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**Additional comments:**

**Question 1: Do you agree that our proposed quota of 9% from 2020 appropriately balances the costs and benefits of the out of England production quota for stakeholders? Please provide reasons for your view and any supporting evidence you may have.:**

It must be welcomed that Ofcom has offered a second opportunity for stakeholders to consult on this issue.

1 However, it is only by not ascribing key stakeholder status to the three devolved Nations (representing their regional viewership and producers) is it possible to agree that the proposed quota of 9% from 2020 can balance the costs and benefits of the UK Nations/Out of England quota.

2 From the view of a long struggling Northern Ireland any re-drafting by Ofcom of regulatory framework that does not confront historical PSB 'market failure' runs the risk of seeming at best disengaged on this subject. Although admittedly a significant advancement, 9% will mean very little if - as I suspect to be the case - Ofcom has dismissed without further debate the proposed protection of Nations sub-quotas. The arguments made by C4 and Ofcom against this last, logical intervention are inconclusive and theoretically inconsistent.

3 I think it is important to return to basics on this issue. In the context of the PSBs in the UK, quotas have been used as a consensus mechanism to resist the gravitational pull of either London (in the case of Out of London quota) or in-house BBC in the case of 25% independent access quota.

4 It is agreed that these interventions in all their evolving incarnations have been 'game

changing' for the creative industries in the UK, and a driver for growing the UK into the television 'workshop of the world'. The effects have been proven and profound, benefitting broadcasters, viewers and industry alike. That quotas work.

5 The UK Nations/ Out of England phase of this 'big idea' is the final significant phase of this devolution. It is true that sub-quotas (a sub-division of the C4 9% proposal) will if applied stimulate dynamic new activity in Northern Ireland and Wales. It is also true that as the more mature production base Scotland will require the least protection from a minimum quota. Growth in Scotland is guaranteed and of the three Nations is the most likely to flourish in the coming years. However, it should be understood that a principle of sub-quotas, if agreed, is agreed across all the Nations.

6 [It should be noted that the Scottish Government in its submission to the first phase Ofcom/ C4 consultation urged that "...the quota be reasonably distributed across the Nations to ensure genuine representation...as well as opportunities for producers across the Nations." The Welsh Government in its submission called into question "...whether a single Nations quota would continue to be appropriate from a Welsh or Northern Irish perspective."]

7 It is hard to see how Ofcom comes to the conclusion in 2.79 and 2.80 of its Provisional View that (a) individual nations quotas "would be likely to result in a reduction of range and diversity of programmes for Channel 4 viewers overall" and (b) that sub-quotas will "constrain its ability to commission on merit."

8 It is my view that the range and depth of what we call diversity in broadcasting can only be expanded by adding regionality and nationhood to the mix. Indeed, the range and diversity of Channel 4's perhaps metro-centric concept of diversity can be mirrored and multiplied in each of the Nations.

9 The potential for a kaleidoscopic and exciting new reflection of the whole of Britain is an opportunity the Channel should embrace. There is no need to fear that any of this will have a parochializing influence or negative commercial impact on Channel 4 - a point more than implied in its own submission.

10 In the command culture that is Channel 4 commissioning, the idea that the Channel would commission any programme that does not play into its priorities is simply not plausible. There are many companies in Northern Ireland that can, and have delivered to C4 priorities, and secured commissions after intelligence based on 'deep development' processes.

11 Furthermore, the levels of commissioning that would be required to meet the very modest quota proposed would, if embraced with conviction, require no significant extra financial burden. The 'scare tactic' of an eroded 'merit' based culture where the 'best idea should always win' is, and will always be a get-out clause for a broadcaster unwilling to risk change. Copycat commissioning in broadcasting is a reality and draws no comment when considering the downsides of the current state of the industry, but quality suddenly becomes a concern when 'old fiefdoms' are challenged by new possibilities.

12 In closing, it would be useful to reconsider Ofcom's perhaps over protective tone that an expanded Out of England would add to Channel 4's continuing challenges in the market place.

13 There is much to suggest that a re-energised Channel 4 working in partnership with the devolved administrations and development agencies could re-launch and re-brand Channel 4's claim to be the channel of diversity and creative renewal for the whole of the UK - however it is constituted.

14 It is no coincidence that Channel 4's levels of approval as the popular broadcaster of diversity do not extend to how the Channel 4 viewers in the individual nations see the Channel as having reflected their own nation. This is a huge opportunity for the Channel going forward.

15 Lastly, it is worth examining the assumptions in 3.111 of the original Ofcom briefing document, that (a) expanding the scale and reach of an Out of England strategy is potentially an exercise in 'robbing Peter to pay Paul' as far as it concerns Out of London strategies and the English Regions.

16 This has always been the dissenting thought of certain elements, in the context of an evolving PSB landscape that has the potential on behalf the viewing public to make a naturally London-centric, and England-centric television culture more relevant to the whole of the population.

17 It could be said that this is the final logical phase of this quiet revolution in British broadcasting for which there is consensus that quotas are the only reliable delivery framework. In this instance final delivery can achieve its full flowering, especially in Northern Ireland, by building on the certainty of Nations sub-quotas.

Dermot Lavery  
DoubleBand Films, February 2014.