we can get reports done. I have run editorial organisations before. We have to rely on that editor being ultimately independent and not responding with any sort of fear or favour. That is a critical element of why the BBC is so trusted.

Richard Ayre: It is really important to recognise that, under the charter, the editorial standards committee, on behalf of the Trust, discharges a quasi-judicial function against a set of laws, or, if you like, the editorial guidelines. The guidelines for the BBC are the most comprehensive of any broadcaster, so far as I am aware, in the world. I think they are about six times the length of the Ofcom broadcasting code that applies to other broadcasters. The Trust sets such detailed guidelines for one simple reason: it believes the public expect, and have a right to expect, higher standards of the BBC. So we set the highest standards and the most detailed requirements, against which anybody can measure the BBC’s performance. We must consider each and every complaint against what those guidelines say. That is what we do, but not as individuals. Individually, we might have individual views about how good or bad a particular programme or piece of journalism is, but as a Trust, we must exercise our quasi-judicial function fairly, looking at the evidence and comparing it to what the rules require.

Q14 Mr Clappison: But it is always good, however well you think you are doing, to be prepared to answer questions about things. That brings me on to the point that Mr Rees-Mogg made earlier. As you have just told us, the editorial judgment is resting with the director-general of the BBC, Mr Hall, who refuses to come to this Committee, give evidence to it, be asked questions and held to account, even though he is asked questions by other parliamentary Committees. Do you think he should come to this Committee and answer questions?

Rona Fairhead: First, I am glad that Mr Rees-Mogg made it clear—it has been reported elsewhere that the DG refused to appear because he was a peer and he has made it explicitly clear that it was not for that reason.

The question of independence is a very delicate one. Once you lose that, even a perception that you have lost independence, it really gnaws away at the Trust and the organisation because the public need to know that the BBC is independent. I would say that, as a general rule, the BBC does appear in front of Select Committees. If I look at the past year, there were 11 appearances by members of the BBC, either the Trust or the executive. The year before, there were 13. I have to say that that has increased in recent years, probably doubled over the five years before that. So I think there is a question of what is the appropriate level of scrutiny by Parliament if the BBC is to remain independent.

Q15 Mr Clappison: I am very grateful and appreciative of you coming in and the detail and answers that you have given us this afternoon, but I am not clear from that answer whether you think he should come here or not.

Rona Fairhead: One of our roles is to uphold the independence of the BBC. If we look at the charter, in article 23, that is a primary role. The DG has made a judgment that the independence of the BBC might be prejudiced, or the perception of loss of independence could be prejudiced. He has clearly explained that to us. It is on the basis that you had three very senior executives here, who told you how editorial decisions are made, what the judgments are and gave you an illustration of the coverage that the BBC provides to ensure that that coverage is significant. From what I saw, both the questioning and the Q and A responses afterwards gave you a very full explanation of how those judgments are made and the extent of the coverage.

I think the independence point is a very delicate balance between when does it go from that to a Select Committee questioning editorial judgments? The judgment that was made there was that the three very senior executives in exactly the right areas—head of BBC Parliament, head of the newsroom, chief adviser for politics—

Q16 Mr Clappison: Sorry to interrupt, but it surely doesn't assist your case if you are saying that the executives are prepared to come and talk about independence, but the person in charge of them isn't. We are used to having Secretaries of State. We had the Secretary of State for Justice, the Lord Chancellor, and the Home Secretary before the Committee last week. We didn't expect them to send executives beneath them. They came and answered themselves.

It also surely doesn't assist your case that the director-general has been prepared to appear before other Committees—taking the view that that doesn't affect independence—but not this one on the very sensitive issue of Europe where perhaps that independence should be stated most firmly.

Rona Fairhead: But that is part of the issue in terms of the context that is taken on an issue that is so controversial. The risk of moving from general positions of the extent of the coverage, the actual decisions on the content of the output, the times, the manner, how it's supplied and how it's managed is part of that independence.

Q17 Mr Clappison: With great respect, we have you, and you are answering our questions extremely well and in great detail. You are able to speak to us, the executives are able to speak to us. Why can't he come and speak to us? I'm afraid to say it would create the impression that the BBC held itself above accountability—or that the director-general did. It is very happy with its own procedures, as we have just heard, but it is not prepared to have MPs and others ask questions.

Rona Fairhead: That would be grossly unfair. If we look at the charter and agreement, the requirement is to lay our report and accounts before the Secretary of State. We have also agreed voluntarily to appear in front of the PAC and CMSC. As I said, there were a number of Select Committees that we appeared at. The director-general himself at some, where he made the editorial judgment that it would not challenge the independence of the BBC, because of the area of the questions requested. It is a judgment of the DG. As the body that is required to protect the independence of the BBC, we back that judgment. He makes it on very rare occasions. Richard, I think you wanted to add something.

Richard Ayre: I am bursting to add something. Can I declare an interest? Long before I became a trustee, I used to work at the BBC 15 years ago. I was a BBC journalist. At one stage, 20 years ago, I was the controller of editorial policy for the BBC. If I had been asked for my advice by the DG of the day, Lord Birt, on whether he should appear before a Select Committee four months before a general election in which the subject area of that Committee was likely to be a matter of extreme contention, I would have advised him that it was a real threat to the BBC's independence. At a time when freedom of expression, the press, the media and speech has much occupied this nation and our neighbour nations in recent days, I can entirely understand why he might have reached that view.

