

“Working for quality
and diversity in
British broadcasting”



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Evidence from Voice of the Listener & Viewer to the House of Lords Select Committee on Communications Inquiry into Media Plurality

Voice of the Listener & Viewer (VLV) is an independent, non-profit-making association, free from political, commercial and sectarian affiliations, working for quality and diversity in British broadcasting. VLV represents the interests of listeners and viewers as citizens and consumers across the full range of broadcasting issues. VLV is concerned with the structures, regulation, funding and institutions that underpin the British Broadcasting system.

EXECUTIVE SUMMARY

The Voice of the Listener and Viewer (VLV) welcomes the opportunity to respond to the request for evidence from the House of Lords Select Committee on Communications as part of the Committee's inquiry into Media Plurality.

1. We believe that:

- the objective for media plurality policy should include ensuring a range and diversity of content as well as a plurality of supply
- it should recognise the civic role, described by Lord Patten in relation to the BBC, that the media plays
- public service media such as the BBC and Channel 4 should be included in the assessment of media plurality
- its scope should encompass not only news and current affairs but a wide range of genres
- media plurality should be reviewed periodically, at intervals of four or five years
- any measurement of 'sufficient plurality' should include wholesalers of news content
- the final decision on such issues should be made by an independent media regulatory body and by appropriate competition authorities.

EVIDENCE

Does a clearer objective for plurality policy need to be thought out?

2. We note that Ofcom has highlighted the inadequacy of the current legislative framework and suggested that new rules should be introduced to deal with threats to media plurality arising not only from proposed mergers but also from the 'organic' growth of specific media companies.

3. VLV defines the issue of media plurality not simply in terms of the numbers of providers or channels available in the market place but rather in terms of the range, diversity and quality of accessible content.

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4. VLV agrees with Ofcom that plurality is not a goal in itself but a means to an end. A range of objectives has been suggested. Quoting the Ofcom *Measuring Media Plurality Report* (June 2012):

"Parliamentary debate during the passage of the Communications Act 2003 provided an indication of the intended goal of media plurality:

In opening the debate on the Communications Bill in the House of Lords in 2002, Baroness Blackstone explained that one of the main purposes of the legislation was to 'ensure the existence of a range of media voices, safeguarding the vibrancy of democratic debate'.

During committee stage in the Lords, Lord Puttnam said, 'our key aim is to ensure that there is a range of competing voices available to citizens so that they are free to form their own opinions'

Lord MacIntosh of Haringey, the then relevant Government Minister, subsequently said that: '[media] plurality is important for a healthy and informed democratic society. The underlying principle is that it would be dangerous for any person to control too much of the media because of his or her ability to influence opinions and set the political agenda'.¹

5. Prior to the passing of the 2003 Communications Act the Department of Culture, Media and Sport, in its consultation on ownership rules, also made a useful contribution to the debate about plurality and we endorse these views:

"A plurality of ownership should secure a plurality of sources of news and editorial opinionA healthy democracy depends on a culture of dissent and argument, which would inevitably be diminished if there were only a limited number of providers of news."

6. VLV understands from these comments that the accepted objectives for plurality policy are to ensure a range of voices, to avoid concentrated media ownership and to encourage vibrancy of democratic debate.

7. The current legislative framework, to a certain degree, delivers these outcomes, but it has been shown to have weaknesses. One weakness is that plurality of supply does not guarantee a range or diversity of content. Again, quoting Ofcom:

"The number of providers or titles does give a sense of the 'shelf space' occupied by titles or news organisations. However, counting the number of providers does not measure a diversity of viewpoints or whether they are consumed."²

8. We would endorse the arguments made by Dr Des Freedman (Goldsmiths, University of London) in his *A Note On Plurality* submitted to Ofcom in relation to the public interest test and in the context of the proposed acquisition of BSkyB by News International. Dr Freedman distinguishes what he terms competing definitions of plurality:

" The first...is a very narrow understanding of plurality that is largely related to a quantitative measure of media sources and outlets; the second is a more expansive definition that relates to the existence of a sufficient number of distinctive organisations such that the circulation of diverse viewpoints to citizens can be guaranteed."

