

## **Submission to Ofcom's third review of public service broadcasting 2015**

### **Public Service Content in a Connected Society**

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Given Northern Ireland's unique priorities this submission is focused exclusively on questions 2 and 5 of the consultation.

#### **Question 2: Have we identified the key differences in Northern Ireland, Scotland and Wales?**

**Question 5: Given the resources available, does the PSB system deliver the right balance of spend and output on programming specifically for audiences in Wales, Scotland and Northern Ireland and programmes reflecting those nations to a UK-wide audience?**

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2015 promises to be an extraordinary year of transition for the broadcasting industry in the UK. The year of PSB renewal and BBC Charter review that will likely settle the broadcasting landscape for a generation.

With the consultation endgame in sight the pressure on Ofcom is considerable where - post Scottish Referendum - the necessity to set the right tone weighs heavily and where the balance of combining a successful PSB model with the powerful new energies of the devolved Nations is a significant challenge. If the challenge is successfully addressed Public Service Broadcasting in the UK can continue its extraordinary narrative as the best of its type in the world.

Critics would say, however, that Ofcom's 'light touch' approach on the singular issue of Northern Ireland's integration with the rest of the UK is one of very few blemishes on its considerable reputation. That the treatment of Northern Ireland and Ofcom's failure to find a mechanism to help its citizens and creative economies share in an already protected ecology, damages its credentials for an expanding role into the future.

For a decade now the statistics have shown that Northern Ireland (arguably the Nation most deserving of special attention) has, of all the Nations and Regions, benefitted least from the success of the PSBs. A cynical view might be that Northern Ireland has been sacrificed at a time when its devolved institutions, legitimately distracted by post conflict settlements, have only now demanded an equal place at the PSB table. The 2015 PSB review is Ofcom's opportunity to set the record straight.

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The UK independent television sector is one of the largest in the world. Despite the difficult economic climate, independent television sector revenues have grown from £1.3 billion in 2005 to nearly £3.1 billion in 2013. This success, to which Ofcom refers often, is dependent on the unique nature of the PSB ecology in the United Kingdom. That 90% of all UK investment in original programming continues to come from the PSBs is significant – exclusion from this ‘market-place’ for any region or part of the UK would clearly be catastrophic. Yet this is exactly what has happened.

Disappointingly, Ofcom has shown no appetite to police under-performance for Northern Ireland in consecutive PSB reviews, or to articulate clearly that its citizens and its creative economy have not shared equally in this golden period in UK broadcasting. At a recent stakeholders meeting in its Belfast offices, Ofcom received evidence from the floor that the spectre of a ‘market failure’ in Northern Ireland’s indigenous production sector has been raised as a growing possibility.

Choosing at best to remain ‘neutral’ on the view the statistics offer, and at worst to fail to present a mediated analysis that would allow the NI public and stakeholders to take their own informed view, Ofcom, it could be said, has failed Northern Ireland. That in the end Northern Ireland has been locked out of the full flowering of the benefits of a successful PSB system.

The evidence mounts and echoes repeatedly in the current statistical documentation offered by Ofcom as background for this consultation - as it has done in others:

- That the share of expenditure by the PSB channels on originated network content in Northern Ireland shifted from a very low base of 0.3% in 2008 to only 1.1% in 2013 and that the nation is denied an appropriate level of value from PSB network production across the period analysed. (A loss to the creative economy in the tens of millions of pounds per annum).
- That the value of hours of network programming made in Northern Ireland has also remained at a very low level, 0.1% in 2008 to 0.9% in 2013 as reported by Ofcom - less than the pro-rata population of Northern Ireland (around 3%) and far below the intervention needed to stimulate growth
- That in line with population and in terms of non-network originations Northern Ireland has the lowest amount of output and spend of all the Nations and Regions (The English regions have the highest)
- That in the current period analysed by Ofcom Northern Ireland has benefited the least from the increases across the nations with Wales rising from 1.7% to 3.3% and Scotland rising from 2.5% to 5.9%
- That portrayal of Northern Ireland on the PSB Networks is almost non-existent over the entire period from 2008 to 2013. The only significant project to deliver portrayal of Northern Ireland to a network audience between 2008 and 2013 is the BBC’s drama The Fall.

Yet Ofcom's 'tracker' research indicates that the percentage of Northern Irish people questioned thought their region was fairly portrayed to the rest of the UK, rising from 32% to 44% across the period from 2008 to 2013. At the same time, Northern Ireland rates highest the importance of the PSB purpose of portrayal of the Nation to the rest of the UK at 81%. Surely the irony is not lost on Ofcom. In the context of this process these statistics are particularly troubling.

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The question remains, whether Ofcom can change its culture in the future. Whether it can make clear comment on the BBC's persistent failure to meet its own promise to have network spend and output from Northern Ireland broadly reflect the 3% population level as a floor not a ceiling. Whether it can compel Channel 4 (after a liberal Licence settlement) to do right by Northern Ireland in the context of no explicit obligation.

Ofcom understands all too clearly the power and impact of interventions in the PSB ecology. In 1.38.3 of the Executive Summary of **Public Service Content in a Connected Society**, Ofcom makes clear its subjective view:

- that **'the relationships between the PSBs and the *production sector* are complementary.'**
- that **'it is appropriate to ask whether the regulatory interventions that influence the relations between the PSBs and the *independent production sector* need to be changed'**

Replace 'production sector' with 'Northern Ireland production sector' and we have a hint of what is possible under a different regime.

In answer to Question 2 of the Ofcom Consultation – **Ofcom has not identified or acted on the key differences in Northern Ireland.**

In answer to Question 5 – **the resources have always in theory been available for the PSB system to deliver the right balance of spend and output on programming specifically to audiences Northern Ireland and reflecting on to a UK wide audience - a matter of equitable re-distribution. Ofcom, however, has repeatedly been unable to design and police with conviction a mechanism that would deliver that level, balance and spend to Northern Ireland.**

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