

THE MEDIA BILL – POLICY MINI-BRIEFING

The Media Bill is a vital opportunity to reform the UK's unique broadcasting ecology, and to create a new legislative foundation for universal public service media across television, radio and online services that is more democratic, more accountable and fit for the future.

However, the government's [draft Media Bill](#) provides almost nothing to support a sustainable, distinctive or progressive future for public service broadcasting in the UK. If passed as currently drafted, many of the proposed reforms in the Bill would serve only to further commercialise the broadcasting sector, expose public media organisations to greater political interference, and diminish the range, quality and public value of content made for UK audiences.

SUMMARY OF KEY MEASURES IN THE MEDIA BILL

- **Replacing the purposes and objectives of PSB with a narrower remit**
Clause 1 of the Bill removes specific references in legislation requiring Ofcom to monitor the provision of programming across a range of socially and culturally significant public service genres like education, drama, arts and specialist interests, and substitutes these with four generalised objectives.
- **Enabling PSBs to fulfil their remit obligations through digital content delivery**
Clause 1 also allows PSBs to meet their public service commitments through providing audiovisual content on a wider range of digital and internet services, albeit without ample protections to ensure that audiences who rely predominantly on live TV can still access and benefit from public service content.
- **Updating the regulatory 'benefits' afforded to UK PSBs**
Clause 23 introduces a new framework for ensuring PSB content is given an 'appropriate degree' of prominence on TV selection services such as smart TVs, digital set-top boxes and streaming sticks. Clause 20 also makes broadcasting protected sporting and nationally significant events an exclusive right of UK PSBs.
- **Abolishing Channel 4 Corporation's 'publisher-broadcaster' status**
Clause 25 removes the restriction on Channel 4's involvement in programme-making, allowing Channel 4 to make its own content at the expense of commissioning opportunities for independent producers. Clause 16 removes Channel 4's requirements to produce schools programming, and Clause 24 introduces a new statutory duty on Channel 4 to ensure that its activities are sustainable over the long term.
- **Introducing a standards code for video-on-demand (VoD) programme services**
Clause 31 requires Ofcom to create a new standards code for regulating content provided through on-demand services operated by UK PSBs and other 'Tier 1' services as designated by the Secretary of State. Schedule 7 details the objectives of the code [368HF] concerning protection of people under 18, offensive and harmful material, as well as special requirements for news impartiality [368HG] and an 'accessibility code' [368HL].
- **Deregulation of the 'localness' requirements for radio services**
Clauses 37 and 38 reduces the requirements on local radio services to provide content and programmes with a distinctly local character. Services will be allowed to focus on just 'local news and information', reducing the provision of spoken word and music content made for and by people in the communities these stations serve.
- **Repealing Section 40 of the Crime and Courts Act**
Clause 43 of the Bill repeals the legal incentives for news publishers to join a recognised self-regulator. This benefits nobody except powerful unaccountable publishers, who refuse to sign up to an independent system of effective press self-regulation, while restricting the public's access to justice against unethical reporting.

In the 20 years since the [Communications Act 2003](#), the UK's last major piece of broadcasting legislation, the broadcasting landscape has been transformed by new digital technologies, intense global competition and seismic shifts in audience habits. The Media Bill could have been an opportunity for wide-ranging debate about progressive reforms to UK public media. Instead, after years of delays, distractions and political attacks on independent public media institutions, the government is seeking to drive through once-in-a-generation reforms in the final few months before an election.

Worse still, these damaging changes to the core principles and structural interventions that underpin public media have not been supported by any convincing evidence, meaningful public debate or democratic mandate. Any changes to the UK's broadcasting legislation need to be supported by an open and evidence-led debate about the kind of public media system we want and the structures needed to create it.

MRC POSITION ON THE MEDIA BILL

The Media Reform Coalition supports the Bill's proposals to update the regulatory 'benefits' afforded to PSBs, to expand UK content standards to on-demand platforms, and to make public service content widely accessible and discoverable on new 'smart' devices. These measures are welcome but nonetheless need to be strengthened to protect the needs and interests of all audiences, and to guarantee that the social and cultural benefits of PSB content are widely accessible and discoverable across the broadcast and digital media landscapes.

However, the positive effects of these updated regulations will be wholly undermined by the Bill's proposed narrowing and restructuring of public service broadcasting:

- The new 'streamlined' remit for public service television ignores many of the kinds of programming that make PSB distinctive and valued by audiences. The removal of vital genres and objectives from the remit will inevitably lead to reduced investment and output in socially and culturally significant content.
- Allowing PSBs to meet their public service objectives through online programming risks harming those audiences that still predominantly use live TV. Without a clearer framework for platform-neutral provision public service, content could be withdrawn from linear formats which will worsen the digital divide for households without online access.
- Removing Channel 4's restrictions on programme-making would drastically reduce the value and volume of commissioning opportunities for UK independent producers, endangering jobs in hundreds of SME 'indies' and limiting the creativity and diversity in Channel 4's content supply.

