

## **ACNI response to Ofcom Consultation: Holding the BBC to account for the delivery of its mission and public purposes**

The Ofcom Advisory Committee for Northern Ireland (ACNI) acknowledges the significance of the role played by the BBC, as emphasised at the outset of the consultation document. Ofcom's new regulatory role is equally significant. We have therefore given this matter serious consideration and offer these views on the consultation in light of our obligations to the citizens of Northern Ireland.

As a general and overarching comment, we welcome Ofcom's proposals on the BBC operating licence, the performance measures and the process for amending these in future,

ACNI would like to see 'nations and regions' as cross-cutting themes though the whole operating licence (not just in public purpose 4, as is currently the case).

In this response, we provide some comments and context before addressing each consultation question in turn.

- 1.10 of the consultation document states:

*“Our approach seeks to preserve the BBC’s editorial and creative freedom while also holding the BBC to account for important outcomes for audiences. Being a regulator, we do not replicate the extensive strategic requirements imposed by the Trust through its service licences. It is for the new BBC Board to determine its own strategy. But we have imposed regulatory conditions where we think it is in the interests of citizens and consumers to do so, and to ensure the BBC delivers its mission and public purposes as required under the Charter and Agreement.”*

The ACNI agrees with this sentiment and with the position that as a regulator Ofcom will not replicate the outgoing Trust's strategic input. That will be for the new BBC Board.

- We welcome the commitment made to preserving and promoting coverage of arts, music and religion that permeates from section 1.19.4 onwards.
- 1.19.3 states:

*“To ensure that the BBC continues to deliver engaging and stimulating programmes for the youngest audiences, we are proposing new targets for CBeebies and CBBC in relation to new content. We recognise the key role that BBC online plays in children’s and teenagers’ formal education, and we propose to enshrine this in a new condition.”*

The ACNI is not satisfied with the current provision of formal education output by the BBC, particularly in relation of the local curriculum in Northern Ireland. We are not convinced that limiting education output to CBeebies and CBBC online is desirable or adequate. It is our view that there is and remains an historic underinvestment by the BBC in education output for Northern Ireland.

- We agree with the measurement of performance proposed by Ofcom as set out in 1.24, and believe it is important that the BBC quickly sets out its own performance measures.

- We are concerned that the BBC in an effort to reach its target for Northern Ireland network output by hours (as well as value) may have the unintended consequence of reducing the quality of output. Currently BBCNI appears to be quite successful in securing drama commissions after many years' struggle. These are inevitably high cost but contribute relatively few hours. Therefore, if both targets are to be met there may be an incentive for the BBC to depress the number of (prestigious) drama commissions and increase high volume low cost productions such as populate the daytime schedules. That would be unfortunate.
- We would like further information on how Ofcom will measure performance by BBC NI in terms of diversity and portrayal.
- The consultation document states:

*"Our proposals for strengthening delivery include increasing quota levels where appropriate, when the BBC has delivered above existing levels over a period."*

The ACNI would like to stress that this could amount to a disincentive for the BBC to ever exceed any quotas above the population share for each nation/region if this could result in Ofcom increasing the requirement.

We have some concern that the nation quota in this context will be a ceiling (despite the words at least in the licence) when the nations quotas should be set as minimums. We believe that the BBC needs to be constantly encouraged to do more out of London.

