

BBC on-demand proposals: Public Value Test provisional conclusions and public consultation

Foreword

This is the first decision by the BBC Trust on a Public Value Test (PVT). It is a decision on a BBC Executive proposal to introduce four new services, collectively referred to as the 'on-demand proposals'. The process of considering these proposals was commenced by the BBC Governors and the Trust has decided to adopt, where appropriate, the process they were following.

The Trust has considered and approved a Public Value Assessment (PVA) prepared by our own officials and has considered the Market Impact Assessment (MIA) prepared by Ofcom. We would like to record our thanks to the Ofcom Board and officials involved in the MIA.

Overall, our provisional conclusions are that each of the proposed service elements is likely to deliver significant public value, enough to justify the likely market impact, and should be allowed to proceed, subject to certain conditions intended to minimise any adverse market impact of the proposals and enhance public value.

These provisional conclusions are now open to consultation for a period of eight weeks, following which we will consider the representations received and make our final decision whether or not to approve the proposals. The consultation questions are set out in Annex 2 to this report. The present timetable envisages a final decision by the Trust being made by 2 May 2007.

In line with our duties on transparency and openness, we are publishing supporting evidence for our provisional conclusions, including a full copy of the management's original application with the minimum necessary redactions of confidential and commercially sensitive material. Ofcom has, in addition, published the MIA. We have made every effort to publish as much as possible of the remaining evidence supporting the Executive's application. We have concluded that it is not appropriate to publish all the independent reports commissioned by the BBC Executive and Trust because of their commercial value to the BBC and the unearned advantage their publication might provide for others in the industry. However, we have taken care to satisfy ourselves that the comments made on these reports are a fair representation of their contents.

Chitra Bharucha
Acting Chairman

Contents

Introduction.....	4
Summary of the Market Impact Assessment.....	5
Summary of the Public Value Assessment	5
The Trust’s decision	7
Modifications to proposal.....	8
Other issues arising from the MIA and PVA.....	13
Approval.....	15
Service Licences.....	16
Next steps.....	17
Annex 1: Proposed variations to BBC Service Licences.....	18
Annex 2: Public consultation on our provisional conclusions.....	25

BBC on-demand proposals:

Public Value Test provisional conclusions

Introduction

This document sets out the provisional conclusions of the BBC Trust following its application of the Public Value Test (PVT) to the BBC's on-demand proposals. The BBC Trust came into existence on 1 January 2007 under the BBC's new Charter. The Trust replaces the Board of Governors as the sovereign and independent body responsible for regulating the BBC. The Public Value Test has been introduced as part of the new governance arrangements. The Board of Governors initiated the PVT of the BBC's on-demand proposals in September 2006 following receipt of the BBC Executive's application.

The PVT involves a Public Value Assessment (PVA), conducted by the BBC Trust, and a Market Impact Assessment (MIA), conducted by the communications regulator, Ofcom. Before the new governance arrangements took effect, the Board of Governors approved *Interim Rules* for the conduct of the PVT. The BBC Trust decided that it was appropriate to adopt and apply the *Interim Rules* in considering this application – although applying other criteria in a few instances, where we believed there were over-riding considerations in the Charter and Agreement.

In drawing our provisional conclusions concerning whether to approve the proposed services, we evaluated both the PVA and MIA. Both these have also been published.¹ Before concluding that the proposed services should be approved, either with or without conditions, the BBC Trust 'must be satisfied that any likely adverse impact on the market is justified by the likely public value of the proposed services' (Clause 26(6) of the Framework Agreement). We also must be satisfied that approval would be consistent with the BBC Trust's duties under Article 23 of the Charter and its other legal duties. Our proposed decision will be subject to public consultation. In view of the amount of information we are publishing and the fact that this is the first PVT to be conducted, we will allow eight weeks for consultation rather than the 28 days envisaged at the start of the process. A final decision will be taken in light of and having appropriately considered the representations submitted.

The BBC Executive is seeking approval to launch four services:

- seven-day TV catch-up over the internet;
- seven-day TV catch-up over cable;
- simulcast TV over the internet (streaming of live television networks);
- non-digital rights management audio downloads over the internet (podcasting).

¹ These documents, together with application documents received from the BBC Executive, are available at the BBC Trust's website, www.bbc.co.uk/bbctrust/, and Ofcom's website, www.ofcom.org.uk.

We have provided a detailed description of the proposals in the accompanying Public Value Assessment document. Unless otherwise stated, our provisional conclusions apply to the proposals as a whole.

Summary of the Market Impact Assessment

The MIA concluded that the consumer benefits to be derived from the proposed services are potentially very considerable and that it is important that the BBC should participate actively and fully in the markets for on-demand services. Ofcom noted the potential for BBC participation in the market to help build the market as a whole.

The key findings and recommendations were broadly as follows:²

- The market creation effects of the new proposals were likely to be considerable and likely to bring substantial benefits to consumers.
- Series stacking and, for seven-day TV catch-up over the internet, the ability to hold a downloaded programme for up to 13 weeks before viewing, could have a negative impact on the competitiveness of the market and should either be substantially reduced in scope or removed from the proposals.
- The provision of recordings of live classical music and book readings as non-DRM audio downloads could have a negative market impact. The MIA says that book readings should be excluded from the service, and the range of classical music specified more tightly or excluded.
- A platform-agnostic approach (i.e. not reliant exclusively on Microsoft's DRM solution) would lessen the adverse impact of the proposals on the market for media player and DRM software and would increase the consumer benefit.
- The internet-based proposals could mean that consumers incur extra broadband internet costs.
- If the BBC wishes to extend the proposals to include non-BBC content or specially commissioned content there should be a further MIA.

No issues were raised about simulcast TV over the internet.

Ofcom also looked at the acquisition of content rights, and concluded that the BBC's proposals would not appear to involve over-payment for content rights.

Summary of the Public Value Assessment

The PVA published alongside these provisional conclusions has been carefully considered by the Trust and adopted as consistent with the requirements of the Charter and Framework Agreement, particularly Article 23 of the Charter and Clause 28 of the Agreement. Certain departures from the requirements of the *Interim Rules*, clearly identified in the PVA, have been considered and approved by the Trust. The Trust received advice and was satisfied that

² It should be noted that these are a summary to aid the reader and are not a substitute for reference to the MIA which deals with these matters in full. The Trust has considered the full MIA report and all its conclusions in reaching its provisional conclusions.

the relevant provisions of the *Interim Rules* either were inconsistent with requirements of the Charter and Framework Agreement or were otherwise not appropriate given the requirements of those documents and the proposals under consideration.

