

Response to Ofcom's document

A new approach to public service content in the digital media age The potential role of the Public Service Publisher

from

The Campaign For Press and Broadcasting Freedom (CPBF)

2nd Floor, Vi and Garner Smith House,

23 Orford Rd, London E17 9NL

tel: 020 8521 5932

www.cpbf.org.uk

e-mail <press@cpbf.demon.co.uk>

The CPBF was established in 1979. It is the leading independent membership organisation dealing with questions of freedom, diversity and accountability in the UK media. It is membership-based, drawing its support from individuals, trade unions and community based organisations. Since it was established, it has consistently developed policies designed to encourage a more pluralistic media in the UK and has regularly intervened in the public and political debates over the future of broadcasting in the United Kingdom. The Campaign recently (January 2007) submitted representations to the Culture Media and Sport Committee in response to their inquiry on Public Service Media Content and has responded to Ofcom's Digital Dividend Review.

Introduction and Summary

In this document Ofcom proposes to establish a publicly funded 'Public Service Publisher' (PSP) in response to:

- the shrinking audience share of terrestrial broadcasters
- the audiences' move away from traditional television sets to watch on other platforms
- 'changes in spectrum policy [which] affect the way in which public service aims need to be financed in the future'

In principle the CPBF welcomes an innovative proposal that is citizenship based and aims to provide diverse and distinctive content in the new digital context.

However, we are extremely concerned that the PSP proposal has come forward within the context of Ofcom actively promoting a model of communications (especially broadcasting and other digital media) that sees traditional public service content diminishing as a percentage of the overall provision. In addition, we are concerned that Ofcom's stance towards the BBC -especially in relation to 'top-slicing' elements of the licence fee- echoes this generally negative approach to the major providers of public service material. As we argue here, we welcome initiatives that genuinely extend public service content, broadly defined, across the electronic media, but do not consider that this should be at the expense of, or instead of, the promotion of a public service commitment on existing platforms, especially the commercial television channels and ITV in particular.

We do not think that a new 'Publisher' of broadcast material should be seen simply as providing limited 'public service content' and addressing 'the particular shortfalls that can be expected in the PSB arena' (1.27). We think that those shortfalls should themselves be addressed, and we note that one of the causes of the shortfall –changes in spectrum policy- is the result of Ofcom's own proposals. Ofcom's policies in relation to the spectrum are at odds with its commitment to support public service broadcasting.

In principle we regret the separation between commercial and 'public service' (PSB) content, and the assumption that 'the market' can have no responsibility towards citizenship and the public interest (1.16). This is a dangerous idea, which is contradicted by the rich, diverse and publicly accountable history of commercial broadcasting in the UK, and the productive interaction between publicly funded and commercially funded broadcasters.

A publicly funded 'Publisher' should be allowed to develop its own particular style and approach, with a good balance between new, interactive forms, and traditional linear ones. In the meanwhile Ofcom should support the commercial terrestrial broadcasters to ensure that any 'shortfall' is minimised.

We emphatically oppose the funding of the new initiative by adding its cost to the BBC's licence fee. This would provide an easy pretext to reduce the BBC's portion of the licence fee and would amount to 'top-slicing'. Nevertheless we argue that the new Publisher's funding should be sufficient to ensure that its impact will not be marginal.