I would be astonished were the director-general to take a different view, had he been summoned before the Treasury Committee to talk about the BBC's editorial coverage of the economy or the Home Affairs Committee to talk about the BBC's coverage of immigration or crime. All of those are key issues in an election campaign. I submit that audiences would not be pleased to think that the editor-in-chief of the BBC was subjected to questioning by MPs on these editorial issues in the run-up to one of the most contentious elections we have lived through.

Q18 Jacob Rees-Mogg: Ms Fairhead, I want to come back to the privilege point. It is true that the director-general has said that he is not using his rights of peerage. Unfortunately from his point of view, the only reason he is able not to attend is because he is a peer.

“Erskine May”, which sets out the rules and powers of Parliament, as I am sure you know, sets out the rights of Committees to demand witnesses. Although the power has not been exercised in a long time, witnesses who refuse can at least theoretically be imprisoned by the House of Commons for failure to attend, with the exception of peers, although peers have been given a general waiver by the House of Lords to accept an invitation to appear. Although he is saying he is not using his right as a peer, if he were not a peer, the Chairman could sign a warrant now—or could have signed one some weeks ago—and the noble Lord would have had to appear or be in contempt of Parliament.

I am not entirely unsympathetic to the argument that you are putting forward about the BBC not wanting to appear before an election. That ceases to be the point. It is the stubborn refusal to accept a demand by the House of Commons, which the House of Commons is allowed to make, on the basis not of the one right that allows him to get out of doing it. There is a degree of sophistry in that, to put it gently because I am not allowed to be any ruder about peers, in terms of the Standing Orders of the House. Do you see that point and that frustration? It makes it difficult for peers to be in charge of public bodies if you find that they hide, whether openly or not, behind their rights as peers. You have very kindly come to see us, though reluctantly initially. Lord Patten put up quite a—

Rona Fairhead: You mentioned reluctance. That was just because when I was asked I had only been in place for about two weeks and my understanding was that you wanted to understand how we went about monitoring the editorial guidelines. I wrote to the Chair of the Committee saying that I thought there were people who were better equipped. It was on that basis and because I wanted to be able to say something when I was here, rather than being two weeks in and not having the questions you wanted answered properly.

Q19 Jacob Rees-Mogg: But your predecessor had been very reluctant to come and quite serious steps had to be taken.

Richard Ayre: He had also made it explicitly clear in writing that he was not relying upon his privilege as a peer of the realm, as Tony Hall has.

Q20 Jacob Rees-Mogg: Indeed, but likewise it was the only thing that he could rely on not to be summoned.

Richard Ayre: Well, he could rely on his refusal on penalty of being imprisoned by your good selves. I am sure that Lord Hall is equally aware of the law.

Q21 Jacob Rees-Mogg: The law does not apply to him because he is a peer. That is why we cannot summon him but, if he were not a peer, we could. I do not dismiss your arguments on freedom of speech; maintaining the rights of the BBC is very important and I have some family connection as my father was vice-chairman for a period. I am not unsympathetic to your point; it is just that it seems that the BBC is now making a constitutional issue out of this, and it is only protected through its right of peerage.

Rona Fairhead: My judgment—but that is all it is—is that he is absolutely not saying, “I will not appear because I am a peer.” It is genuinely on the judgment that—given the context and the fact that you have had a very full explanation from three senior executives, you have the chairman of the Trust and the chairman of the editorial standards committee to ask questions to, and, further, it would be more likely than not to go into editorial judgment—that has the risk of challenging the independence.

My judgment is that he genuinely thinks that there is a risk to the independence of the BBC. I think that everybody in the country would say that it is one of the—if we ask the public, as we do, how important it is that it is high-quality, impartial journalism, it is absolutely one of the most important things that the BBC can do. We have to take this very seriously. I do not think that he is abusing his position as a peer; it is a genuine sense that this would potentially threaten the perception of independence, particularly if any editorial judgment issues were questioned, as there is sometimes a risk of happening in Select Committees.

Q22 Jacob Rees-Mogg: I would just add that it is not just this Committee, but the Liaison Committee, which is made up of the Chairs of all Select Committees and is a cross-party body. One point occurred to me, Mr Ayre, from what you said. Do you think that Lord Hall would be willing to appear immediately after a general election when it was a less sensitive issue or could I not read that into your comments?

Richard Ayre: You couldn’t read it into my comments. The decision of how to respond to a summons from a Committee is entirely a matter for the director-general.

Q23 Michael Connarty: I hold the BBC in the highest regard and will defend it with my last vote against those people who wish to put it in the commercial sector, but I think that there might be some confusion. The point made by Mr Rees-Mogg, though it is arcane, is obviously valid. It therefore focuses people’s attention on a peer being put in charge of an institution and, of course, being paid by the public purse, as was said to me by a number of people who knew that this was coming up.

I wonder if you are confused about the role of this Committee, because you talk about defending the independence of the editorial board. I do not think that there is any parallel between what you are saying and what happened in Paris, so it was slightly unnecessary to make that point, Richard, as if it were relevant. This Committee is not like other Select Committees. We are not in the business of challenging the institutions that come here on their policy towards any particular item. Our job is to hold our Government to account for what happens in Europe. I was the Chair of this Committee. I have been on this Committee for less time than Bill, but for some time.

Our concern is that, in line with your charter, there is not education and learning in the way the BBC—and other media—treats the European Union and the things that happen in it. We therefore have difficulty in making people understand what we are trying to do. Without getting into the knee-jerk reaction you get during debates in the Chamber, when people are

for or against the EU, this is about the whole process of making people understand where we fit in and what the Government are doing in relation to the European Union. It is a very difficult area.

