

Scottish Screen is the national government-backed agency responsible for developing all aspects of screen industry and culture across Scotland, focusing on the following five priority objectives:

1. **Education** – to ensure that people of all ages and backgrounds are inspired and equipped to analyse, appreciate, explore, create and share screen media;
2. **Enterprise and Skills** - to ensure that there are appropriate levels of skilled individuals and viable companies to sustain all aspects of the screen industries across Scotland;
3. **Inward Investment** - to promote Scotland as a dynamic, competitive and successful screen production hub;
4. **Market Development** - to ensure that the widest range of screen product reaches and is appreciated by a diversity of audiences;
5. **Talent and Creativity** - to identify nurture, develop, support and progress Scotland's screen talent and screen production companies.

Scottish Screen welcomes this opportunity to comment upon Ofcom's proposed work programme for the year to March 2010. We are particularly concerned that the specific needs of Scotland's screen industries and culture should be adequately reflected in Ofcom's work schedule.

Ofcom's 2nd Public Service Broadcasting Review

Ofcom's 2nd Public Service Broadcasting Review has clearly illustrated that, although broadcasting remains a matter reserved for Westminster, securing the future of broadcasting in Scotland cannot be achieved by the adoption of a uniform UK-wide policy approach. Scotland faces distinctive opportunities and threats which have been comprehensively assessed in the work of the Scottish Broadcasting Commission (SBC), whose final recommendations have received all-party support at Holyrood. We welcome Ofcom's recognition of the role of the devolved government of Scotland in its statement that:

"The PSB Phase 2 consultation closes on 4 December 2008. Based on the responses we receive to this consultation, we will publish a final statement early next year, which will explain how the proposals will be translated into the regulatory framework. We will also make clear recommendations to the UK central and devolved governments to assist them in making their decisions on the future framework for public service broadcasting."¹

Of course Ofcom has subsequently published its Final Statement and Recommendations,² stating that:

"It will now be for the UK and Scottish Governments to consider these models and the associated issues of funding in order to decide what is best for Scottish viewers and citizens. Fresh research on the future needs and preferences of audiences of Scotland in the light of these new developments may be the first next step."³

We also believe that continuing engagement from Ofcom - and/or other relevant UK bodies - is needed in order to develop greater clarity on the key issues for Scotland, including: the SBC's key recommendation of a new dedicated digital network for Scotland; the longer term

¹ Ofcom, *Draft Annual Plan 2009/10*, 4 December 2008, par. 5.34, pp.25-26, at <http://www.ofcom.org.uk/consult/condocs/draftap0910/draftap0910.pdf> .

² *Ofcom's Second Public Service Broadcasting Review: Putting Viewers First*, 21 January 2009, at http://www.ofcom.org.uk/consult/condocs/psb2_phase2/statement/psb2statement.pdf .

³ *Ofcom's Second Public Service Broadcasting Review: Putting Viewers First*, 21 January 2009, par. 9.58, p. 94, at http://www.ofcom.org.uk/consult/condocs/psb2_phase2/statement/psb2statement.pdf .

future for both stv as a PSB and of the ITV networking arrangements; and the so-called 'Scottish 7th MUX' option. We further note that the SBC had indicated that the influence and responsibilities of Ofcom Scotland should be strengthened and there should be specific representation for Scotland on the main Ofcom Board (at UK level) and look forward to hearing more on this.

Digital Britain Review

It is essential for Ofcom's stakeholders that its own role in determining the future structure of the communications and broadcasting industries is clearly defined, particularly vis a vis the roles of both Lord Carter's *Digital Britain* review and the work of the Convergence Think Tank (CTT). We note Ofcom's own recognition that:

"The development of a new strategic framework will look at how our role may need to change in the longer term, and will consider the implications for Ofcom of the work that the government has been conducting through the Convergence Think Tank (CTT) and in the *Digital Britain* project:

- The CTT, led by a joint DCMS / BERR steering group, has been established to identify the impact of convergence on the media, the communications industry and consumers. We have supported the activity of CTT, which is due to publish its findings in early 2009.
- '*Digital Britain*' is a government review of the digital media and communications industries that over the coming months will develop an action plan for these key sectors of the UK economy. We welcome this initiative and we plan to work with the relevant departments, where possible, to help shape *Digital Britain*, given the likely impact that this review may have across the communications sector.

