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Film Policy in the United Kingdom: New Labour at the Movies

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As the key driver of the UK's creative industries film combines culture and commerce in a complex and challenging way. (Film Council, *Annual Review, 2001–2002*)

Britain, though it owes much to the enterprise and example of the US film industry, has for far too long been an economic and cultural colony of Hollywood. (*Future of the British Film Industry: Report of the Prime Minister's Working Party*, Cmnd 6372, 1976, p. 4)

Introduction

Film policy is one of the areas in which the New Labour government intervened rapidly and decisively when it first came to power in 1997. The various measures taken have attracted comment beyond the trade press and deserve attention because they raise difficult questions about the relationship between government, the corporate media business and the public domain.

Discussion of film policy, past and present, revolves round three main themes: that Hollywood dominates the market, that the film trade has distinctive *economic* features, and that the film trade has distinctive *cultural* characteristics. (1) 'Hollywood' stands here for the handful of entertainment conglomerates represented by the Motion Picture Association of America (MPAA) and its export branch the Motion Picture Association (MPA). In their previous incarnations these two bodies have dominated the international film trade since the 1920s. The other two themes (that film is economically and culturally distinctive) have also recurred in public debate since the 1920s and, taken together, they have been used by governments to justify forms of intervention in the market designed to protect national film production. Intervention against monopoly is justified on economic grounds on the basis that film as an industry routinely converts early success into lasting competitive advantage, creating a rigid and uncompetitive market. An economic analysis of particular developments within the film sector demonstrates that national industries have suffered commercial disadvantage where there is foreign control of distribution. However, it is the third theme—concerning the cultural significance of film—that is needed in order to make a strong public interest case that the marginalising of indigenous production matters to people outside the relatively small world of the film industry.

The economic and cultural arguments are reflected in a certain dualism in film policy whereby governments have tended to support film partly by measures associated with trade policy—protection and subsidy—and partly by forms of patronage associated with cultural policy. Both sets of arguments were and are deployed in relationship to the nation, considered as a political entity. But the concept of 'national culture' has become increasingly contested both as the global film industry has developed and as definitions

of 'culture' have changed. By the 1930s Hollywood was already evading trade controls by buying into national industries. But the process changed and accelerated with the purchase of the American Fox studios by the Australian Rupert Murdoch in 1985, a takeover that signalled both the creation of media conglomerates with interests outside film, *and* the appearance of foreign owners within the American movie business. These changes have lent some credibility to the view that Hollywood no longer has a single national identity, but it does not follow from this that the concept of a national film industry is redundant.

The old British imperial case for 'projecting the nation' through the movies is certainly less persuasive in 2004 than it was in 1944, but the defence of expressive pluralism and of the value of cultural specificity remains strong. Arguments in favour of an indigenous British cinema therefore continue to draw upon the propositions that cinema is itself an art form, that public support can be justified on this basis and that art has a special value not encapsulated in price or by exclusively market concerns. Such arguments also draw upon the general case in favour of freedom and diversity of expression, considered as one of the defining characteristics of a democratic society and culture. It is in this broader context that the cinema can be seen to make a contribution to the generation of a vigorous public sphere, considered as a space where differences of experience, opinion and belief are made manifest and negotiated.² Given the emerging consensus that national culture is best thought of as hybrid and diverse, the issue is not, therefore, that Hollywood cinema is culturally foreign but rather that it is controlled from somewhere remote by company executives who have no particular concern for the national audience or the national workforce.

New structures: culture and industry in the nations and regions

Until the 1980s Britain followed the practice common to many states in Europe of operating parallel support mechanisms for film as industry and film as culture, justified by a mixture of economic and cultural arguments. Industrial support was administered by the Department of Trade and Industry (DTI) and its main instruments were: regulation against anti-competitive practices, a national screen quota, a subsidy for producers known as the Eady Levy, and a specialised bank for film loans: the National Film Finance Corporation.

