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# 11. United Kingdom

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## 11.1. General introduction

The regional audiovisual media system in the United Kingdom reflects the regions which coincide with the devolved nations of Northern Ireland, Scotland and Wales, and the government administrative regions in England.<sup>322</sup> There are two major networks: BBC One and ITV/STV/UTV that serve these regions. BBC One is a networked channel throughout the regions and currently has 12 regional windows in England, in addition to BBC Wales, BBC Scotland and BBC Northern Ireland. In the case of the BBC English regional channels, the main distinction between these are the news programmes that are broadcast twice per day, and usually a weekly current affairs programme. The second major network is the ITV/channel 3 licences. Of these 15 regional licences, all but two belong to ITV Plc, after many years of consolidation. STV (Scottish Television) has licences for two Scottish regions) and UTV (Ulster Television, now also a part of ITV) has the licence for Northern Ireland.

The regional television landscape also includes those “regions within the nations”. There are nine government administrative regions in England: North East, North West, Yorkshire and the Humber, East Midlands, West Midlands, East of England, London, South East, South West. The audiovisual media sector is regulated at the UK-level by the communications regulator Ofcom (Office of Communications), which has four advisory committees: one each for England, Northern Ireland, Scotland, and Wales.<sup>323</sup>

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<sup>322</sup> For more detail see: Kevin D., “Snapshot: regional and local television in the United Kingdom”, European Audiovisual Observatory, Strasbourg, 2015,

[http://www.obs.coe.int/documents/205595/264619/GB\\_Regional\\_TV\\_in\\_the\\_UK\\_April2015.pdf/ee0493e1-6ef7-4f00-8293-a13000ae641b](http://www.obs.coe.int/documents/205595/264619/GB_Regional_TV_in_the_UK_April2015.pdf/ee0493e1-6ef7-4f00-8293-a13000ae641b).

<sup>323</sup> Kevin D., op.cit.



## 11.2. Regulatory framework

In the United Kingdom, the main legislation for the media sector is the Communications Act of 2003.<sup>324</sup> This act established the communications regulator Ofcom, which has a duty to “maintain and strengthen” public service broadcasting under the Communications Act.

Regarding public broadcasters, its responsibilities include ensuring:

*(c) that those services (taken together) provide, to the extent that is appropriate for facilitating civic understanding and fair and well-informed debate on news and current affairs, a comprehensive and authoritative coverage of news and current affairs in, and in the different parts of, the United Kingdom and from around the world;*

...

*(i) that those services (taken together) include what appears to Ofcom to be a sufficient quantity of programmes that reflect the lives and concerns of different communities and cultural interests and traditions within the United Kingdom, and locally in different parts of the United Kingdom.*<sup>325</sup>

The BBC works under an agreement with the government in the Royal Charter and Agreement.<sup>326</sup> The public purposes of the BBC most relevant for the provision of news and information, and for the regional and local services, are: “sustaining civil society” (a), “representing the UK, its nations, regions and communities” (d); and “bringing the UK to the world and the world to the UK” (e). Notably, the current Royal Charter runs until 31 December 2016, and it is currently being reviewed by the UK government.<sup>327</sup>

For the ITV network (the Channel 3 licences), the programming obligations were updated by Ofcom (for a ten year period) in 2013.<sup>328</sup> Channel 3 licensees have to meet positive requirements covering, for example, original productions/commissions, independent productions, news, regional production, and provision for the deaf or hearing impaired and blind or partially sighted. The updated requirements reduced the overall obligations for producing news. Hours of news per week range from 2.30 to 6 depending on the broadcaster (with ITV Wales, UTV and STV having the greatest obligations for hours of news produced).

Finally, in terms of local audiovisual media, the regulatory framework is contained in three main pieces of legislation: first, the Local Digital Television Programme Services Order,<sup>329</sup> which set out the framework for licensing local television. In terms of content, local services are required to:

*facilitate civic understanding and fair and well-informed debate through coverage of local news and current affairs (5a); reflect the lives and concerns of communities and cultural*

<sup>324</sup> Communications Act 2003, <http://www.legislation.gov.uk/ukpga/2003/21/contents>.

<sup>325</sup> Communications Act 2003, section 264, <http://www.legislation.gov.uk/ukpga/2003/21/section/264>.

<sup>326</sup> Department for Culture, Media and Sport, “Copy of Royal Charter for the continuance of the British Broadcasting Corporation”, October 2006, [http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/about/how\\_we\\_govern/charter.pdf](http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/about/how_we_govern/charter.pdf).

