
Review of Regional TV Production and Programming Guidance

Call for Evidence

Review:

Publication Date: 26 March 2018

Closing Date for Responses: 10 May 2018

About this document

As part of the March 2017 consultation on the BBC's Operating Licence, we announced our intention to review the *regional production* and *regional programming* guidance for public service broadcasters.

This guidance explains how public service broadcasters should meet their obligations to ensure that set proportions of the programmes they show are made outside of London, in the UK's nations and regions. It also explains how the BBC and Channel 3 licensees should meet obligations to show programmes in different regions that are relevant to those areas.

This Call for Evidence is the first stage of our review. It aims to gather data and stakeholder views on the state of the production sector in the nations and regions and the impact of the current guidance on the delivery of *regional productions* and *regional programming*. The information collected will be used to help develop a consultation which may include specific proposals on changes to the guidance.

We plan to publish the consultation later in 2018. This Call for Evidence is therefore the first of two opportunities to formally contribute to the review.

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1. Background to the review

The regulatory context

- 1.1 Ofcom wants to see investment in public-service television programmes across the UK's nations and regions. This means that the full economic and cultural benefits of TV commissioning are realised across the UK. When regional productions succeed, they can stimulate jobs, attract talent, and contribute significantly to an area's creative economy.
- 1.2 Under the Communications Act 2003 and the BBC Charter and Agreement, Ofcom is required to ensure that a suitable proportion of the productions that PSBs commission for UK-wide television broadcast are made outside of the M25 (*'regional productions'*).¹
- 1.3 We are also required to ensure that a sufficient amount of time is given to *regional programmes*, broadcast in more localised areas on BBC and Channel 3 services (*'regional programming'*).²
- 1.4 To deliver these obligations, Ofcom has imposed quotas on the minimum proportion of eligible³ hours and expenditure that must be allocated to *regional productions*. The level of the quotas varies by broadcaster and is set out in each of the PSBs' licences (the *'regional production quotas'*), see Figure 4 in Section 3 for details. Ofcom has also set *regional programming* quotas for BBC One and BBC Two,⁴ and the Channel 3 services (see Figure 5 in Section 3). These require output to be of particular interest to people living in the geographic area where the service is provided.
- 1.5 To ensure that the PSBs deliver both sets of quotas in a consistent way, Ofcom has produced guidance.⁵ This sets out the approach we have taken to interpreting the statutory obligations. It includes our definitions of *regional productions* and *regional programming* and explains how we expect the PSBs to comply with the quotas, as well as how we monitor compliance with the obligations. Each year we publish the *'Made outside London programme titles register,'* which details which productions the broadcasters have counted towards their annual *regional production* quotas.

¹ Sections 286 and 288 of the Communications Act 2003 (Channel 3, Channel 4 and Channel 5), and Schedule 2, paragraph 7 of the BBC Agreement.

² Section 287 of the Communications Act 2003 (Channel 3), and Schedule 2, paragraph 6 of the BBC Agreement.

³ Only first-run programmes can be counted towards the *regional production* quota. News programmes are also excluded from counting towards the quota.

⁴ These conditions are for BBC One and Two taken together. The BBC also has obligations to provide news programming of national or regional interest on BBC One.

⁵ [Regional production and regional programme definitions: Guidance for public service broadcasters, 2010](#)

Why we are reviewing the guidance

1.6 We announced our intention to review the *regional TV production and programming* guidance in our consultation on the BBC's Operating Licence in March 2017.⁶ We are carrying out this review now for the following reasons:

- a) **Market developments:** Since the guidance was introduced in 2004, there have been a range of changes in the TV production sector with direct implications for programme making in the nations and regions, including: the BBC's move to Salford in 2012; the launch of Local TV⁷; and the introduction of the outside of England production quotas for Channel 4 in 2010. There are also a number of live market developments which may impact the *regional production* sector. These include the creation of BBC studios as a commercial entity; the removal of the BBC's in-house guarantee; the proposed BBC Scotland channel;⁸ and Channel 4's recently announced plan to increase spend and employment outside of London with the creation of a 'National HQ' and two smaller 'creative hubs' outside of London in 2019.⁹

We need to consider the impact on the sector of the changes to date and any effect they might have had on the practical application of the guidance. We also need to assess how we ensure that the guidance is effective in the future production landscape.

- b) **New regulatory regime for the BBC:** We need to consider what updates need to be made to the guidance so that it reflects the provisions for *regional production* and *regional programming* under the new Charter and Agreement.
- c) **Current application of the guidance:** We have received a number of queries from stakeholders about how the guidance (and specifically the criteria) is applied by PSBs and production companies in practice. We are also interested in understanding the extent to which *regional productions* are made in a way that helps to deliver the intention of the quotas: to support and strengthen the creative economies in the UK's nations and regions.
- d) **Commitment to review:** We also pledged in the guidance to "*monitor the balance between regional productions originated by regionally-based and London-based producers, and if it becomes apparent that London-based producers are dominating regional production, we shall consider further changes.*"¹⁰ This review provides an opportunity to assess this balance.

⁶ p41, [Holding the BBC to account for the delivery of its mission and public purposes: Consultation, 2017](#)

⁷ A statutory framework was established in 2012 to enable local TV services to be introduced. The first local TV service launched in 2013.

⁸ Ofcom started a Competition Assessment examining the BBC's proposal to launch a new television channel in Scotland on 11 January. The BBC announced on 15 March that it intended to make some changes to its proposal. Ofcom is now considering the implications of the change and we will publish our view on what the change to the proposal means for our process as soon as possible.

⁹ <http://www.channel4.com/info/press/news/channel-4-launches-4-all-the-uk>

¹⁰ See para 9.1 of the [guidance](#)

The scope of the review

- 1.7 To help inform the scope of the review, we conducted a series of engagement events across the UK to obtain stakeholders' views on both the state of the production sector in the nations and regions and the impact of the guidance on the delivery of the *regional production* and *regional programming* quotas. These views are summarised throughout this document.
- 1.8 The review will focus on the efficacy of the guidance, and the associated compliance and reporting regimes.
- 1.9 We will consider the impact of developments in the national and regional production sector, but it is important to note that this will not be a full-scale review of the production sector. We will also be looking at the production process; how the guidance is applied in practice; and whether it remains appropriate for the current and future shape of the production sector.
- 1.10 Our current intention is that the focus of this review will be weighted towards the *regional production* aspects of the guidance, rather than the *regional programming* elements, as this is where the majority of sector changes and stakeholder observations appear to be centred. However, we would be keen to hear any stakeholder views on *regional programming* and that part of the guidance, to determine whether there is a case for exploring this area in more detail (please see Section 5).
- 1.11 At a minimum we will need to update references in the guidance to reflect the new regulatory regime for the BBC. We may also look to make more substantive changes to the guidance, depending on our findings and the scale of any issues we identify. At this stage we anticipate that any changes we might propose would be likely to centre on how the existing quotas are delivered. The specific proposals that we will put forward for consultation will take into account both the contributions of stakeholders to date and the responses that we receive to this Call for Evidence.
- 1.12 We will assess whether we should publish more detailed information on the productions listed in the '*Made outside London programme titles register.*' Launched in 2010, the Register comprises information provided by the PSBs which enables stakeholders to see how the broadcasters have met their *regional production* quotas. Stakeholders have stated that they would like to see more detailed data published, and we invite them to provide further information on this. This is discussed further in Section 6.
- 1.13 This Call for Evidence is intended to develop our understanding of the issues already identified in this project scope, as well as surface any new factors, to further inform our considerations for the review. We are therefore keen to receive information beyond that already supplied by stakeholders (outlined in Sections 4-6 below). We particularly welcome any evidence or industry reports to support submissions, or to evidence views already expressed by stakeholders in this document on the state and direction of the sector in the nations and regions, as well as further information on production practices employed in producing programmes counted towards the delivery of the *regional production* quotas.

