

**Ofcom consultation: Annual Plan 2005/06
Response to consultation**

3 March 2005

UK Film Council

Overview

- 1) The UK Film Council's interest in Ofcom's annual plan stems from the duty on Ofcom and on licensed broadcasters, as well as on the Welsh Authority and the BBC, to ensure that

“that cultural activity in the United Kingdom, and its diversity, are reflected, supported and stimulated by the representation in those services (taken together) ... by the inclusion of feature films in those services”

(Communications Act 2003, 264 (6) (b))
- 2) The UK Film Council is the UK government's strategic body. It has been agreed with the government that it will work with broadcasters and regulators to help carry out its duties.

Questions

Question 1: *Do you agree with our outline proposals for our three year planning horizon?*

- 3) A general issue is that there are no timescales or levels of priority given to activities within the Plan. We understand that this is acknowledged by Ofcom, along with the need for greater clarity.

Question 2: *Do you agree with the broad priorities identified for 2005/06?*

- 4) The broad priorities identified for 2005/6 as set out in Para 3.1 and elaborated in the rest of Section 3 are in some instances expressed in rather general terms so that it is difficult to assess the intention and scope of the activity being described. For example, Para 3.30 refers to “setting the agenda for media literacy.” This is an initiative in which the UK Film Council is strongly engaged, working closely alongside the British Film Institute, the BBC and Channel 4 as well as with Ofcom itself. The UK Film Council and its partners are currently finalising a Media Literacy charter to underpin our work: this goes considerably beyond “concerns relating to emerging technology” and embraces the full scope of media literacy obligations set out in the Communications Act. The extent to which Ofcom is engaging with media literacy in this fuller sense remains unclear. We are also concerned that, at the consultation seminar on the Ofcom annual plan, it emerged that a very low level of resources, £500k, is apparently earmarked for media literacy.
- 5) Likewise, in the section, *Understanding future developments* (Paras 3.44 ff..) it is unclear whether Ofcom is intending to participate in ongoing initiatives developed both by the government and by the industry to explore ways of combating intellectual property (IP) theft.. IP theft is assuming ever greater proportions with the spread of broadband. The issue of IP theft or piracy is not mentioned. At a European and global level, the need to create an environment in which legal services can emerge is widely recognised with its implications for security, access and enforcement. One of the key themes in the emerging debate is likely to be the responsibility of

operators and service providers to identify and deter illegal services. The UK Film Council believes that Ofcom has a leading role, both in the UK and across Europe (especially given its chairmanship in 2006 of the European Regulators' Group) in promoting and informing discussions on this topic. We believe the Annual Plan should make reference to the need to develop legal services as well as to the general topic of combating IP theft.

Question 3: Are there areas/issues not covered in this Plan which Ofcom should consider adding to its priorities?

- 6) The Communications Act vests Ofcom with duties to promote diversity and inclusion. The only reference to Diversity in the Annual Plan comes in Section 6 ("Working Effectively") in the Outline Work Programme (Annex 3) and it is confined to three areas: an internal integrated diversity strategy, a Welsh Language Scheme and an equality scheme under the Northern Ireland Act. We would have expected a rather fuller and better-articulated strategy relating to both the delivery of and access to content and services. Diversity and inclusion relates to how the communications sector operates, how the sector is perceived by citizens and consumers, and the sector's crucial contribution to the furthering of wider policy goals for diversity and inclusion.

We wish to see Ofcom publish, at the earliest opportunity, the conclusions of its review of programme policy statements and in particular its conclusions on the extent to which the broadcasters have fulfilled their statutory duties towards film as specified in Clause 264 of the Communications Act.

Question 4: Have we identified properly the interests of different stakeholder groups, and the impact of our plan on those groups?

- 7) We believe that the Plan pays insufficient attention to the issue of diversity and specifically does not reflect the breadth of the issues covered by diversity. The plan makes no mention of issues relating to ethnic minorities, for example.

Question 5: Do you agree with our proposed level of resourcing?

- 8) As stated above, in answer to question 2, we believe that the level of resource devoted to Media Literacy is too low.

Conclusions

- 9) The UK Film Council looks forward in 2005/06 to further developing its working relationship with Ofcom, notably to strengthening the linkages between film and broadcasting policies. It would particularly welcome an active dialogue in five areas: enhancing diversity and inclusion, strengthening the audiovisual cultures and enterprise of the nations and regions, the development of broadband services, notably the introduction of legal download services and video-on-demand; and intensifying the battle against piracy. It also hopes that Ofcom will be as transparent and open as possible about the conclusions drawn from its benchmarking and

monitoring of broadcasters' performance in the fulfilment of their obligations that flow from Clause 264(b).

- 10) The UK Film Council considers that, as a general principle, the more Ofcom can do to enhance the transparency and accountability of firms on the communications sector, the better it will be both for the creative economy and for consumers and citizens.