The work that will lead to the publication of a new strategic framework will consider a wide range of issues affecting the long-term evolution of the communications sector and the evolution of the frameworks for regulation. One of the purposes of this consultation document is to seek views on which elements should be contained within the new strategic framework."⁴

Next Generation Access

While it is clear that the *Digital Britain* review will be looking at Next Generation Access, we also note that Ofcom will be:

"Publishing a consultation document on the regulatory issues raised by next generation core networks deployments, early in 2009, and following this up with stakeholder engagement and a further publication during the 2009/2010 planning year."⁵

We trust that the welcome reference to the different timescales and geographical coverage to which Ofcom refers is given sufficient prominence in its analyses:

"Super-fast broadband is becoming a reality in the UK. Virgin Media, BT and several new entrants have all announced detailed plans for next generation access network deployment, although with different timescales and geographical coverage."⁶

⁴ Ofcom, *Draft Annual Plan 2009/10*, 4 December 2008, paragraphs 5.68-5.69, pp.34-35, at <http://www.ofcom.org.uk/consult/condocs/draftap0910/draftap0910.pdf> .

⁵ Ofcom, *Draft Annual Plan 2009/10*, 4 December 2008, par. 5.16, p.23, at <http://www.ofcom.org.uk/consult/condocs/draftap0910/draftap0910.pdf> .

⁶ Ofcom, *Draft Annual Plan 2009/10*, 4 December 2008, par. 5.11, p.22, at <http://www.ofcom.org.uk/consult/condocs/draftap0910/draftap0910.pdf> .

We welcome Ofcom's recognition that the challenges are not just about availability of infrastructure, but also about broadband take-up:

"We are currently reviewing our approach to tackling barriers to digital inclusion. In particular, in the light of the growing importance of mobile and broadband, we are assessing gaps in relation to availability, take-up and use of these services. For example, when higher speeds services are considered, such gaps become more relevant, especially in parts of Wales, Scotland and Northern Ireland. We are working to understand what more we could do to address barriers to digital inclusion, either directly or in a facilitative role. This work also allows us to participate effectively to the upcoming debate on a broadband Universal Service Obligation, led by the European Commission, and to the UK government's *Digital Britain* and *Digital Inclusion Action Plan* initiatives. In 2009 we will consult on new proposals on how we should focus our efforts to promote digital inclusion."⁷

The recently reported low levels of take-up in Glasgow indicate the urgency of improving our understanding of the obstacles to broadband penetration.

Media Literacy

As one of our priority objectives is to ensure that people of all ages and backgrounds are inspired and equipped to analyse, appreciate, explore, create and share screen media, Scottish Screen looks forward to working with Ofcom and other partners on supporting media literacy in Scotland:

"We will also work with government to take forward media literacy initiatives arising from the *Digital Britain* report, announced in October 2008. This work prioritises empowering consumers and citizens, to ensure they are fully equipped to take advantage of the opportunities that convergence brings.

Using our research as a catalyst for action, we will bring together organisations involved both in schools and in life-long learning. Together we will consider how best to coordinate the various strands of work to promote media literacy that are currently under way as a result of initiatives such as the *Byron Review* and the *Children's Plan*."⁸

European and International Policy Development

As Ofcom recognise, EU policy and legislation plays an increasingly important role across the broad spectrum of communications:

"Wider external developments in recent years have highlighted the need for us to focus on communications policy-making at an international level. At the European level, we will engage with the development and implementation of EU legislation - there are several critical areas of EU-level policy development for us to focus on in 2009/10. We will:

- continue to work with the UK government and engage at a European level to ensure that the interests of UK citizens and consumers are fully represented in the review of the European Framework for electronic communications, as well as other ongoing initiatives which have an impact on the communications sector, such as the *Roaming Regulation* and the *EU Consumer Rights Directive*;

⁷ Ofcom, *Draft Annual Plan 2009/10*, 4 December 2008, par. 5.27, pp.24-25, at <http://www.ofcom.org.uk/consult/condocs/draftap0910/draftap0910.pdf> .

⁸ Ofcom, *Draft Annual Plan 2009/10*, 4 December 2008, paragraphs 5.42-5.43, pp.26-27, at <http://www.ofcom.org.uk/consult/condocs/draftap0910/draftap0910.pdf> .

- actively input, directly and where appropriate, through the European Regulators Group (ERG), to the Commission's future policy thinking in key areas such as NGA, termination rates, universal service, access and inclusion, media literacy, and online content; and
- contribute, if the Commission brings forward proposals, to the review of the *Ecommerce Directive* and the *Conditional Access Directive*.⁹

We believe that Ofcom can and should play an important role in ensuring that the needs and aspirations of the UK's devolved nations are not neglected via its engagement with EU-policy.

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⁹ Ofcom, *Draft Annual Plan 2009/10*, 4 December 2008, par. 5.63, pp.33-34, at <http://www.ofcom.org.uk/consult/condocs/draftap0910/draftap0910.pdf> .