

Your response

Question	Your response
<p>Question 1: Do you agree with our proposals that the main five PSB channels hold the top five slots on EPGs provided UK wide or in the UK outside of Wales?</p>	<p>Confidential? – N</p> <p>We support in principle the UK’s public service broadcasting system and the various benefits received by the PSBs, including prominence. In particular, we agree that maintaining the status quo with the five PSB channels continuing to hold the top five slots on EPGs in the UK outside of Wales will deliver appropriate prominence and not entail any detriment to other channels by forcing movement in the EPG.</p> <p>Please see our response to Question 2 regarding Channel 4 in Wales.</p>
<p>Question 2: Do you agree that on EPGs provided for viewers specifically in Wales BBC One, BBC Two and the relevant Channel 3 service should take the top three slots, with S4C in slot four, Channel 5 in slot five and Channel 4 guaranteed a position on the first page?</p>	<p>Confidential? –N</p> <p>We are not in a position to comment in detail on this proposal but would reiterate our overall position, as expressed elsewhere in this document, that OFCOM has not demonstrated a tangible net benefit to UK consumers.</p>
<p>Question 3: Do you agree that BBC Four should be guaranteed a slot within the top three pages of all EPGs?</p>	<p>Confidential? –N</p> <p>We are not in a position to comment in detail on this proposal but would reiterate our overall position, as expressed elsewhere in this document, that OFCOM has not demonstrated a tangible net benefit to UK consumers.</p>

Question 4: Do you agree that the designated public service News channels (currently BBC News and BBC Parliament) should be guaranteed slots on the first page of the news genre section or an equivalent position within the grouping of news channels on the EPG, as applicable?

Confidential? –N

We are not in a position to comment in detail on this proposal but would reiterate our overall position, as expressed elsewhere in this document, that OFCOM has not demonstrated a tangible net benefit to UK consumers.

Question 5: Do you agree that CBeebies and CBBC should have guaranteed slots on the first page of the Children's genre or area of the EPG, as applicable?

Confidential? –Y

We do not agree that there should be any change to the current listings of CBeebies and CBBC. We support the principle of appropriate prominence for PSB channels and acknowledge their importance to the UK television industry. However, we do not believe that OFCOM has demonstrated that the changes it is proposing would result in a net public policy gain. These proposals risk causing potentially significant disruption and negative impact to the commercial children's TV sector for limited, if any, public policy benefit.

CBeebies and CBBC are successful channels on all platforms. Based on BARB data CBeebies is the number one children's channel on both Sky and Virgin platforms and CBBC is joint fourth on Sky and second on Virgin, based on average ratings. The BBC children's portfolio is the number one children's channel portfolio in all TV homes based on share, and number two on all pay TV platforms behind the Nickelodeon portfolio, which has six channels to the BBC's two.

BBC children's performance is even stronger on audience reach (a good measure of prominence) on the Sky platform: CBeebies is number one on Sky and Virgin, CBBC is number two on Sky and number three on Virgin.

The BBC children's channels portfolio is the only one to have grown its audience share in the last five years on pay TV platforms – share has increased 8% 2013-2017. In contrast the pay children's channels have lost 16% of their share over the same period.

The BBC children's channels benefit from the strength of the BBC brand and the cross promotion the BBC platforms provide. The BBC portfolio of channels reaches 7.4m children per month and 52.8m viewers per month.

We note that the financial modelling provided by EMP focussed on traded value of EPG slots with extrapolation as to assumptions of increased viewing relating to different slots. At no point was the cross promotional ability of channel groups, and in particular the PSBs, factored in to this.

OFCOM has done no specific research on how children use the EPG. In our experience children are much more likely to use channel numbers to navigate to children's channels than to use the EPG. Analysis of channel-switching shows that on average 74% of switching to any children's channels in the Sky EPG comes from outside the children's section of the EPG (i.e. children going directly to the applicable channel number). The percentage of children switching directly to CBeebies and CBBC is higher (82% and 75% respectively) showing that they are already well-known viewing destinations.

In our view, there is no demonstrable net benefit to the UK television industry overall from changes that potentially migrate (rather than add) audience to already successful channels and away from other channels that are also regulated and provide a safe and trusted environment for UK children and which are, just like the BBC, having to compete in an already difficult and rapidly changing climate in which children are shifting from linear to other forms of viewing.

<p>Question 6: Do you agree that S4C, BBC Alba, and BBC Scotland should be guaranteed prominence within the first three pages of UK wide EPGs?</p>	<p>Confidential? –N</p> <p>We are not in a position to comment in detail on this proposal but would reiterate our overall position, as expressed elsewhere in this document, that OFCOM has not demonstrated a tangible net benefit to UK consumers.</p>
<p>Question 7: Do you agree that Local TV should be guaranteed prominence within the first three pages of UK wide EPGs?</p>	<p>Confidential? –N</p> <p>We are not in a position to comment in detail on this proposal but would reiterate our overall position, as expressed elsewhere in this document, that OFCOM has not demonstrated a tangible net benefit to UK consumers.</p>
<p>Question 8: Do you agree that S4C, BBC Alba, and BBC Scotland should be guaranteed prominence within the first three pages of relevant Nation specific EPGs e.g. S4C in Wales, BBC Alba and BBC Scotland in Scotland?</p>	<p>Confidential? –N</p> <p>We are not in a position to comment in detail on this proposal but would reiterate our overall position, as expressed elsewhere in this document, that OFCOM has not demonstrated a tangible net benefit to UK consumers.</p>
<p>Question 9: Do you agree that Local TV should be guaranteed prominence within the first three pages of relevant regionalised EPGs?</p>	<p>Confidential? –N</p> <p>We are not in a position to comment in detail on this proposal but would reiterate our overall position, as expressed elsewhere in this document, that OFCOM has not demonstrated a tangible net benefit to UK consumers.</p>
<p>Question 10: Do you agree with our proposals to ensure prominence for either the SD or HD version of BBC channels rather than both?</p>	<p>Confidential? –N</p> <p>We agree with this proposal on the basis that it does not disrupt other channel listings and accordingly any benefit to the PSB channels is proportionate.</p>

