

# Briefing Note

## Media Bill

### November 2023

VLV believes that high quality media, and Public Service Broadcasting specifically, make a valuable contribution to UK democracy, society, culture and the welfare of its citizens.

We welcome the introduction of the Media Bill to Parliament but we have concerns. This briefing provides an overview of these concerns.

#### **The PSB Remit**

While we welcome the inclusion of a new clause in the Bill to require a 'range of appropriate genres' from the Public Service Broadcasters, we still believe their status and the continued provision of PSM would benefit from a more specific definition. The PSB genres are not specified in the Media Bill, as they are in the Communications Act. The current objectives are to provide education, entertainment, music, arts, science, sports, matters of international significance, religion and specialist interests.

VLV believes that the benefits of having a more detailed articulation of PSB are: Ofcom will be statutorily required to track delivery of specific genres; it signposts which content is considered by Parliament to be societally valuable; it better justifies the benefits the PSB are accorded, which are significantly increased by the Bill; it should lead to more distinctive PSB content being available to audiences.

We would like Ofcom to have stronger powers to hold the PSBs to account if they fail to make a sufficient contribution to the PSB remit. It is clear that the Communications Act did not provide them with such powers since the volume of PSB content has consistently declined since 2003.

We recommend that:

- I. In addition to the provisions already in the Bill the PSB remit should include objectives for providing education, entertainment, arts and cultural content, science, matters of international significance, religion and specialist interests as recommended by the Culture, Media and Sport Committee. These services should maintain high general standards with respect to the quality of programming-making and the professional skill and editorial integrity applied in the making of the programmes.
- II. New PSB objectives for media literacy and workforce diversity should be introduced.
- III. Ofcom's powers to hold PSBs to account for making insufficient contributions to the public service remit should be strengthened, as recommended by the Culture, Media and Sport Committee.

#### **Discoverability of PSB content**

VLV considers that all PSB content should remain universally available on DTT and easily discoverable online.

It must be remembered that 6% of the population does not have broadband. We are concerned that under the new regime the PSBs might have a tendency to 'bury' PSB content on their online platforms, maximising the opportunity to attract audiences to more commercially viable content on their broadcast channels. This would exacerbate the existing Digital Divide, highlighted in the recent report by the Lords Communications and Digital Committee.

We recommend that greater clarification is required on the face of the Bill regarding audiovisual content being 'made available' and 'easily discoverable' on VOD platforms so that PSB content cannot be 'buried' because it is less commercially viable. VLV recommends that the definition of 'an appropriate degree of prominence' for online content on PSB platforms is more clearly defined and that it is made clearer what powers Ofcom will have to improve online promotion of PSB if it is considered inadequate. We also recommend that the PSBs should be required to disclose the algorithms they employ to promote PSB content to Ofcom. This would increase transparency around prominence to ensure better PSB accountability.

### **Strengthen impartiality regulation**

We are concerned that Ofcom, rather than Parliament, has the power to decide which content should be duly impartial. Ofcom's existing Broadcasting Code is confusing and has led to current controversies over impartiality regulation.

We recommend that legislation should more clearly define the output, both on live TV and on-demand platforms, which should be regulated for due impartiality and accuracy, rather than leaving these judgements to Ofcom's discretion.

### **Channel 4's founding mission as an innovative, risk-taking publisher-broadcaster**

We welcome the increase in Channel 4's independent production quota to 35% but we believe that Channel 4's founding mission to support new and emerging independent producers should be reiterated and reinforced in the Media Bill.

But we recommend the introduction of a new 'SME guarantee' in Channel 4's commissioning quotas, requiring that a **significant proportion** of its commissioning spend goes to producers with annual turnovers under £25m.

### **Radio provision**

While digital platforms are growing in popularity, we want to see continuing regulatory support for audiences who continue to listen on to content on FM and AM platforms. VLV recommends that the changes in the Bill meaning Ofcom will no longer be required to ensure a diversity of national analogue stations or a range and diversity of local analogue services should be reconsidered. We also want to see better protections for community radio and small-independent providers, serving minority audiences, in Part 6 of the Bill, to ensure that audiences will continue to be able to access these in future.

### **Podcasts**

VLV believes that podcasts should be regulated in the same way as video on demand content to protect audiences from harm, misinformation and to protect children. Audiences are generally unaware that podcasts are completely unregulated. At the very least, platforms should provide a 'health warning' at the beginning of each podcast to state that it is unregulated content.

### **Prominence**

VLV considers that 'appropriate' prominence is too vague. VLV recommends 'significant' prominence is afforded to the PSBs, as recommended by the Culture, Media and Sport Committee. This recommendation was not implemented in the new draft of the Bill.

### **Listed Events**

The regime needs to be extended to include digital rights so that audiences can view time shifted content on the PSB VOD platforms. This recommendation by the Culture, Media and Sport Committee was not implemented in the new draft of the Bill.

### **For more information please contact:**

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