



**Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Lleol  
Cynulliad Cenedlaethol Cymru**

**Communities, Equality and Local Government Committee  
National Assembly for Wales**

**Cyflwyniad gan BECTU Cymru, Tachwedd 2011  
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**Introduction**

BECTU (**Broadcasting Entertainment Cinematograph and Theatre Union**) is the independent trade union for those working in **broadcasting, film, theatre, entertainment, leisure, interactive media** and allied areas. In the context of the media our members constitute a broad range of highly skilled professionals including **production**), **craft grades, camera and sound crews, animators, post production, technical, construction and clerical**. We have approximately **26,500 members** in the UK with over **2,000** members in Wales. Some of our members are employed by **broadcasters BBC Wales, S4C, ITV Wales, independent radio channels** and in the **education sector** but the majority are **freelance / sole traders, run micro enterprises** or work on **fixed term or rolling contracts for independent production companies**. Our members work for a very broad range of **employers / clients** in **Wales, the UK and globally** across **the broadcast and media and film** sectors but also for **private companies, local authorities, education establishments** and the **third sector**.

**Context**

As a trade union BECTU has always actively championed the industry in Wales including promoting and defending Welsh and English language programming and highlighting the key role of the media in **portraying the cultural and real life**

**experiences** of Welsh **citizens** in our **communities**, both within Wales and beyond.

**S4C** began broadcasting in **1982**, both the Conservative and Labour party manifestos of 1979 included the creation of a dedicated Welsh channel, however once in power the Conservatives changed their minds about broadcasting on a dedicated channel, but when Welsh language activist and Plaid Cymru member **Gwynfor Evans** threatened to fast to the death if the government made a u-turn on its promise - the government decided to stick to its manifesto commitment. Unfortunately Gwynfor is no longer with us but BECTU is partnering with other **Welsh organisations** who want to safeguard the **independence** of S4C, the **only Welsh language TV channel in the world**, and to **protect** its **budget**.

During its early years S4C was a very successful broadcaster and produced **world class content** including four **Oscar nominations** for **drama** and **animation**. The highly acclaimed dramas produced at this time **reflected Welsh life** both past and present and include **Solomon and Gaenor, Hedd Wyn, Branwen, Lois and Leaving Lenin**, the equally world class animation include **Famous Fred, Superted and Fireman Sam** and our music programme makers produced **Cool Cymru** and bands like **Catatonnia** and **The Super Furry Animals**. All this was the result of **small companies** made up of programme makers who were **passionate** about making great television. Unfortunately there is currently no career path that will enable these **small niche enterprises** to survive in Wales as the broadcasters' strategy is to commission programming from the **larger independent production companies** whose key driver is to make a **profit for shareholders** and in Welsh programming this has led to **low cost, cheap television for a dwindling number of viewers**.

During **Huw Jones'** time as Chief Executive of S4C with **Elen Closs Stephens** as Chair of the S4C authority, the broadcaster decided to embark on a downward spiral by dramatically increasing its output by going **digital** and venturing into

daytime programming **without any additional funding**, (at the same time the BBC had secured substantial funding through an increase in the licence fee to pay for its digital output both online and in new channels.) The **S4C authority** failed to question how the broadcaster was going to pay for this dramatic increase in programming, **Sky** the largest commercial broadcaster in the UK recognise the importance of quality over quantity and their vision for creating greater viewer satisfaction on Sky 1 is “by commissioning fewer shows, and doing that at higher cost.” Part of the vehicle for S4C of achieving its goal of **substantially increased output** was to dispense with the significant number of small and talented creative businesses based throughout Wales and encourage the creation of larger companies through providing **£1 million in development money**. To keep costs down the new companies took on **young** graduates to help deliver S4C’s digital content many on **very poor terms and conditions** including **fixed term contracts, no full job description, having to opt out of the 48 hour week and generally no automatic entitlement to payment or time off in lieu for working overtime** (although most regularly work incredibly long and unsocial hours both at evenings and weekends) **and no employer pension contributions**. BECTU expressed its deep concern regarding the path that S4C was undertaking and warned that this would result in a decline in standards and inevitably a **drop in viewers** which would lead to attacks on the Value of the Channel, and sadly this proved to be the case.

