

Your response

<p>Question 1: Which factors have, since the guidance was introduced in 2004, had the biggest impact (positive or negative) on the TV production sector in the nations and regions and why? Are these different to the factors affecting London-based productions?</p>	<p>A positive factor has been the OFCOM regional and national production quotas.</p> <p>A negative factor has been the missed opportunity by Channel 4 to focus its Indie Growth Fund on investments in independent producers from the nations and regions. We hope that this may be partially rectified by the channel's stated plans to open commissioning hubs out of London.</p>
<p>Question 2: What impact, if any, has the BBC's move to Salford had on the sector, and on regional production specifically?</p>	<p>It seems to have had a limited positive impact in the North West region but it is not clear that it has had an effect elsewhere in the UK.</p>
<p>Question 3: Do the opportunities for nations' and regions' producers vary by genre? If so in which genres is it easiest and hardest to get commissions?</p>	<p>In our experience there is a preponderance of factual commissions with, for example, very few entertainment programmes commissioned from the nations and regions. There are also more one-offs and fewer multi-episodic shows.</p> <p>As well as meaning that the commissions are smaller and shorter-running, this has the effect of limiting the experienced specialist skillset available outside London.</p> <p>Budget tariffs also tend to be generally lower outside London, with those in Wales seemingly below those in Scotland, partly because of the genres commissioned but also because of the limited funding allocated to the regions and nations by broadcasters.</p>

Question 4: What are stakeholders' views on the impact anticipated future structural changes in the industry might have on the production sector in the nations and regions?

We believe the commitment by broadcasters to increase their production spend in the nations and regions to be the most effective way of supporting production outside London.

However, an increase in commissioning hubs outside London, as proposed by Channel 4, could be beneficial provided that the hubs are focused in appropriate locations. There is a danger that introducing new production centres across the country in areas without significant available local production talent would spread the production industry too thinly and could result in producers having to recruit from other regions where production centres are already established or even from London, in order to staff their productions.

Question 5: In your experience does the definition of a substantive base work well in practice? If not, how could it be improved?

We believe the substantive base criterion to be the most important of the three criteria in judging whether a production qualifies as genuinely regional/national and Ofcom should consider making this a compulsory qualifying criterion.

We think the definition of substantive base is sound as it is, however, the current system of self-certification is allowing some producers to give the appearance of having a regional or national base which is not accurate.

And it may not be in the interest of broadcasters to examine the producers' statements closely where they are also keen for the programme to qualify as an out of London production.

We would, therefore, recommend Ofcom introduce a new process to ensure this criterion is properly implemented rather than relying on self-certification by producers and broadcasters.

One possible option would be for Ofcom to directly review whether producers have met the substantive base criterion and then issue certification to those who have. Their names could then be published by Ofcom on a list issued to broadcasters who would be encouraged to work with these producers on nations and regions productions.

The list could be updated at regular intervals with new qualifying producers added and those who cease to qualify being removed.

Question 6: Does the criterion currently contribute to the objective to strengthen regional production? If so how, if not why not?

As mentioned in Q5 above, we believe the substantive base criterion to be the most important of the three criteria and we would, therefore, propose that Ofcom consider making this a compulsory qualifying criterion, with one of the other two criteria additionally required, rather than the current “any two out of three” option.

One exemption from this compulsory criterion might be for production companies newly launched outside London with a very low initial turnover, as it is possible that the commitment to a significant overhead cost for senior executives at this early stage might prove prohibitive.

Ofcom might therefore consider allowing such new companies to follow the existing “two out of three” system of qualification for a short period of time and/or until they have achieved a reasonable level of turnover. Again, this would need to be properly monitored to avoid abuses of this exemption as a loophole in the “substantive base” criterion.

Question 7: Are there any circumstances in which an office designated as the usual place of employment of senior or executive personnel should not be considered a substantive base? If yes, please provide further explanation.

Yes - where there is insufficient evidence that this is in fact their usual place of employment.

We recommend Ofcom introduce a method of verifying this, perhaps by requiring that these executives are resident in the nation/region for tax purposes.

Question 8: Does this criterion currently create any unintended consequences?

The consequence of this criterion not being closely monitored or enforced is that productions may be qualifying incorrectly as regional or national.

We are aware that a number of productions are widely thought by those in the industry to be doing so.

