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| <p>1 Wednesday, 5 December 2012 2 (3.47 pm) 3 DANNY COHEN (called) 4 MR POLLARD: Danny, thanks for coming in, and sparing us 5 time to have a chat. I don't think it is going to be 6 a particularly long session, we just have a few 7 questions. Most of the questioning will be by 8 Mr Maclean. Mr Spafford has a few procedural points 9 first. 10 MR SPAFFORD: Thank you for coming in. Obviously it is 11 being transcribed as you know. At the end of today we 12 will provide maybe you, Andrew, with a copy of the 13 transcript for typographical errors. There may be 14 a short break, if we go longer than expected, to give 15 the transcribers a chance for a short rest. 16 That apart, to remind you obviously that things here 17 are confidential. You have provided an agreement. 18 Thank you for that. What we will probably discuss now 19 is subject to that agreement. 20 A. Sure. 21 MR SPAFFORD: Thanks. 22 Questions by MR MACLEAN 23 MR MACLEAN: Mr Cohen, how often would you meet with 24 Steve Mitchell? 25 A. Um, we wouldn't have regular meetings. Probably --</p> <p style="text-align: center;">Page 1</p> | <p>1 want to ask you -- I don't want to give you advice on 2 specific things, but if you ask me what a viewer -- how 3 I feel about it, then these are the things I would note, 4 but you are under no obligation to do them. I'm telling 5 you as a viewer of those programmes. 6 MR POLLARD: Okay. 7 MR MACLEAN: I think I asked you to open bundle 1. I do 8 want you to look at 1 in a minute, but can you just look 9 at 3 for a second, please. 10 A. Yes. 11 Q. Turn to page 40. We are going to be looking, Mr Cohen, 12 at an extract from Mr Mitchell's diary of 28 November 13 last year. If you just cast your eye down that page, 14 you will see he has a number of meetings which are 15 described as routine, for example, at 10 o'clock with 16 Fran Unsworth, 11 o'clock with Owenna Griffiths, there 17 is one with Sara Beck about the MRPL, as it is 18 inaccurately not referred to there, at 12 o'clock, one 19 at 4 o'clock with Penny Murphy, and then one that is not 20 defined as routine with you, in your office at 4 o'clock 21 on 28 November. 22 A. Um-hm. 23 Q. Did such a meeting take place, do you recall? 24 A. I presume it did, from it being there, but I don't 25 recall it actually.</p> <p style="text-align: center;">Page 3</p> |
| <p>1 I would be semi-guessing because I wouldn't be able to 2 give you a categorical answer, but I would say it 3 irregularly, maybe every four to six months. 4 Q. Why would you have to meet, you and he? 5 A. Well, it was more of an informal basis. Sometimes you 6 can offer a colleague advice. He was often interested 7 to know what I thought of the 6 o'clock news and the BBC 8 10 O'Clock News. I was not keen to give a strong 9 opinion on this -- 10 Q. In what respect? 11 A. -- because I feel -- 12 Q. How good the journalism was or what? What was the 13 nature of his query? 14 A. For example, I had a similar conversation with the 15 editor of the 10 O'Clock News recently and he asked me 16 what I thought of it and I said a couple of very broad 17 things like "I think you have got to be careful not to 18 do too much on America", because I think there is a risk 19 we over focus on America, compared to some of the 20 emerging developing nations, you know, the BRIC 21 countries, China, Brazil and so on. So I would say 22 things like that, more than -- anything that would be 23 described as -- kind of macro perspective as a viewer. 24 MR POLLARD: Isn't that fundamentally wrong? 25 A. That's why I kind of always said that I don't really</p> <p style="text-align: center;">Page 2</p> | <p>1 Q. Do you recall discussing the Jimmy Savile Newsnight 2 piece with Mr Mitchell at any stage? 3 A. No. 4 Q. You don't -- 5 A. I don't. 6 Q. You are sure you didn't discuss it with him? 7 A. I'm as confident as I can be, yes. I don't have any 8 recollection at any point of discussing it with him. 9 Q. What would the mechanism be for somebody sitting in your 10 position as Controller of BBC1 for interacting with the 11 News side of the organisation if they were doing some 12 sort of controversial story or something that you ought 13 to know about? 14 A. The way that would normally happen is via my line 15 manager, George. 16 Q. As Director of Vision? 17 A. As Director of Vision, yes. So I wouldn't tend to -- 18 the interaction with it would be more if it was to do 19 with a programme on BBC1, a News broadcast on BBC1. So 20 that would tend to happen. Although I'm finding, having 21 thought about this in advance, I'm finding it hard to 22 recollect an example of that actually happening where 23 I was informed of something that News was doing in 24 advance. 25 Q. So what about the -- you see the reference there to</p> <p style="text-align: center;">Page 4</p> |

1 (Pages 1 to 4)

1 "MPRL" as it says, it should be "MRPL", I think.
 2 A. Um-hm.
 3 Q. Are you a consumer of the Managed Risk Programme List
 4 that the BBC produces?
 5 A. There are two actually, this is my understanding. There
 6 may be more, I don't know, but to my knowledge there is
 7 one for Vision which is one I see regularly and there is
 8 one for News and Current Affairs, which I don't see.
 9 Q. So the one for Vision, people working for you at least
 10 or to you would be a contributor into the Vision list?
 11 A. Yes, and I would be someone asked for my opinion on it.
 12 Q. Right. That gets fed up, perhaps you know -- or maybe
 13 you don't know -- to the ultimate consumer of the
 14 Managed Risk Programme List, which is the Editorial
 15 Standards Board chaired by Mr Jordan --
 16 A. That would be my understanding, yes.
 17 Q. -- where the whole thing from Vision, News and whatever
 18 else, all gets fed into produce a composite list.
 19 A. That would be my understanding, yes. So I would get
 20 shown the Vision one but not that one.
 21 Q. So in terms of why I asked you about being a consumer of
 22 something that was on the list from the News part of the
 23 BBC --
 24 A. Yes.
 25 Q. -- you say you wouldn't see that?

1 A. To my recollection, it was about how voting was done in
 2 the host nation, yes.
 3 Q. Go on.
 4 A. No, similarly, um, you know, if there was -- there was
 5 a FIFA Panorama. You see, that's what I mean, it very
 6 much goes through your channel. There was a Panorama
 7 about FIFA, about corruption in FIFA, which became quite
 8 a big story in itself, because it went out quite close
 9 to the decision on who would host the tournament.
 10 Again, I was aware of it, but there were two things
 11 that were clear about that. First of all, I shouldn't
 12 interfere with its editorial, second of all I shouldn't
 13 even be involved in the decision, I think rightly, about
 14 when it was scheduled, because it was up to Panorama to
 15 decide when the right moment, in legal terms, was for
 16 them to put that show out. Because it was one of the
 17 half-hour ones, I don't interact with that at all in
 18 terms of when they are scheduled, they are delivered to
 19 me.
 20 Q. So they could choose which of their half-hour slots to
 21 use for this particular programme?
 22 A. Interestingly, and in quotes "controversially", although
 23 I don't think it was controversial, it went out just
 24 before the choosing process for the nation and some
 25 newspapers suggested that it affected England's chances.

1 A. No, I wouldn't, no.
 2 Q. So if I'm sitting in News and I'm doing a piece which,
 3 let's say, is about one of BBC1's current big
 4 entertainment stars, and I'm doing an expose of his or
 5 her tax affairs for example, which is not going to paint
 6 them in a flattering light, let's imagine, the mechanism
 7 by which this comes on your radar screen would be via
 8 the Director of Vision?
 9 A. I think it would. I think if it -- it may be suggested
 10 that there is an over-focus on Channels, but for example
 11 if Panorama on BBC1 is going to do something on -- I can
 12 give you an example of it -- Eurovision, there was
 13 a Panorama on Eurovision, the editor of Panorama
 14 informed me in advance that they were doing that. My
 15 position on that would be very clear: "Go ahead with it,
 16 I won't be intervening in any way, you will produce the
 17 programme".
 18 MR POLLARD: You say that did happen?
 19 A. Yes.
 20 MR POLLARD: Yes. When was that, roughly?
 21 A. It was for this year's Eurovision. Those wonderful
 22 occasions that those are, they don't always stick in
 23 your mind, but it was for this year's Eurovision.
 24 MR MACLEAN: It was collusive voting or the whole thing
 25 being corrupt or something, was it?

