

Invitation from OfCOM to comment on measuring plurality across media

*OfCOM has invited written submissions to be made by **18 November 2011**, seeking responses that provide views, supported by evidence, on specific questions, or on other considerations stakeholders consider relevant.*



This is the response that BECTU has provided to OfCOM.

Question 1: What are the options for measuring media plurality across platforms? What do you recommend is the best approach? Is it practical or advisable to set absolute limits on news market share?

There is a clear requirement to measure media plurality across platforms. In directly democratic terms, we have seen the failings brought about by consolidation and consequent under-investment in the provision of news and journalism.

We also strongly endorse the view that rules on pluralism do not need to be applied to the BBC, as the BBC's presence on broadcast and radio platforms meets all appropriate public interest tests and that it is subject to PSB requirements and standards of oversight that will never be applied to commercial media.

It is also the case that the BBC's share of viewer/listener/browser time has not been a factor that has led to a decline in the scale of investment, the quality or diversity of news provision, or the degree to which media ownership has been used as an asset to coerce politicians and regulators either in pursuance of commercial objectives or the wider political prejudices of media proprietors.

Indeed, much of the decline in the BBC's own quality and quantity of news production has been the direct result of demands for a reduced BBC presence from commercial news organisations who have subsequently failed to fill the gap left by the BBC with the promised levels of independent high-quality news coverage.

On the question of the wider creative sector, we would argue that the production of documentary, drama and the coverage of sport can't be completely untangled from the issue of news provision, and as such, questions of media pluralism must take the sustainability of UK Broadcasting into account.

The objective of media pluralism regulation should be:

- Diverse and pluralistic news sources, ensuring adequate space for news, documentary and comment reflecting the needs of all sections of society, including social classes, ethnic minorities, other minority groups, and for civil society
- The disentanglement of news provision and the activities of commercial news production companies in commercial pressure group activities (i.e. no news company should be able to use its news provision role as an asset when lobbying politicians or regulators)

- To arrest the decline in investment in the provision of news and documentary that complies with clear Public Interest standards. This decline is particularly acutely-felt at both a regional and local level and is accelerating. There should be a strong regulatory drive to reverse this.

It should be noted that this decline has taken place at a time at which demand for journalism and documentary has increased. The decline is both in quantity and in quality. This is an economic injustice that has been brought about by a regulatory failure. In BECTU's response to OfCOM on Channel 3 and Channel 5 licences, we outlined our views on how investment could be brought into the industry to replace the losses brought about by technology changes and industry restructuring over the past decade or more. This can be seen here:

<http://www.bectu.org.uk/advice-resources/library/1009>

BECTU does not have a view on a specific levels of ownership that should be permissible across platforms or sectors (Broadcast TV, Radio, Print and Online news), but we do take the view that there is a huge need to increase the degree of pluralism in all of these areas, and that the decline in journalistic, TV news and documentary capacity in the UK – particularly at local and regional level - is directly linked to the consolidation that has taken place in the UK broadcasting industry since the 1990 Broadcasting Act. For this reason, we endorse demands made by others to reduce News Corporation's holding in BSkyB, and to subject any holdings above 15% on any platform to a rigorous public interest test.

Question 2: What could trigger a review of plurality in the absence of a merger, how might this be monitored and by whom

The current triggers for reviews of plurality have been shown to be insufficient as they have failed to take into account changes in market share or the emergence of new technological platforms and standards. They have failed to include a 'Fit and Proper Person' test that can be invoked at any time.

Reviewing this issue only at the point of a proposed merger is clearly not enough. In our view, broad criteria which define the public interest will need to be agreed upon and the test could be triggered whenever a regulator such as OfCOM (and this should be done in a way that is explicitly independent of political interference) believes that there is a cause for concern. It should not only be reviewed when a contentious merger takes place. The competitive positions of key industry players, and technological developments should all be triggers for a review if sufficient concerns should be raised.

The criteria would be concerns about the behaviour of media companies where they work in ways that may not be in the public interest, as outlined above, and we expect the ongoing Levison Enquiry to crystallise many of the issues here, ranging from journalistic independence and complaint handling through to a respect for privacy and fairness.

Also, specifically, a review of plurality should be triggered where the companies concerned threaten to put the UK in contravention of international agreements that it has signed, most notably,

- The Audiovisual Media Services Directive (and particularly the rules on content quotas)

- UN Convention on the Protection and Promotion of the Diversity of Cultural Expressions,
- Recommendations made by the Council of Europe
- International commitments on freedom of expression and other human rights.

Question 3: Could or should a framework for measuring levels of plurality include websites and if so which ones? Whether or how it should include the BBC?

Again, we strongly endorse the view that rules on pluralism do not need to be applied to the BBC, as most of the concerns about abuse of market dominance, lack of accountability or transparency do not apply to the BBC.

The BBC website provides a strong cross-platform way of providing authoritative independent news on issues. None of the key commercial websites have shown any inclination to adopt Public Service standards of impartiality and pluralism, and in the wider context of a general decline in investment in journalism, it would be perverse to apply any rules that would reduce the resources available to the BBC website.

Question 4: Additional comments

[None]

This response is from BECTU, 373 Clapham Road, London SW9 9BT. It is in response to the request for responses posted on the OfCOM website dated 21/11/2011 here:

<http://media.ofcom.org.uk/2011/10/21/ofcom-invites-comments-on-measuring-media-plurality/>

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