

Dear Ofcom,

Further to Ofcom's indicative approval of the new BBC Scotland TV channel announced on April 20, the SNS is grateful for this further opportunity to comment.

We are, of course, disappointed that after the initial consultation process Ofcom is minded to approve the proposed expansion of BBC Scotland's news operation which we still believe is disproportionate to the needs of a one-hour show given the resources already available to it.

As outlined in my letter of December 14 and as detailed in the BBC's own submission, we remain of the view that these resources will also be used to expand the BBC's written digital services in direct competition with established commercial news providers.

We believe this is a clear contravention of the BBC Charter of December, 2016 which states that it *"should offer a range and depth of analysis and content **not widely available** from other United Kingdom news providers"*.

The Charter further makes it clear that the BBC *must "seek to avoid adverse impacts on competition which are not necessary for the effective fulfilment of the Mission and the promotion of the Public Purposes"*.

In our view BBC Scotland will not only expand its written services, but is doing so at a time when it knows commercial news providers are less well-equipped to compete against an expansive and expanding publicly-funded operation. The BBC is therefore not so much seeking to avoid, but to actively challenge existing commercial operators and this is surely contradictory to its Charter obligations.

As the BBC clearly sets out in its submission last year: *"There will be potential to produce further news output or re-version content for radio, use on the website (**with particular focus on longer, more investigative pieces**) and social media, allowing a richer range and depth of journalism, cross-platform... This will enable an enhanced mobile and online offer through **more bespoke content for the website.**"*

Some examples of such material are included in the appendix below, drawn from a week's coverage and in addition to the normal daily news feed.

It is possible the BBC has revised its original plans, but to us the position above is at odds with the approach cited in the Ofcom provisional determination (paragraph 5.19), which quotes the BBC as follows: "The additional investment in the news programme will be unlikely to drive an increase in the number of stories covered on BBC Online News Scotland". It cannot be both and we would expect Ofcom to seek further clarification.

We were gratified that Ofcom recognised that "a significant increase in the scale and scope of the BBC's online news provision could draw readers away from Scottish print and online news providers" (paragraph 5.21) but we feel more needs to be done to prevent such an occurrence than the advice to the BBC Board to "look closely at any further expansion".

Indeed Ofcom's provisional determination seems to put onus on other providers to prove the BBC's proposals will cause harm (paragraph 5.20: "We would particularly welcome specific evidence from stakeholders...") but we would argue the Charter firmly puts the responsibility on the BBC to demonstrate its plans will do no harm, not the other way around.

As for evidence of impact on staff recruitment and retention, one publisher has already reported a job offer being rejected on the basis of a better offer coming in from the BBC to join the new channel's news team.

Judging by the provisional determination and the widespread support for the launch of the new channel in principle, we expect the new channel will launch as planned and under those circumstances we would expect clear parameters to be laid out in a service level agreement. This which would then be the basis of a transparent process of measurement and evaluation by Ofcom once the new services go live, to include the quantity and quality of digitally-published written material as well as a detailed staffing breakdown.

BBC Scotland's assurances at this point cannot be the end of the matter and SNS members cannot afford such a massive expansion of publicly-funded news provision to go ahead without firm guarantees.

Yours sincerely,

A solid black rectangular box redacting the signature of John McLellan.

John McLellan,
Director

Appendix: BBC online features, May 18

Business:

How it went wrong for TSB:

<http://www.bbc.co.uk/news/business-43923561>

Momentum for marine power (by Douglas Fraser, ex-Herald)

<http://www.bbc.co.uk/news/uk-scotland-scotland-business-44013137>

House of Fraser empire struggles to strike back

<http://www.bbc.co.uk/news/uk-scotland-43988154>

Scottish politics:

Pregnant politicians

<http://www.bbc.co.uk/news/43908025>

FMQ sketch:

<http://www.bbc.co.uk/news/uk-scotland-scotland-politics-43988438>

Norwegian child and sex crime witness system (by Lucy Adams, ex-Herald)

<http://www.bbc.co.uk/news/uk-scotland-43960379>

Methadone programme

<http://www.bbc.co.uk/news/uk-scotland-43968655>

Sport:

Tom English:

<https://www.bbc.co.uk/sport/correspondents/tomenglish>

General:

Scott Hutchison

<http://www.bbc.co.uk/news/uk-scotland-44085743>

Dumfries hanging:

<http://www.bbc.co.uk/news/uk-scotland-south-scotland-43966378>