- 1.14 The *regional production* and *regional programming* quotas form just one set of requirements within a matrix of PSB quotas and broader regulatory obligations. We will remain mindful of these linkages in carrying out this review and the broader regulatory obligations placed upon the PSBs.

Next steps

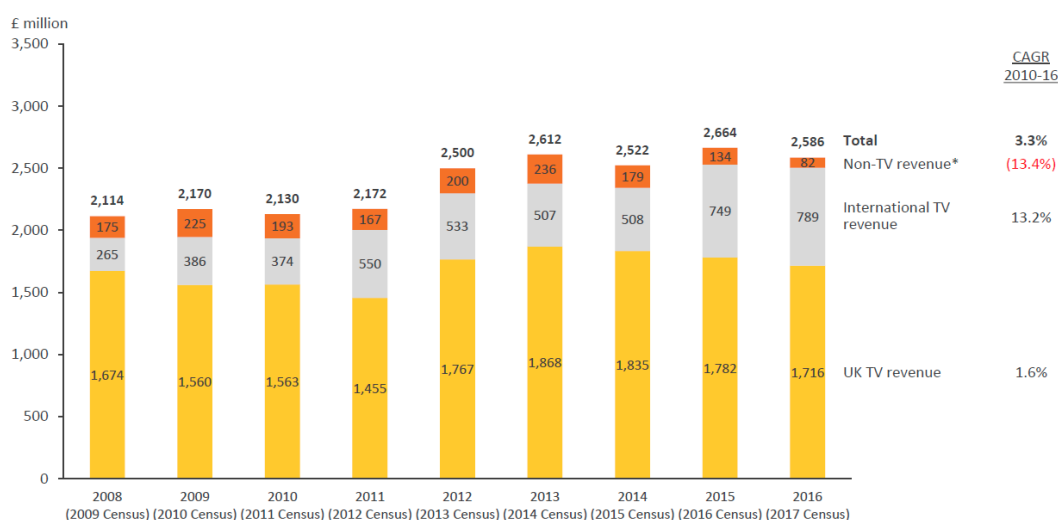
- 1.15 Stakeholder views will inform our considerations for this review, along with other evidence and analysis (including both internal and commissioned consultancy work). We welcome responses to this Call for Evidence by 10 May 2018. We plan to publish a consultation later in 2018, which will set out our proposals. This Call for Evidence is therefore the first of two opportunities to formally contribute to the review.

2. The changing TV production landscape

The UK production sector

- 2.1 There have been considerable changes in the UK TV production sector since the introduction of the guidance in 2004. This has included, amongst other things, the introduction of the BBC Window of Creative Competition ('WoCC') in 2007 which set aside 25% of the BBC's programme commissions for BBC in-house and independent production companies to compete for; consolidation in the independent production sector resulting in the creation of powerful 'Super Indies'; changes to the nations and regions quota regimes; and the BBC's move of a number of departments to Salford, completed in 2012.
- 2.2 Our 2015 review of the UK TV production sector found that the industry had evolved significantly from a cottage industry 20 years ago, where producers worked individually on a work-for-hire basis, to a very successful sector generating large revenues and exploiting overseas opportunities.¹¹ We found that the PSBs still accounted for the vast majority of new programme commissioning, but multichannel broadcasters and entrants such as Amazon and Netflix were commissioning more originated content and therefore presented additional commissioning opportunities for producers. Sector revenues have grown in recent years, with the impact of major sporting events seen in the variation between consecutive years (Figure 1). In the past three years domestic TV revenues have declined slightly, but this has been partially offset by growth in international revenues.¹²

Figure 1 – Total producer revenues (incl. non-TV activities)



Source: Pact UK Television Production Census 2017, Oliver & Ohlbaum analysis. Note: *Non-TV revenue includes corporate production, new media and other non-TV activities such as online publishing, talent management, promotions, public relations and feature films.

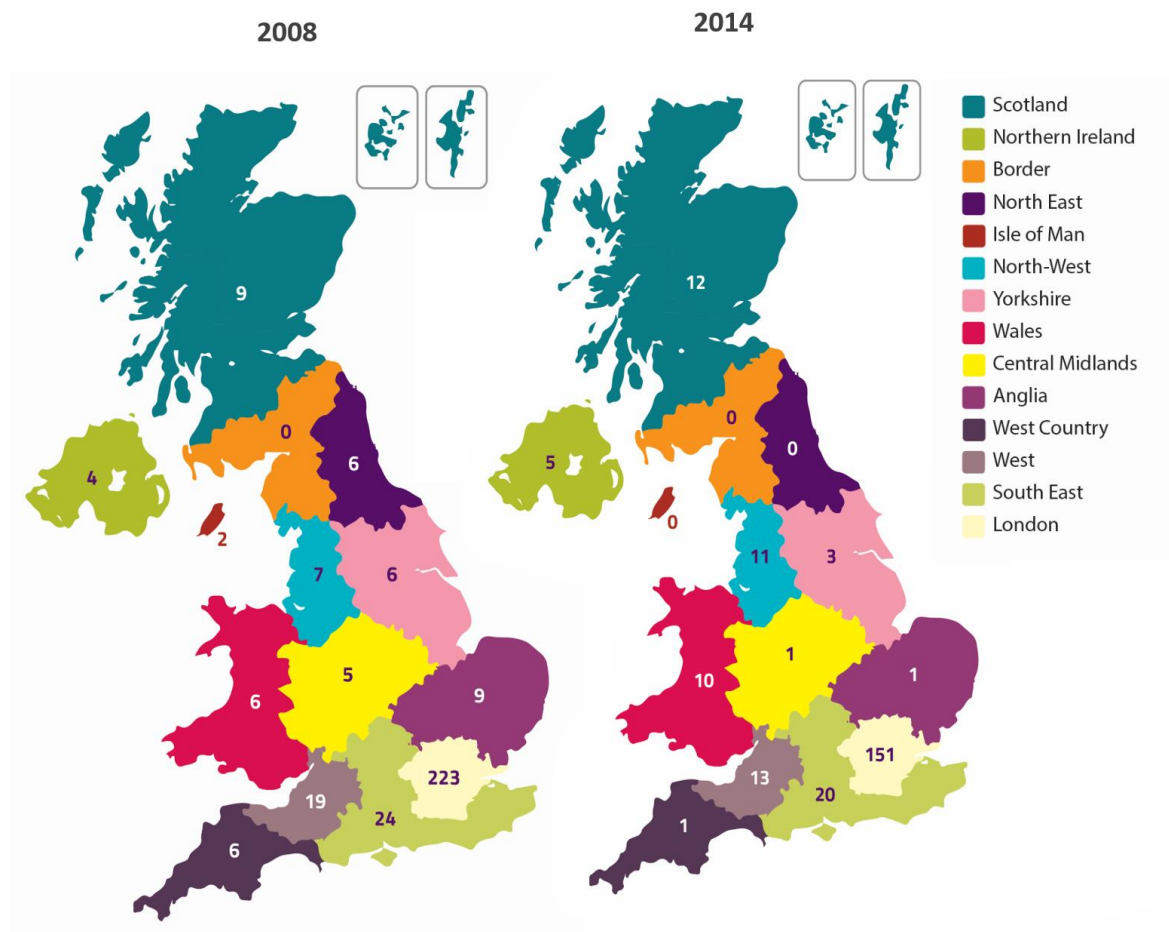
¹¹ [Ofcom's Review of the TV Production Sector, 2015](#)

