



S4C Response to Ofcom's Consultation on the Scheduling of Television Advertising: Approaches to Enforcement (published 18 July 2014)

Introduction

S4C welcomes the opportunity to respond to Ofcom's Consultation on the Scheduling of Television Advertising: Approaches to Enforcement, published on 18 July 2014. S4C is the only Welsh language television channel in the world and alongside the BBC, ITV, Channel 4 and Channel 5, it is one of the five public service broadcasters in the UK. S4C is funded through a combination of funding from the licence fee, grant-in-aid from DCMS and advertising revenues. S4C does not produce any of its own programming, but commissions its programming from independent producers and also receives at least 10 hours per week of programming from the BBC.

Responses to the consultation questions

Question 1: *Do you agree with our assessment criteria as set out in Section 5?*
Yes.

Question 2: *What are your views on the enforcement approaches set out in Section 5?*

Question 3: *What enforcement approach should Ofcom adopt for the purpose of enforcing COSTA rules on the scheduling of advertising during programmes?*

We believe Ofcom should continue to use the EPG approach for enforcement purposes. This enables broadcasters to schedule advertising breaks in an orderly fashion.

Many of S4C's programmes arrive late, especially in the case of current affairs programmes, which often arrive on the day of transmission. S4C also transmits many hours of live transmission. Actual duration information is therefore not available sufficiently in advance for us to accurately plan advertising breaks on the basis of transmission times. Whilst programme producers are required to adhere to agreed run times, in practice the actual length does vary according to editorial requirements and we can accommodate small variations through increasing or reducing continuity announcements, programme promotions or, if necessary, individual advertisements. Dealing with the last-minute loss of a whole advertising break is much harder to accommodate and could of course have adverse implications for our advertising revenues. To avoid this would necessitate strict and rigid adherence to programme running times by our programme suppliers. We would question how realistic it would be to implement this in practice, especially with live broadcasts. This could also create a situation where editorial decisions are compromised by advertising considerations resulting from a change in how the rules are enforced.

We would question the ability of systems to accurately report as implied in the statement in paragraph 1.14 of the Consultation document: *"An approach based on transmission logs may require a children's programme to be greater than 30 minutes only by a single second before it is permitted to include an advertising*

break". Transmission logs are processed in terms of the nearest round second but the various pieces of equipment used on transmission accept and run automation commands which may be at slightly different times. It would be fairly easy for a programme to fall foul and run one second short.

The Consultation document also states, at paragraph 5.37: *"EPG schedules may not always be up to date. Ofcom understands that EPGs reflect broadcasters' planned schedules and are based on data that may have been submitted to EPG providers two weeks before transmission. Although in most cases it is possible for broadcasters to update EPG information to reflect schedule changes, EPGs may not always reflect the material actually transmitted."* EPG schedules can easily be updated closer to transmission and this occurs as a matter of routine if there are late or last-minute scheduling changes, as it is clearly in broadcasters' interests to keep their audiences informed of any programme changes. We do not believe that the small number of cases which arise of very late changes not being reflected in an update to the EPG schedule provide sufficient justification for changing entire scheduling and automation systems.

The EPG approach is a generally accepted approach in the UK market which we believes works effectively for us as a broadcaster and with our advertising sales house with whom we work closely. We also believe it provides a transparent and simple method for Ofcom to monitor compliance with the rules on advertising minutage. Any change to a system based on transmission logs would involve significant development work and cost to change our scheduling and transmission systems and, for the reasons stated above, would pose significant practical challenges once implemented.

Question 4: *If enforcement is based on the EPG approach, what EPG slots (that are greater than 30 minutes) are you likely to use when scheduling internal breaks in children's programmes (e.g. slots that show timing to the nearest one minute junction or those displayed to the nearest five minutes)?*

S4C no longer transmits commercials around children's programming. When S4C did show advertisements in its children's slots, the 30-minute rule was not usually a problem, as our children's programmes are generally either of shorter duration than 30 minutes or are in the form of a 2-hour weekend children's show. We understand the issue faced by other children's channels, but would query whether it would be proportionate to change fundamentally a system which has worked well for most broadcasters in order to address this particular issue.