[GB] Regulator Reviews Television Production Sector and Makes New Proposals for Independent Commissioning

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Ofcom, the UK communications regulator, reviewed the independent production sector in 2002 and, as a result, new Codes of Practice were issued setting out the principles by which the public service broadcasters commission programmes from independent producers (see IRIS 2004-2: 13). It has now undertaken a further review and has recommended changes to the codes.

The review found that with more than 27,000 hours of programmes made by UK producers in 2004, UK viewers enjoy one of the highest levels of domestically-originated content in the world. 56% of output was produced in house by the broadcasters, and 44% by external producers. 63% of productions were made in the London area.

Ofcom considered that the conditions for the withdrawal of regulation from the television production sector will not be met in the medium-term. Thus it proposed that the 25% quota for independent productions should remain for at least five years. It also supported as critical for the external production sector the BBC's proposed `Window of Creative Competition' by which a further 25% of programme output will be open to competition by both external and in-house producers. However, more clarity should be given to the way that the BBC's commissioning structure will work to ensure equal terms for commissioning. Quotas should continue for production outside London (currently, for example, 30% for the BBC, 50% for Channel 3), and the BBC should aspire to 50% of production outside London. Ofcom recommends that there should be no change in the current definition of an independent producer.

In relation to the Codes of Practice and new media rights, concerns had been expressed by producers and broadcasters about a lack of flexibility in them. Ofcom proposed a new approach for the definition of rights windows, the periods during which broadcasters retain control of a programme before the rights revert to the producer. It suggests two main rights windows; a primary window during which rights acquired by a public service broadcaster apply across any distribution platform, followed by a holdback period during which the broadcaster is able to apply a restriction to the exploitation of rights by the producer. Ofcom is now seeking agreement by the industry on how to resolve these issues; if agreement is not reached it will have to intervene directly by proposing variations

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to its guidance on the Codes of Practice.

Ofcom, `Ofcom Television Production Sector Review', news release of 10 January 2006

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