¹² [Pact Census 2017 on UK TV production, by Oliver and Ohlbaum](#)

The TV production sector in the nations and regions

2.3 The 2015 review also considered the number of active producers¹³ across the whole of the UK, and how this had changed since 2008. We found that the main hub for production companies was still London, although the number of producers based there had fallen, largely due to sector consolidation, including vertical integration within broadcasters. In some regions the number of producers had also decreased, particularly in the North-East, Yorkshire, the Midlands, Anglia and the West Country. We will seek to understand how much of a role consolidation played in this fall, and whether there were other factors which contributed, as part of the review. However, in each of the devolved nations and in the North-West of England, the number of producers had increased.

Figure 2 – Number of active producers by region 2008 – 2014



Source: Ofcom TV Production Sector Review: Oliver & Ohlbaum - Trends in TV production, 2015. Note: active producers were identified as those having a PSB network channel commission on air in that particular year.

2.4 It is likely that the growth in the number of producers in the North-West has been in part driven by the BBC’s move to Salford in 2012, which has helped to grow and attract talent

¹³ That were identified as having a PSB network channel commission on air in that particular year.

and other broadcasters to the area and develop a media hub. The growth in the nations is more likely to have been partly driven by changes in the PSBs' commissioning strategies and quotas, with the BBC agreeing to a target with the BBC Trust in 2008 to increase its network spend outside of England to 17% by 2016¹⁴, and a new 3% outside of England production quota being introduced for Channel 4 in 2010¹⁵ (which will increase to 9% from 2020¹⁶).

- 2.5 Indeed, this mapping of production correlates with the changes we have seen in the PSBs' spend and hours figures outside of London. Spend and hours accounted for by programmes allocated to each of the devolved nations has risen steadily since 2008. In 2016, based on the information reported by the PSBs, they collectively spent 5.7% of their relevant qualifying spend in Scotland on *regional productions*, 3.2% in Wales and 1.5% in Northern Ireland, up from 2.5%, 1.7% and 0.3% respectively in 2008. The majority of production spend and hours made outside of London is in Northern England, as it was in 2008. The proportion of spend has declined in the Midlands and East since 2008 while Southern England has seen a decline in its share of both spend and hours.¹⁷
- 2.6 In 2016, the PSBs collectively used 43% of their eligible programming spend on programmes that were counted towards the *regional TV production* quotas, equating to 51% of overall hours. Both figures have increased since 2008, from 39% and 35% respectively. However, the proportion of eligible programming spend allocated outside of London peaked at 48% in 2014.
- 2.7 Figure 3 shows that each PSB has reported meeting, and in most cases exceeding, its overall *regional production* quotas since 2012. Channel 4's quota was increased from 30% to 35% in 2012 for both spend and hours, and we have also increased the BBC's quotas from 30% for spend and 25% for hours to 50% for both, applicable from 2018 (more information about the current quota levels can be found in Section 3). As previously mentioned, Channel 4 also has a separate quota for productions made outside of England, set at 3% (and increasing to 9% from 2020). We have also introduced specific BBC spend and hours quotas for each of the devolved nations, as well as England (outside of the M25). These are applicable from 2018 and are set out in Section 3.

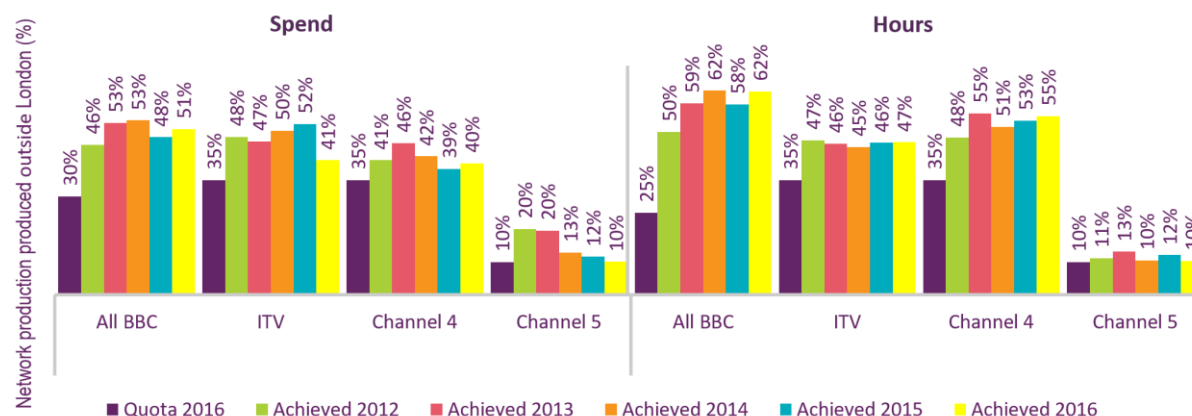
¹⁴ [Trust approves increase in network TV production in the nations, 2008](#)

¹⁵ [Ofcom's Second PSB review, 2009](#)

¹⁶ [Channel 4 Relicensing, 2014](#)

¹⁷ [PSB Annual Compliance Report, 2017](#)

Figure 3 – PSB delivery against regional production quotas 2012 – 2016



Source: Ofcom/broadcasters.

- 2.8 To increase our understanding of the current state of the production sector in the nations and regions we have commissioned an update of the nations and regions elements of the consultancy work which was carried out for the 2015 TV production sector review.¹⁸ This, in conjunction with analysis of other published reports, data points and stakeholder responses, will help us understand the impact of the wide range of changes that have occurred in the sector in recent years and any implications for our guidance.
- 2.9 We will also need to factor in the potential impact of recently announced or anticipated sectoral developments that are likely to affect the nations and regions. These include the creation of BBC Studios as a commercial entity and the removal of the BBC’s in-house guarantee, as well as Channel 4’s proposals to increase spend and employment in the nations and regions, and the proposed BBC Scotland channel.
- 2.10 We welcome stakeholders’ views on the current state of the sector, plus any analysis or case studies on the impact of past sector changes on the nations and regions production sector or a particular business, and any further information they wish to share about anticipated changes within the industry. In addition, we welcome responses on the questions set out below:

¹⁸ [Oliver & Ohlbaum - Trends in TV production, 2015](#)

Questions about the TV production sector landscape

1. Which factors have, since the guidance was introduced in 2004, had the biggest impact (positive or negative) on the TV production sector in the nations and regions and why? Are these different to the factors affecting London-based productions?
2. What impact, if any, has the BBC's move to Salford had on the sector, and on *regional production* specifically?
3. Do the opportunities for nations' and regions' producers vary by genre? If so in which genres is it easiest and hardest to get commissions?
4. What are stakeholders' views on the impact anticipated future structural changes in the industry might have on the production sector in the nations and regions?

