



Response to Ofcom consultation on proposed changes to the linear EPG Code and future of the regime

October 2018

TAC (Teledwyr Annibynnol Cymru) is the membership association of independent television production companies in Wales. There are around 50 companies in the sector, ranging from sole traders to some of the leading players in the UK TV production industry. They produce content for the BBC, ITV, Channel 4, 5 and Sky as well as other cable and satellite channels, and they are involved in numerous international co-productions. They produce almost all the original programmes broadcast on S4C, and a variety of radio productions for the BBC, including Radio Wales, Radio Cymru and UK-wide networks.

Production companies in Wales have a longstanding passion and commitment to public service broadcasting. TAC welcomes Ofcom's review of EPG prominence and this opportunity to comment.

Detailed below are some concise comments in response to specific sections of the Ofcom TOR. We would be happy to discuss these further with Ofcom.

For further information and contact details see www.tac.cymru.

Comments on specific proposals

Section in ToR	TAC Comment
<p><i>Q1. Do you agree with our proposals that the main five PSB channels hold the top five slots on EPGs provided UK-wide outside of Wales?</i></p>	<p>Yes. The prominence of free-to-air public service broadcasters on the EPG and smart TVs remains crucial. All PSBs benefit from public support in terms of spectrum and / or funding. The viewers who support these services and benefit from them should be able to find them as easily as possible.</p> <p>The PSB broadcasters invest in some genres that other commercial broadcasters do not tend to commission as often. In return for this investment, they should secure relevant prominence.</p>
<p><i>Q2. 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 as slot four, Channel 5 in slot five and Channel 4 guaranteed a position on the first page?</i></p>	<p>Yes. Awareness of content created for a specific audience can increase channel loyalty and as a result boost the channel's viewing figures.</p> <p>Research has shown that the EPG position has a direct correlation with viewing habits of the channels concerned. The FEH Media Insight report of 2013 stated that: "if a major digital entertainment channel suffered a significant loss of EPG prominence, this would be associated with a 10% to 20% drop in audience Share on the Freeview platform and a 20% to 40% fall in audience Share on the Sky and Virgin Media platforms".¹</p> <p>Since S4C has neither the significant marketing budget nor the advertising revenue of some other broadcasters, it is essential that it can be increasingly prominent in other ways.</p> <p>Access to S4C's streamed content platform through the television is relatively limited. As Ofcom's report on Welsh language and discoverability shows; "Although S4C's on-demand content can be accessed through the BBC's iPlayer, its own on-demand Player, S4C player, is only available on YouView".²</p>
<p><i>Q3. Do you agree that BBC Four should be guaranteed a slot within the top three pages of all EPGs?</i></p>	<p>Yes, particularly since Welsh dramas commissioned by S4C have also been broadcast on BBC Four, e.g. <i>Craith /Hidden</i> and <i>Y Gwyll / Hinterland</i>. As fellow PSBs who prioritise a strong drama provision and have co-invested successfully, most recently with the huge hit <i>Un Bore Mercher / Keeping Faith</i>, each could attract the other's audience, which would be beneficial to viewers and broadcasters alike.</p>

¹ Dr Farid El-Husseini. An Analysis of the Audience Impact of Page One EPG Prominence; A Report for Ofcom. FEH Media Insight, 2013, p37

² A report on the discoverability of Welsh language services, and other PSB and local TV services. Ofcom, 2018, p11, para 1.34

Section in ToR	TAC Comment
<p><i>Q5. 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?</i></p>	<p>Yes. It is vital that PSB children's provision should be given high prominence. S4C's award-winning children's service, <i>Cyw</i>, is hugely popular among pre-school children and families and is a crucial part of the younger viewers' early interaction with Welsh language content. Giving S4C due prominence on EPGs in general will enable parents and educators to find the content more easily.</p> <p>Welsh language content must be easily accessible to audiences of all ages and especially in regards the Welsh Assembly Government's objective to grow the number of Welsh language speakers to a total of 1 million by 2050.</p>
<p><i>Q6. Do you agree that S4C, BBC Alba and BBC Scotland should be guaranteed prominence within the first three pages of UK-wide EPGs?</i></p>	<p>Yes. PSBs which serve an audience specifically in the nations as well as UK wide should be visible and accessible at all times to viewers in the whole of the UK. There are many Welsh people for example who now live in England or in other parts of the UK. The growth in online viewings shows that there is an appetite for Wales-made content across the UK. There is much content produced by S4C that has wider appeal, not just in the drama genre but in factual, music and so on.</p> <p>A dedicated service such as S4C is the best way to reach Welsh viewers and others in the whole of the UK, where audiences have risen. In 2017/18 9.4m individuals across the UK watched at S4C at some point during the year, compared with 9.1m in 2016/17³.</p> <p>In the absence of moves by platforms to increase S4C's prominence, Ofcom should require them to do so. Currently S4C is on page 5 of the Sky platform and page 10 of the Virgin Media platform and this will clearly be having an impact on audiences. Elsewhere it features on page 120 of Freesat.</p> <p>It is a matter of concern to us that S4C does not have enough prominence on several platforms outside of Wales. We support S4C's request to ensure that its content be positioned in the top 3 pages on any platform outside of Wales. It is vital that Welsh-speaking audiences outside Wales can readily find Welsh language content, and that this content becomes increasingly familiar to viewers outside of Wales.</p>
<p><i>Q7. Do you agree that local TV should be guaranteed prominence within the first three pages of UK-wide EPGs?</i></p>	<p>Yes. Although local TV may be commercially funded, it did receive initial public investment and its target demographic is shared with PSBs in the same nation or region. It is therefore important for those audiences to be made aware of this content.</p>
<p><i>Q8. Do you agree that S4C, BBC Alba and BBC Scotland should be</i></p>	<p>We agree that given the importance of these services and the level of public investment made in them, they should be guaranteed</p>

