

Arts Council England's response to Ofcom's Second Review of Public Service Television Broadcasting Terms of Reference

Arts Council England is the national development agency for the arts in England. Between 2005 and 2008 we are investing £1.7 billion of public funds in the arts from Government and the National Lottery. The Arts Council directly represents the following art forms - Literature, Drama, Music, Visual Arts, Combined Arts and Dance.

We believe that broadcasting and digital technologies are critical to the development and promotion of the arts in England. Broadcasting and digital technologies are central to our vision to place the arts at the heart of national life and to make available arts content as widely as possible. We want as many people as possible to participate actively in the arts and to take advantage of increasing opportunities for interactivity and co-production in digital media.

We believe that there continues to be a very strong case and necessity for public funding of cultural media output, currently including but not restricted to, drama, music and arts programming genres. These deliver innovative, original arts content that benefit us all as citizens.

We share Ofcom's view that the market alone will not provide sufficient quality, range and innovation for wider citizenship and social purposes. We are committed to the principle of appropriate intervention to ensure the diversity and plurality of original high quality broadcasting is preserved and developed.

We have been following and contributing to both DCMS' and Ofcom's Public Service Broadcasting Reviews. We responded positively in March 2007 to Ofcom's pioneering work on the Public Service Publisher concept, an imaginative proposition for preserving innovation and plurality of Public Service Media content in the digital age. We also believe a strong Channel 4 to be an essential part of the future media landscape particularly in its championing of cultural activity and arts programming. We are pleased that the terms of reference identify both the PSP and Channel 4 as central matters within the review.

We will of course be contributing to the consultations planned between now and early 2009 but in response to the Terms of Reference document, we would wish to stress at this stage two key points. Firstly, we believe that the terms of reference

reflect Ofcom's first PSB Review purposes rather than the original wider cultural remit for Public Service Broadcasting articulated within the Communications Act 2003 and we believe that the purposes within the Act should be reviewed.

Secondly, we believe that arts programming, identified in the past as an area at risk, should be addressed as a specific area of 'pressure' as a central matter as an area of content such as News and Children's content. We believe these points are of great importance to the arts and wider cultural sector and the case for these is discussed in further detail below.

1 Objectives of the Review: Evaluation against Communications Act 2003 purposes

The terms of reference paper notes in 1.2 that in accordance with the Communications Act 2003, Ofcom will be reporting on the extent to which ' the public service broadcasters (PSBs) *have fulfilled the purposes* of public service television broadcasting and to make recommendations with a view to maintaining and strengthening the quality of PSB in the future.' [our italics]

From this in 1.3, a specific objective will be ' to evaluate how effectively the public service broadcasters are delivering the *purposes and characteristics of PSB*, particularly in the light of changes in the way TV content is distributed and consumed.' [our italics]

From this, it appears that a key objective of the second PSB Review will be to evaluate PSB against the framework and purposes Ofcom established in its first PSB review, not against the purposes as outlined within the Communications Act. There are a number of key differences and omissions between the Acts' purposes directly relating to culture and those adopted by Ofcom as an evaluation framework for this review. This has major impact on the terms of reference of the review for culture and the arts.

For example, although one could argue that Arts Content delivers many of Ofcom's four purposes, one learning based 'topic' purpose specifically mentions the arts;

- to stimulate our interest in and knowledge of arts, sciences, history, and other topics through content that is accessible and can encourage informal learning

This differs in scope and range from a key purpose relating to the arts and culture as articulated within the Communications Act 2003, notably;

‘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 and by the inclusion of feature films in those services and by the treatment of other visual and performing arts.’ (S.264 Communications Act 2003)

The Act in addition also identifies a purpose around education and another, which echoes Ofcom’s purpose, in providing ‘ a suitable quantity and range of programmes dealing with each of the following, science, religion, and other beliefs...and matters of specialist interest’ (S.264)

Ofcom in its 2007 PSB Annual Report brackets arts together with science and history together as areas of learning, as key ‘topics’, but this in our view is only a small part of the picture. We understand that the Review will examine whether goals have been achieved through following ‘the approach’ taken by the 2007 PSB Annual Report.

This document did not measure cultural purpose beyond adopting genres in some parts of the Report in noting hours and spend on arts, music and drama programming yet conflating arts content with other ‘genre’ areas such as history and science in others, making meaningful analysis of arts and cultural provision difficult. We would welcome the establishment of a robust framework for assessment of success and achievement, beyond measurement of arts hours and volume of output, which is only one indication of a far wider purpose.

The Communications Act 2003 not only gives more prominence to culture, allocating a distinct and specific purpose to culture and the arts, but also within this purpose, articulates a far wider remit and rationale for PSB centrality; more clearly connecting UK cultural activity and infrastructure to broadcasting policy. It recognizes the need to reflect, support and stimulate cultural activity within the UK, within the plurality of television broadcasting moving beyond a purpose, important though it is, to ‘stimulate interest in and knowledge of....topics’.

In wishing to move away from a genre based approach, Ofcom’s first PSB Review purpose framework places the ‘arts’ substantially within other topic or genre areas with a primary educational purpose and the wider more active purpose; support and simulation of ‘cultural activity’ beyond informal learning and ‘interest’ is lost.

