Designation of Radio Selection Services – Principles and methods for Ofcom's recommendations

Consultation response

13 March 2025

Response

The BBC welcomes the opportunity to respond to this consultation. In order to ensure that audiences' access to great UK content, including audio content, is protected, the Media Act must now be robustly implemented.
We broadly agree with Ofcom's approach to making reports and recommendations on designation of Radio Selection Services (RSS). We have responded to Ofcom's specific questions below.

Q1. Do you agree with our proposed principles and methods for assessing the number of members of the public using an RSS to listen to internet radio services and the manner in which they use the RSS?

The BBC is broadly in agreement with the principles and methods.

One point not captured, which we think Ofcom may wish to consider, is whether the "white label" base system should be designated, rather than the consumer-facing system. This would capture the full range of consumer deployments and therefore the true cumulative level of usage where this core platform in reality constitutes the radio selection service, rather than just considering the individual consumer-facing branded system. This would address cases where, for example, car manufacturers have branded an existing RSS, rather than developing a bespoke solution.

Supplementary Question: We welcome views on the potential sources of data we are considering using in our first report to assess number of users and manner of use.

As Ofcom acknowledge, data on use is hard to access. The RSS do have access to this, and Ofcom should consider using their information gathering powers under s.362BQ of the Act to compel provision of this data where necessary.

Q2. Do you agree with our proposed principles and methods for assessing whether the level of use of an RSS is significant?

The BBC is broadly in agreement and looks forward to seeing more detail of the thresholds for significance.

We note that Ofcom "might not recommend the designation of … an RSS if evidence suggests that the level of use is declining and unlikely to be over the threshold for a reasonable period of time after designation". Equally, if there is evidence that usage of an RSS is increasing, it might be helpful for Ofcom to consider how it could designate that platform at pace to ensure that access to radio via that RSS is protected as usage grows. We also believe that the bar for an RSS being removed from regulation if it falls below the reach threshold should be different to the bar for designation. For example, there should be a minimum period of time (at least two years) whereby an RSS's reach should consistently fall below the threshold before it is removed from regulation so as to protect the interests of established users of the service.

Q3: Do you agree with our proposed principles and methods for assessing any other relevant matters?

The BBC is broadly in agreement, and welcomes Ofcom's acknowledgment of the need to consider how an RSS in used in different settings and contexts.

Q4. Do you agree with our proposed approach to general principles in our principles and methods statement annex?

The BBC is broadly in agreement with the approach.