I do not watch it, but “Top Gear” is a programme which seems to me to make old-fashioned, stereotypical comments that give the public a perception of Europe that I do not recognise, as someone who travels in Europe, has friends in Europe and shares a lot of time with people on the mainland. Sadly, the public probably get more of an impression of where Europe is and what is happening in Europe from that kind of programme than they get from other, very worthy programmes put forward by the BBC. It is not a matter of challenging the independence, but it is difficult to work against that tide.

In the Trust guidelines, the purported public purposes include sustaining citizenship and civil society, and promoting education and learning, but it is a concern of mine that the balance is not struck at times. We do not get enough programmes that are informative, without being heavyweight, about what is going on in Europe. I am sure that we will get a lot about the Greek elections, the eurozone and all the rest of it for people at that intellectual level, but for many people who watch television as a pastime, not as an educational pursuit, I am honestly not quite sure that the balance is struck correctly in terms of what I read as your remit.

I wonder whether the Trust has a responsibility to have that overarching discussion with its editors to try to get that balance right. I certainly have some disquiet about what I hear when I see “Top Gear” and when I read about what the programme’s presenters say, which is often not a matter of being offensive; it is a matter that it is not factual. It gives people a perception that is based not upon their preference or their own view, but what is presented as Europe outwith the UK.

Richard Ayre: Thank you for your expressed support for the BBC, which is valued. I have to say that “Top Gear” is not the programme that was uppermost in my mind when preparing to come here today.

Michael Connarty: That is the problem. Maybe you are too intellectual; you’re not the man in the pub.

Richard Ayre: To the best of my knowledge and belief, there has been no complaint—certainly no complaint has come to the Trust—about “Top Gear” in its depiction of Europe in my time, which is four and a half years. There have been a number of complaints about “Top Gear”, some of which we have upheld, as a matter of public record, but not all. Do we accept that the Trust has a responsibility to ensure that the BBC is educating audiences about Europe and the way in which Europe—meaning the European Union—works as part of educating people about the way that this democracy works? Absolutely.

That is why we—not the charter and not Government—specify in the purpose remit a requirement for the BBC to improve understanding of Europe and the institutions of Europe. That is why, every year, we ask in a very substantial independently commissioned survey whether viewers and listeners believe that the BBC has helped them to understand better the way Europe works. Last year’s answer: 59% said yes to that question. Even

more impressive is that only 18% said no—in other words, the rest expressed no view. That is, I would submit, an impressive result, and I am not sure you could point me to any other medium—radio, television, newspaper, magazine—which would get that sort of response in a properly conducted survey of a large number of people chosen at random.

That is a measure of the extent to which the BBC is achieving that objective. Is it achieving it sufficiently? No. We would like it to be up in the 60s—of course we would. Some of the other questions we ask—about the understanding of the UK Parliament, for instance—get a positive score in the mid-60s, so Europe is a little lower than Westminster. But, then, I think you would all agree that, in many ways, the mechanisms of the European Union are more difficult to understand than those even of this Parliament.

However, it is clear to the BBC that they have to continue to try to do better. It is clear that we will measure that every year. This is a tracking survey; we have measured this every year for at least the last eight or nine years—since the BBC Trust came into existence, I believe—and, last year, the score was the highest ever for understanding Europe, but we want it to get higher still.

Rona Fairhead: You make a good point that it is not just about the official programmes—the worthy ones, in your words. The BBC and the Trust are very conscious that there are a range of ways you can educate and inform through entertainment programmes. Radio 5 Live is a way to make issues more accessible. What the BBC tries to do is to build areas of public interest into entertainment programmes. On Richard's point, how do you make sure that you get some of those more complicated issues into an entertainment programme? That is the challenge.

As far as the BBC executive are concerned, they know it is not just about the news programmes and current affairs. Information and education can be found in children's television and in entertainment programmes. Issues of real concern can be raised in programmes like "EastEnders" and "Holby City". So your point is taken, but it is quite a dense area when it comes to making sure you play the role we are talking about.

Q24 Nia Griffith: Perhaps I can come in on a similar theme. As you rightly point out, we see in the purpose remit an explicit priority for the BBC to help all its audiences to understand how the UK is governed, at European as well as other levels. I am not surprised your figure is slightly higher for 2014—it was the year of the European elections—but leaving aside the political and the election side, and looking at the functioning side, I am a little surprised you feel that people saying, "I think I've heard a bit more about Europe," is a good measure. What other measures do you use? Do you use recognition measures, for example?

Let me give you a couple of examples. With the appointment of our commissioner, there was coverage in terms of "Will it be Lansley? Will it be Paterson? Will it be Mitchell?" but I wonder how many people can say who the commissioner is or what portfolio he was given. I think the only reason he got in the news was that he had to be interviewed twice by MEPs. What recognition is there of things that are happening at European level, and how many people have much understanding of how legislation is passed or of what goes on? What measures do you have of that?

Rona Fairhead: It is a constant challenge. Some people are fascinated by how the process works. It was shown in the Prebble review that if you are prepared to do some homework, you can go into Democracy Live or BBC Parliament and get some absolutely fantastic stuff.

Q25 Nia Griffith: You manage it with quite complicated economic things—you have someone who explains something at the beginning of the news with a little chart and things. How much of that do you do with European processes?

