

Improving the Ofcom 'Made outside London' (MOL) Criteria

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"I'm interested in the next generation of TV talent in the north and if all the TV jobs are in London – there won't be one."

Jimmy McGovern

Many of television's most talented, including Jimmy McGovern and Paul Abbott have signed this submission, alongside well over a thousand other companies and programme makers, because their own careers began in a production base outside London and they want that opportunity to be available for the next generation. At the moment, it is fast disappearing.

Paul Abbott - No Offence, Shameless, State of Play & Clocking Off

Jimmy McGovern - Broken, Moving On, Hillsborough & Cracker

Sally Wainwright - Scott & Bailey, Happy Valley, Last Tango in Halifax

Nicola Shindler - Come Home, Trust Me & Ordinary Lies (plus those above & below)

Russell T Davies - Cucumber, Tofu & Banana, Doctor Who & Queer as Folk

David Nicholls – Patrick Melrose, Us, One Day & Starter for Ten

Debbie Horsfield – Poldark, Cutting It & Making Out

John Thomson - Cold Feet, Coronation Street & The Fast Show

"It's incredibly important that Britain has thriving creative clusters outside London with on-going, meaningful TV production happening within them.

That's the only way people from all sorts of different backgrounds get a chance to make television, which then translates as diverse rewards for the audience, the main beneficiaries. It has to be a creative meritocracy. Regulation was put in place to balance the scales, but the numbers are still quite embarrassing. It needs fixing."

Paul Abbott



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Executive Summary

The current Ofcom criterion as to what defines a ‘Made outside London’ programme is having a devastating impact on television production outside London and fundamentally changes the regulation passed by MPs in the House of Commons.

Sections 286 and 288 of the Communications Act detail the legislation of ‘Made outside London’ programming and require three key objectives to be met (see page 37 to read Sections 286 & 288 in full):-

1. That a suitable proportion of Channel 3, Channel 4 and Channel 5’s programmes are made in the United Kingdom, outside the M25 area.
2. The law also requires Ofcom to ensure there is a suitable range of programmes produced.
3. That the expenditure on the production of these programmes happens in a suitable range of different production centres outside the M25.

Currently to qualify as ‘Made outside London’ under Ofcom’s regulation, a production must only meet two of three of the criteria below, removing the need for investment and job creation in production bases around the UK by London based companies, who are increasingly being commissioned to deliver ‘Made Outside London’ programmes: -

- i) The production company must have a substantive business and production base in the UK outside the M25. A base will be taken to be substantive if it is the usual place of employment of executives managing the regional business, of senior personnel involved in the production in question, and of senior personnel involved in seeking programme commissions.
- ii) At least 70% of the production budget (excluding the cost of on-screen talent, archive material, sports rights, competition prize-money and copyright costs) must be spent in the UK outside the M25.
- iii) At least 50% of the production talent (i.e. not on-screen talent) by cost must have their usual place of employment in the UK outside the M25. Freelancers without a usual place of employment outside the M25 will nonetheless count for this purpose if they live outside the M25 – ‘Crew’ in the data set out in this register.

Many London based independents employ programme makers based in the capital in senior roles on shows then registered by themselves and broadcasters as ‘Made outside London’.

These productions are often shot beyond the M25, capturing people’s lives around the country through London lenses. During these shoots, local people are only employed for short periods of time, often in junior roles. Money is also wasted on shipping programme makers in senior roles up and down from London and putting them up in hotels in the Nations and Regions. These temporary teams are isolated from much genuine interaction with local people, perpetuating prejudice.

These ‘Made outside London’ programmes are usually edited in the capital and as all the key editorial decisions on these programme are made by Londoners, contributors and events are often portrayed in a two-dimensional way, losing complexity.

Directors UK’s examination of the employment of directors in Scotland, for example, has highlighted a significant lack of employment of locally based directing talent:

An analysis of the Creative Scotland list of television drama productions made in Scotland during 2015-17 found there were 30 television drama productions filmed in Scotland over the three-year period, including ongoing series such as *River City* and *Outlander*. Of the 121 directors used, only 26 were Scottish or Scottish based; 13 of whom were female, and only 4 of the females were Scottish.

In addition, having done our own analysis of the list of network productions made in Scotland in 2016-17, from the ‘Made Outside London Programme Titles’ register:

- Only 1 out of 3 factual and factual entertainment productions made out of BBC Scotland were directed by Scottish talent. This is backed up by our anecdotal research.
- Only 1 out of 6 of the productions commissioned by BBC Scotland drama were made by a Scottish based director.

Programmes made in this way don’t leave an economic legacy or benefit the Nations and Regions through job creation in the way the MPs who voted for the Communications Act 2003 intended them to. As a result, there has also been a big decline in the number of TV jobs outside London which is evidenced in various recent industry reports:

- Just a third of the money spent on TV production and only a third of the jobs in TV are outside the capital. The latest census of TV producers by Pact found that of the two-billion-pound budget for UK commissions in 2016, just 32% was spent out of London. It also revealed that only 35% of full-time jobs in TV are in the nations and regions.
- Donna Taberer, who used to run the College of Production at the BBC Academy, interviewed over 900 people based outside the M25 who work in TV for a ground breaking Creative Skillset/BBC report published in Nov 2015. Donna's main finding was that production talent wanted to stay in the Nations and Regions but are forced to relocate to London because 45% of freelance programme makers in the English regions are employed in TV production for only 50% of the time.
- 66.9% of TV businesses are in London and the South East. The 2017/2018 IBISWorld Industry Report J59.113 Television Programme Production in the UK concludes 'London dominates this industry' with 51.5% of TV businesses in London and 15.4% in the South East.
- 69.2% of all the UK's post production is in London and the South East. The 2017/2018 IBISWorld Industry Report J59.120 Film, Video & TV Programme Post Production in the UK says 51.2% of post-production businesses are in London and 18% in the South East.

As the current criteria allows companies to employ London based freelancers in senior roles on 'Made outside London' productions, the CVs of programme makers based in the Nations and Regions are not able to improve.

The situation has become self-perpetuating. The CVs of people based outside London are limited in scope, which is used as an excuse not to employ them. It's a similar story for the TV production companies based outside the M25.

Evidence of lack of social mobility in TV

As the industry has become increasingly London centric, there has been an inevitable drop in the percentage of people from poorer backgrounds working in television.

Alan Milburn's November 2017 report into social mobility reveals that in recent decades broadcasting and journalism have become increasingly exclusive professions, and now only 12% of staff are from working class backgrounds.

Alan Milburn concludes that the Government should put social mobility at the heart of its industrial strategy, with a focus on rebalancing economic and work opportunities.

Another report, published in 2018, 'PANIC - Social Class, Taste and Inequalities in the Creative Industries', draws a similar conclusion: *“Currently, a key characteristic of the British cultural and creative workforce is the absence of those from working class social origins.”*

To stay as a world class industry, British TV must go back to being a genuine creative meritocracy, drawing on the widest pool of talent, ability and skills.

The extremely high cost of housing and transport in London means any regulation or industry practise that results in the capital's creative and economic power increasing, will also inevitably result in less social mobility.

It's currently harder than ever before for young people from different parts of the UK, particularly those from poorer backgrounds, to work in television.

The current problem for post-production & ancillary businesses outside the M25

The post production sector generates revenues of £1.6 billion a year for the UK and is predicted to rise by 6.5% to £2.2 billion in the next five years, but with the vast majority of programmes now being edited in London and the South East, unless this Ofcom regulation changes, the rest of the UK won't benefit.

More than 80% of the studio based productions shot at one major Manchester studio complex over the last four years were edited in London.

The 4 out of 25 of these productions which were edited in the North, were those made by Northern based production companies, each of whom has substantive offices outside London. See page 11 for more details.

Kit hire, set designers, lighting designers, graphic artists, make-up artists, wardrobe and prop hire companies based outside London all find it hard to survive because even when shooting in the Nations and Regions, London based independents use the suppliers they know in the capital rather than locally based companies.

