

Ofcom invited comments on measuring media plurality¹, following a request to consider this area by the Secretary of State Jeremy Hunt². The Invitation to Comment closed on Friday 18th November, 2011.

Responses from via our online form

Eben Bainbridge

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?:

An approach that considers the ownership that any single entity (either an individual or an organisation) has, not just in a particular media organisation but in the market as a whole. It should allow for ownership of multiple news outputs eg. a TV channel, newspaper, website, but it should restrict the opportunity for any particular entity to saturate any one of these outputs (ie. ownership of more than 20% of the national print market should not be allowed). It is practical and strongly advisable to restrict market share in this way, as long as it is done within fair and sensible parameters.

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

There should be several mechanisms in place; the Secretary of State should be able to instigate this process as and when (s)he sees fit (with no particular reason needed) and in addition Ofcom should be able to act independently in this area, perhaps following expressions of concern from citizens or competing media interests or bodies.

Terms such as "third channel" and "fourth channel" are juridical dinosaurs of a time now gone and have very little relevance in a post switchover UK.

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?:

Yes, it should include websites where the owner(s) also hold stakes in other media outlets (eg. they also own TV channels, newspapers, etc.).

Regarding the BBC, the clinical prohibition of any licence fee funded content bearing advertising is not realistic when it comes to the BBC's website. While I would not want to see the quality or extent of the BBC News website be put in jeopardy, I believe that the BBC News website is damaging to print media and plurality. It should be operated by BBC Worldwide and contain advertisements / subscription services in order to prevent unfair advantages compared to other news websites such as those operated by newspapers. In

¹ <http://stakeholders.ofcom.org.uk/consultations/measuring-plurality/>

² http://www.culture.gov.uk/images/publications/CMS_188245_Ensuring_Meda_Plurality.pdf

essence the domestic BBC News website should be run on a very similar basis as the international BBC News website.

Question 4: Additional comments :

Perhaps one of the key concerns I have with the events that triggered this consultation is the lack of attention to a key fact: BSkyB holds a monopoly on commercial satellite broadcasting in the UK. In my mind this situation of complete vertical integration is akin to the BBC, with its massive (and market-distorting) Internet news output, also being the nation's sole ISP. I think competing satellite platforms should be promoted. At the same time, following the merger of NTL and Telewest, the same situation exists with cable TV. Although it is true that Sky and Virgin Media are, despite the technical differences, in direct competition, Satellite broadcasting will always have an advantage over cable in terms of vastly superior geographical coverage, and for this reason I do not think it is safe for the Satellite TV market to remain so concentrated.

Mary Branscombe

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?:

Plurality must be measured across the full mix of media platforms, including radio and the Internet. They should reflect partial ownership as well as wholly owned outlets, and they should involve market share as well as the number of outlets.

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

this should be monitored by Ofcom or an appropriate independent body set up for the task; reviews should be triggered by changes in ownership, growth of outlets that takes them over certain thresholds and by measurements of market share - there should also be some measure of impact/reach and influence on government policies and other influence; the role of the owner of media outlets needs to be examined as part of this. if media is to be an independent fourth estate for the benefit of the country, it cannot be run by those who seek to use their influence directly and plurality limits should have some factors that take this into account - efficiencies of scale for a media organisation should not be confused with a monopoly position in the market reinforced across multiple media streams.

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?:

Websites must be included in measurements of plurality because they will play an increasing role in delivering media; it should look at sites owned by both traditional and purely online publishers in so far as they are regulated by Ofcom. It should not include the BBC as this is already regulated in ways other publishers are not and pressure from commercial organisations has already impacted BBC services to the detriment of users. plurality is a

measure to be examined for the good of the country and the industry, not a weapon to be handed to commercial interests.

Question 4: Additional comments :

I work as a freelance journalist; I want the industry I work in to be respected as a source of information and knowledge, and to be a thriving business, not to be undermined by low standards, poor regulation and abuse of influence. I believe plurality regulation will help improve the standards in the media industry but they will not be enough alone - Ofcom should mention key areas and initiatives that need to be considered alongside this consultation.