Rona Fairhead: What we try to do, or what the editorial judgment is, is to ask what issues the public are concerned about and how we can make the important things interesting. When it has an obvious and real impact on people's lives—for example, there was a story on last night's "News at Ten" about GM crops and a change by the European Parliament—we ask: what is the impact; how did the votes go; who are the people who spoke out against it and in favour of it? There was a picture showing them making the decision. There are ways in which you can weave it in.

Q26 Nia Griffith: So we were told about the issue, but we were not told about how to influence it.

Richard Ayre: That is clearly true. For those of you who saw the report last night—it was widely reported elsewhere on the BBC, on both radio and television—editors clearly could have chosen to do a little background package about how we ever got into the position where the European Union had, in effect, put a ban on almost all GM crops. This could have looked at whether the original idea had come from the Commission or the Parliament, or at whether the Council of Ministers had had a view—of course it could have done that—but the editors clearly took a view that the news yesterday was that the European Parliament was, in a sense, repatriating to member states the right to take individual national decisions on this particular policy. I haven't looked at all the newspapers today, but I haven't seen a lot of newspapers explaining the history of how the European Parliament ever got to that position. Is there a place for those explainers, as they are called in the trade? Absolutely there is, but I do not think that you can expect to see them regularly every time there is an issue of importance in European legislation.

Q27 Nia Griffith: If I may say so, that item on GM crops last night was quite unusual in the train of things, in that we did actually have some coverage of something that had been done at European level. That is not actually all that common.

Richard Ayre: If you look back to just before Christmas at the coverage of the European arrest warrant, which I know is a highly contentious issue here because you talked to the Home Secretary about it a couple of days ago, the whole history of it was clearly laid out on BBC programmes that I saw and heard. You rightly scrutinise for Parliament the impact of legislation coming from Europe. The BBC also has a role in scrutinising legislation from Europe, and boy was that scrutinised in endless and perfectly proper debates, from every point of the political spectrum, on whether or not the UK should rejoin the European arrest warrant. Also, we went into the history of the arrest

warrant. Forgive me, but I suspect it happens more often than you may think, but clearly less often than you would wish. From my point of view, I would like to see more of almost everything that is intelligent in BBC news programmes.

Q28 Nia Griffith: I want to ask a potentially controversial question: how will you go about covering a referendum if we have one in 2017 or sooner? What are your guidelines and priorities for how you would cover something as emotive and controversial as that?

Rona Fairhead: I think we would apply both what we apply to general elections in this country and what we applied to the very recent Scottish referendum. Richard was right on top of the Scottish referendum and the process there, so I will hand over to him. As you can imagine, there is a scale-up in what we do at such times.

Richard Ayre: The editorial standards committee invited the director of news, James Harding, to talk to us at our last meeting in—I think it was—December. One question I asked him was about what lessons the executive proposed to learn from the Scottish referendum in the event that there was a referendum on Britain's continued membership of the EU. He rightly said that, for the next five months, he was concentrating on the UK general election. However, immediately after the general election, by which time it may become clear whether there is likely to be a referendum, and whether, in the event that it is a Conservative-led Government, the time scale is that which the Conservatives have promised or whether it is brought forward, he will turn his attention to what guidelines are necessary for that election, and the Trust will be mightily involved.

Although we have a body of editorial guidelines of 400 pages, to which I have referred, I should make it clear that it is supplemented for every national election or referendum by a separate set of guidelines. You may be aware that, currently, there is a set of draft guidelines for the coverage of the next general election, which we published in December. They are now open for consultation and tomorrow—I am sorry that it was not today, but it was not in time for this meeting, although we had hoped that it would be—we will publish draft guidance that gives an indication to programme makers what balance of party appearances are likely to be required to satisfy the needs of impartiality during that election campaign. All those are out for consultation until early February, I think, and by early March we will have received and digested those results, and we will then publish those guidelines, which will then apply to all the coverage from day one of the campaign. We would do a similar exercise and fully consult publicly about it for any European referendum—of course we would.

Rona Fairhead: For example, we would ask the executive to put in place ways to monitor and track. With the Scottish referendum, a hotline was set up for the Yes and No campaigns for the 16 weeks leading up to the referendum. There was a formal, immediate ability to raise concerns. Over the 16 weeks, I think 20 calls were logged, and the balance was around 50:50.

There are ways that are used to monitor, because the timeliness of making sure that the coverage has to be impartial during that period is absolutely critical. That was why we upped the focus.

Richard Ayre: In any major election or referendum, the executive sets up—and, in parallel, the Trust sets up—an expedited process so that when there are complaints, most obviously about a lack of impartiality, they are fast-tracked by the executive and fast-tracked to the Trust so that if there is a remedy that needs to be taken, it can be taken clearly before polling day.

Q29 Michael Connarty: To more day-to-day business, rather than these exciting things like the massive referendums that we came through in Scotland recently. As part of its monitoring of the BBC's performance in this area, and the requirement to comply with the commitments set out in the follow-up to the Prebble review in March 2013—its purpose remit—has the Trust sought any explanation of, or is it even aware of the need to seek an explanation or justification for, the BBC's apparent refusal to cover in depth this Committee's November 2013 scrutiny report about how we perform our business and the challenges we make to the Government about how we should be allowed to perform our business in scrutinising their behaviour on European matters?

Richard Ayre: I am not sure that the word “refusal” is appropriate. Clearly editorial decisions were taken on the day of the publication of that report. Those are matters for editors, and clearly for the BBC executive, and absolutely not matters on which the Trust would appropriately comment.