Working in TV is now tougher than ever for freelancers outside the M25

“I’m an edit producer based in MediaCity and I find it really hard to keep my head above water despite having ten years’ experience on programmes for BBC1, CBBC and Channel 4. I’m also a studio producer with over 100 hours of BBC 1 under my belt. Over the last few years I’ve mostly had to work away from home - in Belfast, Birmingham and even a couple of trips to Australia just to keep the money coming in.”

1. Production staff based outside the M25 are regularly offered temporary work in London, simply because they have postal addresses in the Nations and Regions. This is openly specified in many job advertisements (see page 12) so companies can meet the 50% staffing target required to qualify as ‘Made outside London’. The freelance programme makers who take these temporary jobs in London are usually not offered any extra monies to help with the huge expense of living in the capital and travelling to London, whilst also paying a mortgage outside the M25. It’s very hard for working parents to apply for these positions.
2. Directors UK says, “It is our members’ experience that the more senior roles and HOD roles are not being filled by local talent. As those with experience in the region are not getting the Network opportunities, it leaves a much more junior and less experienced local talent base, who are then not getting the opportunities to further develop their careers to Network level. Our members tell us there have been limited pathways to progress in directing in the nations and regions.”
3. When local people are employed by London companies on shoots outside the M25, they claim to be paid less money than London based staff.
4. Many programme makers previously based in the Nations and Regions have had to move into poor accommodation in London to ensure continual employment and career development because they can no longer get either outside the M25.
5. Moving to London is expensive and can be impossible for parents, so some very talented programme makers have stopped working in television altogether. This is evidenced in new research from Northumbria University on page 18.

Sir Peter Bazalgette’s Independent Review of the Creative Industries

The creative industries are currently one of the major sectors driving economic growth and creating jobs.

Sir Peter Bazalgette's review of the Creative Industries published in September 2017 highlights the economic importance of the sector which continues to outperform others in terms of generating revenues and employment, growing 300,000 jobs between 2011 and 2015.

- The Creative Industries contributed £87.4 billion in GVA (gross value added) in 2015, 5.3% of the UK economy (comparable to the Construction or Information sectors) and between 2010 and 2015 grew by 34% - faster than any other sector.
- It also outperformed other sectors in terms of employment growth: between 2011 and 2015, employment in the sector increased by 19.5% (circa 300,000 jobs) compared to 6.3% average across the wider UK. The sector is also a net exporter of services (£11.1bn surplus in 2014).
- The report also finds that creative occupations, which make up a high proportion of Creative Industries jobs, are highly resistant to automation with 87% of creative workers in the UK at low or no risk, meaning their share of the workforce is likely to rise steadily in coming years.

Sir Peter Bazalgette's key recommendation - creative clusters outside London: -

“My key recommendation is that support for regional growth is prioritised through an approach based on the City Deal model, supported by a £500 million Creative Clusters Fund.

I believe strongly that if government can get the leadership, financial, advisory and skills support right for creative clusters then they will deliver a model that solves problems for other significant parts of the economy.

I am recommending a bottom-up process which allows localities, which often have a firmer grasp of their growth potential and needs than central government, to direct policy development. This will also solve the problem government has engaging with fragmented sectors. Linked to this I have proposals to ensure the cultivation of entrepreneurial leadership so vital to the development of creative clusters.”

The Government has repeatedly said it wants to level the UK's economy and ensure the Creative Industries benefit the whole of the UK, not just the South East.

Recent negotiations with Channel 4, led by Karen Bradley and now Matt Hancock, have resulted in the broadcaster committing to spending more money outside London and placing commissioners in three new offices in the Nations and Regions. These two changes will help ensure the C4 invests more money outside London. However, to loosen the capital's grip on most of the jobs in television and the inevitable decline in social mobility this causes, as well as to guarantee the programmes Channel 4 commissions leave an economic legacy outside the capital, it is also crucial to tighten the criteria which define 'Made outside London' programmes.

Hopefully this report will confirm how vital it is that Ofcom's current criteria is changed. There is currently no need for London companies to 'game' this key regulatory intervention, because it does not demand any substantial investment outside London, which flies in the face of the legislation MPs passed back in 2003.

Both the Government and Ofcom should therefore be commended in having already recognised that the 'Made outside London' criteria need to be reviewed.

The BBC's new charter also demands the economies outside the M25 benefit from 'Made outside London' productions

The BBC's new Charter began on 1st January 2017 extending Ofcom's remit to also govern the BBC. In March 2017, Ofcom published this summary of its proposals for the BBC, in relation to programmes outside London.

"Reflecting the whole UK: Ofcom wants all parts of the UK to be reflected, and invested in, by the BBC. So we are introducing minimum quotas for each UK nation. This means the BBC must spend the same on programmes, per head, in England, Northern Ireland, Scotland and Wales, as well as ensuring that at least half of all programmes shown nationally and produced in the UK are made outside of London. Also, we will soon review our guidance on programmes made outside London, to ensure these productions make a genuine contribution to the creative economies of the UK's nations and regions, which could include greater programme making or investment in these areas."

It is on this basis that the BBC receives its large annual license fee revenue, which is paid by people living all around the country.

Conclusion

In the view of the one thousand one hundred and seventy people who have signed this submission including some of the top creatives currently working in British TV, the current Ofcom criteria to govern ‘Made outside London’ programmes contravene both the new BBC’s Charter 2017 and sections 286 and 288 of the Communications Act 2003, and therefore needs to be changed.

“For any Out of London strategy to succeed in an environment where so many commissioners and production companies are comfortable doing the minimum possible to fulfil the intention of the criteria, the minimum criteria need to be far less open to abuse. And the regulator needs to properly supervise and audit productions once it has improved its criteria. More than that, though, the focus of the criteria needs to serve the intention of the strategy. The Nations & Regions production centres are key to the Communications Act legislation but they will only grow, thrive and offer true long term opportunity, if the sector becomes increasingly sustainable. Removing loopholes, auditing, and adjusting qualifying criteria to prioritise production that offers sustainable production from the Nations and Regions is the only way Ofcom and the broadcasters will get the long-term outcome the legislation demands.”

Executive Producer based in Scotland, May 2018

These changes to the criteria are necessary: -

- Rather than just two of the current criteria needing to be met, we believe it is vital for all three to be met for a production to qualify, so a substantive base in the Nations and Regions should always be required. This will encourage London based independents to make a long term investment in the Nations and Regions, which in turn will ensure they get to know and use local talent and facilities. Requiring a substantive base is both in line with the legislation and will also help build the creative clusters the country needs. It will ensure each qualifying production leaves a genuine economic legacy.
- Where production staff pay tax, rather than where they invoice from, should be required as evidence the criteria are being met – *although some of those who have signed this submission do not agree with this point, so further enquiry and consultation is necessary.*

- Ofcom should make clear that post production must happen within the territory or macro region a production is being set against, other than in exceptional circumstances.
- The broadcaster and its commissioners should be given the full responsibility to ensure the new 'Made outside London' criteria are properly met on each of its shows, rather than responsibility being shared between the broadcaster and the independent production company, with neither party taking it seriously, as is currently the case.
- Ofcom should ensure each broadcaster reports the same, more detailed information on each production it claims meets the new 'Made outside London' criteria and Ofcom should continue to publish all this information in the form of the 'Made outside London' list once a year, so it can be more easily examined by interested parties.
- Ofcom should take a much more proactive approach to regulating the criteria and should penalise broadcasters and if appropriate, independent production companies, by imposing large fines if the rules are broken.

Testimonial Evidence the Current Criteria Don't Work

The following testimonials are just a sample of those received by the Indie Club during April and May 2018 and paint a picture of the very negative impacts on people's lives the current regulation is causing.

We have been asked to protect some people's identities, because they are too frightened to reveal their name or job titles due to possible career repercussions in the very competitive and insecure world of TV.

Editing 'Made outside London' productions in London

A lot of income and job creation is lost to the Nations and Regions because of London based indies and broadcasters insisting the post production happens in the capital.

“Over the last 4 years there have been 25 productions made at The Space Studio complex in Manchester -

5 for ITV; 16 for the BBC and 4 for Channel 4

But only 4 of those 25 productions (less than 20%) were edited in the North West. It is not a coincidence that the 4 productions which did their post in the region were three locally based companies – Nicole Schindler's Red Productions; Craig Cash's Jellylegs and Peter Kay's Goodnight Vienna. Every one of the other productions was taken back to London for Post, resulting in a loss of work and economic benefit to the North West.”