CPBF responses to the document

General points

1. We welcome Ofcom's recognition that public service broadcasting has historically been made up of *system* of broadcasters, with a plurality of providers funded in different ways, and we welcome Ofcom's desire to find ways of sustaining such a system (1.5), and its recognition, stated at the Westminster Forum by Peter Phillips, Ofcom's Partner, Strategy and Market Developments, that competition is crucial to quality.
2. We agree with the statement that a Public Service Publisher can only be part of a solution (3.51). This initiative should emphatically not be seen as a replacement for existing services that are under threat.
3. We welcome the references to the innovative early days of Channel Four, and Ofcom's recognition that diverse and distinctive programming does not necessarily have to seek out the largest audiences. We would point out that Channel Four's distinctiveness has been greatly reduced due to the commercialisation of the broadcasting environment
3. We agree that the rapidly changing communications environment means that new publicly funded initiatives, such as the PSP, should look beyond the traditional broadcast media, and we welcome the 'citizenship-based' rationale for this proposal (1.15), and its commitment to be 'participative', addressing 'users' as much as 'viewers' (1.24: 1.27).
4. We agree that an overall regulatory approach that mixes support for specific broadcasters (especially Channel Four) with support for digital media output is needed (1.18) and that a Public Service Publisher, with a remit to innovate and provide a diverse output, could have a place in this environment (1.20).
5. We agree that 'the rationale for intervention...is likely to remain in the digital media world' (1.14), but we regret that the arguments for creating the Public Service Publisher are put in purely economic terms (3.37-9). (Ofcom themselves recognise this (3.39)). Far more powerful arguments could be couched in terms of quality, diversity and creativity, giving priority to citizenship and the need to ensure that the population is served -both as a whole, and in its particular diversities.
6. We regret Ofcom's focus on public service 'content', as opposed to the current lively mix of entertainment, education and information –which offers the possibility of many fertile cross influences between 'serious' and less 'serious' genres, from innovative comedy to drama, documentaries, reality shows and celebrity chat. The best programmes defy classification. This has been the characteristic of the public service system we have enjoyed until now. We regret the separation between commercial and 'PSB' broadcasters, and the assumption

that ‘the market’ can have no responsibility towards citizenship and the public interest (1.16).

7. We regret the lack of regulatory support for commercial terrestrial broadcasters, especially ITV, and the easy acceptance that it ‘may not be realistic’ to expect them to continue to accept their public service obligations (1.11), especially, as Ofcom notes (1.16), a commitment to public service has also been responsible for most UK originated content. The approach may let unprincipled owners off the hook –some of whom are open in their contempt for the concept of ‘public service’. It is important that there should be strong, mainstream channels which can provide competition and challenges for the BBC in innovation and quality. A Public Service Publisher, as envisaged, cannot fulfil this role.

Ofcom asks for comments on:

1. what would be an appropriate intervention for the digital age –keeping a balance between linear and non-linear forms
2. the role and remit of PSP
3. the operating model –especially rights management
4. the scale of funding

1. What would be an appropriate intervention for the digital age –keeping a balance between linear and non-linear forms

The increasing interplay between computer-based and television technology has opened new opportunities, exploiting the overlap between digital, interactive forms and traditional linear television. We accept that ‘broadcasting has already advanced beyond the television set’ (3.12). Throughout the document Ofcom stresses the interactive and networked formats the Publisher will develop, and they are well illustrated by Andrew Chitty’s chapter. We support the exploration of new interactive formats, the development of formats across and between media, and a new type of relationship with ‘users’ as opposed to ‘viewers’. Channel Four’s ‘FourDocs’ initiative, whereby anyone can put their short documentary on to the site and the best are selected for broadcast, is a good example. However, we do not think that the Publisher should only work with the newer, more interactive media forms, and abandon traditional, linear television, which seems to be the current direction of Ofcom’s thinking (described at the recent Westminster Media Forum as ‘PSP2’).

We do not think that a PSP, as described by the document, can in any way replace the broad popular address built up by ITV and Channels Four and Five (1.27). These established, mainstream outlets are essential to provide a strong competition to the BBC. We think that the PSP should be seen as a new initiative which is encouraged to develop its own particular style and approach, and that Ofcom should continue to support the other terrestrial broadcasters, all of whom

are developing 'families' of channels and themselves moving into the sort of interactive formats which surround linear content with debates, feedback and additional information.

2. The role and remit of a PSP

Comments on the characteristics of a PSP listed by Ofcom (5.49)

We support the proposals

- that the PSP should commission content, but we do not think that this should necessarily exclude producing content;
- that commissions should include 'new forms of digital content and linear video content'. We agree that the PSP should have a remit to innovate and to explore new uses of the converging media. However, we do not think that it should not abandon traditional linear content altogether.
- that there should be 'a number of centres across the nations and regions of the UK' and should focus on UK originated content.

We conditionally support the requirements to

- 'seek to address the under-provision of public service content in digital media'
- 'support factual, narrative, regional and local content'. As the document points out, a PSP would provide an opportunity to offer new outlets to a range of producers, non-professional as well as professional who are already producing content, including museums, art galleries, charities, local broadcasters and educational organisations, as well as many smaller companies and groups of individuals committed to experiment and innovation.
- 'aim for a broad appeal' –but we would suggest that, like Channel Four before it, the PSP should also have a commitment to serving those who are not served by the established channels, with minorities in mind, both as producers and audience.