¹ Ofcom: *Measuring Media Plurality Report*, June 2012

² *ibid*

9. VLV strongly believes in the importance of the media for us all as citizens and not simply in terms of the amount of media available in the market place. As Dr Freedman argues of the 'narrow' definition:

"...pluralism is here understood as referring to the simple availability of consumer choice rather than the actual contribution such outlets and services make to the diversity of the media landscape."

10. VLV was heartened by Lord Patten's view of broadcasting and the BBC, as set out in his RTS Fleming Memorial Lecture (6 July 2011):

"I think the BBC is a core part of our civic humanism in this country. What do I mean by civic humanism? I mean our sense of shared citizenship, regardless of our different backgrounds. I mean the understanding that citizenship is underpinned by a common set of values, a common conversation and an acceptance of mutual responsibility for our individual and collective welfare."

"How does the BBC fit into that? By providing a public space for argument and creativity. By being a party to the public's engagement with democracy. By allowing citizens to test the trustworthiness of the information they get from those in authority. And beyond politics, by connecting different people and different communities to one another in all sorts of other ways. From *EastEnders* to the Proms. From Glastonbury to the new initiative that has put 200,000 of the nation's oil paintings online."

11. VLV believes that this concept of a civic role is important across media outlets and not relevant only in the case of the BBC. We therefore see a crucial role for Ofcom in ensuring a plurality of media sources of information and cultural experience. Lord Patten went on to comment on the need to ensure a range of provision:

"We should also listen hard to those who accuse us of drowning our viewers and listeners in a small metropolitan pond of stereotypes and prejudices, what Flaubert called "received ideas". The customarily 'unreceived' deserve to be considered and reflected too. And audiences in every part of the UK should feel the BBC is relevant to their everyday lives."

12. It is VLV's view that having a number of distinct voices under separate control does not guarantee variety and range. We note the comments made by Patricia Hodgson in 2008 when she pointed out the paradoxical narrowing of choice despite a proliferation of media sources:

"... so much choice and nothing to watch...We seem to be losing genuine intellectual diversity and a shared cultural experience of which we can all feel proud.³"

13. VLV urges the Committee to consider how to ensure that there is plurality, range and diversity of content provided by broadcasters, rather than focus primarily on plurality of supply.

14. During the debate about supporting public service content many incentives and regulatory levers have been discussed, such as positioning on the Electronic Programme Guide, tax-breaks and levies. We believe these should be employed as widely as possible to encourage all PSBs to deliver a wide range of public service content which will ensure plurality and diversity for the future.

³ *The Price of Plurality*: 46)

Should the BBC's output be included in a review?

15. Public service media such as the BBC and Channel 4 should be included in the assessment of media plurality to ensure a proper evaluation of the market, but they should not be subject to control because of their extensive plurality obligations and degree of insulation from political and commercial pressures.

What should the scope of media plurality policy be? Should it encompass news and current affairs or wider cultural diversity in content provision as well?

16. While VLV agrees that a plurality of supply in news and current affairs is essential for a well-functioning democratic society, we do not believe that it should be limited to these two genres. The availability of a range of genres, including drama, comedy and even, in some instances, light entertainment, especially where these involve content produced within the national culture, is important; these can be a powerful force in influencing the agenda or debate. They can also engage a different audience from that for news and current affairs programmes and should be included in the scope of media plurality policy.

17. We have two particular concerns:

- an apparent decline in the number of documentaries and current affairs programmes broadcast on television in recent years, especially on the commercial PSB stations; and
- the declining level of UK-produced content in many areas of programming, including children's television. Such content can contribute to the connection and fostering of civic culture.

