

"Working for quality  
and diversity in  
British broadcasting"



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## **Additional comments by the Voice of the Listener & Viewer (VLV) Lords Communications Committee Second Call for Evidence on Media Ownership and the News**

### **Content and the role of Ofcom**

1. It is four years since Ofcom became operational and we suggest that its status and *modus operandi* are due for review. In those four years the Consumer Panel has become an effective and widely recognised consumer champion. The Content Board by contrast has a very low profile, is virtually ignored in Ofcom's Annual Report and Work Plan and appears to have little power. We suggest that the Content Board should be put on a par with the Consumer Panel and that consideration be given to repositioning it as an independent body with a more positive role and research budget. In terms of news provision, the Content Board would seem to be an obvious forum for monitoring plurality, diversity and impartiality in news *content* (as contrasted to the Consumer Panel's more likely concern with *supply*).

More generally, Ofcom currently retains an in-built orientation towards the consumer over the citizen, and towards deregulatory solutions over the maintenance or introduction of regulation. This relates to the content of the 2003 Communications Act which established Ofcom as a 'light touch' regulatory body- although there is evidence that Ofcom itself is beginning to recognise the need for greater intervention in some areas, such as children's programming. Given our concern with the protection of universality of provision, impartiality, diversity and plurality, it seems essential that Ofcom continues to develop (and indeed, is allowed to develop) a more robust concern with the citizen interest in news provision. Bolstering the role of the Content Board is one element in this; we would also suggest that Ofcom is granted greater powers for *positive* intervention in news provision. For example, conditions for spectrum licences currently include the provision of certain levels of news/current affairs content. These positive powers could be extended as deemed necessary to ensure plurality and diversity of content, giving Ofcom greater freedom to act as a positive regulator (this could be combined with the suggestion for incentives outlined below).

### **Incentives**

2. We suggest the Government should consider offering the commercial public service broadcasters incentives in the form of tax breaks to maintain quality news programming in peak-time after digital switchover is achieved. Scheduled bulletins offer a more substantial and considered outlook on the news and contribute to developing an informed public. The danger particularly following switchover is that broadcasters might cease to produce high quality programming, considering it commercially unviable. The decline of peak-time news bulletins would be a considerable loss to the democratic process, which rolling news and online news services are unlikely to fill.

### **Public interest interventions and the Role of the Secretary of State**

3. Media merger decisions are often highly politicised because they can involve the very organisations or individuals whom Governments are seeking to ingratiate. Moreover, in recent decades, Governments have come into conflict with broadcasters (e.g. over events leading to the Hutton Report with the BBC, or Thames Television's 'Death on the Rock' broadcast in the 1980's). Such short-term political controversies should not be allowed to affect the decision to issue or refuse a public interest intervention notice – but under the current system, the potential exists for this to occur.

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We therefore recommend that Ofcom, as well as the Secretary of State, should have the power to issue a public interest intervention notice following the announcement of a media merger. We also suggest that, order to avoid any conflicts of interest, consideration might be given to requiring the Secretary of State's 'public interest' interventions in merger decisions to be made in partnership with a joint panel consisting of members of the House of Commons Culture, Media and Sport Select Committee and the House of Lords Communications Committee

### **Journalist productivity**

4. We suggest that Ofcom and the BBC Trust jointly produce research to measure the output of BBC and non-BBC journalists in terms of the amount of radio, television and online material they produce respectively. This would provide evidence on the productivity of BBC journalists in face of criticism that the BBC is over-manned. We consider that the range of BBC broadcast services requires adequate resources in order to serve its different audiences: local, national and international. A too greater reduction in their resources could cause a decrease in the quality of the services that the BBC uniquely provides.

### **Plurality**

5. We recommend that responsibility for judgements concerning the maintenance of a plurality of television news suppliers should be vested solely in Ofcom, which has a statutory duty to promote the interests of citizens. The Competition Commission is primarily an economic regulator and ill-equipped to make judgements on plurality and diversity of content. We therefore believe that only Ofcom has the proper competence to investigate and adjudicate on plurality issues, and recommend that the power to carry out the public interest plurality test as laid down by the Communications Act of 2003 be invested solely in Ofcom. We further recommend that Ofcom's adjudication (and any proposed remedies) should be binding on the Secretary of State unless he or she can demonstrate exceptional public interest reasons for overriding them. A decision to override Ofcom should be subject to judicial review.

### **Regional and local news**

6. Evidence suggests that in the current broadcasting environment, regional and local news face a particular threat due to the temptation for economies of scale. This is illustrated by Michael Grade's announcement regarding cuts and consolidation in ITV's regional offering, as well as by comparable trends in commercial radio. In addition to our comments above then, we suggest that particular emphasis (and, if necessary, particular regulatory powers) be afforded to the protection and support of regional and local news provision. Anecdotal evidence received by VLV, Ofcom and other organisations reveals that this provision is highly valued by citizens. Given the threat it currently appears to face, regional and local news may require sustained intervention in the short and long-term.

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