Andrew Sumner, Post Production, Manchester

When all the senior staff on a production are London based, it becomes inevitable the edit will also be in the capital.

To get around the rule of having to employ 50% of production staff from the Nations and Regions indies regularly and openly advertise for production staff from outside the M25 to work in the capital, usually during the edit.

This is an advert from Talent Manager posted in early May 2018.

Job Description: Experienced Edit Producer

Location: London

Contract: 5 weeks

Start dates: Monday 9th July, Monday 16th July, or Monday 23rd July.

- *You must have at least 4 prime time Channel 4 1hr credits.*
- *You must have experience in an edit producing role.*
- *You must be editorially strong, confident leading the edit alongside an editor.*
- *You must be fast and confident in edits of around 5 weeks.*
- *It would be useful if you have experience cutting sensitive and entertaining series about couples/ relationships/ therapy.*
- *Preferably with experience of cutting rig or multi camera footage.*
- *You must also live outside the M25.*

Please do not apply if you do not fit the above criteria.

Programme makers outside the capital believe such industry practise flies in the face of the Communications Act 2003, as the following testimony reveals: -

“A large reputable London based indie recently specifically advertised on Talentbase for regional editors and edit producers to work on a BBC2 living history series. Me and a producer friend both applied and received phone calls and amazingly, the edits were all in London. They just needed staff with non-London postcodes to justify the regional commission. They were completely open and unashamed about it.

Do you think the BBC’s management are aware this is happening?”

North West based Editor and Edit Producer

“I have had to work in London for various edits, when there hasn’t been work available in the north. I have never been offered or paid any money towards the expense of living in the capital. It’s really tough and unfair.”

North West based Editor

“On 1st May 2018 I applied for a really exciting job as a shooter producer director on a BBC2 series. The London based indie was looking for production staff who lived outside the capital so it would qualify as being ‘Made outside London’.

The company said all filming would be around the UK but the three-month edit would be entirely in London. This effectively ruled me out of a job I'd have loved to have done and am perfectly qualified to do.

I'm father to a 9-year-old and it would have been too long a period not see him during the week but also, indies aren't prepared to pay the very high cost of accommodation in London which I would have to fund alongside paying my mortgage in Manchester. There would also be the £84 off peak train tickets each week too. It's just unaffordable.

There is absolutely no reason this production – particularly the three month edit – could not happen in Manchester. Links can very easily be sent down for Executive Producers and Commissioners to watch in London.

I am a very experienced Shooter Producer Director who has been based in the North for the whole of my 17 years of working in TV and yet I am being excluded from working on what the London indie and the BBC hope will be registered as a 'Made outside London' production."

Alex Hill, Shooter Producer Director based in Manchester

Reduced opportunities for young people

One very real problem with such a huge percentage of production happening in London is that it massively reduces social mobility. Young people, particularly those from poorer backgrounds, can't get work experience and they can't get afford to live independently in London on the tiny salaries offered to runners and junior researchers.

"Having worked in the creative industries for over twenty years I set up the social enterprise 'SharpFutures' based out of 'The Sharp Project, Manchester' to tackle social mobility and access to junior roles. SharpFutures has contributed £2.4m social value to the locality by improving the access to the creative industries at a new entrant level.

SharpFutures consistently receives requests for runners for less than minimum wage, which we negotiate to improve. The requests we reject though, are for the 'runners' not only to work for less than minimum wage or for free, but to temporarily re-locate to London with no additional support for travel or accommodation.

This regular London centric practice clearly compounds the TV industry’s current position as elitist, privileged and lacking in social diversity.

I co-founded SharpFutures to help young people to navigate their way into the television industry, because incredulously, in 2018 they are getting a similar experience to me - which means nothing has changed in twenty years. The only access I was offered at the age of 21 was work experience in London, without pay and without travel or accommodation expenses. As a regular young person, this was not something I could achieve. My University friend, originally from a private school and supported by her parents, took up the offer and is now a senior international VP in a major creative business. If more independent production companies had offices in the North, in exchange for their productions qualifying as ‘Made out of London’, we would be able to help many more young people gain access to work opportunities and career development.”

Rose Marley, CEO, SharpFutures, Manchester

<http://sharpfutures.org.uk/wp-content/uploads/2018/04/5-Years-of-SharpFutures.pdf>

“When our youngest son finished university, he got a job that summer as a Runner on a famous daily TV show based in London. He loved the work and the team, but he was doing holiday cover so was on a Zero Hour contract. He never knew how much money he’d earn in a week – if any. We helped him find accommodation – a room in a family home which was so far out of central London, it wasn’t on a tube line – but it still cost £600 a week. We were luckily able to afford to pay the rent for him when he didn’t earn any money, but anyone from a poorer family, without a home or relatives in London, is currently being excluded from doing work experience or getting their first job in TV.

Through Nine Lives, we have hosted one of Channel 4’s trainees each year for the past 6 years.

Channel 4 tells us that living in London is now so expensive that most of their trainees cannot afford to take a placement in the capital, so it’s vital for the broadcasters to ensure production companies are encouraged in every way to have substantial office bases in the Nations and Regions.”

Cat Lewis, CEO, Nine Lives Media

Other TV facility companies & experts based in the Nations & Regions also lose business

Kit hire, set designers, lighting designers, graphic artists, make-up artists, wardrobe and prop hire companies based in the Nations and Regions all find it difficult, because even when London based indies shoot outside London, they often use companies they know in the capital, rather than locally based talent and suppliers.

The impact of programme budgets being spent in the capital therefore extends far beyond production staff and post production. This year alone has seen prop hire companies close in Greater Manchester, whilst similar companies, based in London, continue to file record profits year on year. Money is wasted transporting simple props up from London and such practise impacts negatively on the environment.

If independent production companies have to have a substantive base outside the capital in order to qualify under the new criteria, this will help ensure regional spend on locally based facilities, which are often much more competitively priced. This will allow these facility companies to develop, helping create the ‘production centres’ or ‘creative clusters’ Sir Peter Bazalgette and many others believe are vital to ensuring a long term economic benefit to UKplc.

Productions shot outside London by London staff

“I was recently the only Northerner on a month long shoot in Manchester with a London indie. They even brought the runners from London. It’s a huge issue and breaks my heart.”

“A lot of London indies filming in Scotland fly their crew up. I can be the only Scottish person on the shoot! Everyone from producer, director, camera op, sound op is flown in. We have all these in Scotland and they are damn good at what they do! Most of the London crew aren’t prepared for Scottish weather or the distances between locations. For some reason Londoners believe Inverness is just around the corner from Glasgow or Edinburgh and not 4 hrs away. They have this belief we can shoot for 12hrs then drive home.”

“Working in Wales we have found increasingly in recent years that London indies insist on bringing their own production staff with them. It’s very clear the current criteria aren’t working and something definitely needs to change.”

“I worked on a well-known series everybody associates with the North and I’ve heard the local MP talk about being proud of it. They wouldn’t be if they knew how many staff are brought up from London and the fact the whole thing is edited in London. A lot of jobs could be created, but it just isn’t happening.”

“Before the Government allowed ITV to consolidate in the late 90’s, there were senior level TV production staff supporting rich regional production in technical and artistic talent bases all over the UK. Now as a freelance editor I have to ply my trade all around the country but mostly in London.”

“An increasing number of edits in London insist everyone has an address outside of London. I would much prefer these productions were cut closer to where I live. What a ridiculous way to organise business, imagine all the wasted expense involved in this circus.”

“I know of a prime time production filmed last year where a team of at least 40 were all put up in hotels in in the North for about six weeks, almost all from London. Even some of the runners. I can only think of a couple of people who worked on it, actually from the North of England. I may be wrong but I didn’t ever see any adverts for local recruitment for the programme.”

Northern based freelancers have to commute to London & Brighton

Production staff who live outside London and are employed to work on programmes which need to qualify as ‘Made outside London’, are regularly required to travel to the capital or Brighton, to the offices of the indies they are working for.

