

OFCOM CONSULTATION ON MODERNISING THE BBC'S OPERATING LICENCE

FURTHER RESPONSE FROM THE SCOTTISH GOVERNMENT – JANUARY 2023

The Scottish Government welcomes the opportunity to respond to Ofcom's further consultation on modernising the BBC's Operating Licence, specifically in relation to proposed changes for programmes of a national or regional interest. The below response is provided in addition to our previous submission from September 2022.

As we previously stated, the Scottish Government has a strong interest in ensuring that the BBC is able to deliver its vital public service remit and that the BBC is held to account on its responsibilities to ensure it provides a service that meets the requirements of audiences in Scotland and across the whole of the UK.

We remain of the view, which is reflected in the consultation document dated 14 December 2022, that some quotas are necessary to ensure that the BBC provides a substantial amount of news and current affairs across its TV and radio services. The Scottish Government supported Ofcom's proposals in the June 2022 consultation to retain quotas for news and current affairs across TV and radio services. While we understand the BBC's Operating Licence can be improved so that it can more effectively reflect how media is delivered and consumed today, we consider these quotas important to ensuring that coverage of news relevant to the nations and regions is protected and strengthened, instead of being reduced. As we set out previously, the BBC, unlike the other main continuous news channels, receives licence fee funding to provide services for all of the UK that would not otherwise be provided. Other commercial operators are not providing comprehensive coverage of all nations of the UK and therefore it is incumbent that the BBC, which is funded by the licence fee, delivers this service.

In relation to proposed changes to national and regional non-news programmes on BBC One and Two, we reiterate our view that quotas, including those for non-news programmes, remain necessary to ensure that the BBC is delivering its public purposes, and in particular that it remains distinctive, and supports content made by and for the regions and nations. While the BBC's proposals for the development of high-impact national and regional programming is welcomed, we agree with the concern, as described in the consultation document, that this alone as a strategy could lead to a reduction in the breadth of content produced for the nations and regions, and that this could impact the range of genres covered. We believe that a move to focus on network audiences across the whole of the audience viewing pool risks the deprioritisation of content made primarily to reflect Scottish audience interests.

Distinctive content, and content which reflects, represents and serves all of the nations and regions, is valued by audiences in the nations and regions, and is a fundamental public purpose. Reducing or removing quotas poses a real risk of causing the availability of content that is less commercially viable, but is valued highly by audiences, to decline. As such, audiences, as well as producers and writers who rely on the BBC to commission this important content, could lose out.

There is also a risk that high-impact network content could become generic over time and lead to content having less relevance to the nation or region from which it is commissioned. As we set out previously, the BBC's Operating Licence should strengthen equity across the nations so that we see more network productions devised and produced in Scotland, to support our creative economy and to authentically reflect Scotland's diverse communities. We believe strengthening investment and ensuring network productions are devised and produced in Scotland will ultimately lead to content which audiences recognise as more authentic and representative.

While Ofcom's latest Annual Report on the BBC shows some improvement from previous years, we know that some viewers and listeners in Scotland still continue to feel less positive about representation and authenticity of BBC programmes, compared to other UK audiences. Evidence suggests that people in Scotland rate the BBC below the UK average in relation to the BBC reflecting the lives of people like them, with 26% of people in Scotland giving a negative rating (UK average 24%), while only 50% of people in Scotland said that the BBC includes people like them, compared to the UK average of 53%.¹ The Operating Licence should ensure that the BBC is delivering a service that meets the requirements of audiences in Scotland and drives improvements in underperforming areas.

As previously stated, we believe that quotas are important to measure compliance and we continue to believe that change should avoid any negative shift in the structural imbalance between Scotland and London, so that locally-based companies throughout the nations and regions can thrive and improve the offer to audiences. Without quotas, it may be more challenging to hold the BBC to account, particularly in relation to its nations and regions commitments, and therefore any flexibility would need to be closely monitored and transparently reported.

¹ November, 2022. [Ofcom Annual Report on the BBC 2021-22](#)