

*Championing  
excellence and diversity  
in broadcasting*



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**VLV RESPONSE TO OFCOM  
CONSULTATION ON THE BBC'S REQUEST TO  
CHANGE THE OPERATING LICENCE: BBC RADIO 5  
LIVE, BBC RADIO 2 AND PROGRAMMING OF A  
NATIONAL OR REGIONAL INTEREST**

**January 2023**

## INFORMATION ABOUT THE VLV

1. The Voice of the Listener & Viewer (VLV) is an independent, not for profit membership-based charity, free from political and sectarian affiliations. VLV supports high quality broadcasting which maintains the democratic and cultural traditions of the UK. We support the independence and integrity of the BBC and encourage work which demonstrates commitment to the principles of Public Service Broadcasting (PSB). VLV is a charitable company limited by guarantee (registered in England and Wales No 4407712 - Charity No 1152136).

## INTRODUCTION

2. VLV works to represent the interests of citizens in broadcasting policy. Our goal, in the context of this call for evidence, is that the public value and impact of BBC services should be maintained. We are concerned that any changes to the BBC Operating Licence should not result in a reduction in the public value of BBC services for licence fee payers.
3. VLV acknowledges and agrees with Ofcom's understanding that these changes are due to market and financial pressures and the need for the BBC to improve digital delivery because audiences are increasingly choosing to consume content online. We understand and accept that these require the BBC *to make tough choices and trade-offs, not all of which will be welcomed by all audiences*<sup>1</sup>.
4. VLV agrees with Ofcom's suggestion that *the BBC needs to do much more to engage with audiences about changes to its content and services*<sup>2</sup>. VLV agrees that when information is 'drip fed' to audiences it is difficult for audiences to understand the BBC's overall strategy and planned changes, as has been the case with the current changes the BBC is implementing as a result of its digital strategy. As things stand licence fee payers might be aware of the changes and cuts which have been announced since the summer which have been numerous, but we do not know how many more of these announcements there will be and how services will be affected overall during the remainder of this Charter period. It would be preferable for licence fee payers to be presented with a full plan and strategy which includes all the proposed changes at one time so that these can be assessed in the round.
5. As VLV has highlighted consistently since 2015, when the BBC Trust was disbanded, consultations to assess licence fee payers' views of BBC services and its strategy have virtually ceased. VLV regards this represents a significant reduction in the transparency and accountability of the BBC to the licence fee payers who fund it.
6. VLV supports the proposals in this consultation which relate to BBC Radio 5 Live and live music on BBC Radio 2. We also support the proposals for BBC

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<sup>1</sup> Consultation on the BBC's request to change the Operating Licence, Ofcom, 14 December 2022. Paragraph 1.4

<sup>2</sup> Consultation on the BBC's request to change the Operating Licence, Ofcom, 14 December 2022. Paragraph 1.5

news of national or regional interest on BBC One and changes to programme scheduling. However, we oppose the proposals for national and regional non-news programmes on BBC One and Two.

7. We have set out the reasoning for our responses below.

**Question 1: Do you agree with Ofcom’s provisional assessment and its proposed changes to the Operating Licence for news and current affairs on BBC Radio 5 Live? If not, please explain why, providing appropriate supporting evidence where possible.**

8. VLV agrees with Ofcom’s provisional assessment and its proposed changes to the Operating Licence for news and current affairs on Radio 5 Live, namely to reduce the quota for BBC Radio 5 Live’s news and current affairs from 75% to 70%.
9. We agree with this change on the basis that it will result in an increase in sports coverage on BBC Radio 5 Live, while maintaining the station’s focus largely on news and current affairs.
10. VLV agrees that this change could be beneficial because the reduction in the provision of news and current affairs will be marginal<sup>3</sup> and it could allow the station to attract underserved audience groups such as younger men and those from lower socio-economic backgrounds who are relatively less satisfied with BBC services<sup>4</sup>.

**Question 2: Do you agree with Ofcom’s provisional assessment and its proposed changes to the Operating Licence for live music on BBC Radio 2, including the view that new live music is more valuable to audiences than repeats? If not, please explain why, providing appropriate supporting evidence where possible.**

11. VLV agrees with Ofcom’s provisional assessment and its proposed changes to the Operating Licence for live music on BBC Radio 2.
12. VLV considers that new live music is more valuable to audiences than repeats and therefore agrees with the move to exclude repeated live music content from this quota, focusing instead on new live music.
13. VLV agrees that setting the level of this quota to 68 hours per year, reflecting the output delivered by the BBC in 2021/2 is appropriate, maintaining output at existing levels of delivery.