The emphasis of the Communications Act purpose acknowledges that PSB provision not only benefits broadcast audiences but supports and maximises investment within a far broader cultural infrastructure. Public broadcasters currently contribute substantially to the UK’s creative economy, independent arts

media production and arts talent base. Channel 4 and the BBC in particular invest in major arts and talent development initiatives, training and skills opportunities. Their commissions and 360 degree programming on multiple platforms substantially increase public awareness and access to culture, through the unique mass medium of television. The cultural and arts sector could not have this impact without their intervention and resources.

We note that Ofcom considers this first PSB purposes and characteristics framework of PSB 'largely valid' and 'do not intend to undertake a full review' of the framework, also noting that 'it was reflected in the Government's White Paper on the future of the BBC.

We would question the assumption that the BBC's Charter purposes are reflected in Ofcom's purposes and characteristics. The BBC has at least two purposes which can be seen to relate to culture and the arts, one of 'promoting education and learning by offering audiences of every age a world of formal and informal educational opportunity in every medium.'

However, the BBC has a further important purpose which more clearly interprets the Communication Act purpose above,

- *Stimulating creativity and cultural excellence:* the BBC enriches the UK's cultural life by bringing talent and audiences together to break new ground, to celebrate our cultural heritage, and to broaden the national conversation.

Importantly, this commitment to developing and promoting culture and widening public access to culture sits alongside its education and learning purpose.

We believe that the cultural activity and creativity purpose is not well reflected within Ofcom's current four purposes. We would urge Ofcom to review its purposes framework in relation to culture, in order to acknowledge and evaluate this important cultural and creative purpose, outlined both in the Communications Act and within the BBC Charter.

We believe a further purpose should be included, setting the terms of the review, and allowing for both a full and independent assessment of broadcast deficit and also new media and digital opportunities within the PSB review in PSP development potentials.

We would also ask that attention is given to the diversity of art forms specifically referenced within the cultural purpose within the Communications Act. The Arts

Council has particular interest in the following referenced; 'drama', 'music', and 'the treatment of other visual and performing arts'

Film is the responsibility for the UK Film Council and we will be working closely with them and other public cultural bodies to ensure that this aspect of the Communications Act is assessed and that opportunities for public service cultural content in the digital age are properly reflected.

These areas of cultural activity should be assessed by how well they are 'reflected, supported and stimulated' currently and could be in the future by PSBs. We would also suggest that a framework should necessarily involve Ofcom working more closely with Public bodies across the UK charged with developing and supporting arts and cultural activity.

However, we welcome within the review structure, an extended scope for the review to include non broadcast providers and content creators and welcome a wider view of the ecology for support and development for the production and distribution of high quality original arts media content.

2 Arts Programming – An area of 'Pressure' within Public Service Broadcasting

We would also wish to register a point made previously to Ofcom in its Review of Public Service Media content in the digital age, which is a specific concern relating to pressure on Arts programming, part of a wider area of Arts Content – including the genres Drama, Music and Arts Programming. This is within the wider cultural purpose articulated by the Communications Act - in which the Arts Council takes particular interest.

In an earlier discussion paper Ofcom noted that certain areas of content were the subject of specific 'projects' informing the framework for PSB provision, and that they would be responding to the 'current high levels of high quality UK originations and the pressure on some genres' into digital PSB.

Ofcom has on previous occasions referred to the 'dilemma of arts programming even within the current PSB contract'. There has also been mention in previous reports of new hybrids emerging relating to arts and documentaries, and arts and entertainment, which make a genre based approach difficult to monitor and assess but which may increase potential for audiences for arts programmes.

We welcomed the commitment from Ofcom last year to, 'consider ... the potential risks to arts and children's programming on commercial public service channels' and the assurance that these areas would 'need to be part of the debate.'

Following a specific project into News content, a major research/project review into children's content was then announced (13/2/07) and is due to report in October.

We are disappointed to note that there is still no specific acknowledgment within this Terms of reference for a specific review of arts programming or content which has previously been identified as an area of pressure and 'at risk.'

We believe this risk to be very real. Given that the current plurality of arts programming in particular is sustained from contributions from Channel 4, ITV and FIVE, then one would have to conclude that a BBC monopoly and a diminution of the wider market for arts programming is not in the public good nor serving citizens with content of high quality and mass impact in the digital age. An altered Channel 4 remit and a likely retreat from programming from FIVE and ITV, already making reductions in hours of original production, make this content area deserving of specific and immediate focus.

In summary, we would urge Ofcom to recognise the impact of PSB on arts and culture in the UK. In furthering this, we would welcome a partnership on a major research project, comparable to Children's and News content that would assess the impact on infrastructure, talent base and public awareness and consumption of UK culture, aligned to the purposes outlined within the Communications Act 2003.

A particular sub-area could focus on a review of arts programming and content which we believe to be at particular risk. Such an evidence based approach would be able to inform policy recommendations within the Second PSB Review and has implications for our own cultural policy and planning.