

Question	Your response
<p>Question 1: Given changes to audience consumption patterns and wider market developments, is there any aspect of Ofcom’s Guidance on commissioning of independent productions which Ofcom should update to ensure it remains fit-for-purpose?</p>	<p>Public Service Media (PSM) services should be widely available on the most widely-used platforms and be present during viewers’ daily lives – across traditional EPG and platform-provider spaces through to CE manufactures user-interfaces (UIs), newer entrants’ platforms (e.g. Amazon Fire TV) along with mobile and tablet devices in the UK, in order to achieve the greatest public benefit.</p> <p>Where isolated PSM content assets are offered, such as individual programme titles in a curated catalogue (e.g. “new this week”), or a programme clip on a video-sharing-platform feed, these assets should be given appropriate prominence, proper attribution, and a navigation link back to the main PSM services. In return for broader ‘service neutral’ availability and prominence for PSM services and PSM content across platforms and devices, robust public service content and delivery obligations must be maintained and expanded to ensure services that benefit from the new PSM regime availability, prominence and accessibility (in the form of subtitles, audio-description and British Sign Language) are creating for and reaching out to sections of society that are not digital (vulnerable, poor and old) or are only digital (the young). We support the proposal that popular TV and device UIs should be regulated by Ofcom in a similar way to current EPG regulations , though we understand that this will require legislation change.</p> <p>However, given that many poor, old, isolated and vulnerable families are unlikely to switch to IP only TVs and/or have high speed broadband in the very near future, we emphasize the need for the current Freeview DTT, DSat and DCab distribution networks to be maintained for at least the next 10 years.</p> <p>We also emphasize the need for universally affordable high speed broadband before any IP</p>

	<p>'Digital Switchover', which is a government priority in its plans to roll out 1gb broadband in the next few years.</p>
<p>Question 2: Is there any change to the independent production quota which Ofcom should recommend to Government as part of its 'Small Screen Big Debate' programme?</p>	<p>We agree that there should be a clear and accountable framework, based not just on genre quotas, but on performance, measured against a service's success in creating for and reaching out to particular audiences.</p> <p>In addition to the oft-cited genres of news and current affairs, high-end drama, comedy and documentaries, we think those that benefit from prominence and findability under a new PSM framework for their commercially or critically successful offerings should also be obliged to invest in socially valuable genres such as content for children, young people, arts and culture, religion and faith communities, social action, and importantly local communities across the UK. Many viewers do not feel the current PSB regime is relevant to their lives because the content does not represent where they live or the community they belong to. We welcome moves by the PSBs to create more programming across the UK.</p> <p>PSM providers could additionally be given the option of funding content in socially valuable genres on channels and services with specific local and societal objectives . PSM metrics could then not just be about making certain amounts of different types of content, it could also be measured according to a service's success in reaching certain types of audience.</p> <p>The broadcasters, PSB and commercial, acknowledge they have a long way to go to truly represent the UK's diverse communities both on-screen/air and in the workforce. Digital I's Mind the Viewing Gap report from 2017 shows how BAME viewers are underserved by the PSBs and are not watching as much as white viewers. Likewise, representation of people with disabilities should be stronger.</p> <p>In the new PSB settlement audience diversity and inclusion should become a new objective for the PSBs. They are here for the whole UK but not serving all our communities</p>

Question 3: Do you have any recommendations for potential changes to the definitions of 'qualifying programmes' or 'independent production' which Ofcom should recommend to Government as part of its 'Small Screen Big Debate' programme?

Given the structural shift to online viewing and IPTV, it is vital for PSM on-demand and catch-up apps to be included in a new PSM prominence requirement. Caution should be exercised so that a new prominence regime that includes linear services, on-demand and catch-up apps and possibly other VSP or social media services does not provide PSM providers with an unfair advantage in relation to services and content they provide that does not meet the 'clear accountability framework' discussed in Question 3. Especially in view of the fact alluded to below in Question 7 that content on Sky Arts, Nat Geo, or indeed Together TV is more likely to meet PSM criteria, than say a reality dating show or a US entertainment acquisition on one of the current commercial PSBs.

Third party acquisitions and international itineraries that do not meet the investment, cultural or social requirements of the 'clear accountability framework' for PSM should not benefit from prominence or indeed cross promotion from a place of prominence, unless they have substantial UK investment and a first window on a UK PSM service.

Question 4: What options do you think we should consider on the terms of PSM availability?

If Ofcom is to impose a must offer/must carry requirement on PSMs and platforms/UIs on a no cost/no fees basis, in view of the technical and commercial concerns outlined in its consultation, Ofcom should allow PSMs and platforms/UIs alike to put forwards mitigations on the basis of cost, technical difficulty and/or lack of view benefit in instances where agreement cannot be reached.

However, a platform and U/I based framework should ensure that services with PSM status and privileges are available in linear EPGs and on-demand apps on the most popular platforms and CE devices available in the UK.

Question 5: What are the options for future funding of PSM and are there lessons we can learn from other countries' approaches?

In addition to the current models of the licence fee and advertising, we urge Ofcom to think creatively about ways to bring additional revenue into the PSM funding model. Together TV has moved from a grant-funded model to one driven by commercial revenue via

its trading arm. This revenue enables Together TV to fund the charitable and social-purpose remit of its parent Community Benefit Society. As the PSBs face declining income in the UK, whether the licence fee settlement or UK TV advertising, opening up international trading opportunities and income further could increasingly fund and underpin the PSBs UK operations.