Please provide reasons and evidence in support of your response(s).

3. The quotas and guidance: the regulatory position

The intention behind the quotas

Regional TV production

- 3.1 We consider that the *regional production* requirements are principally industrial policy interventions that aim to support and strengthen the TV production sector and creative economies of the UK's nations and regions. They are focused on the expenditure on, and volume of, network programming produced outside of the M25, regardless of the subject matter or content of the programme. This is reflected in the criteria within the guidance that we have set for *regional production*, where the focus is on production inputs i.e. the location of the production company, where the programme budget is spent, and where the off-screen production talent is based (see the exact wording in Section 4).
- 3.2 We have not devised any criteria to require specific on-screen editorial outputs as we do not consider this to be core to the intention behind the *regional production* intervention. However, we recognise that the way broadcasters and producers choose to fulfil the criteria may influence what appears on screen. For example, the location of filming, or more subtly, the balance between the number and seniority of roles allocated to regional and London-based talent respectively, may affect how London-centric a production may be or alter the editorial voice or overall feel of the production. These potential consequential benefits arising from the application of the criteria are to be welcomed. This subject is discussed further in Section 4.

Regional TV programming

- 3.3 In contrast, the *regional programming* obligations, while including a requirement to invest, also include on-screen outputs in order to achieve a very specific outcome. Our guidance states that *regional programmes* should deal with a subject matter of specific interest to the region and of less interest elsewhere, for example regional events, concerns and interests. *Regional programmes* should also be clearly set within the region or feature people known to be residents of, or who have close connections with, the region (or both). As a result, this type of programming is likely to directly reflect particular parts of the UK's nations and regions back to viewers in these areas.

The quotas

- 3.4 We have imposed *regional production* quotas to set the minimum amount of hours and spend which should be allocated to programmes made outside of the M25 in each of the

PSBs’ licences.¹⁹ There have been a number of changes to these levels since the guidance was first introduced, and the current levels are set out in Figure 4. We have also imposed quotas on Channel 4 in relation to programming made outside of England, and in 2017 we introduced hours and spend quotas for the BBC in each nation, which took effect in 2018.

Figure 4: Current regional production quotas

		BBC	ITV	Channel 4	Channel 5
Production outside the M25	% of network programme hours	50%	35%	35%	10%
	% of production spend	50%	35%	35%	10%
Production in the Nations	% of network programme hours	England outside M25: 30% Scotland: 8% Wales: 4% (5% from 2020) Northern Ireland: 2% (3% from 2020)	N/A	3% (9% from 2020)	N/A
	% of production spend	England outside M25: 28% (30% from 2020) Scotland: 8% Wales: 5% Northern Ireland: 3%	N/A	3% (9% from 2020)	N/A

Source: Ofcom licences for PSBs. Note: BBC quotas apply to BBC television overall, while ITV, Channel 4 and Channel 5 quotas apply only to the main PSB channel.

3.5 We have also included hours quotas in the BBC and Channel 3 licences to ensure that a sufficient amount of time is given to regional programming. The table below provides some examples of the levels of these obligations.

Figure 5: Examples of current regional programming quotas

The BBC	Channel 3
<p>In relation to BBC One and BBC Two, among other things, the BBC must (per calendar year):</p> <ul style="list-style-type: none"> ensure at least 6,300 hours of programming which are of national/regional interest and which constitute a suitable range of programmes (including regional news programmes) ensure at least 95% of those programmes are made in the nation/region have regard to any guidance issued by Ofcom 	<p>Channel 3 has regional programming obligations e.g. Channel 3’s Anglia licence includes obligations, among other things, to:</p> <ul style="list-style-type: none"> ensure 2.5 hours of regional programmes (news and non-news) in each of Anglia East and Anglia West which are of particular interest to persons living in those areas ensure 99% of regional programmes are made in the area (in the region as a whole) have regard to any guidance issued by Ofcom

Source: Ofcom licences for PSBs.

¹⁹ The PSBs also have additional requirements to ensure that a suitable range of programmes are made outside of the M25 area and also to ensure that production spend is referable to a suitable range of production centres outside of the M25 area.

Background to the guidance

- 3.6 Ofcom first published guidance for the PSBs in meeting their *regional production* and *programming* quotas in 2004,²⁰ following a consultation in 2003.²¹
- 3.7 One of the main aims of the guidance was to create a single definition for *regional production* which, for the first time, would apply to all of the PSBs, helping to ensure that the statutory requirements in this area were applied fairly, consistently and effectively. It was intended, in particular, that this would lead to genuine investment in programme making in the nations and English regions in line with the intention of the interventions.
- 3.8 There is currently a single guidance document which is split into two sections, one for *regional production* (which applies to all of the PSBs) and one for *regional programming* (which applies to the BBC and Channel 3 licensees).
- 3.9 It is a requirement of all of the PSBs' licences that they must have regard to the guidance.

²⁰ [Regional production and regional programme definitions announced, 2004](#)

²¹ [Ofcom's proposed guidance on regional production and regional programming, 2003](#)

4. The guidance in practice: *regional TV production*

The criteria

- 4.1 The guidance sets out our definition of a ‘*regional production*.’²² In order to count towards the hours quota for *regional production*, relevant productions must meet two out of the following three criteria:
1. *“the production company must have a substantive business and production base in the UK outside the M25. A base will be taken to be substantive if it is the usual place of employment of executives managing the regional business, of senior personnel involved in the production in question, and of senior personnel involved in seeking programme commissions;*
 2. *at least 70% of the production budget (excluding the cost of on-screen talent, archive material, sports rights, competition prize-money and copyright costs) must be spent in the UK outside the M25; and*
 3. *at least 50% of the production talent (i.e. not on-screen talent) by cost must have their usual place of employment in the UK outside the M25. Freelancers without a usual place of employment outside the M25 will nonetheless count for this purpose if they live outside the M25.”*²³
- 4.2 The same criteria are also used to determine whether a programme counts towards the expenditure quota, in which case the full cost of the programme (excluding third-party funding) would count.²⁴
- 4.3 The purpose of excluding on-screen talent from the production talent and production budget criteria is to ensure that the quotas remained focused on regionally-based production expertise rather than more mobile on-screen talent and, importantly, to avoid the quotas being skewed by the significant cost of on-screen talent in some productions.²⁵
- 4.4 The level for production talent was set at 50% to take account of the fact that a significant proportion of experienced production talent at that time was based within the M25, and that it would take time for that position to change.²⁶
- 4.5 The rationale for requiring productions to comply with at least two out of the three criteria was to provide flexibility for producers to use some London-based resources without thwarting the policy intent of the obligations.²⁷

²² Paragraph 4.

