

Question 1: What are your views on the continued relevance of Ofcom's three-year strategic framework for its work in 2008/09?:

The UK Film Council believes that Ofcom's three year strategic framework remains broadly correct. In particular, we agree that convergence, as described at paragraphs 4.7 ff, can bring benefits to both citizens and consumers. But some developments associated with convergence may also raise challenges for delivering public interest objectives, as noted at paragraph 4.39.

However, the UK Film Council is very disappointed that once again there is no explicit reference to film in Ofcom's Draft Annual Plan, given the very prominent role film has in public policies for developing the UK's creative economy and also given that it is playing a very important part in the development of new services such as video-on-demand. We would also note the centrality of film to the Ofcom investigation of the pay-TV industry.

Question 2: What are your views on Ofcom's proposed policy work programme and top priority areas for 2008/09?:

The UK Film Council welcomes the general direction of the proposed policy work programme.

It is pleasing to see that the top priority areas include reviewing models for public service broadcasting, promoting media literacy and engaging in the development of new EU legislation.

We welcome Ofcom's focus on considering how the public interest can be most effectively delivered in a convergent world as set out at paragraph 4.43. As a strategic public body, the UK Film Council has undertaken a significant amount of work on developing a framework to help assess how public policy for the moving image, and film in particular, can advance public interest objectives and we would be happy to share this work with Ofcom.

The UK Film Council welcomes the emphasis given to the Public Service Broadcasting (PSB) Review at paragraphs 6.25-6.29. The PSB Review will be an important mechanism for securing the public interest in a digital age. We also welcome the explicit emphasis given to access and inclusion in the Draft Plan, and at paragraphs 6.19-6.24 specifically, given that some 35% of the UK population do not have internet access, and given the importance of new platforms and services in promoting media literacy and education and learning more generally. The role of media literacy in helping to address issues of access and inclusion is usefully referenced at paragraph 6.35. The emphasis on 'older people and disabled consumers' is welcome but it will also be important to give due attention to those who find themselves on the wrong side of the digital divide because they cannot afford services.

But Ofcom is neglecting another important driver of inclusion: relevant UK content, and in particular the role that an enhanced variety of films could play in assisting the take-up of new services. An increased range of UK films and other under-represented UK content, on digital platforms would encourage take-up by viewers faced with US-

dominated schedules and on-demand offerings. We would encourage Ofcom to develop a policy which prioritises UK film and other forms of under-represented UK content as a means of helping it to fulfil its goals around access and inclusion.

As the Draft Plan notes (paragraph 6.11), there ‘may also be citizen interest considerations’ around the development of next generation access (NGA) networks, including ‘issues around availability of services’.

We welcome the paragraphs on media literacy at 4.49 and 4.50 and at 6.32-6.37 and especially Ofcom’s statement that it will ‘continue working with other public bodies’ (paragraph 4.50) in this area - as a member of the Media Literacy Task Force we believe that Ofcom’s role as an observer on the Task Force has been valuable and we look forward to continuing to work together. However, we would like to see a stronger focus on the opportunities that arise from digital services, for example around informal education and learning. As framed, these paragraphs highlight the risks associated with new services and new forms of access with insufficient emphasis on the benefits both to the individual, to communities and to society as a whole.

As noted at paragraph 4.58 the implementation of the Audio Visual Media Services Directive is a key issue. The UK Film Council looks forward to working alongside Ofcom and the Department for Culture, Media and Sport (DCMS) and the Department for Business, Enterprise and Regulatory Reform (BERR) in implementing the elements of that Directive which are relevant to film and media literacy.

Question 3: Are there new or additional areas in which Ofcom should consider reducing regulation and work to minimise administrative burdens? Please provide specific examples.:

We have no issues to raise in response to this question.

Question 4: Are there additional areas of international policy development that Ofcom should be contributing to? Please provide specific examples.:

The UK Film Council welcomes Ofcom’s decision to prioritise engagement with development of new EU legislation and its engagement with international policy development more generally.

Some of the draft legislative proposals relating to electronic media which emerge at EU level can have potentially damaging consequences for the public interest and the development of the UK’s creative economy.

In this regard, in addition to the areas identified at 6.41 and 6.50 we would identify the following areas at EU level which we believe Ofcom needs to pay close attention to:

- The development of spectrum policy, to ensure that the policy developed by Ofcom for the Programme Making and Special Events (PMSE) sector is not derailed by EU

policy

- The Communication on Creative Content Online, to ensure that any firm proposals which are developed in the wake of the Communication are consistent with UK policy for the electronic media, We would also like to see Ofcom use this opportunity to engage seriously with issues of intellectual property and copyright theft and infringement as raised in the Communication. The UK Film Council has done a good deal of work in this area, and would be pleased to work with Ofcom in further developing UK policy lines on this issue.

- The Consultation on the Future Framework for State funding of Public Service Broadcasting. It is crucial that Ofcom takes a robust line on this consultation to ensure that the UK Government is able to make state funding available for public service broadcasters in a manner that is appropriate in the digital age, and in a way that enhances the diversity of UK culture.

Additional comments:

The UK Film Council is the Government-backed lead agency for film in the UK. Our goal is to help make the UK a global hub for film in the digital age, with the world's most imaginative, diverse and vibrant film culture, underpinned by a flourishing, competitive film industry.