Alex Campbell

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?:

Plurality in the media is much more than a simple counting of the number of owners of media outlets. It is not just that power is concentrated in the hands of few organisations (and therefore their owners), but also that, of those organisations allowed to express a view (i.e. excluding the broadcasters and the BBC for its online content) a disproportionate majority promote a very clear political bias, distinctly to the right of the British centre ground.

Whilst it might be preferable to have e.g. six owners of the majority of non-impartial media outlets rather than five, the views they express are equally important. Six promoting the same basic political philosophy is more damaging for democracy than five promoting a diversity of views. (As an aside it is worth noting that the ultimate owners of News International, the Daily Mail (and associated outlets), the Telegraph and the Express group are overwhelmingly white, male, public-school alumni who are either multi-millionaires or billionaires.)

With this in mind, I would argue that plurality should measure both the number of owners but also the range of opinions actively promoted, particularly but not exclusively when this includes advocacy for a particular political party.

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

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?:

Question 4: Additional comments :

Gerard Cook

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?:

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

No individual or company should own greater than 20% of any single media form.
No individual or company should own greater than 10% of all combined media forms.

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?:

The internet is too various to measure levels of plurality however electronic editions of printed newspaper should be included in the total reading figure for that paper.

Question 4: Additional comments :

Angela Daly

Organisation (if applicable):

European University Institute

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?:

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

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?:

In general, the issue of pluralism and new media is one to which regulatory attention should be turned, including as regards the Internet and websites in particular.

So far, it seems that only competition law is being used to provide any sort of pluralism in this area, and a pluralism which is economic, as opposed to cultural, political etc (although these might coincide, but do not necessarily do so).

One case which may well show the inadequacies of the current approach is the ongoing European Commission competition investigation into Google for an alleged abuse of its

dominant position in the markets for online search and advertising. Firstly, it seems that the Commission is having difficulty in determining whether Google actually has a dominant position in this market. Even if that is established, to prove that Google actually abused this position, which may be difficult if not impossible to do. Nevertheless, there has been a lot of criticism over Google's role on the Internet, especially around the extent to which Google is the exclusive portal through which users access information over the medium, and the way that Google gathers, stores and displays that information (which would seem to be an opaque process, at least).

Ofcom's own approach, in prioritising competition law and regulation as a means of regulating affairs on the Internet, can be seen in its policy around net neutrality as well. The issue of traffic management choices on the part of Internet Service Providers potentially leading to 'walled gardens' online which reduce the amount and kinds of information available to users, and the corresponding effect on plurality, does not seem to have been taken into account.

Very concretely on the question being asked here, I have two points to make.

Firstly, as regards news online, there was the worrying development when earlier this year Apple announced new terms for those wanting to offer digital subscriptions through its App Store (i.e. Apps incorporating a subscription to e.g. an online newspaper).¹ These terms included a provision that Apple would take a 30% share of the revenues of such digital subscriptions, a provision that the subscriptions themselves must be supplied through the App Store (and not within an App itself, for instance), and if the digital subscription is being offered elsewhere on the Internet outwith the App Store, the provider must offer the subscription at no less than the price it is asking through the App Store. This would seem to have overt competition concerns, as well as concerns regarding pluralism for purchasers of Apple's iPad who wish to access content including news online and providers of such content which wish to disseminate it to Internet users. Apple did indeed revise these terms due to much criticism, but it still retains a position of almost complete control over the Apps users can access (assuming its devices have not been 'jailbroken', a process which is explicitly allowed in the US, and seemingly de facto tolerated in Europe), with some controversial decisions to refuse to 'stock' certain apps such as the WikiLeaks App that it discontinued to provide following the US Embassy cables leak last year.

