

Arts Council England's response to OFCOM's discussion paper, 'A new approach to public service content in the digital media age'

Introduction

Arts Council England is the national development agency for the arts in England. Between 2005 and 2008 we are investing £1.7 billion of public funds in the arts from Government and the National Lottery.

Arts Council England has set out six areas of our agenda for the arts: taking part in the arts, children and young people, the creative economy, vibrant communities, internationalism and celebrating diversity.

We believe that creativity and the arts are crucial not only to individual fulfilment and civic renewal but also to the UK's value added economy – the 'creative economy' – and to wider skills development. The creative industries account for more than 8% of growth in the UK.¹ The arts are therefore a key driver in a large and growing sector of the economy. They help provide core skills development in schools and higher education, especially for the creative industries. Often the arts provide the career gateways – the first jobs – for creative entrepreneurs and workers across the creative industries including broadcasting and media.

Arts Council England believes that broadcasting and digital technologies are critical to the promotion and development of the arts in England, supporting our vision to place the arts at the heart of national life and to distribute arts content as widely as possible, ensuring that as many people as possible can participate actively in the arts including through interactive media.

We have been following the various stages of OFCOM's Public Service Broadcasting Review with great interest and support conclusions relating to the 'enduring' benefits of public service content in the digital age. We welcome OFCOM's work on PSB and the PSP concept, imaginatively scoped through the Open Media Network site and the current discussion paper.

¹ DCMS Creative Industries Fact File

The Arts should continue to be a key content area within a new Public Service media content framework, delivering the purposes and characteristics OFCOM articulated in 2004.

Arts Council England welcomes an active partnership role in developing the PSP concept further and seeks to potentially work closely with the PSP given our complementary distribution and participation objectives. We see this potential partnership as mutually beneficial.

Note on terminology

The Arts Council directly represents the following art forms - Literature, Drama, Music, Visual Arts, Combined Arts and Dance We also recognize that there are a number of current arts 'genres' referenced in the latest Public Service Broadcasting Report (22.3.07) in which we take particular interest, notably Music, Drama and Arts programming. The UK Film Council has responsibility for Film though the Arts Council is also very closely engaged with independent artists film, video and new media.

Our Responses

Response to (1) the level of appropriate intervention in Public Service Media Content in the digital age and the balance between TV and non TV forms of public service content distribution.

Arts Council England supports OFCOM's rationale for a continuing and evolving concept of public service broadcasting in the digital age. We agree with the case articulated in the PSB reviews that Public Service Broadcasting brings substantial economic, social and cultural benefits to UK citizens and that plurality is a key driver for quality and innovation.

We believe that there continues to be a very strong case and necessity for public funding of cultural media output, currently including but not restricted to drama, music and arts programming genres. These deliver innovative, original arts content that benefit us all as citizens.

We are convinced that the market alone will not provide sufficient quality, range and innovation for wider citizenship and social purposes and are committed to the principle of appropriate intervention by the public sector to ensure the diversity and plurality as noted above. At the same time, we do not believe that in the 'digital age' that there can be any wholly non-commercial spaces and are committed to

exploring appropriate partnerships between private and public sector investors to achieve best outcomes for citizens.

It is our firm view that an appropriate balance should be struck and maintained between social and cultural benefits and a purely commercially focused approach to content. In our view, this balance needs to be in the foreground in terms of the approach taken by regulators and government with respect to this Review and any subsequent proposals.

Our research so far has demonstrated without doubt that PSB provision not only benefits broadcast audiences but supports and maximises investment within a far broader cultural infrastructure. Evidence shows that the public broadcasting sector currently contributes substantially to the UK's creative economy and arts talent base.

Artists, writers and producers work across a wide spectrum of arts and media provision at many levels. Arts Council funding often enables new work to be produced that would not otherwise be shown. Our partnership strategy with key broadcasters has begun to show significant results. Alongside this the BBC and Channel 4 in particular are significant and regular investors in new talent offering, artists' development initiatives, incubation, training opportunities as well as new commissions which reach much broader audiences than many live events; they are also increasingly offering opportunities for combining live and recorded/digital media with new kinds of programmes such as flashmob operas and interactive arts programming as seen in Power of Art recently, which paved the way for the potential output in a fully digital era.