<p>Question 11: Do you agree with our proposals to allow broadcasters to swap HD simulcast variants of their SD designated channels, such that those HD variants could occupy the slots which the SD channels would be entitled to?</p>	<p>Confidential? –N</p> <p>We agree with this proposal on the basis that it does not disrupt other channel listings and accordingly any benefit to the PSB channels is proportionate. However, we question whether this would cause confusion to viewers.</p>
<p>Question 12: Do you agree with our proposal to provide a 12 month transition period once the Code is finalised?</p>	<p>Confidential? – N</p> <p>Whilst we continue to support the UK's longstanding EPG prominence regime, we do not support most of the proposals as set out in this document. If changes are eventually made that disrupt the rest of the sector we would support a meaningful transition period of a minimum of 12 months for any set of changes, particularly ones which will require communication to viewers.</p>
<p>Question 13: Do you think that the prominence regime should be extended to ensure EPGs themselves can be easily found?</p>	<p>Confidential? – N</p> <p>We support the proposal that the linear EPG remains easily discoverable and a viable alternative to on demand viewing on platforms which offer both linear and on demand. However, OFCOM should be mindful of the danger of over regulating a quickly evolving landscape where technological developments could have dramatic impact.</p>
<p>Question 14: Do you agree with the broad range of factors for consideration we have identified? Are there other factors that policy makers should consider?</p>	<p>Confidential? – N</p> <p>The consultation document identifies a series of factors that would seem appropriate and relevant. However, as set out in our response, we believe much more detailed research and analysis is required in this area before any measures are proposed.</p>

Question 15: Do you agree with the principles we have set out? Are there other principles that should be considered?

Confidential? – N

The consultation document identifies a range of principles that would seem appropriate and relevant. However, as set out in answer to questions 16 and 17, we believe much more detailed research and analysis is required in this area before any measures are proposed.

Question 16: Do you think that the prominence regime should be extended to ensure PSB Players can be easily found?

Confidential? – N

In broad terms we sympathise with the concerns that the public service broadcasters have expressed about the need to ensure their content is readily discoverable in the digital and online world, as viewing migrates from linear. The public has paid for this content and it is important it can find it. That said, it is important to note that most commentators believe linear television will remain resilient for at least a decade. This will continue to provide the PSBs with an unrivalled platform to promote their content – both linear and online. In addition, the PSBs have been experimenting very successfully themselves on these new platforms. According to a BBC press release in February of this year *“BBC iPlayer recorded its best year ever in 2017, having introduced more boxsets, hits from the archive, greater personalisation and the BBC’s first Ultra HD programme. Viewers streamed 272 million programmes per month on average in 2017, with total requests growing to 3.3 billion - an 11% increase on the previous year”*. Innovation across the PSBs in this new landscape, built upon their historic strength in linear means, they are well placed to adapt and thrive in the digital age. As such, we are not convinced that there is a need to extend the prominence regime *per se* to these new platforms. Just as importantly, it is also not clear that it will be practically possible to frame legislation that can achieve this objective. Anything that seeks to go against the grain of the rapidly changing patterns of consumer behaviour that are emerging is unlikely to stand the test of time. The existing prominence regime has worked well because it emerged from a legacy environment in which viewers had for decades associated the PSBs with Channels 1 to 3 (and subsequently 4 and 5). It was a natural evolution. We believe much greater research needs to be undertaken to establish the likely scale of the problem and whether a workable, proportionate regulatory intervention could be constructed.

Question 17: Do you think that the prominence regime should be extended to ensure PSB content can be easily found via recommendations and / or search? If so, what key parameters would you set for this aspect of the regime?

Confidential? – N

See also answer to Q16. This proposal is extending the requirements from linear EPG listings to on demand and other locations for access to content.

Search that is facilitated by recommendation or key word is unlikely to be for a linear channel and more likely to be for an individual programme.

Accordingly, we do not think it is appropriate to extend the prominence regime without detailed analysis and investigation as to the universe that would be regulated.

OFCOM states at 1.24 *"We also believe that some key principles should be upheld under any new regime. This includes protecting the viewer's ability to personalise what they see (for example, arranging TV player apps in a way that the viewer decides), not preventing active consumer choice (for example, promotion of programmes based purely on personal preferences) and ensuring the transparency of search"*.

To mandate prominence in the search environment potentially undermines those principles.

In addition, OFCOM has not made clear how prominence being applicable to programming across multiple formats and services would be linked to public service obligations.

Question 18: Do you think that the prominence regime should be extended to platforms and devices not currently captured by the EPG prominence regime? If so, how do you think the regime could be extended and who should be captured?

Confidential? – N

We do not believe it should be extended without extensive investigation – please see our response to Questions 16 & 17.

Question 19: Do you think that the prominence regime should be extended to online services? If so, who should be captured?

Confidential? – N

We do not believe it should be extended without extensive investigation – please see our response to Questions 16 & 17.

Please complete this form in full and return via email to eggprominence@ofcom.org.uk or by post to:

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