The PVA concludes that the proposals would create significant public value. We assessed the proposals against their fit with the BBC's public purposes and against the criteria of audience reach, quality, impact and value for money. These criteria were identified by the BBC Governors and, consistent with the Trust's duties under the Agreement, we have considered the criteria and our view is that they set out the aspects of public value which are relevant and provide for an appropriate exploration and evaluation of those aspects.

In summary, our conclusions were broadly as follows:³

- Public Purposes – the proposals fit the BBC's Public Purposes – in particular, the purpose of 'helping to deliver to the public the benefit of emerging communications technologies and services'.
- Reach – the services will help maintain the volume of BBC consumption as viewing and listening habits begin to shift from linear to on-demand. The internet-based services may also help improve consumption by and reach to younger audience groups and the proposition as a whole has the potential to increase the consumption and reach of niche, specialist programmes often found in the margins of linear schedules.
- Quality – there are concerns about the quality of the user experience, in particular audience dissatisfaction with download speeds. Also, regarding seven-day TV catch-up over the internet, there are issues about the length of the window of opportunity to view programmes after users have downloaded them.
- Impact – the proposals offer the audience greater control over their viewing schedule resulting in a degree of flexibility and increased opportunities to consume niche content that is normally broadcast off-peak; the proposals were also judged to have good relative worth compared to existing services.
- Value for money – the proposals would slightly increase the cost per viewer hour compared with the situation today, but the position is relatively better than the scenario without the on-demand services. This is because modelling suggests that without the new services, there would be a significant switch in consumption away from linear BBC services to non-BBC on-demand services, with a resulting significant increase in the cost per viewer hour for the remaining consumption.

Of the above, we regard reach as critical to public value, as explained fully in the PVA. In summary, the proposals are designed to maintain the relevance of the BBC to audiences as patterns of media consumption shift from linear broadcast to on-demand. Each of the four service proposals is forecast to achieve high reach and, without them, consumption of BBC programming would decline. In the long-run, so would the reach of the BBC. Under the Charter, the BBC's main activities should be the promotion of its Public Purposes through the provision of output consisting of information, education and entertainment supplied through a variety of means including television, radio and online services.⁴ Consumption of BBC output would be likely to decline if the BBC fails to keep pace with technology and

³ It should be noted that these are a summary to aid the reader. The Trust has considered the full PVA report and all its conclusions in reaching its provisional conclusions.

⁴ Article 5 of the Charter.

harness its potential to serve licence fee payers, with the result that the BBC would find it harder to fulfil its Public Purposes.

The PVA expressed a number of reservations about the proposals including the impact of an extended viewing window of 13 weeks on the value of secondary rights held by the BBC, and the need for controls to protect children, as well as noting the potential to extend public value by wider syndication of BBC content.

The Trust's decision

Having considered the PVA and MIA in full, and the conclusions and underlying matters addressed in both, the Trust has reached the following provisional conclusions applying specifically the requirements of 26(6) in the Agreement and having proper regard to the Trust's duties under the Charter, Agreement and any other relevant and appropriate guidance applicable to public bodies.

The Trust has considered and noted the matters in the PVA addressing public value (including but not exclusively those matters listed in the 'Summary of the Public Value Assessment' section above). The key factor which the Trust has taken into account is that the proposals will create public value by maintaining the volume of consumption and the reach of BBC services as audiences begin to shift from linear to on-demand access. If the BBC does not keep pace with the public's changing consumption habits, the BBC's Public Purposes are less likely to be fulfilled. The proposals will create public value at a reasonable cost and in the Trust's view the proposals offer value for money. In assessing the proposals against the criterion of reach, a significant part of the public value created is that on-demand services could help increase the appeal of BBC services among younger audiences (aged 16 to 34). An additional factor, in assessing the public value of the proposals against the criterion of reach, is that the services could also increase the reach and consumption of specialist, niche programmes since on-demand is expected to drive a greater proportion of the audience to such programmes than linear schedules.

The Trust has considered and noted the matters in the MIA addressing potential impacts on the market (including but not exclusively those matters listed in the 'Summary of the Market Impact Assessment' section above). The Trust has taken into account Ofcom's key conclusion that licence fee payers will expect BBC television and radio content to be available in the emerging on-demand market and the BBC's proposals will make a significant contribution to building the market as a whole. It is important that the BBC's participation in the market should not restrict competition, innovation or choice. The Trust has taken these matters into account in putting forward certain modifications to the proposals which it is minded, subject to consultation, to include as appropriate conditions to any approval ultimately given.

Below, we describe these modifications to the proposals with appropriate explanation of the Trust's reasons for the modifications. Subject to these modifications and further consultation, the BBC Trust is satisfied that any potential adverse impact on the market is justified by the likely public value of the proposed services.

Modifications to proposal

In approving the proposal, our view is that it should proceed subject to modification in the following areas:

- the storage window for seven-day TV catch-up over the internet (i.e. the length of time to be able to view programmes after they have been downloaded to a computer);
- series stacking;
- the Microsoft-based DRM strategy for seven-day TV catch-up over the internet;
- the genres included in non-DRM audio downloads;
- the protection of children from unsuitable content.

We considered requests from a number of those who made representations to modify the proposals for the internet-based services to allow access for third-party content, but have declined to do so given Ofcom's strong opposition to this on the grounds of its likely adverse market impact, the fact that it was not part of the BBC Executive's application and because a conclusion could not be reached on the public value of such an approach.

Our proposed approval does not cover a facility to bookmark programmes in advance of transmission for later downloading over the internet because this was not included as part of the BBC Executive's application and, without fettering our future discretion, we consider that such a modification might make a significant difference to the public value and market impact of the proposals.

In addition, given the potential public value of wider syndication, but also the balance of considerations expressed by Ofcom in this area, we will develop a policy on syndication in the near future. This facility was not included in the BBC Executive's application.

More details and explanation of the Trust's modifications are given below.

The storage window for seven-day TV catch-up over the internet

The BBC Executive has proposed to allow users of seven-day TV catch-up over the internet 13 weeks to store a programme file after downloading it to a computer. Once a file is accessed for the first time, the user would have seven days to view it.