Taken together the government's reforms will undermine the public value of PSB in the UK and engender a something-for-nothing policy regime for the commercial PSBs. The Channel 3 licensees (ITV and STV), Channel 5 and Channel 4 will be able to provide a much narrower variety of public service content, while ostensibly fulfilling the objectives of the new remit and thus still benefitting from even more favourable regulatory benefits. Continued provision of important at-risk genres will likely fall to the BBC, which without sufficient funding will slide into an unpopular and unsustainable 'market failure' role.

The Bill also significantly deregulates the commercial radio sector, removing the requirements on local radio stations to produce any non-news content that reflects and represents their local audiences. Ofcom's duty to secure a range of radio services that cater to all tastes and interests is also scrapped. The total absence of any measures aimed at reforming the dysfunctional local TV model, or remedying the dilapidated local news industry, further demonstrates the persistent lack of support for a vibrant and sustainable local media system in the UK.

By attaching a handful of important (and long overdue) regulatory updates to a package of unnecessary deregulations and poorly defined new frameworks, the Media Bill embodies an absence of long-term government strategy for public media and the wider cultural and creative industries.

Without substantial revisions and targeted amendments, the Media Bill will lead to a significant decline in the valuable social, cultural and economic contributions currently provided by UK PSBs and the public service media ecology – an outcome entirely contrary to the government's stated aims for the sector.

MRC RECOMMENDATIONS

The MRC has six recommendations for making the Bill more effective, more democratic and more reflective of the public interest:

1. Expand the public service remit for television

- a. Enshrine the value and importance of universal PSB with remit objectives for providing content across education, entertainment, music, arts, science, sports, religion and specialist interests.
- b. Introduce new PSB purposes for media literacy, workforce diversity, partnerships with local institutions and more democratic models of PSB governance.
- c. Give Ofcom stronger powers to hold PSBs to account for failing to meet their licence obligations or for making insufficient contributions to the public service remit.

2. Establish a platform-neutral approach for PSB

- a. Prevent a de facto analogue switch-off by clarifying the Bill's language around audiovisual content being 'made available', and require that PSBs continue to provide public service content on widely used broadcast services.

3. Protect audience interests by strengthening PSBs' regulatory 'benefits' and impartiality

- a. Revise the new prominence framework to require 'significant' prominence for PSB content alongside principles-based objectives for the agreements made between PSBs and regulated selection services.
- b. Close the listed events 'streaming loophole', preventing rights holders from withholding free-to-air PSB coverage by only showing protected events through non-TV platforms.
- c. Define in legislation the kinds of output, both on live TV and on-demand platforms, that are regulated for due impartiality and accuracy, rather than leaving these judgements to Ofcom's discretion.

4. Restate Channel 4's founding mission as an innovative, risk-taking publisher-broadcaster

- a. Keep the restriction on Channel 4's involvement in programme making, ensuring it continues to drive the sustainability and success of the UK's independent production sector.
- b. Introduce a new 'SME guarantee' in Channel 4's commissioning quotas, requiring that at least 51% of its commissioning spend goes to producers with annual turnovers under £25m.
- c. Refocus Channel 4's remit to emphasise serving minorities, experimenting with new and underserved formats, and pioneering cross-platform content for younger audiences.

5. Enhance support for local public media

- a. Restore the localness requirements for local radio, and reform Ofcom's radio licensing regime to ensure that control of public airwaves is attached to clear public service commitments.
- b. Renew the 2012 local TV order with additional public service objectives and extended public funding.
- c. Fund new sources of local public interest journalism through a levy on tech giants, built into the Digital Markets Unit's bargaining code being drafted in the Digital Markets, Competition and Consumers Bill.

6. Put the public at the centre of running, funding and regulating public service media

- a. Protect the independence of public media institutions by removing the discretionary powers of the Secretary of State over funding, quotas, regulatory frameworks and appointments.
- b. Create new mechanisms for direct public participation in programme making, public funding allocations and editorial oversight of PSBs' output.
- c. Establish national and regional governance boards for the BBC, Channel 4 and S4C to represent audiences' needs and interests, including directly elected members and PSM worker representation.
- d. Commence Section 40 of the Crime and Courts Act, and introduce new measures (such as a statutory right of reply) to incentivize publishers to join a recognised independent self-regulator for the press.