Q30 Michael Connarty: Nia and I asked about the fact that the BBC try to make people aware and “promote understanding of the UK political system”. Given the accusation that 65% of all legislation that eventually ends up on the statute book has its genesis in the European Union, and that we are the Committee that is supposed to monitor how our Government, of all colours, respond to that on a day-to-day basis, apart from the big ticket items like the Lisbon treaty, and that we challenge them on why they agree to things in Council, why they then allow things to be brought in by regulation, and why they allow the European Union to take particular decisions, with the Government's approval, why was our report, in which we did a very thorough piece of investigation and evidence-taking as to how the process might be improved, practically ignored? How do people understand? I believe they think that, somehow, things come from Europe and are whizzed into legislation and nobody cares about it. In fact, the CBI general secretary accused us some time ago of being asleep when it came to European legislation, but we took time and gave serious thought to that report. I do not think that anyone knows any better now than they did before what is supposed to happen with scrutinising European business in this place.

Richard Ayre: I sincerely understand that frustration and that of any body which does serious work that it spends a lot of time and trouble on, publishes and then finds is not widely reported in the media. I scoured and I could not find much reportage anywhere in the media of this Committee's report.

Q31 Michael Connarty: Maybe that is why the Government has completely refused to implement it. They can do things almost in secrecy because the media do not cover it.

Richard Ayre: That is a matter for Government. I do share the frustration and I recognise the work that went into the report. It is a matter of individual editorial decisions, whether you are the editor of the *Daily Mail*, *The Daily Telegraph*, ITN or the BBC's "Ten O'Clock News". I suspect that they all took the same news judgment.

Q32 Michael Connarty: Following from that, the Wilson report contrasted the BBC's aspiration to "make the important interesting," with the potential "danger that they instead make the interesting important." Do you recognise that as an ongoing problem, that only something that is catchy and sexy in the general sense will be covered?

Rona Fairhead: It is an ongoing challenge. The editorial role is to do whatever is possible to make those important things interesting. There are often stories that may not be hugely important that do get coverage because they are in the public conscience. That is a constant challenge.

I would say that the work of this Committee is extraordinary in terms of the number of documents that you review and the range of subjects that you cover. There are limited cameras, as you are aware, in the Committee Rooms. Therefore, as I understand, you have been covered about five times, which is a reasonable batting rate. In particular, when the issues that you raise and recommend to be discussed on the Floor of the House are discussed there, absolutely those issues get covered—*[Interruption.]* That is really—

Q33 Chair: We have the same problem with them as we do with you.

Rona Fairhead: That is a governmental, parliamentary matter. A number of issues have been raised, on your recommendation, on the Floor of the House and those get very detailed coverage. Clearly, as experts in those areas, I have seen your faces on the BBC. So there is coverage, and there is particular coverage when those important matters have an impact on the UK, which is when you recommend them to be discussed on the Floor of the House. That is making the important interesting and, in a way, you are helping that process by making those recommendations.

Richard Ayre: It is absolutely no part of the BBC's remit to make the interesting important, but that does not mean that there is not space for reporting the merely interesting. I guess that most of us, from time to time on the bus or the tube on the way into work, remember the interesting as well as the important from last night's news and talk about that.

Q34 Michael Connarty: Yes, but if you make the important interesting, that is what you remember. Therefore, if you fail to make it interesting—

Richard Ayre: Absolutely. We must do our best to make the important interesting, because that is about engaging audiences and maximising audience size. I notice that the BBC Parliament channel has just got its biggest audience ever. With the latest figures in, it

gets bigger and bigger—the biggest audience ever—because it makes politics interesting without journalism getting in the way, if you like. A lot of it is unmediated, as you know.

Q35 Mr Clappison: May I ask Mr Ayre if he could explain the key objectives of the editorial standards committee and how it works with both the Trust and the BBC executive?

Richard Ayre: Yes. I think I covered some of that earlier, Mr Clappison, but I suppose the first responsibility of the editorial standards committee is to author, approve and publish the BBC's editorial guidelines and to keep them under review. That is a full Trust responsibility, but it is led by the editorial standards committee on behalf of the Trust.

We have a role given to us directly by the charter to be the final court of appeal on complaints—we talked about that earlier on editorial complaints, on which we act on behalf of the full Trust. We summon—that is not the right word—we ask the directors of the relevant division of the BBC to attend to tell us on each and every occasion that the Trust records a serious breach of the guidelines. We ask the relevant director to come before us to explain how it happened, why it happened and what is being done within the BBC to learn from that error, to minimise the chances of it happening again.

Q36 Mr Clappison: I understand that the guidelines are in the process or early stages of being revised. May I ask what the timetable is for that? Will there be any public consultation?

Richard Ayre: Of course there will. May I give you a lengthy answer? Forgive me, but the context is important. As I said earlier, the BBC has I think the biggest, heftiest, most detailed and certainly most demanding set of editorial requirements of any broadcaster. It is a big document in other words. It is about 400 pages in its current iteration. Revising it is therefore a big job and a really important one to get right—as far as we can, word perfect. It takes a lot of time from both the Trust and the executive. Then there is a major public consultation and a major exercise in taking account of the responses to that public consultation. That is a long-winded preamble to saying—

Mr Clappison: I have forgotten the answer.

Richard Ayre: No, it is not the answer yet.

We were scheduled, as it were, to review the guidelines this year, but it is simply not practicable or, probably, sensible to try to do that work during a general election campaign. Frankly, the executive and the Trust will be busy enough on even more important matters. If we were to start reviewing the guidelines the day after the general election, because of the work involved, a lengthy three-month consultation and then digesting the results of that consultation, we would not publish them until some time in the first quarter of next year.