18. We wish to emphasise the importance of qualitative as well as quantitative analysis in establishing whether there is a plurality of content. We believe it is vital that public policy makers analyse the detail of content delivered in order to assess the actual diversity (or stereotypical sameness) of specific examples. It is not sufficient in our view to restrict analysis to counting the number of owners, important though this is. There is a real danger that if plurality is conceived primarily in terms of the number of channels or outlets, then many of these may have a very similar range of content, often syndicated or repeated, and will not have the budgets or the interest in producing material that is challenging and thought-provoking about contemporary issues.

What are the appropriate triggers for a review of media plurality and with whom should discretion to trigger a review reside, or indeed should reviews be periodic? Alternatively, should reviews be periodic while still retaining the possibility that a review can be triggered under certain circumstances? What should those circumstances be?

19. We agree with Ofcom that there should be a periodic review of media plurality every four or five years:

"We have considered the merits of different potential triggers for a plurality review, in the absence of a merger. On balance, we believe a periodic review every four or five years provides the best approach. We do not believe reviews should be triggered by metrics or complaints, nor do we believe there should be scope for discretion to trigger a review between the fixed periodic reviews.⁴"

⁴ ibid

20. In addition, we agree there could be merit in a review triggered by the exit of a news organisation, but only if a mechanism can be designed that avoids subjecting the market to continuous review and avoids too heavy a reliance on discretion.

How should 'sufficient plurality' be measured?

21. We agree with Ofcom that any review of plurality needs to consider what level of plurality is sufficient, but that this is challenging because the judgment is subjective:

"there is no analytic test analogous to the economic criteria used in competition analysis, and no single accepted measure for plurality nor consensus as to where the level should be set. Further, it is unrealistic to seek an absolute statutory definition of sufficiency, as the market is dynamic and notions of sufficiency change.⁵"

22. One aspect of plurality which VLV believes needs to be addressed in this inquiry is the wholesale provision of news content, an issue that has been raised by a number of commentators. In our view it is misleading to conclude that there is a plural media supply if multiple services provide information from a single source such as a news agency. As the costs of international news become prohibitive with restricted news budgets, there is an increasing tendency to use agency content or user-generated content. This could lead to a homogenisation of news with one crew supplying all the footage on an international story. This would represent a significant lack of plurality in news.

23. We agree with Ofcom's recommendation:

"that the definition of media enterprises or public interest considerations include wholesalers of news content – such as ITN, which is a key player in the supply chain for television news, yet is not the broadcast licensee, so its merger with another person or organisation does not currently trigger any existing media public interest consideration.⁶"

With whom should power to deploy these remedies ultimately reside? What process for their deployment should be observed?

24. It is VLV's view that politicians should play no role in deciding individual cases involving media competition or plurality issues. The final decision on such issues should be made by an independent media regulatory body such as Ofcom and by the appropriate competition authorities.

What should the UK learn from international approaches to media plurality?

25. We note that regulation in other European countries, such as Germany, France and Norway tends to focus on media content as a whole rather than just on news and suggest that this practice should be adopted in the UK.

From Voice of the Listener & Viewer
30 April 2013

⁵ ibid

⁶ ibid

**Cover sheet for Evidence from Voice of the Listener & Viewer to the
House of Lords Select Committee on Communications Inquiry into Media Plurality**

BASIC DETAILS

Inquiry into Media Plurality

To :

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CONFIDENTIALITY

What do you want The Committee to keep confidential?

Nothing Name/address/contact details/job title

Whole response Organisation

Part of the response If there is no separate annex, which parts?

Confidentiality Statement

No part of this submission is confidential

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response. It can be published in full on the House of Lord's website, unless otherwise specified on this cover sheet, and I authorise the House of Lords Select Committee on Communications to make use of the information in this response to meet its legal requirements. If I have sent my response by email, the Committee can disregard any standard e-mail text about not disclosing email contents and attachments.

Name Dinah Garrett, Member VLV Board
 30 April 2013
 Signed (if hard copy)