Secondly, it would seem that the BBC's online presence has not had a devastating effect on commercial competitors, or at least it does not appear to have made it more difficult for its competitors to invest in online activities, since as Brevini notes, while the BBC's spending on online activities between 2002 and 2006 increased by over 50%, total online advertising spending increased by over 1600% in the same period,² which suggests that the presence of the BBC in the UK at least did not limit the growth of the market. Furthermore, since the new regulatory scheme for the BBC was created in 2007, its online activities have been subject to closer scrutiny, particularly as regards the public value test, and also the BBC's online services have their own 'service licence' to require them to adhere to having public purposes and the character of public services. If the BBC is indeed included in a media plurality assessment then close attention should be paid to the actual effects the BBC is having on the online market, and whether its presence continues to serve its public service objective, assuming there is still relevance for such objectives in the online sphere (which personally I would say is still the case).

1 Apple press release Apple Launches Subscriptions on the App Store 15 February 2011.

Available at: <http://www.apple.com/pr/library/2011/02/15appstore.html>

2 Brevini, Benedetta Towards PSB 2.0? Applying the PSB ethos to online media in Europe: A comparative study of PSB's internet policies in Spain, Italy and Britain European Journal of Communication (2010) 25:348

Question 4: Additional comments :

Apologies for the brief nature of this response which has been constrained by the time I have been able to devote to it, in fact all of the above are issues on which I have written at greater length, particularly in these two pieces:

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1838346

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1952052

Thom Dibdin

Organisation (if applicable):

Freelance journalist

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?:

Simplest is best - measure market share across each platform. Give each platform a weighting and aggregate percentages across the platforms.

It is possible to set an absolute limit to news market share, and measuring it should be practical as each station/paper/website relies on their audience figures for advertising,

It is certainly advisable to set an absolute limit to news market share and I would support a level of about 20%.

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

The annual returns of audience figures would indicate whether a particular broadcaster/owner has moved higher than the 20% figure. A suitable test might be if a broadcaster/owner breached the figure for a set number of months per year.

The fit body to monitor this and provide information to government would be ofcom.

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?:

Yes, the framework must include websites. It would be pointless otherwise as media companies are consolidating their product across electronic and digital platforms while the print newspaper industry is all-but dead.

For a start it should include websites run by current media organisations publishing and broadcasting in Britain.

The framework for measuring market share should take into account the share taken by the BBC, but so long as the BBC is run as a body outwith government control, it should not be subject to the same restrictions as to market share.

Question 4: Additional comments :

The ability of the BBC to provide news and independent analysis is vital. It is not just a crucial part of the democracy we live in, but it is also a part of the make-up of Britain as a nation.

The cap of 20% on commercial media institution's market share is necessary to limit the influence of any one body.

Cara Donnelly

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?:

I would suggest that an upper limit on market share (per medium) is the best approach, with exceeding this limit fined to the point of all profits (i.e. if the limit is 25% and my newspaper gains 30%, I should be fined one sixth of my profits in the first instance) with the fine redistributed proportionally to all competitors with a market share above some lower cut-off point (e.g. 2.5%).

This limit-with-redistribution would ensure plurality and prevent anticompetitive strategies whereby a paper with deep pockets could absorb the damage of a fine over a medium period, specifically to deprive a close competitor of sales in the hope that they go bust.

Practical: Yes. Circulation already measured for newspapers and television.

Advisable: Yes. "Freedom of speech" in a democracy goes hand-in-hand with "freedom of listening" - the ability easily to search for a variety of opinions. Simplest way to implement this is by limiting market share of each *independent* media corporation (note: I would not judge The Times to be independent of News International).

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

Review of plurality should be triggered by corporation going over maximum market share limit. This should be continually and automatically monitored.

Other examples: Company with large market share going bust or being shut down would lead to their market share being divided between competitors. Competitors not penalised for going over market share limit in this instance; plurality review automatically scheduled for, say, two years after events like this.

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?:

Could easily include all websites associated with media companies with paid subscriptions (e.g. The Times) simply by counting number of subscriptions. It is usual to read several 'free' websites, so counting hits or unique IP addresses per website is likely to be an unacceptably poor measure.

All of this should certainly include the BBC.

Question 4: Additional comments :

We must have access to some minimum number of *truly independent* media corporations in order for our democratic culture to function and flourish.