In respect of cultural support, the main agent since the 1930s has been the British Film Institute whose responsibilities included looking after the National Film Archive, developing film education and scholarship, running the National Film Theatre in London, supporting regional film theatres and financing low budget films for their cultural value. There were (and are) also national bodies supporting film production in Scotland, Wales and Northern Ireland, while in the English regions there was patchy provision provided by regional arts boards and local authorities, as well as some metropolitan councils prior to their abolition in 1986. These arrangements for promoting film as culture had grown up gradually in response to various pressures and perceived needs, and this meant that funding and decision-making structures were untidy but arguably more sensitive to real currents of creative enterprise than a neat bureaucratic system could be.

The slow but persistent process of public intervention was halted in 1985 when the Thatcher government dismantled the existing framework for supporting film-as-

industry—abolishing the screen quota and the Levy and replacing the National Film Finance Corporation with a private company, British Screen. Another more recent aid to production—a tax concession—was discontinued in 1986. By contrast, the Conservative government made few changes to the structures that supported film-as-culture, although funding was reduced in relative terms. Thus, while film-as-industry was almost abandoned to the market, film culture was grudgingly supported.

However, the policy of industrial *laissez-faire* was short-lived and the Major government responded to intense lobbying from the film industry by reintroducing a tax concession and including film as one of the ‘good causes’ to be supported by the new National Lottery. The Major government also took the first step in ending the separation of industrial and cultural policy by moving the main Civil Service brief for film from the DTI to a newly established ministry for culture: the Department of National Heritage.

From 1997, New Labour continued the direction taken by the Major government by keeping film within the Department of National Heritage though swiftly renaming this the Department of Culture, Media and Sport (DCMS). And support for production was increased via tax relief and the Lottery. In addition, a ‘Policy Review Group’ was appointed and its report, *A Bigger Picture*, signalled a further coming together of culture and commerce through the proposal to create a single unified body to administer all aspects of film.³ The new Film Council—now the ‘UK Film Council’—was launched in 2000 and took over the work previously done by British Screen Finance, the British Film Commission (an organisation set up to promote British film facilities and locations), the Lottery Film Department of the Arts Council of England, and the film-related work of the English regional arts boards.

It seemed possible that the British Film Institute would also be absorbed. But, in the event, its charitable status, Royal Charter and membership structure allowed it to retain a degree of autonomy, although the bulk of its public funding comes through the Council and the latter effectively controls its board-level appointments. The Film Council exercised its supervisory powers by relieving the BFI of two key functions: support and funding for experimental production and responsibility for non-commercial and non-mainstream film exhibition in the regions.

The Film Council thus took over responsibility for almost all aspects of publicly funded production, distribution and exhibition, establishing a variety of national production funds and programmes to assist the distribution and exhibition of films. However, the UK-wide remit of the Council has been a little uncertain as Wales, Scotland and Northern Ireland all argued for and won the retention of their own separate film agencies. In the English regions, by contrast, the intervention of the Council has had the effect of removing film from its previously strong links to arts policy and administration as well as from the sphere of influence and expertise of the British Film Institute. The sense of an arts and cultural framework for film in England has thus diminished and been replaced, in part, by the very different imperatives and performance indicators of an essentially industrial and economic strategy. The cost of administering public policy for film in the regions has also increased significantly.

In the English regions this new order has been created and managed by the Regional Screen Agencies, brought into being and funded by the Film Council, in partnership with the larger and more economically focused Regional Development Agencies (RDAs). Like the Film Council itself these Screen Agencies have been set up as

private companies, operating principally with public money but with limited forms of public accountability. The policy priority for the Agencies (operating partly under pressure from the RDAs) has been to enhance business and employment opportunities and as a consequence, in some cases, the cultural dimension of work in production, exhibition and education has been relatively marginalised. In the field of film exhibition, moreover, there is an emerging tendency to see the American-dominated commercial sector as the preferred vehicle of change rather than the underdeveloped network of independent cinemas. The track record of the latter has included a commitment to showcasing European and world cinema, with associated audience development programmes supported by a range of formal and informal educational activities. Were the policy of public support for commercial exhibition to continue, this could have negative consequences for the essentially cultural and educational project of growing next-generation audiences for world cinema. And the lost-opportunity cost would be the absence of a reliable network for disseminating the best that is currently available, for example, at the National Film Theatre in London.