<p>Question 9: We would welcome any information/examples from production companies on the range and roles of staff in production offices outside of London.</p>	<p>We have staff at all levels in our production offices in Wales and Scotland, including executive producers, production executives, heads of production, production management, production co-ordinators and technical assistants. We also employ a large number of local freelance staff.</p> <p>We attach a short note on the Tinopolis group's investment in staff training and infrastructure in Scotland by way of illustration.</p>
<p>Question 10: Do producers tend to share space in the nations and regions in order to expand and contract in line with their commissioning slate and thus to help with costs/efficiencies?</p>	<p>We have substantial offices in the nations so we have not found it necessary to share space with third parties. However, this is a sensible practice for smaller companies to reduce overheads as broadcasters rarely make any long-term commitments to commissions.</p>
<p>Question 11: Is the production budget criterion set at the right level?</p>	<p>Yes, subject to our request in Q13 below that overseas spend be added to those costs which are excluded from the calculation so that the criterion becomes <u>70% of the UK spend</u> in a production budget which should be outside the M25, rather than 70% of the total budget less the current exclusions.</p>

Question 12: What challenges do producers face in meeting this criterion? Do these differ dependent on the substantive base of the production?

The substantive base clearly needs to be in a location with sufficient local production talent otherwise the producers must have the resources to train up production staff, as we have done through our companies in Wales and Scotland. Without this it can be difficult to meet the regional spending and staffing criteria.

Producers also face a challenge in establishing and growing production businesses in the nations and regions without a commitment by broadcasters to support their efforts by providing long-term commissions such as returning series.

As mentioned in Q5 above, certification by Ofcom of a producer's qualifying status might have the effect of encouraging broadcasters' commitment to nations and regions productions.

Question 13: Does this criterion currently create any unintended consequences?

Yes, regionally-based producers who shoot programmes or film events overseas which necessarily involve a substantial overseas spend, such as sporting events staged abroad, can find it very difficult to spend 70% of the budget in the UK outside the M25.

This is a particular issue for the sports and drama producers in our group who are based in Scotland and Wales.

We, therefore, request that OFCOM consider adding overseas spend to the list of exclusions from the calculation of qualifying spend.

Thus it would become 70% of the UK spend which was outside the M25, which we believe was the intended consequence of this criterion.

A similar issue arises in respect of production talent on regional productions filmed overseas - which we refer to later in this response.

Question 14: We welcome any evidence/data of how production budgets for nations' and regions' productions work in practice.

Question 15: Is the off-screen talent criteria set at the right level?

We have been committed for many years to hiring and training local production staff in Scotland and Wales so we generally far exceed the minimum level, but for practical purposes we believe 50% is appropriate as a qualifying criterion.

However, we have one proviso (as mentioned earlier in regard to production spend) which is that regional productions such as sports events which necessarily involve a lot of overseas filming may also require that a significant number of the production talent are hired abroad, usually in the country in which filming is taking place.

We would, therefore, request that overseas-based talent be excluded from the calculation so that the criterion becomes 50% of the UK-based talent which should have their usual place of employment outside the M25.

Question 16: How easy or difficult is it for programme makers to fulfil the current criterion?

Please see Q17 below.

And please also see above in relation to regional/national productions filmed overseas.

<p>Question 17: Is there a representative spread of nations' and regions' talent at all levels available to hire? Are there certain roles where it is not possible to fill roles from the nations and regions alone? If yes, which roles and what impact does this have on production budgets?</p>	<p>As we have mentioned above, the Tinopolis group of companies have for many years hired production staff in the nations and trained local talent for roles on our productions. We have therefore been able to fill most roles from the respective area.</p> <p>Often production staff trained by one of our companies will then be employed by another – an example of this being staff trained by Sunset+Vine for their Glasgow Commonwealth Games coverage who were subsequently hired by Mentorn on Robot Wars, which is also produced in Glasgow.</p> <p>As mentioned above, we attach a short note on the Tinopolis group's investment in staff training and infrastructure in Scotland by way of illustration.</p> <p>One role we have found difficult to fill locally is that of experienced series producers. This is a direct result of the nature of out of London commissions because there are not enough multi-episodic series commissioned outside of London for production talent to gain experience in such shows.</p>
<p>Question 18: Do broadcasters give producers the flexibility to employ the staff they want regardless of location?</p>	<p>We have found that programme commissioners based outside London are very supportive of hiring local staff while London-based commissioners are much less so, only asking that we fulfil the qualifying requirements.</p> <p>This can be particularly true of key senior roles on productions where the broadcaster may wish to specify an executive producer of their choosing regardless of that person's place of residence.</p>
<p>Question 19: Which roles, if any, are most often prescribed by the broadcaster? Does this vary by genre?</p>	<p>The senior roles, such as series producer, executive producer, editor.</p>
<p>Question 20: Does this criterion currently create any perverse incentives?</p>	