The PVA noted that there are factors both for and against the storage window in terms of public value. In summary, while it is in licence payers' interest to maximise the length of time they have to access free content, there is a conflicting interest for licence fee payers in maintaining the value of secondary rights in BBC programming – so that the BBC can generate commercial income to invest in new content creation. These secondary rights are exploited through DVD sales, commercial digital channels such as UK Gold, and potentially in the future through a commercial on-demand service. While viewers in trials found a window of seven days to view downloaded content too short, a window of 13 weeks could allow users to create sizeable archives of programming on their computers. This could serve as a substitute for commercial products and hence depress the value of the BBC's secondary rights. In addition, the window for secondary rights has been reducing steadily over time and at the moment there is no fixed window for secondary on-demand rights. Further, it is the Trust's view that, even absent the secondary rights issue, although there is public value in a

storage window there is little additional value in extending the storage window to 13 weeks rather than, say, four to six weeks. We note that this view, expressed in the PVA, is based on limited evidence and is at least partly a matter of the Trust's judgement in the light of its knowledge and experience.

The MIA noted that the lengthy viewing window could have a significant impact on competition in the on-demand market. Ofcom said that, combined with series stacking, the 13-week storage facility could divert viewers from linear viewing since it would enable entire series to be downloaded and stored for viewing at a convenient time. It concluded that this could have an impact on the way the commercial on-demand market develops as well as on DVD sales and rentals. Ofcom concluded that the facility should be removed or substantially reduced, unless the PVA or PVT identified other overriding factors.

We conclude that 13 weeks is too long a window of opportunity to allow users to view content they have downloaded. It goes beyond what is necessary to enable catch-up and could indeed divert viewers from linear viewing. But we do not believe the viewing window should be removed completely as it does create public value. While some commercial services (such as Channel 4) provide a viewing window as short as 48 hours for paid-for rented on-demand content, others are allowing longer periods. Five allows viewers up to 14 days to view a paid-for, downloaded programme, Sky allows up to 30 days to view some paid-for programmes, and ITV is reported to be planning a 30-day window to view its programmes for free. Subject to consultation, we intend therefore to set 30 days as the viewing window for downloaded BBC content. We note that this is towards the lower end of the 4 to 6 weeks proposed in the PVA.

Series stacking

The BBC Executive sought a very wide-ranging approval to allow it to offer series stacking in seven-day TV catch-up over the internet and over cable. Such an approval would allow the BBC to offer all episodes of most programming except one-offs and repeats, until a week after a series has ended or up to a maximum of 13 weeks' episodes.

As with the viewing window, the public value of allowing access to free content needs to be balanced against the value of the BBC's secondary rights. In the MIA, Ofcom noted that series stacking was likely to be valued by consumers but could have a negative impact on investment in commercial on-demand services – particularly if combined, for catch-up over the internet, with a 13-week facility to store a file before viewing. It said that some stakeholders saw series stacking as moving beyond the provision of catch-up TV, putting the BBC's service in much closer competition to commercial video on-demand services. It recommended that the scope of series stacking be substantially reduced unless the PVA or PVT provided compelling reasons to the contrary. It further recommended that series stacking should be excluded if no workable method could be found for substantially reducing its scope.

In this case we consider that the public value argument of allowing an extended opportunity to view some content weighs more strongly against the impact of substitution for commercial alternatives. There is significant public value in allowing users to catch up with episodes in a series that they have missed since it may result in viewers watching the remainder of a series that they otherwise would not have bothered to watch, having concluded that they would not understand or enjoy the later episodes without having seen

the earlier ones. This links back to our view that the public value of BBC content is realised when programmes are consumed. So, increasing opportunities to view programmes potentially increases their value. Similarly, some series create such exceptionally high impact that there is public value in giving viewers an extended time to view earlier episodes even if not strictly necessary to understand later episodes.

However, we believe the value created by series stacking applies mainly to certain kinds of series – those with a distinct run, with a beginning and end, and a narrative arc or those which are landmark series with exceptionally high impact.⁵ The case for series stacking does not extend to continuous series such as soap operas, nor to series of discrete episodes with no narrative link that are not landmark series with exceptionally high impact. Therefore we agree with Ofcom that there is a need for a tighter definition of ‘series’ than the BBC Executive provides. We set out in the table below examples of programmes which we consider should be offered for series stacking and programmes which should not.

Stackable series	Non-stackable series
Bleak House	Eastenders
Planet Earth	Horizon
Doctor Who	Later with Jools Holland
The Power of Art	Top Gear
Strictly Come Dancing	Blue Peter

We propose to apply this distinction between stackable and non-stackable series in order to reduce the scope of series stacking. For series which fall into the stackable category, we see no need to limit the number of weeks which can be stackable. Since, by definition, the series will have a discrete run (normally less than 13 weeks), the number of episodes which can be offered is already limited and the public value of stacking lies in making available the whole series for the duration of its run. However, series stacking should only be used for new series, not repeats.

We considered whether to limit series stacking further by setting a limit on the volume of on-demand content that can be offered for stacking. We concluded that this was unnecessary. We expect the effect of the modifications outlined above would be to restrict series stacking to less than 15% of content offered on-demand, which we consider to be a reasonable volume. The BBC Executive should exercise discretion and restraint in using the series stacking facility, and should not regard the conditions outlined above as meaning it is necessary to stack all programmes which meet the criteria.

We envisage that comments from the public and industry stakeholders will be especially valuable in reaching our final conclusion on series stacking.

The Microsoft-based DRM strategy for seven-day TV catch-up over the internet
 The BBC Executive proposes a digital rights management solution which would require consumers to be using Windows XP (or above) and Windows Media Player 10 (or above) to be able to access seven-day TV catch-up over the internet. The PVA noted that we would expect the BBC to adopt a platform-agnostic approach. The MIA also identified benefits to a platform-agnostic approach.

⁵ Examples of landmark series include Planet Earth and Great Britons.

We propose to require the BBC Executive to adopt a platform-agnostic approach to rights management within a reasonable timeframe. The MIA notes an expectation that the BBC Executive plans to develop a Real Player alternative in the near future. Our understanding is that the BBC Executive aspires to offer an alternative DRM framework, which would enable Apple and Linux users to access the service, but has yet to identify a satisfactory solution. In either case, we will expect this to have been addressed within 24 months.

Genres included in non-DRM audio downloads

Generally speaking, the MIA favoured the use of non-DRM audio downloads as a means of growing this particular market. However, Ofcom selected two areas of possible concern about adverse market impact and suggested restrictions be imposed. The first of these was book readings – where the Trust accepts the arguments advanced by Ofcom that there is a high disparity between impact on usage vs. market impact. The Trust agrees that implementation of the non-DRM proposal, if approved, should exclude book readings entirely.

