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Dear David

FREE-TO-AIR EVENTS REVIEW CONSULTATION – RESPONSE FROM THE SCOTTISH GOVERNMENT

Further to my letter of 25 May to Andy Burnham, Secretary of State for Culture, Media and Sport, I now attach the Scottish Government's response to the Panel's consultation on the Free-to-air events review consultation. The response is attached at the annex.

The First Minister has made clear his concern that nationally significant sporting events are not always shown on terrestrial television. The most significant of these is the men's national football men's qualifying games for the European Championship and World Cup. The importance of these qualifying games as events of national significance has been well established and the joint Scottish Government and Scottish Broadcasting Commission research, *Public Attitudes to Broadcasting in Scotland* (2008) asked the public if it supported coverage of Scotland's national football team on free terrestrial television – 96% of those interested in football and 70% of those who were not interested agreed that these football matches should be on terrestrial television (an extract from this research is attached to the response).

The Scottish Government also receives a high volume of correspondence about television coverage of nationally significant sporting events. The majority of this correspondence relates to football but the coverage of other sports – such as rugby, cricket, curling and shinty – on the main terrestrial broadcasters is also raised.



In addition, the Panel should consider allowing the Governments of the devolved administrations to have powers to add or remove events for their nation. This would allow Scotland to maintain a list more specifically relevant to Scottish citizens.

I look forward to continuing to work with the Department of Culture, Media and Sport and the Panel in taking forward the free-to-air review process and welcome your ongoing engagement with the Scottish Government and Scottish Parliament on this issue.

I am copying this letter to Ben Bradshaw, Secretary of State for Culture, Media and Sport and David Davies OBE, Chair of the Review Panel.



MICHAEL RUSSELL

FREE-TO-AIR EVENTS REVIEW CONSULTATION – RESPONSE FROM THE SCOTTISH GOVERNMENT

Q1. Do you think that the UK should continue to protect certain major events through live or deferred coverage on free to air television? Please give a reason for your response.

- Yes. Nationally significant events play an important role in building national identity and create opportunities for shared experiences and these should be available to all citizens. If such events are only shown on subscription TV they become exclusive and cannot build social cohesion and create shared experiences that bond a nation.

Q2. Do you think that events other than sporting events should be listed? If so, please give your reason. You will have an opportunity to suggest appropriate events at a later stage in this consultation document and do not need to do so now.

- We believe that there should be potential for non-sporting events to be included as they too can play an important role in strengthening national identity. In this review we do not suggest that any specific events be added to the list.

Q3. Do you agree that this should remain the essential criterion test? If you do not agree, please explain why and please indicate what you consider should be the essential criterion in a sporting context.

[Essential criteria test details:

EC legislation is permissive and also affords Member States a large measure of discretion in how they interpret an event of major importance to society. In 1998 the UK Government consulted on how it should give effect, in a UK cultural context, to the idea of an event of importance to society. In order to be considered, the event had to pass the essential criterion test, which was:

- **the event has a special national resonance, not just a significance to those who ordinarily**
 - **follow the sport concerned; it is an event which serves to unite the nation, a shared point on the national calendar.**
 - **In a sporting context such an event is likely to fall into one or both of the following categories:**
 - **it is a pre-eminent national or international event in the sport;**
 - **it involves the national team or national representatives in the sport concerned.]**
- The essential criterion should remain the same. However, there should be more focus on the distinct needs of the different UK nations.

Q4. If your answer to Q2 was that non-sporting events should also be considered for listing, what might an essential criterion be?

- Any non-sporting event that has national significance for all of the UK, or any one nation within the UK.

Q5. Do you consider that these characteristics remain appropriate? If you do not, or consider that additional characteristics should be included, please explain why. [Having qualified under the essential criterion test, an event was more likely to be listed if it exhibited particular characteristics, such as:

- **it is likely to command a large television audience;**
- **it has a history of being broadcast live on free-to-air television.]**

- The characteristics of commanding a large television audience and having a history of being broadcast on free-to-air television should remain appropriate.

Q6. Are these the appropriate other factors that the Secretary of State should take into account when considering whether or not to list an event? If not, or you consider that additional factors should be taken into account, please explain why.

[In deciding whether to list an event, the Secretary of State took into account other factors affecting the likely costs and benefits to the sport concerned, to the broadcasting industry and to viewers, such as:

- **Whether it is practical to offer full live coverage on a general channel – extended events such as season-long championships involving many matches will not normally be listed in their entirety.**
- **The impact of listing in reducing the income or potential income of the sport and consequences**
- **of that reduction for its investment in increasing participation and/or improving levels of performance and/or in creating safe facilities.**
- **The likely impact of listing on the broadcasting market, including future investment in sports broadcasting, the level of competition and the position of public service broadcasters.**
- **Whether there are arrangements to ensure that access to the event is available to all viewers by means of highlights, delayed coverage and/or radio commentary.**

The Secretary of State has regard to these other factors cumulatively. No single factor automatically commands listing as a response or disqualifies an event from consideration.]