<p>Question 21: We welcome any evidence to suggest whether the distribution of off-screen talent and the range of skills available has changed since this level was set in 2004.</p>	<p>We believe the position has improved largely because of the commitment by companies such as ours to hiring and training local production talent.</p>
<p>Question 22: Are the three criteria used to define a regional production for the purposes of the quotas the correct ones or are there other factors that should now be included instead/ as well?</p>	<p>We believe the criteria are correct subject to being properly implemented and subject to the substantive base criterion being compulsory for all productions.</p>
<p>Question 23: How well do the criteria collectively contribute towards the sustainability of the production sector outside of the M25?</p>	<p>They have been a step in the right direction but would be more effective if properly enforced.</p>
<p>Question 24: Are there any unintended consequences of the criteria or guidance more widely that undermine the sustainability of the sector beyond the M25?</p>	<p>As mentioned earlier, the current treatment of overseas spend has the consequence of limiting the type of programming that can be produced out of London.</p>
<p>Question 25: Are the criteria too narrow? For example, are there cases of nations' and regions' productions that fail ultimately to qualify towards the regional production quota?</p>	<p>As mentioned above, nations' and regions' productions which are necessarily filmed overseas, such as major sporting events, may struggle to qualify for the percentage of budget and/or percentage of production talent criteria.</p>
<p>Question 26: Is the criteria-based approach the best for regulation in this area, or are other models that might work better?</p>	<p>We believe the criteria-based approach to be effective but only where it is being properly implemented rather than relying on a system of self-assessment.</p>
<p>Question 27: In your experience how big a role does London play in nations' and regions' productions and in what way?</p>	<p>London plays a major role because most broadcasters are situated in London. There is a lack of commissioners in the nations and regions and those who are there tend to have smaller budgets and less hours to commission.</p>

<p>Question 28: What benefits/disbenefits do you consider 'Lift and Shift' production brings to the nations and regions? We would welcome case studies/examples of 'Lift and Shift' productions.</p>	<p>We believe lift and shift can be beneficial provided it is not simply a box-ticking exercise by a broadcaster.</p> <p>If the producer takes the opportunity to hire production talent from the new base for the respective show then it can be a very positive process.</p> <p>An example of this would be Question Time, produced by Mentorn for the BBC, which was moved at the BBC's stipulation to our Glasgow base a few years ago. We took steps to recruit and train local production staff at all levels, right up to series editor.</p>
<p>Question 29: Does 'Lift and Shift' help or hinder the sustainability of production in the locality of a production and in the nations and regions more widely?</p>	<p>We appreciate that there is some understandable opposition to this practice from smaller regional producers who argue that it helps broadcaster quotas but does not grow local production businesses.</p> <p>However, as set out in Q28 above, we believe it can benefit not simply the production concerned but also the wider local production community provided the producers take the opportunity, as we do, to hire and train new local talent on the lifted and shifted programme. This then helps to sustain and grow the talent base in the area concerned.</p>
<p>Question 30: Are there different parts of the production process which are more likely to happen in/out of London?</p>	<p>Post-production.</p> <p>We have our own in-house post-production facilities in Scotland and Wales so we are able to edit programming locally. However, a large percentage of post-production houses are London-based so editors are attracted to work in London, thus limiting the availability of experienced editors in the nations and regions.</p> <p>This has been an issue for us in finding experienced editors locally for our Scottish productions.</p> <p>And companies without in-house facilities will often find it necessary to post-produce in London for this reason.</p>

<p>Question 31: We would be interested in receiving evidence or case studies from stakeholders which could develop our understanding of the contribution that regional productions currently make to representation and portrayal of the nations and regions in order to gain a sense of the scale of this consequential benefit.</p>	<p>It is strongly felt by our producers in the nations and, we understand, by the Scottish and Welsh public that the nations are underrepresented in programming.</p> <p>We believe it would be most beneficial if there was an increase in the representation and portrayal of the nations and regions in both local and UK programming.</p>
<p>Question 32: Does the process by which productions are allocated to a nation or macro-region work well in practice, or are there any other approaches you think we should consider instead? E.g. allocating proportions of one title to the different areas in which it was made.</p>	
<p>Question 33: Where a production has met the three criteria in different nations/ macro-regions the allocation defaults to the substantive base. Is this the right approach or does it deliver unintended consequences?</p>	
<p>Question 34: Is there anything else we need to take into consideration here? E.g. are the current nations and macro-regions the right areas to use for allocations?</p>	
<p>Question 35: Are the on-screen criteria used to judge regionality appropriate, or are there other factors that should now be included instead/ as well?</p>	
<p>Question 36: Are the three criteria used to determine whether a regional programme was made in the area for which the service is provided appropriate, or are there other factors that should now be included instead/ as well?</p>	
<p>Question 37: Are there any other aspects of the regional programming section of the guidance which require more detailed review?</p>	