²³ Paragraph 5.

²⁴ Paragraph 6.

²⁵ Paragraph 9(2).

²⁶ Paragraph 9(3).

²⁷ Paragraph 9(1).

Applying the criteria to productions in practice

- 4.6 The guidance was devised to reflect the dynamic nature of programme making. TV production involves a complex production chain from commission through to broadcast. The process, which varies for every programme, is driven by producers and executive producers (employed by the production company or in-house producer) but is ultimately controlled by the commissioner at the broadcaster.
- 4.7 Each production requires the services of a broad range of talent working in multiple locations contracted for different durations. For instance, a large independent production company may develop an idea in its London head office, the idea is commissioned by BBC Salford, the production team is assembled using freelancers from the nations, regions and London, which is then based in a regional office in Wales. Filming takes place in multiple locations around the UK and the edit and post production is completed back in London.
- 4.8 The guidance was designed to be flexible enough to respond to each unique set of circumstances and still be rigorous enough to deliver the intention of the quotas. However, we recognise that flexibility can sometimes lead to ambiguity, so we want to better understand stakeholders' direct experiences of working with the guidance and specifically the three criteria defining *regional productions*.
- 4.9 As mentioned previously, we have already begun to engage with stakeholders to better understand how the guidance works in practice. Through these discussions, we have been able to gather some initial views on the qualifying criteria and how they are applied, as summarised below. At this stage of the review, we are collating views which we will consider further, rather than commenting substantively on the issues raised.

Substantive base criterion

"The production company must have a substantive business and production base in the UK outside the M25. A base will be taken to be substantive if it is the usual place of employment of executives managing the regional business, of senior personnel involved in the production in question, and of senior personnel involved in seeking programme commissions."

- 4.10 The 2016 Register showed that 93% of productions reported having a substantive base in the nations or regions. Stakeholder comments on this criterion centred on the 'permanency' of production offices in the nations and regions. For example, some suggested that there can be difficulties in judging whether an office should count as a substantive base. Others suggested the permanency of an office should be taken into account in the substantive base definition to ensure long-term benefits are delivered to the relevant nation or region, and some felt that this criterion should be a mandatory requirement for all *regional productions*.²⁸ It was suggested that adding extra requirements

²⁸ Currently productions can meet any two of the three criteria in the nations and regions to be counted towards the quota.

in the criterion, for instance, having to house production equipment at the substantive base, could encourage the development of a greater number of long term substantive bases. Some stakeholders told us that established bases with permanent staff and regional hires are well placed both to provide an alternative editorial voice or perspective to London productions and to help build sustainable production centres.

- 4.11 Having taken account of the views summarised above we are keen to gather any new points stakeholders wish to make in response to the following questions about the role and efficacy of the substantive base criterion:

Questions about the substantive base criterion

5. In your experience does the definition of a substantive base work well in practice? If not, how could it be improved?
6. Does the criterion currently contribute to the objective to strengthen *regional production*? If so how, and if not why not?
7. Are there any circumstances in which an office designated as the usual place of employment of senior or executive personnel should not be considered a substantive base? If yes, please provide further explanation.
8. Does this criterion currently create any unintended consequences?
9. We would welcome any information/examples from production companies on the range and roles of staff in production offices outside of London.
10. Do producers tend to share space in the nations and regions in order to expand and contract in line with their commissioning slate and thus to help with costs/efficiencies?

Please provide reasons and evidence in support of your response(s).

Production budget criterion

“At least 70% of the production budget (excluding the cost of on-screen talent, archive material, sports rights, competition prize-money and copyright costs) must be spent in the UK outside the M25.”

- 4.12 In relation to the production budget criterion, some stakeholders argued the definition should be narrower to ensure that 70% of the production budget is spent outside the M25, on items that benefit the local production ecology which may deliver a wider benefit in the relevant geographic area. However, others warned against adding further requirements or increasing the level of expenditure required, stating that it can already be difficult to achieve the current 70% level, particularly if commissioners stipulate the use of particular London-based staff or facilities or if the production is being run out of a London office, and any tightening of this criterion might make it impossible to meet.

- 4.13 Having taken account of the views summarised above we are keen to gather any new points stakeholders wish to make in response to the following questions on the production budget criterion:

Questions about the production budget criterion

11. Is the production budget criterion set at the right level?
12. What challenges do producers face in meeting this criterion? Do these differ depending on the substantive base of the production?
13. Does this criterion currently create any unintended consequences?
14. We welcome any evidence/data of how production budgets for nations' and regions' productions work in practice.

Please provide reasons and evidence in support of your response(s).

Off-screen production talent criterion

“At least 50% of the production talent (i.e. not on-screen talent) by cost must have their usual place of employment in the UK outside the M25. Freelancers without a usual place of employment outside the M25 will nonetheless count for this purpose if they live outside the M25.”

- 4.14 As noted earlier, the talent criterion was initially set at 50% to take account of the fact that a lot of production talent was still London-based at that time. However, a number of stakeholders we spoke with, particularly in the English regions, consider that the availability of production talent outside of London has increased since the introduction of the guidance and the level should therefore be raised. They argued that this would enable the nations and regions to develop and retain expertise at all levels and build a more sustainable talent base and employment market outside of the M25.
- 4.15 Some stakeholders suggested that broadcasters can be prescriptive about key London-based talent they want employed on a production and questioned whether production companies would be able to meet both a higher talent level and the requirements of the broadcasters. Others considered that increasing the level should reduce the number of members of the production team, often at senior levels, that could be sourced from London, which could improve opportunities for the transfer of valuable knowledge and experience within the local production community and also increase employment for talent based outside of London.
- 4.16 In contrast, some of the PSBs suggested that the current talent level enables them to take greater commissioning 'risks' as they can use some known London-based talent when working with new production companies or teams to help lead or train and develop talent in the nations and regions.

- 4.17 Having taken account of the views summarised above we are keen to gather any new points stakeholders wish to make in response to the questions exploring the off-screen talent criterion below:

Questions about the off-screen talent criterion

15. Is the off-screen talent criterion set at the right level?
16. How easy or difficult is it for programme makers to fulfil the current criterion?
17. Is there a representative spread of nations' and regions' talent at all levels available to hire? Are there certain roles where it is not possible to fill from within the nations and regions alone? If yes, which roles and what impact does this have on production budgets?
18. Do broadcasters give producers the flexibility to employ the staff they want regardless of location?
19. Which roles, if any, are most often prescribed by the broadcaster? Does this vary by genre?
20. Does this criterion currently create any perverse incentives?
21. We welcome any evidence to suggest whether the distribution of off-screen talent and the range of skills available has changed since this level was set in 2004.

Please provide reasons and evidence in support of your response(s).