BECTU welcomes the establishment of the new **BBC drama village** at Porth Teigr and looks forward to working with the BBC and other stakeholders in ensuring that Wales based professionals, both on screen and behind the scenes, have the opportunity of working on productions including on-going as well as any new drama coming into Wales. It is crucial that the BBC and the industry invest in training to ensure that the **skills gaps and shortages** such as focus pullers, boom operators and script continuity are properly funded through a hands on training scheme. BECTU is concerned about the lack of **equality and diversity best practice** throughout the industry and would like to see productions at Porth

Teigr implementing these. We are disappointed that in spite of raising this with the BBC there is not currently any dedicated, flexible **crèche** provision in the area and we would welcome an opportunity to discuss this in the future.

BECTU is concerned that as a result of ongoing cuts **BBC Wales** is losing the capacity to deliver **high quality programme content** either in house (by staff) or by the independent production companies across all media platforms (**TV, radio and online.**) It is crucial that Welsh life is reflected in programmes made specifically for those living in Wales as well as original **network productions** that **reflect the diverse communities and cultures that exist in Wales.**

The **demise of ITV in Wales** has had a significant impact on the diversity and range of English language content across all genres of content production. The government's decision in the mid 80's to introduce competition into independent broadcasting by making all the ITV companies throughout the nations and regions compete for their licences resulted in **HTV Wales** and HTV West no longer being able to afford to produce high quality local content for either Wales or the South West of England or produce programmes for the network, therefore family drama such as **We are Seven, Treasure Island** and **Arthur of the Britains** quickly disappeared from the schedules, and programmes aimed at **young people** such as the pop series **Jam** were no longer produced. This had a huge impact on staff at HTV Wales who were renowned for their **high level skills** and could comfortably work between genres and throughout their career often had the opportunity of working on drama, light entertainment, factual and childrens programmes at the same time benefitting from the skills and experiences of **co-workers**. Currently it is very difficult for some of our members to work on the productions they **aspire** to work on e.g. lighting camera people who want to progress to working on higher budget network drama, this barrier is not necessarily due to the lack of key skills but to the nature of how **recruitment** is undertaken by network drama i.e. by London based producers who bring in their own **heads of department** from outside of Wales.

Over the next few years in Wales we face at least **20% cuts at BBC Wales** and over **40% cuts at S4C**, this is currently leading to imminent job losses at both broadcasters but is also likely to result in **redundancies** at the independent production companies that provide programmes for these broadcasters, only last week **Boomerang**, the **second largest production company in Wales** (and the company that received the lion's share of S4C's £1m development funding in 2005 shared between four of the larger companies) announced that it was going to make **40%** of its workforce in Wales working on **S4C and BBC Wales** productions **redundant** as a direct result of the **cuts at** these broadcasters. (Ironically the fact that Boomerang is now a **plc** and has a policy of **acquiring new companies** and producing more programmes for the **network** has not led to the **safeguarding of jobs** within the company.) The cuts will also be detrimental to the employment of our freelance workforce, some are struggling to make a living and others are leaving **the industry** and taking their skills and expertise with them. The impact of these cuts is that the combined loss of highly trained and experienced professionals and a further decline in programme budgets will mean that both broadcasters will continue to lose the **ability** and **capacity to create high quality content for viewers in Wales.**

### **Equality and Diversity**

As a result of ongoing cuts in programme budgets and the increased **casualisation** of the sector many people working across the industry are finding it hard to achieve a **work-life balance** and some groups are particularly vulnerable, these are **women** and men with **caring responsibilities**, **younger and older workers**, **disabled people** and **black and asian minority ethnic people.**

The number of days and hours that staff and freelancers are expected to work are more akin to the working conditions of the **Victorian era** than the 21<sup>st</sup> century. In drama production the **6 day week** and **11 day fortnight** are the norm

and it isn't unusual for the hours worked in one day to regularly **exceed 12 hours**. Editors work for longer hours than is safe on VDU's and workers often travel for four plus hours to the next day's location after a full day's work. Our members tell us that working exceptionally long hours results in a **substantial decrease in creativity, productivity and quality, family breakdown, lack of job satisfaction, concern over health and safety and depression**.