The second was classical music. Ofcom concluded, and we agree, that there is a potential negative market impact if the BBC allows listeners to build an extensive library of classical music that will serve as a close substitute for commercially available downloads or CDs. On the other hand, we believe that the BBC plays a significant national role through its orchestras and other performers that generates considerable public value, and that downloads can help bring classical music to new audiences. The MIA observed that the impact of the service would vary depending on the nature of the content offered and suggested that the range of classical content provided should be specified much more tightly. If appropriate practical guidelines could not be formulated then it was Ofcom's view that classical music should be entirely excluded. We considered the approach of more tightly defining the content that could be provided and concluded that it would be difficult effectively to define such a specification, and that it would likely reduce the benefit of introducing new audiences to classical music. We also considered an alternative approach to reducing the scope – through allowing the BBC to provide only the occasional single complete work of classical music for download, offered around BBC seasons or events with high impact. On balance, we concluded that the public value was not sufficient to justify the negative market impact identified by Ofcom. Subject to consultation, we intend to exclude classical music from the non-DRM audio downloads service.

Protection of children from unsuitable content

The PVA noted that the proposals present a heightened risk of children being exposed to post-watershed material. Our view is that the public value of the services would be increased if provision was made to prevent this. We propose to require the BBC Executive to explore ways to give parents greater control over the content that can be accessed by children, and to present options to the Trust by the end of the consultation period.

Access for third-party content to internet-based services

We received industry representations calling for access for non-BBC content alongside BBC programmes on the internet-based services via the iPlayer. We recognise that there is potential for this to enhance public value by increasing choice on what could become a very significant platform for on-demand content. But, as noted in the PVA, there are complex editorial issues if the presence of commercial content is not to undermine the distinctiveness

of the BBC proposition and the reputation of the BBC. We also note the conclusion of the MIA that allowing access for third-party content could increase the negative market impact of the BBC's internet-based services and require consideration in a further MIA and a future Public Value Test. We have not reached a conclusion at this stage on the public value of including third-party content. To develop a fuller understanding, further information and analysis would be required which we do not consider it appropriate to conduct as part of the present exercise. Taking into account the issues identified in the PVA and Ofcom's views, we have concluded that the approval should not contain a modification permitting third party content.

Bookmarking for downloads over the internet

The PVA noted that the BBC Executive has plans to include a technical 'bookmarking' feature that would allow users in advance of transmission date to mark a programme to be downloaded. This feature was advertised in promotional material shown to stakeholders but was not specified in the formal application. In the circumstances, Ofcom did not make an assessment of the potential market impact of this feature, but told us stakeholders had raised questions about it. For the sake of clarity, our proposed approval would not cover such a feature. If the BBC Executive wants to offer bookmarking at a later stage, we will consider the specification and decide whether it warrants a further PVT.

Syndication of BBC content to third-parties

We propose to make provision for the syndication of BBC content to aggregators and services other than those proposed in the BBC Executive's application. There is public value in syndication – it provides more opportunities to view content and thereby helps to maintain or enhance reach. In terms of market impact, BBC content should be available to all significant players on a non-discriminatory basis. The BBC Executive application risks limiting the provision of BBC content to only the third parties named in the application (NTL/Telewest and Homechoice) with whom the BBC piloted its cable on-demand service.

As noted in the MIA, any future individual syndication arrangement could raise issues which might require a PVT. But it would be expensive and would introduce unnecessary delays to conduct PVTs on a piecemeal basis. The Trust will consider, on each occasion where syndication is proposed, whether any change is sufficiently significant to require a full PVT or otherwise what action it should take in the circumstances so as to ensure that the underlying principles applicable to the approval of changes to services are applied appropriately. However, as a practical approach we intend to develop and publish criteria for syndication – and to modify service licences to allow syndication to other third parties, provided the terms and conditions of any syndication arrangements meet the criteria. We would not expect to require a full PVT for new syndication arrangements if these meet the specified criteria. We will seek Ofcom's views in developing syndication criteria.

We have been conscious in considering these issues that there might be implications for the ongoing provision of BBC content to NTL/Telewest and Homechoice if it were subsequently to be decided that syndication to other third parties was not appropriate. We encourage the BBC Executive to include provision in their contracts with NTL/Telewest and Homechoice to protect the public interest by providing for withdrawal of the BBC content in such circumstances without any material adverse financial consequences for the BBC.

Other issues arising from the MIA and PVA

There were two areas – broadband costs and consumer surplus – where there were differences in perspective between the MIA and the PVA. We explain here how we have approached these issues. We also discuss here: how we have considered the potential for licence fee evasion: how we view the BBC iPlayer, in which the internet-based service proposals would be presented; and the issue of the provision of non-broadcast content.

Broadband costs

The issue of costs incurred by internet service providers through enabling the internet-based elements of the proposal is raised in the MIA. We have considered what Ofcom said in the MIA on this topic and also the views expressed in the PVA. We do not believe that the extra infrastructure costs (whether envisaged at the levels anticipated by the MIA, admittedly a "high end" estimate, or the lower levels in the PVA) will lead to an overall detriment to consumers, since if consumers do not value the ability to receive greater audio or visual content over broadband they will not subscribe to any higher subscription charges.

Furthermore, any potential constraints should only be a medium term issue in a competitive market while broadband capacity adjusts. It is also important to note that within the overall growth of audio and visual material available over the internet, the BBC is likely to represent only a relatively small part of the total available content.

Consumer surplus

If the proposals were to proceed, it is implicit that this would result in greater BBC content consumption than would otherwise occur and that therefore users would forego other activities, which may or may not include switching their consumption of television or audio from alternatives to the BBC. It must be recognised that this involves a loss of something of value to the individual, i.e. a loss of consumer surplus. At the same time, however, consumers would not switch to the BBC unless they considered their consumption of BBC content to be of greater value to them than the activities foregone. In short, the consumer surplus gained must necessarily exceed the consumer surplus foregone.

Ofcom helpfully calculated figures for the consumer surplus gained and foregone. We have not sought to verify or reproduce those calculations, not least because of the inherent uncertainty in trying to reduce the worth to tangible figures, and are content to note merely that the proposals will necessarily result in a consumer surplus if consumers choose to access them. We do wish to record, however, that we are cognisant of the public value provided by other activities, and particularly by other public service broadcasters, and have not failed to take this into account.

TV licensing issues

The proposals will enable consumers to watch television programmes directly through their broadband computer link without recourse to a physical television set. This may, in some consumers' eyes, encourage licence fee evasion as they may perceive that they no longer need a television licence if they can argue that they do not physically own a television set.

This is a risk of which we are aware. We have considered and taken note of legal advice on the issue, in which we retain privilege. Considering the advice and all relevant circumstances, we have concluded that any risk to licence fee revenue is not material at the present time.

Whatever the legal position, the proportion of viewers who will completely abandon their televisions in favour of viewing over the internet is currently expected to be very small. As noted in the PVA, it is anticipated by the BBC Executive, whose figures we regard as optimistic, that the on-demand television proposals will reach only about 0.6% of households who would not otherwise have consumed BBC content on television and many of these will still own televisions. Further, this is not an issue that arises from the BBC on-demand proposals so much as from the concept of on-demand television generally, whoever may provide it, and we might reasonably expect Government to intervene to protect the licence fee if the issue becomes material.

BBC iPlayer

We considered whether the BBC iPlayer itself was a service proposition requiring approval as part of this PVT. We conclude that this is not the case. The BBC iPlayer represents the provision of a download manager, user interface and branding to help consumers access technical features which are either already provided on bbc.co.uk or subject to approval in this PVT. The distinction between user interface and branding on the one hand and technical features on the other is important. While changes to technical features may be significant enough to require Trust approval, user interface and branding are matters for the BBC Executive. Even if the Trust did not approve one or more of the four individual on-demand service elements, the BBC iPlayer could still be introduced as a means of unifying and branding the existing BBC players. Existing approvals would permit it to be developed by the BBC Executive. It is not a service in its own right.

The way the BBC Executive intends to implement the BBC iPlayer as it relates to the proposed services includes certain technical features which are specified in the BBC Executive's PVT application – and hence subject to the approval that would be forthcoming if the application is successful. Although the BBC iPlayer itself is beyond the scope of the assessment, ultimately performance against the criteria of reach, quality, impact and value for money for the services proposed would be influenced by how the BBC iPlayer is realised. So the performance criteria and conditions attached to the approval will include issues which depend largely on how the BBC iPlayer is developed and drives usage.

Non-broadcast content

The MIA raised concerns from a number of stakeholders that the proposed catch-up services should be used only to provide content in the form in which it was originally broadcast. Stakeholder submissions argued that material such as non-broadcast content (e.g. a full-length version of an interview broadcast in edited form), specially commissioned content, edited highlights and trailers should be excluded from the proposed catch-up services.

Almost by definition, the television catch-up services will not include specially commissioned content. Further, the BBC Executive's application has not sought any new permission for the supply over the internet of specially commissioned material or trailers and, accordingly, no modification is required to ensure that our proposed approval will not provide any new permission. It is to be noted, however, that under and subject to its existing approvals the BBC already provides some specially commissioned material and trailers on bbc.co.uk. We do not consider it to be within the scope of this PVT for us to re-consider the BBC's existing provision of such material. Moreover, we would expect trailers to play a role in

helping the BBC Executive to increase reach and consumption of content such as niche, specialist programming.

As regards specially edited material, we would note that this is also already provided by the BBC on bbc.co.uk under and subject to existing approvals. The BBC Executive's application does not seek any further permission to provide specially edited material except, arguably, in one respect. The BBC Executive's proposal for non-DRM audio downloads does include the provision of edited highlights of programmes (necessary, but only in part, to enable the exclusion of full-track commercial music from radio programmes). We do not see any valid objection to this proposal. Apart from anything else, and any permission that may already have been provided by the existing approvals, it is implicit in the provision of non-DRM audio material that anyone can edit and republish material as considered fit. We cannot see that it would serve any useful purpose to require the BBC Executive to provide non-DRM material only in the format originally broadcast, especially bearing in mind that some further editing will always be required to remove full track music.

Approval

With the modifications above taken into account, we have provisionally concluded that the likely adverse impacts of the proposed new services are justified by the likely public value and furthermore that these impacts can be minimised by our proposed modifications. We have gone on to consider our general duties under Article 23 of the Charter and our other legal duties.

In our provisional view, particularly given the matters considered in the PVT, approval of these proposals would be consistent with these duties. Particularly, but without limitation, we note that we have:

- represented the interests of licence fee payers in considering the value that would accrue to them from the proposals, if approved;
- secured the independence of the BBC through the exercise ourselves of this approval process where previously the process was conducted by the Secretary of State;
- assessed, and will continue to assess, carefully and appropriately the views of licence fee payers through formal consultation and the conduct of trials and market research;
- exercised rigorous stewardship of public money through the value for money analysis we conducted in the PVA;
- had regard to the competitive impact of the BBC's activities on the wider market through our consideration of Ofcom's MIA; and
- ensured that the BBC observes high standards of openness and transparency through the publication of this and other documents arising from the PVT process.

The Trust has also received and considered privileged legal advice on the proposals' compliance with competition law (including state aid law). It concludes on the basis of this advice that the proposals are compliant. Acting in the public interest considering these, and all other relevant matters, we provisionally conclude that each of the proposed services should be approved subject to the modifications outlined above.

Service Licences

With the above modifications, we propose to amend Service Licences to allow the proposals to proceed, with a review of performance after 24 months. We will provide an annex to the Service Licence for bbc.co.uk and make amendments to the broadcast television and radio Service Licences.

We have concluded that it is appropriate to issue no new Service Licence. There is significant overlap between the proposed services and existing services and, in our view, the proposals are likely to be regarded by licence fee payers as constituting part of the existing services. We consider that it would be impracticable and would not deliver the greatest benefit and clarity, for licence fee payers and other operators in the market place, for there to be a new licence.

We also propose to amend existing Service Licences to approve restated service budgets for the BBC's television and radio services to take into account the extra cost of the programme rights which are required to offer content on-demand in the ways described in this approval. Additionally the bbc.co.uk service budget will need amendment to reflect infrastructure operating costs of the new services. Subject to the consultation, we will vary the relevant Service Licences in order to encompass the final terms of approval of the on-demand proposals and reissue these Licences before the Executive launches these offerings. It should be noted, however, that, in doing so, the Trust will take account of the costs included in the BBC Executive's application and consider whether these, as a whole, require any downward adjustment to reflect the conditions we have outlined above.

The review of performance would consider whether the services have fulfilled their potential public value, and whether issues of concern (such as perceptions of quality) have been addressed.

In evaluating performance at 24 months, we would give consideration in the round to the reach, quality, impact and value for money achieved by the services and we would review the impact on the market. Specifically, we would evaluate evidence in the following areas:

- How does reach for the four services compare with the adjusted forecasts presented in the PVA?
- To what extent are the internet-based services achieving proportionately higher reach among younger audiences (aged 16-34), relative to linear services?
- Do the services achieve higher reach and consumption for niche, specialist programmes, relative to linear services?
- Are audiences satisfied that the quality of the user experience matches their expectations of the BBC?
- What progress has been made towards offering seven-day TV catch-up over the internet on a platform-agnostic basis?

The Trust will consider the precise criteria at an appropriate time in advance of the review and there may be other relevant matters against which the service should be considered. Equally, it is important to recognise at this time that the review of performance could identify public value benefits achieved by the services which are presently unforeseen.

Draft amendments to Service Licences are contained in Annex 1 to this document. The Trust has considered these and is satisfied that they meet the requirements, inter alia, of Clause 17 of the Final Agreement. We intend to consult on these Service Licence amendments at the same time as we consult on these provisional conclusions. Naturally, if following consultation the Trust decides to adopt a final decision that materially varies from its provisional conclusions then it would expect to consult further on the terms of the Service Licences.

Next steps

At the start of the process, it was planned that we would open our provisional conclusions to public consultation for 28 days. In view of the amount of information we are publishing and the fact that this is the first PVT, we have decided to extend that period to eight weeks. We note that this has been a novel experience for consultees as well as for the Trust and that the process, conducted in part under transitional arrangements, has developed over the period since the application was made. These considerations make this particular process sufficiently exceptional as to justify a longer period for consultation than that which was anticipated in the *Interim Rules*. We do wish to make clear, however, that we would expect four weeks to be sufficient for consultation on provisional conclusions in future PVTs. It is important that the PVT process proceed expeditiously as required by the Framework Agreement and we also note that there are opportunities to make representations during the preparation of the PVA and MIA as well as at this final stage.

Submissions to the consultation can be made at the BBC Trust website,⁶ by email or by post; details are given in Annex 2 of this document.

Following the end of the consultation, we will consider representations received and make our final decision no later than 2 May 2007. It will be noted that we have again decided to extend the deadline for conclusion of the PVT process, this being justified in circumstances where we have considered it appropriate to allow longer for consultation. If the services are approved, we would aim to amend Service Licences later in May, which would allow the BBC Executive to launch the services shortly afterwards.

⁶ www.bbc.co.uk/bbctrust/

Annex 1: Proposed variations to BBC Service Licences

Introduction

If the provisional conclusion to approve the BBC Executive's on-demand proposals (subject to conditions and modifications) is confirmed following consultation, it will be necessary for the Trust to vary the BBC's Service Licences to cover the four new offerings. The Trust has provisionally concluded that this should be achieved by making variations to the Service Licences for the relevant television and radio services and for bbc.co.uk.

Although the Trust has no intention of pre-judging the outcome of the consultation on its provisional conclusions, it wishes to set out now, and to consult upon, the text of variations designed to implement the proposed decision included in its provisional conclusions.

If its final decision does approve one or more of the proposed offerings but differs materially from the position adopted in the provisional conclusions, then the Trust would expect to consult further on the terms of the variations to the Service Licences at that stage.

The BBC Trust is currently consulting on the contents of the 27 Service Licences for existing BBC UK Public Services. The Trust's consideration of the on-demand proposals is taking place in parallel with that consultation. Service Licences will be varied only *after* that public consultation has finished on 10 April 2007. It is not expected that these proposed variations will be affected by the outcome of that consultation in any way.

Service Licences to be amended

The Trust proposes to vary the following Service Licences if it approves the four on-demand offerings for launch.

Service Licence	7-day catch-up over the internet	7-day catch-up over cable	Simulcast TV over the internet	Non-DRM audio downloads over the internet
BBC One	ü	ü	ü	
BBC Two	ü	ü	ü	
BBC Three	ü	ü	ü	
BBC Four	ü	ü	ü	
CBBC	ü	ü	ü	
CBeebies	ü	ü	ü	
BBC News 24	ü	ü	ü	
BBC Parliament	ü	ü	ü	
BBCi	ü	ü	ü	
Radio 1				ü
Radio 2				ü

Radio 3				ü
Radio 4				ü
BBC Radio Five Live				ü
1Xtra				ü
BBC Five Live Sports Extra				ü
BBC 6 Music				ü
BBC 7				ü
BBC Asian Network				ü
BBC Radio Scotland				ü
BBC Radio nan Gaidheal				ü
BBC Radio Wales				ü
BBC Radio Cymru				ü
BBC Radio Ulster/Foyle				ü
BBC English Local Radio				ü
bbc.co.uk	ü		ü	ü
BBC Jam				

Details of the proposed variations to these Service Licences are described below.

Variations to the Service Licence for bbc.co.uk

Three of the four on-demand offerings, if approved in accordance with the provisional conclusions, would be accessed through the BBC iPlayer on bbc.co.uk. It is therefore proposed that an Annex to the Service Licence for bbc.co.uk should describe the remit, scope and aims and objectives for the iPlayer as a whole.⁷ In drafting the Service Licence variation by reference to the iPlayer, we hope to capture without repetition all the matters that are common to the three internet-based on-demand offerings.

It is proposed that the Annex will include a budget which covers central expenditure on these offerings – technology costs, etc. – but the bulk of expenditure, which is on programme rights, will be allocated appropriately amongst the television and radio services which actually incur these costs.

The proposed Annex to the bbc.co.uk Service Licence is set out below.

⁷ bbc.co.uk will not include reference to the cable on-demand offering as this is not internet-based.

BBC iPlayer

Part I: Key characteristics of the service

1. Remit

BBC iPlayer should aim to maintain the reach, consumption levels and value for money of the BBC's public service radio and television output, and should also increase their impact. It should do this by offering licence fee payers greater choice and control over how they consume BBC content. It should aim to increase the audience to niche and specialist broadcast content. In so doing, it should help maintain the perceived relevance of the BBC to licence payers as their patterns of media consumption change.

2. Scope of this Licence

BBC iPlayer is accessed via bbc.co.uk. It may simulcast the BBC's broadcast television and radio services over internet protocol networks. It may also offer BBC broadcast television and radio content on the internet for seven days after it has been broadcast, and give users 30 days after download during which they may first access the content. It may allow users retrospectively to download multiple episodes of a defined range of first-run series (known as 'series stacking')⁸ for first access within 30 days of download. It may allow users to repeatedly consume downloaded content for up to seven days after first access.

It may also offer broadcast radio content for download for an unlimited period of time after broadcast, although this must not include unabridged readings of published works nor full track commercial music nor full tracks of classical music (even if recorded by the BBC). It is noted that the BBC iPlayer will also be used to provide services already provided by bbc.co.uk prior to [date of on-demand approval – to be determined] and which were not subject to the approval given by the BBC Trust on [date of on-demand approval – to be determined]. The provisions of this Annex do not extend to those existing services.