There is no doubt that audiences for the arts are reached and increased by means of distribution via broadcast media. However a key challenge now will be to ensure that broadcaster commitment and investment in areas of arts and cultural output continues to be preserved post-digital switchover. There is clear evidence that arts provision is an important touchstone in the case for public intervention in PSB, and that maintaining the existing provision on mainstream broadcasting channels should be an inherent factor in this.

We believe it imperative that a new regulatory framework for public service media content continues to ensure that 'cultural activity in the UK and its diversity are reflected, supported and stimulated by the representation in those services (taken together) of drama, comedy and music, by the inclusion of feature films in those services and by the treatment of other visual arts and performing arts.' (S.264

Communications Act 2003) and establishes a robust framework for assessment of success and achievement within the 'totality' of future public service content.

We also believe that there may be some difficulties in relation to identifying and monitoring broadcast output genres/purposes within OFCOM documents, raising important issues for how arts content can be regulated and maintained in the future. The arts genre within the current Public Service Broadcasting report (22.3.06) is described as substantially contributing to a learning purpose 'our interest in and knowledge of arts and other topics particularly those relevant to our locality, through content that is accessible and can encourage informal learning' However, genres are still assessed separately according to broadcaster output, but then conflated with other specialist factual genres, in the case of arts with science and history, in sections on public commentary on PSB which prevents clear analysis. We would recommend that the capacity to monitor these genres is strengthened as part of this review and Arts Council England would be willing to contribute to this process on request.

Similarly we note that in the discussion paper OFCOM notes that certain genres or areas of content are the subject of specific 'projects' informing the framework for PSB provision, and that they are responding to the 'current high levels of high quality UK originations and the pressure on some genres' into digital PSB. OFCOM has on previous occasions referred to the 'dilemma of arts programming even within the current PSB contract'.

We would suggest that further emphasis should be allowed for arts genres as a special case within this review alongside the due provision for news and recent research/project review into children's content. Whilst we welcome the commitment from OFCOM last year to, 'consider ... the potential risks to arts and children's programming on commercial public service channels' and that these areas would 'need to be part of the debate.' A research/project review into children's content was then announced last month (13/2/07) and factored into the Draft Annual Plan 07/08. We note that at present there is no timetable for reviewing other genres/areas of content beyond news and children's content s and we would welcome a clear commitment and timetable for this with arts content as a key priority.

We believe that the arts offer enormous opportunities for provision of high quality, popular and innovative content within the context of this Public Service Broadcasting review. We have extensive research through our DCMS Taking Part survey, which indicates high public engagement and support for the arts. We

believe that the special impact and reach of PSB, the identified threat to Arts content including arts programming presented by an altered Channel 4 remit and a potential retreat from programming from FIVE and ITV, make this content area deserving of specific and immediate focus.

We invite OFCOM to work in partnership with us to conduct a research and review project into arts content, including arts programming so that this diverse area of content can be properly factored into the next phase of PSC digital planning (which we understand begins in early 2008.)

We believe that a wide-ranging and in depth review of public service arts media is now an essential step towards maximising the capacity for artistic product to engage and reach audiences maintain existing audiences in the context of this review. Our intention would be to go beyond measurement of existing provision (genre hours etc) and to also explore the potential for new media interventions and opportunities in the context of the digital age.

In terms of TV distribution in the digital age, it is essential that PSBs play their full role in arts provision with clearly articulated public service content remits which include Arts (Music, Drama and Arts Programming) in order that their contribution can be measured accordingly and to ensure a healthy complement of provision from other creators and distributors of arts content from other media and cultural producers.

We believe in a strong and well-funded BBC with a clear arts strategy and reporting mechanism that can allow us to assess how well they are meeting their cultural and creative purpose. We also believe that a strong Channel 4 is essential to provide essential creative competition for the BBC cultural output, supporting broadcasting plurality, particularly in terms of impact and reach on audiences. We would be supportive of attempts to assess and address Channel 4's funding issues, alongside any realignment of Channel 4's funding model or remit – providing that a strong commitment to the arts is built into any new approach.

