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QUEEN ANNE'S GATE LONDON SW1H 9AT

17 December 1986

Prime Minister²

N Ridley and the Foreign Secretary wish to strengthen the regulation of local radio.

Dear Nicholas,

RADIO GREEN PAPER

DLW
18/12

Thank you for sending me a copy of your minute of 4 December to the Prime Minister about regulation of local radio. I have also seen the Foreign Secretary's minute of 8 December, in which he agrees with your view that stations should be required to provide balanced coverage, but suggests that this should be in addition to rather than in place of the proposed requirement on "undue prominence".

Under the licence conditions summarised in the note attached to my minute of 27 November to the Prime Minister, stations would be required to ensure that programmes on matters which are of political or industrial controversy exclude all expression of the views and opinions of the persons providing the programmes (paragraph 2(ii)), and must avoid giving undue prominence in such programmes to the views and opinions of particular persons (paragraph 2(iii)). This latter provision should be sufficient to guard against the kind of case you have in mind; the essential test is whether particular sets of views are allowed to predominate programmes. As you recognise, the test is drawn from the existing cable legislation where it has worked satisfactorily. I am afraid that I would see real difficulties in going further and obliging stations not only to refrain from such broadcasting but positively to provide "balance" in these matters.

At present balance is used in the broadcasting legislation only in a rather different context. For example, the IBA is under an obligation, in section 2(2)(b) of the 1981 Act, to maintain a "proper balance", but that is a reference to the idea that their programme services should cover a range of subjects and be of general appeal. Although it is common to talk in general terms of the broadcasters being under an obligation to balance political views, the expression is not used in that sense and the relevant requirements are similar to those referred to above which we do propose to apply to radio. To go further than this and to have an express reference to "balance" would be to impose a requirement without precedent and it is one which would sit rather uneasily in a regime which we hope to present as reflecting our broad commitment to deregulation and as a response to the substantial case outlined in the Green Paper for some measure of relaxation of the regulatory impositions on existing independent local radio services. It could also actually make matters worse by giving minority or extremist groups a handle to press for their views to be given the exposure they now lack. I see this as giving rise to particular difficulties in interpretation and enforcement,

The Rt Hon Nicholas Ridley, M.P.

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and would not wish to create either unrealistic expectations of what might be achieved by some of the very small stations which may come on the air, or to saddle the Cable Authority with the task of having to make fine judgments as to whether balance may or may not have been achieved in a particular case.

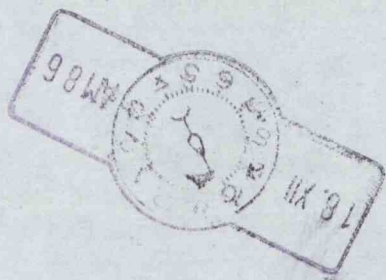
In the circumstances, I would rather proceed on the basis of the framework outlined in the enclosure to my minute of 27 November. I nevertheless accept that, when we come to look at this again after the consultation process and with a view to legislation, we shall need to give careful consideration to the precise drafting.

I have also seen the letters by or on behalf of the Chancellor of the Exchequer, the Chancellor of the Duchy of Lancaster and the Secretary of State for Trade & Industry. My officials will shortly be circulating a copy of the text to their counterparts in other Departments.

I am copying this letter to the other members of MISC 128, the Foreign Secretary and Sir Robert Armstrong.

Yours,

Douglas



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