<p>Question 38: What is useful about the current 'Made outside London programme titles register' and why?</p>	<p>We appreciate that the register is intended as a means for Ofcom to provide transparency in its assessment of the broadcasters' reported fulfilment of their quotas.</p> <p>However it is, of course, only useful to the extent that it is accurate. Our concern, as expressed in this submission, is that because the criteria are not being properly implemented the statistics reported in the register will not give an accurate picture of the true position.</p>
<p>Question 39: Are there ways in which the Register could be improved? If yes, how?</p>	<p>As above, by improving the accuracy of the report through proper enforcement of the qualifying criteria.</p>
<p>Question 40: Is there additional information which could be included in the Register to aid transparency?</p>	
<p>Question 41: Are there any other ways in which we could improve the transparency of our reporting?</p>	
<p>Question 42: Are there other issues stemming from the guidance that are not addressed in this Call for Evidence? If yes, please set out what they are.</p>	

Please complete this form in full and return via email to madeoutsidelondonreview@ofcom.org.uk or by post to:

Made Outside London Review Team
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA



TINOPOLIS IN SCOTLAND

NOTES TO THE OFCOM CONSULTATION RESPONSE BY TINOPOLIS GROUP

QUESTIONS 9 & 17 – ADDITIONAL INFORMATION

As one of the largest independent production companies in Scotland, we are committed to continuing to create employment opportunities for local crews and talent and to also support industry growth in Scotland, generating significant economic benefits to the nation.

Our company originates in Wales and still has its headquarters in Llanelli despite growing into a major international television group, so Tinopolis understands more than most the importance of building a long-term future in the nations, and three of our largest companies have substantive bases in Glasgow: Sunset+Vine, Mentorn and Firecracker Films.

Tinopolis has invested heavily in creating a sustainable business in Scotland. Mentorn's Robot Wars was only made possible through a 7 figure investment by Tinopolis in the Glasgow production hub, facilities and set, and we have expanded our senior executive team in Glasgow to support this with a commitment to develop further entertainment opportunities from Scotland.

Tinopolis has excellent office facilities in the centre of Glasgow and has invested significantly in an internal post production facility to ensure that our programmes use local craft as well as production talent.

Sunset+Vine Scotland

Sunset+Vine Productions has had a Glasgow production base for many years, producing sports programming such as the Commonwealth Games and Scottish Football.

CASE STUDY – COMMONWEALTH GAMES GLASGOW 2014

Sunset+Vine initiated a training scheme in the run up to the Commonwealth Games in Glasgow, which saw nearly 600 students from universities and colleges across Scotland trained to operate in various TV disciplines.

There were 260 trainees working on the Games themselves in areas such as camera and sound assistants, loggers and runners. It was funded by the Scottish government and deemed to be a great success.

We have continued our commitment to supporting and mentoring those trainees and many are still working in the industry, some for BBC Scotland, some for Sunset+Vine on the Scottish football and several joined Mentorn for the production of Robot Wars.

Mentorn Scotland

Mentorn Scotland was established in 2002 and continues to grow year on year. Currently headed by Paul Murray, a BAFTA Scotland, RTS and Banff Rocky award winning producer and creative director, Mentorn has had a continuous and substantial production and development base in Scotland for 16 years, devising and delivering content for multiple broadcasters, adding up to hundreds of hours of original programming. Including Robot Wars – BBC 2, Question Time – BBC 1, The Big Questions – BBC 1, How Scotland Works - BBC1 Scotland, Cold Case – C4, Hotel of Mum and Dad –BBC3, Britain’s Poshest Nannies – ITV1.

CASE STUDY - QUESTION TIME

Question Time has been produced from Glasgow since August 2011. In those seven years Mentorn Scotland has developed a strong production talent base by giving talented young producers a chance to shine on a big network show. Some examples include:

- One of Question Time’s first Glasgow-based Assistant Producers went on to be Assistant News Editor for BBC Scotland, and was named as one of the dozen members of the BBC News & Current Affairs under 30s Panel.
- Mentorn Scotland recruited a graduate from the Broadcast Journalism course at the University of the West of Scotland and gave him his first full-time job in journalism as an Assistant Producer for Question Time.
- Mentorn Scotland hired one of BBC Scotland’s Referendum trainees who has been quickly promoted as he has grown in confidence and experience.

As a tribute to the quality of the production team at Mentorn Scotland, Jonathan Munro who was responsible for the BBC’s Referendum broadcasting wrote after the vote, ‘I just wanted to say to the fabulous team at Mentorn that it’s been an absolute pleasure working with you over the last few weeks and...what the viewers don’t see is the highly impressive machine behind the programmes - technical, production and editorial.’