“I’m in a junior role based in the North and the shooting for the series I’m on is all in the North. The production team is based in Brighton and they want me at my desk there at 9.30am on a Monday morning. It takes five different trains.”

“I regularly have to pay to travel to London to do interviews for jobs which are being shot ten minutes from where I live in Liverpool or down the road in Manchester.”

“Peak time train tickets into London are so expensive they are like a tax on those of us based out of London. A lot of meetings or commissioner briefings start early in the morning. It’s become known as, ‘the £150 cappuccino’.”

Freelancers based outside London find it hard to make a living

Production staff based in the Nations and Regions say it's hard to earn a decent living.

"I am a director based In Edinburgh and have been directing for over 15 years, involved in feature films and TV drama. Along the way I have picked up a few award and nominations including a BAFTA. Despite this I have only be employed twice in that time within Scotland on 'River City' and 'Shetland' - this means that I have lived on the road and travelled for work for the vast majority of my career, and to the detriment of my family and personal life... Working in London (where a lot of the work is) we are constantly asked to subsidise the productions by paying our own travel and accommodation but when directors are working in Scotland this is not the case for them - this seems grossly unfair and prejudicial - my expenses on a job in London run to about £450.00 per week... that's a huge loss of income."

"You can't seem to work in this industry as a junior member outside London and earn a wage for living... not without supplementing your workload with work in the capital. If you are a Scottish or northern based crew member you need to have bases all over the country and be willing to drive, train or fly anywhere at a moment's notice to get work. I'm often on shoots with Londoners in the same role, but I'm not paid the same rate."

"Some companies pay a LOT less in the regions which kind of defeats the purpose of regional development. It's actually terrible for the industry, it's terrible for everyone, and it should be stopped. I know of companies who employ local kids for min wage and pay editors (and other crew) very low rates. This is prime time UK TV."

Some production bases are JUST outside the M25

The current OFCOM criteria for 'Made outside London' has also resulted in lots of companies and crew basing themselves just on the very outskirts of the capital – within easy commuting distance – and yet still being able to claim that is the equivalent to being based in the Nations and Regions.

"I live in Wales. My latest contract as an editor is with a company based in Chorleywood. I asked my contact there why they were based in Chorleywood. She openly admitted that it was "... outside the M25..." and therefore qualified

to be a regional production! I find that very odd because it can be easily reached by TFL tube train.”

“A very well-known and long running Channel 4 series used to be made and edited in Manchester but then re-situated to JUST outside the M25. It suited the execs who lived in London and C4 clearly wasn’t bothered. It still met the criteria but a lot of jobs were lost to the North.”

Invoicing scams on ‘Made outside London’ programmes

There are other common ways to meet the ‘Made outside London’ criteria:

“The practice of invoicing from family addresses outside of London by production team members to meet the 50% or 70% spend criteria makes a mockery of Ofcom’s intention. Crew being contracted via a third-party facilities company with a Nations and Regions base (which enables the spend to appear to be staying out of London when, in actual fact, a set of London-based individuals all have sub-contractor deals with that third-party company) is another well-known way of making a nonsense of Ofcom’s criteria.”

“Sometimes they just have a single production manager in an empty office up in Glasgow and claim they’ve met the 70% spend because ‘all the money goes through them’”

“We used Travel Cloud to book all our travel so we just got one invoice sent up to our out of London base which we could set against the 70% regional spend. However - most of the £80,000 travel and accommodation budget was actually spent on bringing camera crew, art department, lighting design and floor management up from London. It seemed crazy to me but the London indie insisted on using people they knew. We even had to schedule shorter filming days so the London crew could get off early to get home at the end of each week. I’ve worked with lots of great local people in the same jobs and they’ve always been really good. It was such a waste of money.”

“I run a large post production business in the North and was recently approached by a large London post production business who asked if I would invoice the broadcaster for the work on a series for a significant percentage cut of the revenue. We wouldn’t have to do any work on it but just pretend the work had been done in the North.”

The London-centric industry is making people quit careers in TV

Neil Percival is a Principal Lecturer in the Faculty of Arts, Design and Social Sciences at Northumbria University. He specialises in researching work and employment patterns and experiences in the film and TV industries, and has previously published research into attitudes to unpaid work in these sectors. While entry level conditions get a fair amount of attention, there is very little research exploring the experiences, motivations and ongoing careers of those who have decided to leave the industry. As part of an ongoing research project, Neil has interviewed more than sixty former TV professionals during March and April 2018. The goal is to understand why they left the industry, and what they went on to do; but also to explore how people feel about their work experiences, and the changes they have made either voluntarily or reluctantly. The research was not funded by an external body, but is a project initiated by Northumbria University. There is more info and an information sheet here - <https://leavingtv.wordpress.com/>

Amongst those interviewed, the lack of reliable work outside London is emerging as one of the significant factors contributing to the decisions by interviewees to leave the TV industry. Here is a selection of their views. They have requested to remain anonymous.

Former P/D and Development Producer, who worked for 14 years in TV:

"I was looking at changing my location down to my home town. It was a hell of a commute because there are no TV production companies in the area... I did it for a year, went up and down for a year, leaving at 3am in the morning to be at my desk at 9am in London; a fast turnaround doc came in and I didn't leave my desk for three weeks... so I wanted to change my circumstances and didn't see TV as compatible any more with basic life goals like starting a relationship, having a family or having a home."

Former Series Producer, who worked for 20 years in TV:

"The industry seems to think that if you're not doing work in London – you're not relevant. So the minute you move... a friend of mine who's very talented chose to move to Wales and have a family, she was only given series producing of Welsh programmes – nothing network. Anything network was given to blokes with half her experience, half the talent, purely because they had the ability to jump on a train up to London and prop up their CV with a London credit"

Former Series Producer, who worked for 20 years in TV:

“The TV industry is massively dominated by middle class people from South East England – and really London. There is often an absence of voices from outside the SE; and those who are not middle class. We pay far too little attention to this, a particular challenge when coupled with significant levels of industry nepotism – with many jobs never advertised.”

Former owner of a small Scottish Indie who worked in TV for over 20 years:

“A sense of injustice I sometimes used to feel was that as someone based in Scotland, you often weren’t asked to work on programmes because the commissioners in London wanted someone that they knew, who often worked in London, to come and do it. I never minded if that person was better, but often they weren’t, they were just from London.”

Former Production Co-ordinator, worked in TV in London for 6 years:

“So much TV work is in London, which means you are tied to London and the extortionate nursery fees that one pays here. Although I know there are efforts within TV production to try move more to Manchester and other places, it is still a very London-centric industry so there are London-associated costs”

Former Director, who worked in TV for 15 years – now a Barrister:

“There is a freelance market in Northern Ireland but it’s very, very small and in general, the types of programmes that I was making in London, didn’t have the same sort of breadth or budgets over in Northern Ireland as they would for network programmes which I was making (in London), so I decided... the thought of having to work on low-budget regional programmes didn’t really appeal to me, so I had a think, and ended up going back to university to retrain for another industry.”

Former Self-Shooting Producer Director, worked in TV for 15 years:

“I was in a relationship which I really wanted to have a future, I wanted to get on the property ladder and I couldn’t afford to buy anything in London which I would want to live in, and I wanted to be nearer my parents who weren’t getting any younger. So I moved back to the North East, and managed to get a few freelance jobs but couldn’t string together the kind of work I had been doing in London – and it wasn’t sustainable. So I left the industry to find something with a more reliable income. Had there been more of a genuine regional industry I don’t think I would have left.”

Former London based AP, who worked for 12 years in TV:

“For me, because I moved out to a region... I wouldn’t have had to leave TV if there had been more opportunities regionally. From seeing people working on ‘regional TV’

which is one person based somewhere in an office in Scotland, but actually everything is being done really from London, which unfortunately I'm sure most people who work in TV know, it's how some regional TV is made, or it's made from a production office just outside the M25, that kind of thing – I wouldn't have had to leave TV if there were more opportunities here in the South West, because I could have travelled... anywhere within a fair commute."

Production Talent

A 'lack of talent in the Nations and Regions' is often cited by broadcasters and London based indies as the reason they need to employ London based programme makers on 'Made outside London' productions, but having worked continually for 16 years in the north as an Exec Producer making network factual show, I believe the real culprit is ignorance. The only two editors I've ever had to sack were in London and that's because being a northerner, I didn't know the market place and had recruited badly.