It can be argued that—taken together—the deployment of London-based production, distribution and exhibition funds and the priorities of the new Regional Screen Agencies have moved public policy away from cultural criteria and concerns and towards almost exclusively market-based forms of judgement and evaluation.

New Labour rationale: the ‘creative industries’

Certainly, the government has been clearer about the economic goals of film policy than the cultural ones. And film has increasingly been seen as part of the broader strategy for growing the cultural industries and promoting cultural exports. In the first *Mapping Document* on the ‘creative industries’, the then Secretary of State for Culture, Media and Sport, Chris Smith, highlighted the role of these industries as ‘a growing part of the economy’. These sectors, he noted,

generate revenues approaching £60 bn a year. They contribute over 4% to the domestic economy and employ around one and a half million people . . . Throughout the world there is a growing demand for cultural goods and services. The internationalisation of the market place, driven by technological advance, creates as many opportunities as it poses challenges.³

His successor, Tessa Jowell, seemed to wish to moderate this approach in an essay entitled *Government and the Value of Culture* published in the spring of 2004. Here she defended arts funding on quite traditional grounds:

public subsidy produces what the market may not sustain—it is almost a bulwark against globalised commercialism that might not be sensitive or responsive to local and national cultural expression. It makes possible what might not otherwise be available, and it makes available the best.⁴

It is striking, however, that the essay contains no mention of film or of television, even though these are among the creative industries most exposed to ‘globalised

commercialism'. The omission suggests that the still relatively new culture ministry continues to be haunted by some very old dualisms—namely the opposition between 'culture' and 'industry' and between 'art' and 'popular culture'. In the 1980s when Labour was in opposition in Parliament, but in control in a number of metropolitan areas, one of the objectives of a cultural industries strategy had been to avoid these conceptual divisions.

The concept of the 'cultural industries' was initially developed by the radical sociologists of the Frankfurt School in the 1930s and 40s; it embodied a left-wing critique of mass-produced popular culture. Over the last two decades, and particularly since the fall of the Berlin Wall, these views have been criticised and derided by cultural relativists and postmodernists as well as by those wishing to acknowledge the significance and potential of the industrialisation of cultural production. But the term took on a new meaning in the mid-1980s in Britain, adopted and adapted by Labour-controlled local authorities struggling with unemployment and with the Thatcher government's spending cuts. While there was a pragmatic aspect to the strategy (strengthening the local economy) there was also a radical impulse introduced by policy advisers, like Nicholas Garnham, at the Greater London Council (GLC). New ideas arose as existing work on the political economy of culture was driven to consider the links between authorship, content and industrial modes of production, and as the work of the French academic Pierre Bourdieu began to be taken up within British cultural studies. In particular Bourdieu's work on the concept of 'cultural capital' and on the ways in which arts institutions and subsidies help to perpetuate class distinctions encouraged both a new sympathy for market-based forms of cultural expression and a determination to intervene in order to sustain forms of cultural commodity production that were accessible, pluralistic and of high quality. (6) While New Labour has to some extent carried forward these concerns in relationship to broadcasting, these ideas appear to have much less presence and impact in the sphere of film.

At the GLC in the 1980s the search for alternatives to traditional forms of arts subsidy led to a new focus on support for independent cultural entrepreneurs and to the creation of new forms of grant-aid or soft loan designed to encourage the emergence of new and previously marginalised voices whether in film and video or in music and publishing. The intention was to promote a new kind of popular culture led neither by remote multinationals nor by the limited cultural tastes of the local dominant class. (7)

It was this emphasis on new voices emerging independently of the entertainment conglomerates that arguably differentiates the policies of the 1980s from the later New Labour approach. By 2004 the public policy emphasis, along with a shift from the term 'cultural industries' to the more capacious 'creative industries', seemed also to be retreating towards the old distinctions between 'high art' and 'popular culture'. Hence the disconnected advocacy of relatively traditional cultural forms and values on the one hand (the equation of culture with theatre and the visual arts in Tessa Jowell's recent essay) and, on the other, an advocacy amounting to agitated celebration of the importance of global competitiveness and exportability.