<sup>327</sup> See BBC Trust, “Charter Review”, [http://www.bbc.co.uk/bbctrust/governance/charter\\_review](http://www.bbc.co.uk/bbctrust/governance/charter_review).

<sup>328</sup> Ofcom, “Channel 3 and Channel 5: Statement of Programming Obligations. Amendments to obligations for Channel 3 and Channel 5 ahead of a new licensing period”, 23 July 2013, <http://stakeholders.ofcom.org.uk/binaries/consultations/c3-c5-obligations/statement/statement.pdf>.

<sup>329</sup> The Local Digital Television Programme Services Order 2012, <http://www.legislation.gov.uk/uksi/2012/292/contents/made>.



*interests and traditions in that area or locality (5b); and include content that informs, educates and entertains and is not otherwise available through a digital television programme service which is available across the United Kingdom (5c).*

At the end of 2015, Ofcom agreed to a request for a change in programming obligations from one of the local operators STV Glasgow.<sup>330</sup> The service sought to reduce the level of first-run locally produced programming, but would retain the overall level of local programming, and in particular the large amount of news. This was followed in 2016 by the reduction of requirements for five other services.<sup>331</sup>

Second, the Wireless Telegraphy Act 2006 (Directions to OFCOM) Order,<sup>332</sup> which required the communications regulator Ofcom to reserve spectrum for local television broadcasting. And third, the Code of Practice for Electronic Programme Guides (Addition of Programme Services) Order,<sup>333</sup> which was designed to give electronic programme guide prominence to local television services.

Of the other channels with PSB obligations, Channels 4 and 5 only have obligations regarding production at the regional level.<sup>334</sup>

### 11.3. Market overview

BBC One is the main generalist channel of the public broadcaster and is a networked channel with various regional windows. The BBC One channels in Scotland, Northern Ireland and Wales have programming opt-outs and their own continuity announcements. These three regional versions are more distinctive as they have a larger range of regional programming than the English regional windows. In addition, there are also regional versions of BBC Two (BBC Two Scotland, BBC Two Northern Ireland and BBC Two Wales) and HD versions of the channels.

In England each region has its own individual regional news and current affairs programme opt-out, as well as a limited amount of continuity. Some of the programming produced at the regional level is also redistributed throughout the network. The BBC has eleven separate regional television, radio and online services in England.

BBC Northern Ireland produces a wide range of programming.

Whilst generally following the schedules of the UK-wide BBC One, BBC One Scotland provides daily news broadcasts and offers programming specific to Scotland, such as the soap opera *River City* and a football programme.

<sup>330</sup> Ofcom, "Local TV decision: STV Glasgow change request", [http://licensing.ofcom.org.uk/binaries/tv/local-tv/glasgow/2016\\_05\\_Glasgow\\_decision\\_statement.pdf](http://licensing.ofcom.org.uk/binaries/tv/local-tv/glasgow/2016_05_Glasgow_decision_statement.pdf).

<sup>331</sup> Reynolds J., "Ofcom allows five local tv stations to cut local programming commitments". Press Gazette. 13 April 2016. <http://www.pressgazette.co.uk/content/ofcom-allows-five-local-tv-stations-cut-local-programming-commitments>.

<sup>332</sup> The Wireless Telegraphy Act 2006 (Directions to OFCOM) Order 2012, <http://www.legislation.gov.uk/uksi/2012/293/contents/made>.

<sup>333</sup> The Code of Practice for Electronic Programme Guides (Addition of Programme Services) Order 2011, <http://www.legislation.gov.uk/uksi/2011/3003/contents/made>.

<sup>334</sup> Channel 4 and Channel 5 do not have obligations to provide local programming or news but do have obligations regarding commissioning programmes produced in Northern Ireland, Scotland, Wales, and the English regions. The quota for Channel 4 for programmes produced in the devolved nations will increase from the current level of 3% of volume and spend to 9% in 2020.



BBC Alba<sup>335</sup> was launched in 2008. It is a joint venture between the BBC and MG Alba and broadcasts in Scottish Gaelic. BBC Alba has an average viewership of 637,000 adults over the age of 16 in Scotland each week.<sup>336</sup> It produces a wide range of its own programming and both shares and receives some programmes from BBC Scotland.

