

Name Withheld 6

Response to Ofcom consultation: Holding the BBC to account for the delivery of its mission and public purposes consultation

Thank you for consulting on how you will hold the BBC to account for the delivery of its mission and public purpose.

Questions about the operating licence

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

I am an audience member for BBC broadcasting and content. Overall, I feel your approach towards holding the BBC to account is relentless and non-supportive. It appears to be one that comes from a position of mistrust. I am concerned about the relentless, intense scrutiny. I feel that it is not only micromanagement but, with ad hoc reviews, for example, that it also includes targets that can continually change. I feel it could stifle the BBC's creative output. It may force the BBC to spend a lot of time and energy (and money) looking over its shoulder trying to deal with the demands of being scrutinised non-stop. This is not what I want as an audience member.

I would have expected more recognition of the BBC's achievements. This is an organisation with an incredible record over decades of trusted, world-class content. It provides an important service for this country and it enhances Britain's reputation abroad. How does it merit this relentless, non-supportive scrutiny? I would like to see more support and understanding towards the BBC in your approach.

Please see my comments below on specific items. If, for some reason, such as some technicality I am unaware of, you will not take my comments into account, would you please let me know?

Item 1.7.1	Comment
The BBC will face sanctions, including - for the first time - the possibility of financial penalties, if it fails to meet these regulatory conditions;	<p>This seems highly punitive. The BBC isn't in the business of shirking its responsibilities.</p> <p>I think you should give examples and/or case studies of when you would apply a sanction or financial penalty.</p>

Item 1.9	Comment
It also makes proposals for the process for amending these in future, for instance to reflect changes in audiences' expectations, the BBC's performance over time, or any constraints due to its financial position.	<p>I think it is good that you will take into account the constraints to the BBC's financial position.</p> <p>I believe the BBC will have to make millions of pounds of cuts in the coming years as a result of the government's settlement with it.</p>

Item 1.19.5	Comment
<p>We expect the BBC to increase diversity off-screen and off-air and to report openly on its progress. We will consider the case for conducting an ad hoc review of the BBC's performance around diversity if we do not see early and continued signs of progress.</p>	<p>Diversity is important. As an audience member, I feel the improvements the BBC is making in this area are noticeable.</p> <p>Could you please define 'progress'? Why is this not being applied industry-wide?</p> <p>How is Ofcom itself doing on this front? What penalties have been levied to date against Ofcom for not meeting its diversity targets?</p>

Item 1.23	Comment
<p>This will allow us to assess the desirability of conducting an ad hoc review, or of including new or more stretching regulatory conditions within the operating licence, if our performance measurement indicates this is appropriate.</p>	<p>It appears that the BBC will be relentlessly scrutinised and its targets changed all the time. What kind of pressure does this put on an organisation to operate effectively? I don't want this.</p>

Item 1.32	Comment
<p>Similarly, we anticipate that our set of performance measures will evolve over time.</p>	<p>Will this be fair? Will there be further public consultations? Who polices the police?</p>

Item 3.5	Comment
<p>We may also carry out additional ad hoc reviews at any time, addressing any specific area of concern we have identified.</p>	<p>Ad hoc reviews strike me as micromanagement and moving targets. I don't like the sound of them. I think they could be used as a straightjacket. I don't think you would do this to a person.</p> <p>If you must do them – and I don't think you should – I would like these reviews to be public with clear reasons behind them.</p>

Item 3.8	Comment
to allow stakeholders to comment upon our proposals	<p>Please provide a definition of 'stakeholders'. Do you mean 'competitors'?</p> <p>I have tried to get a definition from bbcperformance@ofcom.org.uk, but there is no response.</p>

Item 4.6	Comment
We will also have particular regard to the need for the BBC to secure the provision of distinctive output and services.	<p>The BBC's output has for years been distinctive.</p> <p>I cannot stress enough how much I feel that the level of intensity of the scrutiny in this area is unmerited. I think it could be intrusive to the BBC's creative workings. I think you need to back off.</p>

The Licence 1.11	Comment
serve on the BBC a notice requiring it to pay to Ofcom, within a specified period, a specified penalty up to a maximum of £250,000	What are examples in which the BBC would be fined?

The Licence 1.16.2	Comment
It should encourage people to explore new subjects and participate in new activities through partnerships with educational, sporting and cultural institutions.	The BBC already engages with other organisations, especially universities. What is meant by 'partnerships'. I don't want the BBC to be forced to work with a commercial entity.