Peter Douglas

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?:

Media plurality is particularly necessary for broadcast media where there are restricted outlets, such as terrestrial television, or radio frequency allocations. Because newspapers also have restricted visibility in that display space is limited in retail outlets, there should also be limits on media ownership. If there is one corporation which owns, say, five of the seven displayed newspapers, it is all too easy to get the impression that the majority of "the media" support a particular point of view.

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

Plurality reviews should be conducted regularly - perhaps an annual report on "mainstream media" ownership.

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?:

No, websites are far less restricted in available "eye-room", or broadcast bandwidth availability.

The BBC should be a special case as it is non-commercial. It should be monitored to ensure as little bias as possible, but that is such a hard one to define.

Question 4: Additional comments :

Paul Evans

Organisation (if applicable):

BECTU

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 test and that it is subject to PSB requirements and 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 in 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 :

Chris Goodall

Organisation (if applicable):

ENDERS ANALYSIS

If you want part of your response kept confidential, which parts?:

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?:

Media plurality should not only be concerned with the maintenance of a large number of news providers. We should be more focused on the need to maintain diversity across the whole media landscape, avoiding dominance by a small number of companies.

Twenty five years ago, the UK decided that it would increase plurality by legislating that the major TV companies should use a certain percentage of programmes produced by independent companies. The aim was to reduce the power of the largest broadcasters. The independent production quota was the cause of a blossoming of creatively and financially successful TV production businesses, contributing today to the UK's increasingly important role as a centre of worldwide television programming. The lesson is clear - higher levels of plurality are good for creativity and good for employment. The UK's dynamism and entrepreneurial vitality will be best maintained if we ensure that a small number of companies do not control the media industry.

This is not a new idea. In its 2001 consultation on media ownership rules, DCMS wrote that

'Plurality maintains our cultural vitality. Different media companies produce different styles of programming and publishing, which each have a different look and feel to them. A plurality of approaches adds to the breadth and richness of our cultural experience'.

Ten years later, we strongly believe this still to be true. The UK needs a rich variety of institutions offering us news, entertainment and education, with no one company exerting undue influence. Influence is partly exerted by a media business' share of the production and dissemination of news and opinion. However the main impact of a large company is felt through its financial power, not its role in news production.

Therefore the best approach for measuring plurality is to measure the total size of the UK media sector, expressed in terms of revenue. And maintaining plurality should be ensured by capping the share of the sector that can be held by one company.

Our proposal is that simple legislation is introduced that requires Ofcom to measure the size of the total media industry each year. It will then also work out the share of the total revenue held by the major participants. We propose that any company controlling more than 15% of the revenue of the media sector be then required to reduce its size, by disposal of assets or restricting its revenues in some other way, to less than 15% within a year. There will no need for complicated and endlessly time-consuming investigations by the Competition Commission or Ofcom itself. A simple and easily-understood rule that caps market share will be the simplest, cheapest, clearest, least intrusive and most easily communicable way of maintaining plurality, now and in the future.

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

The cap we propose in answer to Q1 would operate at all times.

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?:

Yes, the revenue arising from internet subscriptions and advertising would be included in the total revenue calculation.

Question 4: Additional comments :

Hedley Lester

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?:

Two methods: (1) Use audience figures, quoted circulations, web site visitor/page counts; (2) assess the size of a media conglomerate from its market capitalisation. Both measures should be used.

Yes it is practical (by only monitoring large conglomerates - see below and Q.2) and advisable - indeed it is imperative if media are to perform their vital role in a democratic society of examining and exposing the machinations of government.

No single media outlet (i.e. a person, corporation or trust) to be able to own or exercise any controlling function over more than 20% of the UK's conglomerated newspapers, radio, TV stations, or Internet news sites.

The 20% maximum should be arrived at in the two different ways suggested above and applied separately for each media domain (printed news media, radio, TV, web) . That is: no media outlet should be permitted to control more than 20% of the UK's conglomerated newspapers; no media outlet should be permitted to control more than 20% of the UK's conglomerated radio stations; no media outlet should be permitted to control more than 20% of the UK's conglomerated TV stations; no media outlet should be permitted to control more than 20% of the UK's conglomerated news web sites. To "own no more than 20%" of a given domain means (e.g. for TV stations), both that the market capitalisation of the company or some equivalent for a trust such as the BBC, and the audience figures for the company's output of news and current affairs programmes must be less than 20% of the aggregated figures for all such conglomerated media outlets across the country.

