

STATES OF JERSEY



TELEVISION LICENCE FEE: EXEMPTION FOR JERSEY RESIDENTS AGED 75 AND OVER (P.117/2016) – AMENDMENT

Lodged au Greffe on 7th March 2017
by Deputy M. Tadier of St. Brelade

STATES GREFFE

TELEVISION LICENCE FEE: EXEMPTION FOR JERSEY RESIDENTS
AGED 75 AND OVER (P.117/2016) – AMENDMENT

1 PAGE 2 –

Before the words “to request the Chief Minister” insert the following paragraph (a) and rename the existing paragraph as paragraph (b) –

“(a) that the BBC should not charge over-75s living in Jersey for TV licences, in line with their proposed policy for UK residents;”.

2 PAGE 2 –

In the newly designated paragraph (b), after the words “to enter into” insert the word “renewed” and for the words “January 2018” substitute the words “September 2017”.

DEPUTY M. TADIER OF ST. BRELADE

REPORT

On 26th December 2016, Senator P.F.C. Ozouf circulated an e-mail to States Members outlining the ‘deal’ that had been struck with the BBC over future licence fee provisions for the over-75s in Jersey (see **Appendix 3**).

There are a number of areas of concern that arise from the content of the e-mail.

The first and chief concern, which is the reason for this proposition (and this amendment), is that over-75s in Jersey are being treated unfairly compared to their counterparts in the UK. This is unacceptable. There is little comfort in the words that –

“The BBC has committed its intention:

- **to treat all Crown Dependencies equitably;”**.

In other words, all of the Crown Dependencies will be treated unfairly.

This is not an “*excellent outcome*”, as Senator Ozouf suggests, but a poor deal which sells our older residents down the river.

Another area of concern is that this deal, which is far from satisfactory, was made without any consultation of the States Assembly.

Senator Ozouf stated –

“After a lot of work, and following successful negotiations, I am happy to confirm that a draft proposal was submitted by the BBC last week. *In consultation with the Council of Ministers, and on behalf of the Government of Jersey, I have now accepted this proposal*, and the BBC’s Director of Charter and Policy, on behalf of the BBC Executive, and I have now exchanged formal letters of assurance.”

I am not the only States Member who has received complaints from constituents about this inherent unfairness; nor am I the only one who feels that this deal does not represent the best interests of our constituents who happen to be aged over 75.

Members are asked to support this proposition: (1) to send a clear message to the BBC that we expect our residents to be treated fairly; and (2) to give the Council of Ministers a parliamentary mandate to pursue an improved deal with the BBC in this regard.

Financial and manpower implications

It is expected that there are no manpower implications arising from the main proposition or this amendment, and that any work arising will be carried out from within existing departmental budgets.

APPENDIX 1

“STATEMENT TO BE MADE BY THE ASSISTANT CHIEF MINISTER ON WEDNESDAY 16TH NOVEMBER 2016

I am making this brief statement in response to Deputy Tadier’s proposition P.117/2016, regarding age-related concessions to the television licence fee for Jersey residents.

This followed Deputy Mézec’s written question in October 2015 on the subject.

I wanted to provide States Members with an update on the progress that the States of Jersey has made in this area, and on the issue of BBC Charter renewal more generally.

As many Members will know, the Charter forms the constitutional basis for the BBC, sitting alongside a Framework Agreement that adds a level of policy detail.

Collectively, these two documents set out the public purposes of the BBC, they guarantee its independence, and they cover its various duties and funding. Both apply to Jersey, and both expire at the end of this year.

To ensure that Jersey’s relationship with the BBC remains clearly defined from January therefore, States of Jersey officers have (since 2015) been in regular discussions with the BBC and the Department for Culture, Media and Sport (the DCMS).

These discussions have covered various subjects within the broader context of Charter renewal.

However, I can confirm that Officials were tasked specifically with ensuring that the BBC continues to treat the Island fairly with regard to funding for TV licence concessions.

And also that Jersey continues to receive a high level of service provision from the BBC in the future, in terms of radio, television and other services (such as live coverage of States sittings).

In early discussions it was established that the agreement between the UK Government and the BBC regarding age-related concessions to the TV licence only applies to people over the age of 75 in the UK and not to the Crown Dependencies.

As Members will understand, this is partly due to the fact that the social security systems of the jurisdictions are separate and distinct.

Until a formal agreement has been finalised with the BBC, I cannot confirm the full outcome of these discussions.

However, it is worth noting that officers from the Digital Policy team and the London Office have developed a strong working relationship with their counterparts at both the BBC and DCMS over the course of the past year, and I can say that both parties have been receptive to our requests.

I am also happy to advise that, where appropriate, these discussions have been conducted on a pan-Island basis with representatives of Guernsey and the Isle of Man, to ensure an equitable approach across the Crown Dependencies.

