

Consultation response form

Your response

Question	Your response
<p>Question 1: What are stakeholder views on how Ofcom should assess and measure BBC performance?</p>	<p>Screen Scotland is the national body that drives development of all aspects of Scotland’s film and tv industry, through funding and strategic support.</p> <p>Screen Scotland is part of Creative Scotland and delivers these services and support with funding from Scottish Government and The National Lottery.</p> <p>We welcome the opportunity to respond to this consultation.</p> <p>---</p> <p>Given the pace and scale of change in our evolving, increasingly global, media market, it is appropriate for Ofcom to take a more flexible approach, supporting the BBC’s efforts to reach audiences as those audiences alter their consumption patterns.</p> <p>The purposes of the quotas and public purposes contained within the Operating Licence are varied, not focused solely upon audiences. They also serve to ensure diversity of supply from across the UK, diversity and inclusion within our national conversations, and they combat the natural tendency of the BBC (evidenced across decades) to centralise commissioning power and production within London.</p> <p>These broader purposes remain important and may be vulnerable to a more flexible approach. Broadcasters tend to interpret flexibility as best suits them, and over time flexibility is vulnerable to arguments that dilute outcomes for audiences and the wider creative economy.</p> <p>---</p> <p>Ofcom is right to focus on a process of annual review, the provision of more detail and information with the BBC’s Annual Report, and increasing transparency across the board but specifically on spend and investment. The BBC’s current Annual Report details what is spent in each nation of the UK and what is raised in each via the licence fee. It does not provide details of commercial income raised, nor where this is spent. That would be a welcome addition to subsequent Annual Reports.</p> <p>---</p>

We agree with Ofcom that, "...the importance of the BBC in providing distinctive, original UK content... sets it apart from other providers, which is increasingly important in an ever-crowded media market."

Distinctive, original content from all corners of these islands should be available across those nations, representing all parts of the UK to each other, impartially allowing the differing perspectives of all parts of the UK to be reflected in our national conversation within the main channels, in peak hours, and across all genres.

Authentic representation is best delivered by commissioning content from within all four nations, and we would hope to see continued and more effective efforts from the BBC to move commissioners with the power to commission (as opposed to conduits to commissioners) across the nations of the UK.

At 4.9 Ofcom states that "quotas do not always guarantee high quality". We agree, but guaranteeing quality is not the purpose of quotas, that is the function of engaged commissioners and executive producers.

Quotas guarantee the inclusion of independent producers and of all parts of the UK in the BBC's services. Significant alteration of these specific quotas is not contemplated in the current set of proposals (though please see our response to Q.6), which is welcome, but there is a danger that the greater flexibility the reforms allow the BBC will ultimately be a step towards still wider flexibility on those more foundational quotas.

The Public Purpose - Objective - Condition - Quota - Transparency cascade is welcome.

Question 2: Do you agree with the proposals for Public Purpose 1? If not, please explain why.

We broadly agree with the proposals outlined for Public Purpose 1 but query why the reference to 'factual programming' in the current Operating Licence has not been carried forward, "*provide a significant level of news, current affairs and **factual programming** across its full range of services and platforms, and seek to reach and serve all audiences with this output*"?

Audiences in Scotland value factual programming as well as news and current affairs and our independent production sector in Scotland is recognised for the excellence of its factual output.

We would ask for the emphasis on "factual programming" to remain and note that unscripted content, documentary, specialist factual,

	<p>and entertainment are among the most effective genres for delivering authentic, recognisable representation within the BBC's services.</p>
<p>Question 3: Do you agree with the proposals for Public Purpose 2? If not, please explain why.</p>	<p>We welcome the proposals for Public Purpose 2.</p>
<p>Question 4: Do you agree with the proposals for Public Purpose 3? If not, please explain why.</p>	<p>We have concerns around the proposal to “Replace quotas for arts and music, religious programmes, content for children and comedy on network TV with a condition to provide a wide breadth of output supported by transparency requirements. This would include requiring the BBC to set out the number of hours it will provide for each at-risk genre with its Annual Plan, including hours of first-run and acquired programming.”.</p> <p>We are concerned that within these “at risk” genres first-run and acquired content are given apparently equal weight. Originations are more valued by audiences and are more valuable to the UK's independent production sector/creative economy.</p> <p>We welcome Ofcom's statement under 8.26. “... we consider that first-run UK originations continue to be central to the BBC's distinctiveness. We therefore believe it appropriate to keep a quota-based approach to regulation in this area to safeguard delivery”, this is vital within the genres Ofcom has identified as being “at risk”.</p> <p>Secondly, from a cultural development organisation's perspective, the fact that these genres are recognised as being “at risk” is both deeply concerning and somewhat welcome – in that Ofcom is clearly aware that they remain highly valued by audiences, crucial to the UK's cultural life and central to the concept of public service broadcasting.</p> <p>In granting additional flexibility to the BBC in this regard Ofcom adopts a responsibility to ensure that these genres remain a priority for the BBC across its services, that the BBC continues to fund distinctive arts, music and religious programmes and content from across the UK, reflecting the diversity of the UK its cultures and religions.</p> <p>---</p> <p>We welcome Ofcom's acknowledgement that, “Future regulation of the BBC will need to ensure a continued focus on a range of high-quality, distinctive, original UK output that appeals to audiences, and continued investment in the UK creative economy.”</p>