Each media domain should be assessed separately and the limits applied to each conglomerate for each domain. This avoids having to arrive at a comparison between watching one TV programme and visiting one page of a web site for example.

Due to the international and trans-jurisdictional nature of the Internet, a decision would have to be taken whether all visits to such websites should be aggregated or only those from domestic IP addresses. It could be a regulatory requirement that all conglomerated news media companies with websites have automated systems installed in their website to automatically aggregate and forward to OFCOM appropriately defined figures.

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

1. Request from the public or any public or private body.
2. If web site figures were required to be forwarded automatically to OFCOM as suggested in answer to question 1, this could automatically trigger a review.
3. In a similar way to 2 above circulation figures for newspapers could be required from news media outlets and although, perhaps not so automatic at the outlet's operation, it could be just as automated at OFCOM if regulation appropriately define the mechanism by which these figures must be submitted.
4. Viewing and listening figures could be required likewise.
5. Market capitalisation figures are available from the stock exchange.

I have used the word "conglomerated" throughout this submission to indicate that to achieve the aim of this regulation, the total figures for all media outlets do not need to be collected and monitored - only those for the larger ('conglomerated') news corporations.

Since it is the aim of this regulation solely to prevent large media companies from arrogating too much control over news and views that are promulgated, it would not be necessary apply

the regulation or monitoring to small independently controlled outlets that do not current reach close to the 20% audience figures or the 20% share of market capitalisation.

I would therefore advocate assigning a threshold market capitalisation figure below which companies are exempt from such controls and reporting requirements (to OFCOM?). In calculating the 20% figures, only the data regarding these larger ('conglomerated') companies need be taken into account. It is this limitation to just the few large corporations that would make the monitoring and regulation I put forward practical - a vastly smaller task than trying to monitor all UK media channels.

Thus the 20% figures would all be, not 20% of total media output/valuation, but 20% of the aggregates for all the companies above the capitalisation threshold.

It is of no detriment to the purpose of this regulation that a very large number of smaller media channels might remain unmonitored and unregulated in this respect - indeed it would clearly be advantageous to that purpose if there were such a plethora of smaller outlets.

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?:

Re web sites, see answers to 1 & 2 above.

Of course the BBC should be included.

Question 4: Additional comments :

I have limited my comments to the sphere of "news and current affairs", since the very natures of our society and existence is determined by what people come to believe is the truth about the world. Other functions of media - although they might benefit from competition - do not call for such careful protection from monopolistic tendencies. It could be argued that education is an equally formative function of media. Indeed it would need careful consideration to define a boundary between "news and current affairs" and "education", and perhaps educational use of media ought also to be similarly regulated.

Richard Logue

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?:

I would consider that the range of channels across each platform is broadly similar and that no one platform controls how and where any channel is distributed.

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

The specific case I am concerned about is that of BSkyB, who maintain an "exclusive channels" policy on their platform. For example the channels ITV 2 HD, ITV 3 HD and E4 HD are exclusive to Sky. As a Freesat user I consider this to be a restraint on my choices. Likewise Sky keep several other commercial channels exclusive on their platform. Sky make a point of mentioning this in their advertising to ensure in my opinion that potential customers choose them simply because Sky want consumers to think that only Sky has the maximum choice of television channels compared to any other platform.

OFCOM should monitor what channels are operating under an exclusive to Sky deal and ensure that other platform providers have the right to include these channels if they so wish.

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?:

Websites by their nature should be excluded from this framework. Likewise the BBC has a policy of being available to all platforms so in my opinion this exercise should not include the BBC.

Question 4: Additional comments :

As a Freesat user I consider this to be a restraint on my choices. Likewise Sky keep several other commercial TV channels exclusive on their platform. Sky make a point of mentioning this in their advertising to ensure that potential customers choose them simply because Sky want consumers to think that only Sky has the maximum choice of television channels compared to any other platform.

Keith MacDonald

Re. consultation on measuring media plurality

Recently, we were within days of News International winning majority control of BSkyB, with the government having no apparent qualms about the dangers of such dominance. It staggers belief that an organisation which was known to use its media empire to lobby ruthlessly for its own ends, effectively breaking the proper democratic process here and in the United States, was allowed to get so close. Changes in the law are clearly required to make such dominance impossible, so please impose sensible limits on cross media ownership and on market share within any category of media.

Regarding the BBC, this must be better protected from political interference. It is clear that its current license fee agreement was crafted to suit News International's demands. Their dominance of the newspaper industry has allowed them to constantly snipe at the BBC, and criticise the license fee as a tax, while increasing their subscription charges and using that revenue to buy the rights to televising most popular sports, and swallow up independents such as HBO. We were not democratically consulted about the decision to freeze the license fee and, considering what good value it is compared to BSkyB's subscriptions, I thoroughly disapprove of that decision. To prevent that kind of situation arising in future, it is vital that

details of any meetings between media corporations and our elected politicians should be made public.

Thank you for opening up your consultation to the public.

Valeska Matziol

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?:

I don't think whether or not it is practical to set absolute limits on news market share should even be considered. The news market is an integral part in information provision and the forming of public opinion and as such market share has to be regulated stringently to prevent any one person or organisation to exercise undue power and influence in this arena. Therefore absolute limits have to be set and no person or corporation should be allowed to own 20% or more of any branch of our media. In addition, an upper limit should be placed on the percentage of all media (across platforms) that can be owned by a single person or corporation. In my view no one should be allowed to own a fifth of every branch of our media as put together this would still create a de facto monopoly across the board.

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

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?:

Websites and online news contents are growing daily and becoming ever more important. Therefore, we need to consider websites. I'm unsure as to how this could be done and which websites to include precisely.

Question 4: Additional comments :

I am generally very concerned by the way media moguls like Rupert Murdoch have been allowed to grow their empires in the UK and am urging you to ensure that no person or corporation is allowed to own 20% or more of any branch of our media.

It is vital for any democratic nation to rely on a system of media plurality, as this safeguards against any one person or organisation acquiring unrivalled power and influence over information provision and the forming of public opinion.

In the UK we have allowed Rupert Murdoch to develop a stranglehold on our politicians enabling him to circumvent our laws and individual privacy in the pursuit of profit.

This clearly isn't in the public interest (indeed, it seems reminiscent of the propaganda industries in operation in totalitarian regimes) and must be stopped.

I am also very concerned by news that Ofcom has been challenged by the Murdoch empire on

the grounds that it is biased towards public opinion rather than industry insiders. As an independent regulator and monitor put in place to protect the public's interest, I think it is outrageous to suggest you should not be biased towards the public's opinion. We are the people you are here to serve and while of course it is important to listen to experts in the field their opinions should not count more than ours (especially considering they are likely to have very vested interests).

David Pearce

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?:

No one provider should be able to have a dominant share of the media. It is important that a single organisation should not have undue influence over the political system or individual politicians.

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

The demise of significant competitors, organic growth of an organisation increasing its share of the audience beyond a set share of the audience.

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?:

Yes, I think portals, such as Yahoo, Google, MSN should be included. Any type of site which becomes as dominant as, say, Facebook, needs to be considered. I am not concerned about the BBC because, although allegedly autonomous, it is significantly subject to political & public pressure rather than vice versa.

Question 4: Additional comments :

No individual organisation should be in such a powerful position that it is granted a level of access which is not available to all similar organisations.

Ian Robinson

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?:

It is important to have a limit that prevents any person, company, corporation etc being able to have undue influence over media output. A particular figure is not easy to support with specific evidence but it would seem sensible that no person, company, corporation etc is prevented from owning more than 20% of the UK's newspapers, radio and TV stations - perhaps a figure even lower than this would be better.

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

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?:

Ideally websites should be included, but this may well be too difficult to achieve in practice. It is inappropriate for the BBC to be included. It is a public service broadcaster, established by a Royal Charter, and is subject to the Freedom of Information Act, regulation by Ofcom, and National Audit Office scrutiny - so it is very different to other media organisations.