1 MR POLLARD: But they would have to use, if you like,
 2 a predetermined slot?
 3 A. They would, Mondays at 8.30.
 4 MR POLLARD: I see.
 5 A. I put this in my account, the ones on Monday at 8.30,
 6 Tom Giles, the Editor of Panorama, just delivers to me
 7 and he chooses what they were. The ones at 9 o'clock
 8 are jointly commissioned but, again, he decides which
 9 9 o'clock. He and my scheduler agree broadly when they
 10 go out.
 11 MR POLLARD: The 9 o'clock slot would only be for something
 12 that everybody agreed was a sort of special occasion,
 13 because that is probably an hour, isn't it?
 14 A. That's right, yes. So the 9 o'clock ones are jointly
 15 commissioned by the Editor of Panorama and myself, and
 16 so -- and you editorially sign them off, but again,
 17 I will say "Yes, this sounds like a good subject".
 18 I will not then be involved -- we are doing one on, say,
 19 [REDACTED] we've got a big Northern Ireland one
 20 coming up. I will not be involved in the editorial
 21 preparing of those films.
 22 MR MACLEAN: Right. So what did you know about the
 23 Newsnight Jimmy Savile story, let's say on 1 January
 24 this year?
 25 A. Nothing. As I said in my submission, I did not know

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| <p>1 about it.</p> <p>2 Q. Can I show you one or two documents from bundle 1?</p> <p>3 A. Of course.</p> <p>4 Q. If you look at page 125 --</p> <p>5 SOLICITOR: Can I put this bundle away?</p> <p>6 MR MACLEAN: Yes. Page 125, this is 1 November last year.</p> <p>7 This is three days, I think, after Jimmy Savile had</p> <p>8 died, he died on the 29th. We can see that there is --</p> <p>9 on something called "Entertainment routine" -- this is</p> <p>10 a BBC1 internal document, is it?</p> <p>11 A. That is right, yes.</p> <p>12 Q. The minutes suggest that there's a proposal to "revive</p> <p>13 Jim'll Fix It old granted wishes show with the feel of</p> <p>14 the new show to be kept similar to the original." The</p> <p>15 proposal at this stage was to broadcast around about</p> <p>16 27th, in fact it was 26th, in the end, Boxing Day,</p> <p>17 I think; discussions about who the host might be; homage</p> <p>18 and intro, that is a homage to Jimmy Savile, right --</p> <p>19 A. Yes.</p> <p>20 Q. "Or pre-titles to old series and then straight in to the</p> <p>21 programme, a 30-minute show, with potential for</p> <p>22 a series."</p> <p>23 Then we can see if we trace it through -- we will</p> <p>24 come back to the genesis of this in a minute -- but if</p> <p>25 we trace it through and you go in the same bundle to</p> <p style="text-align: center;">Page 9</p> | <p>1 A. Yes.</p> <p>2 Q. We know that it was shown on Boxing Day. I think it got</p> <p>3 about nearly 5 million viewers, is that right?</p> <p>4 A. Around that, yes.</p> <p>5 Q. There was a proposal to turn this into a series --</p> <p>6 A. Yes.</p> <p>7 Q. -- and some people in the BBC were pitching quite hard</p> <p>8 to make such a series.</p> <p>9 A. That is right.</p> <p>10 Q. If we take bundle 4, page 205, this document, it looks</p> <p>11 to me -- but you tell me if I'm wrong -- like a pitch.</p> <p>12 It starts at 199, if you go back to that. I think this</p> <p>13 is probably the start of it:</p> <p>14 "Jim'll Fix It with Shane Richie."</p> <p>15 Here it says 5.2 million tuned in. There is another</p> <p>16 document later that says it was 4.9. It perhaps doesn't</p> <p>17 matter for our purposes.</p> <p>18 A. It might have been the difference for what it got in the</p> <p>19 overnights and what the audience consolidated at. That</p> <p>20 includes things like iPlayer or people recording it, so</p> <p>21 that might account for the difference.</p> <p>22 Q. I see. So:</p> <p>23 "On Boxing Day 5.2 million people tuned in to see</p> <p>24 the return of the magical family show on television."</p> <p>25 There is a kind of summary of what happened.</p> <p style="text-align: center;">Page 11</p> |
| <p>1 248, this is 8 November, so a week later. You see the</p> <p>2 reference there in Mirella Breda's -- if I have</p> <p>3 pronounced that correctly -- email:</p> <p>4 "A green light from the channel on this."</p> <p>5 That is a green light from you --</p> <p>6 A. Essentially, yes.</p> <p>7 Q. -- in effect. You can see that, by this time, there is</p> <p>8 mention of Shane Richie, you see, in the second</p> <p>9 paragraph.</p> <p>10 A. Yes.</p> <p>11 Q. If you go -- I think we're going to have to take the</p> <p>12 next bundle, I am afraid -- if you leave that one</p> <p>13 open -- bundle 2, page 66. Another of these routine</p> <p>14 documents, this time on 14 November, top of the list --</p> <p>15 I don't know whether we can read anything into that or</p> <p>16 not, do we?</p> <p>17 A. No, I wouldn't read anything into that. It may be at</p> <p>18 the top of the list because the turnaround of the</p> <p>19 programme was quite fast. So it may have been something</p> <p>20 they wanted to make sure was covered in the meeting</p> <p>21 because it had to be on air within six weeks.</p> <p>22 Q. We can see it is currently scheduled in the studio for</p> <p>23 19 December so it is going to be made just before</p> <p>24 Christmas and shown, here there is a possibility of</p> <p>25 Christmas Day, but in the event Boxing Day?</p> <p style="text-align: center;">Page 10</p> | <p>1 Then, if you go to 205, this looks like an internal</p> <p>2 pitch, is that right?</p> <p>3 A. That's exactly at what it is, yes. It's a programme</p> <p>4 proposal describing how they would transform it into</p> <p>5 a series that might work on a regular basis.</p> <p>6 Q. So if you go to 208, the photocopy is not terribly good</p> <p>7 but it is Jim'll Fix It badge, I think, with</p> <p>8 Shane Richie's name at the bottom.</p> <p>9 A. Yes.</p> <p>10 Q. If you go over the page, 209:</p> <p>11 "We have celebrated Sir Jimmy's legacy and now it's</p> <p>12 time to take everything we love about the show into the</p> <p>13 21st century."</p> <p>14 MR POLLARD: Who will have prepared this?</p> <p>15 A. That will have been In-House Entertainment Production.</p> <p>16 MR POLLARD: I see.</p> <p>17 A. So they were the people that made the show at Christmas,</p> <p>18 and they were essentially bidding for, you know,</p> <p>19 a series, which is very good business for them if they</p> <p>20 can get a whole new series off the ground.</p> <p>21 MR MACLEAN: If you go to 216, Mr Cohen, the penultimate</p> <p>22 page of this pitch document:</p> <p>23 "Why will people watch? Fix Its are like the Toy</p> <p>24 Story of family viewing as the show works on different</p> <p>25 levels for children and adults. Children watch in</p> <p style="text-align: center;">Page 12</p> |

3 (Pages 9 to 12)