BBC Wales (BBC Cymru Wales),<sup>337</sup> based in Cardiff, produces a wide range of local programmes transmitted as "opt out" services on BBC One. These include news, current affairs, sport, arts and entertainment, drama, and children's programmes. BBC Wales also supplies programmes to the separate Welsh language channel, S4C.

Although available nationally in the UK, S4C (the public service channel in the Welsh language) has a regional (national in Wales) focus, and its purpose is to produce programming in the Welsh language. The S4C is obliged under the Communications Act 2003 to annually produce a Content Policy Statement.<sup>338</sup> In doing this, it must consider any guidance or reports of Ofcom. According to the Programme Guidelines,<sup>339</sup> S4C's corporate aim is to provide a comprehensive Welsh language television service, of high quality, which reflects and enhances life in Wales. It is governed by the S4C Authority. S4C was formerly funded partly by advertising revenue and via a direct grant from the government. The broadcaster's public funding and the use of the television licence fee are, since 2013, supervised by the BBC Trust. This arrangement is laid out in an Operating Agreement regarding the use of funds.<sup>340</sup>

ITV1 is the UK's main free-to-air commercial public service broadcaster. It is also the UK's regional channel (also known as Channel 3 licensees). The ITV network is not formally a national TV broadcaster, as it is made up of 15 regional licensees. The ITV Group provides a large amount of the common schedule of the regional broadcasters. ITN is the organisation currently 'nominated' by Ofcom to provide a high quality national and international news service to Channel 3 licensees. The programmes supplied by ITN must be transmitted live and simultaneously by the regional ITV licensees.

ITV is not owned by one single company, but this is very nearly the case. Thirteen of the regional licences are held by the ITV group,<sup>341</sup> and two by the Scottish Media Group. The purchase of the UTV channels in October 2015 means that just the two Scottish licences of STV are now independently owned.

The ITV network is funded by advertising revenue; the ITV licensees are what are referred to as "commercial public broadcasters". They have revenue models which are commercial-based, but retain some public service obligations.<sup>342</sup> Regional windows of the network also have regional advertising inserts. The channels with channel 3 licences (all the ITV channels) have the same daily schedules, and there are certain times when local programming is inserted. The services UTV and STV also have similar schedules, but have more local programming.

<sup>335</sup> Alba is the Gaelic name for Scotland.

<sup>336</sup> MG ALBA Annual Report 2012 | 13, may 2013, p. 24, <http://www.mgalba.com/downloads/reports/annual-report-12-13.pdf>.

<sup>337</sup> Cymru is the Welsh name of Wales.

<sup>338</sup> S4C, "Content Policy Statement 2013", 2013, [http://www.s4c.co.uk/abouts4c/authority/pdf/e\\_datganiad\\_polisi\\_cynnwys\\_2013.pdf](http://www.s4c.co.uk/abouts4c/authority/pdf/e_datganiad_polisi_cynnwys_2013.pdf).

<sup>339</sup> S4C, "Programme Guidelines", 10 March 2010, <http://www.s4c.co.uk/production/downloads/guidelines/S4C-programme-guidelines-10-03-10.pdf>.

<sup>340</sup> BBC Trust, "Operating Agreement SR4", 2011, [http://www.bbc.co.uk/bbctrust/assets/files/pdf/our\\_work/s4c\\_governance/s4c\\_governance.pdf](http://www.bbc.co.uk/bbctrust/assets/files/pdf/our_work/s4c_governance/s4c_governance.pdf).

<sup>341</sup> ITV, <http://www.itv.com>.

<sup>342</sup> See, for example, the obligations under 11.2



## 11.4. Specific issues

The first issue of note is funding. Regional public service media in the UK is financed via the television licence fee (for BBC services and S4C). S4C was formerly funded partly by advertising revenue, and partly via a direct grant from the government. Since 2013, the government grant has been replaced by an agreement with the BBC Trust, which allocates a portion of the television licence fee to S4C. The ITV network, however, is funded by advertising revenue.

The new local channels licensed on DTT are varied in their funding and sources. Some are linked to important media groups such as the Scottish Television Group (STV), or the publishing group Archant. Others launched with the help of crowd-funding, for example Sheffield Live!. It is too early to judge whether these channels will survive, particularly given their different strengths in terms of backers. As agreed in the 2010 licence fee settlement, the BBC has committed to provide up to £40m for the purposes of supporting the Government's objectives for local TV. This is comprised of up to £25m in 2013/2014 towards capital costs, and up to £5m per year for three years to acquire content from the local TV services for use on the BBC's own services.<sup>343</sup>

The second point of interest is the audience share enjoyed by regional audiovisual media. Research carried out by the UK regulator Ofcom in 2009 indicated the importance of local news and information, including that "regional TV news is watched at least once a day by four fifths of adults," and that "local and regional news in particular helps to inform people about what is going on in their local community, while news and other types of local content contribute towards reflecting UK cultural identity and representing diversity and alternative viewpoints."<sup>344</sup>

Indeed, Ofcom research from 2014 has demonstrated the significant audience share of these regional services in the devolved nations,<sup>345</sup> which lends weight to the assertion of the importance of regional broadcasting to the UK media landscape.

