

Your response

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<p>Question 1: Given changes to audience consumption patterns and wider market developments, is there any aspect of Ofcom's Guidance on commissioning of independent productions which Ofcom should update to ensure it remains fit-for-purpose?</p>	<p>Confidential? N</p> <p>The PSB institutions are critical to the production and broadcast landscape due to their current scale.</p> <p>The independent sector is hugely dependent on the PS broadcasters and much of the following information relates to encouraging a healthy PBS sector in order to nurture a productive indie sector.</p> <p>The current PSB system works well but needs an injection of significant support rather than radical reform.</p> <p>At the heart of PSB is public benefit, rather than solely commercial interest – values, trust and democracy rather than profit.</p> <p>Ofcom have laid out the importance of a distinctive public service offer and the suggestion of 'Service neutral' is likely to dilute the existing offer.</p>
<p>Question 2: Is there any change to the independent production quota which Ofcom should recommend to Government as part of its 'Small Screen Big Debate' programme?</p>	<p>Confidential? N</p> <p>In addition to making provision for independents a clear accountable framework should include qualitative and quantitative quotas based around content, rather than merely focusing on where the content is put.</p> <p>There should be clear and real measurable obligations on broadcasters for public service content</p>

imposed and monitored by the regulator.

Content is key and quotas of hours, spend and genre laid out for different audience segments. Linear and VOD roll out should be acknowledged, and flexibility built in, but the primary argument should be **what content** not **where**. Independent producers and the diverse workforces they nurture should be at the heart of this.

We should adhere to high standards of transparency of tariffs, deal making with suppliers, diversity standards, Albert certification as well as provision of high quality PS programmes within the context of the territory. They should be distinctive in all regards.

Independent producers need **support from prominently placed PSBs**, and thus linear schedule EPG prominence of PSB should be mirrored on carriage services, connected tv etc.

Children's TV is an example of how lack of clarity around accountability and prominence can have severe impacts.

The removal of children's programming quotas for commercial public service broadcasters and restrictions on advertising around children's served to create market failure and have impacted heavily on the independent sector.

PSBs spent roughly 40% less than they did in 2006 by 2017 (down from £116million to £70 million). 98% of children's programming in 2016 was repeats with BBC accounting for 87% of all first-run originated children's programming by public service broadcasters. The huge role played by the BBC up until this point demonstrates the value of regulation.

Removal of much children and teen content from the main PSB linear platforms and placed on bespoke digital channels (eg CBeebies, CBBC,

	<p>CITV) or as on online only offers (BBC3) has also led to a lack of prominence of these specialist and important PSB services. In turn this impacts on producers.</p> <p>PSM should be values driven – content that educates, informs as well as entertains and reflects UK and it's culture and society – content that shows us who we are and how to be. News and Children's content priorities.</p> <p>Content should be free to access for all – universality is key to PSM</p> <p>The return of BBC3 to a linear platform reveals that VOD only is not the way forward. VOD only and widespread use of algorithms that supply 'more of the same' programmes is counterintuitive to the aims of PS broadcast in supplying and promoting a broad range of content to the audience.</p>
<p>Question 3: Do you have any recommendations for potential changes to the definitions of 'qualifying programmes' or 'independent production' which Ofcom should recommend to Government as part of its 'Small Screen Big Debate' programme?</p>	<p>Confidential? – N</p> <p>We should broadly advocate maintaining the status quo, but with more detailed regulation and better resource.</p> <p>At the last review of the BBC licence fee it was concluded that the BBC licence fee, while not perfect (and unpopular with some), is the least worst option to sustaining the BBC - our most recognisable of UK brands, it's variety and quality of public service output and its global reputation and soft power. The pandemic has evidenced the value of this service, via communicating important public health messaging, fair and impartial news services and supporting education via Bitesize moving to a television format first on iPlayer but now also on linear services.</p>

Commercial PSB's seem to be bouncing back following the pandemic and there is still a business there, but support is needed to make sure the PSB's in turn support the independent sector and do not just look after themselves. The impact of restrictions on HFSS around children's content has contributed to the decline in this sector, and has achieved little in the way of curbing childhood obesity. The recent introduction of broader, pre-watershed restrictions will likely impact only on revenue and content budgets and not on obesity.

There is a strong argument for implementing measures that create an even playing field for PSB and other media providers in the territory. The streamers are not regulated, pay minimal tax despite having grown subscribers in the UK during the pandemic, but are major beneficiaries of UK tax credits HE TV. They are putting more work in the UK, but also filling up studio space, booking crew at top end of rate card, often to the detriment of PS productions competing for same studio space and crew.

NB - Many European countries have imposed a levy on streamers and using the resource to support local content.

Again, Children's television offers some lessons. Lack of regulation, prominence and resource led to a profound market failure. The introduction of DCMS supported Young Audiences Content Fund was intended to address this, and is beginning to broaden the provision of content for children and young people on the commercial PSBs. It is a help, but not the whole answer to market failure. Further regulation and resource are needed.

With regard to opportunities for collaboration referred to by Ofcom:

The Status quo for PSM should be maintained to preserve editorial independence and distinctiveness within the current UK PS landscape.

Whilst considering opportunities for new providers of PSM? Ofcom should consider the dangers of dilution of the current PSB offer.

New providers would need to maintain the distinctive values that are about the public interest, support for our independent creative producers and not just about commercial imperatives.

Putting PSB content on commercial platforms eg BBC output on Netflix, has largely been to the detriment of the PSB in the long term, with many of these shows being attributed as 'Netflix shows' by the public even though they were licence fee funded.

Enders Analysis recent evaluation on the difference between PS content and 'World TV' should be noted. Truly local content should be preserved and protected. It is our cultural and societal glue and independent production routinely plays a vital part in the that landscape.