FIVE's commitment to original arts production playing in peak and ITV's South Bank Show programming currently forms an important part of the totality of PSB arts coverage encouraging more people to learn about the arts. A more commercial environment coupled with a lack of regulatory leverage raise the possibility of a retreat from commercial PSB's. We certainly believe that the regulatory leverage which has been a feature of the PSB landscape of quotas will affect commitments and could be replaced by new models of private-public

partnership working. Our partnership work over the past three years with FIVE suggests a model in which our public funding adds value and supports mass distribution via broadcast channels to increase impact – an important factor in taking PSC forward. The new PSP media content could not only stimulate new areas of content but facilitate partnerships between broadcasters and the public/community sector, complementary to broadcast provision and harnessing broadcast media brands to encourage greater reach.

We believe that there is a certainly a case for the provision of public service material on new media and intervention to ensure non-television public service content and to drive a new kind of public participation in culture and the arts which we address in our comments on the PSP.

We recognise that the traditional PSB model has to expand to include newer forms of arts production and distribution. There are already areas of under-representation on broadcast platforms and a particular lack of representation of regional arts presentation via linear video content, a ‘deficit’ which several organisations within the cultural sector are beginning to address, to create broader access to their content through to becoming cultural media producers in their own right. Some are moving beyond distribution of linear content into new attempts to connect with audiences and present a range of interactive material to stimulate creativity. Organisations such as TATE, and orchestras such as the London Philharmonia, in partnership with BT are developing exciting new ways of distributing their work through online channels which offer not only the possibility of consumption but also of participation and interaction with contemporary arts. These are only two examples of the potential now emerging within the arts sector across different artforms and it is becoming clear that within this changing regulatory and technological environment that – with additional investment of time, money and tools – that many other arts organisations can become players within the field of online digital production and distribution.

Having said this, the current position is that as a whole, the arts sector lacks the additional funding necessary to sustain what are currently interesting pilots and isolated or small scale examples. Due to their small scale and the cyclical nature of their funding they are often unable to meet the costs of gaining access to new delivery platforms to innovate and develop new services. As a group regularly funded organisations (such as the major dance and music clients of Arts Council England) do not often naturally engage with technology, partly as a result of skills gaps and partly as a prioritisation of other areas of their work. In a recent audit of North West Regional Arts Council regularly funded organisations, 82% identified

the creation of digital content as an ambition but 80% cited the main barrier to IT/digital development was funding/cost. While the picture is not so bleak elsewhere in the country there is a clear identification of the need for enhanced resources to prepare the arts organization base for the potential of new distribution opportunities.

The Arts Council is committed to supporting organisations develop this area of distribution and participation and we already invest public money in digital media and organisations who are breaking new ground in stimulating new forms of engagement. Strong examples of where the arts are already developing the public's skills to produce their own creative media can be seen in Lets Go Global, a community media channel based in Trafford, and in Tenantspin, a community broadcast project for high rise tenants enabled by FACT in Liverpool.

<http://www.letsqoglobal.tv/> <http://www.tenantspin.org/>

Response (2) the potential role of the PSP and its creative remit

We welcome the public service publisher (PSP) concept as advanced by OFCOM, and see the potential of such a concept in maintaining a level and quality of public service content in the digital age. In particular, we support the current work of OFCOM in looking at the possible role of a body with its centre of gravity in the new media and the ways in which it might further public purposes.

In principle, we support public funding to support plurality and the PSP. We believe that the third party agencies described in OFCOM's PSP review should include the arts and wider cultural sector and that innovative new partnerships between broadcasters, the arts and new media agencies could be encouraged through an injection of creativity that the PSP potentially offers.

We believe it essential that the PSP should have a strong cultural and creative remit with a particular remit to encourage and support areas of arts media content, encouraging more dynamic and interactive models of arts participation. The Open Media Network has produced some inspiring and intriguing possibilities, and prototypes for PSP content and it is heartening to see many examples from the arts sector.

