



Teledwyr Annibynnol Cymru  
Welsh Independent Producers

## TAC response to Ofcom consultation: 'How Ofcom regulates the BBC – a review' September 2021

Question	TAC response
<b>Question 1: Do you agree with the proposed scope of the review of BBC regulation as set out in this document? If not, please explain the areas where you think changes should be made.</b>	We agree with the proposed scope of the review.
<b>Question 2: Do you agree with the proposed approach to reviewing the BBC Operating Licence? If not, please explain why.</b>	We agree with the proposed approach for the review.
<b>Question 3: Do you have any views on how to measure the BBC's performance?</b>	<p>We agree that the scope of the Operating Licence needs to be expanded to encompass iPlayer and BBC Sounds. These services are increasingly central to the BBC's content commissioning and distribution strategy and therefore need to have specific oversight involving dedicated requirements and measures.</p> <p>Elsewhere, paragraph 3.19 of the consultation states that <i>"our regulation should move away from primarily requiring compliance with quantitative conditions and output reporting"</i>.</p> <p>This is naturally a concern if it means that the BBC is able to move away from some of the activities which makes it most distinctive.</p> <p>We are concerned that the BBC's 'Fewer, Bigger, Better' strategy will mean that programmes which are important at a public service level, but which do not attract large audiences, are less likely to be commissioned. The BBC Director General has already spoken of wanting to make fewer documentaries,<sup>1</sup> at which point</p>

<sup>1</sup> <https://www.bbc.co.uk/mediacentre/speeches/2020/tim-davie-intro-speech>. Accessed 9 September 2021.

	<p>again there is concern that this will cause reduction of programmes in genres that are an important part of PSB.</p> <p>We are already facing elsewhere a potential change of ownership of Channel 4 which if it took place would, by the government's own suggestion, result in a reduction of its PSB remit, potentially affecting its wide-ranging programme output in all genres and its '4All the UK' strategy to increase commissioning in the Nations and Regions.</p> <p>Elsewhere, S4C continues to face challenges as it deals with the impact of a 36% real-terms cut in public funding since 2010. TAC is supporting the case that the current TV Licence Fee negotiation should result in an increase in S4C's public funding. A portion of any additional funding allocated would be used to increase S4C's presence across all platforms as well as fund more creative content. However, BBC commissioning remains extremely important in ensuring that UK-originated programmes continue to be made in Wales in all genres.</p> <p>On this matter, we were pleased to see the announcement on 1 September 2021 of a Memorandum of Understanding between Welsh Government and the BBC with a firm commitment to a number of commissions in several genres to be commissioned from the sector in Wales over the coming period (as yet unspecified).<sup>2</sup></p> <p>We agree that the BBC's Annual Plan should be more metrics-based and more clearly laid out, with more specific commitments and reporting on how the BBC is delivering against them, as the consultation suggests.</p>
<p><b>Question 4: Do you agree with our proposed scope of the review in relation to content standards? If not, please explain why.</b></p>	<p>We agree with the proposed scope of the review regarding content standards.</p>
<p><b>Question 5: Do you agree with the issues we have identified with the processes for assessing the competitive impact of changes to the BBC's UK Public Services? If you consider there should be changes to these processes, please set out what these are and, if possible, provide any relevant evidence.</b></p>	<p>We agree that there are issues regarding the assessment process in relation to whether a particular proposed change by the BBC to its UK Public Services is material. However, we would not wish to see any change result in less involvement from Ofcom.</p> <p>Ofcom will be aware that there is concern among the broadcasting and production industry that the BBC carries out initial assessment of its own proposals, with insufficient input from stakeholders, as this consultation acknowledges. The opportunity for the BBC to potentially downplay the material change in order to avoid further scrutiny is all too clear.</p>

<sup>2</sup> <https://www.bbc.co.uk/mediacentre/2021/bbc-creative-wales-partnership>. Accessed 9 September 2021.

	<p>We would therefore like Ofcom to have a more active role in initial assessments of the extent to which a proposed BBC change to its UK Public Services is material.</p> <p>We believe that this would ensure impartiality in such cases. It would also potentially speed up some processes by reducing the number of stages required beyond the BBC's initial impact assessment. This would be beneficial to the BBC, as it could proceed with its plans more swiftly to the stage at which it makes submissions for Ofcom approval.</p>
<p><b>Question 6: Do you have any concerns about the regulatory framework for the BBC's commercial activities that are not being considered in the review of BBC Studios?</b></p>	<p>We agree that Ofcom should consider the role of the public service in the operation of the commercial activities within the Periodic Review. This scope of this should be as wide-ranging a possible.</p>