

Ofcom review of proposed BBC Scotland television channel

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Question 1

Do you consider that the BBC's published proposals are clear in relation to their scale (both in terms of financial resource and in terms of reach and type of content) and the timescales for implementation? If not, please provide details of the areas where you feel more clarity is required

1.1

The published proposals are clear enough. To those who seek more detail, I would say: remember the lessons of the launch of Channel 4. It takes time for a new channel to establish itself and achieve success in critical and popular programming.

At this stage, any proposal by the BBC has to be general and flexible.

Much depends on the creative ideas and pitches made by the independent production sector as well as in house BBC Studios etc.

Further, it is clear that the investment being made by the BBC has the potential to help production companies such as STV for example rather than provide evidence of negative market impact for such competitors.

As Creative Scotland argues: "*the BBC... should consider how the channel can best support new and emerging drama writers and directors in Scotland.*"

By definition, such programming cannot be easily defined until we are much further on in the commissioning process. We need to free and support creative talent. Ofcoms' role is to provide an overall regulatory framework via light touch regulation –where and when appropriate - which supports innovation, competition and investment.

Like the IBA before it, Ofcom needs to agree overall aims and objectives; accept that this proposal is a valuable and necessary addition to UK public service broadcasting- taken as a whole and let the broadcasters get on with it.

The BBC Board has decided that the proposal passes the Public Interest Test. I concur and so should Ofcom.

This would support a decision to apply only the 'Shorter Assessment'

While it is important for OFCOM to pay due attention to what is- in effect- the Market Impact Assessment of the previous Public Value Text – PVT, OFCOM also needs to respect its first duty under the Communications Act (2003)

Clause 3.1 (a)

It shall be the principal duty of OFCOM, in carrying out their functions –

(a)

to further the interests of citizens in relation to communications matters

This being the case, it is undoubtedly clear that the new channel should be given the go ahead as soon as practicable also on the grounds of the citizen interest.

This is especially needed to address the problems of representation and portrayal identified in OFCOM's own research- over many years. Ofcom has not given enough or priority to these – over many years.

Giving the go ahead for the new channel is at least one step towards addressing these issues.

1.2

One area where there is a need for more clarity – not for such as to prevent adopting the 'Shorter Assessment'- is in the BBC's public commitment- not just rhetoric – to ensure that the BBC as a whole provides full support to and for the new channel

If the Channel is not a success, the BBC's overall reputation will suffer. The channel has to be a success and maximise its offer across all platforms and internationally- including with the Scots diaspora.

Pact claim in their submission to the BBC that 'the resale value of BBC Scotland content is notoriously low' This has to change More specifically

a)

Funding

Other submissions and the BBC's own research are clear that there are substantial concerns about whether or not the proposed funding is enough.

In part this is the 'Scottish cringe' with some thinking we cannot achieve sufficient quality. However, the need for expenditure in Scotland to more

closely mirror the level of licence fee raised in Scotland is clear and needs to be met.

There must be an increased budget for this channel to take it much closer towards the budget proposed for the Scottish Digital Network as recommended a decade ago by the Scottish Broadcasting Commission under the able chairmanship of Blair Jenkins

b)

Operational Matters

It is a matter of record that there were problems with the handover etc between Newsnight and Newsnight Scotland. At times, to this member of the audience, it felt as though the latter was being treated as a junior and unwelcome addition to the BBC's provision.

There must be unequivocal support, at all levels of the BBC, not just senior management speeches, for this new channel.

The BBC needs to monitor closely and take whatever action is needed and speedily to ensure that the news hour in particular receives full support from all the BBC's staff and resources.

For too long, BBC Scotland and the content it makes has been seen as 'for viewers in Scotland' The time has surely arrived when BBC Scotland programmes should be on the network, at prime time and regularly.

This includes 'River City'

c)

Timescales

However, the timescales for implementation are very tight and if the new channel is to be the success we all hope it will be, the commissioning and filming of original product for transmission in the first few months of the channel needs to be well under way by now.

Given this, **it may be that the channel would do better to come on air in February 2019**, a month when, for a variety of factors- weather, recovery from Xmas and new year expenditure etc- audiences for linear television are relatively upbeat.