The criteria as a whole

- 4.18 Many of the points raised by stakeholders on each of the separate criterion go to the sustainability of the production sector outside of the M25, that is, whether there are longer-term benefits being generated from the *regional production* requirements. We will explore this issue further as part of the review and would therefore like to understand stakeholders' views on the overall effect of the criteria on the sustainability of the sector in the nations and regions and would welcome responses to question 23 below.
- 4.19 To date we have employed a criteria-based approach to define which titles qualify as *regional productions*, but we recognise that there are alternative methodologies and approaches we could adopt instead. For example, the British Film Institute ('BFI') also uses a criteria-based system for its cultural test for film,²⁹ but this operates at a far more granular level e.g. awarding different numbers of points for different job roles, amongst other things. In the event we consider there is a case for changing the guidance, we will need to assess whether other approaches might more effectively target any specific issues identified in the review. In this eventuality it will be important to weigh up the trade-off between models, e.g. a range of more sharply targeted rules versus a broader brush approach designed to deliver flexibility to fuel creativity and ensure the guidance can be successfully applied to the broadest range of programme making scenarios possible.

²⁹ [The BFI Cultural Test for Film](#)

- 4.20 Having explored the criteria individually we also welcome views on how the three criteria work collectively, as set out in the questions below:

Questions about the criteria as a whole

22. Are the three criteria used to define a *regional production* for the purposes of the quotas the correct ones or are there other factors that should now be included instead/ as well?
23. How well do the criteria collectively contribute towards the sustainability of the production sector outside of the M25?
24. Are there any unintended consequences of the criteria or guidance more widely that undermine the sustainability of the sector beyond the M25?
25. Are the criteria too narrow? For example, are there cases of nations' and regions' productions that fail ultimately to qualify towards the *regional production* quota?
26. Is the criteria-based approach the best for regulation in this area, or are other models that might work better?

Please provide reasons and evidence in support of your response(s).

The role of London within *regional TV production*

- 4.21 The stakeholder comments on the criteria above, suggest that London continues to play a sizeable role in *regional production* and this generates strong views. When we published the guidance in 2004, we included a commitment to *"monitor the balance between regional productions originated by regionally-based and London-based producers, and if it becomes apparent that London-based producers are dominating regional production, we shall consider further changes."*³⁰
- 4.22 We will assess this balance as part of this review. One factor to consider will be the role of the practice known as 'Lift and Shift'. This involves taking a successful, often long-running series, that has previously been produced in London and requiring the recommissioned series to be made in the nations and regions. Sometimes this has led to London-based production companies setting up a sub-office in the nations or regions through which to run the production. *Question Time* (BBC) and *Fifteen to One* (Channel 4) are both examples of long running series that were moved to Glasgow.
- 4.23 'Lift and Shift' has been controversial within the industry. Advocates for the practice argue it is an effective way for broadcasters to kickstart investment in an area by initiating and cultivating production, and that it can provide a boost in existing centres of production helping to strengthen them. These, often substantial, commissions can provide production companies and talent with a degree of certainty over cash flow and employment which enables those companies to bid for other commissions, and root themselves in a new area, thus helping to sustain or grow the production company. This may generate a halo effect

³⁰ See para 9.1 of the [guidance](#)

for other local companies in the area which can benefit from local facilities and a larger and more experienced talent pool, particularly if the post production also occurs locally and thus could potentially create the conditions for a sustainable production hub.

4.24 However, during our engagement sessions, it became apparent that some stakeholders felt 'Lift and Shift' had played a valuable role initially in helping to establish production hubs in the nations and regions, but that it had served its purpose and was no longer necessary. Critics went further suggesting that the practice allows the PSBs to continue to provide regional offices of large London companies with large scale commissions which account for a significant proportion of the hours and spend quotas. This may result in lost opportunities for smaller indigenous companies which are keen to fill the quotas with a wider range of original productions to broaden their expertise and production slates and hopefully help build a more robust sector beyond the M25.

4.25 We would welcome further views on the role of London in *regional productions*:

Questions about the role of London in the *regional production process*

27. In your experience, how big a role does London play in nations' and regions' productions and in what way?
28. What benefits/disbenefits do you consider 'Lift and Shift' production brings to the nations and regions? We would welcome case studies/examples of 'Lift and Shift' productions.
29. Does 'Lift and Shift' help or hinder the sustainability of production in the locality of a production and in the nations and regions more widely?
30. Are there different parts of the production process which are more likely to happen in/out of London?

Please provide reasons and evidence in support of your response(s).

On-screen representation and portrayal of the nations and regions

4.26 Another area of significant stakeholder interest is the role of representation and portrayal in programming made in the nations and regions. Some stakeholders have expressed the view that the *regional production* requirements should be used to improve on-screen representation and portrayal, either by adding on-screen talent to the guidance criteria or by requiring programmes fulfilling quotas in particular nations or regions to represent and portray where they were made.

4.27 However, representation and portrayal are not specific objectives of the *regional production* requirements. This is why the quotas focus on the quantity of programming rather than the content. Indeed, in order to successfully deliver the primary intention of the intervention, to support and strengthen the nations and regions production sector, it is important that production companies outside of London have the ability to bid for the widest range of commissions possible and should not be limited to only making programmes about the areas in which they are situated.

- 4.28 It is also necessary to recognise that representation and/or portrayal may well be delivered by *regional productions*, either as a deliberate editorial choice on the part of the programme makers or simply as a consequence of the production process which is, in turn, shaped strongly by the guidance. We consider this to be a positive and valuable consequential benefit attached to a range of *regional productions*. The *regional programming* requirements may also contribute to representation and portrayal, as a consequence of having to cover regional subjects and be set in or feature people known to or connected to the region (see Section 3 above).

Further information on representation and portrayal requested

31. We would be interested in receiving evidence or case studies from stakeholders which could develop our understanding of the contribution that *regional productions* currently make to representation and portrayal of the nations and regions in order to gain a sense of the scale of this consequential benefit.

Please provide reasons and evidence in support of your response(s).

- 4.29 It should be noted that, unlike the other PSBs, the BBC has specific obligations within its Charter “to reflect, represent and serve the diverse communities of all of the United Kingdom’s nations and regions and, in doing so, support the creative economy across the United Kingdom”³¹, and must report annually to Ofcom on its performance. We would expect nations and regions productions and programming to factor into this report. Ofcom is also undertaking a separate review, exploring how well the BBC represents and portrays the UK, which will, among other things, seek to further our understanding of the relationship between what appears on screen and how programmes are made.³² This is part of Ofcom’s broader diversity work programme.³³

Allocating *regional productions* to a nation or macro-region

- 4.30 The guidance also asks that in the data submitted by the PSBs to Ofcom, each *regional production* is assigned to either Scotland, Wales or Northern Ireland, or to one of three English macro-regions.³⁴
- 4.31 When the guidance was first introduced, productions with a substantive base outside of London were allocated according to the location of that base, regardless of where the budget and off-screen production talent criteria were met. However, if the production was made by a London-based producer (thus not meeting the substantive base criterion), it had to be allocated according to the budget and off-screen production talent criteria. In 2009, we amended the guidance as we considered that it was unfair for producers based outside of London to be restricted to only making programmes which could be allocated to the

³¹ [Public Purpose 4, BBC Charter 2016](#)

³² [Ofcom thematic review of representation and portrayal on the BBC: Terms of reference, February 2018](#)

³³ [Overview of Ofcom’s work on diversity and equality 2018/19](#)

³⁴ The macro-regions comprise the government regions Yorkshire and Humber, North-West and North-East England; West Midlands, East Midlands and East of England; South-West and South-East England.

area in which they were based, thus limiting their ability to compete for commissions which the broadcasters' might want made from an alternative location. Titles are now allocated on the basis of where a majority of the three criteria are met.