Due to **family commitments** many women in particular find it difficult to commit themselves to several weeks working extended hours on a long production and this means that they are dependent on **very short contracts**, often **daily**, that means that their **earning power** is substantially reduced. Unfortunately **flexible working practices** such as **job sharing** or access to **crèche** facilities are very rare across the industry and practically non-existent for freelance workers. This is also true for some disabled people. It is therefore not surprising that Skillset research identified that between 2006 and 2009 **5,000 women left the UK TV industry compared to 750 men**.

The lack of opportunities for individual producers or micro enterprises to **directly tender for broadcast commissions** means that many women and men who have run or aspire to run niche companies throughout Wales have had to take their ideas to the large independent production companies to win commissions, this results in their handing over their ideas to another company, usually losing editorial and production **control** over their programmes as well as handing over **ownership and copyright**, this subsequently leads to lack of income and **stifles creativity**. (We are aware of women in rural Wales who ran their own production companies that are victims of S4C's policy to commission from larger companies. Note that **none** of the four large production companies that received development funding from S4C has a **woman** at the helm.)

The disadvantage faced by **young people** trying to enter the industry is well documented and the increased use of **interns** is making the situation even

worse. Those who do not come from wealthy backgrounds are doubly disadvantaged. The following quote is from a post graduate who undertook an apprenticeship rather than an internship “**I didn’t have enough experience to work for free.**” Unfortunately access to the industry and sustaining regular work is often achieved through knowing the right people and being part of particular **networks**, this can be particular difficult for those from **BAME** backgrounds or for those who do not have access to these networks either due to **geography** or **social circles**. BECTU has developed a bespoke resource for new entrants [www.creativetoolkit.org.uk](http://www.creativetoolkit.org.uk) aimed at providing information to help them build successful and fulfilling careers.

There are skills gaps and shortages in TV however due to a combination of cheap and relatively easy to use **equipment** (cameras, sound equipment and editing software) and the casualisation of the broadcast industry properly paid **trainee** posts have almost disappeared from the sector. This has a huge impact on the **younger generation** as on the positive side with the right training they are able to successfully **multi skill** in some areas of production, however on the negative side if they want to progress in their career to a more dedicated **high level craft based role** this is becoming increasingly difficult as the employers are generally not providing training to this level and working within these specialist grades would require these individuals to become freelance. This is an area of concern for many of our experienced freelance professionals who often spend their own time supporting new entrants who regularly take on responsibilities well beyond their skills and experience and often don’t understand their legal obligations in terms of **health and safety** and **public liability**.

Some of the large companies as well as the broadcasters are increasingly using their staff to **multi skill** (usually in the area of producers, directors and researchers undertaking a number of roles **including interviewing, shooting, recording, lighting and editing**) and although these are useful in producing some low budget programmes, their constant use has a huge impact on the

**quality of programmes** and also **health and safety** considerations for those undertaking the work. The independent production companies have openly admitted that they are reluctant to train many in house staff as they can only afford to pay a limited number of people on producer/director grades therefore if researchers receive training the lack of career path within the company means that they may leave and work for a **competitor**, this has created a **glass ceiling** within the companies. The current cut in BBC and S4C budgets means that many of these people are likely to be made redundant in the future. The impact of multi skilling on many highly skilled and experienced camera, sound and editors is that their work is **drastically reduced** and they are only recruited to work the diminishing number of more demanding and higher quality **programmes** that require their skills and experience, many have learnt new skills and have become **self shooters** and some work in areas outside of broadcasting for the public, private and third sectors, however **funding for multi-skilling** has generally gone in one direction e.g. training production grades and researchers in the art of camera, sound, lighting and editing rather than vice versa i.e. training crews in producing, directing, researching and journalist skills – this is an anomaly currently being researched by BECTU centrally.

As the **only Welsh channel** S4C has to provide content for people of **all ages** and all **socio economic backgrounds** throughout Wales, which is an almost impossible task to do well, especially with a substantially **smaller budget** and without drastically **reducing hours**.

Many **older people** who are often **isolated** either due to **geography**, personal circumstances such as a **lack of mobility**, access to **transport** or **caring responsibilities**, often **depend** heavily on S4C for their **well being** by providing them with **information** and **entertainment**. For some this is the only channel they view and the current uncertainty around S4C's funding and independence has caused **considerable anxiety and stress** for many older people in particular.



As for viewers BECTU is concerned that very few young people watch either BBC Wales (non network) or S4C. Although **young children** who speak or are learning to speak Welsh are well served by S4C's **Cyw strand** there is very little in terms of TV programmes and online content for young people. This age group naturally receive and **interact** with a range of **online content** however there's hardly anything available for them in the Welsh language and this needs to be addressed, however we cannot see how this can be achieved by S4C considering the substantial cuts they're facing. Some have suggested that these young people are no longer interested in TV, however this is untrue, the success of series such as **Inbetweeners, Misfits, Gavin and Stacey and the Only Way is Essex** and the numerous **comedy programmes** amongst **young people** demonstrates that they are very **discerning**, they may enjoy **youtube** and viewing clips on their **mobiles** and **laptops** but they can distinguish between these and **high level or innovative programming**, however what they don't seem to be interested in is **cheap TV programmes**.

### **Learning and Development**

Supported by the Welsh Government's Wales Union Learning Fund BECTU has been running an innovative learning project **entitled CULT Cymru (Creative Unions Learning Together)** on behalf of four key unions in the sector, **BECTU, Equity, the Musicians Union and the Writers Guild**. The aim of the project is to enhance the **employability** of those working across the creative industries in Wales. To date **2,000 people** have attended **88 workshops** and events.

**Freelancers, staff, new entrants, graduates** and **apprentices** attend our events. CULT Cymru has developed a **Learning Needs Survey** that is shared with the **Sector Skills Councils** and the information has been used to develop courses by the project as well as other organisations. **Collaboration** is key to the project's success and it has worked in partnership with a broad range of organisations including **Skillset** and **CC Skills, employers, the Welsh Music Foundation, Skillset Media Academy Wales, the Wales TUC, Careers Wales,**

**Job Centre Plus**, the **WEA**, **Universities** and numerous **training** and **business support** providers.

The project's key successes include:-

- The development and delivery of a suite of 1 **day business skills workshops** to support freelancers and micro enterprises in getting more or higher quality work (e.g. CV development, Marketing and Promoting Yourself Online, Pitching and Presenting and Managing your Finances.)
- Delivering a number of **craft based courses** i.e. prosthetics, laying on of hair, airbrushing, barbering, comedy for stand-ups, using writing software, editing and producing your own music.
- **Generic courses** e.g. **copyright and IP**, web design, digital photography, production management, first aid and Welsh language taster courses
- Supporting and advising members facing **redundancy** by organising information sessions with partners, providing redundancy packs, sharing information regarding **skills gaps** and **shortages** and training.
- In partnership with the WEA and WTUC over **30 people** have successfully gained a **City and Guilds level 3 accreditation in Preparing to Teach in the Lifelong Learning Sector** and more will be doing so next year
- 20 freelance **Union Learning Representatives** have been trained, and a BECTU ULR won the **WTUC ULR Representative of the Year in 2010** – especially recognising the unique role of the freelance ULR in accessing **hard to reach workers** and actively helping to train their **competitors**
- Running two **successful fairs** in Cardiff and Caernarfon that included workshops, expert panel sessions, demonstrations and exhibitions.

Current priorities include organising a **creative industries fair** to be held next year in partnership with **Skillset Media Academy Wales** and surveying our camera and make-up and hair members to discover their specific learning requirements and identify any barriers to them reaching their career goals – this information will be shared with others including Skillset who have agreed to fund

high level training for cameras and make-up and hair from their £4m EU funded project.

### **Opportunities**

Apart from the late 80's and early 90's when **Channel 4** had a Welsh commissioning editor Wales has produced proportionately very little for the channel. Unfortunately in broadcasting it's a well known fact that without established and an ongoing working relationships with **commissioning editors** your programmes will not be commissioned, therefore those living outside of London and without a base in the city are at a distinct disadvantage.

Since the demise of **HTV Wales** and the West, **ITV** hardly commissions anything for the network from Wales, in the past the broadcaster produced high quality network drama as mentioned previously.

BECTU in **Scotland** share the above problems and through **the Scottish Union Learning Fund** and **Skills Development Scotland** are working with partners on a high level development programme for **producers** and **script editors** (in receipt of a **weekly salary**) to ensure that more **high profile network productions** are developed and produced in Scotland by locally based talent.

**Sky** are likely to commission an increasing number of dramas in the future, therefore it's important that as well as developing good relationships with the commissioning editors, we have enough **highly trained and experienced** drama professionals to meet this demand. The challenge for us in Wales is to ensure that there's enough work to **sustain high level drama crews** throughout the year. **Film Agency Wales** has already identified that there are skills shortages in high level drama including features however employers say they don't have the money to invest in **future trainees**.

Many BECTU members are highly **skilled and creative craftsmen and women**. Unfortunately there has been very little **business support** aimed at these people to help them **develop their businesses** e.g. **designers, prop makers, animators, special fx, costume and make-up designers** and they're missing from the Hargreaves review.

## **BECTU's response to Ian Hargreaves' Creative Industries Review**

### **Equality & Diversity not highlighted in the report**

BECTU is very disappointed that there is little mention of equality and diversity in the report, and is very concerned that the selection of the creative industries panel was made entirely by men. The **GOWA 2006** provides a duty on the NAFW to "**make appropriate arrangements with a view to securing that their functions are exercised with due regard to the principle that there should be equality of opportunity for all people**".

**Recommendations:** We would welcome a meeting with NAFW and WG officials to discuss our points on this issue outlined earlier in the document. We want to ensure that **good practice** in terms of **equality, diversity, human rights** and **health and safety** are considered especially where Welsh government funding has been secured e.g. the WG provided substantial support for the new **BBC drama village**.

### **Page 3**

**50 organisations** and **100 individuals** consulted regarding the above however not one of the five trade unions (BECTU, Equity, the Musicians Union, the NUJ or the Writers Guild) who between them represent over **6,000 members** in the industry in Wales were included in the review.

**Recommendation:** Include the **five trade unions** in all Welsh Government consultations and ensure an **ongoing dialogue** with unions regarding the creative industries.

**Page 11 etc.**

Section referring to the “panel of experts” suggesting that they should be “**employer-led** where possible”. Several references to “**conflict of interest**” of the panels of experts. At a meeting held with WG staff regarding the report BECTU was assured that it would not be the usual suspects and the old boys network on the panel especially in the chair roles however this did not prove to be the case.

**Recommendation:** Review the “employer-led” approach to all assembly dealings with the sector and look for a more **inclusive** and **innovative** “**industry**” **led approach** that would include other equally valuable sources of **knowledge** and **experience** such as **unions** and **academics**. Bear in mind that many union members are freelance/sole traders and many run their own micro businesses. Consider conflict of interest and **professional roles of those on the expert panels**, ensure that those selecting the panel are also from a more diverse background.

**Pages 12 – 13**

Public service broadcasting and other public funding for the creative industries. We agree with the statement that the WG should consider the “economic contribution of Wales’ publicly financed creative industries and the recognition that it cuts across various government areas such as **heritage, regeneration, education** and **social inclusion**.”

**Recommendation:** as above

## Page 19

Regarding the Creative Industries Fund.

**Recommendation:** Any SME (10+ employees) accessing public funding should demonstrate **good employment practices** e.g. **training and development, career progression, equality and diversity, health and safety, collective agreements, flexible working, pension contributions and annual pay reviews**. WG should undertake a **review into the pay and working conditions** of those working across the creative industries in Wales, starting with the audiovisual sector.

## Page 26 & 32

Concern regarding the emphasis on **big companies**, creative businesses aren't like factories or supermarkets. The larger private companies tend to be non unionised and tend to employ cheap graduate labour and some provide few opportunities for career progression, and many, even before the recession, do not practice **annual pay increases** even equal to RPI let alone above in recognition of increased skills and experience. In spite of this staff **care passionately about the work they undertake** however are often unable to plan for the future, buy their own home and plan a family. Many freelancers have also seen a **drastic reduction in their earnings** over the past 10 years. We are unaware of the benefits to the wider industry or **Wales GDP/GVA** of the bigger companies as services such as music are often brought in through cheap recorded packages via the internet rather than the commissioning of original music from Wales (see **Welsh Music Foundation research** into the use of music in TV production 2010.) Finally cheap **programming leads to the loss of viewers and reputation** as **S4C** has seen to its cost.

**Recommendation:** See previous recommendation plus consider whether the larger companies who are answerable to **shareholders** and whose key role is to **make a profit** actually benefit the people of Wales. Value micro and SME's and

**don't stifle creativity**, do not disadvantage companies who are driven by passion and a love for their craft, their culture and their language rather than driven by profit alone. Look at **good practice** such as **Teliesyn** a **TV Co-operative** that had an excellent track record in producing high quality programming both for Wales and the network and also acted as an **incubator** for **new entrants** and those wanting to **progress their career**, many went on to set up their own independent production companies, however Teliesyn was another casualty of S4C's digital strategy. Also look at the various types of craft businesses, actual and potential, such as **Marigold Costumes**, one of the largest costumers in the UK, that provide costumes and professionals for the sector as well as a commitment to training new entrants.

## Page 28

BECTU welcomes Hargreaves' concern regarding the lack of **accountability** within Wales of **public service broadcasters** and the lack of debate about **financing** and **sustaining** the creative industries in general. People within the industry and the public in Wales have become complacent over the past 10 years and there's a lack of debate within the nation about the **future of our media**. BECTU is also concerned about the lack of **leadership**, **vision** and **willingness** to **consult** by the **key decision makers** both **within** and **outside of Wales**.

BECTU has been concerned for some time regarding the lack of **leadership** and **capacity** throughout the industry in Wales including the **employers' organisation TAC**, it no longer has any dedicated staff and since January 2010 **S4C** handed over its **Industrial Relations** funding to **solicitors Capital Law** who won a competitive tender to manage the service. BECTU has tried in vain over the years to persuade TAC to work with the unions to maintain **high production values and fair pay** and **working conditions** for everyone working on **S4C** funded productions, however there is a **culture of fear** throughout the industry and **employers** as well as the **workforce** are too afraid to speak in case they are **victimised** for doing so.

**Recommendation:** Ensure that debate regarding the future of the industry is **proactive** and that **current and future leaders** are **accountable** and **consult**. Include recommendation for page 11 above.

## Page 29

BBC Wales. BBC has a reputation for being the **greatest broadcaster in the world**, and this has historically been due to its highly skilled and experienced workforce who are passionate about their work, however ongoing cuts is making it increasingly difficult for the BBC to continue making these programmes in Wales, by staff or independent producers. BECTU welcomes the new BBC Drama Village.

**Recommendation:** The NAFW need to ensure that Wales receives a **fair share of the BBC budget** (in recognition of Wales' status as a nation plus as a fair percentage of **UK production** to be **delivered** and **controlled** from Wales.) Ensure that BBC and other productions coming into Wales **recruit locally** wherever possible and significant numbers of professionals must not be regularly **imported from London** and elsewhere. The unions to be actively involved at a **strategic level** in the approach taken to meet the **skills gaps** and **shortages** in the industry, this includes ensuring opportunities are available for career progression for staff and freelancers as well as the recruitment of **apprentices** and **new entrants**.

**BBC Wales branded programmes** should be produced in Wales, and should contain a significant proportion of workers, staff and freelance, based in Wales. Decisions around recruitment should not be dependent on the producer's commitment, knowledge and contact with Wales based professionals.

## The Welsh Government's Economic Renewal Programme



The Department for Business, Enterprise, Technology and Science is focusing on **nine key business sectors** which are, or have the potential to be, key to the economy of Wales, one of these key sectors is the creative industries.

The following quote from the above document resonates with BECTU, however without a **vibrant media sector** that not only serves our **communities** in Wales but also provides an opportunity to **portray** our **culture** and **values** beyond our geographical boundaries, how are we to benefit from the “**identity premium**” outlined below.

*‘Research and experience suggests that Wales has not, in the past benefitted from an identity premium. Internationally, Wales has not generally been well understood and its **image** has not always been positive. However, there is increasing evidence that people are looking for greater authenticity and individuality. Wales offers many **unique characteristics**, not least its **diverse geography** in a relatively small area, and its **cultural distinctiveness**.*

***Nations with a positive reputation and image can add value to the goods, products, services and companies associated with that country –the so-called “identity premium”.***

## **Appendix 1**

BECTU’s response to the proposed Communications Bill



## (Appendix 1)

### **BECTU's Response to the Communications Bill**

In our view, an essential component of a healthy and competitive communications market is strong regulation to protect and encourage media pluralism. There is a strong **public interest** – on **democratic** as well as **cultural** and **economic grounds** – in a pluralistic media, especially in view of the power of the media not just to reflect but to form opinions, for Wales it is important that our communities are properly served, we already suffer from not having a national newspaper.