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<sup>3</sup> *Consultation on the BBC’s request to change the Operating Licence*, Ofcom, 14 December 2022. Paragraph 3.7

<sup>4</sup> *Consultation on the BBC’s request to change the Operating Licence*, Ofcom, 14 December 2022. Paragraphs 3.2.i and 3.2.iii

**Question 3: Do you agree with Ofcom’s provisional assessment and its proposed changes to the Operating Licence for Programmes of a national or regional interest? If not, please explain why, providing appropriate supporting evidence where possible.**

14. VLV does not agree wholly to the proposed changes to the Operating Licence for Programmes of a national or regional interest. We agree with the changes proposed to the News quotas but not to the quotas for non-news programmes on BBC One and Two.
15. VLV is concerned especially that the volume of factual content which provides audiences with information about the region or nation in which they live should be maintained.

**News of national or regional interest on BBC One**

16. VLV agrees with Ofcom’s provisional view on the BBC’s proposals for its news programming of national or regional interest quota on BBC One – ie to reduce the quota from 4300 hours a year to 3900 hours a year and at Peak Viewing Time from 2100 to 1700 hours.
17. We understand the reason for these changes are:
  - i. The BBC lengthened local news bulletins during the pandemic and wishes to return to the previous length of 7 minutes.
  - ii. Dropping one of the six half-hourly local news bulletins during BBC Breakfast will reduce their repetitiveness with the average viewer watching the programme for 48 minutes which means they will see at least one local news bulletin.
  - iii. Changing the running order of UK weather so that it directly follows the 10pm news pushes local news later so it is out of Peak Viewing Time.
  - iv. The closure of two local news opt-out services in Oxford and Cambridge. As a result of cost savings these areas will have an increased online news offering under BBC plans to increase regional online news. We understand that the delivery of this new online commitment will closely monitored by Ofcom and the BBC.

18. VLV does not consider than any of these changes will represents a significant reduction in the BBC’s delivery of news of a national or regional interest on BBC One and therefore supports them.

**National and regional non-news programmes on BBC One and Two**

19. VLV notes there are three changes the BBC is intending to make to its national and regional non-news opt out programming:
  - i. to reduce the volume of opt outs to fund high impact content which is likely to be shown on the network rather than in opt outs
  - ii. to reduce the volume of English regional non-news current affairs programmes by transferring their budget to fund investigative teams

who will service news programmes as well as producing some full length programmes

iii. some scheduling changes

20. VLV accepts that some of the changes proposed in this consultation are required as a result of the challenging financial situation the BBC finds itself in, with which we sympathise, however, it appears that the changes to non-news opt out programming are not being made simply to reduce costs.
21. VLV considers that the proposals to reduce the volume of English current affairs programmes and the volume of non-news opt out programmes will lead to a reduction in services which are crucial to the engagement of audiences in their local regions around the UK and therefore we oppose them.
22. While VLV welcomes the introduction of increased BBC transparency requirements as part of the revisions to the BBC Operating Licence, because of the proposed changes to non-news opt out programming VLV does not consider that the new transparency requirements alone will ensure audiences continue to be provided the same volume and quality of regional and national services.

### **Increasing the investment in high-impact content and reducing the volume of opt out programming**

23. We understand that the BBC plans a reduction of 200 hours a year of non-news opt out programming for the nations and English regions. The BBC plans to replace these 200 hours with 90 hours of *high impact content* made in the nations and regions which will most likely be broadcast on network services.
24. VLV opposes a reduction in the hours of opt out programming for the nations and regions because we consider that non-news content in regional and national opt outs is more specific to regional/national audiences than network content will be. We consider it is crucial the BBC maintains the level of its regional and national non-news content if it is to continue to serve the democratic needs of audiences. This especially applies to factual content which VLV considers to be of particular public value.
25. VLV agrees with Ofcom's view that *Non-news programming is an important aspect of the BBC's offering in the nations and regions of the UK... Such programming contributes to the nation or region's culture and benefits the local production sector. It offers an opportunity to tell stories which resonate with local audiences and reflect their community back to them*<sup>5</sup>.
26. VLV agrees with Ofcom's concern that *this strategy could lead to a reduction in the breadth of content produced for the nations and regions and the focus on network audiences could risk content of exclusive interest to national and*

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<sup>5</sup> Consultation on the BBC's request to change the Operating Licence, Ofcom, 14 December 2022. Paragraph 5.21

*regional audiences being deprioritised*<sup>6</sup>. VLV agrees with Ofcom that there is a risk that the new *high impact* content proposed could become *more generic over time*<sup>7</sup>.