1 wide-eyed, open-mouthed fascination as their dreams
 2 unfold. Adults have the chance to revisit the more
 3 innocent era but also to be entertained by the good
 4 natured humour found within the Fix Its and with Shane's
 5 cheeky asides."
 6 So you were, as it were, the audience for that
 7 document, weren't you?
 8 **A. Yes, myself and Mark Linsey who is the Head of**
 9 **Entertainment Commissioning.**
 10 **Q. You had reservations about the idea of turning this into**
 11 **a series.**
 12 **A. Yes.**
 13 **Q. We can see that if you go to page 296 in the same**
 14 **bundle, bundle 4. You see the reference in the first**
 15 **paragraph:**
 16 "Danny has some reservations about a series so we
 17 have a little bit of work to do to convince him."
 18 Now, in the end they didn't, right? But help us
 19 with who these people are. They are all BBC people?
 20 **A. Yes. Do you want me to go through that list?**
 21 **Q. If you could?**
 22 **A. So Mirella Breda works for Mark Linsey. So she's**
 23 **a commissioning editor in Entertainment working to the**
 24 **Head of Entertainment Commissioning. So she would be**
 25 **working with the producers, in this case In-House**
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1 Entertainment, to prepare this.
 2 **Q. Right.**
 3 **A. Michelle Langer, Katie Taylor, Derek McLean work in**
 4 **in-house production in Entertainment, BBC in-house**
 5 **production, so they were the people bidding for the**
 6 **work.**
 7 **Q. They would actually be making the programme if it**
 8 **happened?**
 9 **A. That is right. Well, Katie Taylor runs that division,**
 10 **Entertainment, Derek McLean works for her in developing**
 11 **things and I think Michelle Langer would have been**
 12 **developing as well. Mark Linsey is the one I mentioned,**
 13 **the Head of Entertainment Commissioning.**
 14 **Q. He reports directly to you?**
 15 **A. No, he doesn't, he reports directly to the Director of**
 16 **Vision. So it would be George at that time. Paula,**
 17 **I think, is one of the PAs.**
 18 **Q. You had reservations. What were your reservations?**
 19 **A. There were two or three things. The first is I thought**
 20 **the audience was good but not exceptional. It was**
 21 **decent for Boxing Day, but actually, given all the fuss**
 22 **there had been around Jimmy Savile's death, it actually**
 23 **wasn't surprisingly big and what one might expect at**
 24 **that moment of greatest impact, and it made me feel that**
 25 **if at that moment of greatest impact it delivered**
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1 a decent but not exceptional audience, there was
 2 a decent chance that that audience would then diminish
 3 in the future.
 4 The second thing was we felt that to really work on
 5 an ongoing basis in that teatime slot on a Saturday,
 6 which is roughly between 5.30 and 7 o'clock, you need
 7 this crossover of adults and children watching, and the
 8 most successful shows in those areas -- ones like
 9 Total Wipeout -- manage that, and I was not convinced we
 10 would get enough adults watching and, as a result of
 11 that, you would not get the mass audience you wanted.
 12 **Q. Total Wipeout is an adult show? I find that --**
 13 **A. Well, it is watched by --**
 14 **Q. I don't want to get into that.**
 15 **A. No. It is an important descriptive point, because what**
 16 **it does is -- adults watch it with their children, so**
 17 **they are shows that adults and children can sit down**
 18 **together as families and enjoy together and they might**
 19 **get different things from it and I was unsure that that**
 20 **would happen.**
 21 The third reason is -- and this is really what
 22 determines a lot of your commissioning decisions -- is
 23 there something else you want to do more? There is
 24 a finite amount of money. You can only commission so
 25 many things. There were things I wanted to do more,
 Page 15

1 combined -- and fresh things. Because there are only so
 2 many times you can bring back old formats without being
 3 rightly criticised. So that was another factor
 4 actually.
 5 So bringing all those other things together and
 6 wanting to do other shows more, I decided it was not one
 7 that we should prioritise.
 8 **Q. So one of the factors was that to be seen to be**
 9 **reheating an old dish is --**
 10 **A. Yes, and we can get away with that every so often. You**
 11 **know, we do that every so often and we sometimes should.**
 12 **I'm bringing back Superstars for an Olympic special this**
 13 **Christmas, after all the gold medals. So every so often**
 14 **it is right and appropriate to bring something back and**
 15 **you get the nostalgia and you try to move it on.**
 16 **But if you are a channel controller and you trying**
 17 **to make your channel feel creative and vibrant and fresh**
 18 **you shouldn't do it very often.**
 19 **Q. So if we take the -- put 4 away -- the next bundle, 5,**
 20 **at 220 -- by 17 April this year, Mr Linsey sends**
 21 **an email to Derek McLean copied to two of the people we**
 22 **saw in the previous email, Mirella and Katie:**
 23 "Hi Derek, I know we have kept you hanging on with
 24 this for a very long time and I appreciate your
 25 patience. We have decided that we will not move forward
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1 with the series, even though we are still not sure what
 2 we will commission in this teatime slot."
 3 Who is the "we"?
 4 **A. It is essentially Mark and I, so the author of that**
 5 **email and myself. Because all commissions decisions**
 6 **like that are made in a kind of double tick system**
 7 **between the channel controller and Controller of**
 8 **Commissioning for that genre, in this case**
 9 **Entertainment.**
 10 Q. To what extent did the personality or proclivities of
 11 Jimmy Savile play any role in that decision?
 12 **A. It didn't. It didn't play a role.**
 13 Q. Before I come to some earlier stuff, you have an email
 14 from Mr Wilson MP on 22 October -- a letter, sorry.
 15 **A. This year?**
 16 Q. Do you remember?
 17 **A. Yes, I do.**
 18 Q. Have you replied to that letter?
 19 **A. Yes, I have.**
 20 Q. I'm not sure I have seen the reply, it may be my fault.
 21 **A. You are welcome to it.**
 22 Q. If we can have that.
 23 **A. Yes.**
 24 Q. We have been getting -- it maybe that is somewhere in
 25 the process --

1 decided not to have a series of Jim'll Fix It for
 2 a basket of reasons, but essentially you didn't think
 3 the show was strong enough --
 4 **A. Yes.**
 5 Q. -- that's what it basically comes to.
 6 **A. Yes.**
 7 Q. So Jimmy Savile's reputation, his, as it were, good
 8 name, which hadn't been definitively unpicked by that
 9 stage, was neither here nor there?
 10 **A. No, that's what I'm saying. I'm trying to explain**
 11 **that's why it wasn't an issue.**
 12 Q. Yes.
 13 **A. Yes.**
 14 Q. Okay. Let me show you page 81 of bundle 1.
 15 Jimmy Savile had died on Saturday, 29 October last year.
 16 Sam Hodges sent an email that afternoon to Roly Keating.
 17 Just remind me who Roly Keating is?
 18 **A. He has left the BBC now. He acted informally as**
 19 **George Entwistle's deputy.**
 20 Q. Right.
 21 **A. It may have been that weekend he was covering for George**
 22 **and that's why it went to him, but I'm not entirely**
 23 **sure.**
 24 Q. Right. So you see that Hodges sends an email to
 25 Roly Keating and to you:

1 **A. Of course. Of course you are welcome.**
 2 Q. -- I just haven't seen it.
 3 **A. Yes.**
 4 Q. Can I take you back to bundle 1, shortly after
 5 Jimmy Savile had died. If you turn to page 81 --
 6 **A. Can I say a bit more on why it didn't, is that possible?**
 7 Q. Absolutely.
 8 **A. The reasons were essentially as I have laid out in my**
 9 **statement to you --**
 10 Q. Yes.
 11 **A. -- that, at that point, the only knowledge I had of the**
 12 **Jimmy Savile story was the newspaper clipping in**
 13 **February which suggested that Newsnight had dropped the**
 14 **story. As I said in my introduction -- in my summary,**
 15 **I had no reason to doubt that Newsnight had not carried**
 16 **on that investigation for good journalistic reasons.**
 17 Q. Yes.
 18 **A. So there was nothing, you know, in my mind, you know you**
 19 **always have in these things a duty of care to the person**
 20 **being accused of something until, you know, there is**
 21 **substantial evidence against them and in my mind there**
 22 **was no reason to particularly do something unfavourable**
 23 **and, in the context of Jimmy Savile's reputation because**
 24 **I didn't have any firm information that was the case.**
 25 Q. Is that -- if I understood what you said earlier, you