It will not have escaped your attention that the BBC's charter expires at the end of next year. As we go into discussions with the next Government about the charter, then the shape of the BBC, its services, its public purposes, its structure and its governance are all

clearly matters for discussion. It seems to the Trust that, since it is a pretty expensive job to revise the guidelines—we had an estimate from the executive side of £250,000 to revise and then republish the guidelines for every programme maker—we do not think that it would be a good use of licence fee payers' money to do that and to launch the review in the same year as much may change as a result of a new charter.

We have decided to launch a review of the guidelines as soon as the shape of the next BBC charter begins to emerge. Clearly that is in the gift of Government, but one's guess would be that we therefore hope to start the process in the first part of next year.

Q37 Mr Clappison: Thank you for that. May I ask Rona Fairhead about how she sees her role in the event of an EU referendum, as far as impartiality is concerned? Would it be fair to say that you see yourself as the guardian of impartiality? How do you see yourself?

Rona Fairhead: The Trust is one unit and is the guardian of those editorial standards. Those standards are of very high quality, impartiality, independence and accuracy. We would be making absolutely sure monitoring was in place and that complaints and trends alleging partiality were being dealt with. As a sovereign body, we would see that as what we have to hold the editorial teams responsible for.

Q38 Mr Clappison: Having heard you today and seen your very impressive CV, I have no doubt you are an impartial person for these purposes. However, do you agree that it is also important to be seen to be impartial?

Rona Fairhead: Absolutely.

Q39 Mr Clappison: That is an important principle: not just that you are impartial but that you can be seen to be impartial, and that in the event of a referendum you can be seen to be impartial. You would agree with that.

Rona Fairhead: I would. I think impartiality is at the core of the organisation.

Q40 Mr Clappison: And being seen to be impartial, so that people can have confidence.

Rona Fairhead: Yes.

Q41 Mr Clappison: I am particularly interested in the event of a referendum on whether Britain should leave the European Union or stay part of a reformed one. Do you see any problems with the perception of being seen to be impartial with your membership of the Trust and the board of HSBC, when the chairman of that is a signed-up member of Business for New Europe, which is campaigning for Britain to stay in the European Union? Do you see that as a problem?

Rona Fairhead: I think that one can be on institutions where there are individuals there in a personal capacity. That would be the only basis on which he would sign up.

Q42 Mr Clappison: I am afraid that Business for New Europe is saying that he is signed up as one of the top-listed companies in the FTSE—of course it is, as a very distinguished company. Is it difficult? Do you think it might be a problem to be seen to be impartial when, at the same time as being chairman of the Trust, you are also a member of an organisation, the chairman of which is campaigning for Britain to remain part of the European Union?

Rona Fairhead: My understanding is that it is on a personal basis. It is correct that he is the chairman of HSBC Holdings, but it is in a personal capacity. It is not the organisation that is standing behind him.

Q43 Mr Clappison: What is the position of HSBC on Business for New Europe?

Rona Fairhead: We don't take opinions on political issues.

Q44 Chris Kelly: How did the BBC Trust choose the subjects to be covered by the Prebble review? Were they chosen because of perceived problems with the BBC's coverage of those areas?

Rona Fairhead: Richard, you were there at the time and I confess I was not.

Richard Ayre: Yes, I was there. The editorial standards committee proposes to the full Trust the subject matter and the author of any impartiality review. As you probably know, we do about one impartiality review a year. It sometimes slips a bit, but about one a year.

I have a pretty clear recollection of the discussion, which must have been three years ago, when we alighted on breadth of opinion as the subject. We had in mind at that time a previous report commissioned by a chap called John Bridcut. It was commissioned by the governors but his work was salient when the Trust came into being. That had looked at breadth of opinion and had come up with the phrase you might have read in the paperwork about see-saw or wagon wheel: whether the BBC tended to see-saw between extremes on one side or other of an argument, rather than reflect all the shades of opinion around an argument.

We thought it was probably time that we looked again, five or six years on, at progress that had or had not been made by the BBC on broadening the opinion of contributors to its programmes. One of us—I cannot remember who, but it may have been the permanent staff of the Trust—suggested that the work would be, frankly, more manageable if we were to focus it on specific subject areas. Five or six trustees came up with law, immigration and religion, for one very simple reason: they were all clearly really important public policy issues that, if anything, had risen up the public agenda in recent years for a variety of sometimes differing reasons.

We took that recommendation to the Trust a few weeks later, which approved it, so far as I can recall, without any detailed discussion of the specific subject areas. It agreed that breadth of opinion was a good subject. A few weeks after that, Lord Patten was questioned about it after a speech, which I know you are aware of, because you questioned the BBC executive people you spoke to a year or so ago about what he said. I have checked the words, and he did not say that the subjects were chosen because of the flood of complaints about them. He said that these are subjects on which the BBC receives complaints. Of course they are. They are important issues of public policy, so of course the BBC receives complaints about them and, because they are important areas of public policy, the BBC, and, more importantly for me, the BBC Trust, have to be seen to take those subjects seriously. That was why we chose the three subjects—because we thought they played a really important part in the BBC’s informing this democracy.

Q45 Chris Kelly: Thank you. What role did the editorial standards committee play in the selection of the review topics, given that one of its responsibilities is to recommend to the Trust subjects for independent impartiality reviews?

Richard Ayre: I think, with respect, that I just answered that question, but I am happy to elaborate on it if you wish.

Q46 Chris Kelly: To what extent did the Prebble review pay due account to the detailed Wilson review, which had covered the same issues?