The PSP provides an opportunity for the arts to redefine models of distribution and engagement. A key opportunity through the PSP is to create new channels for active participation and co-production, to increase the reach of the arts beyond the walls and physical location of an organisation or event by distributing creative

content in a form that can be engaged with and contributed to. What distinguishes interactive media is that the viewing mechanism is also the tool for production. As the remit of the PSP is to facilitate content generated by and enabling creative participation, distribution should in the main be through channels that facilitate this practice. Current media arts approaches offer dynamic and innovative thinking around the development of new forms of distribution.

This increasing democratisation of the creative process will also lead to increased diversity and plurality of content, of participants and of producers. Within the arts sector there are already some well-documented examples of arts practitioners working in this way, Meigeist is an alternative reality game created by artist Hazel Grian, working with The Watershed media centre and HP in Bristol. Meigeist is the largest non-commercially funded game of its type ever to be produced in the UK. <http://www.watershed.co.uk/cgi-bin/WebObjects/Watershed.woa/wa/news?object=119>

In addition, a key factor in supporting Britain as the world's creative hub is to bridge the communication and R&D divide between the creative industries and the technology sectors, enabling the creative sector to drive, develop and exploit the potential of new technologies. A PSP could go some way to addressing this.

We believe the PSP would offer significant opportunities for the public and the arts sector, particularly in the area of local and community broadcasting which we believe to be a vital area of PSB. We believe that the PSP concept has great potential, particularly in relation to supporting local arts organisations and communities, extending regional provision, and stimulating user generated content and community engagement.

Draft findings from our jointly commissioned research with the Community Media Association and the DCMS conducted by Cape UK and due this Spring, indicates the burgeoning sector is beginning to facilitate networks of local cultural production offering considerable potential for engagement and audience development in that 'Community radio places media technologies into social networks, opens up opportunities for cultural production and learning, and has the potential to create radio broadcasting which moves beyond a simple producer-consumer relationship'.

We believe partnership working to be key to the successful functioning and delivery of the PSP and we welcome the opportunity to engage in the process of defining and building this innovative new model.

Response (3) the operating model in particular the approach to rights management

We wish to direct our comments in this section to the potential of the PSP for significant arts partnerships including the Arts Council. The Arts Council is in a strong position to partner the PSP: we have in common a number of core values with those suggested for the PSP, and with those demonstrated by existing public service models. These are, as set out in our agenda for the arts, a commitment to artistic quality, the support of talent and the development of markets for creative product; a focus on diversity and social inclusion in terms of both the artist and increasing access to and participation in a broad cultural offer; and a commitment to offering new opportunities for the public to participate in and interpret the world through the arts, defined as 'Taking Part' and a commitment to engaging the arts in the creation of 'vibrant communities'.

Our core work is supporting and developing high-quality, UK-originated creative content in all its diversity, investing in over 1200 arts organisations across England. We have strong bases in each of the English regions, supporting and developing regional creative product and talent. We are engaged in distributing and exporting this creative product both nationally and internationally.

A PSP set up to offer a platform for the commissioning and distribution of participative content will develop this area of practice if arts organisations and the Arts Council are clear around shared and complementary roles and responsibilities. The discussion paper notes that we are already effectively seeing public service content starting to emerge on newer platforms provided by existing PSB's and by other organisations.

Current levels of public funding for the arts sector could not support the ambitions of the PSP in maintaining and improving the quality of PSB. However, Arts Council England would welcome a role as broker, working with OFCOM and the PSP to stimulate and develop a greater number of partnerships between artists, arts organisations, broadcasters and new media players and we are keen to maximise the public value of our investment through working closely with providers of PSC and the PSP.

The PSP offers a new and complementary approach to public service delivery and a key point is that its role and operating model needs not only to be considered in relation to PSB providers but in relation to the capacity and ambition of other

public sector bodies and publicly funded cultural organisations who are currently or potentially able to deliver sustainable models of content production and distribution.

While it is acknowledged that existing public funding commitments as currently conceived do not enable large-scale investment in new work for PSP it could be argued that our strategic work with broadcasters operates as a proto PSP model in using our £1million investment strategically as an creative venture capital fund to

- work with broadcasters to provide linked support events, activities or information around event television to stimulate public engagement
- promote production and distribution of areas of the arts which we believe are currently under-served and under-represented in broadcast media
- share risk and investing in innovative new formats or pilots which could have educational and legacy benefits
- stimulate new opportunities for artists to work on television through artists' films and documentaries and co-commissions
- work with broadcasters with high C2DE audiences in order to reach non-traditional arts audiences, encouraging engagement with the publicly funded arts sector's work or stimulating personal creativity
- invest in new models of arts media and broadcasting and new areas of broadcasting such as the third 'tier' of community media
- commission research and evaluation into impact beyond the broadcast
- forging strategic alliances with other creative industries which are also looking at new models of digital content co-production and distribution.