- Yes, these factors are appropriate.

Q7. Do you agree that both an A and B list should be maintained? If not, please explain why.

- Yes, the existence of the A and B lists recognises that some events are of greater significance and should be shown in their entirety. The A and B listing also allows for highlights for events that run over longer periods to be shown on free-to-air television without overtaking the schedule of the limited number of eligible television broadcasters.

Q8. Are there any issues that you would wish to bring to our attention in regard to the way in which the listing arrangements are given practical effect by Ofcom?

- No.

Q9. Do you think that the Secretary of State should:

- **leave the current arrangements unchanged;**
- **move existing events between the A- and B- lists;**

- add any entirely new events; or
- remove any events that are currently listed?

Please give reasons for your answers.

- The lists, both A and B, should remain. The UK Government should see this as an opportunity to update the list to better meet the 4 nations of the UK by allowing the list to be tailored to meet the needs of each nation more effectively. The list already allows for some events to be listed for one nation only and that should be strengthened.

Q10. If you have suggested that live coverage of any such tournaments should be listed do you think that:

- the entire tournament should be listed; or
- only selected stages, events or matches involving national teams or representatives.

Please give reasons for your view and, if you favour selected listing, please specify which tournaments and which stages, events or matches.

- In the Scottish Government's view the following event should be added:
 - the men's national football team's qualifying matches (home and away) for the European Championship and the World Cup.
- This is an issue of considerable interest to viewers in Scotland – including those who are not generally interested in football. An extract from research commissioned by the Scottish Broadcasting Commission in 2008 is attached at Annex A, to underline the very strong view held on this issue by most people in Scotland.

Q11. Please suggest which non-sporting events you would like to see listed and why.

- There are no non-sporting events that the Scottish Government wishes to see added to the list at this time.

Q12. Do you have any other issues that you would like the Panel to take into account in considering what its recommendations should be?

- The Panel should consider allowing the Governments of the devolved administrations to have powers to add or remove events for their nation. This would allow Scotland to maintain a list more specifically relevant to Scottish citizens.

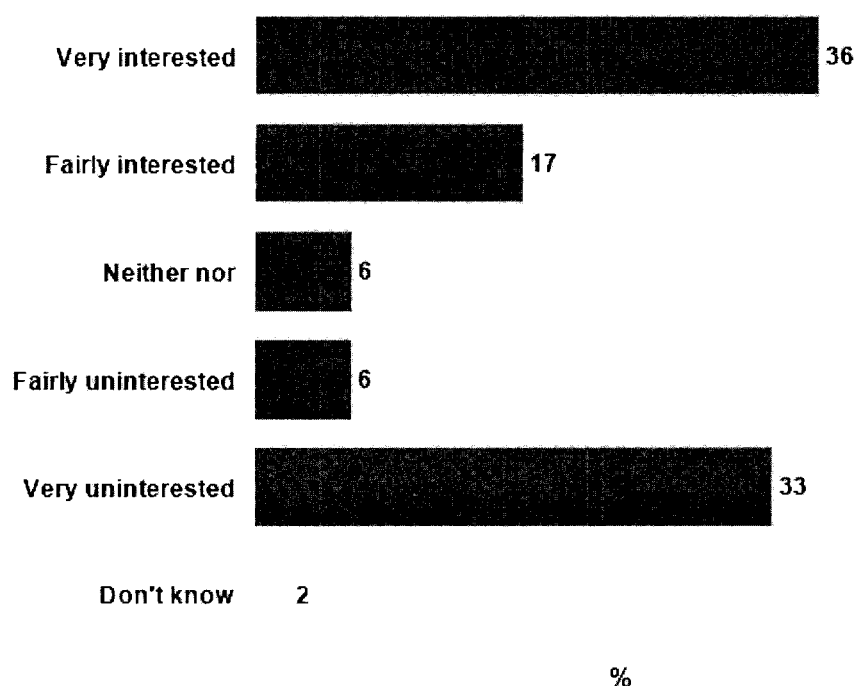
**Extract from Scottish Government and Scottish Broadcasting Commission research,
*Public Attitudes to Broadcasting in Scotland (2008)***

Opinion towards live football coverage on free terrestrial TV

2.68 Continuing with the sports theme, another specific objective of the research was to examine views of the general public in relation to showing free live coverage of Scottish international football matches on terrestrial television, as opposed to on pay TV channels. Firstly, all respondents were asked to indicate their level of interest in watching live coverage of Scottish national football (without reference to the platform). They were asked to respond using a five point rating scale, ranging from very interested to very uninterested and the following results were obtained.

Figure 2.20: Overall interest in watching live coverage of Scottish football

Base: All respondents (1,021)



2.69 The main finding here is clearly the very different views expressed across the sample as a whole, with similar proportions claiming to be strongly interested and strongly disinterested. However, overall the balance of opinion was slightly more positive than negative, as a higher proportion claimed to be fairly interested rather than fairly uninterested.