- 4.32 However, in cases where a programme that is made by a producer based in the nations or regions does not fully meet the budget and/or off-screen production talent criteria in one single nation or macro-region, it should then still be allocated according to its substantive base. If the programme is produced by a London-based producer, and the budget and off-screen production talent criteria are not met in one single nation or macro-region, the guidance requires this title to be allocated as a 'multi-nation/region' production.
- 4.33 Using this methodology, all titles are allocated to just one single area of the UK, when in many cases the production process will take place in a variety of locations. We recognise that this may be an over simplification of the production process and are therefore open to considering whether requiring each title to be allocated to just one area is the best approach to take. Any new approach, would, however, still need to ensure that in the cases of the BBC and Channel 4, programmes which were made outside of England are identified as such, in order to count towards their more specific nations production requirements.
- 4.34 In order to develop our thinking further in this area we welcome responses to the following questions:

Questions about the process for allocating productions

32. Does the process by which productions are allocated to a nation or macro-region work well in practice, or are there any other approaches you think we should consider instead? E.g. allocating proportions of one title to the different areas in which it was made.
33. Where a production has met the three criteria in different nations/ macro-regions the allocation defaults to the substantive base. Is this the right approach or does it deliver unintended consequences?
34. Is there anything else we need to take into consideration here? E.g. are the current nations and macro-regions the right areas to use for allocations?

Please provide reasons and evidence in support of your response(s).

5. The guidance in practice: *regional TV programming*

- 5.1 The Communications Act and the BBC Agreement define *regional programmes* as those which are of particular interest to people living in the area for which the service is provided. In judging regionality, our guidance states that a key consideration will be what distinguishes individual programmes from the output of other regions and of the networks. In particular, our definition states that *regional programmes* should:
- a) “deal with subject matters of specific interest to the region and of less interest elsewhere (e.g. regional events, concerns and interests); and
 - b) be clearly set within the region and/or feature people known to be residents of, or who have close connections with, the region.”³⁵
- 5.2 The Communications Act and the BBC Agreement require Ofcom to set requirements for Channel 3 and the BBC to ensure that a suitable proportion of *regional programmes* are made in the area for which the service is provided. To determine whether a programme was made in the region, the same three criteria set out for *regional production* above apply, using the substitution of ‘in the region’ for ‘outside the M25.’
- 5.3 We are not currently proposing to review our definition of *regional programming* in detail as we have received little feedback from stakeholders to suggest that there are any concerns with this aspect of the guidance. This may partly be because sector changes that affect production processes and the application of the guidance might have more of an impact on *regional productions*. We do, however, recognise that any changes we may consider making to the criteria for *regional productions* will have an impact on how the BBC and Channel 3 licensees determine whether a *regional programme* was made in the region. In this eventuality we would need to consider whether it would be appropriate to vary the criteria for the two sets of obligations.
- 5.4 We are keen to hear views from stakeholders on *regional programming*, to determine whether there is a case for reviewing our definition in more detail, and also the impact any changes to the *regional production* criteria may have on determining whether these programmes were made in the region.
- 5.5 We have received little feedback on the impact of the guidance for *regional programming* and welcome responses on the following questions in advance of determining the focus of the consultation:

³⁵ Paragraph 14.

Questions about *regional programming*

35. Are the on-screen criteria used to judge regionality appropriate, or are there other factors that should now be included instead/as well?
36. Are the three criteria used to determine whether a *regional programme* was made in the area for which the service is provided appropriate, or are there other factors that should now be included instead/as well?
37. Are there any other aspects of the *regional programming* section of the guidance which require more detailed review?

Please provide reasons and evidence in support of your response(s).

6. Reporting

- 6.1 The PSBs are responsible for providing accurate data to Ofcom to demonstrate compliance with their licence conditions, including compliance with their respective *regional production* quotas and (if relevant) *regional programming* obligations.
- 6.2 If Ofcom were to find that a licensee had breached its licence conditions relating to *regional productions* and/or (if relevant) *regional programming*, Ofcom could consider sanctioning the licensee, including the imposition of a financial penalty.
- 6.3 Each year we publish a PSB data pack³⁶ detailing how the broadcasters report that they have performed in meeting each of their quotas.
- 6.4 Since 2010 we have also published the ‘*Made outside London programme titles register*’³⁷ to increase the transparency of reporting in this area. The Register lists all of the programmes the PSBs report that they made outside of London in a particular year which were counted towards meeting their *regional production* quotas. It includes information about which criteria the productions met, the producer, and which nation or macro-region they have been assigned to.
- 6.5 While the introduction of the Register increased the transparency of how the PSBs report fulfilling their quotas, some stakeholders have told us that they would like to see more information and detail presented in the Register. There may be benefits in greater transparency and to help us consider these points further, we invite stakeholders to let us know the areas which they consider more information should be available and explain how any additional information would be useful:

Questions about reporting and compliance

38. What is useful about the current ‘*Made outside London programme titles register*’ and why?
39. Are there ways in which the Register could be improved? If yes, how?
40. Is there additional information which could be included in the Register to aid transparency?
41. Are there any other ways in which we could improve the transparency of our reporting?

Other areas for consideration

- 6.6 Finally, we would be interested to hear any other relevant views from stakeholders about the guidance and what we should be considering as part of this review:

³⁶ [Ofcom: PSB Annual Compliance Report 2017](#) and [Ofcom: Annual PSB Nations and Regions Compliance Report 2017](#)

³⁷ [Ofcom: Made-out-of-London TV programming registers](#)

42. Are there other issues stemming from the guidance that are not addressed in this Call for Evidence? If yes, please set out what they are.

A1. Responding to this call for evidence

How to respond

- A1.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on 10 May 2018.
- A1.2 You can download a response form from <https://www.ofcom.org.uk/consultations-and-statements/category-2/regional-production-programming-guidance-review>. You can return this by email or post to the address provided in the response form.
- A1.3 If your response is a large file, or has supporting charts, tables or other data, please email it to madeoutsidelondonreview@ofcom.org.uk, as an attachment in Microsoft Word format, together with the cover sheet (<https://www.ofcom.org.uk/consultations-and-statements/consultation-response-coversheet>).
- A1.4 Responses may alternatively be posted to the address below, marked with the title of the consultation:
- Made outside London Review Team
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA
- A1.5 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:
- Send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files. Or
 - Upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
- A1.6 We will publish a transcript of any audio or video responses we receive (unless your response is confidential).
- A1.7 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt if your response is submitted via the online web form, but not otherwise.
- A1.8 You do not have to answer all the questions in the consultation if you do not have a view; a short response on just one point is fine. We also welcome joint responses.
- A1.9 It would be helpful if your response could include direct answers to the questions asked in the consultation document. The questions are listed at Annex A4. It would also help if you could explain why you hold your views, and what you think the effect of Ofcom's proposals would be.