- At section 1.19.5 we welcome the commitments to diversity and would state that this should be broadly framed to include cultural and linguistic aspects of minority languages (for example, Welsh, Scot Gaelic, Irish Gaelic, Ulster Scots, Manx and Cornish).
- On indigenous languages and culture ACNI welcomes the proposal to continue to provide output relating to both Irish and Ulster Scots.
- Relating to section 2.14, the BBC has a key role in helping the creative economy grow across the UK. ACNI believes it should develop appropriate partnerships to maximise impact and value. The framework agreement between BBC and NI Screen is a good example. Similar partnerships in other Nations and regions should be encouraged.
- As noted in section 2.15 we welcome equality impact assessment including Northern Ireland extended requirements.
- ACNI believes that distinctiveness measures (4.17.1) should be set at a high level and that the BBC should be encouraged not to consign this output to the margins of the schedule.
- In the absence of individual service licences for the nations (4.17.2) ACNI stresses it will be important for Ofcom to review the BBC's commitment to nations audiences on a regular basis to ensure that needs are being served. ACNI therefore recommends that Ofcom should consider conducting a review from time to time to ensure news and current affairs in the nations and regions is meeting needs (4.34.3)
- We agree with proposed actions in general in section 4.45 but suggest these need some nations commitments. As stated above, in the absence of separate national licences we would want to see nations mentioned in every public purpose as it is cross cutting.

- As a side-note, ACNI is concerned about BBCNI's announcement in April about additional investment for local production in Northern Ireland. We believe there is the potential for competition issues in relation to the focus on online platforms. We would like this to be reviewed and monitored to provide assurance that this investment will not distort the market in Northern Ireland in any detrimental way.

Subject to the comments above, ACNI's answers to the specific questions are:

**Q.1 Do you agree with our overall approach to setting the operating licence?**

Yes, we broadly agree but we want to be mindful of encouraging the BBC to meet and exceed its targets.

**Q.2 Do you agree with the approach we have proposed for public purpose 1, including the high-level objectives and regulatory conditions we are proposing?**

Yes, in general and subject to points made earlier in this response. We acknowledge the absolute importance of Public Purpose 1, especially so in this era of 'Fake News'.

**Q.3 Do you agree with the approach we have proposed for public purpose 2, including the high-level objectives and regulatory conditions we are proposing?**

Yes, and we are satisfied with commitments made to addressing all ages, as well as to preserving and promoting coverage of the Arts and Music. We would want to see this commitment extended across the nations.

**Q.4 Do you agree with the approach we have proposed for public purpose 3, including the high-level objectives and regulatory conditions we are proposing?**

Yes, we welcome the inclusion of distinctiveness as a new addition to the BBC's Mission and Public Purpose and we acknowledge the significance of this. We welcome the commitment in 4.77 for BBC Radio 5 Live to broadcast commentary from 20 different sports each year and believe this opens the way for minority sports from the regions to receive national profile.

In 4.85 we welcome the innovation offered through co-production and co-funding as a means of introducing new budget to the BBC.

The ACNI would wish to see within 4.71 some mention of nations production commitment that is cited earlier in the document. While this is captured in Public Purpose 4 we would prefer to see nations' commitments as a cross-cutting theme through the whole licence.

The Northern Ireland independent production sector is relatively strong and has potential to grow. We would like a more explicit mention of origination from the independent production sector.

**Q.5 Do you agree with the approach we have proposed for public purpose 4, including the high-level objectives and regulatory conditions we are proposing?**

The nations' quotas in 4.117. should be regarded as minimum requirements and not limits. Consideration should be given to the inclusion of the UK's indigenous minority cultures and languages in 4.128.

**Q.6 Do you agree with Ofcom's approach to how we will set and amend the operating licence, as set out in Annex 5?**

Yes

**Q.7 Do you agree with our proposed overall approach to performance measurement?**

Yes, but as stated above ACNI would like further information on how Ofcom will measure performance by BBC NI in terms of diversity and portrayal.

**Q.8 Do you agree with the proposed framework of: availability; consumption; impact; contextual factors?**

We particularly welcome the commitment to a flexible approach (5.13.3). Under the 'Principles of Measurement' at 5.13 we would not want practicality to be used as a reason for not adopting a measurement principle.

**Q.9 Do you agree with Ofcom's approach to how we will set and amend the performance measures?**

Yes, the proposal would ensure that impartiality is safeguarded in news and current affairs, while avoiding regulation that interferes unduly with the BBCs editorial decisions.

**Ends**  
**14 July 2017**