	<p>As the BBC's already reduced funding falls under increasing threat this will become ever more important.</p>
<p>Question 5: Do you agree with our preliminary view on the BBC's request to change Operating Licence conditions 2.21 and 2.32 for BBC Four, including our proposal to remove BBC Four's peak original productions quota and set the 'all hours' quota at 65% instead of 60% as requested by the BBC? If not, please explain why.</p>	<p>Yes, we agree, though we observe that with the downgrading of BBC Four to an archive focused channel and the reduction of its budgets for original content the space for original arts and music content on the BBC's television services is reduced. BBC Two does not have sufficient space within its schedule to make up the difference.</p> <p>This is regretted and emphasises the importance of the points raised in our response to Question 4.</p>
<p>Question 6: Do you agree with the proposals for Public Purpose 4? If not, please explain why.</p>	<p>As Ofcom notes, "The current Licence also sets objectives for the BBC to distribute its production resources across the UK to ensure it supports the creative industries in the nations and regions. In doing so, the BBC should build sustainable growth for the creative industries across the UK.". The current Licence does not require the BBC to set objectives for the distribution of its commissioners and commissioning budgets for "network" content across the UK. Screen Scotland considers the distribution of network commissioning power to be essential precondition to the delivery of inclusion, authentic representation and building sustainable growth for the creative industries across the UK. We would welcome Ofcom's consideration of conditions and targets to this end.</p> <p>---</p> <p>Under 9.12 Ofcom notes that the Operating Licence currently sets quotas for the BBC to produce, and invest in a set percentage of its content (50% by volume and value currently – though this is to rise to 60% by 2027) in the nations and regions, that these quotas are focused largely on the BBC's TV and radio services and that they do not capture the BBC's investment in content for BBC iPlayer and BBC Sounds, nor do they incentivise the BBC to deliver content made in the nations and regions for online audiences.</p> <p>The current nations and regions quotas are by volume and value, and because they are focused upon network content for TV and radio they are, to a significant extent, focused on higher value schedule slots and genres.</p> <p>By widening the focus of these quotas to cover iPlayer only content, BBC Sounds content and content for online audiences as well as TV and radio, Ofcom is opening the door to the BBC focusing its commissioning from the nations and regions on lower budget, lower impact content, ensuring that a higher proportion of higher value</p>

genre and prime time content can be made in London without the BBC failing to meet its broad quota requirements. As London based commissioners are more likely to look to London based producers for their next job this is deeply concerning.

If Ofcom were to require the BBC to meet its nations and regions quotas across BBC TV and radio services and additionally but separately across the iPlayer originals, Sounds etc. this danger could be avoided.

If Ofcom opts not to do this and aggregates iPlayer originals into either the 50% N&R quota or the 8% Scottish quota for network originations the BBC will be able to meet a significant portion of both quotas through low value, low margin iPlayer originals. This would have significant negative consequences for Scotland's independent producers. It would clearly undermine the delivery of Public Purpose 4.

Screen Scotland supports the proposed requirements for improved transparency regarding diversity, representation and portrayal and we would welcome clarity from the BBC on how it will improve representation of different geographic and demographic communities throughout the UK. Specifically, we would welcome proposals on how the BBC improve the perception of 45% of Scottish audiences that they are not currently authentically represented by the BBC.

The proposals under 9.20 for Programming from the nations and regions are of particular and significant concern.

The intention to replace the non-news and non-current affairs quotas on the BBC's opt-out services with a condition to provide this output and transparency requirements has significant potential to undermine the BBC's value to audiences, and to further undermine delivery of Public Purpose 4 by weakening the Scottish creative economy.

Quotas work to limit broadcasters' tendency not to deliver programming they feel is expensive or of limited or niche appeal. Broadcasters tend not to commission content from production companies which do not offer their management and commissioners a prospect of future employment, they tend not to care deeply about what audiences outside London and the south-east value. Quotas act to mitigate and limit these tendencies.

Without quotas, non-news and non-current affairs programming made in and for the nations and regions is more likely to reduce in

	<p>both volume and value, the BBC will seem ever more distant to those parts of its audience served by opt-outs. The BBC Scotland channel cannot be the only home for non-news, non-current affairs content aimed at a Scottish audience.</p> <p>The BBC is currently the only broadcaster in Scotland which has a meaningful commitment to local non-news and non-current affairs delivered via opt outs. The Channel 3 licensees do not (the obligations agreed with both are all-but worthless to both audiences and independent producers), C4 does not, nor does Channel 5 (though it is notable that C5 alone exceeds both its licence requirements and our expectations in this regard).</p> <p>We would urge Ofcom to consider this proposal very carefully. With Channel 4 under threat, and the BBC's budgets under increasing pressure preserving the value of these opt out slots to audiences and producers is vital to the health of our creative economy.</p>
<p>Question 7: Taken together, do you agree with the proposals for a new Operating Licence? If not, please explain why.</p>	<p>Not entirely, see above.</p>

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom aims to publish responses at regular intervals during and after the consultation period.

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Signed:

