

Broadcasters publish joint guidance note on Ofcom out-of-London definitions

The UK's PSBs (BBC, ITV, Channel 4 and Channel 5) have today (Friday 14th December) published a joint guidance note on the application of Ofcom's out of London (OOL) definitions in order to give greater clarity to the independent production sector.

Together the PSB's invest hundreds of millions of pounds each year on programming outside London, supporting thousands of jobs in the creative industries in the nations and regions. Each individual broadcaster has their own quotas and commitments to meet, as set out in their regulatory licenses.

Recent debates in the sector and a number of responses to Ofcom's call for evidence have identified a need for greater clarity on how the definitions regarding substantive base, spend and crew should be applied in practice. In order to address this, and ensure greater consistency the PSBs have come together to produce the new guidance.

This guidance reflects both the Government's original policy objective to stimulate and strengthen production outside of London, and Ofcom's original intent that the definitions are sufficiently flexible to accommodate a range of circumstances. In particular the Ofcom Definitions need to combine serious local investment and talent development, with the need to accommodate their application across a wide variety of genres, locations, business models and local production ecologies.

This guidance is being published now to help support greater consistency for the new industry wide reporting requirements which the Broadcasters have been asked to introduce from January 2019, which asks for more detail about where production budgets are spent. Ofcom are due to consult soon on their review of regional TV production and programming guidance, but the conclusions of that review are unlikely to be known before spring 2019. If necessary, the guidance can be updated as required.

The note is structured around the criteria set out in [paragraph 5 of the Ofcom Definitions](#). These criteria provide a framework against which to assess whether a programme is a regional production. They are designed to allow a range of approaches to regional production to be taken, encouraging diversity in business models and productions. Broadcasters and producers will therefore need to judge whether a commission qualifies as a regional programme against these criteria on a case-by-case basis.

The joint broadcasters said:

“We are all clear that the overarching principle must be that: Every production qualifying as ‘out of London’ should make a meaningful contribution to the ambition to support talent development and strengthen regional production in the UK. We hope this guidance contributes to a wider understanding of what that means in practice for companies making productions across the UK.’

The guidance note is divided into three sections:

Section 1 sets out the guidance for production companies on the interpretation of the Ofcom Definitions to qualify as an out of London production. This includes further clarity on the definitions covering:

- ‘a substantive base’;
- ‘production spend’;
- and ‘production talent’.

Section 2 explains how productions that do qualify are allocated to a particular nation or region; and

Section 3 provides guidance on the steps required by Broadcasters for producers to demonstrate compliance with the Ofcom Definitions, as this remains the responsibility of producers as set out in commissioning contracts.

The purpose of the document is to achieve clarity of expectation and best practice at the start of productions, improve understanding of progress, and what information is required at the point of delivery, or for clarification or audit purposes afterwards.

Copies of the guidance note can be found on each of the broadcasters commissioning websites, and will be in use immediately.

[Ofcom Guidance on Regional Production and Regional Programme Definitions](#) (commonly referred to as the “Made out-of-London” Guidelines) was published in 2010 and provides guidance on the application of quotas for regional programmes made by the four UK public service broadcasters: BBC, ITV, Channel 4 and Channel 5. In March 2018, Ofcom launched a [Call for Evidence](#) as the first stage of a review of the Definitions and Guidance. At that time, Ofcom stated that it would aim to publish a consultation (the second stage of its review) later in 2018. The four PSBs made submissions in response to Ofcom’s Call for Evidence, copies of which are available on [Ofcom’s website](#).