## 11.5. Recent developments

The analogue terrestrial switch-off took place in the UK in October 2012. In 2011, the government announced its intention to launch a total of 28 local channels on the DTT network. The financing of the start-up of the local DTT channels was partly financed by the BBC. There are certain programming requirements for the licensees of the new local DTT channels, as outlined by Ofcom. The local channels are expected to engage with "local democracy" and are specifically supposed to provide local news and current affairs, and "facilitate civic understanding and fair and well-informed debate through coverage of local news and current affairs". As noted above, there have already been some adjustments to the programming requirements of the local TV services, which could be indicative of the economic challenges of providing local programming.

As of March 2016, Ofcom had licensed 34 local television stations across the UK, including in Belfast, Birmingham, Brighton & Hove, Bristol, Cardiff, Edinburgh, Glasgow, Grimsby, Leeds,

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<sup>343</sup> Department for Culture, Media and Sport, "A new framework for local TV in the UK", July 2011, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/72920/Local-TV-Framework\\_July2011.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/72920/Local-TV-Framework_July2011.pdf).

<sup>344</sup> Ofcom, "Local and regional media in the UK", 22 September 2009, <http://stakeholders.ofcom.org.uk/binaries/research/tv-research/lrmuk.pdf>.

<sup>345</sup> Ofcom, "Communications Market Report 2014: Scotland", 7 August 2014, [http://stakeholders.ofcom.org.uk/binaries/research/cmr/cmr14/2014\\_CMRScotland.pdf](http://stakeholders.ofcom.org.uk/binaries/research/cmr/cmr14/2014_CMRScotland.pdf).



Liverpool, London, Manchester, Newcastle, Norwich, Nottingham, Oxford, Plymouth, Preston, Sheffield, Southampton and Swansea.<sup>346</sup> 20 stations have been launched, and a further 11 are due to launch in 2016.<sup>347</sup>

## 11.6. Current and future challenges

Finally, two issues of great significance for the future of regional audiovisual media in the United Kingdom is arguably the current review of the Royal Charter, and how the BBC will continue to be organised and funded. Notably, in relation to local television, the agreement with the BBC for the licence fee to fund local TV will end in 2017. Indeed, the BBC Trust's *Response to the Department for Culture, Media and Sport's Charter Review consultation* argued that the objects of the BBC's obligation to "[help] fund Local TV stations, have been Government projects with little or no link to the BBC and the arrangements have muddled accountability for delivery and value for money."<sup>348</sup> In response, the UK government in its white paper *A BBC for the future: a broadcaster of distinction*, published in May 2016, stated that it will "provide greater freedom for the BBC to manage its own budgets" by phasing out protected funding for local television.<sup>349</sup> However, the government nonetheless stated that it will "ensure that local television stations that are launched by 31 July 2017 and wish to receive this BBC support for their first three years of operation will receive it."

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<sup>346</sup> See Ofcom, "Applying for an L-DTPS Licence", <http://licensing.ofcom.org.uk/tv-broadcast-licences/local/apply/>. See also Ofcom, "Local TV broadcasters", <http://licensing.ofcom.org.uk/tv-broadcast-licences/current-licensees/local-tv/>.

<sup>347</sup> Department for Culture, Media and Sport, "A BBC for the future: a broadcaster of distinction", 12 May 2016, p. 96, <https://www.gov.uk/government/publications/a-bbc-for-the-future-a-broadcaster-of-distinction>.

<sup>348</sup> BBC Trust, "Response to the Department for Culture, Media and Sport's Charter Review consultation", October 2015, p. 41, [http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/about/how\\_we\\_govern/charter\\_review/dcms\\_response.pdf](http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/about/how_we_govern/charter_review/dcms_response.pdf).

<sup>349</sup> Department for Culture, Media and Sport, "A BBC for the future: a broadcaster of distinction", cit., p. 7.