BBC Studios has ambitious plans to grow international revenue and this could be increased further by reviewing trading and rights rules under which it currently operates. Similarly reviewing the framework for the commercial PSBs, particularly Channel 4, to open up international markets further – could be beneficial. The UK's is the global leader in TV format exports and is in the top handful of programme exporters. The PSB ecology effectively subsidizes this format R&D and programming costs to the tune of billions each year, and so there is scope to review content financing, rights and recoupment models.

Secondly Together TV looks at public media funding in America, which has a stronger tradition of raising significant funds from philanthropy. We have lent on the PBS model - a mix of commercial income along with charity status and donor drives. We secured Community Share funding in 2016 through this approach and more recently fundraised from individual and institutional donors for our Diverse Film Fund.

Together TV and other non-profit channels driven by public purpose should also be able to benefit from contestable funds to fill gaps in the main PSM services offers. Tax breaks for out of London, local and community content production should be available, as well as incentives for PSM to work with other not for profit charities, such as non-recoupable grants for non-profit grants for products that meet social criteria such as a local media fund.

Ofcom should work closely with other regulators such as the Charity Commission and HMRC to maximise regulatory and revenue opportunities and tax incentives related to

	<p>charities, mutuals, social enterprise and other organisations that can add value to PSM and ‘public interest and impact media’ widening opportunities for PSM organisations to gain charitable status where appropriate.</p> <p>This new framework should also look at local and regional opportunities through the lens of creative clusters and creative impact media hubs. The UK’s creative and crea-tech sectors remain concentrated in a few key locations. The recommendations from Sir Peter Bazalgette’s 2017 Independent Review of the UK’s Creative Industries should be considered in developing this framework for clusters across our cities and towns for both commercial media along with PSM and non-profit impact media enabling new enterprises and communities to create and distribute content and develop expertise.</p> <p>Europe also provides useful examples, not just of alternative ways to collect a licence fee amongst the EBU state broadcasters, but of ways of providing PSM services with a greater degree of local and regional independence and accountability, such as the federated and localized nature of broadcasting in the Netherlands (NPO and its local channel network).</p>
<p>Question 6: What do you think about the opportunities for collaboration we have referred to? Are there other opportunities or barriers we haven’t identified?</p>	<p>Even though only the BBC and Viacom have a global reach as broadcasters, the UK remains a fragmented market when it comes to commercial cooperation, especially when it comes to measuring and sharing data and technical standards and innovation.</p> <p>Collaboration need not be anti-competitive – as various trade bodies and industry initiatives attest – from the level of broadcasting infrastructure (muxing and masts), platforms and marketing (Freeview, freesat, Thinkbox) to measurement, standards and training bodies (BARB, DPP, Skillset). Further opportunities exist to create collective scale, shared technology platforms and standards, and to strengthen the resilience and reach of the UK audio visual sector as a whole, including collaboration with other screen industries including film and games. The creative industries drive the second-highest GVA for the</p>

UK's economy and have rapidly-growing workforces, there are huge opportunities to do more with current and emerging (XR, AI) activities.

Co-productions with international studios and OTTs will become even more relevant, which reinforces the need for the new PSM regime to require social, cultural and local UK qualities and touchpoints to ensure that high-end co-produced content that premieres on PSM services is British in nature and feel. Such content should also be prominently and consistently attributed to the PSM service it premiered on, when it appears in the UK on the services of the commercial and OTT operators that co-produced it. New models of financing should be considered to enable brand-building and IP-ownership for the PSMs so that UK developed, funded and create content is not perceived to be wholly-owned by co-production partners or their platforms. The turf war in IP ownership and attribution needs to be taken seriously for the long-term relevance and value of the PSMs, over and above current production finance models and licencing deals.

Creative technology is another area for collaboration - the Creative Industries Council also reports that in 2020 the Crea-Tech sector secured £1b in investment in businesses spanning creative and technology – up 22% on 2019 and the third in the world after the US and China – and accounting for 9% of all VC tech investments. As the report states, the UK is a shining light in the global tech ecosystem and a pre-eminent creative force, and the intersection of creativity and technology offers fantastic opportunities for innovation, collaboration and growth.

As mentioned above we also think that there should be cooperation between PSM providers to achieve a full eco-system of PSM content for a broad UK audience, including the not digital (vulnerable, poor and old) and only digital (the young). Local factual, cultural and news content could feature significantly in such a cooperation agreement.

Question 7: What are your views on the opportunities for new providers of PSM?

We believe that an updated PSM regime should offer the opportunity for new providers who can demonstrate that they can reach and serve sections of society and demographics currently hard to reach. The Small Screen Big Debate consultation (section 3.5 / chart 5) shows the public consider diversity in media the second highest value PSM plays in society. At Together TV we have been serving UK-wide audiences with diverse and inclusive programming for two decades – from diverse presenting talent in activity-driven series to diverse filmmaking talent and voices in the documentary space. In term of our audience , Together TV also over-indexes in hard-to-reach, older and vulnerable communities, along with communities spread across lower-income regions and with viewers with disabilities.

As local media is under increasing pressure it is vital to ensure a plurality of voices and outlets at all levels. PSM support for new local provision may fill the gap (sometimes called the democratic deficit) providing locally-relevant stories and diversity of voices along with the journalistic scrutiny and engagement of public interest journalism that keeps local democracy, public institutions and companies accountable.

One approach to funding this would be for incumbent PSBs to provide production investment for newly recognized PSM providers to make and commission content for genres that some incumbents are currently neglecting. One approach would be to build on the current BFI Youth Audiences Content Fund, by making contestable funds available for content catering for diverse and inclusive, yet under-served audiences, based on community, age, ethnic or cultural group.