London based indies don't know anyone in the Nations & Regions

Indies and commissioners based in the capital have made very little real effort to engage with production staff based in the Nations and Regions in recent years because Ofcom's current criteria doesn't require them to. In an insecure, risk-free industry, they'd much rather work with someone they know and have worked with before.

Since Channel 4's recent change of leadership, more TV production jobs are starting to come to the north, but trust and respect are still limited. Prejudice is rife.

At one of the first-ever openly advertised networking events held in Manchester last month by a London indie for off screen talent, including editors, one London boss is reported to have loudly asked, *"Are there any decent editors up here?"*

As far as he and many other independent production companies and commissioners are concerned, if they haven't worked with someone before and they don't know the names of any of the indies the person has worked for, then they are often not inclined to give them a chance. It's a self-perpetuating London-centric bias.

One big problem is that if you base yourself outside London, particularly for your whole career, you end up with what we in the Indie Club call a 'Survival CV'. What that means, is that you have been forced to work on the relatively small number of shows made in the Nation or Region where you are based. As there are far fewer

programmes made outside London then programme makers are less able to specialise in the way those based in London can.

“My CV is hugely frustrating because it genuinely doesn’t represent my ability – it represents the television work I’ve been able to get here in Manchester. It’s possible to work in TV outside London but it’s currently very difficult to have a career in television. I should be making more prime time documentaries – and I do whenever the opportunity arises – but the reality is that isn’t often enough. Also, when you haven’t had the opportunity to specialise in the way directors living in London can, commissioners often turn their nose up at your CV. Effectively you become a jobbing shooter producer director rather than the kind of ‘authored filmmaker’ you’d like to be and commissioners would like to have evidence you are.

It’s also really hard to form relationships with commissioners because they are all based in London.

In my seventeen years of working in TV I have never been invited to a networking event to meet commissioners by one of the PSB broadcasters. I don’t feel there is any genuine commitment to programmes being properly made out of London by programme makers from that area. It feels impossible to get the break you need to show what you can do. I feel really disillusioned with the state of the industry which has noticeably got much worse in the last four or five years.”

Alex Hill, Shooter Producer Director based in Manchester

A lack of enough suitable staff outside London is regularly given as the reason the criteria for ‘Made out of London’ productions MUST continue to allow indies to employ programme makers based in the capital in senior roles and Ofcom MUST permit companies to carry on doing all their post-production in London.

Everyone needs to recognise that this is a short term, not a long term solution and also, Ofcom, the Government, the broadcasters and Pact must acknowledge that it blatantly breaks the Communications Act 2003, because it means the programmes being commissioned and made under the quotas, do not result in investment in ‘production centres’ or ‘creative clusters’ around the UK.

The current situation is self-perpetuating in all sorts of ways, and as a direct result, not much is perceived to have improved significantly over the last 20 years, other than the percentage of programmes broadcasters pretend to make in the Nations and Regions.

“It’s truly appalling that since I first SP’d a series outside London 20 years ago, because they couldn’t find someone of the right skillset, things haven’t changed. Broadcasters spout all the right words about diversity of voices but they NEVER seem to act on it. The problem is exacerbated as broadcasters and indies increasingly demand that I, as a freelance Executive Producer, employ proven SPs and PDs, the vast majority of whom are London-based.”

Jane Merkin, multi-award winning Series Producer of BBC 2’s Exodus

The root of the talent problem is that television is a deeply insecure profession so people tend to only ever work with those they know, and more importantly, those they trust to deliver. As the industry has become more London-centric in recent years, the more embedded this problem has become, because the less likely it is that programme makers living outside the capital will work with, or even rub shoulders with, those who live and work within it.

If Ofcom continues to permit all senior roles on a production that’s classed as having been ‘Made outside London’, to go to those living in London, and if Ofcom carries on allowing the post production on these programmes to happen in the capital, then the current self-perpetuating situation will continue.

Amid the perpetual debate about ‘talent’, it’s interesting to remember that there is one daily television slot in which two programmes of the same genre, one made in the North and one made in the South, go head to head.

‘BBC Breakfast’ is made by a Salford based production team and broadcasts each morning from MediaCity whilst ‘Good Morning Britain’ is made by a London team and broadcasts from the capital.

The North’s ‘BBC Breakfast’ currently wins an average audience of 1.5 million whilst the South’s ‘Good Morning Britain’ attracts 600,000.

It was said to be impossible to base network news programmes outside the capital and away from the Westminster bubble, but as well as the continual success of BBC Breakfast, BBC Five Live also broadcasts from Salford each day and is much loved by its listeners. Both these programmes give airtime to Northern experts, which is noticed and appreciated by viewers and listeners.

There are now 7,000 people employed at MediaCity in Salford – more than when the Manchester Ship Canal Docks were at their height. The huge success of MediaCity

illustrates that when a broadcaster, in this case the BBC, is truly committed to producing programmes outside London, they will find the production staff they need. Creative talent always follows the money.

However – we cannot take the success of MediaCity for granted. Changing the criteria so the expectation is that programmes ‘Made outside London’ will have a substantive base in the Nations and Regions and will also be edited outside London will also be important rules for the recently created BBC Studios.

The newly appointed BBC Studios’ Head of Entertainment North is based in London. He replaces a member of staff who was based at MediaCity. People in the North fear that under his London based leadership, his department in BBC Studios will begin to operate in the same way many London based indies do now, by no longer employing enough staff based outside the capital.

Some Examples of Outstanding Practice

Some broadcasters, controllers and commissioners have set excellent examples of how to ensure programmes are genuinely ‘Made outside London’ and the indies who make them are nurtured so they grow.

Please excuse the Nine Lives’ anecdotes, but this report is unfunded, so has been written in the last two weeks.

MediaCity in Salford

The success of MediaCity is undoubtedly a result of the careful planning and execution delivered by the BBC’s former Chief Operating Officer Caroline Thompson, who carefully ensured the key departments moved from London were self-commissioning ones which suit new entrants.

Having BBC Children’s commissioners based in the same city has been transformative for independent companies in the north. Our industry is all about relationships, and since BBC Children’s moved to Salford, many of the independent production companies have been able to forge very creatively fulfilling and successful relationships with commissioners.

In Glasgow, commissioner Jo Street has made a big difference to the amount of work Scottish based independents have been able to secure. It would be wonderful if the BBC can base more commissioners outside London in the way Channel 4 is going to.

Songs of Praise

The BBC safeguarded many TV jobs in the Nations and Regions by ensuring its flagship weekly religious series had to continue to be run from MediaCity or Glasgow. The tender was won by two independent companies based outside London – Nine Lives Media in MediaCity and Avanti in Cardiff. As a consequence, those working on the series in MediaCity were able to continue to do so. Tom McDonald, Dan McGolpin, Fatima Salaria and David Pembrey have all been extremely supportive and excellent to work with on the series at every stage.

Mark Thompson & Danny Cohen – the BBC’s Previous Attitude

When the former Director General Mark Thompson and former Director of BBC Television Danny Cohen were in charge, they refused to accept Ofcom’s watered down criteria. Instead they insisted independent production companies making programmes outside London both employed programme makers from that Nation or Region and edited there too otherwise they would not qualify as ‘Made outside London’. This is in line with the BBC’s new legal responsibilities to ensure the license fee is used to stimulate economies around the UK as outlined in the summary Ofcom published in March 2017, “... to ensure these productions make a genuine contribution to the creative economies of the UK’s nations and regions, which could include greater programme making or investment in these areas.”

Mark Thompson and Danny Cohen also encouraged their commissioning teams to work closely with, and nurture, small independent production companies outside London, so they could begin to commission returning series from them.

Dorothy Byrne and Daniel Pearl, Channel 4’s Current Affairs

In 2011/12, Dorothy recognised that because it’s very difficult for independent production companies to make money when producing current affairs, it would be a good idea to ask indies to tender for output deals for Channel 4’s Dispatches.