Question 4: Additional comments :

Phil Taylor

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?:

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

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?:

The BBC as a corporate body should be treated identically to any other corporate body.

Question 4: Additional comments:

Anonymous 1

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?:

Set absolute limits across all platforms of 10% ownership.

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

Ofcom is the obvious authority and its powers should be reviewed and if necessary enlarges

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?:

Yes, the framework should include all platforms. BBC should be excluded as a national and impartial news provider. Consideration should be given to a similar exclusion for other national providers if they can show they meet standards set by Ofcom.

Question 4: Additional comments :

I would not normally comment on this sort of consultation, but I am angry about the actual abuse of powers shown by News International. This demonstrates that ownership of market share needs stronger regulation.

Anonymous 2

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?:

Media plurality should be measured by an individual or corporation either owning or exerting strong influence (i.e. news corporations influence over bskyb and at time ITV) through significant share holdings. A reasonable limit would be that no individual or corporation could own/influence more than 20% of the market (newspapers/TV/radio). I do not consider that the BBC as a public institution needs to be assessed using this measure.

I consider it advisable to set an absolute limit as this is less open to manipulation than a less defined limit.

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

Plurality reviews should be assessed by taking significant stakes in other entities even if they fall short of a merger. They should also be triggered by substantial abuse of power.

All monitoring should be independent of government and industry.

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?:

The historical distinctions between methods of providing news/media (i.e. print, radio television) are changing substantially and irreversibly. Plurality should be assessed in this new technological environment to ensure open and fair access.

I do not consider that the BBC as a public institution needs to be assessed in the same manner as commercial broadcasters.

Question 4: Additional comments :

Details of any meetings between media organisations, lobbyists working on behalf of media organisations, politicians and government officials need to be made public.

There are clear recent examples in this country and abroad of media moguls influencing politicians for their own gain in a less than open manner and relying on their ability to influence the public to gain leverage. Independent organisation needs the power and will to monitor this and to intervene,

I hope given recent circumstances that politicians and regulators will agree that this needs clear legislation and backing from all parties.

While I had no liking for the News of the World i find it appalling that a commercial organisation can close a paper and thus reduce the breadth of the media landscape with no penalty. If a paper has scant circulation and is unprofitable then this could be considered differently but to close a profitable paper with wide readership is unacceptable. While it seems apparent that News of the World acted illegally and immorally it is important to keep a wide range of media outlets representing different political and public view points.

Anonymous 3

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?:

Absolute limits should be set on news market share. Given that the advertising sector is able to sell advertising on the basis of how many people are likely to see advertising on all the news platforms, it should be relatively straightforward to use some of their methodologies as the basis for measuring media plurality.

I would have thought that absolute limits need to be set otherwise we will end up with regulators or ministers having to come up with a subjective decision that is open to challenge or distrust.

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

Ofcom should be regularly monitoring plurality using the tools discussed above and if any organisation reaches 20%, they should be required to either take operational steps to sell part of their media organisations or take operational steps to reduce their market share.

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?:

Yes, the websites operated by the newspapers and television companies.

Not sure about the BBC. It is such a special case and I would not like to see it cut down in size, but want to avoid the stranglehold that News International has had on our media.

Question 4: Additional comments :

The media plurality test should be applied to newspaper ownership as one market, TV as another separate market, and the two together as another market.

Anonymous 4

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?:

the published readership of each newspaper, the best approach is check the published readership or sales figures

it is essential to set limits on news market share

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

initially you would have to check what the state of play is and you would have to get an independent body to suggest an ideal situation from which you could allow say a 20% deviation'

There would be the question of whether you could accept the initial situation or whether one company was too dominant You might adjust the situation or leave it on a temporary basis hoping for market adjustment

Clearly mergers, takeovers and newspaper failures, like news of the world, might trigger a review

but in any case , like a census , the situations should be reviewed every 5 years.

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?:

it should not include websites or the bbc

Question 4: Additional comments :

it is absolutely ESSENTIAL that no company have more than a 20% market share