

DARTMOUTH FILMS LTD

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Content Policy Team
Ofcom
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4th March 2025

Objections to Proposals in Ofcom's Consultation on Revised PSB Commissioning Codes of Practice

Dear Policy Team

I am writing to express my concern regarding the proposals set out in Ofcom's current consultation on the Revised Guidance for Public Service Broadcasters on Commissioning Codes of Practice.

I believe that the proposed removal of prohibitions on 'matching rights' and linking conditional offers to the bundling of primary and secondary rights will pose a threat to the financial health and sustainability of the UK's independent production sector, and ultimately, to the diversity and quality of UK public service broadcasting.

I write from the perspective of a producer of independent feature documentaries and as co-chair of Documentary Producers UK: <https://docproducers.wordpress.com/>. Our members make independent documentaries – that is, films produced outside the standard commissioning process. These films may be partly funded by a broadcaster either through a pre-sale or co-production, or financed entirely independently and then sold to broadcaster. The independent documentary sector is a small but important part of the UK film and TV industry – many successful directors start here and it makes award winning films: this year's BAFTA documentary winner being a perfect example.

Most DPUK members also make programmes in the standard TV commissioning system but the key feature of the financing model of independent documentaries is that almost without exception one of the sources of finance is the producer. One of the ways in which producers finance the production is deferring their fees, which they recoup by sales to broadcasters and platforms worldwide.

At the moment the fastest growing such markets are YouTube and FAST channels. In the last few years independent documentary makers have been able to sell non-exclusive rights to a number of YouTube channels and this income has been an important source of revenue to keep their businesses sustainable and reward filmmakers. But now PSBs see YouTube as part of their business model and so if Ofcom allows the bundling of secondary rights it will allow the broadcasters to make a

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land grab of independent filmmakers' future income, undermining the sustainability of the independent documentary sector.

On the question of last matching rights, the issue for independent documentary producers is that it could threaten the whole finance plan. Where there are international co-productions between producers, it will often be a condition of the co-production agreement that some of the film's budget is spent in the country of the co-producer. Furthermore, if a production is being made under the Global Screen Fund it has to have non-UK partners. It is possible to imagine a circumstance in which a UK broadcaster matched one of the other funders from (say) Europe and by doing so disqualified the film for funding in that territory because there was not a qualifying partner. And so the whole finance plan collapses.

I strongly urge Ofcom to maintain the existing safeguards that protect independent producers and allows this sector to maintain its sustainable basis – one which provides ease of entry to new voices and produces diverse films. I believe that this is also in the long term interests of public service broadcasting in the UK. I and my colleagues would welcome any opportunity to explain our position further.

Yours sincerely,

A handwritten signature in black ink that reads "Christopher Hird". The script is cursive and fluid, with the first name and last name clearly distinguishable.

Christopher Hird