“We won one of the output deals back in 2012 and it resulted in us being able to build a small, dedicated team of current affairs producers working on the series year round. Our technical manager has developed a unique expertise in secret camera technology and we’ve trained many young people on Channel 4’s investigative trainee scheme. Most importantly, the output deal enabled us to develop undercover investigations over many months enabling us to recently capture on secret cameras the evidence of the inadequate service offered by the

Financial Ombudsman Service and in another investigation, we went undercover to film the chaos at the Department of Work and Pensions during the launch of Universal Credit.”

Mike Lewis, Executive Producer & MD, Nine Lives Media, MediaCity

As someone who genuinely believes in both balancing the UK’s economy and representing the voice of the Nations and Regions, the former Editor of Dispatches, Daniel Pearl was always happy to work with companies based outside London.

Ben Frow, Controller of Channel 5 and his commissioning team

Without Channel 5 and its Controller Ben Frow, it is not an exaggeration to say many of the independents which specialise in factual programmes in the north, would not be in business. Ben Frow worked in the north for many years so has strong relationships with the Exec Producers here. He says actions speak louder than words.

“All this ‘regionality and diversity’ talk is meaningless if those in positions of responsibility don’t step up and apply themselves. I’m not saying we will always get it right, but the intention is there and we will do our best to be honourable!”

As a result, suppliers in the north are extremely loyal to Ben Frow and Channel 5.

“Channel 5’s commitment to production in Yorkshire has resulted in a significant increase in jobs and turnover for Daisybeck Studios. We regularly engage over a hundred freelancers across the year in Leeds on contracts ranging from one to nine months. We will have produced some 50 hours of television and achieved more than £3.5 million in turnover from Channel 5 in 2018. This is £1.5 million more than 2017 we already have £1.6 million committed to 2019. This is a wonderful position for a small independent production company to be in.

Ben Frow’s determination to work with companies in the regions stands as a wonderful practical example rather than a theoretical notion and his influence is felt at every level and every job within the TV sector in the North.”

Paul Stead, Daisybeck Studios, May 2018

The Current Criteria & Our Suggested Changes

To currently qualify as ‘Made outside London’ a production must meet at least two of these three criteria.

i) The production company must have a substantive business and production base in the UK outside the M25. A base will be taken to be substantive if it is the usual place of employment of executives managing the regional business, of senior personnel involved in the production in question, and of senior personnel involved in seeking programme commissions.

ii) At least 70% of the production budget (excluding the cost of on-screen talent, archive material, sports rights, competition prize-money and copyright costs) must be spent in the UK outside the M25.

iii) At least 50% of the production talent (i.e. not on-screen talent) by cost must have their usual place of employment in the UK outside the M25. Freelancers without a usual place of employment outside the M25 will nonetheless count for this purpose if they live outside the M25 – ‘Crew’ in the data set out in this register.

There are seven main territories, or Macro Regions to which a Made outside London programme can be allocated:

- 1. i) Scotland; or*
- 2. ii) Wales; or*
- 3. iii) Northern Ireland; or*
- 4. iv) South of England (comprising the South-West and South-East England);*
- 5. v) Midlands/East of England (West Midlands, East Midlands and East of England);*
- 6. vi) North of England (Yorkshire and Humber, North-West and North-East England).*
- 7. vii) In 2011 a seventh territory, Other, was introduced for regional productions from London producers which did not meet both 70% of spend and 50% of talent in any one particular Macro Region.*

What has been happening repeatedly in recent years on many productions is that London based independents choose to meet just the second and third criteria. As a consequence, very few have invested in production offices outside London, because the criteria don't require them to.

The Communications Act 2003 requires Ofcom to ensure TV is made in ‘a range of production centres across the UK’ and is therefore currently not being met.

Having a production office based outside London results in companies being more likely to create jobs for local people, use local suppliers, including kit hire companies and post production facility houses, as well as offering jobs to new entrants from the locality and work experience to young people. The requirement for a substantive office will therefore ensure companies play a much fuller role in benefitting the economies of the Nations and Regions.

The fact that some independent production companies choose to invest in offices outside London and others don’t, means there isn’t a level playing field.

The increasingly popular pattern of staff in the capital being given all the senior roles on ‘Made outside London’ productions, together with the escalating use of post-production facilities in the capital – both of which are permitted under the current criteria – means there is currently minimal investment outside London.

Another long term problem with the current criteria which we’d recommend being corrected is that some independent production companies based outside the capital find it hard to meet the 70% budget criteria if they are shooting abroad, so we suggest changing the wording of that clause to permit this exception.

Conclusion

In order to ensure programmes that qualify as ‘Made outside London’ also leave a long term economic legacy, the Indie Club believes the criteria need to be tightened by adding the words in bold: -

*To qualify as ‘Made outside London’ a production must meet **all three** of these criteria.*

*i) The production company must have a substantive business and production base in the UK outside the M25. **A base will be taken to be substantive if it is the domicile for tax purposes of executives managing the business, of senior personnel involved in the production in question, and of senior personnel involved in seeking programme commissions. A substantive base in the macro region is mandatory, to allow the production to be set against that macro region.***

*ii) At least 70% of the production budget (excluding the cost of on-screen talent, archive material, sports rights, competition prize-money and copyright costs) must be spent in the UK outside the M25, **unless the shoot is substantially abroad, in which case an exception can be made. Post production should be completed in the macro region, if the production is to be set against that macro region, other than in exceptional circumstances.***

*iii) At least 50% of the production talent (i.e. not on-screen talent) by cost, must have their usual place of employment in UK macro region which the production is being set against (**the domicile for tax purposes**).*

Accountability for Compliance

The responsibility for productions to comply with the Ofcom criteria is currently shared between the broadcaster and the independent production company. As a result, the responsibility often falls between the two with neither taking it seriously enough. Indies often blame commissioners for ‘forcing them’ to make programmes under the Nations and Regions quotas. Broadcasters have been happy to leave indies to meet the Ofcom criteria without giving much scrutiny to how they claim to do so.

The Indie Club therefore believes Ofcom should require broadcasters to take full responsibility for ensuring the programmes it commissions comply with Ofcom’s tightened ‘Made outside London’ criteria, as part of their Public Service Broadcasting remit.

The Indie Club believes Ofcom should continue to publish the ‘Made outside London programme titles register’ each year, however, the publication should be improved by Ofcom asking for the same definitions and data to be given by each of the different broadcasters on each of their qualifying programmes. For the sake of proper analysis and transparency, Ofcom should request broadcasters reveal who is employed in key senior roles and where they are based. This will ensure the register is more detailed and easier to analyse, so all interested parties can quickly assess how well the ‘Made outside London’ works going forward.

Ofcom needs to be more hands on in its regulatory role and impose large fines upon both broadcasters and indies if productions are inaccurately classed as ‘Made outside London’.

Creating a Long-term Solution

The Indie Club was set up 12 years ago, in September 2006 in Manchester to increase communication between independent production companies about freelance talent, so that by working together, we could aim to keep those freelancers working year round, to prevent them feeling forced to move to London. The Indie Club quickly expanded across the North and was opened up to freelance producers, assistant producers and researchers.

The Indie Club has always promoted 'co-opetition' – the economic term for working with your competitors, to increase the overall strength of your sector.

Indies based in the Nations and Regions know there is a lot of production talent outside London, because we work with many of them.

Most independent companies like ours, with a substantive base in the Nations & Regions deliver a lot to their local economies by:–

- employing core staff year round
- training and developing those staff
- guaranteeing freelancers lots of employment outside London (where most freelancers from the Nations and Regions don't want to be forced to be based, even temporarily, because of the high expense and inconvenience)
- creating many entry level jobs usually based in geographical areas where young people can afford to live on entry level salaries
- running many of the Channel 4 and BBC's trainee schemes (because trainees can't afford to live in London)
- offering work experience to local young people

Independent companies based outside London help their local economies by doing most of their post-production in the territory or Macro-Region where they are based.

They also give a lot of work to many other ancillary TV businesses, including kit hire companies, set designers, lighting designers, graphic artists, make-up artists, wardrobe and prop hire companies.

The Indie Club understand there will be some short term negative implications if the changes we recommend to the criteria are accepted by Ofcom, and more London based indies open production offices in the Nations and Regions.