- A1.10 If you want to discuss the issues and questions raised in this consultation, please contact Stephanie Brook on 020 7981 3283, or by email to stephanie.brook@ofcom.org.uk.

Confidentiality

- A1.11 Consultations are more effective if we publish the responses before the consultation period closes. In particular, this can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish all responses on our website, www.ofcom.org.uk, as soon as we receive them.
- A1.12 If you think your response should be kept confidential, please specify which part(s) this applies to and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.
- A1.13 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.14 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further at <https://www.ofcom.org.uk/about-ofcom/website/terms-of-use>.

Next steps

- A1.15 We would welcome responses by 10 May 2018. Stakeholder views will inform our considerations for this review, alongside other evidence and analysis. We plan to publish a Consultation later in 2018, which will detail our proposals.
- A1.16 If you wish, you can register to receive mail updates alerting you to new Ofcom publications; for more details please see <https://www.ofcom.org.uk/about-ofcom/latest/email-updates>

Ofcom's consultation processes

- A1.17 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex A2.
- A1.18 If you have any comments or suggestions on how we manage our consultations, please email us at consult@ofcom.org.uk. We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.19 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact Steve Gettings, Ofcom's consultation champion:

Review of Regional TV Production and Programming Guidance

Steve Gettings
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA
Email: corporationsecretary@ofcom.org.uk

A2. Ofcom's consultation principles

Ofcom has seven principles that it follows for every public written consultation:

Before the consultation

- A2.1 Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

During the consultation

- A2.2 We will be clear about whom we are consulting, why, on what questions and for how long.
- A2.3 We will make the consultation document as short and simple as possible, with a summary of no more than two pages. We will try to make it as easy as possible for people to give us a written response. If the consultation is complicated, we may provide a short Plain English / Cymraeg Clir guide, to help smaller organisations or individuals who would not otherwise be able to spare the time to share their views.
- A2.4 We will consult for up to ten weeks, depending on the potential impact of our proposals.
- A2.5 A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.
- A2.6 If we are not able to follow any of these seven principles, we will explain why.

After the consultation

- A2.7 We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish all the responses on our website as soon as we receive them. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

A3. Consultation coversheet

BASIC DETAILS

Consultation title: Regional Production and Programming Guidance Review: Call for Evidence

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing

Name/contact details/job title

Whole response

Organisation

Part of the response

If there is no separate annex, which parts? _____

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

A4. Consultation questions

Regional production and programming guidance review

A4.1 This Call for Evidence is a tool to gather data and stakeholder views on the state of the production sector in the nations and regions and the impact of the current guidance on the delivery of *regional productions* and *programming*. The information collected will be used to help develop a consultation on any changes to the regime we consider may be necessary.

1. Which factors have, since the guidance was introduced in 2004, had the biggest impact (positive or negative) on the TV production sector in the nations and regions and why? Are these different to the factors affecting London-based productions?
2. What impact, if any, has the BBC's move to Salford had on the sector, and on *regional production* specifically?
3. Do the opportunities for nations' and regions' producers vary by genre? If so in which genres is it easiest and hardest to get commissions?
4. What are stakeholders' views on the impact anticipated future structural changes in the industry might have on the production sector in the nations and regions?
5. In your experience does the definition of a substantive base work well in practice? If not, how could it be improved?
6. Does the criterion currently contribute to the objective to strengthen *regional production*? If so how, if not why not?
7. Are there any circumstances in which an office designated as the usual place of employment of senior or executive personnel should not be considered a substantive base? If yes, please provide further explanation.
8. Does this criterion currently create any unintended consequences?
9. We would welcome any information/examples from production companies on the range and roles of staff in production offices outside of London.
10. Do producers tend to share space in the nations and regions in order to expand and contract in line with their commissioning slate and thus to help with costs/efficiencies?
11. Is the production budget criterion set at the right level?
12. What challenges do producers face in meeting this criterion? Do these differ dependent on the substantive base of the production?
13. Does this criterion currently create any unintended consequences?
14. We welcome any evidence/data of how production budgets for nations' and regions' productions work in practice.
15. Is the off-screen talent criteria set at the right level?

16. How easy or difficult is it for programme makers to fulfil the current criterion?
17. Is there a representative spread of nations' and regions' talent at all levels available to hire? Are there certain roles where it is not possible to fill roles from the nations and regions alone? If yes, which roles and what impact does this have on production budgets?
18. Do broadcasters give producers the flexibility to employ the staff they want regardless of location?
19. Which roles, if any, are most often prescribed by the broadcaster? Does this vary by genre?
20. Does this criterion currently create any perverse incentives?
21. We welcome any evidence to suggest whether the distribution of off-screen talent and the range of skills available has changed since this level was set in 2004.
22. Are the three criteria used to define a *regional production* for the purposes of the quotas the correct ones or are there other factors that should now be included instead/ as well?
23. How well do the criteria collectively contribute towards the sustainability of the production sector outside of the M25?
24. Are there any unintended consequences of the criteria or guidance more widely that undermine the sustainability of the sector beyond the M25?
25. Are the criteria too narrow? For example, are there cases of nations' and regions' productions that fail ultimately to qualify towards the *regional production* quota?
26. Is the criteria-based approach the best for regulation in this area, or are other models that might work better?
27. In your experience how big a role does London play in nations' and regions' productions and in what way?
28. What benefits/disbenefits do you consider 'Lift and Shift' production brings to the nations and regions? We would welcome case studies/examples of 'Lift and Shift' productions.
29. Does 'Lift and Shift' help or hinder the sustainability of production in the locality of a production and in the nations and regions more widely?
30. Are there different parts of the production process which are more likely to happen in/out of London?
31. We would be interested in receiving evidence or case studies from stakeholders which could develop our understanding of the contribution that *regional productions* currently make to representation and portrayal of the nations and regions in order to gain a sense of the scale of this consequential benefit.
32. Does the process by which productions are allocated to a nation or macro-region work well in practice, or are there any other approaches you think we should consider instead? E.g. allocating proportions of one title to the different areas in which it was made.

33. Where a production has met the three criteria in different nations/ macro-regions the allocation defaults to the substantive base. Is this the right approach or does it deliver unintended consequences?
34. Is there anything else we need to take into consideration here? E.g. are the current nations and macro-regions the right areas to use for allocations?
35. Are the on-screen criteria used to judge regionality appropriate, or are there other factors that should now be included instead/ as well?
36. Are the three criteria used to determine whether a *regional programme* was made in the area for which the service is provided appropriate, or are there other factors that should now be included instead/ as well?
37. Are there any other aspects of the *regional programming* section of the guidance which require more detailed review?
38. What is useful about the current '*Made outside London programme titles register*' and why?
39. Are there ways in which the Register could be improved? If yes, how?
40. Is there additional information which could be included in the Register to aid transparency?
41. Are there any other ways in which we could improve the transparency of our reporting?
42. Are there other issues stemming from the guidance that are not addressed in this Call for Evidence? If yes, please set out what they are.

Please provide reasons and evidence in support of your response(s).