Question 2

Did the BBC's consultation process provide a suitable opportunity for you to set out your views fully? If not, please provide details

YES

Question 3

*Because the BBC's proposal involves the introduction of a new public service channel, we do not consider that further analysis is required to determine materiality. If you disagree, please explain why you consider the BBC's published proposals are **not** material.*

I agree with Ofcom's conclusion

Question 4

Please explain whether you consider Ofcom should undertake a BCA or a Shorter Assessment of the BBC's proposal.

I agree that no further analysis is required. Indeed it can be argued that Ofcom's commitment to being a 'light touch' regulator would require such a decision and policy to be adopted in this case.

Question 5

Do you agree with the BBC's assessment in its public interest test about the potential public value and/or market impact of the proposal? Please provide any additional information you may have to explain your view.

5.1

In relation to market impact assessment, for example consider this statement from the Ofcom's 2017 Communications Market Report. Referring to the Scottish Government's Production Growth Fund, Ofcom reported that

"In June 2017 it was revealed that the fund had generated £17.5m for the economy – returning £10 for every pound spent. At the same time, the Scottish Government announced it was putting in an additional £250,000. "

In December 2016 the Scottish Government and Creative Scotland had announced that they would provide an additional £1.25m to incentivise film and high-end TV production

To which one can only say: why not invest more, SG? And the BBC's increased investment in Scotland should be welcomed by all and in time increased.

5.2

In relation to Ofcom and the BBC's own research into representation of the nations and regions it is abundantly clear that **both** Ofcom and the BBC need to take tangible steps to improve performance.

In particular, Ofcom has failed to meet its duties under the Communications Act (2003) in relation to:

Part 3: chapter 4 (264 – 6)

1. (b)

that cultural activity in the United Kingdom, and its diversity, are reflected, supported and stimulated by the representation in those services (taken together) of drama, comedy and music, by the inclusion of feature films in those services and by the treatment of other visual and performing arts;

2. (c)

that those services (taken together) provide, to the extent that is appropriate for facilitating civic understanding and fair and well- informed debate on news and current affairs, a comprehensive and authoritative coverage of news and current affairs in, and in the different parts of, the United Kingdom and from around the world;

7 (i)

that those services (taken together) include what appears to OFCOM to be a sufficient quantity of programmes that reflect the lives and concerns of different communities and cultural interests and traditions within the United Kingdom, and locally in different parts of the United Kingdom;

8 (j)

that those services (taken together), so far as they include programmes made in the United Kingdom, include what appears to OFCOM to be an appropriate range and proportion of programmes made outside the M25 area

Had OFCOM and the BBC taken the opportunities – over many years- to improve PSB performance in Scotland, taken as a whole, there might well have been higher levels of consumer and citizen satisfaction with- and trust in- broadcasters and broadcast news.

In my judgement Ofcom has failed to meet satisfactorily the duties required of it in Part1. Section 15, clause 1b of the Communications Act 2003

It can be assumed that the new BBC channel will provide Scottish, UK and international news which is in tune with the audience. It is to be hoped that OFCOM will help its other licensees- eg ITV UK news provision - to take due account of the success of this and STV' s news coverage on the news hour on STV2 to improve the quality of UK news reporting as a whole. This action by Ofcom is long overdue. I have written to Ofcom about this but no action has been taken

5.3

BBC ALBA

The BBC is committing a further £1.2m annually to BBC Alba.

Given the very successful track record of BBC Alba, it is eminently sensible – on a number of levels for there to be a further increase in funding.

There is a viable case for ring fencing some of the new channel budget for multi- language commissioning.

In addition, the new channel should- as MG Alba argues

‘seek to have a positive impact on BBC ALBA, helping to build the BBC ALBA audience and not take away from it’... We also see this as an opportunity for the BBC to significantly increase its promotion and cross-trailing of BBC ALBA, enticing audiences from one channel to the other to access high quality content. It is essential to get this right.

(MG Alba submission to BBC)

Indeed so.

*Professor Robert Beveridge
December 2017*

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https://www.ofcom.org.uk/__data/assets/pdf_file/0015/105144/scotland-tv-audio-visual.pdf