We appreciate that for a temporary transition period, these changes may result in there not being enough production staff outside London to serve all our needs. However, just as those of us in the North welcomed MediaCity with open arms, we all still believe these changes are necessary and undoubtedly the right thing to do for all the reasons stated.

The Indie Club believes that once the regulation is tightened, more programme makers will move out of London. The Indie Club hopes both London based independents and BBC Studios will decide to make long term investments in the Nations and Regions to ensure they qualify to make ‘Made outside London’ productions under the new, tightened criteria.

“I get e-mails every week from programme makers who are keen to re-locate to the North but are concerned as to whether there will be enough work for them. People will follow the money, once the ‘Made outside London’ regulation is effectively regulated.”

Paul Stead, CEO, Daisybeck, Leeds

Economically, it is far easier for production staff to move from London into the Nations and Regions than the other way around. Until now, programme makers haven’t had the confidence to make the move out of London, because everyone knows the quotas are not working and as a result there isn’t enough work outside the capital.

If following this review, the regulation is tightened and Ofcom, the Government, broadcasters and the independent sector clearly speak with one voice about the long term importance of TV production outside London, then a clear message will be given, so programme makers will be able to move out of London and have careers in television.

“There are multiple stakeholders who need to coordinate properly in executing an effective Out of London strategy for the broadcast industries. The regulator, of course, needs to regulate, oversee and audit. The broadcasters are required to understand and respect the legislation. The producers should embrace the criteria as an opportunity to contribute to diversification and strengthen their businesses, rather than as a geographical annoyance.

An analysis of the growth in the indie sector in Scotland points to impressive progress – 9% growth every year for nearly a decade. Yet if the Out of London criteria were working as intended, then we would see the growth exactly

matching the increase in spend. But percentage increase in growth lags behind percentage increase in spend.”

Executive Producer based in Scotland

There is support across the TV industry for Ofcom to regulate ‘Made outside London’ productions properly, in a way that clearly reflects the intent of the legislation outlined in the Communications Act 2003.

“We work with about 100 UK producers and 90% of them are in London. I think the way London companies open regional offices but do the lion’s share of the work in the capital really stinks.”

CEO, Music Production Company

The Indie Club genuinely believes the changes we are recommending will result in the long-term growth of the freelance talent base in the Nations and Regions, which will be very positive for the whole industry.

The improved criteria will increase both the strength and the size of our ‘production bases’ or ‘creative clusters’ – which will ultimately benefit everyone. It will not only mean we are meeting the regulation, as laid out in the Communications Act 2003, but it will also ensure we are following the key recommendation made by Sir Peter Bazalgette in his Independent Review of the Creative Industries, commissioned by the Government, and published in Sept 2017. Combined with Channel 4’s commitment to spend more outside London and to move commissioners out to work in a new national HQ and two new hubs, it means we could be about to enter a new Golden Age of TV production.

STOP PRESS - The Indie Club becomes a new TV trade body - 11th May ‘18

Today we announce the launch of the Indie Club as a new national trade body for independent content production companies and freelance programme makers. We pledge to represent the growing, converging and fast moving content production sector in a way that has never been done before and we’ll be throwing big networking parties, so we all have fun along the way.

The Indie Club is a brand new style of trade body with diversity, fairness and transparency at its heart. We seek to address the many problems currently facing content production outside London in a myriad of positive ways based on the many

decades of our own successful experience. We will also offer our members affiliations to other important national membership groups which represent the creative industries.

Founder member Cat Lewis, CEO of Nine Lives Media based in MediaCity, Salford says - “This is a new style of trade body for independent production companies, on line content producers, facility houses, ancillary TV businesses, related social media enterprises, screen agencies and freelancers across the UK which is tailored to our fast changing digital age.”

Cat Lewis was Vice Chair of Pact and Chair of its Nations & Regions Committee for 6 years. She set up the Indie Club, a not-for-profit limited company in 2006 and a year later launched her own production company, Nine Lives Media, which last year won the contract to make Songs of Praise for BBC One as a co-production with Cardiff based Avanti. Nine Lives also makes programmes for Channel 4, the BBC, CBBC and Channel 5.

Founder member Colin McKeown, CEO of LA Productions, in Liverpool started his TV career at Granada and now works with writer Jimmy McGovern (Broken, Common & Moving On) from a large base in the Kirkdale district of the city, which is one of the poorest parts of Europe. LA Productions continually works with young, local talent as well as first time writers.

Colin McKeown says - “Nine Lives and LA Productions don’t sit around talking about the importance of diversity - we do diversity day in day out. We are genuinely committed to improving our industry long term.”

Many of most talented creatives in the country have already endorsed the work of the Indie Club in its recent campaign to tighten the criteria which Ofcom uses to define TV productions ‘Made outside London’.

Jimmy McGovern (Broken, Moving On, Hillsborough & Cracker), Paul Abbott (No Offence, Shameless, State of Play & Clocking Off), Sally Wainwright (Scott & Bailey, Happy Valley & Last Tango in Halifax), Nicola Shindler (Come Home, Trust Me & Ordinary Lies), Russell T Davies (Cucumber, Tofu & Banana, Doctor Who & Queer as Folk), David Nicholls (Starter for Ten, One Day & Us), Debbie Horsfield (Making Out, Cutting It & Poldark) & John Thomson (The Fast Show & Cold Feet) have all signed the Indie Club’s recent submission to Ofcom, alongside over a thousand (1,170) other companies and programme makers.

Jimmy McGovern says - “I’m interested in the next generation of TV talent from the north and if all the TV jobs are in London – there won’t be one.”

Paul Abbott says - “It’s incredibly important that Britain has thriving creative clusters outside London with on-going, meaningful TV production happening within them. That’s the only way people from all sorts of different backgrounds get a chance to make TV, which does translate as diverse rewards for the audience, the main beneficiaries. It has to be a creative meritocracy. Regulation was put in place to balance the scales, but the numbers are still embarrassing. It needs fixing.”

Colin McKeown says - “The founder member companies setting up this new trade body have been making television for a very long time. We know what we’re doing and we know what other members will need the Indie Club to do for them. We certainly won’t be charging companies thousands of pounds a year for a set of contract templates.”

He adds - “I’d like to say it’s a conscious uncoupling but actually it’s a conscious fuck off, because we don’t believe Pact represents our interests as indies based outside London.”

The Indie Club will soon be appointing a Chief Executive Officer and will initially be run from Nine Lives’ offices in MediaCity, Salford.

The updated final draft of the Indie Club’s 11th May 2018 submission to Ofcom for the regulator’s ‘Made Outside London Review, is now available via this link - <http://ninelivesmedia.co.uk/ofcom>

Note to Editors

The Indie Club is a not for profit company limited by guarantee, which was registered with Companies House in 2006 (company number 06539280).

It was set up by Cat Lewis 12 years ago as a TV networking club, to increase communication between independent production companies, so together they would be better able to keep freelance production staff in continual employment, thereby encouraging them not to move to London.

The club attracted great speakers including Willy Russell, Stephen Lambert and Robert Thirkell. It built a membership database of 750, which has been newly updated in the last fortnight to over a thousand.

Lewis and McKeown have worked together for many years helping run the Royal Television Society in the North West. Cat Lewis is the current Chair of the RTS NW and Colin McKeown is Vice Chair.

For further information, please contact Nine Lives Media on 0161 832 2007

Conclusion

Making television is a both a privilege and also a very desirable career, so it is really important to ensure we engage the talent and skills of everyone in the UK, and not just people who live in London and the South East, and not only those who are from well-off or well-connected backgrounds.

Television has always prided itself on being an industry which operates as a creative meritocracy, drawing on the talents and abilities of people from all walks of life.

Paul Abbott, Jimmy McGovern, Nicola Shindler, Sally Wainwright, Russell T Davies, Debbie Horsfield and John Thomson do not come from privileged backgrounds and they make some of the best shows on television.

Their careers all began or were nurtured by Granada Television in Manchester. And the reason they've all signed this submission, is because they all recognise and value what Granada – the most successful production base of its time – did for their careers. They want the same or a similar opportunity to be available to the next generation.