1 "Jimmy Savile has passed away."
 2 Then Mr Keating replies, copied to George Entwistle,
 3 we see:
 4 "Only just heard this, has anyone from BBC issued
 5 a statement. Only seemed to be DLT quoted on the BBC
 6 News site so far. I will ask Danny to lead on the
 7 programming question. I would have thought nothing
 8 immediate but some kind of on-air tribute programme in
 9 due course."
 10 Then if you go to page 83, you may remember that
 11 something went out -- a piece went out from
 12 Mark Thompson, which had been drafted for him and
 13 Mr Thompson had fiddled about with the last sentence,
 14 I think it was, and that got issued as a brief statement
 15 from the Director General.
 16 **A. Um-hm.**
 17 Q. Let me then show you page 85. This is now on the 30th,
 18 at 8.49 in the morning, from Jan Younghusband to
 19 Phil Dolling. He, if my note is correct, is the
 20 executive producer in the events department and he
 21 worked for Mr Vaughan-Barratt, is that right?
 22 **A. Yes, I don't know if Mr Vaughan-Barratt was still in**
 23 **post.**
 24 Q. He was, he was still in post.
 25 **A. He was?**

1 Q. He was --
 2 A. He was shortly to leave.
 3 Q. -- shortly to leave after Remembrance Day, I think?
 4 A. Okay.
 5 Q. Now, the reference there to "obit Jimmy Savile", as we
 6 understand it, that is a reference to formal obituary
 7 programme, which is usually, but not always,
 8 commissioned before the person has actually died?
 9 A. That is right. We have a lot of those waiting, as it
 10 were.
 11 Q. A lot of?
 12 A. A lot of those films are ready for when people pass
 13 away.
 14 Q. Do you have a lot of them?
 15 A. Um, maybe five to seven, you know, with the Royals,
 16 probably the same with -- when you were at Sky.
 17 [REDACTED] you know, there are some people in that
 18 kind of category, yes.
 19 Q. But not many in the entertainment -- Ronnie Barker was
 20 one example that we were given, who obviously has died.
 21 A. I think we're doing one on [REDACTED] I can't think
 22 of many others beyond him that we are currently --
 23 Q. I am sure he will be encouraged by that.
 24 A. I'm not sure he knows. His agent does.
 25 Q. So the question of whether there should be a formal

1 agreed by successive controllers."
 2 Were you ever party to a positive decision not to
 3 make an obit about Jimmy Savile?
 4 A. I don't think I was. But I couldn't be 100 per cent
 5 sure.
 6 MR POLLARD: How long have you been in post?
 7 A. Two years.
 8 MR MACLEAN: You mentioned a moment ago that you do, from
 9 time to time, see a list of these things.
 10 A. Yes, and I don't recollect ever discussing Jimmy Savile
 11 as part of that.
 12 Q. Would that discussion be with Nick Vaughan-Barratt or
 13 his successor?
 14 A. Yes, and Jan Younghusband. So every maybe six months
 15 they might come to me in one of our routine meetings and
 16 show me the current list.
 17 Q. So what do you -- what if anything do you recall about
 18 Jimmy Savile, vis-a-vis this list?
 19 A. Nothing. I don't remember anything actually.
 20 Q. Without getting into the -- putting everybody into their
 21 own particular pigeon hole, how far down the pecking
 22 order, if you like, would Jimmy Savile have come, in
 23 your opinion? If I come to you on 28 October and said
 24 "If Jimmy Savile dies in the next six months, how far
 25 down the pecking order is he, how close is he to having

1 obit, that's nothing to do with you, is it, at least
 2 until it comes to be scheduled for being shown, is that
 3 right?
 4 A. No, I may have a role prior to that. So I'm shown from
 5 time to time a list of ones that we have prepared and we
 6 discuss whether that list is appropriate, whether there
 7 is anyone missing, and also whether any of them need
 8 updating. For example, say, with a member of the Royal
 9 Family, say, actually anyone, if they -- if they have
 10 a -- if there is life events going on, you need to keep
 11 updating the programme, so that it is up to date if and
 12 when it goes out.
 13 Q. For example, if it is not too morbid, to take the
 14 [REDACTED] example, if you had made a programme about
 15 him ten years ago, it would not have mentioned [REDACTED]
 16 [REDACTED] and clearly it would now have to be
 17 updated.
 18 A. Perfect example.
 19 Q. Let me show you page 87 which refers to the position of
 20 controllers. This is still the 30th. You are not
 21 involved in this email exchange, but
 22 Nick Vaughan-Barratt emails Jan Younghusband on the 30th
 23 at 9.30 to say:
 24 "Some years ago we decided not to make one [ie
 25 an obit] for Jimmy Savile and that decision has been

1 an obit made?"
 2 A. An obit made in advance?
 3 Q. Or at all?
 4 A. As you can see from the document that follows, there was
 5 a decision to make one after he died.
 6 Q. Was there?
 7 A. Yes, a tribute programme.
 8 Q. Now, is there a distinction between a tribute programme
 9 and an obit?
 10 A. I don't think -- not really.
 11 Q. Okay?
 12 A. I wouldn't say there's a massive difference.
 13 A programme that is made way in advance is probably
 14 a thoughtful, you know, better made programme because
 15 you have had more time to make it and often the ones you
 16 make afterwards are faster turnaround. But I don't
 17 think -- to go back to your question, I don't think
 18 Savile would have come up.
 19 I mean, it's not something I would like in the
 20 public domain because, you know, we're talking about
 21 people who might pass away, but we have them for the
 22 senior members of the royal family. We have them for
 23 Mandela and Thatcher. We have them for -- as I say,
 24 I think there is one being done for [REDACTED]
 25 There will be two or three more. Off the top of my head

1 there is not that many more that are sitting waiting.
 2 MR POLLARD: But you would quite regularly, I guess, have
 3 a discussion about somebody who died, "Should we make
 4 a programme about them?" You might say yes, you might
 5 say no.
 6 A. After they had died?
 7 MR POLLARD: Yes.
 8 A. Yes. That's exactly what happened, as you can see from
 9 some of these emails. That's pretty standard that when
 10 someone -- we had it quite recently, I think, with
 11 someone from, you know, the army comedy of the 1970s --
 12 MR POLLARD: Dad's Army.
 13 MR MACLEAN: Clive Dunn.
 14 A. Clive Dunn. So those conversations happened in the last
 15 few weeks and we agreed that the right thing to do --
 16 I actually can't remember. It was a BBC2 decision. We
 17 decided it would be more appropriate on BBC2 and I can't
 18 quite remember what they did.
 19 Q. So if one was trying to get a sense of how much, as it
 20 were, care and attention -- I don't mean that
 21 pejoratively -- is devoted by the controller to the
 22 question of who should be on this list, how much of your
 23 time does it take up, the answer would be what?
 24 A. 20 minutes every six months.
 25 Q. Right.

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1 A. I mean that's an approximation, obviously --
 2 Q. So --
 3 A. -- because it is not a list that changes massively over
 4 time.
 5 Q. If you look at page 88, this is still an email exchange
 6 that you are still not involved in. The one that we
 7 just looked at about successive controllers is at the
 8 top of 89. So we're now following the thread. On the
 9 Sunday, Younghusband emails Nick Vaughan-Barratt at 9.15
 10 and then he replies at 9.17:
 11 "We decided that the dark side to Jim, I worked with
 12 him for ten years, make it impossible to make an honest
 13 film that could be shown close to death, but maybe one
 14 could be made for later."
 15 Then she replies:
 16 "Yes, I completely understand, I have asked George
 17 what he wants to do."
 18 There are various things in there but what I want to
 19 ask you about at the moment is: do you remember any
 20 discussion before Savile died about his dark side, and
 21 whether that would be a reason not to make an obituary
 22 about him?
 23 A. No, I don't, no.
 24 Q. So if you had received -- if you had been copied into
 25 Nick Vaughan-Barratt's email at 9.17 -- I know you