This approach has already begun to increase access by addressing areas of perceived under-representation, for example increasing the profile of regional literature and visual arts with FIVE, screen based dance and animation art forms with Channel 4, and Black and minority ethnic artists with the BBC.

Our forthcoming policies and strategies in media and digital distribution will inform the development of our work in this area, expanding this successful work to non-television distribution initiatives.

There is interest in the 'Intel Inside' facilitation brand strand of the proposal in allowing arts commissioning organisations to consider the potential for using PSP

partnerships with technology providers and platforms, and accessing audiences for them, and developing new relationships with producing artists to take advantage of this.

We would also note our interest in the PSP as an aggregator for a diversity of arts content. Arts organisations increasingly have access to and are constantly commissioning and documenting artistic activity and practice. The PSP offers significant potential in opening up this work to audiences and allowing for greater participation. Broad ranging content, including participatory and interactive television production and very specialised niche interest material including user generated content could be brought together at a particular destination. This content would be digitised, but not essentially and only digital, and would include work from across artforms. We are excited by content that it will be participatory and collaborative in its origination and in its distribution.

In relation to rights, we would welcome further discussions on this very important issue. We recognise these new opportunities bring new challenges in terms of the law and intellectual property rights. For the past three years, the Arts Council has invested heavily in a research strand 'artists and the law' which analyses the balance between artists IPR and public access rights and responsibilities. The final report includes a major survey of the issues related to artist's rights, within a context of changing technologies and transcripts of key stakeholders within the creative industries in digital rights management seminars. The Arts Council will be supporting a special Westminster Media Forum in early Spring 2007 to inform a code of best practice in relation to Digital Rights Management and this, we hope could be of use to OFCOM and its ongoing work to develop the PSP.

Arts Council England has an exceptional range of relationships and partnerships with arts organisations and the wider cultural sector. Regularly funding over 1200 organisations across all art-forms, as well as thousands of individual projects and artists, Arts Council England has significant established partnerships with local authorities, regional development agencies and the community and voluntary sectors. As such it is well placed to develop and broker relationships between a PSP and the local and community media and arts organisations that will be able to engage with it. Working via a PSP will importantly enable the sharing of resources and good practice, and will help establish frameworks for production and delivery that are currently ad-hoc.

We believe that the arts sector can bring skills, experience and strategic resources to help the PSP achieve its vision in the future. We can envisage exciting new co-

funding opportunities across the cultural and broadcasting sector. It is our ambition that we and the wider arts sector are 'system ready' for the digital switchover and the wider spread of digitization which will certainly take place between now and 2012, and are able to partner in a dynamic and effective way. There are commercial and voluntary models in new media for arts content, which may be eligible for PSP engagement or a combination of Arts Council funding leveraging PSP resources.

Even before a PSP-like organisation might emerge, we see opportunities to build bridges between arts organisations, promoters and producers, the commercial sector, national broadcasters, and education and training providers to create a more integrated and sustainable national framework for the arts and arts media.

Arts Council England would wish to encourage networks, production companies, local and community media companies, and arts organisations to work together, to exchange ideas with the aim of stimulating a wider variety of creative content across various platforms. We believe that Arts Council England has a role to play in developing the opportunities and addressing these challenges.

Response (4) the scale of funding required

We do not wish to comment on this aspect of the proposal but would wish to register the capacity of PSP funding to stimulate interest and generate greater investment from the arts and cultural sector if allied to shared distribution and participatory ambitions. It is important that the PSP does not duplicate existing publicly funded arts media content but adds value to existing funding and infrastructure.

We would also recommend that Arts Content and its distribution and financing of media arts stimulating, supporting and complementing wider PSB providers, should be factored into PSP budgetary planning.