3. Budget

BBC iPlayer has a service budget of £x million [to be determined] in 2006/07. This includes the annual central operating costs of the service, which are primarily technology-related. In addition to this ongoing budget, BBC iPlayer is budgeted to spend £xm [to be determined] in 2007/08 and £xm [to be determined] in 2008/09 on build-out/service development.⁹

The iPlayer service budget may be adjusted annually for Retail Price Inflation. Any planned or

⁸ Details of the type of programmes which may be 'series stacked' are given in the Service Licences for each television service.

⁹ The cost of extra programme rights which are incurred are added to the service budget for each television and radio service, in line with planned activity by these services. This is not expected to result in any of these service budgets being increased by more than their permitted 10% parameter. In addition, the Trust will track total expenditure on the on-demand services approved in Jan/Mar 2007.

actual change in annual expenditure on the service of more than 10% in real value requires approval from the BBC Trust and may entail variation of this Service Licence.

4. Overview of aims and objectives

BBC iPlayer should enable licence fee payers to access BBC programming quickly, easily and in a high quality format. In doing so, it should aim to be regarded as a high quality BBC service by its users and so contribute to their approval of the BBC.

BBC iPlayer should aim to maintain the BBC's overall reach and consumption levels, as usage of the BBC's linear services is replaced over time by on-demand consumption. In doing so, it should contribute in the long term to the BBC's ambition to provide services that are of value to all licence fee payers. It should aim at least to maintain consumption of BBC content by younger adults (those aged 16-34).

BBC iPlayer's user interface and contextual offerings should aim to promote public service content, including that which is of niche interest, and help the BBC increase the reach and consumption of these programmes. It should seek to achieve this in a variety of ways including search, navigation and recommendation functions, the series stacking function and promotional activities.

It should aim to enable the BBC to maintain the value for money of its investment in content at a higher level than if programming was not offered on-demand.

Content should be offered free at the point of use with no advertising. BBC iPlayer should build in a parental control mechanism which ensures children are protected from unsuitable content. It should also provide adequate access for those with sensory, cognitive or physical impairments within a reasonable timescale.

In fulfilling its other aims and objectives, BBC iPlayer should aim to contribute to the growth in the usage of rich media in broadband households. Within a reasonable timescale, it should aim to make the seven-day catch-up offering available on a platform-neutral basis, or at the least to be available on all major platforms subject to value for money considerations and as technology allows.

The BBC iPlayer should not offer a facility to bookmark programmes in advance of transmission for later downloading over the internet.

Part II: Performance measurement framework

Introduction

[As in other Service Licences.]

Performance measurement framework

Reach:

BBC iPlayer should contribute towards the maintenance of combined BBC weekly reach¹⁰ at

¹⁰ For all BBC services.

over 90% by aiming to build its own weekly reach. This will be measured by reference to:

- seven-day television catch-up over the internet – weekly reach amongst all television households;
- simulcast television over the internet – weekly reach amongst all television households;
- non-DRM audio downloads over the internet – weekly reach amongst all UK households;
- BBC iPlayer's reach amongst younger adults (those aged 16-34) should contribute to BBC's weekly reach being maintained;
- reach and consumption of niche, specialist programmes, relative to their reach and consumption on linear services.

Quality:

Audience approval of BBC iPlayer and perceptions of it as a high quality service, based on its technical quality and the functionality of its user interface.

Impact:

Audience awareness of BBC iPlayer overall, and its specific functions, will be tracked.

Value for money:

[There would be no metric for BBC iPlayer overall. Cost per user hour of the broadcast services should, in future include on-demand usage and a total service spend including on-demand costs. Overall cost per user hour of BBC iPlayer will not be tracked.]

Variations to the Service Licences for television services

The Trust will vary each television Service Licence to enable television programming to be offered on-demand. The Scope section of each Licence will describe the varied distribution mechanisms and the Service budget will, in future, include expenditure on additional rights which are required to simulcast programming and offer it on-demand.

The proposed amendments to the Scope section of each television Service Licence are shown in bold below.

2. Scope of the Licence

[Name of service] should be available for 24 hours every day. It should be transmitted free to air for general reception in the UK as a live broadcast on analogue and digital television and it may be simulcast on the internet. It may also offer its broadcast content on the internet for seven days after it has been broadcast, and give users 30 days after downloading the content to access it for the first time. It may allow users

to repeatedly consume downloaded content for up to seven days after first access. It may offer its broadcast content on the NTL/Telewest cable television and Homechoice IPTV for seven days after it has been broadcast.¹¹ On the internet, NTL/Telewest cable television and Homechoice IPTV, it may allow users retrospectively to download multiple episodes of a defined range of first-run series (known as 'series stacking')¹² until a date that is a maximum of seven days after the last episode in the relevant series. On the internet it may give users 30 days after downloading each episode of the stacked series to open the downloaded file for the first time, and it may allow users repeatedly to consume the episode for up to seven days after first access. It should offer programme-related content on bbc.co.uk.¹³ Some programmes should have interactive television features available on digital platforms.

Performance measurement framework

(Additions only)

[Name of service] should contribute towards on-demand consumption of content. This will be measured by reference to:

- seven-day television catch-up over the internet – weekly reach amongst all television households;
- simulcast television over the internet – weekly reach amongst all television households;
- seven-day television catch-up over cable – weekly reach amongst all television households.

[In addition to these targets, overall reach of the TV services should in future include estimated on-demand usage.]

Variations to the Service Licences for radio services

The Trust will vary the Scope section of each radio Service Licence to enable radio programming as non-DRM download.

2. Scope of the Licence

¹¹ Although only initially available via the BBC iPlayer on bbc.co.uk, through NTL/Telewest or through Homechoice IPTV, it is anticipated that content as described may in future be syndicated to other providers subject to Trust approval, where appropriate. The Trust would not expect to require approval for such further syndication if the terms and conditions comply with the Syndication Code to be published by the Trust.

¹² Programmes which may be series stacked are those where the series has a distinct run, with a beginning and an end and a clear 'narrative arc' or those which are defined as landmark series with exceptionally high impact. Long-running dramas, soaps, factual strands and magazine shows would not be eligible to be series stacked.

¹³ This includes the offer of some news and current affairs output on-demand for an unlimited time period after initial broadcast. Any expansion of this offering will require the approval of the BBC Trust.

[Name of service] should be available every day for general reception in the UK on FM, Medium Wave in some parts of the UK, DAB digital radio and digital television platforms and it may be simulcast on the internet.