Given the emphasis within current government policy it is perhaps not surprising to find the custodians of public policy in film pushing this area in the direction of economic competitiveness. However, New Labour needs stronger arguments for the promotion of film since the wealth creation that stems from the specifically British film

industry is quite modest. And the popular and economically dominant American cinema is largely unable to reflect the complexities and varieties of a multicultural Britain.

Public policies, trade interests and the UK Film Council

In the wake of John Major's rediscovery of the public policy instruments required to keep 'British film' afloat, how did the incoming New Labour government deal with some of the more obvious elephant traps in this field and, in particular, how has it dealt with the continuing American dominance of the British market?

It will be suggested here that the government's chosen instrument for clarifying and rationalising the administration of film has placed too much reliance upon trade interests, some of which are heavily reliant upon the American film industry. As these trade interests have been closely involved in determining the appropriate uses of British public subsidy there has been, we suggest, an inadequate debate about the public interest in film and specifically inadequate consideration of the ways in which British audiences can gain access to a wide variety of films. In the section that follows we express some of our reservations about the way in which the UK Film Council (UKFC) was established and about the relatively limited range of interests represented on its governing body. We do not doubt that the complexities of the international film trade require a sophisticated approach, and certainly not the exercise of a myopic and petty nationalism. But we think that, on balance, the policy options that have been adopted by the Board of UKFC have been too limited in their range and effects, and that the incompatibility of trade interests and public interest have been insufficiently recognised.

The process of designing and setting up the UK Film Council occurred without detailed parliamentary and Civil Service scrutiny, since no bill was presented to Parliament regarding the creation of the new body. Rather, and perhaps more clearly in retrospect than at the time, this initiative was negotiated with a quite narrow range of trade interests. The already mentioned government policy review which preceded the emergence of the Council was not intended to be a broadly based inquiry but was described as an 'action plan for Government and industry'.⁸ The review body was composed of film industry company executives, and it was primarily on the basis of the report from this body that the Secretary of State at the DCMS created the Film Council, and delegated to it most of his responsibilities for film.

The UKFC is a company whose board members are appointed by government. It also has the status of a 'Non-Departmental Public Body' funded by the Department of Culture, Media and Sport. It has a staff of around ninety, recruited for experience in the film and related businesses, in consultancy or arts administration, and a turnover in 2002–3 (including Lottery money) of just under £60 million. There is no formal machinery for external consultation, although the Council recognises partner organisations for each specific area of work, and most major policy initiatives have so far been accompanied by consultation exercises. Individuals from outside the UKFC are invited to advise on an ad hoc basis, but panels or committees with outside members have no part in policy decisions or in the allocation of individual awards. The main check on the considerable power of senior staff is the Board of the Council. And the inevitably controversial nature of some funding decisions—which film proposals to fund for production or to support for distribution—has led the trade body PACT (Producers' Alliance for Cinema and

Television) to suggest that those in charge of each of the main film funds should have only a limited period of tenure, so that the Council as a whole reflects, over time, a variety of tastes and interests in its funding policies. (9)

In drawing up the framework for the new company the government made no formal provision for the representation of different constituencies of interest on the Board, and in this it has departed from the policies of earlier British governments. For example, the advisory body known as the Cinematograph Films Council, set up by the 1938 Films Act and abolished in 1985, had a constitution that designated five different constituencies of interest: producers, distributors, exhibitors, employees and the public. The Film Council, by contrast, has no formal guidelines regarding the range of interests or skills that should be represented on the Board. Directors are appointed following the ‘Nolan’ procedures for public appointments, which provide a measure of transparency about the process. But, so far, the relatively limited range of appointments made suggest that pluralism is not a valued criterion.

From its formation up to 2004 the Board has been drawn almost entirely from a small circle of film or television industry senior executives. The pattern has been that out of fifteen members around thirteen are from the higher ranks of the mainstream industry, leaving one seat to the Chairperson of the British Film Institute and one to an educationalist. None of the industry members appears to have expertise in European or non-mainstream cinema and two are from companies that subscribe to the MPA, formerly the Motion Picture Export Association of America. The rationale for such a selection—apparently of those who know best how the business works and what it needs—appears to elide trade interest and public interest in an unhelpful way. The appointment of a distinguished film director, Alan Parker, as the Board’s first Chair might be seen as a counterbalance to American financial interests were it not that Parker was known as an outspoken advocate of big budget international production, a vigorous supporter of American financial partnerships, and a sharp critic of independent or experimental film and of the intellectual and critical work of the British Film Institute. The hostility to film criticism and to non-mainstream work was pungently expressed in his mid-1980s television programme *A Turnip Head’s Guide to the British Cinema*.

It appears, therefore, that in both its formation and key personnel the UK Film Council represents the interests of mainstream producers, distributors and exhibitors and has little sympathy for the sort of film culture that might make a wider variety of types of films available to actual and potential audiences throughout the UK.

A sustainable industry and an accessible film culture

The first objective of the UKFC, and the only one directly addressed in the 1998 policy review, is to develop a sustainable film industry. It is important, therefore, to ask how might the other issue—of cultural policy—affect the Film Council’s view of its priorities?

An initial difficulty is to interpret what is meant by ‘sustainable’. As long as film production exists it is, self-evidently, sustainable and the key question concerns the means by which it is sustained. *A Bigger Picture* also uses the phrase ‘self-sustainable’, which more clearly suggests the goal of an industry that operates effectively without aid. The report’s analysis starts with the familiar problem of Hollywood competition but

argues that the British industry could face down the competition if it became more like Hollywood. In order to achieve this the report recommends developing at least one major British distributor, restructuring production into fewer, larger companies and changing the process of product development so that a dominant role is played by distributors and marketing departments rather than producers, directors and writers. The view that this would enable Britain to compete against Hollywood was stated more explicitly by Neil Watson, later one of the UKFC's strategy team, who wrote of the need 'to create a truly sustainable industry driven by four or five well capitalised companies . . . which can compete with Hollywood for a share of a growing global business'.¹⁰

In the short term, however, measures adopted by the government have led to a considerable increase in public subsidy. The present pattern is that grant-in-aid and the Lottery between them provide a little under £60 million to the UK Film Council which passes on about £15 million to the British Film Institute for cultural and educational activities including the costly task of running the National Film Archive. Out of the remainder the UK Film Council supports film production through the Premiere and New Cinema Funds, and provides funds for development, for film in the English regions and for initiatives relating to distribution, exhibition, training and education. This expenditure is dwarfed by tax concessions made available to the makers of British films, loosely defined. These are provided under Section 42 of the Finance (no. 2) Act 1992 and, until 2004, under Section 48 of the Finance (no. 2) Act 1997. The former is designed to assist big budget productions and the latter to support productions costing under £15 million. In 2004 a substitute was developed for Section 48, and the budget limit was raised to £20 million. The cost to the public is difficult to quantify. A parliamentary question in 2004 elicited the information that £300 million a year was provided by Section 48 alone. In the same month the Chancellor said that support to the industry had been £2 billion since 1997.¹¹ But that again seems to relate only to Section 48. One tax expert has estimated that altogether £2.2 billion is sheltered in one year.¹²

Are these tax allowances intended to change the British industry's client status in relation to Hollywood? The dream of competing by imitating Hollywood structures has haunted British production since at least the 1930s but so far has always been disappointed. Subsidies introduced after the Second World War successfully encouraged Hollywood investment in the UK but the studios' control over distribution ensured that most of any profits returned to Hollywood. Although present day conditions are different in many respects, distributors continue to control access to the market, and as the Review Group indicated, the competition strategy requires a competitive British based distributor. But creating such an organisation is a daunting task given the sheer scale of Hollywood enterprises. A recent economic study concluded that it is an unrealistic goal and market events seem to support this.¹³ The Review Group may have taken a more optimistic view because at the time its Co-chair, Stewart Till, was heading the distribution company Polygram Filmed Entertainment, which had achieved a significant stake in the European market. However, Polygram was subsequently acquired by Universal, a development that underlines the problem that Hollywood is likely to buy up any serious potential competitor.