In relation to these three points we would point out that there are dangers in an approach which is too limited. The PSP should not be restricted in its range of output. It should not become like a public information service. There should be space for frivolity and entertainment, too. As we suggested earlier, the best programmes defy classification.

3. The operating model (1.29) Ofcom suggests that the PSP:

1. should be a commissioner not a producer
2. could be less rigid about rights –adopting a model which allows content to be re-used and modified by others.
3. should follow a non-commercial business model
4. could partner with other organisations for distribution
5. should be based outside London
6. could act as a ‘public service navigator’ helping to guide users to ‘public service content’

1. We feel that the model of a ‘Publisher’, which commissions rather than produces content, can work well, and can give employment to programme makers and an outlet for a wider range of creative people. It is important that the Publisher makes space for smaller independent providers. Historically, the independent production sector gained an unprecedented outlet on UK television with the coming of Channel Four in 1982. At that time the independents included many arts and community based production organisations who gained access to the airwaves for the first time. Since the 1980s, many production companies described as ‘independent’ have become as big and powerful as the broadcasters themselves, and have gained in strength from the requirements for the BBC and other terrestrial broadcasters to commission a proportion of their programmes from outside. The space for smaller producers -possibly locally based, making unusual, minority or controversial programmes- has all but disappeared on national television. Just as Channel Four originally had a commitment to serve those not adequately served by the established channels, both as producers and as audience, we feel that a PSP ought to offer similar opportunities both to producers and to users. The proposal (5.12) that commissions may be of various types, including grant funding and joint enterprises will help achieve this.

2. The idea of a ‘Creative Commons’ licence, which allows material to be copied and re-used would be in the spirit of the new Publisher (5.20), as is the possibility of user-generated content and content from voluntary organisations which may not come from media professionals. The debate at the Westminster Media Forum made it clear that it would be possible for different types of content to be treated differently –as with Channel Four’s ‘Workshop’ and other agreements. However, it should be absolutely clear that there should be no question of pressuring authors and other creators to abandon their rights when commissioned by the new Publisher, or when their work is used within such commissioned content.

3/4. We agree that the PSP should follow a non-commercial business model, and could certainly partner other organisations, such as Channel Four, for distribution and transmission.

5. We agree that it would be suitable if it were based outside London.
6. On the idea of a 'public service navigator': all on-screen and published guides should be required to be full, informative and non-partisan, giving viewers an overview of what is available and making it easy for them to choose between diverse programming. However, concerns are justified because of the huge volume of material which will be available in the fully digital age, and the possibility of non-commercial material being swamped. Interactive and computer based formats allow links to similar or related programmes, and the Public Service Publisher should certainly make use of this, including the possibility of a brand mark (5.37 and 58). The example given by Ofcom of material about diabetes is a good one (Section 4 example 2). It may be easy to search for 'diabetes' using Google, but it would be helpful to have a trusted brand indicator to distinguish material which is not commercially sponsored or which has some other agenda.

4. The scale of funding

We emphatically oppose the funding of the new initiative by adding its cost to the BBC's licence fee. The impression given at the Westminster Forum was that this would be Ofcom's preferred option. However, this would provide an easy pretext to reduce the BBC's portion of the licence fee and would certainly be seen as 'top-slicing'.

We would argue that a cross-subsidy on all commercial service providers would be more appropriate, and that the new Publisher's funding should be sufficient to ensure that its impact will not be marginal. The £300 million proposed is a tiny amount, compared to the ITV total revenues in 2003 of £2.6 billion, let alone the size of the total market.

We agree that the Publisher should be accountable and that a suitable mechanism should be found to supervise its use of public money.

CPBF's conclusions

1. A Public Service Publisher is a welcome and innovative idea. As Ofcom recognises (3.2), historically a new provider with a different source of funding (ITV; Channel 4; S4C) has stimulated and invigorated existing broadcasters by providing challenges and competition for them.

but

2. The funding of PSP should not in any way be associated with the BBC licence fee income

3. A PSP should not be used as an alternative to supporting ITV, C4, S4C and C5, so that they can continue to act as serious, commercially-funded public service broadcasters. They should continue to compete with the BBC and contribute to a diverse public service system in the digital future.

A final note

'Public Service Publisher' is rather a boring, worthy, off-putting name for this new, exciting institution. Can't we think of something better?