The Licence 1.19	Comment
These requirements may need to change over time, depending on the ongoing delivery and commitment of the BBC in these areas, or to reflect any real financial constraints on the BBC. These conditions may also be amended if Ofcom considers it appropriate to do so, for example in light of the BBC's performance.	I am glad that you will take into account financial constraints on the BBC.

The Licence 1.24.4	Comment
The BBC should share its expertise and resources, including its archive where appropriate, as part of these partnerships with specialist institutions, for the benefit of UK audiences.	I don't want the BBC to be forced to work with commercial entities,

The Licence 1.27.4	Comment
look to reduce the number of long-running series over time	I strongly disagree with this. I don't think the rationale has been explained.

The Licence 1.29	Comment
Ofcom considers that the BBC should set out clearly in its annual plan and creative remit how it will secure the provision of distinctive output and services and how each and every UK Public Service will contribute to this delivery.	The BBC has been providing distinctive output for years. 'how each and every UK Public Service will contribute' uses a demanding and inappropriate tone. It smacks of constraining hyper-scrutiny.

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?

Please see my comments below:

Item 4.32.4	Comment
while also supporting other providers within the industry	Please define who these providers are? Are they for-profit, non-profit? I don't think the BBC should be forced to work with for-profit providers.

Item 4.41	Comment
the BBC should offer impartial news alongside a range and depth of analysis and content not widely available from other UK news providers, including on its online services.	The BBC should provide news and analysis as events and its editorial decisions dictate. It should not have to look over its shoulder to see what other UK news providers are doing.

Item 4.42	Comment
<p>We note that the service licence for BBC Online set by the BBC Trust required the BBC to try to increase the volume of click-throughs to external sites from all parts of BBC Online year-on-year. While we note that the BBC has broadly delivered on this condition over the last five years⁴¹, we do not consider it appropriate to set an enforceable regulatory condition which relies on audience behaviour, whereby compliance is not directly within the BBC's control.</p>	<p>Good!</p>

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?

Please see my comments below:

Item 4.49.4	Comment
<p>The BBC should share its expertise and resources, including its archive where appropriate, as part of these partnerships with specialist institutions, for the benefit of UK audiences.</p>	<p>In general, I don't think the BBC should be forced to share its expertise and resources with commercial entities and I think you should indicate this.</p>

Item 4.57	Comment
<p>We expect the BBC to continue to work with a wide range of cultural, educational and sporting institutions, in ways that benefit the UK population. We have not included specific proposals for how the BBC agrees and conducts partnerships with other organisations as we consider it appropriate for the BBC and its partners to mutually set out how partnerships will be conducted.</p>	<p>How will this be measured? Will there be penalties?</p>

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?

Please see my comments below:

Item 4.71.2	Comment
in relation to the quality of output, the BBC should ensure high quality across the volume of its output with respect to content, the quality of content production, and the professional skill and editorial integrity applied to that production;	The BBC has been providing distinctive output and services for decades and will continue to do so. I don't think there is a need to take a harsh, critically scrutinising approach. Could this constrain an organisation like the BBC?

Item 4.71.4	Comment
reduce the number of long-running series over time.	<p>I don't agree with this requirement and think it should be removed. Some long-running shows are beloved. Some have historical significance to the country. For example, Desert Island Discs is now a record of significant people in the UK.</p> <p>Please define 'long-running'.</p> <p>Would this force the BBC to cut programming for the sake of ticking off a 'distinctiveness' tick box?</p>

Item 4.76	Comment
require both BBC Radio 1 and BBC Radio 2 to play a broader range of music than comparable providers, considering the number of times each track is played as well as the size of the playlist, at both peak-time and in daytime.	This strikes me as micromanagement. What if audiences don't like the result? Will you back off?

Item 4.82	Comment
the BBC should distinguish itself from other providers...we expect the BBC to be set out clearly in its annual plan and creative remit how each and every UK public service will contribute to this.	I don't want the BBC damaged because of your zeal for distinctiveness. Will you support the BBC and help it reach its goals? I wish your approach would have a more supportive tone.

Item 4.90	Comment
We consider that the distinctiveness of a station's playlist can be undermined if certain tracks receive a significantly larger number of plays than others.	Does this take into account how people like to listen to music? How prescriptive will you be? Maybe people like to hear a popular song more frequently. I think this is often the case with pop music.

Item 4.97	Comment
We recognise that the proposals may have an impact on the BBC, particularly in future years as it seeks to meet the efficiency challenge implied by the 2016 licence fee settlement. We are looking to the BBC and other stakeholders to provide evidence of this impact through this consultation.	I am glad that you talk about the likely financial cuts the BBC will experience. I would like you to publish how you will work with the BBC productively to take these into account.