There are other reasons to doubt whether the tax concessions were even intended to promote competition *against* Hollywood. A clearly stated objective is the attraction of inward investment and, as Hollywood has been and remains one of the main sources of

investment, this suggests rather the aim of cooperation. Writing on the Section 42 tax concession in *Variety* Adam Dawtry noted that it ‘primarily benefits Hollywood studios shooting UK blockbusters’.¹⁴ It would therefore seem that the objective is to enable the British industry to compete, not against Hollywood, but against potential rivals for Hollywood investment.

The question that naturally follows is whether the only way of sustaining a British industry is by attracting Hollywood investment. The best evidence we have on this comes from the Thatcher era when subsidies of a primarily economic character were abolished. Alan Parker has referred to the period as if it were unequivocally a disaster for British film.¹⁵ Critical opinion, however, leans to the view that, on the contrary, this was a time of artistic renaissance while the cinema-going public was probably unaware of a ‘crisis’ given that a reasonable supply of films looking recognisably British continued to reach the cinemas.¹⁶ These recognisably British films were produced because low-level subsidy of a broadly cultural kind continued, provided through British Screen, the BFI Production Board and Channel Four Television. And some of the films obtained a cinema release because there were just enough independent cinemas—some but not all of which were subsidised—to ensure that films in which the multiplexes had no interest could nevertheless be screened. Film production was no more self-sustaining then than it is now, but it was successfully ‘sustained’ at moderate cost by organisations with objectives as much cultural as commercial. The problem from Alan Parker’s point of view was a lack of opportunity to make big budget films of a kind that in the UK nearly always require inward investment from Hollywood.

Conclusion

The policy debate behind *A Bigger Picture* is therefore not primarily about whether to develop an unsubsidised film industry. Past experience and evidence from current economic analysis suggest there is little prospect of this outcome, however desirable it might be. The issues are rather whether to sustain the industry at all and, if so, how, at what level and at what cost? Low budget production can be sustained, as it was in the 1980s, by low-level targeted public investment in an infrastructure relatively free of Hollywood influence. For convenience we will call this the ‘other cinema’ strategy, as it requires support from public service television and a network of distribution and exhibition which is independent of the major chains and backed by relevant expertise.

Alternatively, or in addition, large-scale production of more expensive films can potentially be sustained, as at present, by a relatively high commitment of public funds combined with investment from Hollywood. The latter strategy, if successful, has undoubted advantages as some of the most impressive and universally popular genres of cinema can only be produced where multimillion budgets are available. The drawbacks are that it is more expensive and less reliable than the low budget strategy. It is less reliable partly because the costs are high but also because the requirement for Hollywood cooperation is a condition largely outside the control of British policy-makers. The risks can, however, be mitigated if the ‘other cinema’ strategy is followed as well, ensuring that an audience is cultivated for films other than current Hollywood product, and that expertise is developed in making, showing and selling low budget films. Then—if Hollywood were to withdraw—at least a core business would continue to provide the

audience with British films and to nurture the skills and imagination that create these films and that also play a part in attracting international players. There is therefore a strong link between support for a broad and varied film culture and the goal of sustaining a British film industry in the long term. The case already argued that the Film Council is poorly constituted to achieve the former thus casts doubts on its competence to carry out its principal goal.

The confused rhetoric about ‘sustainability’ is indicative of New Labour’s reluctance to address the depth or complexity of the problem posed by Hollywood, and derives from a wider tendency to underplay differences of interest between multinational conglomerates and the public. In relation to film, a first step towards developing a more coherent analysis and a cost-effective strategy would be to draw upon the expertise of the smaller producers, exhibitors and distributors (in addition to the majors) while developing a fuller audit of cultural and educational priorities. To ensure that the results of such an audit inform practical policy the agreement between the DCMS and the UK Film Council would need to be rewritten to include clearer cultural and educational goals.

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