27. VLV notes that while the BBC has committed to retaining a breadth of genres across its non-news programmes and sports coverage in the devolved nations, it has made no commitment to providing this breadth in the regions of England. VLV questions why this is the case since many English regions have individual identities and different interests and should be provided with content which addresses these.
28. VLV also notes that the BBC's separate submission<sup>8</sup> highlights dramas set in the regions and nations as *high-impact* content. Of the programmes listed<sup>9</sup>, only two are factual programmes (*A Killing in Tiger Bay* and *Hospital*) and 5 are dramas: *Bloodlands*, *The Pact*, *Shetland*, *Time* and *The Responder*. Most of these dramas are either thrillers or stories which involve crime and provide little to serve the democratic needs of audiences. While they might be considered popular and 'high impact', VLV questions the public value demonstrated in engaging audiences with the region in which they live.
29. The fourth BBC Public Purpose has two primary goals – to represent and serve the communities of the UK. While network drama can reflect and represent the regions and nations of the UK, it does not **serve** these communities in the same way in which factual content does.
30. While high quality dramas set in the nations and regions are valuable because they can potentially increase representation of areas of the UK and generate income for local communities, they do not generally provide content which informs citizens of current events, issues, culture and subjects of interest specific to that region. Dramas are generally far more generic than most factual content in their approach. Network BBC dramas should be set in locations across the UK, regardless of the quotas for non-news regional and national content. It should deliver this content **in addition** to the non-news regional and national opt out quotas which are merely one tool in ensuring delivery of the fourth BBC Public Purpose. VLV considers that factual content provides a different type of public value at a regional and nations level. It could be argued that the public value of factual content which tells you about the region or nation of the UK in which you live is higher than that of high quality drama which tends to be more generic.
31. In addition, VLV is concerned that if quotas and budgets are shifted to prioritise high impact network content, even if it is made in the regions and nations, this will disadvantage smaller independent producers. It will reduce their access to regional budgets which enable them to employ staff locally and develop new talent.

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<sup>6</sup> *Consultation on the BBC's request to change the Operating Licence*, Ofcom, 14 December 2022. Paragraph 5.23

<sup>7</sup> *Consultation on the BBC's request to change the Operating Licence*, Ofcom, 14 December 2022. Paragraph 5.25

<sup>8</sup> *Operating licence Reform. BBC Nations non-news quotas*, BBC, December 2022.

<sup>9</sup> *Ibid.* pg 3

## Enhancing investigative current affairs journalism in England

32. VLV is concerned by the proposal to invest in a network of investigative journalists to replace a dedicated current affairs series in England which provides content for each English region, specific to that region. While *We are England* has proved to be an inadequate replacement for the long-running *Inside Out* series, VLV believes this does not mean that audiences in England would not benefit from having a regional current affairs programme which provides content specific to the various English regions.
33. VLV would argue that as Licence Fee Payers the population in the English regions have a right to be provided with regional current affairs content. While the BBC might consider English national identity to be homogenous, it is clear that there are huge cultural, societal and socio-economic differences between the different regions of the UK and it is VLV's view that these should be reflected in the BBC's current affairs provision.
34. The changes to *Inside Out* were made as part of wider plans to save the BBC £25m a year and because the BBC believed it should be refreshed after 20 years on air. *Inside Out* was produced and broadcast from 11 different English regions, providing a range of content which varied from softer, human interest stories to hard-hitting investigations made specifically for 11 regions of England. *We are England* was produced from a smaller number of locations (6) and was focused on larger geographic regions than *Inside Out*, perhaps reducing the relevance of its content for audiences. It has not proved to be a success but at least it did provide 60 hours of regional current affairs programming for audiences in England each year.
35. The BBC proposal to replace the 60 hours/year of *We Are England* with 10-12 hours/year of current affairs programmes on TV and iPlayer represents a significant reduction in the volume of regional current affairs programmes for audiences in England. It says that this change will actually increase costs by 20%.
36. Additionally, we oppose the resources for current affairs being put into content for online delivery and local news which attracts and engages a different audience from those who might be engaged by a regional human interest documentary on linear TV. While local news is popular among audiences, some people do not enjoy watching the news but they might be attracted to more in-depth, softer human interest stories. Such content is valuable in ensuring wider engagement in regional communities.
37. As with the proposed reduction in non-news programming in the nations and regions, VLV predicts that this change will impact adversely on smaller regional independent production companies and the development of new talent. VLV understands that such companies were regular suppliers to *Inside Out*.
38. While a financial boost to local news will undoubtedly be welcomed by local news teams, VLV believes that audiences will be disadvantaged by this significant reduction in English current affairs documentaries.

## **Changes to programme scheduling**

39. VLV does not oppose Ofcom's recommendation to Government to remove quotas for non-news programmes of regional or national in Peak Viewing Time and Peak Adjacent. We agree that these quotas prevent the BBC from having the flexibility to schedule programmes. VLV considers that such content can be made available on the iPlayer for time-shifted viewing if a live broadcast is missed.