The service may offer its programmes streamed on-demand for a limited period after broadcast.¹⁴ It may also offer broadcast radio content for download for an unlimited period of time after broadcast, although this must not include unabridged readings of published works nor full track commercial music nor full tracks of classical music (even if recorded by the BBC), and other interactive station and programme-related content via bbc.co.uk. Broadcast audio programmes may be visually enhanced.¹⁵

Performance measurement framework

(Additions only)

[name of service] should contribute towards on-demand consumption of content. This will be measured by reference to:

Non-DRM audio downloads over the internet – weekly reach amongst all UK households

¹⁴ [Service name] currently offers a limited amount of mainly speech content on-demand for an unlimited time period after initial broadcast. Any expansion of the scope of this requires the approval of the BBC Trust.

¹⁵ This may include video related to output created for BBC broadcast, but should not include the commercial purchase of unrelated video rights.

Annex 2: Public consultation on our provisional conclusions

Introduction

Our provisional conclusions on the BBC's on-demand proposals are now open to public consultation for eight weeks.

We want your views on whether we have made the right decision. We have proposed modifications in a number of places to the BBC Executive's proposals and we are specifically seeking your thoughts on these.

Below we set out a series of questions that you may find helpful in framing your response. You may submit your response in the following ways:

- At the BBC Trust's website, www.bbc.co.uk/bbctrust/.
- By email to pvtconsultation.ondemand@bbc.co.uk
- By post to:

On-Demand Consultation
BBC Trust
35 Marylebone High Street
London W1U 4AA

Please complete the confidentiality statement, below, when you make your response.

Audio and braille translations of this document are available upon request by calling BBC Information on 0800 068 0116.

Submissions should reach us no later than 5pm on 28 March 2007.

Questions for you to consider

1. Do you agree with the BBC Trust's proposal to approve the new BBC on-demand services, subject to the modifications outlined in the Trust's report of its provisional conclusions?
2. In a market in which most broadcasters are expected to be offering on-demand services, would you agree that it is a priority for the BBC to be investing in this area?
3. The BBC Trust has proposed setting a limit of 30 days as the amount of time that programmes can be stored on a computer before being viewed. As this is a nascent market, there is currently no clear standard on the length of the storage window. On balance, the Trust thinks 30 days is the right length of time. How long do you think

consumers should be able to store BBC programmes on their computers before viewing them?

4. The BBC Trust concluded that public value would be created by allowing series stacking. This would allow viewers to catch-up with all episodes of a series for the duration of its run. The Trust recognised that although it would provide increased opportunities to view BBC programmes, it could also deter people from buying DVDs or using commercial video-on-demand services. Do you consider series stacking to be a useful feature? What kind of series would you expect to be included? Should there be any limitation on the number of episodes of a series made available for catch-up or the length of time for which they can be viewed?
5. How important is it that the proposed seven-day catch-up service over the internet is available to consumers who are not using Microsoft software?
6. Should the BBC be allowed to offer book readings from its radio services as audio downloads over the internet?
7. The BBC Trust concluded there was fine balance between public value and market impact in deciding whether to allow the BBC to offer audio downloads of classical music. While such downloads could help introduce new listeners to classical music, they could also deter purchases of commercial recordings. What is your view on whether – and to what extent – the BBC should be allowed to offer radio broadcasts of classical music as audio downloads over the internet?
8. How important is it to you that the BBC provides some means for parents to control which of its programmes are accessible on-demand to children? Is such a facility necessary or is it more a matter for parents to exercise controls over how children use the internet?
9. What are your views on whether the BBC should offer content from non-BBC providers on the on-demand service on its website?
10. What are your views on whether and how the BBC should make available on-demand content on services run by other providers – such as multi-channel services or internet-based audio and video downloading services?
11. Do the revisions proposed to BBC Service Licences to allow the new services to go ahead seem appropriate?
12. Are there any other issues you would like the BBC Trust to consider in relation to the proposed services?
13. Do you have any comments on the process followed by the BBC Trust in performing this PVT?

How the BBC Trust will use your response

Responses to this consultation will be published on the BBC Trust website www.bbc.co.uk/bbctrust/ after the consultation has closed. Feedback to this consultation will be used by the Trust to consider its final decision in the Public Value Test of the on-demand proposals.

Names and/or addresses of individual respondents will not be published on the BBC Trust website. The Trust will publish details of organisational responses. Please copy or sign the declaration below to signal that you are prepared for some or all of your response to be made public. If you would prefer that all or part of your response be treated as confidential, please make this clear in your submission.

Confidentiality statement

PLEASE PRINT AND SIGN THIS DECLARATION IF YOU ARE SENDING A HARD COPY OF YOUR RESPONSE. IF YOU ARE SENDING AN ELECTRONIC RESPONSE, PLEASE COPY THIS STATEMENT INTO THE RESPONSE AND COMPLETE IT.

If you would prefer that all or part of your response be treated as confidential, please complete the confidentiality section below.

What do you want the BBC Trust to keep confidential?

Nothing	
Whole response	
Part of it	
Which part? (Please indicate)	

Name
Position/job title (if applicable)
Organisation (if applicable)
Address
Telephone
Email address

The BBC Trust will retain and use your name, address, email address and the organisation you work for (if applicable) for the purposes of administering the online public consultations held on this website. You will have the option of deciding whether you want your response and name displayed on this website (all other personal information will be withheld from display). Your personal details will not be passed to any third parties for marketing purposes.

The BBC complies with the Data Protection Act 1998. For more information on BBC's Privacy Policy please refer to <http://www.bbc.co.uk/privacy/>.

The BBC is listed as a public body in Part VI of Schedule 1 to the Freedom of Information Act 2000; this means that, subject to certain restrictions, the BBC may be required to

disclose information it holds to individuals and organisations making a valid request to be supplied with that information under the Act.

If you have requested that all or part of your response should be kept confidential, the BBC will take reasonable steps to maintain confidentiality of that information if a request for its disclosure is received under the Act. Please note, however, that in the event the BBC is able to withhold information under the Act, this decision may be overturned by the Information Commissioner, the Information Tribunal or the courts.

Please note that we may still refer to the contents of responses in general terms, without disclosing specific information that is confidential. We will exercise due regard to the confidentiality of information supplied.

DECLARATION

I confirm that the information I have submitted is a formal consultation response. It can be published in full on the BBC Trust's website, unless otherwise specified, and I authorise the BBC Trust to make use of the information in this response to meet its legal requirements. If I have sent my response by email, the BBC can disregard any standard e-mail text about not disclosing email contents and attachments.

Name

Signed (if hard copy)

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