

***Question 1: Do you agree that a new regulatory framework for Public Service Media (PSM) delivery should support a more flexible ‘service neutral’ delivery approach that is more outcomes focused?***

A regulatory framework based on broadcast delivery is no longer appropriate, as indeed Ofcom had anticipated its second PSB review, and I support the general proposal. However, two particular kinds of risk need careful consideration.

First, a shift to a service neutral approach carries the risk of losing a key benefit of linear programming – the capacity to manage the scheduling of material to achieve the purposes of public service provision. I fully agree that “universality will still be necessary to deliver the benefits of public service broadcasting in the future” (current consultation, para 3.25ff). However, “Availability by itself is not sufficient” (para.3.28), not only because it needs to be supplemented with the other elements mentioned – relevance and accountability – but also because it is not adequate to achieve the purposes. Mere availability has only a passive role in the way that audiences are exposed to a range and diversity of quality content and, further, how they can engage with such material. This is not a trivial point. The way that universality is set up in the early part of the consultation has implications for the proposals about availability and prominence in the later discussion. To maintain and strengthen the tradition of universality in public service content, rather than relying on serendipity, a more active encouragement of audience interactions with that content will be needed. Ofcom’s 2019 review of prominence offers a good basis for developing detailed provision. However, it will not be sufficient to rely only on the platforms’ emphasis on user profiles as model for enabling discovery of material. In addition to that, public service media should be encouraged to develop their own common portal, to curate and make recommendations about content choice. Searching and browsing on platforms should be linked to that portal as well as returning results on particular programmes and genres.

Secondly, the proposed focus on public service content outcomes carries the risk that institutional bases for creation and production, and their commitment to a public service ethos, will be undermined. Rather than maintaining and strengthening the public service system, there is a risk that it will become fragmented, and therefore weakened. A further negative risk is that the impression could gain hold that the selective provision of public service content for primarily commercial returns can justify withdrawal of public funding for other public service material. This has implications for the speculative trailing of contestable funding in the consultation’s later discussion.

***Consultation Question 2: Do you agree with our proposals for a clear accountability framework?***

Acknowledging that it would be subject to future legislation, I would have expected Ofcom to provide more information about the kind of framework that it envisages and the relationships between different kinds of PSC provider in contributing to the overall system. In particular, the role of core institutional providers, such as the BBC and Channel 4, will require clarification and protection in any new scheme.

On the issue of enforcement (para.5.18), it will be crucial for Ofcom to hold PSM providers to their plans. Historically, it seems that concessions have been made to operators for the sake of preserving the general PSB landscape, but that would carry less weight in a service neutral approach.

***Question 3: What do you think should be included in the PSM 'offer'?***

In the short term at least, the PSB providers' proposal for a "regulated offer" seems the best way to proceed. There is a need to protect the legacy public content media, because their financial position is vulnerable from the changes in market conditions, but the urgent need for regulatory change should not make that position worse. Related to the funding issues discussed later in the consultation, the streaming services should be expected to contribute to support of the PSM ecology, rather than be allowed to weaken it. That is not to say that, in the medium term, there should be efforts to develop common standards to create more streamlined availability, as the streamers would prefer.

***Question 5: What are the options for future funding of PSM and are there lessons we can learn from other countries' approaches?***

Streaming services should be required to contribute to the UK's public service media environment, since they are now a major presence in the market and have not insignificant influence on audiences. Rather than impose a levy on their activities, it would be much more positive to require them to provide a quota of UK-produced content that meets public service criteria. The lesson from other countries is that, if the political will exists, large international media providers can be required to contribute to the market environments from which they derive their considerable returns.

***Question 7: What are your views on the opportunities for new providers of PSM?***

As mentioned earlier, I consider that the introduction of contested would create a strong risk the public service content system would be weakened. New providers should be encouraged, but the appropriate model for realising that one of commissioning by, or joint ventures with, PSM institutions with a commitment to the PSM ethos.