We therefore believe that the current statutory framework governing media pluralism needs to be reviewed. In particular, we note that the current framework will only trigger a process of public interest scrutiny if there is a specific corporate transaction such as a merger. But plurality concerns may arise not simply from such a transaction but from the evolution of the market, eg. increasing dominance by media operator simply by means of growth in audience and market share.

We believe this anomaly should now be addressed.

We believe a key aspect necessary to encourage growth in investment in content is a system of clear and enforceable intellectual property rights (specifically including IPRs for individual creators). These are essential in order to reassure investors that they have a realistic prospect of seeing a return on their investment.

In our view, our existing IPR regime based on 'fair dealing' works well in helping to deliver investment, innovation and growth in the media. It would be perverse to suggest otherwise, given the worldwide standing of the UK's creative industries. We would therefore strongly oppose any move to replace fair dealing with a 'fair use' system akin to the US model. We believe such a model is inherently more costly and complex; is more suited to the needs of large corporations than to those of individual creators and SMEs; and reflects a body of case law and precedent which would be simply untransferable to the UK.

We therefore hope that in broad terms our current IPR system is retained – backed by the essential measures against copyright piracy contained in the Digital Economy Act.

We further believe that consideration should be given to ensuring that secondary users of original content produced in our public service broadcasting system should pay an appropriate

price for doing so – in order to support the continued production of original content rather than be parasitic on original producers. In light of this, if there is evidence that ISPs benefit economically from the free use of PSB content, we consider that appropriate remedial measures should be considered.

We note that **future investment in content depends on our continued ability to produce original content of high quality.** In a labour-intensive sector such as the media, this in turn depends on **maintaining and developing our domestic skillsbase of creative and technical labour.** **Investment in skills is not a burden on business, it is a pre-requisite for future growth in our sector.**

We therefore believe that the Communications Review should have regard to measures to encourage such investment in the skills and training of our media labour force (specifically including **new entrants and young people** who in turn should **reflect the diverse communities** that the broadcaster serves). It should also encompass a requirement - certainly on licensed broadcasters - to make publicly available regular and updated statistics on the composition of the labour force.

We strongly support the proposition that the core focus of public service broadcasting should be on original UK content originating from **throughout the nations and regions.** It is the quality and range of our original content which has underpinned the **worldwide reputation** and sales of our media sector. More importantly, audience research consistently shows that original UK content is valued very highly by our domestic viewing audience.

We believe that the future of original UK content can best be protected by measures including the following:

- **Continued strong PSB regulation in a PSB universe of BBC, S4C, ITV, Channel 4 and Five. It is regulation – not deregulation – which has produced our internationally-successful broadcasting system.**
- Maintaining and developing Ofcom as a strong and independent regulator.
- **Addressing the funding gap in commercial PSB by means of levies on non-PSB broadcasters** (certainly those who fail to produce sufficient original content of high quality in proportion to their revenue) as well as on other sources (eg. recording equipment or blank media, retransmissions, new media).

**Supporting the continued availability of original content in this way will, in our view, be the most effective means of securing a viable and successful media sector for the digital age.**

In our view the chief barrier to the meaningful development of local television is the current lack of a viable financial model – certainly on a commercial basis. We take the view that **local television may best be developed in partnership with rather than as an alternative to our existing PSB services in the nations and regions** – which continue to be immensely popular with television audiences, however this must not result in the loss in quality of television

services broadcast in the nations and regions, in particular Wales where **S4C exists as the only Welsh language channel in the world.**

As indicated above, we believe the successful development of our broadcasting sector has been based on our strong framework of PSB regulation. It is this which fostered the production of original programme content with the attributes of quality, range and innovation and which prove continuously popular with audiences. Strong regulation has demonstrably worked. We should not allow deregulation to become a burden on viewers by undermining this.

[www.bectu.org.uk](http://www.bectu.org.uk)