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1 weren't, but if you had -- what would you have made of
 2 it?
 3 A. Well, I think partly whether -- I don't know because
 4 I don't always read every CC. So if it had been sent to
 5 me and that was in the thing -- and I would be
 6 speculating here -- I think the obvious question would
 7 be: what do you mean by his "dark side"?
 8 Q. Now, you see how in Jan Younghusband's reference to
 9 "I have asked George what he wants to do" at 9.21, if
 10 you go over to page 90, she had indeed done that,
 11 because if you look at her email two minutes earlier at
 12 9.19, to George Entwistle and to you, copied to
 13 Emma Swain -- just remind me who she is?
 14 A. So in the -- yes, you are working your way through the
 15 BBC systems. So Jan Younghusband's boss in
 16 Commissioning is Emma Swain. So she's the head of all
 17 commissioning for factual programmes.
 18 Q. Right. So on the Sunday morning she emails you and
 19 George Entwistle addressing you both:
 20 "Just to say we don't have an obit of Jimmy standing
 21 by as I gather the BBC decided not to prepare one in
 22 advance. So please let me know if you would like us to
 23 commission one now."
 24 By this stage, presumably, his death had been
 25 covered on the News the night before? So everybody

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1 would have -- you would have all heard about it by this
 2 stage?
 3 A. I presume so, yes.
 4 Q. So what happened then? It looks, if you go to the email
 5 at page 92, is this right, the next person to go into
 6 print on this was Mr Entwistle that evening in his email
 7 to Jan Younghusband copied to you, saying his instinct
 8 is that:
 9 "We probably wouldn't want to commission an obit
 10 as such but we would commemorate Sir JS by repeating
 11 some of the programming we already have and I suspect
 12 One may not be the right place for that but I look
 13 forward to catching up with everyone's thinking in the
 14 week ahead."
 15 A. Um-hm.
 16 Q. So he's essentially saying: we can dust something down
 17 off the shelf, and One may not be the right place for
 18 that. Why would that be?
 19 A. Because we don't actually tend to carry many of these
 20 programmes anymore on BBC1. They often, um -- they
 21 often are played on BBC2 rather than BBC1. And as you
 22 will see from the future correspondence we ended up
 23 showing a regional programme on BBC1, but actually if
 24 that regional programme had not been being made for the
 25 regional section of BBC1 in that area I wouldn't have

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7 (Pages 25 to 28)

1 done an obituary programme for him on BBC1. My initial
 2 reaction was not to do it.
 3 Q. So True North, I think they are called --
 4 A. That's right, yes.
 5 Q. -- they say, we will see in the email:
 6 "Whatever you are doing on a network basis, we're
 7 running something in Yorkshire?"
 8 A. Well, actually it would have been the person who ran --
 9 True North are the production company so it would have
 10 been the person they are working with/to at the BBC.
 11 Q. They say we're going to run something in Yorkshire?
 12 A. Yes.
 13 Q. And in fact as it turns out their programme, I think
 14 partly because of True North's reputation that you knew
 15 of, is that right?
 16 A. Yes.
 17 Q. You picked it up and ran it --
 18 A. I got what felt like good advice from my scheduler for
 19 BBC1 which was: this programme is going to be run
 20 regionally on BBC1 in one region anyway; we may begin to
 21 get complaints by viewers who say "This is of interest
 22 to lots of people, why aren't you showing it as well?"
 23 And I thought that was sensible advice and we might
 24 as well go ahead with it. But if that had not been
 25 being made regionally anyway, I wouldn't have done an
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1 obituary on BBC1 because I basically, as you will see in
 2 an email that followed, agreed there was no need to do
 3 a tribute or obituary programme on BBC1 for him.
 4 Q. Yes. If you look at page 94, we're still on the Sunday,
 5 quarter past 7 at night:
 6 "I think I agree with George re BBC1. A group of
 7 programmes across BBC2 and BBC4 later in November might
 8 well be the right response."
 9 A. And on that evening at that point, that was kind of the
 10 end of the matter for me, because I decided it wasn't
 11 right for us to do a tribute or obituary programme on
 12 BBC1. As I have explained, it came back into the
 13 reckoning with the regional thing but at that point on
 14 that night I thought as far as my business is concerned
 15 with BBC1, this is now dealt with.
 16 Q. So that email at page 94, is at quarter past 7 on the
 17 Sunday to Mr Entwistle and Jan Youngusband. But it had
 18 been preceded, I think, earlier that day -- if you go to
 19 97 -- by an exchange you had with Dan McGolpin.
 20 A. Yes.
 21 Q. Where does he fit in?
 22 A. He's the scheduler I just mentioned. He's my head of
 23 scheduling. I rely on him for sound, useful editorial
 24 advice and scheduling advice.
 25 Q. So you took a sounding from him, in effect: what is your
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1 view on this?
 2 A. Um-hm.
 3 Q. Asked him for his view as to whether Savile was a big
 4 enough iconic name for a 30-minute tribute programme.
 5 So this is before you had heard about the True North
 6 business?
 7 A. Yes.
 8 Q. And he replied saying:
 9 "Struggling slightly with what the programme would
 10 be, what we would show, who is in it."
 11 He makes the point that it's not like Ronnie Barker
 12 where you can show lots of --
 13 A. Funny clips.
 14 Q. -- funny clips. But something had happened to Only
 15 Fools and Horses so there was a gap in the schedule, is
 16 that right, at Christmas?
 17 A. Er, yes. It was -- actually that's probably what --
 18 that is probably what got me started thinking about
 19 doing the programme, the kind of Shane Richie one, that
 20 we had a programme that we were planning about the
 21 history of Only Fools and Horses which for reasons
 22 I will not bother you with was now not going ahead.
 23 Because David Sullivan, the writer of Only Fools and
 24 Horses, had recently passed away.
 25 Q. Okay. So it seems that overnight, or by the following
 Page 31

1 morning anyway, you had had the idea of the Jim'll Fix
 2 It; is that right? Go to page 101.
 3 A. Yes. I mean, I don't recall exactly when I had it, but
 4 in the context of that, that makes sense.
 5 Q. So:
 6 "Hi George, one thought I have had this morning is
 7 to do a Fix It Special at Christmas with a loved BBC
 8 personality taking Sir Jimmy Savile's role. It would be
 9 homage to him and I think it would feel like a real
 10 Christmas treat."
 11 George Entwistle replied to that, if you go to
 12 page 108.001, saying:
 13 "Great idea, Danny. Please keep me posted."
 14 A. Um-hm.
 15 Q. But in between those two emails, in between your email
 16 at 10.19 and George Entwistle's email at 12.46, there
 17 was another email sent to George Entwistle and copied to
 18 you at page 103, wasn't there, at 12.01? Do you
 19 remember that one?
 20 A. I don't recollect reading it at the time. I have
 21 obviously seen it since these bundles were sent to us,
 22 but I think -- well, I know I didn't see it at the time
 23 and I presume, although I'm speculating, the reason
 24 I didn't see it was I felt, as I have mentioned, that
 25 the night before my decision had been made and I do not
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1 always follow cc chains of everything that comes in if
 2 I don't feel that they are still appropriate to my part
 3 of the work.
 4 Q. So in order to know whether it was appropriate to your
 5 part of the work or not, you would have to have read it?
 6 A. No. Because I had already decided that in terms of
 7 Sir Jimmy Savile -- you will see from the email about
 8 the night before where George and I agreed it was not
 9 BBC1 --
 10 Q. Yes.
 11 A. -- I didn't think that there was anything more I needed
 12 to do at this point in terms of this chain of emails
 13 about what we would be doing on Jimmy Savile in terms of
 14 obituaries or tributes.
 15 Q. Because it wasn't going to be a One thing?
 16 A. Yes. And that's my remit essentially.
 17 Q. Right.
 18 MR POLLARD: How do you know that until you have read the
 19 email? I mean, the email might have been
 20 Jan Younghusband saying "Apparently George has changed
 21 his mind and wants something on BBC1."
 22 A. Yes.
 23 MR POLLARD: Now he hadn't, but I'm not quite sure how you
 24 can make an assumption that an email is not worth
 25 reading until you read it.