Richard Ayre: It was certainly available to Stuart Prebble. I cannot tell you to what extent he paid regard to it but, as you know, as part of his work there were two sets of research—one was by Cardiff university, one was an internal audience analysis. Stuart Prebble himself spoke to a wide range of people in broadcasting, outside broadcasting, among politicians, in other public bodies—a far broader range of people than are recorded as having been spoken to in the Wilson report. He then reached his own conclusions.

It is an independent review. Stuart Prebble reached those conclusions having assessed all the evidence and brought them back to the ESC. The ESC saw them first and made some comments about them. He took those comments into account, but only so far as he thought it was appropriate to do so. He then came back to the full Trust for approval.

Rona Fairhead: The Prebble review was very much just on breadth of opinion, rather than the broader remit of the Wilson report.

Q47 Kelvin Hopkins: Would you accept that the Prebble review was something of a poor relation to the Wilson review, because it covered a much wider range of subject areas, whereas the Wilson review focused on EU coverage very specifically and was conducted by a team of eminent experts from a range of backgrounds? Just for the record, of course, it concluded that the BBC has shown prolonged bias in favour of the EU. That was some little time ago now, but more recently we had before us David Keighley from the organisation Newswatch, who found that even after the Wilson review the bias had continued. There were

continuing concerns that the BBC was not being objective or balanced in its coverage of the EU. Would you accept that Prebble does not have the same clout as Wilson?

Richard Ayre: No, I would not accept that for a moment.

Kelvin Hopkins: Well, the BBC has published its follow-up, but that is for a colleague.

Richard Ayre: I would not accept it for a number of reasons. One is that the research on which the Prebble conclusions were based was more extensive than the research done for the Wilson review. Evidence is really important if you are to express an opinion. I have already said that Prebble spoke to a wider range of people than the Wilson review.

I am not by any means criticising the Wilson review, which clearly reached some really important conclusions and had a significant effect on the BBC's management of its European coverage. We most obviously owe the existence of the Europe editor, currently Gavin Hewitt and about to be Katya Adler next month, to the publication of the Wilson report. It was a really important report. I am absolutely not prepared to say that Prebble was somehow of a lower order. By no means; it was actually rather longer, I think, in its analysis of EU than the entirety of the Wilson report.

Q48 Kelvin Hopkins: Done in a different way, and perhaps we might debate that further another time. Are you planning a further impartiality review of EU coverage?

Rona Fairhead: We commit every year to do annual impartiality reviews and we try to pick subjects through the period. We have done them on rural affairs, we have done them on science. We will be doing further impartiality reviews, but we have not yet decided what the topic of the impartiality review would be. There was the 2005 Wilson report, then there was the 2011 feedback update from the executive, and then we also had the breadth of opinion review. We will look into which are the areas that we would propose for impartiality over the next few months at the editorial standards committee. That is where it starts.

Q49 Michael Connarty: Along with Europe, can I suggest that you have a look at religion and humanism and secular belief in the country? I am a humanist, and you lock us out completely on everything the BBC has. We can't get on "Thought for the Day" and we won't even be allowed to get marriages because this Government are so backward in these matters in England. Have a look at impartiality in the treatment of religion and non-religious belief.

Rona Fairhead: Over the next few months, we will be deciding what is the subject of the impartiality review.

Q50 Michael Connarty: There is a bid.

Rona Fairhead: I have heard the bid.

Q51 Mr Clappison: Can I ask Mr Ayre about the Prebble review? How satisfactory was it on the question of impartiality of the BBC on the European Union? I have a quote here from a BBC Trust spokesman, saying, “We stand by the report”—that is the Prebble report—“and the conclusions that the Trust drew from it, and we do not recognise this inaccurate characterisation of it. In any event, it was not a review into the impartiality of the BBC’s coverage of the EU, but rather it looked at the range of opinions expressed on BBC programmes across three subjects, of which Europe was one.” So was it—

Richard Ayre: Forgive me, Mr Clappison. I assumed you had had a copy of it. It is entitled “Breadth of Opinion”. That is what it was set up to do. It was set up as an impartiality review to consider the breadth of voice on BBC programmes.

Q52 Mr Clappison: But it is a bit difficult calling it an impartiality review when it wasn’t an impartiality review, according to your spokesman.

Richard Ayre: It was an impartiality review limited to breadth of voice—in other words, the range of voices, speakers, opinions encountered on BBC programmes in those three subject areas.

Q53 Mr Clappison: But not on the question of impartiality as a whole?

Richard Ayre: I will say again, it was the impartiality of the range of voices heard and seen on BBC programmes and BBC online output.

Q54 Chris Kelly: Given the importance attached in the follow up to the Prebble review to the approach of the general election and the fact that audiences will turn to the BBC for accurate, authoritative and impartial information, will you give instructions to the board to monitor and publish monthly reports on what progress has been made?

Richard Ayre: I don’t envisage that the Trust will give any such instruction to the board. However, do I imagine that the Trust will return to the question of progress on breadth of voice? Absolutely. In fact, I would expect that we will do so as part of our discussion with the director of news, which I referred to earlier and which will take place after the general election, with a clear view then of whether or not there is likely to be an EU referendum.

Q55 Chair: With respect, it is not just about the impartiality of the breadth of opinion. It is about the question of the subject matter of the European Union and the extent to which there is a proper degree of impartiality in the people who are presenting the programmes in the manner in which the people are chosen on the balance of opinion in individual programmes. That is the key question, surely. It is not just a question of breadth of opinion or voices; it is a question of impartiality with respect to the subject matter. That is the key issue.