Item 4.99	Comment
We will return to these proposals in due course if it becomes clear that the BBC is not doing so, or if our performance measures indicate audiences are dissatisfied with the BBC's progress in delivering high-quality, distinctive, creative content.	<p>The BBC has been delivering high-quality, distinctive, creative content for years. I don't see why this will change.</p> <p>Please describe how will work supportively with the BBC if you feel 'it becomes clear that the BBC is not doing so'? The BBC is not out to rip the public off.</p>

The Licence 2.31	Comment
The BBC shall ensure that in each Calendar Year the time allocated to the broadcasting of Original Productions by each UK Public Television Service	I think it is important that the BBC also show high-quality non-English-speaking productions such as <i>Heimat</i> .

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?

Please see my comments below:

Item 4.114	Comment
The proposals may have an impact on the BBC if they result in increased costs.	What if the BBC, because of efficiency challenges implied by the 2016 licence fee settlement, has difficulty meeting these proposals? What will you do? Will you work with the BBC in a supportive way?

Item 4.118	Comment
While we have set conditions relating to content spend in each of the nations, we do not believe it is appropriate for Ofcom to intervene in how the BBC allocates operational spend more broadly.	Good!

Item 4.126	Comment
These include older women, younger women and younger men, as well as audiences across a range of different religious groups. We expect the BBC to work to improve audience satisfaction among the audience groups who feel under-represented and poorly portrayed over this next charter period and will monitor the BBC's delivery in this area.	<p>Are commercial broadcasters required to do this or only the BBC? What is the evidence for commercial broadcasters in this area?</p> <p>I don't think it's fair to penalise the BBC if other broadcasters are not doing their fair share.</p>

Item 4.132	Comment
If our performance measurements indicate that the BBC is not reflecting, representing or serving the UK's diverse communities we are likely to revisit this area, for example by carrying out an ad hoc performance review.	How often will you carry out ad hoc performance reviews in this area? Have you considered that over-scrutiny could stifle the BBC's creative undertakings?

The Licence 2.79	Comment
The BBC must measure and report annually on audience satisfaction during the previous Year with the reflection, representation and serving of the diverse communities of the whole of the United Kingdom across the UK Public Services as a whole, with particular regard to first-run content across all genres.	What are you going to do if the BBC doesn't measure up? How will you support the BBC? Will you celebrate its successes?

Question about setting and amending the operating licence

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?

No comments.

Questions about performance measures

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

Please see my comments below:

Item 5.8	Comment
we propose to put in place a bespoke programme of regular evidence-gathering and audience research to ensure that the BBC's performance is tracked robustly and publicly.	I do not want this hyper-scrutiny of the BBC. I don't believe it is merited. This is not a new broadcaster. It has a long history of providing high-quality, distinctive content. It is admired around the world. Let it get on with what it does best without forcing it to look over its shoulder all time.

Item 5.12	Comment
Vital aspects of our approach include establishing trend data to measure changes in performance over time, and devising comparative measures where applicable and available that allow us to compare the BBC's performance against other content providers.	Will you use this trend data to punish or curtail the BBC? As an audience member, I want you to work supportively with the BBC.

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

Please see my comments below:

Item 5.11.2	Comment
the extent to which audiences consume the content provided.	Don't shut down services or content because you don't think they are popular enough.

Item 5.20	Comment
<p>We recognise that the publication of more granular performance measures may provide information which could be of use to the BBC's competitors and could, in principle, be used to develop or tailor competing services, which might reduce the BBC's audience share. Depending on the circumstances this may or may not benefit the interests of citizens and consumers. In any case, we judge the risk of significant impacts on the BBC's reach to be relatively low.</p>	<p>If you find that the BBC is significantly impacted, what will you do? Will you adjust your approach?</p>

Question about the operating framework for the performance measures

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

Your procedure, as outlined in A7.11-A7.17, seems clear.

Annex 6, A6.6	Comment
<p>Impact</p> <p>Qualitative audience research <i>e.g. explore audience opinions on the extent to which BBC content is distinctive</i></p> <p>Provides a more in-depth look at how audiences perceive BBC content compared to other providers.</p> <p>All Ad hoc</p>	<p>This is a highly subjective area. Ofcom's hyper-vigilance on the BBC's distinctiveness might mean that the BBC wastes time continually comparing itself to other broadcasters to ensure that it is distinctive. This could be a waste of energy and licence fee payer money.</p>