³ Annual Report 2017/18. S4C, 2018, p45

Section in ToR	TAC Comment
<p><i>guaranteed prominence within the first three pages of relevant nation-specific EPGs, e.g. S4C in Wales, BBC Alba and BBC Scotland in Scotland?</i></p>	<p>prominence in the fourth slot on the first page of the relevant nation-specific EPG, as per Ofcom’s own recommendation in the consultation (para 1.17).</p> <p>S4C has unique status as the channel both of Wales and in the Welsh language, and it needs to be given the prominence which reflects this.</p>
<p><i>Q9. Do you agree that local TV should be guaranteed prominence within the first three pages of relevant regionalised EPGs?</i></p>	<p>TAC’s view is that local TV services should feature on area-specific EPGs, although we would stress this should not be at the expense of minority indigenous language services such as S4C.</p>
<p><i>Q13. Do you think that the prominence regime should be extended to ensure EPGs themselves can be easily found?</i></p>	<p>Ofcom’s consultation, plus previous research, has made it clear that viewers find EPGs an invaluable way of discovering publicly-funded content.</p> <p>Given the agreement on the importance of funding this content and that it should have due prominence on EPGs, it follows that the EPGs must themselves be easily discoverable.</p>
<p><i>Q14. Do you agree with the broad range of factors for consideration we have identified? Are there other factors that policy makers should consider?</i></p> <p><i>Q15. Do you agree with the principles we have set out? Are there other principles that should be considered?</i></p>	<p>We agree that Ofcom has identified the significant issues and challenges to ensuring public service content has prominence in the non-linear space.</p> <p>The three principles identified by Ofcom appear sound, provided they are not found to inhibit the basic principle that publicly-funded public service content needs to be clearly marked and given due prominence on such platforms.</p>
<p><i>Q18. 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?</i></p> <p><i>Q19. Do you think that the prominence regime should be extended to online services? If so, who should be captured?</i></p>	<p>We support the proposal to expand the EPG model to digital platforms. Where there is such a proliferation of English language material on these platforms, it is essential that content in the Welsh language does not get lost and that systems are put in place to secure its prominence and accessibility to ensure that S4C’s content reaches as wide a range of audience as possible.</p> <p>Overall the Welsh language is an important part of the UK cultural heritage and it must have a prominent place online, as recognised by the recent findings of the Independent Review of S4C, which concluded that “As a public service broadcaster S4C needs to adapt to the changing broadcasting environment, and must use new digital and online services to broaden its reach and appeal, not just in Wales but in the UK and abroad.”⁴</p> <p>This presents a significant challenge as people’s methods of discovering TV content shift to an online and on-demand world.</p>

⁴ Euryng Ogwen Williams. Building an S4C for the future: An independent review. December 2017, p8

Section in ToR	TAC Comment
	<p>It will be particularly important to make younger viewers aware of PSB content, including that funded by the government’s proposed new contestable fund for children’s TV⁵.</p> <p>We agree with S4C that “a strong regulatory steer [is required]” and believes that it is “... very important for the PSB prominence principle to be extended to include on-demand services which serve public service providers.”⁶</p> <p>In terms of which services are captured, we feel there should be the approach adopted of ‘prominence where possible’ i.e. that Ofcom should explore the ability to make the prominence regime apply wherever it is possible to do so.</p>

⁵ Public Service Broadcasting Contestable Fund Consultation – Government Response. DCMS, Dec 2017

⁶ Pushing the Boundaries. S4C, 2016, p14