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1 A. Well, I think it's a fair question. We get so many
 2 emails and I don't always read cc's. I think often if
 3 it is sent to you directly you always read it; if it is
 4 a cc you sometimes don't go into every email we see
 5 because we just get so many. So I felt the night before
 6 I had dealt with it in terms of what we would be doing
 7 immediately on Jimmy Savile and I didn't see it the next
 8 day.
 9 MR MACLEAN: Did you discuss it with Mr Dolling at all?
 10 A. Discuss what?
 11 Q. Discuss the Jimmy Savile position, if I can put it like
 12 that, with Phil Dolling?
 13 A. In general or pertaining to this email?
 14 Q. In particular on or about 31 October?
 15 A. I can't remember to be honest.
 16 Q. Because there is an email that you will have seen in the
 17 bundle that we sent to you from him to Jan Younghusband
 18 that same day, at 15.48, where he says:
 19 "To be honest, that is probably a good call ..."
 20 Is they don't want an obit of Jimmy:
 21 "... better to keep to the entertainment side of his
 22 life."
 23 Said Dolling. Which might suggest that he --
 24 A. Sorry, could you give me the page, please?
 25 Q. I have it in a different bundle. Let me see if I can

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1 find it.
 2 MR HEARN: What is the date on that?
 3 MR MACLEAN: It is the same date, page 118 in this bundle.
 4 It is the one at the bottom of the page.
 5 Do you see the email from Dolling to Younghusband at
 6 the bottom of 118?
 7 A. Yes, it's here, yes.
 8 Q. "Better to keep to the entertainment side of his life".
 9 So Dolling and Younghusband seem to have known what
 10 they were talking about with these references to "darker
 11 side". If you go back to 103, look at the second
 12 sentence for a moment:
 13 "I gather we didn't prepare the obit because of the
 14 darker side."
 15 That's the first sentence:
 16 "So something celebrating a particular part of his
 17 TV career is probably better than the ..."
 18 Let's assume that should be "life story"?
 19 A. Life as in L-I-F-E?
 20 Q. Yes, let's assume that:
 21 "As there are aspects of this which are hard to
 22 tell."
 23 So a distinction is being drawn, it would appear,
 24 between a life story, which one might think of as an
 25 obituary which obviously tells the story of somebody's

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1 life on the one hand, and something celebrating a part
 2 of his TV career on the other. Is that a distinction
 3 that you recognise?
 4 A. I presume, reading it, that what they mean by that is
 5 they would tell, say, the story of Clunk Click or his
 6 radio work or something like that, as opposed to a full
 7 biography. But I'm speculating there, because I don't
 8 know exactly what Jan meant by that.
 9 Q. But the Jim'll Fix It programme that was eventually
 10 broadcast for example was in a sense celebrating
 11 a particular part of Jimmy Savile's TV career?
 12 A. Yes.
 13 Q. But it was not trying to tell his life story?
 14 A. No, that's true.
 15 Q. It was not an obituary. It was not "Once upon
 16 a time ..."?
 17 A. No, but the reason the idea appealed to me was because
 18 it is a way of bringing someone -- it is quite hard to
 19 make any programme for BBC1, so what you are always
 20 trying to do is think of a creative and interesting way
 21 of bringing something to life and often -- and my idea
 22 for that was to try to recreate the show because that
 23 was the bit that people, I think, liked him most for.
 24 But I didn't make that decision in relation to that
 25 email.