In recent months, meetings between States of Jersey officers, the DCMS and the BBC took place on:

16th December 2015 (with the BBC)
17th December 2015 (with the DCMS)
27th April 2016 (with the DCMS)
19th May 2016 (with the BBC)
16th August 2016 (with the BBC and the DCMS)
4th November 2016 (with the DCMS).

I hope this goes some way to answering Deputy Tadier's question. It is disappointing that the Deputy did not seek to ask or email me directly about the progress that was being made, and instead lodged a proposition.

I look forward to providing further information once an agreement between the States of Jersey and the BBC has been finalised.

This will be before the end of the year.

In the meantime, and subject to the caveat I have already mentioned, I look forward to answering any questions that Members might have on this issue."

APPENDIX 2

“STATEMENT TO BE MADE BY THE ASSISTANT CHIEF MINISTER ON WEDNESDAY 14TH DECEMBER 2016

Television Licences

I promised States Members that I would get back to them before the end of the year with an update.

Officers have this week successfully completed negotiations with the BBC, with positive outcomes.

Officers are in contact with the BBC to arrange final sign off with the Deputy Director General, who is in charge of all financial matters for the BBC, before the end of this week.

As soon as this formal sign-off has been received, I will write to all States Members individually, confirming the terms of the agreement.”

E-MAIL FROM SENATOR P.F.C. OZOUF TO ALL STATES MEMBERS

From: Philip Ozouf
Sent: 22 December 2016 16:37
To: All States Members (including ex officio members)
Subject: BBC Arrangements and TV Licence Concessions

Dear colleagues,

I made a brief statement in the States Assembly on 14 December about the work that is being done to finalise arrangements between the States of Jersey and the BBC for the provision of broadcasting services to the Island. This followed my commitment earlier in the year to provide further information to States Members once this had been done.

After a lot of work, and following successful negotiations, I am happy to confirm that a draft proposal was submitted by the BBC last week. In consultation with the Council of Ministers, and on behalf of the Government of Jersey, I have now accepted this proposal, and the BBC's Director of Charter and Policy, on behalf of the BBC Executive, and I have now exchanged formal letters of assurance.

I am delighted to now inform members that the letters signed include assurances on the future of the BBC's service provision to Jersey, as well as agreeing very positive arrangements in respect of TV licences for over-75s in Jersey. From 2018, the BBC intends to begin contributing towards the cost of Jersey's means-tested concession to the TV licence for eligible citizens over the age of 75. This contribution will be approximately £270,000 from 2018 to 2020.

This is an excellent outcome, and one that is far more positive for Jersey than could have been anticipated a few months ago. This is undoubtedly the result of an excellent working relationship my officials in Chief Minister's Department and the London Office have built up with the BBC over recent times.

I have previously provided States Members with a detailed description of why these arrangements are important to Jersey, what their broader purpose is, and the official work that has gone into securing them. Below is a description of the respective commitments that the BBC and the States of Jersey have now made.

The BBC has committed its intention:

- to treat all Crown Dependencies equitably;
- to continue to provide Jersey with radio, television and other services (such as coverage of States sittings) to the same extent that it currently does;
- to contribute phased funding for Jersey's means-tested TV licence concession for people over the age of 75 (providing one third of the cost in 2018/19 and two thirds of the cost in 2019/20) – this will save the States approx. £90,000 and £180,000 over the two years respectively;

- to contribute the full cost in 2020/21 of Jersey's means-tested TV licence concession for people over the age of 75.

The BBC's funding contribution is subject to the BBC gaining full control of its funding liability under the concession in 2020, at which point the concession model may change. Our understanding is that the BBC will, at this point, aim to treat all licence fee payers equitably.

To enable the BBC to deliver on these intentions, the States of Jersey has also committed its intention to:

- Continue to extend Part 4 of the Communications Act, together with its subordinate legislation, to its territory and in particular to:
 - i. Retain the licence fee in Jersey with criminal deterrence; and
 - ii. Retain Regulation 9, including to ensure that a TV licence is required to watch or download any programme within an on-demand programme service which is provided by the BBC.

The licence fee will also be updated in line with inflation.

We will also be required to enact some legislative reform in Jersey. The extent of this reform is being considered by the Law Officers' Department at the moment, but (in particular) we will need to extend the provisions of the UK Digital Economy Bill relating to TV Licences and those that allow Ofcom to perform their new regulatory role to the BBC, which replaces self-regulation by the BBC Trust.

I hope you will join me in warmly welcoming this outcome.

Yours sincerely,

Philip

Senator Philip Ozouf

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P.S. In order for this letter to appear on the States Assembly record, I shall present its contents as a report in the New Year.”