Rona Fairhead: You are quite right, but this report itself was about impartiality, because the definition of impartiality that was being looked at was—was there a sufficient breadth of range of opinion? That had come up in the Bridcut report, to which Richard referred. Clearly, it is about balance and due impartiality for the very important subjects.

Q56 Chair: It is the subject matter and the manner in which it is handled; who is put on and is not put on; and what questions are asked and what questions are not asked.

Rona Fairhead: This is where the delicate balance of independence comes. It is for the editorial team to decide who gets asked, how they get asked, when they get asked and what service it is put on. Is it on BBC1 or BBC Parliament? Those judgments are editorial judgments. What we have the responsibility to do is to ensure that we do not get complaints alleging partiality, and that the public trends that the chief adviser on complaints brings to us are not highlighting any concerns.

Equally, there are 50 million voices around this country that feed back and comment regularly to the BBC and to the executive when they are not happy. Those are tracked by the executive, and it is on the basis of that that they make their editorial judgment and they make their selections. They know that absolutely nothing—even in the Wilson report, which, as I said, was very hard hitting—said that there was institutional bias. A lot was about making sure that the BBC was thinking, putting in planning systems and making sure that there was monitoring, which there is now. There are a number of ways that it is tracked on an ongoing basis, because you are absolutely right that it is the impartiality as seen by the users and the customers of the BBC that is critical.

Q57 Chair: But the voices of the licence payers—the people who pay for the licence—are entitled to know that the BBC is functioning on the basis of ensuring that, as in the case of the November report, which Michael Connarty referred to, people actually know what the system is producing. If the European Scrutiny Committee produces a report of that importance in November last year and it receives no coverage at all—I do not pay the slightest attention, if I may say so, to the question of whether other people looked at it; the question is whether the BBC looked at it, and that is what you are here to answer. They did not, and I find that very puzzling, because, as Michael Connarty indicated, it was the most radical review of the manner in which the European scrutiny system, which relates to the Government of the United Kingdom in relation to the European issue, was examined by the Committee with responsibility for that issue. It was not done, and therefore the question is not whether there was a breadth of opinion and voices; it is a question of whether or not the actual issue of the impartiality with regard to the subject matter was being properly presented by the BBC. The answer is emphatically that it was not.

Richard Ayre: Chairman, I stress that the decision over whether or not to report the findings of this Committee or any Committee is a matter entirely for programme makers in the BBC, for editors acting within the BBC's editorial guidelines—

Q58 Chair: Having regard to the charter, and taking you through the questions, the question is: were you complying with the charter at that point?

Richard Ayre: We absolutely were complying with the charter, in the sense that the charter says that editorial decisions are for the BBC executive, and the Trust is explicitly excluded from involvement in editorial decisions. Having said that, Chairman, I am sure you would recognise that the author of any report is arguably not best placed to determine whether that report should be featured in BBC news programmes, because everyone who writes a report thinks it is worth reporting.

Chair: This is a Committee, not just of one person. This is a self-evident fact. It was a radical report. It was not reported. That is the point.

Q59 Michael Connarty: This is a perfect example of where your editors could not make an important matter interesting, so you just basically didn't do it. That is what worries us about it. Yes, it was difficult. What has happened—I have to say to you both, you are not the only person to blame but also the people who tried to report the procedures outside—is that the fact that the report has not been given any publicity, has not been explained to people, and people have not understood what has gone on, has actually diminished the understanding of people in this place of how this Committee operates.

Yes, we get the big EU debates on the Floor of the House, and the grandstanding. Read those debates. You get the same speeches every time. Often the subject that we sent for debate is not debated; it is people's opinions about where they stand on the "EU—in or out?" question, again and again. But this was a different report. It was important. It was difficult to make interesting, I agree, but because it has been missed, the European scrutiny process has diminished, as has the Government's feeling that they have to deal with the impact of many, many issues that are now in law in this country, operating as impositions on companies or individuals; those have been completely missed.

I think that is the problem. If the editors could not make it interesting, it did not get on the schedule. Maybe that is a failure, and you say that comment is an attempt to criticise the editors. It is a genuine, I think a correctly perceived, comment by the Chair that this was a very important matter because it was about how this Parliament holds a Government to account, and because you could not make it interesting, it did not get coverage.

Richard Ayre: You really cannot blame the decisions of Government, which may or may not follow the recommendations from this Committee as to what should or should not be debated on the Floor of the House, upon lack of BBC coverage. To go back to the example that I gave you an hour or so ago, I know from the questioning of the Home Secretary a couple of days ago that this Committee's view was that the House was not afforded an appropriate opportunity to vote specifically on the European arrest warrant, and I understand that. That subject had been covered, not ad nauseam but in enormous detail, by a whole range of programmes—by the "Today" programme, by "Newsnight", by the "Ten O'Clock News", the "Six O'Clock News", the "PM" programme—and still Government took the view that it did. The BBC does not direct the Government in what priority to give to matters arising from this Committee.

Rona Fairhead: And the meeting was covered in "Today in Parliament." There are different ways of showing how the scrutiny works. "Today in Parliament", "Yesterday in

Parliament”—those really say, “These are the big issues of the day,” and your questioning of the Home Secretary was very clearly that.

Q60 Chair: One last question. Once we receive the transcript of this session, would you undertake to write to us on any areas to which we or you consider that further correspondence is necessary?

Rona Fairhead: Happy to do so.

Chair: Thank you very much.