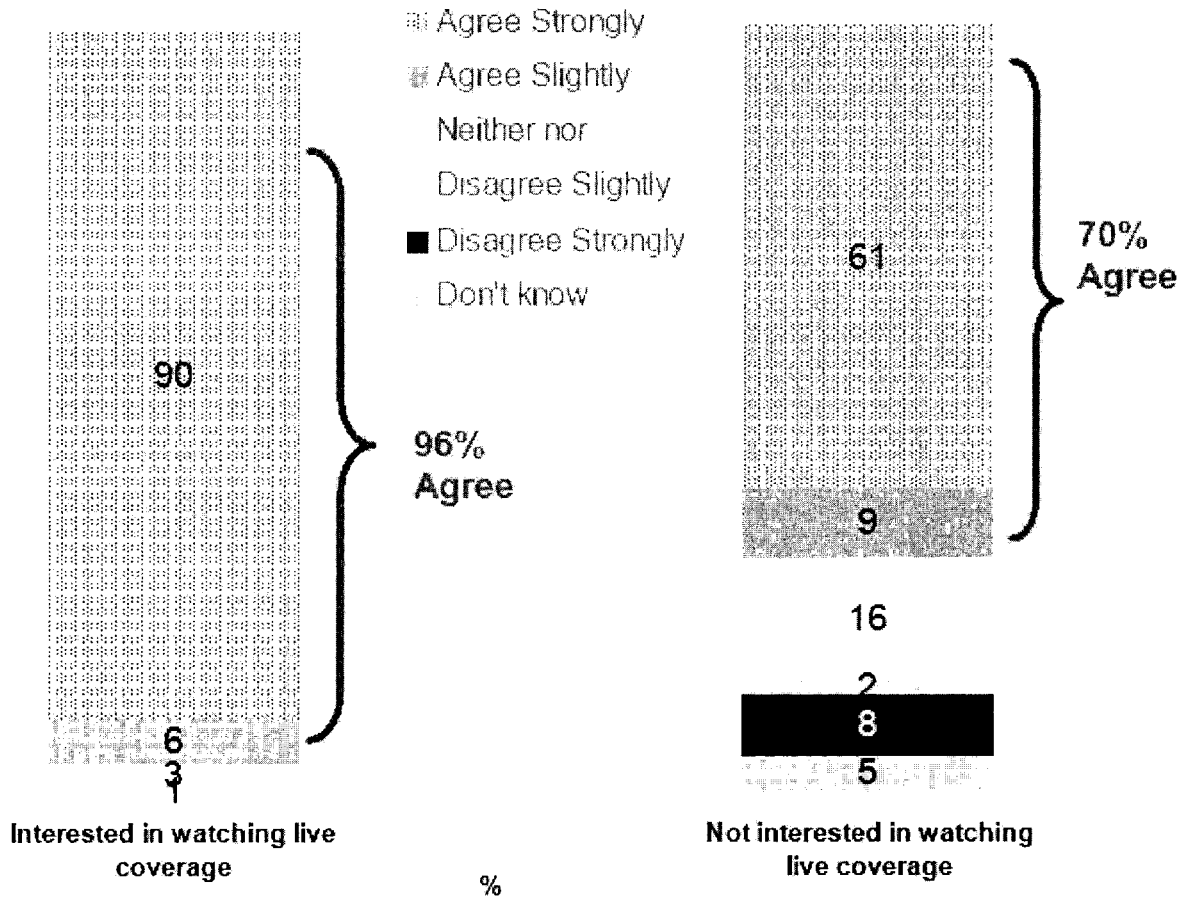
2.70 As expected views were significantly affected by gender: 71% of males claimed to be interested compared to 37% of females. Age differences on the other hand were far less pronounced. The most widespread interest was recorded amongst the 35-44 year old age group (60%), especially in comparison to those 65 years and above, who expressed the least interest (49%). No significant differences were recorded by SEG on this measure.

2.71 Having ascertained the level of interest in watching live Scotland football matches on TV generally, all respondents were asked to agree or disagree (using a five point rating scale) with the following statement: "Competitive matches played by Scotland's national football team should be shown live on free terrestrial television rather than only on Pay TV channels."

2.72 Figure 2.21 below shows the results separately for those who claimed to be interested in watching Scotland matches and those who were uninterested.

Figure 2.21: Agreement that Scottish national football matches should be shown free on terrestrial TV according to whether interested or uninterested in watching national Scottish football

Base: All respondents interested (529); all respondents uninterested (410)



2.73 Undoubtedly, and expectedly, the vast majority of those who have an interest in watching the national team generally were strongly in agreement with the statement. More importantly though amongst those who expressed a lack of interest in watching Scotland playing international football, a sizeable majority also agreed (70%) that national matches should be shown live on terrestrial TV. Furthermore, almost two thirds of this group (61%) held this opinion strongly.

<http://www.scotland.gov.uk/Publications/2008/05/08112958/3>