We have to improve the Made outside London regulation in order to ensure the next generation of talent has access to our industry, and to have their early careers nurtured in a production centre or creative cluster, whatever their family circumstances.

Television must draw on the talent of people from all over Britain and from every different background. The current situation is not going to change itself. We want the whole industry to accept that allowing the existing state of play to continue is not an option. We believe Ofcom needs to apply strong, focused and determined leadership. As the Indie Club, we welcome production companies which are currently based in the capital to join us in the Nations and Regions. We will welcome them at our parties and share our secrets as to how to run a successful independent outside London. We want this new Golden Age of TV to sparkle.

2Author

Cat Lewis

CEO & Executive Producer, Nine Lives Media



Cat Lewis was born in India (because her Dad is a mountaineer) but was then brought up from the age of 3 in a single parent family in Stockton-on-Tees and went to a comprehensive school. She got her first break in TV aged 15 after entering a young news reader competition run by Tyne Tees TV which led to three years' continual part time work in local radio and TV as a presenter whilst she was still at school. Cat then read English and Drama at the University of Bristol (which included TV & Film Production) followed by a Post Grad in Broadcast Journalism at UCLAN, before becoming a BBC Production Trainee in the North in 1988.

After working for the BBC and Granada TV in Manchester as an on screen reporter, producer/director and series producer. Cat then joined the factual division of the independent company Unique, and became an Exec Producer in 2002, winning commissions single-handedly to build the slate to a £1.8 million turnover.

In September 2007 she launched her own Manchester based independent television production company, Nine Lives Media. Nine Lives is the largest factual producer in the North West and for six years had an output deal for Channel 4's flagship current affairs strand, Dispatches. The company recently won the £12 million BBC tender to make Songs of Praise for BBC One from 2017 to 2020, in partnership with the Cardiff based independent, Avanti Media – safeguarding many jobs outside London. The vast majority of Nine Lives' programmes are made from start to finish in the North. Cat has won two BAFTAs, two national Royal Television Society awards and an International Emmy.

Cat has always been fully committed to ensuring TV remains a creative meritocracy, by working closely with schools and universities and enabling young people from every different background to do short stints of work experience at Nine Lives year-round over the last 10.5 years. Cat has then employed many people who started at her company on work experience. Nine Lives has a very diverse workforce with 40% of current programme makers from a BAME background and has twice been shortlisted for the CDN's Best Production Company. Cat was awarded an honorary doctorate in June 2017 from Salford University in recognition of all the jobs she has created in the North.

Cat launched the Indie Club as a free, not-for-profit limited company in Sept 2006 with the main aim of increasing communication between independents in the North so together they could keep freelancers working year round to help prevent talent drift to London.

Cat was Chair of Pact's Nations & Regions Committee for six years, so she understands the complex legislation underpinning the Made outside London criteria. She is also a BAFTA judge; Chair of the Royal Television Society in the North West; a former Vice Chair of Pact (TV's national trade body); and she is a Global Ambassador for Manchester.

Appendix 1 – Legislation

The Communications Act 2003

Section 286 of the Communications Act 2003 requires that Channels 3 and 5 each produce a suitable proportion, range and value of programmes outside of the M25. Channel 4 faces a similar obligation under Section 288. This annual publication sets out the titles of programmes that the BBC, ITV, Channel 4 and Channel 5 certified were ‘Made outside London’ (MOL) productions broadcast during the previous year.

286 Regional programme-making for Channels 3 and 5

(1) The regulatory regime for every Channel 3 service includes the conditions (if any) that OFCOM consider appropriate in the case of that service for securing —

(a) that **what appears to OFCOM to be a suitable proportion of Channel 3 programmes made in the United Kingdom are programmes made in the United Kingdom outside the M25 area;**

(b) that the Channel 3 programmes that are made in the United Kingdom outside the M25 area (taken together) constitute **what appears to OFCOM to be a suitable range of programmes;**

(c) that what appears to OFCOM to be **a suitable proportion of the expenditure of the providers of Channel 3 services on Channel 3 programmes made in the United Kingdom is referable to programme production at different production centres outside the M25 area;** and

(d) that **the different programme production centres to which that expenditure is referable constitute what appears to OFCOM to be a suitable range of such production centres.**

(2) In the case of a national Channel 3 service, subsection (1) requires the inclusion of conditions in the licence for the service only where OFCOM consider, having regard to the nature of the service, that it would be appropriate for conditions falling within that subsection to be so included.

(3) The regulatory regime for **Channel 5** includes the conditions that OFCOM consider appropriate for securing—

(a) that what appears to **OFCOM to be a suitable proportion of the programmes made in the United Kingdom for viewing on that Channel are programmes made in the United Kingdom outside the M25 area;**

(b) that the programmes for such viewing that are made in the United Kingdom outside the M25 area (taken together) constitute **what appears to OFCOM to be a suitable range of programmes;**

(c) that **what appears to OFCOM to be a suitable proportion of the expenditure of the provider of Channel 5 on programmes made in the United Kingdom for viewing on that Channel is referable to programme production at different production centres outside the M25 area;** and

(d) that **the different programme production centres to which that expenditure is referable constitute what appears to OFCOM to be a suitable range of such production centres.**

(4) Before imposing a condition under this section, OFCOM must consult the person on whom it is to be imposed.

(5) The requirement to consult is satisfied, in the case of the imposition of a condition by way of a variation of a licence, by compliance with section 3(4)(b) of the 1990 Act (obligation to give opportunity to make representations about variation).

(6) A proportion is not to be regarded by OFCOM as suitable for the purposes of a provision of this section if it constitutes less than a significant proportion of the programmes or expenditure in question.

(7) In this section—

- “Channel 3 programmes” means programmes made for viewing on Channel 3 in more than one area for which regional Channel 3 services are provided, including any programme made for viewing on a national Channel 3 service other than a regional programme;
- “expenditure”, in relation to a programme, means—
 - (a) expenditure which constitutes an investment in or is otherwise attributable to the making of the programme; or
 - (b) expenditure on the commissioning or other acquisition of the programme or on the acquisition of a right to include it in a service or to have it broadcast;
- “programme” does not include an advertisement; and
- “regional programme” means a programme made with a view to its inclusion in a national Channel 3 service as a programme of particular interest to persons living within a particular area of the United Kingdom.

288 Regional programme-making for Channel 4

(1) The regulatory regime for Channel 4 includes the conditions that OFCOM consider appropriate for securing—

(a) that **what appears to OFCOM to be a suitable proportion of programmes made in the United Kingdom for viewing on Channel 4 are programmes made in the United Kingdom outside the M25 area;**

(b) that the programmes for such viewing that are made in the United Kingdom outside the M25 area (taken together) **constitute what appears to OFCOM to be a suitable range of programmes;**

(c) that **what appears to OFCOM to be a suitable proportion of the expenditure of C4C on programmes made in the United Kingdom for viewing on Channel 4 is referable to programme production at different production centres outside the M25 area;** and

(d) that **the different programme production centres to which that expenditure is referable constitute what appears to OFCOM to be a suitable range of such production centres.**

(2) Before imposing a condition under this section, OFCOM must consult C4C.

(3) The requirement to consult is satisfied, in the case of the imposition of a condition by way of a variation of a licence, by compliance with section 3(4)(b) of the 1990 Act (obligation to give opportunity to make representations about variation).

(4) A proportion is not to be regarded by OFCOM as suitable for the purposes of a provision of this section if it constitutes less than a significant proportion of the programmes or expenditure in question.

(5) In this section— “expenditure”, in relation to a programme, means—

(a) **expenditure which constitutes an investment in or is otherwise attributable to the making of the programme;** or (b) expenditure on the commissioning or other acquisition of the programme or on the acquisition of a right to include it in a service or to have it broadcast;

and “programme” does not include an advertisement.

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Mark McManus
Simon Stapleton
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Khurram Sheikh
Ray Gillies
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Flo Bird
Joanne Wozencroft
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Peter Trollope
Laura Caveney-Morgan
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nick kenton
Lawrence Fisher
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Sue Keatley
Conor Gilmour
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Glyn Davidson
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Marit Behner
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Lucy
Jimmy McGovern
Colin McKeown
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Cathy Clarke
Alex Ganley