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1 Q. Go back to the first sentence. Correct me if I'm wrong
 2 but you say you know you didn't read this email or you
 3 are pretty sure you didn't read it?
 4 A. Yes, I'm pretty confident I didn't read it. I'm as
 5 confident as I can be, yes.
 6 Q. But if I had come up to you and tapped you on your
 7 shoulder at 12.01 on 31 October last year --
 8 A. Yes.
 9 Q. -- and said to you these words:
 10 "I gather we didn't prepare the obituary because of
 11 the darker side of the story?"
 12 A. Yes.
 13 Q. What would you have understood that to mean?
 14 A. I think I would have answered in the way related to the
 15 other thing I would say "Well, what darker side? What
 16 are you referring to? What is the information you have
 17 about a darker side?"
 18 Q. Would you have understood what I was getting at?
 19 A. No, I wouldn't. Because I didn't have any prior
 20 knowledge of a darker side to Jimmy Savile until
 21 February when I first saw stories which Newsnight said
 22 they wouldn't put out. But I didn't have any knowledge
 23 at this point of any criminal behaviour on the part of
 24 Jimmy Savile.
 25 Q. Leave aside criminal behaviour: what about weird or
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1 dodgy behaviour?
 2 A. No, I didn't.
 3 Q. Did you have any view about -- if I tapped you on the
 4 shoulder at 12.01 on 31 October and said "What do you
 5 think of that Jimmy Savile then?"
 6 A. What would I have said?
 7 Q. Yes?
 8 A. Well, I would be speculating but I would -- I mean I
 9 only really remember him from Jim'll Fix It. Jim'll Fix
 10 It was on when I was a child and I watched Jim'll Fix
 11 It.
 12 I wasn't in the entertainment industry in the 70s
 13 and 80s when he was a famous presenter and I -- I didn't
 14 really know much about him. My knowledge of him was
 15 from that, watching him as a kid in the 70s and 80s, and
 16 I didn't have any -- I was never told any other things
 17 about him post that.
 18 Q. Did you have any discussions at any stage with
 19 Mr Vaughan-Barratt about Jimmy Savile?
 20 A. No.
 21 Q. Have you ever had conversations with
 22 Nick Vaughan-Barratt about BBC personalities?
 23 A. Um, in the context of programmes we were making, yes.
 24 So the Royal wedding for example. The -- it must have
 25 been the William one, it goes all so blurry, but the
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1 William and Catherine was on BBC1 just after I started,
 2 so we would have production conversations about
 3 presenters and so on.
 4 Q. Did you have any discussions, as opposed to receiving
 5 these emails, from Jan Youngusband about Jimmy Savile?
 6 A. No. Not to my recollection at all.
 7 Q. Did you have any discussion, aside from the emails,
 8 proper discussion, with George Entwistle either at this
 9 stage or previously about Jimmy Savile?
 10 A. No, I didn't. No.
 11 Q. When Mr Entwistle in one of these emails looked forward
 12 to catching up with everybody's views next week, did you
 13 participate in any catch-up next week?
 14 A. Um, I can't recall to be honest. I mean, I -- I think
 15 I -- as you can see from the thing, I let him know
 16 about -- that I was planning this programme.
 17 I imagine I may have told him in one of our routine
 18 weekly or fortnightly -- probably fortnightly --
 19 routines with him. I may have updated him on it, about
 20 whether we were going ahead or not. But I can't be sure
 21 I did that, that's I imagine what might have happened.
 22 Q. I think it follows from something you said earlier, but
 23 so we're clear: what information, if any, did you
 24 receive from him down the chain, if I can put it like
 25 that, about whether any of these Savile programmes
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1 should or shouldn't continue?
 2 A. I didn't receive any information from him about
 3 Jimmy Savile.
 4 Q. Or any impediment, legal, moral, ethical, taste or
 5 otherwise?
 6 A. No. No, I didn't, no.
 7 Q. So from your point of view you cracked on and had the
 8 programme made?
 9 A. Yeah, exactly that. Both the Shane Richie programme and
 10 then when we got on board to do that tribute programme,
 11 the True North one, exactly that.
 12 Q. Yes. There is one more thing I do want to show you.
 13 What I want to show you is an email from Liz MacKean.
 14 A. 6 December?
 15 Q. Yes, probably.
 16 MR POLLARD: 19, it is, on A4.
 17 MR MACLEAN: Yes, that's it.
 18 MR POLLARD: A4, number 19.
 19 MR MACLEAN: That's the one. That's right, 6 December.
 20 You have seen this presumably in the last few days?
 21 A. Yes. Yesterday.
 22 Q. You wouldn't have seen it at the time?
 23 A. Um-hm.
 24 Q. It is from Liz MacKean to one of her friends:
 25 "He [that is Peter Rippon] hasn't warned BBC1 about
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1 the story so they are beavering away on the special
 2 oblivious. Liz G [that is Liz Gibbons] has said to
 3 Meirion 'I'm having nothing to do with this, I don't
 4 want to piss off Danny Cohen, it is down to Peters'.
 5 Did you have any discussions with Liz Gibbons about
 6 what was going on in Newsnight?
 7 A. No. I'm not sure I've ever met her. I may have met her
 8 once but I certainly have not had any discussion with
 9 her on recent --
 10 Q. Can you think of any reason why she should be concerned
 11 not to get on your wrong side?
 12 A. Well, there's -- I'm a senior manager. I think the
 13 people in News on this have massively overplayed how
 14 upset we might be with any of this information. I think
 15 the suggestion -- my understanding of that suggestion is
 16 that we would be disappointed to hear about this because
 17 it would stymie our plans for the Shane Richie
 18 programme.
 19 Q. Yes.
 20 A. And I don't think I would have minded in the least. You
 21 know, if someone had said to me -- and this is "if"
 22 because this didn't happen -- if someone had said to me
 23 "we have serious allegations outstanding against
 24 Jimmy Savile", I would have said, "I'm really glad to
 25 know that. We need to look at whether we should put
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1 this programme out".
 2 MR POLLARD: Do you wish somebody had done that?
 3 A. Yeah. Because I -- you know, I put that programme out.
 4 Um, and I -- you see, we move programmes quite often.
 5 You know, I did it quite recently. We had
 6 a programme called Good Cop which was, I think, a three
 7 or four part drama series and quite a gritty real life
 8 thing, and when we came to, I think, the third, the
 9 final episode -- so, you know, you had given the
 10 audience all of the material already and they were
 11 hopefully into it -- in the final episode a female
 12 police officer is beaten up and that coincided -- that
 13 fictional story coincided with very close to -- do you
 14 remember that recent Manchester story where a female
 15 police officer was killed?
 16 MR MACLEAN: Yes.
 17 A. So we had to make a decision about whether it would be
 18 appropriate or tasteful to put that programme out, and
 19 I decided it wasn't and we delayed it. We do that kind
 20 of thing not weekly but relatively often.
 21 Q. We saw that the Richie thing was being filmed on, I
 22 think, 19 December?
 23 A. Yes.
 24 Q. It wasn't -- it wasn't, or was it, a very expensive
 25 programme to make?
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1 A. Not -- not by the standards of entertainment
 2 programming. But, you know, as I say, if someone had
 3 said to me, "We have criminal allegations outstanding
 4 against Jimmy Savile", I would have said let's hold off
 5 this programme until we know whether these allegations
 6 are proven or not.
 7 Q. What about if somebody had said, "We've gathered some
 8 information that leads us to think that Jimmy Savile
 9 probably was a paedophile but we don't have enough to
 10 make it stand up on a news piece"?
 11 A. Well, I think that's a very good and interesting
 12 question, and I think it comes down to a judgement about
 13 whether you think it's fair to penalise someone for
 14 which we don't -- we're not able to substantiate
 15 allegations. And I probably would want to take advice
 16 on that.
 17 Q. From?
 18 A. Legal, editorial policy.
 19 Q. Let's assume Legal had said "There is no legal
 20 impediment to running this story. If you want to run
 21 it, that's fine"?
 22 A. I think I would have had to make a judgement with my
 23 boss and Editorial Policy whether it was the right thing
 24 to do. I don't think I can tell you off the bat because
 25 what you are saying is -- what you are essentially
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1 saying is there are a number of different things they
 2 could have told me. They could have told me "We're
 3 confident that he's a paedophile and we're in the
 4 process of preparing an investigation on that"; or they
 5 could have said, as seems to have happened, "We have
 6 been investigating this. We can't stand it up. We have
 7 decided we can't stand up".
 8 If they had said to me "We can't stand it up",
 9 I think I would have gone ahead with transmission
 10 because I don't think it would have been fair not to
 11 transmit a programme that the BBC couldn't substantiate
 12 allegations against.
 13 MR POLLARD: If they had said "We can't stand it up yet"?
 14 A. I think I would have delayed the programme.
 15 You know, I have noticed in some of the emails, you
 16 know, "destroying our Christmas ratings". This was not
 17 the programme at the heart of our Christmas. This was a
 18 5.45 programme on Boxing Day. You know, BBC1's
 19 Christmas story was not dependent on this 30 minutes of
 20 teatime television.
 21 And reading those emails, the ones about that, I'm
 22 surprised by them because if they had asked me I would
 23 have said this isn't a big deal. This is half an hour
 24 at 5.00; it's not even in prime time. You know, it's
 25 not the biggest thing in the world to us. And certainly
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1 if somebody had said to me there are serious sexual
 2 allegations against this person, like the Good Cop one
 3 I would have gone away and thought about it, maybe taken
 4 some advice and, depending on what they said about
 5 substantiated or not or where they were in the process,
 6 made a call on whether to delay the programme or not.
 7 MR MACLEAN: Would you have gone to see Steve Mitchell and
 8 asked him about it?
 9 A. No, I would have talked to George Entwistle.
 10 Q. You wouldn't have talked to anybody in News directly?
 11 A. No, I wouldn't, no.
 12 Q. You would have gone up to the Director of Vision?
 13 A. Yes, I would.
 14 Q. And then left him to deal with either the
 15 Director General or Helen Boaden?
 16 A. Yes.
 17 Q. That would be the way it would work?
 18 A. Yes, I think that would be appropriate, yes. Because I
 19 don't think it would be appropriate for me to start
 20 asking specific questions of journalists about their
 21 investigations.
 22 MR POLLARD: I was just going to say, it just brings us back
 23 to that November 27 meeting that you had with
 24 Steve Mitchell: Obviously the reason that we're
 25 interested in it is because it was absolutely just at

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1 the point --
 2 A. Yes, I understand.
 3 MR POLLARD: -- where it was approaching Newsnight taking
 4 a decision one way or another to run it.
 5 A. Yes.
 6 MR POLLARD: So it is the sort of thing that, to be honest,
 7 there was a sense within Newsnight -- Peter Rippon and
 8 Steve Mitchell -- that Vision should be alerted to what
 9 they were doing. In fact, the fabled ten-second
 10 conversation between Helen Boaden and George Entwistle
 11 took place on December 2.
 12 A. Right.
 13 MR POLLARD: So to some extent it would have been an
 14 absolutely perfect opportunity, Peter Rippon and
 15 Steve Mitchell having had this discussion, "we must make
 16 sure that people in the rest of telly", in other words
 17 Vision and possibly channel controllers, "know about
 18 this", it just seems surprising that an opportunity like
 19 that arose and wasn't taken?
 20 A. Um-hm.
 21 MR POLLARD: So I suppose my question is: are you absolutely
 22 sure nothing was mentioned; or can you not recall
 23 whether it was or not?
 24 A. I can't recall if I'm honest. But I don't have -- you
 25 know, I can't recall if I'm honest, but I don't think it

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1 was. I haven't got, you know, an exact memory of that
 2 meeting really because at the time it didn't feel
 3 important.
 4 MR POLLARD: What about a notebook?
 5 A. I don't really keep notes, no.
 6 MR POLLARD: Do you keep notes of meeting?
 7 A. No.
 8 MR POLLARD: You don't have a daybook which might still be
 9 in existence which would tell us?
 10 A. No, I don't keep one.
 11 MR MACLEAN: You remember when we looked at Steve Mitchell's
 12 diary from that day, he had had a meeting earlier that
 13 day with Sara Beck about the Managed Risk Programme
 14 List.
 15 Do you remember being told anything about the
 16 Jimmy Savile story being on or being taken off News's
 17 Managed Risk Programme List submission up the chain?
 18 A. No. And I -- I wouldn't expect to have been told about
 19 that, at all, actually. I mean, looking at those
 20 documents, all of those investigations on those
 21 documents, I found some of them rather fascinating to
 22 read of but other than the ones that were Panoramas,
 23 9 o'clock Panoramas, I didn't really know them. They
 24 were all new to me.
 25 Q. Because your focus -- is this a fair summary of, as it

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1 were, the theme of what you were saying: your focus was
 2 on BBC1 issues because you are the controller of BBC1?
 3 A. Yes, I have no remit or time to engage with what is
 4 going on on the other channels. I might watch
 5 a programme because I'm interested in it and tell
 6 another channel controller I really enjoyed that, but I
 7 don't have -- it's not my remit and actually they would
 8 be pretty annoyed if I started messing around with their
 9 channels, and I wouldn't want to anyway.
 10 MR POLLARD: Thank you.
 11 MR MACLEAN: Thank you.
 12 A. Thanks.
 13 MR POLLARD: We appreciate your time, thank you very much.
 14 Questions by DAME JANET SMITH
 15 DAME JANET SMITH: How you are fixed for time? Is it okay
 16 if I ask a few questions?
 17 MR POLLARD: I'm so sorry, I was lost in my own world, shall
 18 we say.
 19 Did you meet Dame Janet at the start?
 20 A. Yes.
 21 MR POLLARD: Apologies.
 22 DAME JANET SMITH: Don't apologise at all.
 23 I don't think it will take very long. I haven't
 24 read your statement, so forgive me just asking you one
 25 or two basic things.

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1 A. Of course.
 2 DAME JANET SMITH: How long you have been with the BBC?
 3 A. Five years.
 4 DAME JANET SMITH: As little as that?
 5 A. Yes. First time I have worked for the BBC.
 6 DAME JANET SMITH: In that case I think I'm probably not
 7 going to keep you very long at all.
 8 A. I have -- pardon me interrupting you -- with independent
 9 production companies I have been involved with
 10 programmes made for the BBC.
 11 DAME JANET SMITH: Yes. But not within the BBC organisation
 12 itself?
 13 A. No.
 14 DAME JANET SMITH: And I gather that you never worked in
 15 Entertainment?
 16 A. No. I have only commissioned entertainment. So once
 17 I went to become the channel controller of BBC3,
 18 I started commissioning it but I have never worked in
 19 entertainment production.
 20 DAME JANET SMITH: Did you ever hear in any stage of your
 21 work in television generally, did you ever hear any
 22 rumours or suggestions about Jimmy Savile --
 23 A. No, I didn't.
 24 DAME JANET SMITH: -- having unusual sexual tastes?
 25 A. No, I didn't, no.

1 DAME JANET SMITH: Right, okay. I think, given the fact
 2 that you haven't worked in the BBC for very long, there
 3 isn't very much point in my asking you about what you
 4 think attitudes were.
 5 A. I was a child when he was famous on TV --
 6 DAME JANET SMITH: Yes.
 7 A. -- and then I was really in factual programmes when
 8 I was in production.
 9 DAME JANET SMITH: Okay. I'm not going to take this any
 10 further.
 11 MR POLLARD: Just one final point, just to go back to the
 12 mention that you made of talking about News programmes.
 13 Just give me a sense of how often you might do that and
 14 the way conversations might go.
 15 A. Well, more as a kind of coming together of two senior
 16 managers, where we would have a bit of a chinwag about
 17 the management of BBC and things like that. Then
 18 sometimes they would say "What do you think?" and
 19 I would always kind of top and tail the conversation
 20 with "I'm telling you what I think as a viewer, although
 21 this is on my channel you don't have to do anything
 22 I say, because it's not appropriate that I would tell
 23 you what to do, but these are the -- this is what
 24 I think when I watch it as a viewer".
 25 MR POLLARD: Is that not a bit like a Prince Charles letter

1 to the Department of the Environment? In other words,
 2 yes, it's just one individual's a opinion, but it's
 3 a pretty special individual's opinion.
 4 A. It could be seen like that, but my experience since
 5 I have been at the BBC is that News, um, they prize
 6 their independence greatly. You know, one of things you
 7 may or may not find with this is the separation of News
 8 and Vision is not just a separation of management, but
 9 it can be quite -- you know, they prize their
 10 independence very highly. So the idea, you know, that
 11 someone who is spending most of their time thinking
 12 about entertainment, drama and comedy programmes is
 13 a vital source in that, I don't think they would,
 14 really.
 15 MR POLLARD: But it wouldn't stop you giving that personal
 16 view? When you are telling the News person --
 17 presumably a pretty senior News person -- what you
 18 thought of the 10 o'clock or the 6 o'clock, they are not
 19 putting their fingers in their ears.
 20 A. I don't know how much their -- I don't know how much
 21 they are kind of placating me. It would be, as I say,
 22 on the most general -- I don't know, I would say, for
 23 example, when the 6/10 guy came in, I'm really glad that
 24 John Simpson was in China recently, because China is
 25 really important, isn't it? I say that as a big

1 consumer of news, I like watching and consuming news,
 2 and I'm interested in that. But I would never have
 3 a say in the detail or perspective of what we do, no.
 4 MR POLLARD: You understand, because I think you just said
 5 so, the sensitivity of it, the danger, if you like, of
 6 crossing a slightly invisible line from passing comment,
 7 just as a viewer, to anything that might be seen as
 8 leaning on them or putting pressure.
 9 A. I do. That's why I said I'm extremely cautious in
 10 saying, right through those conversations, you have
 11 asked me what I think, I'm telling you what I think, but
 12 I am -- it is similar with Tom with his Panoramas, it is
 13 not up to me to decide what Tom does at 8.30 on
 14 Panorama. So if they ask me what I think I might tell
 15 them, but those people are very, very independent minded
 16 and I don't think, I don't think they are too worried in
 17 that sense.
 18 MR POLLARD: Just one very final question: why was the
 19 Panorama about Savile scheduled in the way it was?
 20 A. Um, well there is quite a lot of emails on that. So
 21 there is some stuff to trace where it was. What I did
 22 was -- again it does communicate, I hope, to you my
 23 sense that I value their independence very highly, and
 24 I felt that this was such a complicated thing internally
 25 about who was recused and who was not, that, um, the

1 first decision was: should it be a 30 or a 60-minute
 2 programme?
 3 That was the first decision. If they decided it was
 4 a 30-minute programme it would have naturally gone into
 5 the Monday 8.30 slot and that would have been the end
 6 of. Normally, as I mentioned, I would have double tick
 7 system on whether it was a 60 or a 30. I said very
 8 clearly to Tom, and I think it is clear in those emails
 9 to Tom and his boss Clive Edwards, "I don't think
 10 I should have a say in whether this is a 30 or a 60"
 11 because it is so complex managerially and I was very
 12 cautious that we avoided any sense that management were
 13 trying to limit the length of this programme for their
 14 own reasons and that I might be seen as management.
 15 So what I said to him was "You need to tell me when
 16 you want 30 or 60 in this case, um, and if you want 60
 17 you can have it, because I think you would need to have
 18 an absolutely independent canvass for this in making
 19 your decisions".
 20 So there was a bit of a conversation about whether
 21 it should be 30 or 60 and partly about how much they
 22 could prepare and how quickly. Tom then came back to
 23 me, and I can't remember if it is in email or verbally
 24 on the phone to say we want 60 but actually we're not
 25 sure we can keep it to a length of 60. What then

1 happened was, as time went on it was increasingly
 2 clear -- and that is partly because of right to replies
 3 and other legals -- they were really struggling to get
 4 it to 60 and that's why I decided 10.35 and not
 5 9 o'clock.
 6 Q. So it could overspill if need be?
 7 A. Yes, because right up until the day we didn't know the
 8 exact time, and there was a very strong -- stronger than
 9 I realised before I did BBC1, hitting the 10 on 10 is
 10 seen as more of a big deal than I think it needed to be
 11 in some cases but that is seen as a big deal in the BBC,
 12 and so by doing -- saying 10.35, if they wanted an hour
 13 and 10 or an hour and 15 they could have as long as they
 14 wanted. I couldn't do that at 9 o'clock.
 15 MR POLLARD: Yes. Good. Thank you. Thank you very much
 16 Danny, I appreciate your time.
 17 (4.51 pm)
 18 (The Inquiry adjourned until 10.30 am,
 19 Thursday, 6 December 2012)
 20 I N D E X
 21 DANNY COHEN (called)1
 22 Questions by MR MACLEAN1
 23 Questions by DAME JANET SMITH48
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